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A TOUCH OF CIVILISATION: SIR STEPHEN TUMIM 1930 – 2003

Jonathan Burnside, David Faulkner and past contributors to the Relational Justice Bulletin salute the life and work of Sir Stephen Tumim

"Punishment is not for revenge, but to lessen crime and reform the criminal". Sir Stephen Tumim liked to quote these words, spoken by the great penal reformer Elizabeth Fry nearly two hundred years ago. Sir Stephen never claimed to stand in Fry's succession but to many he was for the late twentieth-century what Fry had been for the nineteenth, even if the bonnets and Bibles were now replaced by bow-ties and half-moon specs. As Her Majesty's Chief Inspector of Prisons for England and Wales from 1987 to 1995 he was the first to become a household name. In the late 1980s and early 1990s his coruscating reports lit

up dark areas of the penal estate. His achievements in moving concern for prisoners and for prisons up the public agenda are impossible to quantify. Perhaps his greatest quantifiable achievement was his success in working alongside Lord Woolf to produce the second, landmark, part of the Woolf Report. Tumim also put his considerable weight behind moves to end the practice of 'slopping out' which he described with characteristic forthrightness as "nasty, humiliating nonsense".

Stephen Tumim was plucked from a life of obscurity as a county court judge and was appointed

to the role he made his own by the then home secretary, Douglas Hurd. Perhaps he was seen as a safe pair of hands. As a matter of fact, says David Faulkner, "the six holders of the office of HM Chief Inspector of Prisons have been quite different from one another in background, temperament and personality. Each has made his or her own distinctive contribution to prison administration and penal reform. None has conformed to any pattern or stereotype which might have been expected from their previous career or professional background. Stephen Tumim was certainly not a typical lawyer or a typical judge (if such persons exist at all). No-one quite knew what to make of him when he was first appointed; and any expectations they might have had – for example that as a lawyer he might adopt a narrow, legalistic approach or concentrate on individual situations to the neglect of wider issues – were quickly confounded."



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Sir Stephen had a highly distinctive personal style. Personal style is, of course, very often the result of acknowledging one's limitations and Tumim's inspectorate was no exception. When Stephen was appointed to the post he had neither previous experience of criminal work nor knowledge of prisons but he turned this to great advantage. He believed that "his independence, and layman's status, allowed him to ask very basic questions and press for answers."¹ Stephen Shaw hits the nail on the head: "his great success was to bring to bear upon the Prison Service the judgments of the common man."² He made considerable impact simply by "pointing unmistakably to what struck him as wrong...From the start of his chief inspectorate, he used his lack of knowledge with devastating effect."³

In short, says David Faulkner, "Stephen was quite unlike anyone the Prison Service had encountered before. He had close and cordial relations with a wide range of individuals whose attention he was able to capture and whose support he was able to engage, and a special ability to project his role and personality to the media and to external audiences among whom prisons, prisoners and the Prison Service were often unknown. His openness and accessibility quickly made him a hero to penal reformers, and often to prisoners themselves, but he was also taken seriously – and was much sought after as a public speaker – by a much wider audience. He was thus able to gather support for a range of voluntary activities in support of prisoners and their families, and to improve the public's general understanding of prison conditions, and its sympathy for prison issues."

He did this by maintaining an uncompromising focus on prison conditions and by communicating his findings in a style well-suited to the headline-grabbing, soundbite-conscious media. A literary connoisseur, he wrote well and was able to nail the character of an establishment in a couple of lines or phrases. HMP Hull, for example, was a "grim environment" with "filthy corridors" where "damaged children pick[ed] up further criminal habits". Yet Tumim was no 'hearts-and-flowers' liberal. He used to say: "I disagree in general with the idea of humane containment because I think that prisons have a useful task to play." Thus it was that after slaying the dragon of insanitation he turned his crusading zeal to the problem of enforced idleness in prisons. He was unshakeable in his conviction that it was possible for prisoners to use their time in custody constructively. Visiting him once in his study in Oxford when he was preparing for a Union debate on the motion 'Prison Works', he firmly announced, after some thought, "They *could*". Up against Ann Widdecombe, his side won. His was a position of plain common sense. He once said: "I want to see, not nicer prisons or nastier prisons, but more active prisons. I want prisons where people actually learn to work and learn to pull themselves generally together. I want the prisons that are envisaged in the Prison Service's Statement of Purpose... [T]hat includes security, humanity and helping them lead law-abiding lives. Humane containment does not help prisoners to lead law-abiding lives."

