**Prison works? Contemporary developments in prison labour**

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***Abstract***: England and Wales have recently developed and extended schemes to give prisoners enhanced wages for productive work. This paper reviews these developments, and places them in the contexts of the historical development of prison labour and of changes in contemporary prison policies and environments. It argues that although these developments appear to revive an old discourse concerning the importance of labour as treatment, in the current situation they raise new issues about the relationships between prisons and labour markets. At the same time, these new prison labour policies are likely to create more diversity in the way prisoners are treated and have the potential to be both ineffective and costly.

This paper is concerned with two recent developments in prison industries. The first is a renewed commitment to operate a large proportion of workshops on a commercial basis, obtaining a larger number of outside contracts rather that working primarily for the ‘internal’ (prison and government department) market. The second is that in order to motivate prisoners to work in such workshops, there have been moves towards paying them ‘enhanced’ wages. These wages are frequently of the order of £15-25 per week, and sometimes rise as high as £130 per week, against a more general norm of about £7 per week.

 The following sections review the recent history of prison industries and the current situation, discuss the reasons for these developments, and consider whether they amount to a new vision of what the experience of prison should be like. the later sections consider the issues likely to be thrown up by these developments if they are unsuccessful - or, possibly more importantly, if they are as successful as early signs suggest.

**Prison industries until the end of the 1980s**

The principle that prisoners should be given useful work has been a central doctrine of English prison policy since the Gladstone Report (Home Office 1895). It has less often been carried through into penal practice. Its importance relative to other elements of prison regimes, and the efforts that have gone into its organisation, have varied across different types of establishment and over the years.[[1]](#footnote-1) There have been periodic initiatives to revitalise prison industries, but in general each new initiative has, by design or otherwise, been fully implemented in only a few establishments. After a few years another new policy has been floated, again with limited success. The net result has been a ‘sedimentation’ effect in which the principles and practices of different initiatives can be seen in different parts of the prison estate - still working well in some cases, operating but ineffective in others, and moribund elsewhere.

 Prison industries suffered a marked decline during the 1980s. Overcrowding in local prisons meant that many workshops remained closed for weeks on end, largely to provide staff to escort remands to court. Staff disputes and industrial action by the Prison Officers Association (POA) also led to workshop closures. This often meant that the only work available for prisoners in local prisons was domestic cleaning, kitchen and laundry work. Given the degree of difficulty in running workshops in local prisons and other pressures on space, some locals closed their shops completely and made the space available for other activities. In training prisons, meanwhile, managerial inefficiencies and errors of judgement in areas such as the ordering of inappropriate machinery contributed to heavy financial losses.[[2]](#footnote-2)

 Fresh Start in 1987 was probably the downfall for prison industries.[[3]](#footnote-3) Due to the net decrease in the number of officer-hours available within the system as a whole, there was a valid reason to close workshops, particularly in local prisons. Prison industries were increasingly concentrated in the long term training and dispersal prisons. The Woolf Report (1991) and the ‘Model Regime’ (1992), together with the contracting out of court transport services in 1992, did lead to prison officers in some establishments having time to undertake instructional, vocational training and personal officer duties. However, King and McDermott (1995), in a wide-ranging study of prison regimes, noted that much of the improvement in regimes after Fresh Start was in the form of increases in the availability of physical education and education, not industrial work.[[4]](#footnote-4)

**The current situation**

The current arrangements for prison labour are, as we might expect, quite diverse. Prison Enterprise Services (PES)[[5]](#footnote-5) provides a wide range of services in support of work in establishments, both in traditional activities such as engineering, printing, weaving and tailoring, and in skilled and technologically advanced work linked to local enterprises or partnership schemes with industry, such as desktop publishing, computer-aided product design and electronics.

 PES employed 8,200 prisoners in 1994-5, producing goods and services worth about £56 million (HM Prison Service 1995a: 3). The target for that year was to *provide* 9,000 prisoner workshop places (including 2,000 farms and gardens places) and this was achieved - thus implying that some 800 places remained unfilled. In 1996-7, a survey conducted within PES indicated that there were 13,828 workshop places available in English prisons, though only 10,265 (74 per cent) were taken up.[[6]](#footnote-6) By the early 1997, then, with a prison population in the region of 60,000, only about one in five of the prison population was involved in some form of industrial work.

