THE ROLE OF THE GOVERNING GOVERNOR

Dr Ben Crewe and Professor Alison Liebling

- **Trust**: assumes that professionals are competent and benevolent ‘knights’
  - given autonomy
  
  ‘[Knights] are not told what to do. Nor are they subject to market or quasi-market pressures. Indeed, they are not subject to outside control of any kind: they are *autonomous professionals* with almost complete discretion to make resource allocation decisions as they will’ [italics added]

- **Mistrust**: assumes that professionals are self-interested ‘knaves’
  - controlled via targets, incentives

In theory, a strategy that assumes that all professionals are knaves should be more successful than one that assumes that all are knights. But, risks:

- Knights may be turned into knaves
- The strategy may generate knave-like behaviour (incl ‘gaming’)
- The strategy is short-term and shallow

- **Voice**: i.e. responsiveness to consumer input
- **Choice**: i.e. responsiveness via consumer choice
The study

Interviews 2007-2009
- 90 long career-biographical interviews
- Mainly governors, area managers, directors - 70 men, 20 women
- 16 private sector, 2 non-operational, 4 well-informed ‘outsiders’
  - Who are senior managers? What are their values, motivations, organising ideas and professional orientations? Which values and concepts are most significant for prison governance?

Interviews 2014
- 20 interviews (so far) – some ‘follow-ups’, others new in post or new to us
  - What new pressures, demands and constraints do governors face? How is the role changing?
Recollections of the service

- Under-use of power in high-security prisons = ‘both riot-prone and escape-prone’

- Over-use of power in many Local prisons/YOI's:
  ‘The Governor, whenever he had a problem, he'd leave the prison and have a cup of coffee because he was scared of the POA [...] He was completely impotent. Prisoners just weren’t unlocked. Prisoners were being assaulted in the seg unit when they were being restrained. Use of force was massively higher than it should have been’

- Weak and ineffective senior management:
  ‘I would look round the table and think that the governor’s secretary was about the only competent person there’

- Corrupt/un-professional staffing practices, and chronically difficult staff cultures

- Lack of accountability
Contextualising penal managerialism

  - a deterioration in regime conditions, including time out of cell, time spent in work, and access to facilities, despite increases in funding and staffing
  - Dependence on overtime
  - ‘perpetual disputes over manning levels, pay, and allowances’.
  - Poor standards of care and custody
  - No-one knew ‘where the money went’
  - i.e. the penal crisis as a crisis of management
Management grip

- ‘Managerialism’ (and privatisation) as a way to regulate and get a grip on:
  - (a) working practices
  - (b) costs
  - (c) staff behaviour

- Managing out abuse, neglect and disorder, and managing in decency

- Ensuring staff compliance through information systems, central direction, audit, and close management (‘benign Stalinism’)

- Positive motives (or intellectual governors) not enough to guarantee positive outcomes

  ‘I think anybody who's running prisons has to be controlled for their worst excesses, because I think it's inevitable in prison that [the] worst excesses can occur [...]. And the things that go wrong can be brutality towards prisoners [or] backing off from prisoners, letting prisoners [get] away with things that you couldn't justify in public’
Two forms of managerialism

Managerialism-plus (late 1990s--)
- Explicit moral language including ‘decency agenda’
- Investment in programmes and education
- ‘What works’ agenda
- MQPL
- Suicide prevention

Managerialism-minus (2007-)
- Budgetary constraints and ‘economic rationalism’
- External pressures (including funding cuts, public acceptability test, population pressures) → punitive austerity or ‘no-frills punishment’
- Language of ‘less eligibility’ and retribution in political discourse
- Changed relationship between politicians and Prison Service?
Prisons - an anomalous public service

- Complicated relationship between provider and consumer

- Voice/choice do not work in a straightforward way

- ‘Professionals’ – not a single stratum; knights managing knaves?