Sir Stephen had a great talent for being as comfortable in the world of the gentleman's club as the equally exclusive world of the prison. Despite his bluff, avuncular manner he had, as Michael Selby noted, "a sharp eye for detail, and a matchless ability to converse with all in the prisons he was inspecting – especially the prisoners, who responded to his lively and sympathetic interest."⁴ To those who found themselves stuck for something to say to a prisoner Tumim had the following advice: "'If you're pushed and can't think of anything else, ask what he had for lunch'... It's very true, you know, prisoners pour out statements about how terrible the food is, and how all this, that and the other, and you then find yourself saying, 'well, the cabbage may be a bit overcooked, but, you know...', and we go on like this, but it's so important. It may be trivial to the outside person, but it's not trivial if it's essentially where you are." Some found the style of his inspection reports impressionistic but in many ways it was to his credit that he had little time for 'performance targets' and more time for the little things that impacted on the quality of life of prisoners and prison staff. So, according to Stephen Shaw, the key questions for Stephen Tumim were things like: "Did a place feel right? Were the staff enthusiastic? Did prisoners walk with a spring in their step? These were his tests. They reflected his character: playful, cavalier even, but with a clear understanding that institutions are about people before processes."⁵

All this meant that he had a natural affinity for the ideas behind Relational Justice when they were first presented to him at his offices in 1993. With typical literary eclecticism Sir Stephen cast Relational Justice in the mould of one of his favourite books, Stendahl's *La vie de Henri Brulard*. He referred to it practically every time we met. Speaking on *Relational Justice* one evening which, delightfully, he was ready to do he said: "[Brulard] has got it so absolutely right when, telling the story of his youth and childhood, every now and again he stops, draws and says, 'The bed is here, the table's there, the chair's there, Granny was there, Uncle was there', and so on, and you see where they all stand in relation to each other. Then a couple of pages later he shows how they have moved which you wouldn't pick up necessarily from the words. It is a combination of sketches to show relationships. *Relational Justice* is Henri Brulard writ large. Doing justice means doing these little sketches, 'where is he, where is she, how do they relate, and what can we do to improve it and to close the gap?'"

Towards the end of his period at the Home Office when the skies were darkening under Michael Howard, Tumim said to a newspaper journalist that one of the ideas that most excited him was *Relational Justice*. He was greatly attracted to the following little phrase that appeared in an early pamphlet of ours: "Justice is not merely about punishing people, it's about putting things right"⁶. It was Elizabeth Fry in modern dress. He later wrote: "The strength of *Relational Justice* is that it sees justice in terms of relationships. This is very useful... The principle of looking at things not in relation to the State but in relation to each other is a valuable one

that is capable of very wide application in the criminal justice process." He was a great supporter of *Relational Justice* and we at the Relationships Foundation were always grateful.

Sir Stephen always kept at the forefront of his mind the importance of relationships in prison. He once picked out a statement by President Havel of Czechoslovakia, who was a prisoner for a time, as being what was to his mind one of the few accurate descriptions of what prison life is probably really like. The relevant quote ran thus: "I used to think prison must be endless boredom and without anything much to worry about except the basic problem of making the time pass quickly, but now I've discovered it's not like that. There are plenty of worries here all the time and though they may seem trivial to the normal world, they are not at all trivial in the prison concept. In fact, you are always having to chase after something, hunt for something, keep an eye on something, fear for something, hold your ground against something. It's constant strain on the nerves, someone is always twanging on them, exacerbated by the fact that in many important instances you cannot behave authentically and must keep your real thoughts to yourself."⁷ He believed that Havel "got it right". I think it was why Tumim "got it right" too.

Howard's commitment both to 'austere' prisons and to more of them made life difficult for Tumim. The climate in Queen Anne's Gate chilled and then froze over. Several years after his retirement he said to me that the atmosphere in the Home Office was, towards the end, "awful". In 1995 he was not reappointed and his eight-year period as Chief Inspector came to an end. A well-earned knighthood followed.

