



Justice and Home Affairs Committee

Corrected oral evidence: Prison culture: governance, leadership and staffing

Tuesday 4 February 2025

10.05 am

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Members present: Lord Tope; Lord Bach; Baroness Bertin; Baroness Buscombe; Lord Dubs; Lord Filkin; Lord Henley; Baroness Hughes of Stretford; Baroness Meacher; Baroness Prashar.

In the absence of Lord Foster of Bath, Lord Tope was called to the Chair.

Evidence Session No. 8

Heard in Public

Questions 108 - 117

Witnesses

I: Professor Alison Liebling, Professor of Criminology and Criminal Justice and Director of the Prisons Research Centre, University of Cambridge; Professor Ben Crewe, Professor of Penology and Criminal Justice, and Deputy Director of the Prisons Research Centre, University of Cambridge; Dr Kristian Mjåland, Associate Professor of Sociology, University of Agder.

USE OF THE TRANSCRIPT

1. This is a corrected transcript of evidence taken in public and webcast on www.parliamentlive.tv.

Examination of witnesses

Professor Alison Liebling, Professor Ben Crewe and Dr Kristian Mjåland.

Q108 **The Chair:** Welcome. This is the public session of the Justice and Home Affairs Committee of the House of Lords. Welcome to Professor Crewe, who has joined us in person, Professor Liebling and Professor Mjåland.

I will open the proceedings, as per usual, with a broad question to get us talking. What is the purpose of prisons? It seems a straightforward question to ask at the beginning of the proceedings. Particularly, is there a consensus on that purpose on the part of prison leaders and staff? I will ask our British people, not surprisingly, to talk about the situation in England and Wales, and you, Dr Mjåland, to talk about the situation in Norway. If you also want to comment on each other's answers, that might be helpful too. Starting with England and Wales, Professor Liebling, would you like to go first, please?

Professor Alison Liebling: Yes, I would be very happy to. I went straight to the current statement of purpose, because it has existed for quite a number of years now. I remember that there was a certain amount of resistance to it being changed. We have quite a good statement of purpose about the function of prisons being to treat people with humanity and to help them lead a law-abiding life on release.

The problem is that we do not define the main terms. We do not have an operational definition of humanity and we do not measure it. We probably have a reasonable statement of purpose and I think there is now quite a considerable consensus about it being satisfactory, but we do not think hard enough or communicate hard enough to staff or prisoners about what those terms mean.

I do not want to take up time now, but I have spent a lot of time in my professional life trying to operationalise and measure the concept of humanity, for example, and find out how many prisons reach that threshold. It is few.

The Chair: You said you have spent a lot of time on this. Would you like to expand a little bit on that?

Professor Alison Liebling: Yes. I submitted some evidence.

The Chair: Yes, I should have said that we received it on Monday. Thank you very much for that.

Professor Alison Liebling: I like the Norwegian statement of purpose on creating better neighbours, and we will hear from Kristian. I have always been quite attracted to the Indian one, which explicitly uses the concept of personhood and reminds everyone who is working in the penal system that people do not stop being a person when they go to prison. That is a slightly stronger statement or a better articulation of what we mean by "humanity" because the concept of personhood has built into it something about the development of potential and being a living

being, someone who is not static and kept in a deep freeze but who has inner potential that should be worked on.

The Indian prison service also says something about rights and no gratuitous suffering. There should only be suffering that is intended by the deprivation of liberty. We could go further in our statement of purpose, but we could also just stick with the one we have and be more explicit about what it means and holding prisons to those standards.

Professor Ben Crewe: I agree with what Alison has said. I thought about this question slightly differently. The point I want to raise is that there are multiple stated purposes of imprisonment, and they are inconsistent and incompatible with each other to some degree.

We heap upon prisons a number of expectations in terms of what they are supposed to do: public protection, rehabilitation, deterrence and moral communication. Those things are not always compatible with each other. Punishment is a rather complicated one because punishment is meant to be the intention of the sentence but not specifically what the prison does. Politicians and practitioners have tended to say that we should use prisons 'as punishment, not for punishment;. That is quite a hard distinction to maintain in practice because people serving a prison sentence feel it to be punishing, but it is a very important distinction to maintain because of what would happen if it were not there. In other words, if we said that prison should actively be trying to punish people, I think terrible things would happen within prisons.

There is quite a lot of confusion in practice about what prisons are meant to do. That comes to the second part of your question, which is about whether there is consensus. I do not think there is, really. That is partly because I am not sure there is sufficient clarity in practice regarding what we are supposed to be doing every day within prisons. The statement of purpose goes some way towards that, but, again, there are inconsistencies here. If we are saying that we want prisons to act as a deterrent, we would need to do very different things than if we are saying we want prisons to rehabilitate. It does not make sense for them to try to do both at once, although it may be that they have to do both things at once.

The Chair: Are we trying to do both at once?

Professor Ben Crewe: I am not sure we really know.

The Chair: That is almost worse.

Professor Ben Crewe: Kristian may come on to speak about this, but I think there is a much clearer and stronger philosophy of practice in Norway and a sharper understanding among staff regarding how they should treat people and to what end. I will perhaps leave Kristian to say a bit more about that.

Dr Kristian Mjåland: The situation is a bit similar in Norway, in the sense that punishment has multiple aims. The main headline in the law, in the Execution of

Sentences Act, is that imprisonment is supposed to protect the public and prevent crime. In most cases, the crime prevention purpose is understood as rehabilitation. The clear purpose of the Norwegian prison system is that it should facilitate rehabilitation.

The interesting part of that question is whether there is a consensus in the Norwegian prison system on this purpose. I really think there is. It is the shared understanding of a number of people involved that rehabilitation is the main purpose of imprisonment in Norway. When we interview prisoners, they expect prisons to offer rehabilitation opportunities. They are often very critical of our prisons. They typically criticise the prison system for not living up to their standards and not living up to the standards of providing rehabilitation.

There is also a shared understanding among prison staff that our prison system should try to facilitate rehabilitation. Together with two colleagues, we administered a survey to students at the academy for prison officers in Norway. We asked them, “Why did you want to become a prison officer?” The main reasons that people gave were that they wanted to help prevent crime; they wanted to help change people’s lives; and they wanted to do something actively good for the Norwegian community in terms of helping people.