 However, that PES is not the only source of work in prisons. Approximately 8,000 additional places are available under local control within each prison - usually in kitchen, works, wing cleaning and other ‘domestic’ posts. Some prisoners have alternative daytime activities, usually education of vocational training. Even so, this means that a substantial minority of the prison population is unemployed.[[7]](#footnote-7)

 If we turn to questions of productivity, we can note that the net weekly working hours for PES workshops in 1995-6 were 22 hours per week, compared with France and Germany where prisoners work an average 35-40 hours per week. The normal productivity rate at an English prison is about 25-30 per cent (compared with 50 per cent in Spain and 60 per cent in France). ‘Contract Services’, primarily consisting of production line and light assembly work, forms the majority of provided labour places, particularly in local prisons. The most common industrial activities remain textiles (6 per cent of PES workplaces), laundries (2 per cent), engineering (2 per cent) and woodwork or carpentry (2 per cent).

 The current reorganization within the Prison Service has, however, led to some changes in the organization of prison industries. All prison governors have had their own budget since 1994, including control over the sales and marketing of their prison workshop products. PES is thus reducing its direct involvement in workshops and is being down-sized.[[8]](#footnote-8) It will now only assist in forming contracts with external employers and service providers, aid the individual prison governors with sales and marketing techniques, and provide computer-aided design for workwear, i.e. templates provided for prisons to manufacture particular types of garment. In addition, in January 1997 PES undertook a detailed study into the profitability of prison farms (40 in total, mainly attached to training, Category C, and open establishments). It was concluded that it was no longer viable to maintain them, and some tracts of land will probably be sold off.[[9]](#footnote-9) Unfortunately most of the factors militating against a sell-off are noncommercial.[[10]](#footnote-10)

**Pressure for change**

In the late 1980s and early 1990s several influential players in the prisons field argued that prison industries needed fundamental reform.

 In 1988 Judge Stephen Tumim, then Chief Inspector of Prisons, argued that prison work should primarily consist of meaningful industrial activity in prison workshops, farming, gardening, specialised skilled work, or work in the community. He repeated the argument in September 1993, drawing attention to the experience of some German prisons in which work is done on a commercial basis, with prisoners employed for a full working week producing goods to market deadlines.[[11]](#footnote-11) One press report claimed:

Straubing [prison in Bavaria] has impressed Judge Stephen Tumim, Britain’s Chief Inspector of Prisons. It is also understood to have impressed Mr. Howard, Home Secretary, who believes that some inmates are idle and that the regime in jails too lax. The Bavarian prison has shown that it is possible to put prisoners to work and, far from leaving the taxpayer with a heavy bill, make a healthy profit out the deal. Last year Straubing’s business earned £4.68 million (11.7m Deutschemarks) and, once expenses were paid, made a £1.56 million profit (3.9m Deutschemarks) for the state.[[12]](#footnote-12)

In 1992, Joe Pilling, then Director General of the Prison Service, emphasized tthe importance of work for prisoners when he wrote a letter to all governors stating the view of the Prisons Board and ministers that work should be the normal daytime activity for most adult prisoners, as it would be in the outside world. He noted that work provided prisoners with a structure for learning and applying new skills and obtaining qualifications, and if it enabled prisoners to obtain jobs after release, could contribute to their rehabilitation.[[13]](#footnote-13)

 In 1995, Judge Tumim once again called for ‘industrial prisons’, suggesting that Britain should follow the German and other European penal systems in which outside firms employed prisoners to produce goods in return for wages:

The approach which I find myself adopting after some eight years’ independent inspection, is that education for the majority and properly paid employment and training are the key to reducing the crime rate.[[14]](#footnote-14)

And in April of that year, the Penal Affairs Consortium published proposals for a substantial increase in prisoners’ wages, in order to bring their earnings more in line with outside pay rates. The prisoner would pay tax and insurance, the prisoner’s family and the Prison Service would receive their share from his wages and there would be the possibility of victim compensation. Though it was primarily a report on security arrangements in prisons, a similar view was expressed in the Learmont Report (Home Office 1995a):

Where Industrial Prisons exist in European countries, the private sector on occasion, has provided the capital, wages, materials and machinery; there is minimum cost to the public. Prisoners have the opportunity to help their families with savings, useful skills and the habit of work. (1995a: para 5.27)

In discussing these schemes, the Learmont Report suggested that:

Prisons should also offer meaningful work with realistic wages. This would enable prisoners to pay their way in prison, save a little in preparation for release and avoid a financial burden on their families. It would also assist security and control by giving prison staff the opportunity of employing financial sanctions against those who do not conform. (1995a: para. 5.72)

**Revitalising prison industries**

The vision of prison labour shared by Tumim, Learmont, and the Penal Affairs Consortium, seems to have prevailed. The Conservative Government supported a Private Members Bill by the MP Hartley Booth, the *Prisoners’ Earnings Bill*, which passed into law in 1996. The *Prisoners Earnings Act 1996* provides a prison governor with the legal right to make deductions from prisoners’ earnings for ‘board and lodging’, compulsory savings for release, family support, and victim compensation. Though the Prison Service’s accounting and IT systems (LIDS[[15]](#footnote-15)) are ready for the deductions of prisoners’ earnings, subordinate legislation will be necessary before they can legally be made and neither the former nor the current Home Secretary have taken steps in this direction (though in fact deductions have *already* been made in some enhanced work schemes for several years - see below).[[16]](#footnote-16) Social security, tax etc. will be payable when a prisoner earns wages high enough to do so, usually only where a prisoner is working outside the prison prior to release.

