

Having Their Say:

The work of prisoner councils

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The work of the Prison Reform Trust is aimed at creating a just, humane and effective penal system. We do this by inquiring into the workings of the system; informing prisoners, staff and the wider public; and by influencing Parliament, Government and officials towards reform.

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First published in 2004 by Prison Reform Trust
15 Northburgh Street, London EC1V 0JR
www.prisonreformtrust.org.uk

ISBN: 0 946209 68 5

Designed and printed by Advance Graphics
020 7288 0777

FOREWORD

The council I am a member of is called PIAC - Prisoners Information and Activity Committee. PIAC has been operating on a weekly basis since this prison opened some five years ago. Both the council and council culture within the prison has developed and matured, encouraged by past and present governors into what it is now. PIAC is also enshrined in the prison Director's rules.

I believe a prisoner council should reflect attitude from the top. For a successful council the right attitude is an essential ingredient. If it is there, it will encourage not only the prison staff but sceptical prisoners too. Unfortunately all too often the wrong attitude exists – which is why prisons fail at so much.

From first hand experience prisoner councils work, not only for all the prisoners they represent, but also for the prison and everyone who works in it. The prisoner council benefits all because it is an interactive forum of communication. It is a voice for the prisoner and a clear demonstration of what is hopefully the positive attitude of senior staff, who are prepared to listen to prisoner concerns. Prisoners thus benefit from improved relationships between themselves and staff. And it is a constructive way for prisoners to vent their frustrations rather than possibly burying them in drug abuse or bottling them up until they explode in ugly violence. Promoting social not anti-social behaviour leads to an awareness of belonging to a community, even if it is only a prison community.

For the prison and its staff, a prisoner council allows for more conversant decisions concerning policy and procedure by first sounding out elected prisoners on the council. Even if the prisoners themselves aren't sure, they can defer comment until the next meeting and discuss the matter amongst themselves. Regular meetings are essential if all prisoners are to be involved.

The council can also be a useful forum for introducing potentially unpopular management decisions normally just posted on the wing noticeboard. Their impact can be softened by forewarning prisoners through the council. In this way the benefits a prisoner council offers can lead to a smoother running prison and can reduce conflict, therefore making the job of a prison officer less confrontational and stressful. Everyone gains!

It is my hope as a prisoner that the Director General and the Prison Service will adopt the recommendations of this report so all may witness and benefit from the formation of a prisoner council in their prison. I believe the potential benefits that a prisoner council offers are just too great to be ignored and must form part of the regime of every prison in the country.

Anthony Seddon,
HMP Lowdham Grange

ACKNOWLEDGEMENTS

This study benefited enormously from the support and guidance that we, the authors, received from many others.

We would like to thank the prison governors who responded to the survey and particularly the Governors of the seven establishments that facilitated our visits to the councils to observe them in action. These were Peter Atkinson, HMP Acklington, Sian West, then at HMP Cookham Wood, Phil Copple, HMP Frankland, Peter Bennett, HMP Grendon, Peter Wright, HMP Lowdham Grange, Jerry Knight, HMP Norwich, and Susan McAllister, HMYOI Onley. We are grateful for the support of Peter Wrench, Head of Resettlement, and for advice we received from HM Prison Service Prisoner Administration Group.

We thank the prisoners who allowed us to attend their council meetings and then patiently answered our questions.

The initial inspiration for the study came from the authors of *Barred Citizens*, Joe Levenson and Finola Farrant. Jennifer Kavanagh conducted the research that formed the basis of the chapter on international comparisons, and we are indebted to her for her contribution.

We are very grateful to the Calouste Gulbenkian Foundation for funding the research, following on from their support for the *Barred Citizens* study.

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Chapter 1:

INTRODUCTION

‘Citizenship is active. ... Participation in public life [is] ... not limited to the periodic re-election of governments on the one hand, or a few hours of voluntary work on the other. It encompasses an active engagement with, and a concern for, the well-being of one’s self, one’s peers, one’s family and one’s neighbours and an effective voice in the institutions which bear upon their lives.’ John Pitts (2000)

Prisons are highly regimented institutions where individuals are expected to do as they are told. By design they are coercive as they need to meet their aims of maintaining security and upholding social order. And the practical requirements of organising the movements of large numbers of people make it difficult to provide opportunities to exercise personal choice. Therefore, prison routines often treat prisoners as though they are passive recipients of decisions made by management.

Traditionally the deprivation of liberty has also meant that prisoners are deprived of the right to influence prison conditions or their treatment by prison staff. In fact the idea of prisoner involvement and representation has rarely been discussed and has never been part of the Prison Service’s aims or objectives.

Nonetheless, in some prisons, steps have been taken to enable prisoners to provide feedback and to influence life behind bars. In recent years, a number of prisons have independently recognised the value of prisoner involvement in the running of regimes. Prisoners have been allowed to take part in forums, committees or councils that enable them to have some kind of say in prison life. But a lack of encouragement from Prison Service headquarters has meant that prisoner involvement has emerged sporadically and unevenly and very little is known about the functioning of prisoner representative groups.

This report, *Having Their Say: The Work of Prisoner Councils*, supported by the Calouste Gulbenkian Foundation, is the first ever in-depth study of prisoner representation. Prisoner councils are broadly defined as any structure that exists for consulting prisoners on a wide range of issues as opposed to having a specific remit, such as suicide prevention or equality and diversity. They are prison-wide bodies or they act on behalf of a section of the prison. For example, at some establishments councils represent the long-term training wings in a multi-functional institution. Prisons give councils a variety of names. They can be called consultative committees, representative groups, or forums. For convenience, these bodies will be referred to as ‘councils’ and the prisoners on them as ‘representatives’ (though as explained in chapter two, not all would have been elected as wing representatives.) This study does not include meetings with prisoners on a wing-by-wing basis as our purpose was to explore the mechanisms for dialogue between prisoners and management in setting policy for the whole prison.

Having Their Say builds on a report, *Barred Citizens*, published by the Prison Reform Trust in 2002, which examined the involvement of prisoners in volunteering and active citizenship. Supported by the Gulbenkian Foundation, *Barred Citizens* revealed the wide variety of opportunities made available to prisoners to participate actively as volunteers: both outside prisons, in working for charities, or inside, offering services and support to other prisoners.

It highlighted the huge benefits of enabling prisoners to volunteer, for the prisoners, the prison and the wider society; and showed the considerable potential for the further expansion of volunteering.

Barred Citizens also noted that prisoner councils are currently running in diverse types of prison – from open women's prisons to high security (dispersal) prisons for long-term, adult men. But the report did not look at how councils operate, the subjects they discuss, or the impact they have on prison life. This report looks at all of those areas in an attempt to discover the role that councils play and how they are viewed by management and prisoners.

1.1 Background

Erving Goffman famously described prison as a 'total institution', meaning that it affected every aspect of a person's life (Goffman 1961). The basic function of a prison is to confine people against their will, and deny them control over their lives. Yet the duty to hold prisoners securely does not mean that prisons must deprive them entirely of choice. Supporting prisoners as they make important decisions helps to prepare them for taking on responsibilities after release and is essential to the aims of rehabilitation and reducing re-offending. Enabling people to maintain their identity and reducing their dependence on the institution presents an immense challenge to the Prison Service.

Prisoners overwhelmingly come from disadvantaged and deprived backgrounds. The report by the Government's Social Exclusion Unit, *Reducing Re-offending by Ex-prisoners* (SEU 2002), presented a disturbing picture of the social problems prevalent amongst prisoners. These include, for example, homelessness, unemployment, ill-health, and educational needs. It is widely accepted that these problems need to be overcome if prisoners are to turn away from a life of crime and become law abiding citizens. Integral to achieving this is allowing prisoners to develop the skills and values that facilitate active citizenship in prison. Encouraging prisoners to take responsibility through involvement with prisoner councils is one of the main mechanisms by which this can be achieved.

This section will set the scene for our findings on how councils operate by briefly sketching how prisoner councils came into being.

1.1.1 A brief history of prisoner participation

As far back as the 1970s, ex-offenders and prisoners joined together to form an unofficial union to put pressure on the prison authorities to force change. It exercised considerable influence but prison regimes were not significantly improved (Ryan 2003). However, it was clear that management was not warmly receptive to the idea of prisoners exercising a voice in how prisons should be run.

In the mid-80s, in response to disturbances in a number of high security prisons, the Home Office set up the Control and Review Committee. Its remit was to review the maintenance of control in the prison system, with particular reference to the high security estate. The CRC argued that "the whole system which bears on the prisoner should be structured in a way which encourages him to co-operate rather than the reverse...". It stated bluntly that: "Prisons cannot be run by coercion: they depend on staff having a firm, confident and humane approach...". The CRC also affirmed that prisoners serving long sentences should benefit from a relatively open regime. However, as the Committee made clear, advocating an 'open' regime that enabled prisoners to take responsibility was not intended to imply that prisoners should have a say in how the prison was run. Responding to calls for an open regime, the CRC argued:

'We too believe that this approach is right both on humanitarian grounds and, in so far as an open regime reduces tension between staff and inmates, on control grounds. By an 'open regime' we certainly do not mean one that allows prisoners to decide what to do from day to day, but one that offers a range of constructive activities, the opportunity of association, and supervision by staff who have the time and training to take a personal interest in each inmate as an individual.' (CRC 1984)

It was not until the early 1990s that the idea that prisoners should have a say in the running of establishments gained credence amongst the authorities in England and Wales.

Following the riots at Strangeways prison in Manchester and other jails across England, the Woolf Report emphasised the importance of justice in prison. Lord Woolf stated that the fair and humane treatment of prisoners was a critical factor that determined the stability and the level of security and control within a prison. Woolf believed that if prisoners are maltreated, they develop feelings of injustice, undermining legitimacy and making disorder more likely.