David Faulkner observes that, "like other holders of his office, Stephen was disappointed that although he reported directly to Ministers he saw very little of them, and he would have liked more influence on the process of policy formation within the Prison Service and the wider Home Office. He was troubled by the lack of emphasis on the opportunities for personal improvement which could be provided in prisons during the discussions which preceded the Criminal Justice Act 1991; and disappointed - not to say outraged – by the fact that when "prison works" became a political slogan in 1993 it was only in the sense that it forcibly isolated prisoners from society. In the circumstances it might not be surprising if he found interest groups and the wider public a more sympathetic audience than Ministers or officials."

There were other disappointments. Ten years after publication of the Woolf Report much remained to be done. He said: "It seems a great pity that ...so little has been done by way of implementation. The systems of contracts, of accredited standards, of greater co-operation between different parts of the criminal justice system, of control of overcrowding, better links with the community and families, have all been praised by each Home Secretary, but never really acted upon." Yet he was still daring to hope, saying: "It is not too late." Many in Government and the Prison Service paid tribute upon his death. But implementing the recommendations

of the Woolf Report in full is the tribute he would have wanted.

Always a patron of the arts Sir Stephen became Chairman of the Koestler Trust, presiding over the annual Koestler awards for prisoner art. His interest in the arts was refreshingly unpretentious. One of the last times I saw him was to wander around an exhibition of Picasso pottery: it mattered little that my knowledge of ceramics was nil. Michael Selby notes that Stephen arranged for former prisoners whom he had championed, and whose pictures he had collected to be on its committee.⁸ He thought it enormously constructive for prisoners to learn and practice arts and crafts and found that, in these areas, many had remarkable skills. More than 4000 entries were received in the 2002 Annual Competition of Arts. Martin Narey notes that, with typical generosity, Stephen was “never unwilling to put his hand in his pocket and buy particularly deserving works”.⁹ The visitor to his home in London would find it stuffed to the gunnels with prisoner art.

In truth he never really retired. His commitment to improving the lot of prisons and prisoners continued to the end. He inspected many Commonwealth prisons and continued his own tradition of producing challenging but charitable reports. From 1997 he was president of Unlock, the national association of reformed prisoners.

The last time Sir Stephen Tumim wrote for this publication it was on his favourite theme of ‘minding the gap’. With his sudden and unexpected death there is a different gap to mind. One of Stephen’s friends, Sarah Curtis, writes: “I loved his company and I immensely admired all he did on the penal front.” David Faulkner says that “his influence helped to sustain the Prison Service’s sense of decency and humanity during a period when those qualities seemed to have little political support, and to create the situation where programmes of education, training and re-settlement could more easily be revived when circumstances became more favourable.” For punishment is not for revenge, but to lessen crime and reform the criminal. So it is and so it was with him and so we will remember him, with respect and deep affection.

Jonathan Burnside is *Editor of the Relational Justice Bulletin*. David Faulkner CB is *Senior Research Associate at the Centre for Criminological Research, Oxford University*. We are grateful to all those who contributed to this tribute.



His Honour Judge Christopher Compston: “I knew Stephen Tumim for over 35 years both at the Bar and on the Bench. We were also neighbours in Chiswick. Highly cultural, very well read and amusingly sociable, he brought all his civilised qualities to the uncivilised, almost barbaric problems of the prisons. He made an invaluable and permanent contribution to their improvement. He shed light in dark corners and, as a result, all future governments, however reactionary, will have to face challenges which they would far rather ignore. No mean epitaph.”



Angela Devlin, prisons author: “Stephen Tumim’s generosity knew no bounds. When we first met about 15 years ago, he was Chief Inspector of Prisons and I was a teacher working with excluded children. I was interested in trying to explore the links between failing at school and later criminal offending, and with some trepidation I approached Stephen at a conference and asked whether he could introduce me to the world of prisons, about which I knew absolutely nothing. He was immediately interested and enormously encouraging. Within a week he had invited me to meet him at the Home Office, had made phone calls on my behalf, and had given me all the information and contacts I needed to undertake my first research project. Inspired by his energy and buoyed up by his continuing support, unfailing accessibility, wit and lightness of touch (he was always such fun to be with, however grim the issues) I went on to write six books on a variety of prison issues. Without Stephen I would have got nowhere at all.”