 Several schemes intended to bring new life to prison industries are now up and running. The key features of most are the development of external contracts (currently 20 per cent of work in prison industries is sourced externally), and the provision of increased monetary incentives to prisoners. A brief lexicon of the different schemes and programmes may prove useful.

 ‘Enhanced work’ schemes are those in which prison workshops run on commercial lines and operate for a full working week, usually obtaining contracts locally. The general aim is to offer prisoners a high level of involvement in work that can gain their commitment. Seven such schemes were already operating in 1993-4 and more have been started since then.[[17]](#footnote-17) These schemes usually pay ‘enhanced wages’ funded from increased productivity. ‘Enhanced’ wages are usually in the range of £23-100 per week. However, where ‘enhanced work’ is provided to remand prisoners, as for example in Hull and Belmarsh, the inducements are non-monetary, such as a ‘cell with a view’ (a top-landing cell with a view of the docks) in Hull, and extended visits in Belmarsh. In some instances ‘enhanced work’ pays what amounts to ‘real wages’ because the prisoners are working outside the establishment in ‘real jobs’. This applies mainly to long-term prisoners who are close to release. For example at Latchmere House, a category C low security prison, 70 out of 120 prisoners work on a day-release basis in jobs such as driving delivery vans and working in local factories, and two lifers are working as guards on the local trains. They are paid the normal rates for these jobs.

 One scheme developed in the early 1990s was the ‘Prison Enterprise Partnership’. The original idea of this was governors and industrial managers would seek contracts with local companies with which long-term ‘partnerships’ could be developed, with PES support. Under this scheme there was no commitment to pay increased wages to prisoners, since the main aim was simply to attract work. However, some schemes do amount to ‘enhanced work’, since working to commercial standards of productivity results in comparatively high levels of pay. This is the case with the laundry work undertaken by HMP Coldingley for Butlin’s Holiday Camp in Bognor Regis, and the Eastbourne and Oxfordshire Health Authorities. Prisoners at the Coldingley laundry work an average 40 hour week and can earn up to £100 per week.

 Meanwhile another work-enhancement programme has been running for a year. Initially called the ‘Pathfinder’ scheme, and since retitled the ‘Work Expansion Scheme’, this came out of an internal report in 1996 that outlined the future of prison industries to the year 2000.[[18]](#footnote-18) The ‘Workshop Expansion Scheme’ made recommendations to the Prisons Board to consider the implications of moving towards the full provision of full employment and/or occupation places for adult convicted prisoners. It drew on studies undertaken in Germany (Fulton and Smartt 1995), and The Netherlands and Belgium (Gillcrist and Smartt 1995) and recommended that there be nine prisons selected to work to an increased 35 hour week with a productivity rate of 60 per cent. Further recommendations included the continuation of enhanced wages schemes and the reduction in private cash spends; and prisons and PES seeking to develop partnerships with the private sector, using PFI (Private Finance Initiative) to fund capital investments in plant and machinery.[[19]](#footnote-19)

 Certain schemes of work performed very well during 1995-6, such as Styal, East Sutton Park, Latchmere House and Frankley Farm. Styal coped particularly well with the change in product, from making traditional stripy prisoners’ shirts, to acquiring a prestigious shirt-making contract with a fashion outlet (the cloth was supplied to Liverpool Prison for cutting and made up at Styal). This resulted an increase in the number of prisoners employed in the women’s textile shop from 10 to 38. Another successful scheme was undertaken by Coldingley, for those prisoners working in the laundry and on the road-sign making.[[20]](#footnote-20) The year 1995-6 nonetheless presented PES with a significant challenge to source sufficient work. Real or enhanced wages schemes are currently in place at Styal, Kingston, Latchmere House, East Sutton Park, Wakefield, Full Sutton, Risley, Standford Hill, Channings Wood, Manchester and Frankland, and indications are that these are being successful in improving output, reducing net operating costs and creating a more positive attitude to work. That said, it is clear that most workshop places remain ‘unenhanced’ and most prisoners, if they work, receive low wages. Moreover, for unenhanced work, there is a continuing problem of unfilled work places. This seems particularly acute in agriculture and horticulture, where 3,508 work places were provided but only 1,875 regularly taken up.