'A recurring theme in the evidence from prisoners who may have instigated, and who were involved in, the riots was that their actions were a response to the manner in which they were treated by the prison system. ... They felt a lack of justice. If what they say is true, the failure of the Prison Service to fulfil its responsibilities to act with justice created in April 1990 serious difficulties in maintaining security and control in prisons.' (Woolf 1991)

Justice in prison applies on two levels: prison conditions (e.g., clean toilets, adequate access to the telephone, healthy food, etc.); and processes that are seen to be responsive and fair, which include the duty to give reasons for decisions, to be open to complaints, and systematic checks to ensure that discipline, incentives for good behaviour or the response to allegations of bullying are transparent and open to appeal.

In the realm of relations between staff and prisoners, particularly the exercise of power over prisoners by prison management, legitimacy means that prisoners accept the principle that the governor and prison staff have the authority to make and enforce the rules. Legitimacy doesn't necessarily mean that the prisoner agrees with every rule. But legitimacy symbolises an attempt to get the prisoner 'on side'. Lord Woolf recognised that a willingness to listen to prisoners' concerns was a powerful tool in pursuing justice.

'They [prisoners] should be able to contribute to and be informed of the way things are run. This is a matter of common sense as well as of justice. If prisoners have a greater understanding of what is happening to them in prison and why, they are less likely to be aggrieved and become disaffected. This should, in turn, improve relations between staff and prisoners.'

As a result of the Woolf Report, there was a growing awareness that a credible and legitimate prison regime must involve a dialogue in which prisoners' voices are registered and then responded to. Prisoners should be viewed not as powerless inmates but as members of a community which requires their consent to run smoothly and effectively.

The demand for justice in prisons also tied in with the emergence of the academic concept of the 'justice model' (Von Hirsch 1976), which emphasises that prisoners should retain as many of their civil rights as are consistent with captivity. According to this view, prisoners should wherever possible be provided with the minimum facilities assured to other citizens and should be free to use or reject them without prejudicing their release. The justice model also holds that the authorities have a duty to treat prisoners humanely,

to provide a reasonable quality of life and ensure that they do not deteriorate as a consequence of their incarceration.

These ideas were developed further in a more radical report produced by former prison governor, Stephen Pryor. 'The Responsible Prisoner' (Pryor 2001) examined the extent to which imprisonment removes responsibility from individuals and invites the Prison Service to rethink its approach.

'Imprisonment is designed to take away choices, at least those choices which might endanger the public. It is therefore necessarily de-humanising. But it may also take away other choices, so that prisons can be run safely. There should be no need to take away yet further choices; doing so could weaken the person's ability to cope with responsibility on release. Indeed prisons depend for their safety on staff having a close knowledge of prisoners which they can use to allow them to exercise a degree of responsibility.'

The idea of the responsible prisoner has clear implications for prisoner involvement. An obvious way of increasing prisoners' sense of responsibility is to allow prisoners a greater say in the running of establishments and include them in decision making.

'The Responsible Prisoner' was endorsed by the Prison Service as a "lively challenge to long held assumptions and questioning of traditional wisdoms" (Pryor 2001). But it had little immediate impact on policy and practice.

1.1.2 Prison Service guidelines on prisoner participation

The cultural change prompted by the Woolf Report resulted in prisoners gaining involvement in different forums. These not only included prisoner councils but also committees taking as their remit specific aspects of prison life, such as race relations, suicide prevention, or the canteen (prison shop). However, there are few Prison Service Orders that provide detailed guidance about including prisoner representatives in the operation of the prison regime.

The Prison Service's anti-bullying strategy (PSO 1702) states:

'Where an anti-bullying committee is established, prisoner representatives may be considered. The potential advantage of this is that prisoners have the opportunity to put their own views forward.'

The same advice is incorporated into the Prison Service's race relations strategy (PSO 2800).

Establishments should consider prisoner representation on the RRMT [Race Relations Management Team], which could increase both staff and prisoner perceptions about ethnic minority issues.

For other representative forums there are no explicit Prison Service guidelines. However, a Prison Service Order on Prisoners' Representative Associations (PSO 4480) published in July 2002, states:

'The Prison Service encourages prisoners to take responsibility for their actions and to help both themselves and fellow prisoners. Prisoner representative bodies are not new. Representative committees already exist in a number of guises in many establishments and are involved in a range of activities from race relations committees to video clubs. Establishments have found such committees to be an effective channel for communicating with, and getting feedback from, prisoners.'

The order goes on to define the boundaries for prisoner representative bodies:

‘Any associations allowed to operate in prisons must not compromise good order or discipline (GOOD) considerations. The European Convention on Human Rights allows interferences to be made on the freedom of association in the interests of national security, the prevention of disorder or crime, or for the protection of the rights and freedoms of others. Any interference must be proportionate and necessary in a democratic society. Governors can restrict the activities of associations if they act in a way which is incompatible with the maintenance of GOOD. Examples of potentially inappropriate activities for associations to become involved in include; security issues, offending behaviour programmes, searching strategy, sentence planning, drug strategy, categorisation, transfers etc. This list is not exhaustive.’

Thus the PSO strikes a restrictive tone rather than promoting councils on the grounds of their perceived benefits. Clearly the role envisaged by the Prison Service for prisoner representative bodies is limited. They could act as consultation forums but are not expected to be involved in decision making. And many areas can remain beyond their remit. This has not, however, deterred prisons from setting up prisoner councils.

1.1.3 Barred Citizens

The Prison Reform Trust’s *Barred Citizens* report surveyed all prisons in England and Wales asking them to provide details about the extent and standard of volunteering and active citizenship by prisoners. The questionnaire, which was conducted in January 2001, asked specifically if prisoners have an input in decision making. Replies were received from 118, comprising 87 per cent of prisons.

The report found that the main way in which prisoners contributed to the decision making process was involvement in wing forums and on prisoner councils. The difference between the two is that wing forums only represent prisoners on a particular wing whereas councils include representatives from a number of wings and have a remit to deal with prison-wide issues.

One in 85 prisoners was involved in wing forums. Involvement in prisoner councils was significantly less common (only one in 217 prisoners). Table One shows the distribution of prisoner involvement in wing forums and councils by type of prison.

Table One: Prisoner Involvement in Wing Forums and Councils by Type of Prison

Type	Wing Forum	Council
Dispersal (high security)	100%	20%
Category B	89%	11%
Category C	79%	30%
Open Prisons	56%	40%
Local Prisons	60%	14%
Young Offender Institutions	56%	0%
Women’s Prisons	58%	67%

Only Sudbury, an open prison, had a prisoner council but no wing forum.

The study found that staff had mixed views about involving prisoners. On the positive side, a number of advantages were recognised such as more effective communication and improved relationships between prisoners and staff, making prisoners feel part of a community and

increasing ownership by allowing prisoners to exert a degree of control over the environment. On the negative side, it was thought that prisoners were not mature enough to take on responsibilities and that prisoners could use their position on the council to gain personal advantage.

Barred Citizens concluded that a marked shift in prison culture was needed to realise the benefits of volunteering and active citizenship by prisoners.

1.1.4 Parallel developments in public services

In the time that prisons have developed a piece-meal, rather limited, approach to prisoner involvement, other public services have embraced a participatory framework that actively seeks to encourage and promote user involvement. This reflects an increasingly popular view, held across the political spectrum, that public services should be more responsive and transparent. The Labour Government has developed further these ideas with its civil renewal agenda and the creation of a Centre for Active Citizenship (Blunkett 2003). The Home Secretary, David Blunkett, has described this as a process which engages ‘individuals, families and communities in our democracy’ to ‘promote genuine self-determination’.

Hazel Blears, the Minister for Crime Reduction, Policing and Community Safety, has also called for new forms of ownership and involvement by citizens in public services, especially in health and education. This is premised on a specific understanding of the concept of ‘community’.

‘The term community must mean...a democratic community in which members of the community have a real say over the decisions affecting them, active participation in systems of decision-making and governance, ownership over local assets, and the ability to hold to account their representatives.’
(Hazel Blears, 2003)

Hazel Blears explains how community participation is linked to the idea of active citizenship. To develop communities into engines of civil renewal, citizenship must be redefined to include:

‘...the right to be informed, engaged, and involved in a range of state activities and functions and a right to a meaningful stake in the public realm.’

This idea of active citizenship is being promoted across government through a number of initiatives. In the Home Office there is an Active Communities Unit. In the office of the Deputy Prime Minister there is the Neighbourhood Renewal Unit and in education there is a lot of work on student representation and citizenship. But it is health care, where patient participation is well developed, where a framework to give patients a say parallels the situation facing prisoners.

The Government is firmly committed to putting the patient at the centre of the NHS. This means that they become active participants in the decision making process.

‘Today, patients, the public and their representatives must be fully involved in both the planning and development of services, and fully consulted on decisions that affect the operation of services. This represents a real shift in how the NHS is developed – changes to the NHS are a product of the views of those who use it. They are no longer just passive recipients.’
(Building on the Best: Choice Responsiveness and Equity in the NHS, 2003)

Secure psychiatric hospitals have adopted an approach in keeping with the principles of full consultation and informed participation. In Rampton Hospital, a Patient’s Council, comprised

of twelve elected representatives, meets weekly with management to discuss patients' concerns. The council has a written agreement with the management, which emphasises the council members' duty to represent their constituents fairly and the Management Board's role in facilitating the meetings. The Agreement sets out, in paragraph A1, its statement of intent (Rampton Hospital Authority):

'The parties recognise that all patients, as service users, have an important contribution to make towards the continuous improvement of care, treatment and the quality of life within the hospital.'

But why has this emphasis on informed participation not been promoted consistently in prisons? The view of Home Office Ministers is that the right to community participation is contingent upon performing one's responsibilities (Blears 2003; Blunkett 2003). Prisoners are viewed as people who have forfeited their rights as citizens.

However, depriving offenders of their responsibilities while they are in prison makes it even less likely that they will be able to gain the life skills they will need upon release. David Faulkner wrote:

"A person's rights as a human being or as a citizen should not be dependent on someone else's judgement of their good behaviour, any more than a person's responsibilities should be thought of only as a means of gaining access to their rights". (Faulkner 2003)

If imprisonment is to contribute to rehabilitation, then prisoners' rights to be justly treated and to have a say in decisions which affect them directly should be respected and fulfilled. As Alexander Paterson, Prison Commissioner from 1922-1947, remarked: "You cannot train men for freedom in conditions of captivity".