Prison leaders also share a very strong commitment to rehabilitation. We have lots of different political opinions among our political parties and politicians about punishment and crime, but there is not much debate about the very purpose of imprisonment in Norwegian policy debates.

As a final comment, the Norwegian public expect prisons to have a rehabilitative purpose. There was a very interesting study a couple of years ago with a national representative sample of Norwegians. They were asked, “What do you think is the main purpose of imprisonment?” They were given four possible statements: one focused on deterrence, one on rehabilitation, one on restorative justice and the final one on retribution. Some 65% of the Norwegians who took part in this large study said that rehabilitation should be the main purpose of imprisonment. In my comment I focused mostly on consistency. That is quite important in understanding penal dynamics in Norway.

Q109 Baroness Prashar: I am a little confused. I just wanted some clarification. You said that these things are contradictory. From my point of view, incarceration is the punishment and it is also about protection of the public. Rehabilitation is necessary both for protection and for rebuilding the prisoner. The purpose of prison, to my mind, is incarceration, punishment and rehabilitation. Rehabilitation can take different forms. It can be through retributive or restorative justice and so on.

I did not quite understand why you said this was contradictory. Of course, people have different emphases—that is what the political debate is—but I would have thought the very incarceration is the punishment. People are rehabilitated for themselves, but they have to come out and rehabilitation means you avoid future crime.

Humanity, if I may say so, is part of the rehabilitation. The way that you build people's self-esteem and treat them as human beings is part of the rehabilitation. I could not quite comprehend what you said about where the contradictions were.

Professor Ben Crewe: I meant that in a couple of ways. First, I know this is not what you are suggesting, but, if you say that prisons should be actively punishing prisoners—"We want an environment that is painful"—the research tells us that is unlikely to be rehabilitative.

It is interesting to hear what Kristian has said, because my understanding of the research literature on what the public want from imprisonment is that their attitudes are quite contradictory. People will sometimes say that they want prisons to be punishing but also that they want them to rehabilitate. Those things are not very consistent with each other. If we say we want people to have a really painful experience, that is unlikely to be rehabilitative.

The other sense in which I meant it is that if, in the everyday decision-making that we ask staff to undertake, we emphasise public protection, that seems slightly inconsistent with an alternative aim, which would be rehabilitation. These are fine distinctions that staff have to make every day in terms of their practices.

Different prison systems and different prisons emphasise some of those things more than others. If we say to front-line staff, "What you mainly need to do is protect the public", that brings into effect a different form of treatment than if we say, "We should be providing people with opportunities and trying to help them turn their lives around". There is a different emphasis there.

Baroness Prashar: I could go on. Anyway, some of this will come through the rest of the discussion.

Baroness Meacher: I am not sure I agree with you, actually. If you incarcerate, that is indeed the punishment. If you rehabilitate, that will protect the public better than anything else, because then the person is much less likely to commit crime when they come out. It does not seem to me that there is any contradiction in incarcerating somebody and then providing them with a lot of rehabilitation, training or education.

Professor Ben Crewe: I agree with you on that.

Baroness Meacher: It seems to me utterly consistent.

Professor Ben Crewe: I am saying that the inconsistency is in what you are asking staff to do every day in terms of their decision-making. I agree that, if you can rehabilitate people, you are protecting the public. But if, as a prison governor, you say to staff, "I want you in your everyday decision-making to think primarily about public protection" - or "risk", perhaps that is a better way of putting it—that leads to different forms of conduct among staff than if you say, "We want you to invest in individuals to try to make sure that they turn their lives around".

Baroness Prashar: What you are really saying is that there is no consistency in the understanding among prison staff.

Professor Ben Crewe: Yes, I think there are different understandings among staff, but I am also saying something else. You are presenting an overall sense of whether imprisonment might end up helping protect the public both while people are incapacitated and on release, but I am talking about the everyday practices among staff, which require a kind of animating philosophy. Different prisons and different systems put a different emphasis on some goals over others. Alison may want to add to that.

Professor Alison Liebling: We are talking about the difference between theory and practice. This is really all about culture. It is really significant in our country that very few prison officers agree with the item, “Most prisoners can be rehabilitated”. One of the reasons we introduced private sector competition was to transform public sector prison cultures, which tend to be, culturally, not particularly life-affirming.

Since we do research in this area, we can say with some confidence that in practice very few prisons have rehabilitative, life-affirming cultures. There are various reasons for that. Obviously, some of it has been about resourcing, staff training or lack of training, high turnover and the loss of experienced staff, but in our MQPL research, we found that what rehabilitates prisoners is the atmosphere and relationships between staff and prisoners. It is not just the activities or the programmes, but the culture in which those programmes are operating.

The fact that only about 20% of our prisons are above the ‘safe/good enough quality’ threshold that we set, or have a rehabilitative culture, tells us that we have a really serious problem. We get the distinction between prisons being not for punishment and being for rehabilitation, but in practice this is not translating into good enough prisons.

The Chair: That is regardless of whether they are private or public.

Professor Alison Liebling: It is so interesting. We could have learned so much more from private prisons. It is true that some of our outstanding prisons are private.

The Chair: You said that in the past tense. We could have done. Why are we not?

Professor Alison Liebling: We introduced private prisons 25 years ago. In that time, we have had some outstanding private prisons. We still have a few. Instead of learning from that best practice— Ben and I found that staff tend to come into the private sector a bit more shapeable and they sign up to the rehabilitative agenda much more easily—there has been no cross-fertilisation into the public sector. It feels to me as if we have used privatisation to drive down costs rather than drive up cultures.

You can see that over the last 25 years. It was a lost opportunity. It is not over; we could still be doing that, but it feels like we have not learned what we should have learned from some of the private sector innovation. I would be much more

interested in learning from positive experience than always learning from when things go wrong.

Dr Kristian Mjåland: Just very briefly, this has been a really interesting exchange. In some ways, the situation in Norway is similar. In Norwegian law, punishment has many different purposes in the Norwegian penal code. The prison service is asked to implement sentences in accordance with these purposes. They range across general deterrence, individual deterrence, incapacitation, rehabilitation and to secure public order. There are multiple purposes.

Perhaps the main difference between England and Norway is that the translation into, as Alison said, operationalised goals is more straightforward in Norway. If you read the White Papers, where the Government set out what they want the prison service to do, they very briefly go through deterrence as an aim of punishment and they focus a lot on rehabilitation. If you read the papers, you can see that they prioritise the rehabilitative purpose over the others because that is what the prison service thinks it ought to do.

