

Howard League for Penal Reform response to Her Majesty's Inspectorate of Prisons consultation on Expectations for leadership

24 March 2021

Summary

- The Howard League welcomes the introduction of a new and expanded set of leadership expectations into HMIP's existing *Expectations* for prison inspections
- It is important however to acknowledge that the structure of HMPPS, in particular, makes leadership challenging, with prison governors having little autonomy over the direction of their institution
- Opportunities to show leadership during the pandemic have also been limited, with rigid control from the centre stifling the ability of individual governors to innovate within the public health restrictions placed on regimes
- Real autonomy of leadership requires a devolution of budgets to governors, giving them the leeway to drive change as they see fit. Without acknowledging this, there is a danger that focussing on leadership essentially shifts blame away from the centre and on to individuals who are constrained by the HMPPS model of centralised bureaucracy
- It is right that the expectations are pitched to principles of good leadership, avoid being prescriptive, and focus on broad outcomes rather than management processes
- A clearer link should be drawn between the importance of leadership in relation to the whole prison community. For example, leaders should not simply be expected to actively promote the well-being of staff but also actively promote the well-being of prisoners. It is not clear how prisoners will be surveyed differently with these expectations on leadership in mind
- Diversity remains challenging for the prison service. It is an omission not to include something on this in the leadership expectations, focusing not just on staff diversity but on the role leaders have in ensuring diversity and discrimination issues are properly monitored and challenged within prisons.
- It is particularly welcome to see an expectation that leaders welcome and encourage external scrutiny. The response to HMIP's own reports and recommendations provides an ideal way to assess this expectation.

1. About the Howard League for Penal Reform

1.1 Founded in 1866, the Howard League is the oldest penal reform charity in the world. The Howard League has over 13,000 members, including prisoners and their families, lawyers, criminal justice professionals and academics. The Howard League has consultative status with both the United Nations and the Council of Europe. It is an independent charity and accepts no grant funding from the UK government.

1.2 The Howard League works for less crime, safer communities and fewer people in prison. We achieve these objectives through conducting and commissioning research and investigations aimed at revealing underlying problems and discovering new solutions to issues of public concern. The Howard League's objectives and principles underlie and inform the charity's parliamentary work, research, legal and participation work as well as its projects.

2. The nature of leadership within prisons

2.1 The Howard League welcomes the introduction of a new and expanded set of leadership expectations into Her Majesty's Inspectorate of Prisons' (HMIP) existing *Expectations* for prison inspections.

2.2 It is noted that leadership will be taken out of the healthy prison tests and that judgements will take a narrative, rather than scored, form. While the Howard League does not take a view on this decision, it may inadvertently reduce accountability by moving leadership out of the scored sections of an inspection report.

2.3 Leadership can be usefully considered within the twin framing of authority and autonomy. Prison governors certainly carry a great deal of authority within their institutions but actual autonomy of action is in far shorter supply. Properly understood, leadership is not simply about delivering outcomes in conventional ways but also involves managing and taking carefully calculated risks to maximise the potential of that which is being led.

2.4 It is therefore important to acknowledge that the structure of Her Majesty's Prisons and Probation Service (HMPPS), in particular, makes leadership challenging, with prison governors having little autonomy over the direction of their institution.

2.5 Although previous Secretaries of State for Justice, most notably Michael Gove, aspired to provide governors with more autonomy, the perpetual crisis of management caused by overcrowding has seen no meaningful change. The recent 10 Prisons Project introduced by Rory Stewart when he was a prisons minister is a case in point. Although the prisons featured in the project broadly saw some improvements in safety, this was largely provided by a temporary boost in funding and progress has been far less certain since (although the pandemic has dramatically changed the context in which prisons currently operate).

2.6 Opportunities to show leadership during the pandemic have also been limited, with rigid control from the centre stifling the ability of individual governors to innovate within the public health restrictions placed on regimes.

2.7 Real autonomy of leadership requires a devolution of budgets to governors, giving them the leeway to drive change as they see fit. Control of devolved budgets should extend to staff costs and the nature of staffing (for example, the numbers of prison officers compared to education staff). Without acknowledging this, there is a danger that focussing on leadership

essentially shifts blame away from the centre and on to individuals who are constrained by the HMPPS model of centralised bureaucracy and a more general political risk aversion.

2.8 A further challenge to assessing leadership, in particular continuous improvement, is the tendency for governors to be moved around the estate from prison to prison, with relatively short tenures by comparison to many other senior management professions.

3. Feedback on the specific expectations

3.1 It is right that the expectations are pitched to principles of good leadership, avoid being prescriptive, and focus on broad outcomes rather than operational process. The Inspectorate must maintain its rights-based focus and independence. It is not a performance management tool for HMPPS, although its external findings should certainly drive improvements in outcomes for prisoners.

3.2 Some expectations would nonetheless benefit from being illustrated by case studies. For example, there is a welcome focus in the expectations on governors developing successful working relationships with key partners and stakeholders to deliver the prison's aims. This could be defined more clearly with an example of how a governor has engaged with, for example, local businesses, their local authority, or local public health teams. Too often, in the Howard League's experience, prisons can seem to operate in vacuums from their localities – another symptom of the lack of autonomy described above.

3.3 A clearer link should be drawn between the importance of leadership in relation to the whole prison community. For example, leaders should not simply be expected to actively promote the well-being of staff but also actively promote the well-being of prisoners. Can prisoners articulate the vision a prison leader seeks to promote within the institution? It is not clear how prisoners will be surveyed differently with these expectations on leadership in mind.

3.4 There may be other useful stakeholders to survey with leadership in mind, such as voluntary sector staff working in a prison or members of the Independent Monitoring Board.

3.5 It may also be worth considering how HMIP can assess the more dynamic and agile qualities of leadership that can potentially meet the wider needs of HMPPS and not just the local needs of an individual prison.

3.6 Given the concerns raised above on the lack of autonomy for governors within the HMPPS structure, it may be problematic to have an explicit expectation on resources, when there is little scope for governors to move resources and budgets around.

3.7 Diversity remains challenging for the prison service. It is an omission not to include something on this in the leadership expectations, focusing not just on staff diversity but on the role leaders have in ensuring diversity and discrimination issues are properly monitored and challenged within prisons.

3.8 It is particularly welcome to see an expectation that leaders welcome and encourage external scrutiny. The response to HMIP's own reports and recommendations provides an ideal way to assess this expectation.

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