1.2 Aims

The key objective of this report is to examine the operation and effectiveness of prisoner councils. The report is intended to:

- (a) provide an overview of how councils work;
- (b) present the views of prison managers and prisoners as to how effective councils are;
- (c) consider the potential for the development of this work across the prison estate;
- (d) identify possible improvements in the ways in which councils are run.

The study was intended to establish what role councils play in prison life and the degree of autonomy given to them. Prior to commencing the research, no assumptions were made that councils would automatically benefit establishments. To bring an independent perspective to councils, it was important to gather evidence about both the positive and negative effects that councils have on the whole prison. The primary goal was to explore, appreciate and analyse the available evidence on prisoner representation.

This is a unique study, exploring an area of prison life that has not been examined before. PRT hopes that the Prison Service will gain a greater understanding of the value of prisoner representation. By identifying good practice in different establishments the study should help staff in their efforts to improve prisoner representation.

1.3 Methods

1.3.1 The research process

On the basis of the survey carried out for *Barred Citizens*, 27 prisons were identified that had a functioning prisoner council at the end of January 2001. Seven of these establishments were visited, to observe the council in operation and to carry out interviews with staff involved in the council, prisoner representatives and where possible prisoners not involved in the council. The sample was selected to cover a range of prisons within the estate including: a women's prison, young offender institution, local, dispersal and open prison. It was also decided to visit a private sector operated prison and to visit Grendon, because of the unique nature of its therapeutic community.

Between March and August 2003 these prisons were visited:

- HMP Acklington
- HMP Cookham Wood
- HMP Frankland
- HMP Lowdham Grange
- HMP Grendon
- HMYOI Onley
- HMP Norwich

The prisoner representatives and the staff involved in the council were interviewed separately, using two distinct questionnaires with some overlapping questions. Where possible we asked to talk to prisoners on the wing to gather their views on the council.

The majority of staff and prisoners were keen to take part and interested in the study. In one of the seven prisons visited, the council had not met for some months and a meeting had been hastily arranged in advance of our visit. The council representatives had not been involved in the council before and were struggling to provide informed answers to our questions.

In addition, the questionnaire that was used to interview staff was also sent out as a survey to the twenty remaining prisons identified in the *Barred Citizens* study as having a prisoner council. Nineteen responded:

Blakenhurst, Bullingdon, Bullwood Hall, Canterbury, Doncaster, Drake Hall, East Sutton Park, Everthorpe, Hewell Grange, Kirkham, Leyhill, Low Newton, Moorland, Send, Shepton Mallet, Sudbury, The Verne, Wealstun, Wymott.

1.3.2 Questions

The questionnaires focused on the following issues:

How councils work:

- How often they meet
 - Who attends
 - How many people attend
-

-
- How long the council had been in existence
 - How prisoners are selected to participate
 - What systems are in place to ensure balanced representation
 - Why prisoners decide to get involved in the council.

The subjects considered by councils and the ways they are considered:

- Issues that councils consider
- Methods by which the agenda is decided
- Methods used to arrive at decisions
- The system by which council decisions are acted upon
- Examples of consultation prior to introducing a change in the regime
- Whether or not the work of the council is monitored
- Why councils are able to achieve concrete change.

The impact on prison life

- Benefits of having a council and examples of positive impact
- Ways that the council helps the management team to govern more effectively
- Negative effects of having a council
- Is having a council to be recommended?

1.3.3 Description of sample

As outlined above, in recent years prisons have sought to create different forums for prisoners to provide feedback to management about prison regimes. In turn, management have used the forum as a channel of communication. However, the creation of prisoner councils has been ad hoc. The Prison Service has never endeavoured to ensure that all prisons set up councils or that they follow one particular standard operating structure. Despite this our research found that many councils were of a similar age and had the same basic make up.

More than half had been in existence for three years or more. Only two councils had been set up in the last year. This suggests that for most prisons the council was well established. In addition, the survey showed that, where they existed, councils were a regular feature of prison life. We found that the majority met once a month with some meeting every two weeks. In one prison, the council met on a weekly basis.

In all but two prisons (where meetings were chaired by a prisoner) control of the councils was firmly in the hands of management. Either a governor or principal officer was in the chair. Other members of staff, namely health care staff, food and canteen providers, and also representatives from the Independent Monitoring Board (the watchdogs appointed by the Home Secretary), also attended. In about one third of prisons they attended as a matter of course but in the majority of prisons their presence depended on whether or not matters relevant to their area of work were being discussed.

1.4 Outline of this report

Chapter Two outlines how prisoner councils work – how they are set up, how they select prisoners as members, and what subject areas they consider. Chapter Three discusses the impact of councils, the outcomes of their work and the extent to which councils are able to influence prison policy. Chapter Four presents the views of prison governors and prisoners about the disadvantages and wider benefits of having a council. Chapter Five sketches the form that prisoner representation takes in other countries, specifically Australia, Canada, Denmark, India, and New Zealand. Chapter Six summarises the report, provides our assessment of the findings, and concludes with recommendations.

Chapter Two:

HOW COUNCILS WORK

To understand the nature of prisoner councils – whether they genuinely act as a forum for prisoners, enabling them to shape prison life – it is first necessary to establish how they operate and the extent to which councils are self-ruling bodies driven by prisoners themselves alongside management.

2.1 How are representatives recruited to the council?

Sentenced prisoners are prevented in law from voting. Therefore, councils provide the only opportunity for them to get involved in a democratic process. Given the fact that some of the prisons we surveyed accommodate hundreds of prisoners (the largest jail was Doncaster with a population of 1,096 at the end of December 2003) the ideal way to select prisoner representatives fairly is through an election. And if the council is to have credibility with prisoners and autonomy from prison management it is important that representatives are not hand-picked by staff but are independently elected.

It is not surprising therefore that the majority of councils recruited prisoners on the basis of wing elections of representatives. However, the elections bore little resemblance to the kind of elections that take place outside the prison gates. They did not involve the drawing up of personal manifestos or posters urging prisoners to vote for a particular candidate. The process was often informal. People expressed an interest or their name was put forward by another prisoner. Then, unless objections were raised, they went on to the council.

Some prisons used a combination of elections and staff recommendations. This was the case when there was a shortage of prisoners prepared to be considered as council representatives. With overcrowding resulting in regular movements around the estate, prisoners often move on and sometimes there would not be any prisoners who came forward voluntarily. One representative explained:

'I knew a lad who was doing it. He was telling me about it and I got interested. Then he got shipped out and they asked the other bloke, who put in my name. Then the P.O. came to see me and that was it.'

In only three prisons, representatives were selected solely on the basis of recommendations from staff and in one establishment they were self-appointed.

Those prisoners who became representatives were often motivated by a desire to speak up on behalf of their fellow wing mates. Representatives we spoke to expressed a specific interest in defending their rights.

'I wanted to make sure that there is fairness and that prisoners get what they are entitled to.'

'It is important for me to help those who have no voice, the ones who are ignored and are vulnerable.'

The selection of representatives was almost always intended to achieve a balance by wing. Prisons were far less likely to use other criteria to achieve a balance of views. For example,

only five said they attempted to achieve a balance based on ethnicity; four set a balance by sentence length, and two (of 17 that held remand prisoners) tried to ensure a balance between sentenced and remanded prisoners.

Clearly in most prisons, council representatives were chosen through a kind of election based on constituencies made up of individual wings. It was not clear whether the elections were organised in ways that could guarantee the independence of the representative. We were not able to establish, for example, whether or not management or staff would veto a candidate if they thought that he/she was inappropriate. The overriding impression was that staff did at least encourage prisoners to get involved and sometimes actively sought out appropriate representatives. This would suggest that staff would also take action if they thought a prisoner who had a record of bullying, for example, was elected to a council.

2.2 Who sets the agenda?

A typical function of council representatives was to canvass their constituents on the wing in order to determine which subjects to raise at council meetings. In more than two-thirds of prisons, the agenda was then drawn up on the basis of the issues that prisoner representatives wanted to raise. However, meetings were not regimented affairs and issues could usually be raised spontaneously. In half of the prisons surveyed, agenda items arose in the course of the meeting rather than being fixed in advance.

Often meetings were not based around a detailed set agenda. Rather, the typical framework included staff and/or management feeding back on action points from the previous meeting and then representatives raised any issues they had brought, having spoken to others on their wings. In only about a third of prisons surveyed did the council actually have a formal set agenda at each meeting.

In some prisons – just over one-third of those surveyed - management or the chair determined the agenda. But even this did not mean that the prisoner representatives were overlooked. They offered up issues that they wanted to discuss, but the final say as to whether or not these made it onto the agenda was taken by management.

It would be fair to say that in the majority of councils the agenda was open and flexible. Indeed only three of the 26 establishments surveyed said that the council agenda was 'management-driven'. Representatives were genuinely able to raise issues that prisoners wanted to discuss. At the same time it should be noted, and this was the case in all of the councils we observed, that the prison management used the agenda to raise items that it wanted to bring to the attention of prisoners. These were sometimes brought up during meetings when they had not been formally put down on the agenda. So, in effect, management was able to ensure that issues it specifically wanted to raise were always addressed.

The agenda was usually sufficiently open and flexible to allow management and prisoners to communicate. Management could float ideas about changes in policy; and prisoners could highlight problems that they were experiencing. Prisoners could give immediate feedback on the ideas suggested by management. And management could take the prisoners' concerns on board when they met as a team to manage the prison. Whether the council had a say in the running of the prison or not, the evidence showed that councils were effective as a means of improving communication between management and prisoners.

2.3 What topics are considered?

The most obvious way that management can restrict the scope of its prisoner council is by setting the agenda. The senior management team could, in theory, bar representatives from

raising any particular area of prison life. Hence, one measure of the authority given to a council is the range of subjects that it discusses, as well as any subjects that are excluded from council discussions.