I do not know whether that provided clarity, but there are some things that are similar and some that are different. The differences are mainly in the translation or operationalisation.

The Chair: Thank you. We could continue this discussion all morning, but we must move on.

Q110 **Lord Filkin:** Thank you, all. Kristian, my question is sticking, in a sense, with your learning and experience, and what we can learn from Norway. We are keen to look abroad at how other countries run their prison services, particularly in relation to the question of leadership. Could you give us an overview of the prison service in Norway, how it is governed and how it compares with the system in England and Wales?

Dr Kristian Mjåland: Yes, I can do that. I do not know in how much detail you want me to talk. I should also leave it to Alison and Ben to set out the organisation of the English and Welsh prison service.

The Norwegian prison service is formally organised into four administrative levels. You have the Ministry of Justice on top, which has the main political responsibility for the prison service. Under the Ministry of Justice, you have what we call the Directorate of the Norwegian Correctional Service, which is responsible for the professional and administrative running of the prison service. Under the directorate, you have five regions, which oversee a number of local prisons and probation offices. It is a four-layered administrative structure, which has been a bit politically contested. In the last few years particularly, political parties on the right have wanted to remove the regional level because they think it is ineffective, but it still stands.

The directorate has to make sure the prisons are run according to the law, but it is also interesting to note that it receives an annual letter from the Ministry of Justice,

which sets out the specific priorities and targets that the prison service is expected to meet in the coming year. That is a very important way in which there is some political steering of the prison service.

Lord Filkin: Clearly, you have described that there is a culture of rehabilitation in Norway's prisons. The data that we have been given shows that the reoffending rate in Norway is only 16%, which is quite staggering by comparison with the reoffending rate in England. We are fascinated to know whether there really is a strong connection between the leadership culture of rehabilitation and the reoffending rate. Is that just luck or the fact that you are a wealthy country with significant resources to put into your prison system?

Dr Kristian Mjåland: Some colleagues of mine published a paper a couple of years ago about the recidivism rate in Norway. The title of the paper was *Pick a Number*. Their basic argument was that there is a lot of interest in the low Norwegian recidivism rate, but depending on how you measure, the recidivism rate in Norway can be anything from 16% to 57%, they claimed. The 16% is when you measure how many people are back in prison two years after release.

With that said, it is really tricky to compare recidivism rates between countries, because it is measured in lots of different ways, but it is fair to say that we have a comparatively low recidivism rate. It is tempting to think that the low recidivism rate is due to how the prisons are run. That can definitely be part of the explanation, but what happens after release is also really important in terms of the recidivism rate.

The context, as you noted, is that people in Norway are released into a strong welfare state where we have very little unemployment; we have had very little unemployment for many years now. That is perhaps a boring answer. We are doing something right in our prisons, but we are also doing something right in our broader welfare state so that there are places for people to stay and work after release.

Lord Filkin: One can believe that, even though it would not necessarily be agreed by everybody. We are not Norway for all sorts of reasons, much as we respect you. Can I push you to tell us what you think we could learn, while understanding that we have massively overcrowded prisons, a national debt higher than we want and very stressed public services and funding? That is the reality of where we are. What can we learn from you to move forward?

Dr Kristian Mjåland: I could talk a lot about this, but please restrict me. There are three things that I would like to point out.

The first concerns open prisons. Ben led a study that I worked on where we compared punishment practices in Norway and England and Wales. One of the main findings, at least how I see it, from our study was about the differences in how open prisons are used and what functions they have in these two prison systems. In Norway, one-third of our prison capacity is in open prisons or so-called low-security prisons. In England and Wales, it is 5% or 6% of the capacity. Nearly 50% of all

Norwegian prisoners spend at least some time in an open prison during their sentence. We do not know that figure for England, but it is really low.

I say this because we also find that, even though open prisons feel like a punishment for prisoners, who still feel that they are deprived of their liberty and who miss their families and communities outside, they produce less harm, less stress and less pain. They allow for people to keep in touch with family and friends on the outside. They allow for people to prepare for release by contacting a landlord, perhaps, or to find a place to stay or to apply for a job. We also see from the Norwegian data that people released from open prisons have a lower recidivism rate.

I am humble and I will not interfere in your political decisions, but I think there is a lot to gain from widening the open prison capacity. They cost less money and they produce less harm and pain. It is not a politically contested institution in Norway, and it does not have to be politically contested elsewhere. That is the first point.

The second one comes back to prison officer training. It has been a political priority for a long time to have solid prison officer training. In Norway, there is a two-year training programme. You spend one semester at the prison officer academy, one year in prison in practice, working as a prison officer with supervision and guidance, and then you are back one semester at school.

When prison officers are finished with their training, they receive a decent wage. That is important. It is considered a respectable profession in Norway. When they work on the landings, even though they have lots of frustrations with the work, they are given more responsibility than prison officers working on the landings in England. Therefore, they invest more in their work. The prisoners know that the prison officers they meet every day in prison can influence how they do in prison, their chances of release and so on, so they also invest more in their relationships with prison officers. That is the second point.

Thirdly, you also asked about rehabilitation. This point is about some of the normative principles underlying the Norwegian prison system, which are really important. One of those is the normality principle, which explicitly says that the deprivation of liberty is the only legitimate punishment that the Norwegian state can inflict upon its citizens. That means that life in prison should, to the greatest extent possible, be similar to life in the community.

Lord Filkin: Before turning to others, recognising that there are a lot of questions to cover, can you say to what extent the recruitment and training of senior managers or potential future senior managers in Norway differs from that in England and Wales?

Dr Kristian Mjåland: That is a really good question. I am afraid I do not know that much about the recruitment of senior personnel in the prison service. Previously, governors were often recruited from within the prison service. They were trained in law and had worked in the prison service quite a long time before becoming prison

governors. I do not know whether this is a trend, but I see from recent appointments that governors are also recruited from outside of the prison service. They could have had leadership positions in other parts of the Norwegian welfare state. I am afraid I do not know that much about the recruitment of senior personnel.

Lord Filkin: If there is anything, on further thought, you think is relevant to how they are recruited and trained that we could learn from, drop us a note, if you would.