Stephen Shaw, Prisons and Probation Ombudsman: “In an age of performance measures and other management tools, Stephen Tumim brought to bear an altogether more human approach to the task of prison inspection. Were staff enthusiastic about their jobs? Were prisoners out-of-bed and active? Did governors walk the landings and know their prisons? Above all, what were the relationships between staff and prisoners like? This impression has its drawbacks. Tumim’s Inspectorate was weak on race issues, and I can recall little or no attention to costs or cost-effectiveness. But his approach had its great strengths too: Tumim was perhaps single-handedly responsible for ending the disgusting ritual of slopping out years before the then Prison Service timetable. He also hugely improved public knowledge about the prison system. A cultured, slightly vain, somewhat unworldly figure (trade-mark bow-tie, Garrick Club ways, and never having learned to drive), Stephen Tumim remained a friend to me and to many in the prisons world long after retiring as Chief Inspector. Like many, I regularly sought his advice at the annual exhibition of prisoners’ art sponsored by the Koestler Trust of which he was chairman. One of many pictures he recommended hangs on the wall behind me as I write.”



Sarah Curtis, friend and magistrate: “I was fortunate enough to know Stephen from the time before he came into the public eye as Chief Inspector of Prisons. Recalling, sadly, my early memories of him, I can discern in the man of letters, art connoisseur and genial raconteur, the seeds of his subsequent effectiveness as a spokesman for prison reform. He was profoundly interested in people, whether they were friends, colleagues, fellow-guests at a dinner-party, members of one of his clubs or behind bars – indeed, whether past or present, historical or fictional. He was a marvellous conversationalist and his boldly spontaneous articulation of his views, in terms readily understandable to the press and politicians, created awareness of truths about prisons that penal reformers and academics had for years been trying to put forward. The courage he showed in uttering these truths, to the acute embarrassment of successive governments, was extraordinary.”

Bryan Gibson, publisher: “He was always supportive of our publications, which I think he sometimes saw as a ‘breath of fresh air’. I particularly remember when we published Bob Turney’s book ‘I’m Still Standing’ that he said that as a rule he believed that prisoners should not be allowed to ‘profit’ from their time in prison in the sense of turning the punishment to commercial account (what he would have thought of Jeffrey Archer one can only wonder) – but that Bob’s book was different in that it held out messages of hope for other people. He later wrote a contribution to ‘Going Straight’ (a collection of similar prisoner accounts about ‘turning life around’) for the same reason. He always turned out to support other ex-offenders who had something to contribute to the stock of knowledge about such matters.”



Andrew Coyle, Director, International Centre for Prison Studies: “I first met Stephen Tumim when I took over as Governor of Brixton Prison in the aftermath of the traumatic escape in July 1991. My arrival coincided with his inquiry into the escape. As I tried to bring some decency and humanity into that troubled prison and to secure extra funding from the Home Office I made full use of the scathing report on Brixton which Stephen had produced a year earlier. The only positive thing he found to write was that there was some fine leadwork on the roof of the old Governor’s House. I came to know him well during the next decade and to admire the importance he gave in all his reports to the need for good relationships between staff and prisoners. He also recognised the need to establish strong links between prisoners and the communities to which they would one day return. The last time I shared a platform with him was at a conference organised by the Relationships Foundation. His theme was “Mind the Gap”: an appropriate epitaph for a remarkable man.”

1 Michael Selby, Wednesday December 10, 2003; The Guardian.

2 Stephen Shaw, Wednesday December 10, 2003; The Guardian.

3 Selby, *op. cit.*

4 *Ibid.*

5 Shaw, *op. cit.*

6 Nicola Baker and Jonathan Burnside. 1994. *Relational Justice: A reform dynamic for criminal justice*. Cambridge: Jubilee Policy Group, p. 12.

7 Cited in Andrew Coyle 1994. ‘My brother’s keeper: Relationships in Prison’. In J. Burnside and N. Baker (eds.) *Relational Justice: Repairing the Breach*. Winchester: Waterside Press, 126-7.

8 Selby, *op. cit.*

9 Martin Narey, Wednesday December 10, 2003; The Guardian.

MAKING PRISONERS' VOICES MATTER

Kimmett Edgar and Enver Solomon consider the relational benefits of prisoner councils



A new study by the Prison Reform Trust, *Having Their Say: The work of prisoner councils*, advocates that prison forums should be expanded so that prisoners are consulted about policy in every prison in England and Wales. Our report describes how councils are organised, the kinds of issues they consider, their impact on prison policies and practices, and wider benefits for the prison community. The study 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. This article explores the relational benefits of such prisoner councils.