There were some issues that councils made clear were not part of its remit. They did not take on matters of concern to individuals that were of a personal nature relating to their case or treatment. If a problem of this sort arose for one or two individuals, the complaints system was considered to be the appropriate mechanism. In prisons that also had wing forums, if a problem affected a number of people on one wing, then the solution could be found at that level. Councils were best-suited for handling problems arising from the whole regime, which affected the majority of prisoners. In practice, of course, it was often the case that any problems resulting from a given policy were not recognised until an individual drew attention to them.

Where there were other standing committees, such as a group that focused on diversity issues, the council's business did not overlap with its work. In these prisons, sensitive subjects might be 'off limits' to the council, but openly discussed with other prisoner groups on which prisoners were represented. For example at one prison there were regular specialist meetings involving prisoners on race relations, suicide prevention, catering and a group specifically for foreign nationals.

To establish what range of subjects councils considered, the survey of prison governors included a list of a wide range of possible topics for deliberation. Governors were asked which subjects the council had discussed, and also whether any were 'off limits'.

Table 2: Prisoner Council Agenda Topics by Number of Councils

Topic	Discussed	Not discussed	Off limits	No data/ not relevant
Food/diet	25	0	0	1
Canteen goods	25	0	0	1
Canteen prices	24	1	0	1
Clothing	24	1	0	1
Visits	23	2	0	1
Video choice	23	1	1	1
Work	23	2	1	0
In-cell TV	22	3	1	0
TV on association	22	2	1	1
Staff-prisoner relations	22	2	1	1
Cleanliness	22	3	0	1
Decor	22	3	1	0
Education	20	3	2	1
Complaints	20	2	3	1
Diversity	20	2	3	1
Race	20	2	3	1
Drug treatment	20	2	3	1
Incentives (IEP)	19	4	1	0
Discipline	19	3	3	1
Other topics	10	14	0	2
All topics	16	9	0	1

The clear message from the survey responses was that most prisoner councils discussed the topics on the list. Overall two-thirds said that their council discussed all of the topics listed.

However, only two subjects, food and the range of choice of canteen goods, were discussed by all of the councils. In one council, representatives made a point of regularly reviewing how satisfied prisoners were with the list of goods available at the prison canteen.

'We have a big say in what goes on the list. We write down everyone's choice and pick the three most popular. We do it wing by wing.'

A variety of topics were discussed by over four-fifths of the councils surveyed, including: canteen prices, in-cell television, television on association, video choice, décor, work, cleanliness, visits, and clothing. This demonstrates that the work of many councils covers a broad area. And although it could be said that issues like canteen goods and food are not as contentious as prison discipline or drug treatment, neither are they trivial matters: the day-to-day frustrations prisoners face in trying to meet basic needs for hygiene, diet, physical comfort, and meaningful activities can increase resentment and undermine good staff-prisoner relationships.

As a representative on one council remarked:

'Basic things like the irons or telephones not working can upset people and they get frustrated. If things aren't fixed straight away people can think we are not achieving anything.'

Most prisons were open to any of the subjects we listed being discussed. However, four subjects, drug treatment, discipline, complaints and diversity were excluded by a small number of prisons. For each of these subjects, three prisons said that they were 'off limits'.

In addition, a wide range of topics were cited under the 'other' category. These included organising family days, issues about the gym, and matters relating to refurbishments to prison buildings. Councils regularly considered an extensive range of subjects and indeed, the survey revealed that the typical agenda was open-ended.

2.4 How do councils reach decisions?

The critical issue here is the nature of the decision-making process. To what extent are councils democratic bodies? Does the final decision always rest with management or are decisions reached on the basis of a wider consensus?

A minority of councils were democratic, in the sense that decisions were taken on the basis of majority voting. These councils stated that a vote was taken in the form of a show of hands. This would usually take place after a detailed discussion on a particular issue.

A few councils said that decisions were made by reaching mutual agreement between staff and prisoners. For these councils the emphasis was on gaining a consensus following discussion or as one governor described it: 'both sides try to compromise'.

In the majority of councils, (three quarters of those surveyed), matters were fully discussed, but the final say rested with the chair, who either made a decision on the spot or deferred in order to seek advice.

However some prisons were at pains to point out that their councils were not supposed to reach decisions.

'Councils do not make the decisions – they give informed opinion to the decision-making process and receive argued responses to requests which are not accepted.'

'The council is not seen as a decision-making body. It has no powers; it is a discussion forum. Points are raised; decisions are not decided.'

The clear message here is that, for these prisons, councils did not decide on changes to prison life; they simply reflected on matters. These reflections were absorbed by management, who then took decisions. In some cases management would not even consider an issue, dismissing the prisoners' concerns outright.

But none of this means that rigorous debate did not take place. Council meetings were frequently lively and absorbing. From our observations of seven council meetings, there were some very capable council representatives who were able to engage effectively with management, and who advocated powerfully for the prisoners' needs and interests.

It is clear that the majority of councils did not operate as consensual forums. Decision making remained firmly in the hands of the chair and management. However, councils were an important part of the decision-making process.

As a means of enabling management either to inform prisoners of matters or to canvass prisoners' views on matters upon which they chose to invite feedback. The council functioned as a kind of focus group. But as one council chair made clear, this consultation was intended to gain legitimacy on the wings for a particular decision.

'If I can get prisoners to agree and come with the idea then they will own it and stand by it.'

Secondly, councils were a forum for prisoners to draw matters to the attention of management who would then accept or reject them. They provided prisoners with a means of making representations to management. In this sense the council did not make decisions, but they provided input that could significantly influence the policies for which management were ultimately responsible.

Once decisions were taken there was often a system of accountability. Two thirds of councils said they monitored the outcomes of council recommendations. This was done by ensuring that action points were minuted and then followed up at the next council meeting. Keeping minutes and re-visiting action points demonstrated that the council could effect change and was not a pointless talking shop.

Although this system of accountability was the norm, prisons were less likely to have any mechanisms by which councils monitored the level of satisfaction with their work among staff or prisoners. As a result there did not appear to be systems in place that enabled prisons to review formally the council's achievements or failures and then make any modifications. Perhaps this reflected the fact that management was not inclined, or did not have the time, to monitor a council's progress. If the importance of having a council was fully recognised, there would probably have been a review process in place.

Chapter Three:

EFFECTING CHANGE – DO COUNCILS MAKE A DIFFERENCE?

The previous chapter presented evidence that councils were good at improving communication between management and prisoners, as each group used the meetings to raise issues for discussion. As helpful as this was, communication is usually just the first step in the process. Discussions need to lead to change, or councils will be seen as mere talking shops. The opportunity to inform management of problems implies that something will be done about them. It raises expectations. The true test of the worth of the council was whether it made a difference.

This chapter reports on the views of managers and prisoners about the effectiveness of councils. The first section will explore the outcomes of the work of the council in terms of the impact of council deliberations. It will also question whether councils were used to refine and improve policy decisions, or whether the meetings were used by management to tell the representatives about decisions that had already been taken and were not open to further discussion. The second section discusses the factors that enable councils to work effectively, again from the perspective of managers and prisoners.

3.1 Consultation, explanation and initiation

Governors were asked if they had consulted the council prior to introducing a change in the regime. More than three-quarters said they had.

Councils provided prisoners with the opportunity to express their views about proposed changes. It was therefore encouraging to find that the meetings we observed exhibited an open and frank exchange of opinions. Indeed, it was a positive virtue of council meetings that they constituted a safe environment in which sometimes highly contentious matters could be raised, argued about, and addressed, if not always resolved.

There was no guarantee that a candid airing of views and differences would lead management to change their minds on some policies. But the way councils functioned demonstrated a willingness on the part of management to listen to prisoners prior to committing themselves to changes in policy. Our visits to council meetings demonstrated that it was in the interests of management to make sure changes in policy did not provoke unnecessary dissent. One governor said it was a priority to take any changes to the council before introducing them.

‘We always consult them first. For example, we told them we wanted to tighten up the arrangements for items being posted in. There were a number of exchanges over several meetings, with our proposed applications form going through a number of redrafts.’

In some prisons, a weak form of consultation existed where the council was used by management merely as a forum to provide explanations for proposed changes in the prison. The aim of this kind of council was to ensure a smooth transition by informing prisoners about the benefits of the proposed change. It was also intended to ensure a process of transparent decision-making. For one governor this was the best way to gain prisoners' support.

'We wanted to introduce some changes to exercise times so we got the members of the council to the governing governor's office and told them why the changes were taking place. We have found that if you give them a sound reason they will accept it.'

Partly this was a reflection of the particular topic: in two councils we observed lively debates about the operation of the drug detection dogs. Although the open discussion may have eased tensions by allowing for the expression of feelings and interests on both sides, we saw no sign that the prisoners' input led to a change in this area of security.

But for prisoners to have a real stake in the running of the prison on a wide range of issues, the consultation must lead to more tangible outcomes. Prisoner representatives need to be given the opportunity to initiate reforms and then persuade management of the benefits. Only then are prisoners' opinions given equal value.

To understand how many councils did this at the prisons visited, representatives were asked to give examples of proposals they had made to the council that had led to concrete changes. In many cases, they spoke of practical problems that had been solved. At one prison the showers on a particular wing had not been working, it was raised at the council and they were immediately fixed. We were also told of changes to the list of goods available at the prison canteen that had come about as a result of requests made by representatives. And there were a number of examples of prison food being improved – at one prison more sandwiches were introduced to replace hot meals during summer.

The representatives' claims to have made a difference were backed up by prisoners we met during our visits who were not involved in the council. In particular, some of these prisoners highlighted the issue of food and canteen goods as areas where the council had made a difference. It was felt that improvements in the quality and variety of meals were achieved as a result of the council's input.

There were also some noticeable cases of more contentious areas of prison life being changed due to representatives pushing for reform. For example, one council had been able to gain an input into categorisation assessments.