Q111 **Baroness Bertin:** I wanted to go back to the elephant in the room of funding. As Lord Filkin mentioned in one of his previous questions, you are well funded and we have been underfunded historically. This is perhaps for Alison and Ben. In order to bring us up to Norwegian standard, which we can all agree is better than where we are at the moment, what is the reality around the funding? I know it is not just funding; it is reorganisation. Could you just say a little bit about that?

Professor Ben Crewe: I do not have figures to hand that would be useful here, but certainly there is much more generous staffing in prisons in Norway than there is in England and Wales. It is really a false economy that we have cut prison staff so sharply in recent years. Many of the problems that our prison system now faces relate to a doom spiral that we are in. We have fewer prison officers and far less experience on the prison landings. We are in a cycle in which, because of rising levels of violence, self-harm and disorder, while prison officers are being recruited into the prison system at a fairly rapid pace they are also leaving.

Alison mentioned earlier some of the research we did on privatisation—this was about 15 years ago. At that time, public sector prisons tended to have really quite experienced workforces, in which often 30% or 40% of prison officers had been working in prisons for 10 years or more. One weakness of private sector prisons was that they had far fewer officers with more than about three years of experience working on the prison landings. There has been a huge shift since that time. Our public sector prisons have lost experienced staff and their overall staffing profile looks much more like the private sector did 15 years ago. There is just much less experience and therefore jail craft within prisons.

Once you get to a certain point, it is quite hard to get out of that loop. It is a much less attractive job if what you are confronting every day is violence, distress and so on. Additional resourcing is really important in restabilising the prison system, but I do not know exactly what that would require.

The Chair: Alison, do you want to add anything?

Professor Alison Liebling: I would love to add two things. First, we always tend to look at this question of resourcing on the assumption that we have the prison population that we have and we have to make prisons a lot cheaper to afford that amount of imprisonment. Of course, Norway has less than half our imprisonment rate and much shorter prison sentences. My solution to the resourcing crisis would

be to bring our sentences back into line with other European countries. The countries that do better spend more money per head but less money overall. We could easily spend less money on imprisonment and make it better quality, but we would have to do something about our sentences.

Secondly, if you want to see what Norway can teach us, a good place to look is in eastern European countries such as Latvia, Lithuania, Romania, Bulgaria and Poland, where there has been a huge importation of Norwegian training, learning and culture. When I go to those countries, their prisons remind me of our prisons in the 1970s. They have more military backgrounds, poor cultures and less resourcing, but a transformation is taking place because the Norwegians are building training schools and having exchanges. There are all sorts of amazing things going on in these countries, which are much poorer than we are in terms of their resources and cultures but they are learning a huge amount in their new partnership. There is also a 'little Norway' in one American state, I gather. These are experiments that we could conduct that would help us extract what we can from the Norwegian model without pretending that we are Norway.

Lord Filkin: I do not want to push further on this point because others want to come in, but it would be massively interesting to receive something from Alison on the learning and how that has changed the Baltic countries. Please send us anything you have.

Baroness Prashar: Kristian, you wanted to come in.

Dr Kristian Mjåland: Yes, very briefly. It was just around the issue of funding. Even though Norway is a rich country, there have been large cuts in public funding over the last 10 years or so. There was a reform in 2013 which has cut costs annually in all public services in Norway, including our prison system. It is fair to say that there is a lot of frustration in the Norwegian prison service at the moment because it has suffered yearly budget cuts. The prison officer unions and prison officers in general are quite frustrated. They almost talk now about the glory of the Norwegian prison system in the past and how we are moving in the wrong direction because we do not have enough officers to deliver on our rehabilitative purposes.

I just wanted to add that. It is not like everything is fantastic in the Norwegian prison service. Funding is a real issue. Staffing levels are a real issue here as well.

The Chair: It has been a real issue in this country for as long as I can remember, and it is not getting better.

Baroness Bertin: What is the role of the prison governor in prisons in England and Wales? Has our understanding of the role changed in recent years? Is the role of governor overused? Perhaps because we have talked a bit about governors already, could you focus on autonomy or the lack thereof, rather, with governors? Is that an issue that they face?

Professor Alison Liebling: It is tricky, because the differences between governors are huge. I said in my evidence that everyone knows who the outstanding ones are. Funnily enough, I woke up this morning thinking about an outstanding governor and dep. They have all been recruited in very similar ways, but I realised that what is outstanding about the ones that transform prisons is that they are revered and trusted by both staff and prisoners. That is quite an achievement. There is something about the way those governors carry their expertise, values and authority. They are present in a very thoughtful way.

There are different models. Some outstanding governors are charismatic, but others are quite understated. They bring a much more thoughtful understanding of the complexity of the prison environment, but they have an orientation towards staff and prisoners which is really values-driven. They manage to combine management expertise with values.

I would refer to the outstanding ones as like statesmen. That is how I describe them. They are leaders with an incredible grasp of the complexity of the environment they are in and whose valuing and respect of staff and prisoners is very evenly spread between the two. Those governors manage to train their successors. If you can attract people like that into the organisation, you have the prospect of further generations of outstanding governors.

My understanding is that governors are now more inclined to leave the public sector and attempt to run good prisons in the private sector, because they can work with more flair and freedom than in the public sector.

Baroness Bertin: I have one quick follow-up. Is there a good enough network for governors to learn from each other and to say, "This is what good looks like, and this is how we can achieve it"?

Professor Alison Liebling: No. The organisation has become highly competitive and divided, in my view. There used to be an annual prison governors' conference where everyone got together and shared best practice, but because we have introduced contestability or competition, private sector organisations keep secrets from each other and from public sector organisations. Prisons are competed. The ones that learn are private companies that run a good prison and then go and fix a less good one within their own company. They learn from their own experience and they transfer their learning to a second prison.

I can see a correspondence between what has happened at Rye Hill and some of the improvement at Oakwood, where the same model, with lots of prisoner engagement in the regime, is being adopted, but the organisation as a whole does not learn. We have learned nothing from opening new prisons. Almost every new prison faces the same problem. There is absolutely no learning from that. Everyone is continually facing problems of disorder and lack of authority. It is a tragedy that the organisation is not learning from experience. It is almost built in now that prisons are separated.

Baroness Buscombe: Just as a follow-up, Alison, I would love to know whether the excellent governors you woke up thinking about this morning tend to have come from other worlds of work or to have come up through the ranks.