 It was indicated earlier that the Prisoners Earnings Act 1996 made provision for deductions from enhanced wages, though this had not formally been implemented. However, in practice such deductions are often made. At Styal, enhanced wages took into account the fact that prisoners did not have the same living expenses as ordinary members of the public, and deductions were made for savings towards release. In some other schemes deductions have also been made for ‘board and lodging’ in advance of this being put on a legal footing.

**Justifications for comercialising prison work**

The previous section has outlined developments put in train to address the perceived problems of prison industries. We now need to turn to the question of the justifications for these developments.

 The Advisory Council on the Employment of Prisoners, set up by the Prison Department in 1960, set out two principles for prison labour. These were explained in a subsequent White Paper as follows:

Current developments have two aims. The first, and more important, is that offenders in custody shall be given training and experience that will fit them to get and keep jobs on discharge. The second is that the best possible economic use be made of prison labour.

In pursuit of these aims, the White Paper suggested that:

Modern semi-skilled work - the kind of production work done in the bulk of the industries of the country - is what is readily available to most offenders on discharge. It is also the kind of work that can be organised in prisons and borstals so as to make a useful contribution to the national economy … It is, however, neither practicable nor indeed necessary to provide for most offenders exactly the amount of work in custody as they might obtain after release. The need is the inculcation of the habit of regular and purposeful work at a tempo and in conditions as close as possible to those of the outside industry.[[21]](#footnote-21)

 Prison workshops were thus to provide prisoners who were capable of it with the ability to hold down a factory job after release. This in itself might be seen as a highly ambitious aim, given the types of work available, the operating hours of workshops, and the backgrounds and employment histories of many prisoners. However, it might also be seen as minimalist: it was not supposed to teach specific skills, or indeed provide prisoners with an income, the ability to support their families, or necessarily provide significant post-release savings. In short, while the rhetoric was rehabilitative, few practical steps were taken to address specific neeeds of prisoners either during or after release.[[22]](#footnote-22)

 However, by the late 1960s and early 1970s, the idea of ‘industrial prisons’ had taken root, and Coldingley and Featherstone were developed as model industrial prison regimes.[[23]](#footnote-23) The basic aim was to provide, for suitable long-term prisoners, a more intensive industrial experience using up-to-date machinery and modern managerial practices within a regime that replicated key aspects of work outside prison. Coldingley operated a relatively relaxed regime in which prison officers supervising the workshops did not wear uniforms; prisoners’ pay rates were double the system-wide average; and prisoners wishing to work had to apply for jobs much as they would outside prison. Contrary to the normal practice of charging prisoners with a disciplinary offence if they refused to work, those who refused were simply given no privileges such as canteen, cigarettes, or home leave. Coldingley was a qualified success, but faced an uphill task. There were lengthy battles with trades unions, who feared that the goods made in prison would undercut the price outside; and in the 1970s, unemployment became a real problem for prison management just as it was for society as a whole. The POA posed an increased problem to the prison’s management, since they did not agree with staff working flexi-time to keep the prison plant working around the clock, including weekends.

 The May Report (Home Office 1979) stressed the importance of providing labour to all prisoners, though on rather different grounds. May argued that ‘Industrial work is ... valuable in providing some outlet for inmates’ physical and mental energies and so aids the maintenance of good order and morale’ (para. 3). On this point, the May Report probably spoke for a large number of governors and staff in the field, and indeed came close to repeating one of the aims of prison labour first enunciated in the early 1900s: early penal reformers saw work as an alternative to the corrosive influences of idleness, and of other prisoners (see for example Forsythe 1987: 15-24).

 To summarise, from the 1960s onwards there has been a train of thought in prison labour that rested on the idea that prisons should provide work for prisoners and where possible, it should be industrial in nature and run on commercial lines. This rested on a broad principle that work was rehabilitative, if only in terms of encouraging regular habits (though by the 1980s it could hardly be argued that most workshops operated at a tempo or for a sufficiently large proportion of the week that they would meet either aim). Most industrial workshops were in training and Category C prisons, where management could work with a settled population. Although there was a second aim, which was to make workshops commercially viable, the Coldingley model - which went some way towards achieving it - was not taken up more widely. Meanwhile, the lack of explicit commercial skills in the prison service meant that there was a question mark over how commercial workshops could be. While prisoners were allocated to workshops on the basis of views about their suitability for particular types of work, and rates of pay in workshops varied, pay was not explicitly considered a factor in motivating prisoners to work. The current basic pay rate for prisoners still stands at 60 pence per hour compared with, say, France, at £2.50 per hour. The average wage for a prisoner at a typical English local is still no more than £7 per week.