'[We] had input on the Cat C boards. First you had to have the okay of the Sentence Planning, so we got the relevant PSI... And we demanded the right to verbal representation on G3 reviews. We get the [management] to commit to something and then we pull them up when it doesn't happen.'

At the same council, at a meeting we observed, the representatives raised the sensitive issue of prisoners' access to personal computers. The initial response of the management was to claim that their hands were tied and they could not alter the restrictive headquarters policy on personal possession of computers by prisoners. By drawing on the relevant legal decisions, representatives were able to convince the governor to defer and re-consider the situation.

At another prison we were told about how the establishment's drugs policy had been altered radically after it had been given to prisoner representatives to comment on.

Inevitably these issues can cause friction between staff and prisoner representatives and it challenges governors to be more enlightened and perhaps less risk averse. In one prison the solution was to pilot a proposed change.

‘The visits holding rooms get really hot in summer. The idea of moving people through came from the Prisoners Consultative Council. There was a lot of staff opposition initially. But the weight of the argument came down in favour of giving it a trial.’

However, whilst there were some exceptional cases of representatives achieving significant reforms, prisoners also told about proposals being blocked and rejected outright. In some prisons there was a feeling that management used the excuse of security concerns to reject automatically simple, basic requests. The representatives were disappointed that they were not always given a reasonable explanation:

‘A lot of things they knock you back on - they don’t give you an explanation. They just say, ‘Security.’ Like the tin openers. You can buy them at [another prison]. They are the same ones you can borrow in the wing office.’

The feeling that prisoners were ‘fobbed off’ was coupled with frustrations about the length of time it took to persuade management that a particular request should be accepted. In one prison, representatives explained that dogged persistence can eventually force management’s hand:

‘We have to raise issues again and again. You learn to never give up as it can take two years to get something agreed to. You have to keep fighting – things can change.’

3.2 Why are councils able to effect change?

The majority of prison managers felt that their council’s success in getting things done was down to effective management that ensured all senior staff supported the council and were prepared to respond to issues raised. The critical factor seemed to be the commitment given to the council by the senior management team in order to place the council at the centre of prison life:

‘It is part of the prison culture. And managers here are very confident people. They are not threatened by [the council], some of whose members are intellectually powerful.’

It was also important for staff on the wing to feel that the council was serving a legitimate need:

‘Belief, the forum would never have happened if we didn’t all believe there was a need for it. You have to believe in what you are doing.’

For prisoner representatives, the attitudes of prison officers and the relations between staff and prisoners generally were also important factors in explaining why the council gets things done.

‘The way inmates and staff connect, staff often go out of their way to help you. There is not a “them and us” mentality.’

Some prisoner representatives stated that officers actively put forward issues to be raised at council meetings. Credibility throughout the prison was essential if the council was going to be effective. When it was supported by management and staff on the landings, the council was far more likely to be able to make a significant impact.

The way the council meetings were organised was also cited as a critical factor in determining whether or not councils make a difference. Governors said that a good chair person was

particularly important. Other prisons emphasised the significance of ensuring each item discussed was accompanied by an action point so that staff could be clearly held accountable.

'Action points are minuted and then a member of staff's name is next to it so their credibility is at stake and they are held to account at the next meeting. We devolve the action points to the officers who are concerned with them so it gives them ownership of the area.'

One prison said that success depended on the input of the prisoner representatives and how they conducted themselves, i.e. whether they are 'sensible and mature'. Our observations of council meetings suggested that clever, skilled representatives could indeed enhance the effectiveness of the council. But ultimately, however adept the representatives were, much depended on the attitude of the management. This fact was not missed by the prisoner representatives.

It was felt that management made changes when they realised it was necessary to maintain stability and keep prisoners happy. As one prisoner said:

'It ensures that there is a better atmosphere and morale in the jail. Management wants to keep us quiet and to keep the lid on any discontent.'

This chapter has established that some councils were more likely to have an impact on straightforward, practical matters than on the more contentious areas of policy. Yet there were examples, albeit rare, where representatives had influenced decisions made by management about quite sensitive policies. At the same time, however, prisoners also expressed frustration with situations in which they were denied any influence, or in which management seemed to be slow in resolving problems.

Chapter Four:

PERSPECTIVES ON THE COUNCIL – THE BENEFITS AND DRAWBACKS

Thus far, this report has set out how prisoner councils operate, the kinds of issues they consider, and their impact. Clearly, one indicator of the success of a council is its outcomes, the extent to which councils have had an impact on the regime. But the study discovered wider benefits of having a council, apart from any changes they brought about in policy. This chapter looks beyond the outcomes of councils' work to the broader drawbacks and benefits of having a prisoner council, from the perspective of the management and prisoners.

4.1 Negative impact of having a council

It would be naïve to assume that having a council is automatically beneficial for a prison. Giving prisoners more freedom to have an input into prison life can create difficulties and could easily be counter-productive. We felt it was important to explore the drawbacks in order to provide an honest assessment of the value of prisoner involvement.

More than two-thirds of prisons cited at least one drawback. These ranged from meetings creating tensions that could inflame a situation to damaging staff/prisoner relations.

One in five prisons highlighted the fact that councils could allow prisoners to exercise power not in the interests of their fellow inmates but in order to advance their own needs. One governor commented:

'Occasionally prisoners are elected for their own reason or agenda and argue points affecting themselves and not the majority of prisoners.'

Another drawback, mentioned by an equal number of prisons, was that the council meetings sometimes raised arguments and unnecessary tension. At least one senior management team believed that this sometimes made matters worse.

'Inappropriate complaints being aired and discussed can sometimes escalate a problem or situation.'

A minority of governors mentioned that tensions could arise with staff due to the prominent attention given to prisoners' concerns through the council. There was a danger that staff could perceive that they were being overlooked.

'It is easy for staff to feel that prisoners are consulted more than them. We have to work hard to get the balance right.'

One governor raised the possibility that decisions could be influenced by prisoners without any input from staff which would be problematic:

'Having a council brings out issues about how, as a governor, you deal with staff. Prisoners have a voice in a way staff might not. There may be a temptation to take a decision based on what the prisoners say ... and then not to consult with staff.'

For the prisoner representatives, the main problem was the divisions that the council could create back on the wing. Prisoners could be antagonistic towards the representatives accusing them of being 'grasses' or becoming envious of their perceived authority and

power. However this was not common and we were told of only a couple of instances where this had happened.

4.2 Benefits of having a council

4.2.1 Input from prisoners

When asked to identify the main advantages of having a council, prison governors and senior management said the value of dialogue was the prime benefit. This manifested itself in two ways: management had a means of informing prisoners about changes in policy; and prisoners had the opportunity, through the council, to bring their concerns to the attention of management.

Prison governors, who are overseeing hundreds of prisoners, urgently need clear channels of communication and the prisoner council is a perfect conduit. Two thirds of the prison managers said the council improved communication by serving as a 'messenger to prisoners'.

'If there are changes we are planning we communicate them via the council as prisoners tend to pass on information better than staff, so the council is the best channel to send down information.'

Prison governors expressed appreciation for the ways that council meetings alerted them to issues that may have otherwise gone unnoticed.

'By getting prisoner involvement you are able to take better, more informed decisions. They help us get it right the first time rather than have three goes at it.'

Many prisons appeared to use the council as a vital sounding board for changes initiated by management. In this sense, councils provided an invaluable mechanism for assessing if a proposed change was likely to be problematic. Prisoner input provided essential information to management that they could use in setting policy.

'It helps you mitigate rumours, etc., when introducing change. And it helps you measure prisoner reaction to proposed change.'

It is interesting to note that the head of the privately run prison visited in the study saw the value of gaining 'feedback from service users'. In that establishment, prisoners were seen as similar to consumers of any public service and the council was the main means of communication available to the director and the senior management team to enable them to access the prisoners' perspectives on ways the regime could better meet their needs.

The governor of another prison commented:

'Having a good representation of prisoners means that other prisoners will raise concerns – provides a channel for concerns. It has improved communication. [We] use the council as a medium of communicating to prisoners about issues. In the past we have thought we know what is best but have found that is not always the case and often the prisoners have important ideas to put forward.'

Another prison gave a specific example of feedback from the council being used to inform decisions made by management.

'It enables management to feel more confident that their resources are being channelled into actual needs and we live up to what we are supposed to do, care for them, rehabilitate them.'

Because councils discussed proposed changes, management were able to tailor changes in line with prisoners' needs and to anticipate the likely response from the whole community of prisoners. Prior consultation enhanced the ability of management to make changes smoothly and effectively.

4.2.2 *Managing conflicts of interest*

Conflicts between the interests of prison management and prisoners are inevitable. There are, essentially, three ways that prison management can respond when conflicts arise. Conflicts can be ignored, settled by imposed decisions, or issues can be debated openly and reasonably.

Management disregards the potential for conflict when it sets policy without taking the prisoners' perspective into account. The problem with this method is that the prisoners' needs do not simply go away. The difficulties that the prison regime creates for prisoners go underground and resurface in other ways.

In a recent lecture, the Prisons Ombudsman, Stephen Shaw, described two prisons which were among the worst he had ever seen. Prisoners rarely used the formal complaints system. But, he added:

'They complain in other ways – by assaulting one another, by being abusive, by making themselves comatose and sleeping through their sentences, by cutting themselves up or swallowing batteries.' (Shaw 2001)

Neglecting to deal with conflicts is rarely an effective way of resolving them.

A second option open to management is to take decisions unilaterally and impose them without discussion. The problem with this method is that it inhibits good communication, with the inevitable consequence that problems are not addressed, prisoners' resentment increases, and officers never know when they will need to contain serious trouble. Ultimately the prison is forced to invest so many resources in 'fire-fighting', reacting to one crisis after another; that management is prevented from pursuing its objectives.