Professor Alison Liebling: The ones I know have come up through the ranks. They have different guises. I can think of men and women who have been unbelievably good. Not only have they grown through the organisation but they have often worked in the prison—one governor four times in four different roles—before they take it on as governor. They have a relationship with the prison. They are from the place. They have a commitment. They are known. They understand exactly where all the bodies are buried, as we might put it. They are of the institution, but they are outstanding. They come back to run the prison that they love.

Professor Ben Crewe: To go back to the original question, I think governors feel they have relatively little autonomy but are held very accountable for what goes on in their prisons. One frustration that they have is that they are accountable for everything that goes on in a prison, but sometimes they do not have that much control of the education or health contracts that make quite a big difference to their establishments.

They also often are frustrated by procurement rules which mean that getting hold of daily resources is much harder and takes much longer than it ought to. They also get very tied up with employment tribunals, HR issues and so on, particularly at the moment with a less experienced workforce, where more problems are coming on to their desk in terms of staff conduct or misconduct.

As Alison said, certainly in the past, many very talented public sector governors have gone to the private sector because they feel they will have more autonomy there to make decisions and for those decisions to be implemented and to be creative. They are still held accountable in the private sector and there are weaknesses there too, but there is frustration among public sector governors about how much time they spend dealing with all the difficulties that I have mentioned, as well as with audit, assurance and so on, rather than being able to set out and implement a vision for their establishment.

At the moment, when there is an awful lot of firefighting, it is quite hard for governors to lift their heads and do all the very good work that Alison is describing in the exceptional governors.

Dr Kristian Mjåland: I do not have much to add. I do not know that much about governors. It is mostly unexplored terrain in Norwegian prisons research.

Q112 **Baroness Prashar:** Can we talk a little bit about the experience of prisoners? What does academic research about the experience of prisoners tell us about prison culture? I will go to you, Ben.

Professor Ben Crewe: I am not sure whether I understand this question exactly, but we can learn a huge amount about prisons by asking prisoners about their

experiences. This is something that Alison and I have done for many years, based partly on a survey that Alison developed but also through other forms of research.

We would probably both want to say—I will leave Alison to speak for herself—that prisoners are very good and sophisticated evaluators of the prisons that they are in and of the staff cultures that they face. When we do survey exercises in prisons, we interview them and we ask them to fill in really quite long surveys in which we ask them to evaluate all sorts of aspects of their experiences, ranging from the degree to which they feel they are treated with respect to issues such as fairness, safety, security and personal development.

We should not be too cynical about or underestimate their ability to make extremely refined distinctions between prisons. As they are the direct recipients of staff culture, they are extremely sensitive to differences. They are very good at identifying the strengths and weaknesses of a particular wing or prison and comparing it to other places. We do not ask them to do that, but that comes up in the nature of the research. Collectively, when we ask prisoners to make these assessments or to describe the nature of their treatment, what the staff culture is like or the strengths and weaknesses of an establishment, we get some really important and valuable data.

Professor Alison Liebling: In the last few years, I have been trying to pull together what I have learned from the prisoner experience. I have tried to find a language for explaining this. Prisoners use this powerful language of deserts and oases to describe the differences between prisons. I have done a lot of work on suicides in prison, so I am very interested in what non-survivable prison environments are like. I have also worked at the opposite end, where prisoners are developing and being transformed by the experience.

This language, I have noticed, comes up all the time. It has a real meaning. The desert is a mute place where there are no relationships and there is nothing life-affirming going on. These environments are very difficult to survive and they do not have a meaning. In the places that prisoners call oases, even I would come out of that prison feeling more alive. When I go to places that have this sort of wire to the world, they are very resonant places. That is to do with the relationships that go on in the place, what that brings about, and the activities and opportunities that the prisoners have.

Prisoners recognise this language when I discuss my thoughts with them. I have used the theologian Martin Buber's language of a distinction between I-it environments and I-thou environments. I now understand why being in an I-thou environment changes the prospects of the prisoners who are serving sentences there. They are life giving in a way that is consistent with rehabilitation. It is a different language, but it is what I have observed and we can measure it.

These prisons are only a few points apart on what we call MQPL, but they are completely different worlds. One is destructive of life and vitality, and the other is life affirming. Those are the sorts of prisons we should aim for.

Baroness Prashar: Did you find much distinction between private and public sector prisons?

Professor Alison Liebling: There are outstanding public sector prisons. We have to look harder to find them than we used to because of the loss of staff experience and resources. At the moment, it is more likely for very outstanding prisons to be private sector prisons, but, as Ben and I found, they are also at the other end of the spectrum. Private prisons are much higher risk and the variation is greater, whereas public sector prisons tend to be more in the middle. They are not always at the very high end, but they are a little less likely to be at the very chaotic end. I would not want to say that it can be done only in private prisons.

Baroness Prashar: Kristian, is there anything that you wish to add in terms of the experience of prisoners and any research that you have done?

Dr Kristian Mjåland: I would like to mention two things based on the research that we did in several Norwegian and several English prisons, together with Ben and other colleagues.

One of the interesting differences in prison culture that we found was on the dimension of safety. The one dimension that scored most positively in our Norwegian research was safety. The people we interviewed in our study, on average, felt relatively safe and secure while serving a sentence, and to a much larger extent than in England and Wales. Ben, together with some students, has done more advanced statistical analysis of this. They found that the quality of staff-prisoner relationships is most significant in affecting how safe or unsafe people feel in prison. That is really important.

The other one is the role of drugs in prisons, where we also found quite a lot of difference between prison cultures in Norway and in England. There are drugs in all prisons in Europe; we know that. The prevalence of drug use is not significantly lower in Norway than in many other European countries, but we found that drugs affected prison culture to quite different degrees in the two countries.

In Norway, people tend to use cannabis and other drugs that make them calmer, while prisoners in England often reported using spice and other kinds of synthetic drugs that do not necessarily make them calmer and lead to more instability and so on. When we ask people directly, they say to a much larger extent in England than in Norway that drugs cause a lot of problems, frustrations and insecurity in prison.

We really should not underestimate the impact of drugs, drug culture and drug economy on prison culture. To tackle the drug situation, we should focus not only on restricting the supply side. It is very easy to think that fixing the drug situation means more drug control and that is all we need to do. The international literature tells us that focusing also on the demand side is really key. If people have opportunities for drug rehabilitation, for instance, that makes it less likely that people will get involved in the drugs economy in a prison. If people have something

meaningful to do in prison, they will be less tempted to engage in the informal drug subculture in the prison.