 In the last few years, however, we seem to have returned to a reinvigorated version of the 1960 White Paper principles. It seems now to be accepted that prisoners should be fully occupied both because this has some rehabilitative value (in Tumim’s view) and because occupied prisoners make for more secure prisons (Learmont’s view). Nonetheless, both Tumim and Learmont seem to believe that work will be more beneficial to individual prisoners if they are motivated to accept it, principally by receiving tangible rewards for their efforts. Work is no longer seen as a part of the regime that will benefit prisoners whether or not they wish to be involved in it; their commitment to it needs to be secured.[[24]](#footnote-24) It is not too fanciful to draw a parallel with drug and other treatment therapies, which are now broadly held to be successful only when those being treated have a particular individual motivation for the treatment to succeed in their case. The key factor in the new attitude is the idea that prisoners, like workers outside prison, can *and should* be motivated by money.[[25]](#footnote-25)

 So far as the second of the White Paper aims is concerned, the position now seems to be that making the ‘best possible economic use’ of prison labour means operating under commercial conditions, competing with outside firms, and making profits. If this means paying prisoners higher wages, this can be seen very simply as an issue of motivating the workforce.

**Opportunities and pitfalls?**

It is difficult to make any assessment as yet about how these developments will fare. They may, like previous attempts to restructure prison industries, be overtaken by other events in the system and sink with little trace. Yet this is unlikely, because they amount to a sea-change in the service’s view of prison industries and prisoner labour. We now turn to some possible opportunities and pitfalls for this new vision of prison industries.

 Consider first the implications for individual prisoners within the new enhanced wages scheme. We already have a few prisoners in selected establishments earning up to about £550 per month, and a larger number earning amounts in the region of £60-100 per month under ‘enhanced work’ provisions (Kirkham, Styal or Coldingley), against a more general norm of around £23-30 per month (Leeds, Hull or Leicester). Were this to become more common, it would give greater ‘bite’ to a comment made by the then Prisons Minister, Ann Widdecombe, at the Prison Service Conference in Brighton in February 1996:

It would certainly not be right for prisoners to accumulate large amounts of money as disposable income ... I would like to see deductions being made as contributions towards the prisoners’ board and lodging; the support of his or her dependants; for savings to be paid on release, and - perhaps - most important - to go towards helping victim support and crime prevention measures.[[26]](#footnote-26)

All these provisions were made in the *Prisoners Earnings Act 1996*, and as noted earlier, prisoners with pay at this level had already begun to experience ‘board and lodgings’ and other deductions from salary in advance of a legislative basis for this practice. But extentions of enhanced wages provisions are likely to mean that in future selected prisoners would be offered a ‘deal’. Prisoners on enhanced wages could be better off in the long term (or his family may be better off in the short term) than would otherwise have been the case - better off even that if the offender had been given a noncustodial sentence. However, the precise nature of the ‘deal’ may depend on factors extraneous to the prison setting. It is as yet unclear, for example, what level of deductions may be made; whether victims would be able to seek compensation orders payable from the prisoner’s wages instead or in addition to more general payments to a victims’ fund; and whether payments to prisoners’ dependants would result in their losing entitlements to state welfare benefits. The success or failure of the policy will thus depend on arithmetical details some of which will be influenced be decisions of the tax authorities, the Department of Social Security, and the Treasury.

 If it is successful, however, the prisoner will be transformed from a person ‘serving time’ to a person working in custodial environment, where much of his or her ‘debt to society’ is quite literally being paid off through deductions from earnings. It is unlikely that this will result in prison becoming seen as little more than payment of a fine coupled with a residential provision; we know from the broader literature on imprisonment that the fact of custody is supremely important to the prisoner as he definition of his or her situation. Yet unless the arithmetic is right, prisoners may begin to see themselves as little more than an army of sweatshop labour.

 The implications for prisoners as a group are equally interesting. There is anyway a wide diversity in work opportunities and rates of pay, but this will clearly increase in the future, in as much as higher rates of pay could be on offer to larger proportions of prisoners in a larger number of establishments. There is a qualitative difference between a situation where only a handful of prisoners in a few prisons can earn between three and 20 times the normal wage, and a situation where, say, a reasonably large ‘elite’ of prisoners are earning around £550 per month, around 10 per cent spread over most of the prison estate can earn about £100 per month, most of the rest of the convicted population work for what amounts to pocket money, and remands have no work available. What a prison will have ‘on offer’ to different groups will thus become even more conspicuously diverse than it now is and this may lead to perceptions of gross inequity that could be quite damaging to the good order of institutions - particularly if this inequity is perceived to follow ethnic lines.[[27]](#footnote-27)

 From the point of view of the prisons, there seem to be four major issues. First, the arrangements for enhanced work are not unlike pulling oneself up by the bootstraps. Increased rates of pay have to be funded from increased productivity, and so the whole scheme depends on industrial managers and governors developing business plans that are achievable, and achieving them. Any early hiccups in the plans, such as a failure to find external contracts quickly or to generate sufficient profits from them, could damage the programme in exactly the same way that many small companies quickly experience cashflow problems as they expand.