At present, roughly one prison in five in England and Wales has a prisoner council. Prisoners are elected to the council by other prisoners. Most meet once a month; a few meet more rarely and one meets every week. There are usually between eight and ten council members. Staff members are always present at prisoner council meetings in order to respond to prisoner's requests. Meetings are often chaired by the Governor or sometimes by a Principal Officer.

Most prisoner councils had members who had been elected as wing representatives. Typically, they canvassed other prisoners on the wing to gather items for discussion. Agendas were open and flexible, giving both management and prisoners scope to raise concerns. Councils did not take up the private concerns of individuals, and a small number of councils excluded certain topics such as discipline, complaints, or drug treatment.

IMPACT ON PRISON POLICY

A few prison governors stressed that their prisoner's council was not a decision-making authority. Rather, it provided input, and decisions about policy were reserved for management. But in two-thirds of the prisons surveyed, council discussions enabled prisoners to have some input into policy decisions. Three-quarters of the prisons studied provided examples of recent changes in policy on which management had first consulted the council. Conversely, however, the prisoners interviewed cited occasions on which they were frustrated by inaction after they had raised concerns and the final say on any ideas proposed by prisoners rested with the senior management.

Councils tended to discuss, and have a noticeable impact on, food, canteen goods, television, décor, cleanliness, visits, and clothing. And although it could be said that issues like canteen goods and food are not as contentious as prison discipline or drug treatment, nor 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.

THE VALUE OF DIALOGUE

When asked about the advantages of having a council, prison governors and senior management cited 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. One Governor wrote:

"One Governor wrote: 'I can't believe there isn't a council at every prison'."

'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.'

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 interviewed – 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 across.

OPENING COMMUNICATION

The way prisons operate councils brings out three basic values and one general function. The values are dialogue, empathy and responsibility. The function is conflict resolution. Dialogue is achieved by opening up communication so that each side feels free to present their perspectives because each side is able to listen with an open mind to the views of others. As one Governor stated:

'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.'

Empathy refers to the way that honest dialogue can increase mutual understanding. Prison managers know what their interests are in implementing

policies. But they need to learn what the needs of prisoners are directly from prisoners.

'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.'

The most important way in which councils tap into and support the value of responsibility is that they depend on prisoners who are able to speak on behalf of others. In putting the prisoners' point of view across, the representatives need to bear in mind that they are carrying the needs and interests of the other prisoners on their wing. As one prisoner remarked:

'It is good for your self-esteem. You might make a prisoner smile. That makes a difference.'

It is by exercising responsibility that prisoners become more responsible.

PRISONERS' RESENTMENT

There are, essentially, three ways that prison management can respond when conflicts arise between their aims and the needs of prisoners. Conflicts can be ignored, settled by imposed decisions, or issues can be debated openly and reasonably. The problem with ignoring conflict 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. Imposing solutions without consultation inhibits good communication, with the inevitable consequence that conflicts are not addressed, prisoners' resentment increases, and officers never know when they will need to switch to the reactive role of containing serious trouble. Prisoner councils, giving voice to prisoners' concerns, highlight the areas in which



policies pursued by management might conflict with the expectations of prisoners.

Councils help management to identify areas of tension. Once problems are out in the open, it becomes possible to find ways of resolving them by clarifying 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.

A CHANNEL TO PROTEST

Councils are a useful forum through which management, staff and prisoners can engage in dialogue and negotiation. Councils demonstrate 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

"Prison managers need to learn what the needs of prisoners are directly from prisoners."

a vital piece of the puzzle in looking at how a given policy will work in practice.

The governors responding to the PRT 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 that the council:

'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.'

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.'

BRINGING OUT THE BEST

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.

There are four main reasons for considering whether prisons should allow prisoners 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 has great potential to 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.

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.

"Councils bring out three basic values: dialogue, empathy and responsibility."

AGGRAVATED RELATIONSHIPS

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 – is ultimately 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 begin to meet the benefits of prisoners providing a positive contribution, informing management, and exercising citizenship, they need to offer much more than this.

IN A DIFFERENT LIGHT

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.