Q113 **Lord Dubs:** I find what we have heard about Norway so impressive. I am not sure we need to do any more work in this committee. We just need to copy Norway. Beyond the Norwegian example, if we go to other countries, what is the value of international comparisons between prison regimes? How much time is it worth spending on looking at what is happening in other countries and why they are doing better or worse than we are? Kristian, would you like to start on that one, without repeating your wonderful views on Norway?

Dr Kristian Mjåland: Yes, I can say something a bit general, which is very influenced by Alison's work and Ben's work. We know globally that prisons harm and leave scars on people. We also know that how much pain and harm they inflict on people varies a lot between different prisons and prison regimes. A humanistic or normative rationale for comparing prison regimes and prison systems is that it will allow us to see in what circumstances it is possible to create prisons that harm as little as possible. If that is an opening statement, that is one reason why it makes sense to compare.

Professor Ben Crewe: I am not sure that I have a huge amount to say here, except of course that it is tricky. We can learn a huge amount from other jurisdictions, but we have to be a bit careful not to say that we can just *become* Norway. As has already been said, there are all sorts of ways in which we are not Norway. In the research that I undertook with Kristian and some colleagues, we were very careful along the way not to be naive about the ease with which one can simply transform into another country.

The way that I have always thought of it is that there are learning points. There is a lot that we can learn. Kristian has already outlined this, and I am hoping to use your question as an opportunity to add to a couple of the things that he has said about Norway, if that is okay.

Another lesson that is very important is to do with the size of prisons. One of the wings in Pentonville prison, not all that far from here, holds almost as many prisoners as the largest prison in Norway. In Norway, there is a very strong commitment to small prisons and small units. That has all sorts of benefits in terms of precisely the kind of relationship-building between staff and prisoners that has already been mentioned, whereas our prisons are getting much larger, and the units and wings within them are getting much larger. That means that the prisons are more dehumanising, that there are lower levels of trust, and that it is harder for people—not just prisoners and staff but front-line staff and governors—to know each other and to shape the culture.

That is a really good example of an area in which we can learn something about a different way of thinking about how to develop our system. The research literature also corroborates that. We are going in the other direction, and it is entirely the wrong direction, by building enormous prisons with enormous units within them.

Professor Alison Liebling: We should be looking worldwide, because even in very impoverished penal systems there are innovations and examples of outstanding practice. We should be more systematic about creating a network where this information flows. If we look at the use of technology, I know that in one of our prisons—although it is probably in several—the governor uses a vlog or video to communicate with prisoners every day, because the prison is becoming so difficult to walk around. He communicates every day, and all the prisoners notice if he does not for some reason.

That is just one example, but there are innovations everywhere and quite rapid developments where aspects of good practice can be found all over the world as people try to address the same kinds of problems. We could definitely do something that would enable people to communicate these glimmers or little green shoots of good practice all over the place. We should not only look to the usual places but sometimes be more imaginative about where we look.

Q114 **Baroness Buscombe:** I want to slightly change my question. A little later on, we will talk about the challenges you face in carrying out research, but we have already touched on quite a lot to do with prisoner and staff relationships, even in the beginning of our taking of evidence today, to do with the issue of safety, humanity and so on. The thing that I really want to understand, which I think would be very helpful, is what happens to all the research that you have been carrying out. You have been doing this for a long time. I see lots of books behind you. Presumably, the results of your research go to what we have heard are line managers, the layer above the prisons, and the Ministry of Justice. Can you just touch on that a bit? Why is what you are saying to us not transformed into action?

Professor Alison Liebling: We have our MSt course where we teach senior managers in criminal justice everything we know about criminal justice. That is a really effective and exciting programme which has been going on for more than 25 years. We used to have a direct line to people working in prisons with a real hunger for research and for learning. There was a constant relationship where even the people who ran the prison service used to invite me and Ben to go and see them at the end of a working day and just spend an hour chatting. “What’s going on in your world?” It was wonderful, but we never had that direct line to people above the senior managers in criminal justice.

On our relationship with Ministers, we have had moments when there has been a particular person in post for a brief period who wants to start the dialogue and then they disappear. The hunger for research is in establishments at operational level and within the organisation, but, above that, it is like a silence.

Baroness Buscombe: It is like a vacuum.

Professor Alison Liebling: Yes, exactly.

Professor Ben Crewe: I do not think I have anything more to say. I would have said almost exactly the same. We have always had good relationships with practitioners.

They are very keen to make use of research, but in the end, they are not the people making the key decisions about resources, the overall organisation of the system or sentencing. As Alison said, sentencing makes a huge difference because it determines the size of the prison population. It has been much harder to influence at that level.

Baroness Buscombe: Kristian, I have a sense—it might just be a gut feeling—that what your findings produce may have more traction in Norway, because there is more of a success story there, whereas there is a bit of a vacuum, or a huge vacuum, over here.

Dr Kristian Mjåland: That is a really good question. It is hard to tell. I definitely do not know that much about the UK situation, but I think it is fair to say that research-based knowledge has not disappeared from importance in policy development in the Nordic countries perhaps to the same degree as has been the case in many other western countries, including the UK. I am under no illusion that everything I write will be read by Norwegian politicians pulling the strings, but there is a sensibility in policy circles that research-based knowledge should be consulted. I really do not know to what degree that is the same in England and Wales.

Baroness Buscombe: Alison and Ben, we have a bit of time before we finish our inquiry. This is so important. If all the work you are doing is just going into the ether or you are not quite sure where, or if anyone was listening who actually had the influence to make the change, what would your wish list be? I am sorry to ask for a little more written submission on that, but it would be incredibly helpful.

Baroness Bertin: Can I ask one very quick supplementary, just to make sure I completely understand this? You are telling me that you do not regularly go into the MoJ to speak to civil servants. Ministers come and go; of course they do, but that is helpful to know.

Lord Filkin: Can I just press that point? My experience of other government departments is that director-general levels have pretty strong links with academics about research evidence. They see that as fundamental to their job. Does that not happen in the MoJ?