 The second concern is that commercialisation of prison industries means exposure to the external commercial environment. This exposes prisons to some degree of uncertainty and risks, ranging from simple bankruptcy of contractors to fraud. It is worth bearing in mind that Full Sutton, once regarded as a shining example of what prison workshops could achieve, went through a traumatic period when their main contractor, the *Red or Dead* fashion house, went into receivership. In another case, a company sales manager engaged in dubious practices (stalling supplies of raw materials) to ensure that a prison contract could not be completed on time (presumably therefore triggering compensation clauses).[[28]](#footnote-28) Prudent prison managers will no doubt opt for a mix of external and internal market contracts, but the implication is that greater exposure to the commercial environment will put more prison workshops at risk of such events.

 Third, under current arrangements the profits from prison workshops are remitted to the Treasury. This gives little incentive to prison governors and industrial managers to develop enhanced wage schemes or run them profitably, other than the benefits of having daytime activities for their prison populations. In addition, there may in future be more detailed arguments about accounting; for example if workshop supervision by discipline staff is costed into the running of an enhanced work scheme, the workshop is effectively ‘buying’ a fraction of an officer and thus easing pressure on the establishment budget. How such arrangements will be negotiated in future and the extent to which establishments would be able in this way to derive financial benefits from running profitable workshops remains an open question. However, prison workshop supervisors are now largely recruited from the private sector, i.e. an increasing proportion are ‘civilian’ instructors rather than officer-instructors. The implication is that there is a ‘hardening’ of the line between which staff can and cannot be included as a prison industries cost. In addition, there are likely to be arguments about how operating profits are defined and the level of reinvestment in the successful workshops needed to retain their competitive edge.

 The fourth argument flows from the point above. Since profits from prison workshops are remitted to the Treasury, there is likely to be increasing Treasury pressure to operate an increasing number of prisons in ways that generate high levels of income, or even to develop targets for the amount of their own budgets prisons could be expected to generate in future.[[29]](#footnote-29) It remains to be seen whether this will turn out to be in the best interests of the prisons that develop enhanced workshops, or indeed in the interests of the system as a whole.

**Conclusions**

In the last few years there have been pilot schemes in individual prisons, followed by ‘Prison Enterprise Partnerships’ and now the ‘Workshop Expansion’ programme, in which new efforts have been made to secure external contracts. Prisoners in selected workshops have been expected to increase productivity in return for significantly higher wages - typically around 10 to 12 times higher than wages in normal workshops. These schemes have been a qualified success; contracts have been obtained and prisoners have co-operated.

 This new commercialisation of prison industries has implications for prisoners and for industries themselves. So far as industries are concerned, the schemes are largely ‘bootstrap’ ones in which commercial risks must be taken and prisoners paid out of projected income. In as much as the commercial world is relatively unstable, prison industries are exposing themselves to higher levels of economic risk. At the moment, the benefits to any one prison of running an ‘enhanced’ workshop are relatively small, though the existence of some workshops making significant levels of profit opens the way for pressure - for example from the Treasury - to run a very much larger number of profit-making workshops whether or not this is in the long-term interests of the prison service.

 So far as prisoners themselves are concerned, there will clearly be an increased diversity of conditions, with some prisoners earning much higher wages than others. At one level this heralds a new view of prison labour. The idea that prison work, in and of itself, is supposed to encourage a work ethic and teach regularity of habits seems to have fallen by the wayside. Selected prisoners will indeed acquire such regular habits in future, but will have an immediate reward for so doing, in terms of enhanced wages. That said, the attractiveness of enhanced work will clearly depend on the extent of deductions from wages and the possibility of state benefits to prisoners’ families being affected by prisoners’ earnings. The success of the policy will thus depend to some extent on views taken within the Inland Revenue, the Department of Social Security, and the Treasury as well as the Prison Service itself. Finally, there is likely to be a question mark over who gets the enhanced work, and thus the enhanced wages. If there is any widespread perception of discrimination in the allocation of these jobs - and ethnic discrimination has been noted in job allocation in prisons in the past - the likelihood is that the new policy will become extremely controversial.