The third way is to discuss potential conflicts between the interests of management and the interests of prisoners in an open and reasonable manner. To maintain order in prison, it is crucial to acknowledge, and address systematically, the conflicts that are bound to arise between prisoners and the prison management team. As a governor in the Canadian Correctional Services observed:

'In the old models under the authority structure, conflicts were usually generated by persons who resisted the authority, for whatever reason. You had to use all kinds of disciplinary measures to ensure that people adhered to authority. Now, the skill is to manage conflict in a way that people can actually get together, agree and bring things to a middle ground. Of course, this involves a wholly different set of skills.' (Weibe 2000)

A council provides the prison with an important tool to manage conflicts more effectively. Firstly, conflicts are identified and brought to light. Once the conflict is out in the open, it becomes a problem that is possible to solve. Prisoner councils, giving voice to prisoners' concerns, highlight the areas in which policies pursued by management might conflict with the expectations of prisoners.

Once the conflict has been brought into focus, it is possible to clarify the underlying interests and needs of both groups. This can establish that there is much common ground in the needs

of staff and prisoners, and that their shared interests can be built upon. For example, both staff and prisoners have an interest in maintaining a safe environment.

Finally, the conflict, having been recognised and clarified, can often be worked through in the council by a process of dialogue and negotiation. Dialogue shows respect for the fact that prisoners have a stake in the outcome, as it affects the way they live. At the same time, the willingness of management to negotiate shows that prisoners' experience forms a vital piece of the puzzle in looking at how a given policy will work in practice. Dialogue and negotiation are constructive ways of dealing with conflict.

The governors responding to our survey felt that councils had contributed to an atmosphere in which prisoners were co-operating with them in creating a stable and constructive prison environment. One governor said:

'One value (which counters the risk of prisoners banding together) is having a forum where you can discuss tensions that surface, a meeting that enables us to explain things directly and in detail. It aids communication. And, as a result, it prevents problems festering, prevents prisoners from thinking they must take other actions. It's a channel to protest. If prisoners disrupt a prison, it is often because they feel there is no other option.'

In particular, the governors and prisoners told us that councils enhanced the effective running of the prison and served as a 'safety valve' for tensions. This was another clearly identified benefit of having a council.

4.2.3 *Smooth running of the prison*

A prison governor commented:

'They [prisoner representatives] give you an indication of whether there is any uneasiness, if there are any issues that are likely to cause problems in the future. And we can then act upon them. It is positive staff prisoner relationships and it is dynamic security.'

As a result of having an effective channel for two way communication, governors felt that the prison ran more smoothly. Tensions were avoided and conflicts between staff and prisoners minimised.

'In the three-and-a-half years I have been here we have not had a single incident of major indiscipline. It is good communications that ensure good relationships and that is the main benefit of the council. In turn this ensures the smooth running of the prison. If we give them an honest answer then they know there is no hidden agenda. Prisoners will accept things if we give them the information in advance – and that's what we do.'

This sentiment was supported by the prisoner representatives we spoke to. Many of them felt that the council was able to send important messages back to the landings.

'It makes the jail easier to run by lifting the morale of the prisoners. It shows them that the jail actually cares about what happens to you whilst you are in prison.'

The council was seen as vital in order to negotiate change and to avoid resentment.

‘I can’t believe there isn’t a council at every prison. Managing change effectively has to involve consultation. As an example, we had two wings here – one enhanced, the other standard. When we mixed the two, we had to rein back the enhanced. That could not have been done without consultation.’

4.2.4 Safety valve for tensions

Research evidence indicates that prisons which are fair and responsive to prisoners’ needs are also more likely to be orderly. W Davies and PW Burgess (1988) examined rates of violence in one prison under four successive governors. They observed a reduced rate of violence under one governor, which they linked to the introduction of staff-inmate committees and meetings. These meetings increased contact between staff and prisoners, and the contact demonstrated to both groups that they shared mutual goals. The meetings also reduced tensions by providing a neutral forum for dealing with grievances.

In our study, both prisoner representatives and prison governors stated that a significant benefit of having a council was the impact it had on reducing tension and conflict in the prison. One prison directly attributed the existence of the council to a reduction in violence on the wing.

‘The level of violence has reduced because we discuss frankly the effect on the population that violence has.’

A critical factor was the way in which councils enable prisoners to explore and understand the reasons for decisions taken by management.

‘It shows that prisoners and staff can work together to develop regimes and activities to produce a safer environment. As a result staff/prisoner relationships have improved and change is easier to accept and understand.’

Prisoner representatives felt that the council’s capacity to dissipate tension and channel complaints was its most significant impact on prison life. As one of them said:

‘The prisoners come to me and let steam off. We’re intermediaries.’

Some prisoners with experience of establishments that lacked a council said that they were acutely conscious of the difference:

‘You get anger in other prisons. You walk past another con and you feel the anger welling up. Soon you feel that with every other prisoner. You feel the tension all of the time. Here, you bring it up in the wing meeting, and settle it.’

4.2.5 A voice for prisoners

Many of the prisoners interviewed – whether they were members of the council or not – appreciated the fact that the council gave them a voice to speak their mind and put their opinions across.

For all prisoners, the representative function highlighted broader implications about the attitude of senior staff to prisoners. The power the council held to raise the concerns of prisoners was a clear demonstration by the management that they were prepared to listen. Prisoners’ concerns were not simply brushed aside or ignored.

‘It helps ensure that there is a proper system for putting issues across, so it is not ad hoc. It is a voice you can use to get results. It is good that we have a council otherwise lots of things would get pushed aside.’

Over half of prison governors surveyed supported this sentiment.

‘Although it is not a decision-making body, it does allow the prisoners to feed through their concerns. It gives them a voice.’

4.2.6 *Intelligence gathering for management*

It was noticeable how prison management relied on the council to inform them about issues they were unaware of on the landings. One governor referred to this as ‘taking the temperature of the prison’.

At one prison it had enabled staff to sort out a common problem in a simple way.

‘As a wing manager it [the council] means I know what is happening on the landings and if the staff are doing the job right, if policy is being cascaded down to prisoners and if prisoners are not disgruntled. One simple thing they came up with a while ago...there was a problem with rubbish being thrown out of windows. We made a small change to the rubbish collection routine because the prisoners told us that was what was required and it was sorted out. You could have only learnt that from a council meeting.’

4.2.7 *Staff/prisoner relations*

Addressing the differences in the interests of staff and prisoners can improve relationships between them. There was a strong feeling amongst managers that the existence of a council benefited staff/prisoner relationships by breaking down barriers.

‘It creates an ethos of mutual understanding.’

For one prison, this improved understanding had a significant impact across the whole establishment. The council promoted greater ‘*understanding between prisoners and staff, which contributes to the safer custody of the establishment.*’ Sending a message to prisoners that their concerns are being taken into account improves confidence in the management and staff.

‘It says directly to prisoners that management are listening and acting upon your concerns.’

4.2.8 *Benefits for members of the council*

We specifically asked prison representatives if they felt there were any unique benefits for them. The majority said that it gave them satisfaction when issues were resolved. This helped them feel better about themselves.

‘It is good for your self-esteem. You might make a prisoner smile; that makes a difference.’

One group of prisoner representatives felt that it relieved the boredom of prison life by giving them something to think about and to occupy their mind.

Chapter Five:

INTERNATIONAL COMPARISONS

As part of the research, PRT conducted a search for information about the operation of councils in other countries. What was found sheds light on the variety of ways that prisoners' perspectives are represented in different jurisdictions. The search yielded examples of both good and bad practice. The latter can be seen in some observations made by Professor Andrew Coyle, of the International Centre for Prison Studies:

'Where there is such involvement it often has a whiff of direct or indirect corruption. I can think of a prison in South Asia where some prisoners were virtually running the prison and had accommodation which was far superior to that of other prisoners. I saw the same recently in the Caucasus. None of the other prisoners dared to fall foul of such prisoners. A variation of this, especially in Latin America, is where a few prisons are managed by groups of prisoners who are evangelical Christians; prisoners are only allowed to go to these prisons if they are prepared to adopt the necessary religious beliefs.'
(Letter to PRT, 2003)

Professor Coyle's words are a valuable reminder of some of the key concerns about councils; namely, that they risk giving a small group of prisoners excessive powers over others, or that they attract special treatment for representatives.

Across the world, there are also positive examples of prisoners having their say. In some countries the use of forums for representing inmate concerns is widespread. This chapter begins by looking at a formalised example of prisoner involvement that is similar to the operation of councils already outlined in this report.

5.1 Australia: Prisoner Advisory Committees

The Australian state of Queensland has prisoner advisory committees in each of its 12 prisons. The overall purpose of the committees is to provide prisoner input into the prison's functioning and to promote positive communication between the management and prisoners.

A policy document from the Prison Service Director General (Department of Corrective Services, Queensland, 2001) defines the role of the committee. The committee should:

- Provide opportunities for prisoners to raise matters of concern with management in relation to policy and operational issues
 - Promote prisoners' ideas to improve the quality of daily living within the facility for both prisoners and visitors
 - Act as a channel of communication between prisoners, management and staff and promote positive interaction
 - Provide a forum to facilitate prisoners' recommendations for change to operations or routines
 - Assist in reducing conflict
 - Assist in the development and or implementation of policy initiatives for the facility where appropriate.
-

The document goes on to state that the committees should not be a decision-making body and should not be a forum for prisoners to raise individual grievances.

It is recommended that the committee meet each month. Meetings are chaired by either a senior member of staff or a prisoner delegated by the committee. The prison governor is expected to attend meetings on a rotational basis. Minutes are taken and are placed on notice boards across the prison for prisoners and staff.

Committee members are allowed to meet with the prisoners they represent on a formal basis to discuss issues to be raised with management. They also have opportunities to come together to prepare and discuss agenda items prior to meetings.

The committees in Queensland's prisons are very similar to some of the councils examined in this study. The guidelines set down by the Queensland Corrective Services could easily be used to apply to all of the prisoner councils in our survey. They provide a good example of how the Prison Service in England and Wales might want to formalise the operation of councils with a Prison Service Order.

5.2 Denmark: Co-determination for prisoners

The Danish Prison and Probation Service, under the Ministry of Justice, is responsible for 13 state prisons and 37 local prisons. By law, prison management must facilitate opportunities for inmates to exercise 'co-determination'.