Professor Alison Lieblich: What you just said is really important, because what constitutes research evidence in criminology is quite contested. Over the last 10 years, I have seen a shift in the direction of—people call it this as a joke—policy-driven evidence making. That means constraints on what research questions can be asked and how they can be answered. This is a big topic, but the problem is that, even where there is an interest in evidence, it is in a very narrow and already shaped form that supports the policy that is already being pursued.

Lord Filkin: Just suggest that that is not the case now. We have a sentencing review going on and a massive overcrowding crisis. They must be crying out for the clarity of analysis that you gave to make a way forward for the next 10 to 15 years. I am sure you are engaging, but more strength to your arm, please.

Professor Ben Crewe: I am sure you all know this, but, when you said Ministers come and go, Prisons Ministers really, really do come and go. I am hoping for a bit more stability now, but the length of tenure of Prisons Ministers in the last 10 or 15 years has been remarkably short.

Lord Henley: There have been something like 30 since 1992.

Professor Ben Crewe: One problem for senior HMPPS officials and people in the MoJ is that there are quite big policy shifts and changes in direction in the priorities of Prisons Ministers. One can understand why they might think, "Well, we just need to ride out the time until the next Minister comes along". That lack of stability has been terribly disabling for the Prison and Probation Service.

Baroness Buscombe: I am going to be controversial and say there is a degree to which Ministers are really in charge. That goes to the point that Alison has just made: the questions put to you have already been shaped for the answers that the officials want to receive to put to their Ministers.

The Chair: I think at this point we should move on.

Q115 **Lord Henley:** Can I ask Alison a very simple, basic question? How do you identify a successful prison? What can individual prison leaders learn from best practice elsewhere in the prison world?

Professor Alison Liebling: An outstanding prison scores very high on our MQPL dimensions. It is probably noticed by the inspectorate. All the sources would say, "This is an outstanding prison". We know one when we see one. I would say only about 10% of existing prisons are in that league. A bit like the things I was saying earlier, it is not just the governor; it is often the governor-dep partnership, for example. They are aligned. They support each other. They cover each other's weaknesses. They have complementary skills. They work hard. They care about the establishment. There is what I would call a concern for life in the place.

A really outstanding governor, who was in the north of England so not often visited by people in headquarters, once said to a full staff meeting, "We all know we have to meet our performance targets, but what I care about is that you all care about each other and you care about prisoners. That is what I want you to do". He was the one I called a statesman. He had the confidence and understanding that you have to do what the organisation requires you to do, but you have to do some other things too. You have to declare that and be really stubborn about it, sometimes against the political wind.

Lord Henley: Can you have a good prison with a not-terribly-good governor?

Professor Alison Liebling: No.

The Chair: If all the answers were like that, we would be done.

Q116 **Baroness Hughes of Stretford:** This might pick up on some of the points made earlier about the extent to which you feel your research questions are

predetermined. We are very conscious of the role of certain parts of the media in shaping public policy, the views of officials and the views of Ministers. As you have heard, we have a sentencing review going on, with the aim of reducing the number of people sent to prison. We perceive potentially a big political battle in terms of public opinion on that and the way it might be shaped in parts of our media.

How do you experience that debate? In terms of the UK, have you felt those challenges when conducting and when trying to define your research? Particularly to Kristian, what are those issues like in Norway? Is public opinion behind the objective of rehabilitation? Have you had parts of the media that have made that difficult? If so, what have the Government done about it? Can we start with Alison and Ben, and then move to the Norwegian situation?

Professor Alison Liebling: It is another big topic. My hope is in some work that has been done by Julian Roberts, Mike Hough and people who are very interested in public opinion on sentencing. They show that there are different sorts of public opinion. There is ignorant public opinion, where you ask basic questions about punishment. Then there is well-informed public opinion, where you give people examples of an individual who has got into trouble. The more information people have, the less punitive they tend to be. Our problem with the concept of public opinion is that we do not interrogate it.

I have these conversations with taxi drivers now and again. If you say what your job is you often get some undigested views, but then, if you have a conversation about the young man who is serving a sentence that is longer than he has been alive and the impact it has had on his family, it is a completely different story. You have to combine a public education campaign with changes to sentencing, as Finland has done, because the public need reassurance that this is not going to make their world less safe. You need to acknowledge that that is a genuine gap.

It is a bit like trying to get a bad prison to become a good prison: you have to persuade staff that this is not going to make them unsafe. The same thing goes on in the community: if you are going to reduce sentence lengths, reduce reliance on imprisonment and do something more constructive, the public have to be convinced that it can be done and we have an evidence base. They have to see that it is not going to put them at risk. You cannot tweak sentencing without public education. The countries that understand that have managed to decrease their spending on imprisonment.

Professor Ben Crewe: It is very telling that, when politicians and newspaper editors end up going to prison, they come out as reformers. It tells you something about how the direct experience of being in prison gives you a very different perspective from the one you might have if you think that prison is for other people and not people not like you.

I am not really joking when I say that that is very instructive. Anyone who has a very direct confrontation with the prison system tends to come out saying that prisons lack sufficient purpose, that there is too much time spent in a cell, that staff

treatment sometimes is not very good, that it can be terrifying, and that it is undignified to share a cell with an unscreened toilet with a stranger for 23 hours a day. This fills me with despair, because there are many politicians who publicly say things about what prison should be like that do not correspond with what they think privately.

The second thing I wanted to say is that media stories far too often focus and pull discussion based on very extreme cases. One should not make policy decisions based on the most extreme cases. In other words, what one thinks Ian Huntley's experience of prison should be like should not be the way that we lead our discussions about what prison should be like. It just drags the discussion somewhere terribly unhelpful.

Perhaps I am repeating what Alison said, but the public are very poorly informed about prisons. Some very interesting research came out last year from the Sentencing Academy. When people are asked questions such as how much prison costs and what percentage of the prisoner population has mental health problems, their understanding is very limited. When people are asked where they get their information about prisons from and what has informed them, they primarily say media, films and TV.

I am repeating what Alison has said, really, but it partly means that we should be a bit sceptical when political discussions take place and make assumptions about what the public want, because it is not clear that people really know. Sometimes the idea of what the public want is mobilised rather cynically, given that most people have relatively unformed views, views that are poorly informed or views that are misinformed.