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1. For a view of prison industries in a large local prison, Pentonville, in the late 1950s see Morris and Morris (1963). For many prisoners work there was little more than a token attempt to enforce work norms. [↑](#footnote-ref-1)
2. Prison Service Industries and Farms (PSIF) made substantial losses at that time. Stern (1987: 144) cites accounts for 1982/3 detailing a loss of £11.6 million - later thought to be an underestimate - and in 1984/5 a loss of £29 million. Even though some part of these figures were a function of cost allocation in book-keeping, the administrative head of the Home Office was called to appear before the House of Commons Public Accounts Committee in January 1986 to explain them. [↑](#footnote-ref-2)
3. Fresh Start was a programme that re-organised prison staffing and was introduced on a rolling basis from 1987 onwards, largely intended to buy out staff overtime and eliminate alleged restrictive staff practices. [↑](#footnote-ref-3)
4. The authors noted, however, that there were some localised benefits to prison industries. For example, Birmingham prison recorded an increase in the number of hours worked per prisoner from 2 to 2.5 hours per week between 1987 and 1994, and Nottingham prison returned an increase from 1.5 to 3.3 hours per week (presumably these figures cannot be taken literally and reflect either the opening of a previously-closed workshop, marginally longer hours worked in existing workshops, marginally more prisoners employed, or some combination of all three). [↑](#footnote-ref-4)
5. This department has undergone a number of name changes. In the 1960s it was known as *PRINDUS*; it became *Prison Service Industries and Farms* (PSIF) in the 1980s, and *Prison Enterprise Services* (PES) in 1992. Since January 1997, the role of the ‘Head of Enterprises’ has been expanded to that of ‘Assistant Director of Regime Services’, comprising not only prison industries, but also education and physical education. Education has been contracted out since 1992, and ‘Regime Services’ control and monitor the individual educational contracts at all prisons. [↑](#footnote-ref-5)
6. See Smartt (1997). Interestingly other European prison systems report similarly low take-up rates for work. Only France reports a take-up of 100%. [↑](#footnote-ref-6)
7. There is no obligation to provide work for remand prisoners, though in some establishments work is on offer to them. Now that locally-created jobs are funded from budgets devolved to each institution, there appears to be some difficulty in producing system-wide figures for the number of locally-produced jobs or the number of such jobs filled. [↑](#footnote-ref-7)
8. The same can be observed in The Netherlands since January 1997. The headquarters of the Agency for Correctional Service Institutions (*Dienst Justitiele Inrichtingen - DJI)* is no longer involved in prison industries. Each prison unit or cluster has to look after its own industries, sales and marketing (see Smartt 1997). [↑](#footnote-ref-8)
9. Source HM Prison Service (1997). It was held that of the 710 hectares at a value of £3 million, ‘certain pockets of land should be disposed of, including some complete holdings which no longer provide a viable resource to the agri-business’. The future of potato growing and dairy herd rearing is now limited (1997: 2-4). [↑](#footnote-ref-9)
10. HMP Leyhill in Gloucestershire has won major prizes at the Chelsea and Hampton Court Flower Shows for many years in succession. Prison farms at Camp Hill, North Sea Camp, Hollesley Bay or Lindholme (to name but a few) have supplied not only the entire English prison estate with vegetables, meat products and milk produce, but have also been a very popular employment for long-term prisoners before they were released back into society (see HM Prison Service 1997). [↑](#footnote-ref-10)
11. In Germany, some day-release *(Freigänger*) prisoners from open prisons are paid a full wage, and substantial deductions are made from this towards the prisoner’s keep at the prison, the upkeep of the family and dependants and a compulsory savings of one third of their wage for the release date. This is enshrined in statute (*Strafvollzugsgesetz*). See Fulton and Smartt (1995). [↑](#footnote-ref-11)
12. *Daily Telegraph*, 3 September 1993. However, Tumim may have been misled by the profit figures quoted. Most German prisons typically do not include workshop supervision by discipline staff as a cost against prison industries. See Fulton and Smartt (1995). [↑](#footnote-ref-12)
13. Letter by the Director General J.G. Pilling to all Governors on 17 June 1992. [↑](#footnote-ref-13)
14. Judge Stephen Tumim in a speech to an audience at Westminster Abbey, London, quoted in *The Guardian*, 25 July 1995 - ‘Tumim calls for industrial prisons’. [↑](#footnote-ref-14)
15. *Local Inmate Data Base System* (LIDS), the Prison Service’s own IT network. [↑](#footnote-ref-15)
16. It is understood, however, that in the very near future Jack Straw will allow the first contracted out prison industries scheme at HMP Coldingley, with Wackenhut as the contractor. This will mean that a private concern will take over the three major workshops at the prison with all the instructional staff and the [prisoner] work-force. [↑](#footnote-ref-16)