Each prison may need to think about its own circumstances to determine how to run its council. But some of the fundamental principles include:

- Meeting at least once per month
- Ensuring fair representation
- Giving prisoners direct input into policy
- Publicising the council to encourage prisoners to use and support it
- Using the council to raise issues of concern to prisoners
- Resolving conflicts
- Treating prisoners as responsible, informed participants in the prison community
- Training staff to convey to them the benefits of greater consultation with prisoners.

We believe that 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.

Prison management should do more 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.

Dr. Kimmet Edgar is Research Manager at the Prison Reform Trust. He is the author (with Ian O'Donnell and Carol Martin) of *Prison Violence* (Willan, 2003) having formerly been Senior Research Officer at the Centre for Criminological Research, University of Oxford. Enver Solomon joined the Prison Reform Trust as policy officer in January 2003 having worked nearly ten years in the BBC, latterly as Home Affairs specialist on BBC Radio 4's *The World Tonight* programme.

The report can be purchased from PRT, 15 Northburgh St London EC1V 0JR Tel: 0207 251 5070, e-mail prt@prisonreformtrust.org.uk



TURNING REPARATION INTO REALITY

Leroy White explores how the HAZ project in London has made reparation orders credible and relational



Involving local communities in the rehabilitation of young offenders is the idea at the heart of an innovative project being run by the Lambeth, Southwark and Lewisham Health Action Zone (HAZ). The HAZ Community Reparation Scheme is a pilot reparation project aimed at reducing youth offending while providing a framework in which young offenders can make amends to the communities against which they offend. The programme also tries to enable communities to be involved in the rehabilitation of young people who offend against them. Uniquely, the scheme uses volunteers as mentors to ensure that the wider community is involved in the rehabilitation. This article explains how the scheme works, the relationships involved and the experiences of volunteers and stakeholders.

The principal aim of the youth justice system as set out in the Crime and Disorder Act 1999 is to prevent offending by children and young people. The reparation order is intended to contribute to this aim by providing the courts with a new disposal to help prevent further offending. It intends to bring home to young offenders the consequences of their behaviour and enable them to make amends to victims or to their community.

IMAGINATIVE PLACEMENTS

The Lambeth, Southwark and Lewisham HAZ Community Reparation Scheme Project is part of the Reducing Youth Crime Programme. The project involves setting up a pilot reparation project across three boroughs: Lambeth, Southwark and Lewisham. The project aims to co-ordinate, develop and deliver a

“YOTs need to ensure that they are able to offer a sufficient range of meaningful and effective reparative interventions.”

comprehensive community reparation programme to the three borough YOTs. The key concept underpinning the programme is reparation which requires that young people who have committed an offence to address the consequences of their action. This is achieved in a number of ways. Direct reparation involves the young offender making amends to the victim of the offence in some form. However some victims may not want direct reparation and may ask that the offender make reparation to the community. For example, if young people are convicted of criminal damage with graffiti, they may have to clean the area they defaced. Home Office guidance recommends that the nature of

the reparation should be linked as closely as possible to the type of offence for which it is imposed, wherever possible. This is important if offenders are to understand why they have been asked to perform it.

The basis of the scheme is a reparation order administered by Youth Offending Teams (YOTs). In most cases before sentencing the court will order the YOT to produce a report. This report makes a recommendation for sentence that may include a reparative activity placement. Dignan 2000b notes that YOTs have responded to the challenge of identifying and setting up appropriate community-based reparative activities in various ways, and with varying degrees of success.

In general it appears easier to set up general reparative tasks, such as the performance of basic conservation work than ones that are particularly suited to particular types of offences or offenders. Restricting the range of reparative activities on offer may have had an adverse effect on the way reparation was perceived by magistrates within these areas. Other areas appear to have devised very imaginative placements.

POWERFUL IMPACT

Reparation workers attached to YOTs readily acknowledge that the performance of suitable practical reparative tasks can have a powerful and salutary impact on offenders. However they also stress the importance of appointing skilled and supportive supervisors and they acknowledge the difficulty in establishing sufficient numbers of ‘quality placements’. Dignan 2000b found that YOTs need to ensure that they are able to offer a sufficient range of meaningful and effective reparative interventions. These should be sufficiently flexible to cater for different types of offenders and offences. Once a reparation order has been made, the project worker puts it into practice linking up placement providers and community volunteers.