The 'Sentences Enforcement Act' requires that spokespersons for the wings must be elected by 'written, secret ballot jointly observed by the institution and representatives of the inmates'. The Act also restricts the field of co-determination: "The inmates are not entitled to participate in discussions relating to cases about individuals or cases concerning the security of the institution."

The Danish Prison Service produced an Executive Order, to implement the law, which spells out what 'co-determination' means for prisoners:

"The institution shall take the initiative for regular discussions with elected spokesmen" (sic) though "it must be possible for the spokesmen to take the initiative for discussions with the institution". Thus, like many of the prisoner councils in England, the meetings are intended to enable both management and inmates to introduce topics for discussion.

In Denmark, the elected spokespersons are entitled to discuss matters with other inmates and with their co-representatives to prepare for the meetings. They cannot be dismissed by the institution. The number is fixed according to the prison population. The director of each prison lays down detailed rules about the frequency of elections and procedure.

5.3 Canada: Prisoners as Informed Participants

In Canada, like Denmark, prisoners' input in decision making is enshrined in legislation. The Corrections and Conditional Release Act 1993 states:

'The Service shall provide inmates with the opportunity to contribute to decisions of the Service affecting the inmate population as a whole, or affecting a group within the inmate population, except decisions relating to security matters.'

The legislation enshrines the principle of prisoners as 'informed participants'. This concept is inherent in the way the correctional services in Canada manage offenders throughout the criminal justice system. It means that prisoners are expected to be active participants in the

management of their sentence. This is achieved by thorough and transparent sentence planning but the key is prisoner involvement in decision making through inmate committees in every prison.

The committee works alongside management to ensure the effective running of the prison. It is the critical link between management and the prison population. Prisoners are viewed as stakeholders who have a right to be involved in the development of certain Correctional Service policies. The Commission of Correctional Services' directive on corporate policy framework includes prisoner input in decision-making as one of its principles (Correctional Service Canada 1998). It states:

'Prisoner input shall be based on timely consultation with those affected by the policy.'

Each committee meets regularly by itself and then with prison management. The committee considers a range of issues from Correctional Service policy developments to more mundane matters that affect their day to day living. A review was conducted in 1998, five years after the implementation of Corrections and Conditional Release Act, which examined the kind of issues on which inmate committees had had input. It found that the committees were consulted prior to the implementation of new policies across the prison estate, so long as they did not relate to security. For example, input was sought from all inmate committees on the updating of a drug strategy. The review concluded:

'It is evident that when the policy is "new" or when the Service anticipates the impact of a change to existing policy will be controversial, that input is sought from all inmate committees. However, when there is a refinement to existing policy or the change is perceived to benefit the inmates, input is not as extensive.'

The review also looked at day to day operational issues in individual prisons. It found that involvement of prisoners in these issues is 'even more evident'.

They [prisoners] are involved in decisions which affect their daily living. Some issues deal with adherence to national policies and others deal with issues specific to the institution (e.g. social events, room assignments, inmate welfare fund donations etc.)

The review concluded that 'having inmates involved in decisions has been in practice for many years and is intrinsic to the culture of the Service.'

5.4 New Zealand: Maori Focus Units

Prisoner involvement in New Zealand's penal system is centred around Maori Focus Units. These are therapeutic communities where offenders address their attitudes and behaviour based on Maori values and discipline.

Within the units, staff and inmates work together to promote learning and the application of Maori principles. Prisoners spend their entire period in custody in the unit participating in all of the sentence planned activities. Each unit has a council, known as a Runanga, which acts to ensure clear communication between inmates, staff and management as well as providing prisoners with an opportunity to have an input into the Unit's operation and procedures. The Runanga includes a person of standing in the local Maori community and other community representatives.

The Maori Focus Unit's operating standards outline the role of the council to:

- Ensure open communication between staff and inmates
- Consider issues that impact on the Unit and provide feedback and advice to management
- Consider breaches of the Unit's philosophical guidelines and recommend appropriate consequences
- Provide peer support and motivation
- Monitor the general 'well-being' of the unit and take initiatives to correct problems
- Represent the unit at official visits, open days, and assist in their organisation.

Representatives must demonstrate a commitment to the Maori philosophy and values and to personal change. They also need to participate actively in unit activities and be prepared to protect the therapeutic environment of the unit.

These units are similar on paper to the therapeutic communities in England, such as HMP Grendon. It is noticeable that prisoners are heavily involved in the work of the community and have a direct input in its day-to-day operation, particularly in the resolution of conflicts between inmates.

5.5 India: Open Prisons

India has a system of open prisons known as open camps. These are without high walls or strict surveillance. Wardens on duty act more as guides and helping hands than as official security guards. Prisoners often live with their families, build their own homes, and work there. Jobs can include agriculture, construction, manufacturing or other industries, or more small-scale trades. Employers provide accommodation while other expenses are the prisoners' responsibility.

Sanganer 'village' in Rajasthan is an example of an open camp (Prison Reform International 2002). A unique and progressive experiment at the time of its creation, it has been working successfully for 37 years. For prisoners who have done a third of their life sentence and are eligible to be transferred to open conditions, the camp provides very nearly 'free' living.

One hundred and twenty-five prisoners live as they would in their own villages, and their children go to the local schools. The only obligation is to stay in the camp at night. The rest of the time, inmates are free to go wherever they want.

Half of the prisoners have built houses from their own earnings. When they leave the camp these houses will be available for newcomers. They may have guests who are allowed to come and go as they please.

The camp is managed internally by elected prisoner councils, which have the power to enforce rules and regulations. They deal with minor incivilities and with more serious misconduct by prisoners. A few wardens are posted to run errands and to count prisoners in the morning and evening.

5.6 Summary

This brief overview has portrayed a range of methods used by prison systems to take account of prisoners' perspectives in determining policy. There are varying degrees of prisoner input worldwide, some similar to the operation of councils in this country; others are more

democratic in that prisoners have the right, enshrined in law, to have input into prison policy. The system in India stands out, because it grants autonomy to prisoners to an extraordinary degree. Canada and Denmark have applied, across the board, the principle that prisoners should have a say in decisions about the running of their prisons. The Australian approach sets out the roles and objectives of prisoner representation in a way that we believe the Prison Service of England and Wales could easily adapt, and which could guide governors in setting up councils across the full range of prison establishments.

Chapter Six:

CONCLUSION

'In order to operate an effective and co-operative regime, prisoners' views need to be taken into account'. (Prison Governor)

This chapter will first summarise this study's findings, including how councils are organised, the kind of issues they consider, and the impact they have had on prison regimes. It then provides a critique of prisoner councils and offers recommendations arising from the study.

6.1 Summary of findings

This report was based on a survey of 26 prisoner councils, visits to seven of them, and interviews with prison governors, representatives and prisoners who were not on the council. PRT's findings are grouped by topic:

- **Process** - In most cases, councils consisted of wing representatives who had been elected. The representatives canvassed their constituents on the wing to determine which subjects to raise at council meetings. Agendas were open and flexible, although a small minority of prisons judged topics such as discipline, complaints and drug treatment to be inappropriate. Councils did not take up the private concerns of individuals, and where there were other standing committees, care was taken to avoid overlapping with their business.
 - **Decision-making** - Only a small number of councils took decisions on the basis of majority voting. Some made decisions by reaching a consensus. But in the majority of prisons, the role of the council was not seen as a decision-making authority. Rather, the council provided input and decisions about policy were reserved for management. Still, three-quarters of the prisons studied provided examples of recent changes in policy on which management had first consulted the council. It was noticeable, however, that we were told of just a few examples where council representatives put forward proposals that actually led to a change in policy. There were greater opportunities for them to raise practical problems that were easily resolved.
 - **Outcomes** - Prison governors put the success of councils down to effective management, the fact that they served a legitimate need, and the commitment of management and staff to making them work. However, more than two thirds of prisons cited at least one drawback. These ranged from meetings creating tensions that could inflame a situation to the potential for damaging staff/prisoner relations.
 - **Management** - The main advantages cited by prison governors and senior management concerned the value of dialogue: management had a means of sharing proposed changes with prisoners; and prisoners had the opportunity to bring concerns to the attention of management. Hence, councils provide the prison with a vital tool to manage conflicts more effectively.
 - **Prisoner input** - By giving voice to prisoners' concerns, councils brought to light policies that failed to fulfil the expectations and needs of prisoners. The council was
-

seen by many governors as vital in order to negotiate change and to avoid resentment. Many of the prisoners we spoke to – whether they were members of the council or not – appreciated the simple fact that the council gave them a voice to ‘speak their mind’ and get ‘their opinions put across’.

- International comparisons - A brief look at how councils operate in other countries provided some useful examples of well established inmate representative groups. In Australia, committees provide prisoner input into the prison’s functioning and promote positive communication between management and prisoners. In New Zealand, the functions of the council include mediating in cases of indiscipline. Their councils also include representatives from the local community. In Canada and Denmark, prisoners are seen legally as stakeholders who have a right to be involved in the development of certain Correctional Service policies.

6.2 Proposals for action

There are four main reasons for looking at whether prisoners should be allowed to play an active role in influencing changes in policy and regimes.

- First, prisoners inevitably influence the life of the prison community – both in positive and negative ways. Councils are one way to enhance the possibilities for prisoners to have a positive and constructive impact. For example, the council can improve staff/prisoner relations.
- Second, prisoner input can provide essential information to management that it can use in setting policy. Prior consultation can enhance the ability of management to make changes smoothly and effectively.
- Third, engaging in dialogue with prisoners can bring out the best in them. Expecting prisoner representatives to serve their peers by drawing attention to problems and defending their interests encourages a far greater sense of responsibility than is possible when prisoners merely look for personal gains. One manager said:

‘There is a purpose behind it [the council]. That is, it is an attempt to create a pro-social environment. It is a way of showing anti-social people that there is a better way of making decisions and influencing events’.