17. Those reported in the 1993/4 Prison Service Annual Report and Accounts were at East Sutton Park, Hewell Grange, Kirkham, Latchmere House, Styal, Wakefield and Wymott. They were described as ‘pilot schemes’ (Home Office 1995b: paras. 96-7). Examples of schemes started subsequently include a waste collection, sorting and reclamation operation at Dartmoor, employing five prisoners; and a sawdust/cardboard recycling venture at The Verne, which aimed to convert sawdust and cardboard waste into briquettes to be sold commercially, thus eliminating costs associated with waste removal. [↑](#footnote-ref-17)
18. The author was Steve Handley, a senior civil servant and PES Project Team Leader on the ‘Workshop Expansion Scheme - Pathfinder’ from February to June 1996. The project team had to take account of permanent changes in Prison Service Headquarters structures and the continuing progress of devolution to establishments and changes in Area Managers’ structures. The reference to ‘full occupation’ was adopted in favour of ‘full employment’, taking into account not only industrial work activities, but also vocational training, education and offender behaviour programmes. Key players in the scheme were identified as prison governors, industrial managers and area managers. See HM Prison Service (1996). [↑](#footnote-ref-18)
19. Ibid. pp. ii - v. [↑](#footnote-ref-19)
20. Of the £80-100 earnings per week per prisoner (working a 40 hour week) Coldingley deducted 50% of the wages at source, in order to save the amount in a building society account ready for the prisoner’s release. However, the local branch of Abbey National plc informed the prison governor in April 1997 that prisoners were no longer able to save money in the Society’s account. [↑](#footnote-ref-20)
21. Cf. White Paper *People in Prison*, 1969, paras. 45 and 46. [↑](#footnote-ref-21)
22. John Brand, a prisoner in the 1960s, first at a large metropolitan local and then at an open prison, disagreed with the concept of providing work to rehabilitate the offender at that time: ‘For the requisite number of hours each day, prisoners *must* work, no matter how utterly pointless and monotonous the work is. Work has, in fact, become a sort of ‘sacred cow’ of the penal system. This dominant position work now holds, stems almost entirely from a strong belief in its value as a reformative instrument … Work and imprisonment are two separate factors, and prisoners are sentenced to the latter not the former. Plainly, therefore, it is of some importance that the work theory of reform can be convincingly justified. In fact it is rarely expressed very comprehensively or cogently. After 70 years of application one might reasonably expect to find both a convincing theoretical rationale of the theory of work as a therapeutic agenda and also the results of psychological and sociological studies of the effects of prison labour on prisoners. If either of these exist they are certainly difficult to find’ (Brand 1966). [↑](#footnote-ref-22)
23. While Featherstone does indeed have well-equipped workshops, it has never run on such uncompromisingly industrial lines as Coldingley. Featherstone also got into severe financial and fraudulent difficulties in the mid 1980s with a type-writer firm’s contract. This resulted in prison managerial and Headquarters dismissals. [↑](#footnote-ref-23)
24. It may be interesting to note at this point that France changed its penal law on this matter in the early 1990s. Convicted prisoners are no longer required to work by law. The prisons operate an open labour market inside the industrial units. Cf. Smartt, U. *Report on European Prison Industries*, 1997. [↑](#footnote-ref-24)
25. This does not mean that there should not also be non-monetary incentives, and indeed as noted earlier, not all enterprise partnership schemes do pay enhanced wages. European examples of non-monetary incentives occur in France, where the time worked is linked to remission of sentence; Baden-Württemberg, where it is off-set against the sentence length and taken into account for parole purposes; and Saxony, where it earns increased home leave. The problem with such incentives is that prisoners may perceive that their situation is structured in such a way that their reward for work amounts to no more than the relaxation of rules designed to punish those who do not co-operate. [↑](#footnote-ref-25)
26. ‘Prisoners to pay victims of crime from their wages’, *Daily Telegraph*, 13 February 1996. [↑](#footnote-ref-26)
27. See for example Genders and Player (1989) for an account of racial discrimination in prisons, including issues of discrimination in relation to allocation to ‘good’ jobs. [↑](#footnote-ref-27)
28. Both prisons involved in the contract negotiated a successful outcome in which they were allowed to retain the supplies already provided and sell completed garments directly on the open market. [↑](#footnote-ref-28)
29. There are already accounting moves afoot, suggested by PES at present, to ‘hard-charge’ each institution for their incurred costs, e.g. for each prisoner shirt used or the amount of bedlinen ordered per year, against the sales income produced by the prison’s industries. A pilot paper exercise programme is currently being operated by all prisons. [↑](#footnote-ref-29)