CONTINUITY COUNTS

In pilots the most common arrangement is for most of the work relating to victim consultation, offender assessment and mediation to be undertaken either by members of the YOT or by paid staff who are employed by the agency to whom these tasks have been contracted out. Most agencies propose to make use of volunteers, mainly for the purpose of supervising community reparation work. Dignan 2000a notes that while such arrangements could have considerable cost-saving potential they raise concerns about resourcing and ‘quality assurance’. Volunteers

need to be suitable, properly trained and properly supported. In addition, Victim Support should seek to have some form of input in the recruitment and selection of project personnel (George 2000).

YOTs are representative of a new era of inter-agency working. Williams’ research into YOTs’ work with victims of crime found that it takes time for teams to build up relationships and that information-sharing was emblematic of the difficulties involved in inter-agency work and the resistance of many staff to it. He argues that information about individual service users, and also about policies and new developments, needs to be shared if the benefits of bringing all the different agencies together in one team are to be felt. He found that issues regarding ‘confidentiality’ of information and a lack of willingness to share information were linked to ‘turf wars’ particularly where there were pre-existing inter-agency conflicts. Burnett (2001) also calls attention to the demanding nature of multi-agency co-operation. Drawing on personal experience of a drug/alcohol partnership, he

Reparation hopes to:

- involve and empower victims, helping them practically and emotionally
- offer the young person the opportunity to put right the damage
- help offenders develop an awareness of the consequences of their actions
- encourage understanding and break down stereotypes
- bring healing and forgiveness to relationships hurt by crime
- help both parties bring the incident to a close, so that they can get on with their lives
- encourage the young person to move on and avoid re-offending
- encourage the local people to be involved in a young person’s re-integration back into their own community.

notes that this takes time, personal contacts are crucial, training needs to be targeted, realistic goals and targets matter and continuity counts.

The evaluation of the project rests on three themes: working in partnership, the delivery of community reparation itself, and links to community participation and community development.

COMMUNITY MENTORS

The project recruits, trains and supervises community mentors to act as supervisors for young offenders undertaking pieces of

community reparation. Our community reparation scheme is the only scheme where those people taking part have offered their free time voluntarily. By focussing on volunteer mentors the scheme is tapping into an under-used resource of local people who are genuinely willing to give of their time and experiences for free for the sake of their community.

The project recruits, trains and supervises volunteers to act as mentors for young offenders undertaking pieces of community reparation. As mentors they work on a one-to-one basis with the young person, encouraging them to develop more positive knowledge, behaviour and skills. Their responsibilities include to support, supervise and motivate young people, while participating in their task. The project used radio adverts to recruit mentors, and since the project started over 200 people have expressed an interest in the scheme. The adverts attracted a range of people from diverse backgrounds.

A distinctive feature of this project is gaining the appropriate level of 'quality assurance' for the mentor programme. A great deal of care has gone into making sure that the mentors are properly trained and properly supported. Mentors are trained to maintain a professional relationship with the young person and to make the young person aware of the boundaries within the relationship. It is also crucial that mentors respect the needs of victims. The training consisted of six sessions, including interpersonal skills, reparation, working with young people, child protection, personal safety, drug and alcohol issues and First Aid. The final selection of mentors only takes place after training and a six months probationary period has been successfully completed. To date over 30 people have become mentors. Ongoing support is provided through monthly workshops where volunteers can come together to discuss experiences.

BETTER RELATIONSHIPS

Project worker Martin Kelly is enthusiastic about involving the community in reparation activities. "The use of volunteers as mentors proves that there are people

out there who do care and want to do something practical and realistic, it is not always someone else's responsibility." Mentors from local communities with similar backgrounds to young

offenders can help build more identification and thus achieve better relationships. The scheme has been successful in recruiting volunteers from diverse sections of the community. Since the

project began it has attracted both men and women from white and ethnic minority backgrounds.

Kelly believes that locating their development within the community allows mentors to get across the message: "It is not that we don't like you, it's that we don't like what you did". This gives young people a way back into community life. Unlike teachers, social workers, and other professionals, mentoring allows young people to have a conversation with an adult who does not have an agenda. It is a facilitative approach to mentor and young offender relationships. Says Kelly: "It is a befriending

relationship, it is about an adult talking to the young offender as a person." Mentors also gain from the experience. As one mentor puts it "No matter what the weather or work I do I enjoy every minute of it and always have a feeling of pride."