That is not to say that we should not take public opinion into account—public sentiments regarding crime and imprisonment are important—but we need to approach some of those views with a certain level of scepticism, because we can be certain that they are not always based on full information. As Alison says, once we educate people about crime and punishment, their opinions tend to change. That is really repeating much of what Alison has already said.

The Chair: Can I pick up on that? We occasionally mention community engagement. What experience and knowledge do you have about the extent of any community engagement? It is a loose term. One way of people being better informed is for them to witness and see the information for themselves.

Professor Alison Liebling: It is one of the things we have seen change in the last 15 years. As prisons have become more risk averse and security requirements have changed, there is not a flow of people going into prisons as there used to be. Everything that we have just said suggests that, if the walls are permeable and people are both going out and coming out on temporary release, there is an exchange.

You were talking earlier about the organisation of the Norwegian system. There has been some talk here about making the organisation of prisons a bit more local. Whatever the advantages and limitations, the purpose of that is to make sure that people in local communities own their prisons, volunteer in them and understand that they belong to communities, so that we have more information rather than less. If we just keep them with their walls intact, none of this is possible.

The Chair: What is the situation in Norway?

Dr Kristian Mjåland: I could not agree more with Alison's and Ben's comments; they are excellent. We see pretty much the same; we have research in the Nordic countries that finds the same thing. If you ask the general public, "Do you think that the punishment levels in Norway are too mild?", a huge proportion would say, "Yes, they are too mild", but when the researchers introduce small vignettes laying out a criminal case and ask them to pass a sentence, and they compare it to what professional judges would issue as a sentence for the same vignette, they turn out to punish less severely than the judges. This is really important. When you find the same pattern in England as you find in Norway—Ben put it really well—my impression is that the media at least exploits or misinforms its readers about what public opinion on punishment and prisons really is.

Just to give a small amount of hope, the studies we have on what the general public think about prisons and so on seem to be moving in a progressive direction. When researchers asked a nationally representative sample, "Do you think that conditions for prisoners in Norwegian prisons are too good?", 10 to 15 years ago 50% agreed with that statement. It is now down to 25% or 27%. Fewer people now agree that people should receive longer prison sentences than they did 10 years or 15 years ago. These opinions and attitudes are not necessarily fixed things; they are amendable.

I really do think that the media has a key role. The media situation in England is really different from the media situation in Norway. When I have conducted a research study and wanted to communicate that to the public, I have never experienced any bad responses or reactions from readers. It is completely safe for me as a researcher to communicate research findings to the Norwegian public. We also have prison governors who write chronicles in the major newspapers responding to criticism and criticising political leadership for not taking the situation for those in solitary confinement in Norwegian prisons seriously enough. It is safe to do that as well. That is because they do not have to fear the kind of media landscape that you unfortunately have more of in England and Wales.

I am not saying that the Norwegian media are harmless, but when they report on prisons, they often have a user-sympathetic angle coupled with system criticism. They will often go to a prison, interview a prisoner who has been held in solitary confinement for too long, interview him, and then raise critical questions to the governor or to political leadership. That pattern in media reporting on prisons in the

Norwegian context also helps inform the public. They do the same when they report on schools and social services; they also do it for prisoners.

Q117 **Baroness Bertin:** I have one point on employment after leaving prison. How are we really doing on that in the UK? What is Norway like on that front? That is a big issue around community engagement as well, with local firms perhaps taking prisoners into employment. How difficult is the reality of that?

Professor Alison Liebling: We have the right Prisons Minister to address it. To me, it feels like this has become a really moving area and quite an exciting area where a lot that is positive is going on. I am sure that Norway does it better, but it feels like there is a huge interest in engaging employers inside prisons and helping to make sure that there are opportunities for prisoners in employment on release. I have seen a lot of third sector movement, some of it run by ex-prisoners and ex-prison officers. There is a lot of potential here.

Lord Dubs: Can I make one comment and ask one question? I would like to think that the Norwegian view that sentences are too long is one that we share here, but I do not think we do. We had that dreadful murder in Southport and the young man who killed the three children was given 50 or 60 years. There was a cry saying that that was not long enough. We are in a more difficult situation than you are.

Could I just turn to the local links? Is it possible to achieve better local links between a prison and a local community when the prisons are large? Is it worth trying or does it depend on the prison being small enough for that link to be made?

Professor Alison Liebling: I am not sure it is to do with size, because I know Parc prison in Wales once had fantastic contacts with the local community and it was very much to do with the prison's own ethos, leadership and vision of itself. I do not think size impacts on links with community; it is much more to do with leadership and vision.

Professor Ben Crewe: This might tie two questions together. A former PhD student of mine did some very good research about prisoners and their orientation towards work. Among her findings was that, on the whole, if people in prison get a choice about the work that they do in prison, their decisions are partly about how they are going to cope with prison life, such as choosing a form of work that pays a little more—prisoner wages are stagnant and very low—or somewhere they will feel safe.

The exception was where either the work that they were doing felt like a proper investment in them, such as learning how to use music production facilities, or where there were clear and direct links with jobs in the community. In other words, if you say to people, "Well, you can learn this skill and that will help you on release", most people in prison just do not believe that, because they know that they will come out with a criminal record that means that they will be at the bottom of the pile when it comes to employability. But where you have schemes—a bit like Railtrack offers, as I understand it, or Timpson offers—that say, "Actually, we will

train you while you are inside and then there is a job for you when you come out”, that sort of thing makes a huge difference.

That link needs to be quite clear. Having links with the local community that mean that local firms might train people and give them a pledge or promise of a job when they come out is a really important direction in terms of employability post-release, rather than forms of training and skills that may be useful but that most people in prison do not believe will actually lead to something on release.

Lord Dubs: Is it not optimistic to say that that would work in Wandsworth or Pentonville? Those are not all local prisoners; they are large prisons; and the local community might not identify so easily.

Professor Alison Liebling: The food industry is very good; Brixton has a very good example of a restaurant where prisoners are trained as chefs or to work in the food industry, and because there is so much demand outside in the community, that has been a very good link. The employment on offer has to be adapted to the local community and economy.

The Chair: We are going to have to come to an end. Can I say thank you very much to all three of you? It has been really interesting. I am sure we could have carried on the discussion on the first question for the entire session. If there is anything you wish you had said—or wish you had not said, for that matter—that you feel would be helpful to our inquiry, it is going on for a little bit longer and we would be very pleased to hear from you further. In the meantime, thank you all very much indeed.