- Fourth, involvement in councils is a way of promoting active citizenship. Taking responsibility and having a say play a critical role in the rehabilitation of prisoners, in preparing them to return to society. Prisoners continue to be citizens despite their incarceration, but to enable them to act as citizens they need to have a real voice through councils.

The study was intended not just to emphasise these four benefits but also to assess whether current councils are delivering any of them.

Councils perform a sensitive task, in that they serve as a focal point for tensions between the aims of management and the needs of prisoners. As such, it is inevitable that they will highlight concerns that question the legitimacy of the prison. Where management consults prisoners, there is a risk that this will temporarily aggravate relations between management and staff. However, the alternative – ignoring the perspective of prisoners in determining policy – may be a far less efficient way to run a prison.

It was a positive virtue of council meetings that they constituted a safe environment in which sometimes highly contentious matters could be raised, argued about, and addressed, if not always resolved. Councils were effective as a means of improving communication between management and prisoners. In every prison, management benefited from the council by having a chance to sound out prisoners about policies. Management also benefited from having a formal system to bring inmates' concerns to light. In short, the value of dialogue between management and prisoners cannot be overstated.

But if councils are to embrace the benefits of prisoners making a contribution, informing management, and exercising citizenship, they need to offer much more than this. Councils could have real and significant capacity to change prison policy and prisoners should be viewed as informed participants as they are in Canada. To promote the values of citizenship, their right to co-determination should be recognised, as it is in Denmark.

The councils in England and Wales did not meet this standard. For example, prisons did not monitor the outcomes of meetings or systematically follow up discussions to ensure that decisions were implemented. Where they were seen as having no decision-making function, they acted as a tool for management to enable it to govern more effectively, for testing the waters, for getting a sense of the mood on the wing.

This limited, reactionary approach to prisoner involvement in England and Wales may reflect the fact that the concept of councils emerged from the embers of the riots of 1991. Since then, they have been seen as a means of avoiding tensions and preventing disturbances. Often their function, from management's perspective, is simply to ensure the smooth running of prisons.

The prison governors involved in this study expressed an appreciation that councils contribute to the effective management of a prison. Clearly, councils play a crucial role in bringing profound conflicts to light and helping to find solutions. However, prisoner involvement has the potential to deliver so much more.

The starting point for a new perspective on prisoner involvement in running prisons must be to respect prisoners as informed participants in the prison community. Prison management needs to acknowledge that prisoners are not there simply to have things done to them – to be punished, treated or rehabilitated. Prisoners need to be seen in a new light, as citizens and individuals who have a right to make choices. Having a say about the conditions in which they are held and the policies that regulate their lives is an indispensable part of fostering personal responsibility. It is a recognition that prisoners are not powerless, but are members of a community which requires their consent if it is to exercise its authority legitimately.

6.3 Proposals for change

1. Every prison in England and Wales should have a functioning prisoner council that meets at least once a month and is made up of elected representatives.
2. A new Prison Service Order should be produced which requires every prison to have a council, and sets out their composition, structure, purpose, principles and functions.

Appendix 2 of this report provides an example of an instruction on Prisoner Advisory Committees from the Department of Corrective Services in Queensland, Australia. This should be a useful guide for the Prison Service in England and Wales.

A new PSO would set out the function of prisoner councils in the following terms to:

- Meet at least once a month, and have ample opportunities to meet as a group prior to the council meeting itself;
 - Give prisoners the opportunity to have a direct input in policy and operational issues;
 - Act as a channel of communication between prisoners, management and staff;
 - Provide all prisoners with a conduit through which to tackle problems in conditions and regimes;
 - Provide a forum to allow prisoners to make recommendations for change of operations, routines or policy;
 - Assist in reducing conflict;
 - Improve staff/prisoner relations by providing a forum in which concerns can be addressed;
 - Represent the views of prisoners in general and not those of the individual.
3. Prison officers and governors need to be provided with appropriate training to enable them to understand the purpose and principles behind prisoner representation and how to facilitate the creation and running of prison councils.
 4. In the longer term the Government should consider enshrining the purpose and principles of prisoner representation in legislation setting out the status of prisoners as informed participants, as in Canada and Denmark.
 5. The Prison Service needs to acknowledge that the proposals made in this report are not just about changes to policy and practice but require a substantial transformation in culture. Any restructuring needs to be accompanied by a commitment to encourage all staff to view prisoners as members of a community, who have legitimate views and concerns which should be addressed.
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Appendix 1:

SURVEY OF PRISONS WITH COUNCILS

Prisoner Councils Survey

1. How often does the council meet?
 2. How long has the council been in existence for?
 3. Who chairs the council?
 4. In addition to prisoners, are there any others who attend the meetings?
 5. How many prisoners/trainees attend?
 6. How are prisoners selected to participate?
 7. Is there a system to ensure a balance of representation by wing, ethnicity, sentence status, length of sentence, or other criteria?
 8. Matters taken under consideration.
 9. Methods by which agenda is decided.
 10. Monitoring. Does prison management undertake any methods to track:
 - Subjects which have arisen in the past?
 - Decisions taken by the council?
 - The outcomes of council recommendations?
 - Prisoners' satisfaction with the work of the council?
 - Staff views on the work of the council?
 11. Would you recommend having a council to a prison that doesn't yet have one?
 12. Has management consulted with the council prior to introducing a change in the regime?
Please give an example.
-

And now some open questions to elicit your views on the work of the council:

I3. What methods do councils use to arrive at decisions?

I4. Describe the system by which council decisions are acted upon by prison management.

I5. What benefits do you think having a council has for the prison as a whole community?
Please give an example of an area in which the council has had a positive impact.

I6. Please state any negative effects of having a prisoner council.

I7. Please state any ways that you believe the council helps the management team to govern the prison more efficiently.

I8. What do you think accounts for the success of the council in getting things done?

I9. What changes would you propose to enable the council to work more effectively?

Many thanks for taking the time to complete the survey.

Appendix 2:

QUEENSLAND PRISONER ADVISORY COMMITTEE PROTOCOL JULY 2001

DEPARTMENT OF CORRECTIVE SERVICES – *PROCEDURE: PRISONER SERVICES*

1. Purpose

To provide prisoner input into the facility's functioning and to promote positive communication between facility management and prisoners.

2. Principles

Prisoner participants are to represent the views of prisoners in general and not those of the individual. Committee meetings are to be conducted in a professional manner ensuring all participants are treated with respect and dignity.

3. Process

The prisoner advisory committee should;

- Provide opportunities for prisoners to raise matters of concern with facility management in relation to policy or operational issues,
- Promote prisoner ideas to improve the quality of daily living within the facility for both prisoners and visitors,
- Act as a channel of communication between prisoners, management and staff and promote positive interaction,
- Provide a forum to facilitate prisoner recommendations for changes to operations or routines,
- Assist in reducing conflict, and
- Assist in the development and or implementation of policy initiatives for the facility where appropriate.

The prisoner advisory committee will;

- Not be a decision making forum,
- Not be a forum for the raising of individual grievance issues which should be resolved through other processes, and
- Not negate the prerogative of the person in charge of the facility to establish other prisoner committees for specific purposes should the need arise.

The person in charge of a facility must provide for the administration and control of a prisoner advisory committee including;

Frequency of Meetings

Meetings should occur at regular intervals having regard for the operation of the facility. Monthly intervals are recommended.

Communication

Committee members are to be allowed to meet with the prisoners they represent on a formal basis to discuss issues to be raised with management and meet as a group to prepare and discuss agenda items prior to scheduled meetings.

Meeting Format

Meetings are to be conducted in an appropriate meeting area having regard to the need for security. The meeting may be chaired by a senior staff member or a prisoner delegated by the committee. The person in charge of the facility or nominated manager should attend the committee meetings on a rotational basis.

Minutes must be taken for each meeting and are to be placed on notice boards within the facility for perusal by prisoners and staff. Committee members and relevant officers within the facility are to be advised of the place and time and duration of each meeting prior to the meeting.

Remuneration

There is no remuneration for committee involvement. However, where a participant is required to be absent from their normal employment, the established remuneration for that employment should continue.

Documentation

Each facility must document and record all proceedings and communicate the guidelines for the operation of the committee within the facility.

3.1 Composition [of] a Committee

A prisoner advisory committee should consist of not less than six (6) prisoner members, all or part of which may be nominated by the facility's prisoner population.

3.2 Nomination of Members

Nomination of prisoner members to the committee is to be managed to ensure representation from all key areas of the facility. The person in charge of a facility may decline to accept a nominated member onto the committee but in such an event the prisoner concerned is to be advised of the reason for refusal. The person in charge of a facility may invite any prisoner to join the committee to ensure representation of all cultural or ethnic groupings within the facility.

3.3 Vacancies

Vacancies on the committee should where possible be filled within one month.

3.4 Period of Tenancy

Nomination to a prisoners' advisory committee should be for a maximum period of 12 months. Completion of a 12 month period of representation should not preclude an individual from again nominating or accepting nomination by the person in charge of the facility.

H Ringrose

Director-General

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Having Their Say:

The work of prisoner councils

"In order to operate an effective and co-operative regime, prisoners' views need to be taken into account."
(Prison Governor)

"It makes the jail easier to run by lifting the morale of the prisoners. It shows that the jail actually cares about what happens to you whilst you are in prison."
(Prisoner)

This report is the first in-depth study of consultative forums for prisoners known as prisoner councils. Using results from a survey of prisons in England and Wales, as well as interviews with prisoners and staff, *Having Their Say*, highlights examples of good practice where prisoner councils have improved communication between management and prisoners. The report argues, however, that if councils are to provide a positive contribution, informing management and encouraging prisoners to exercise citizenship, then they need to offer much more than this.

In recent years the idea of consulting and gaining feedback from user groups has been adopted in health services and in education. But in the coercive setting of prison, individuals are expected to do as they are told. This report challenges that view of prison life and argues that a credible and legitimate prison regime should take into account the views of prisoners.

Having Their Say calls for a cultural change in the Prison Service's approach to prisoner representation. It suggests that councils should have real capacity to contribute to prison policy.



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