MENTOR MOTIVATION

Two-thirds of mentors have a variety of volunteering experiences. Almost all the mentors felt they offered positive role models for young people and that they are putting something back into the community. These they felt were the key motivators. They

were also keen to emphasise their personal and professional development i.e., training and gaining knowledge, skills and practical experience. Many were concerned to gain

"By focussing on volunteer mentors the scheme is tapping into an under-used resource of local people."

experiences that will further their career ambitions in the areas of counselling, youth work and community development work.

It is encouraging that the project has recruited mentors from diverse backgrounds and that mentors have stuck with it and have been engaged by it. Mentors have developed their own skills and at the same time have something to offer young offenders whilst some have gone on to be employed or have some wider involvement in this kind of work.

REPARATIVE PLACEMENTS

Another way in which the project involves the local community is by means of 'reparative placements'. Here the local authority, local business, community projects and other organisations offer to act as placement providers. In some areas the fire service offer reparative placements to young offenders convicted of arson offences.

Kelly works with Lambeth Voluntary Action Council and its equivalents across the other London boroughs to reach more community-based placements such as community centres and youth centres. A youth centre in Kennington may



Hannelie Grabler

TURNING REPARATION INTO REALITY

(Continued from page 7)

need a room painted but at the same time it also gives the young person access to an IT and learning suite, plus careers' advice. "If we can get a young person across the door they may continue their membership afterwards," says Kelly.

As with all partnership ventures, a lot of time goes into building the relationships across boroughs so that a common foundation for the reparation project is in place. For Kelly, the challenges ahead lie in a common understanding of reparation across the magistrates, the courts, the YOTs and the community.

"Reparation as a sentence is new so we need to get a common understanding about how punitive, attainable, achievable, and challenging tasks should be," argues Kelly. "But it is important that there is a developmental and educational aspect too."

"Mentoring allows young people to have a conversation with an adult who does not have an agenda."

reparative projects in local police stations with young offenders shadowing police officers or doing maintenance tasks around the police station.

Working in partnership is about how to transform internal practices and cultures to reinforce collaboration and sustain collaborative relationships. Information sharing and the

development of personal contacts are crucial to the project, take time to become established and are vulnerable to changes of personnel. Experience highlighted a number of barriers to partnership working. We found that:

- Each borough has a different scheme and had different expectations of the HAZ project;
- Some of the YOTs feared that the HAZ project would take over and eclipse other people's time and effort;
- Working across boroughs complicates matters.

additional placements is necessary to turn the reparation order into a reality. Finally community participation and development is necessary to help the young person to find a way out of the rut of offending. By plugging into the wider networks of youth work the HAZ Community Reparation Scheme demonstrates that crime is not just a crisis for a community but an opportunity for community growth and community development.

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SHADOWING POLICE OFFICERS

An impressive variety of reparative placements have so far been found. Examples include the London Ambulance Service, Camberwell Gym where young offenders have helped to prepare gymnastics for special needs groups, painting and decorating projects in youth clubs, GrimeBusters, tree planting schemes, motor projects, Millwall Community Project, Denham Computer Library; working as caretakers on housing trust estates, Community Care schemes and projects with elderly people. Rather daringly there are also

CRISIS AND OPPORTUNITY

To sum up there are four key aspects to the success of the HAZ project. First, the community reparation project provides value equitably across the three boroughs. Second, in terms of partnership, there is a need to share information across the three boroughs and find ways to accommodate differing expectations and overcome political sensitivities. Third, recruiting committed mentors from diverse backgrounds to supervise placements and providing a variety of

For further information about the Lambeth, Southwark and Lewisham Haz Community Reparation Scheme project visit the website at www.CommunityReparation.net

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The *Relational Justice Bulletin* is published three times a year by the *Relationships Foundation*, a Cambridge-based charity dedicated to developing new, 'relationships-based', approaches to social, economic and political issues (see www.relationshipsfoundation.org).

Relational Justice is a fresh approach to crime and punishment. Rather than looking at crime solely as an offence against the state, it sees it as a breakdown of relationships between offenders, victims, families and the community.

The concept was developed by the *Relationships Foundation* in the early nineties. It first gained public exposure with the publication of the book '*Relational Justice: Repairing the Breach*' (Waterside Press, 1994), which was welcomed by Lord Woolf as 'a radical new approach which anyone with any concern about the criminal justice system needs to be aware of'. Since then, it has been shown to have wide implications for policy and practice.

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