- Benevolence + competence require a particular set of values and skills
Senior management values and styles

SOCIAL JUSTICE

SOFT / CONSENSUAL → HARD / ROBUST

INTERNAL ORDER

etc ...
Senior management values and styles

- HARMONY
- SOCIAL JUSTICE
- SOFT / CONSENSUAL
- INTERNAL ORDER
- HARD / ROBUST
- SECURITY

etc...
Senior management values and styles

- HARMONY
- SOCIAL JUSTICE
- OLD STYLE LIBERALS
- NEW LIBERALS
- NEW MANAGERIALISTS
- INTERNAL ORDER
- HARD / ROBUST
- SECURITY
- etc ...

- SOFT / CONSENSUAL
What do you think makes a good governor these days, and do you think it is different from when you first became a governor?

I think you have to really have to have quite a lot of strength of character, I think you have to be fairly tough. I don’t mean tough in a hard way, an uncaring way, I mean don’t enter into this unless you are ready to fight some battles, and go home feeling rubbish sometimes, and say some harsh things to people, because I think it is a tough job. That’s the first thing. And then I think it is essential that you have some care. I think you have to actually care about what you do
What do you think makes a good governor these days, and do you think it is different from when you first became a governor?

I think you have to really have to have quite a lot of strength of character, I think you have to be fairly tough. I don’t mean tough in a hard way, an uncaring way, I mean don’t enter into this unless you are ready to fight some battles, and go home feeling rubbish sometimes, and say some harsh things to people, because I think it is a tough job. That’s the first thing. And then I think it is essential that you have some care. I think you have to actually care about what you do.
A typology of professional orientations

Operators (powerful, decent, challenging; often moral drive, against difficult staff cultures; ‘not afraid to lead’, may have some blind spots – autocratic, bruising?)

Managerialists (highly-skilled; focus on delivery, detail, performance; includes some technicists )

Entrepreneurs (energetic, innovative, ‘ideas men’, creative, risk taking, frustrated with bureaucracy, business language; sharp but perhaps over-optimistic)

Moral dualists (balance between principle and pragmatism; personally invested, authentic; targets as a means to an end; security and relationships mutually reinforcing; explicit moral direction).

Idealists (thinker-speakers/humanitarians; recognise prisons as ‘tragic institutions’; language of care, empathy etc; willing but uncomfortable with use of power).

The alienated (culturally self-exiled or leaving…) + complacent
Prisons - an anomalous public service

- Complicated relationship between provider and customer
- Voice/choice do not work in a straightforward way
- ‘Professionals’ – not a single stratum; knights managing knaves?
- Motivations + competence require a particular set of values and skills
- ‘Mistrust’ model therefore accepted or embraced by many knights – integrated into a ‘knightly’ philosophy
Loyalty and ‘loyalism’

*Downward flow = mistrust*
*Upward flow = high levels of trust and loyalty*

So where are your primary loyalties, we're thinking to the prison service, to prisoners, to personal morality, to [your DDC]? I have a lot of loyalty to the prison service, I always want the prison service to be represented well. I don't like public criticism of it. I want the prison service to be perceived in the best light. I want it to be seen as a professional organisation. [...] And I suppose [to] my own morals really, treating people decently
The current climate

My governors are not saying that they feel anxious about [having to manage more contracts]. That is not what's keeping governors awake at night. What is keeping governors awake at night? Survival. Getting through the day. Trying to deliver with much reduced resources.

[My DDC] asked me recently, 'Is the prison safe?' My response was, 'It's not unsafe'. There's a difference. It just... I had to think about how I felt about it. You're managing more risk. Yeah, we're managing more risk. I am pers-... we are managing more risk. It feels riskier, it feels harder. [...] it would [only] take one bad decision to really set something off

I'm more worried now about getting through the day. My hours are getting longer. [...] I'm coping. But it's busier and harder at the moment [than it's ever been]
The personal and emotional toll

I think I've definitely changed as a person. Snappier than I used to be... more sleepless nights than I used to. I think it's just knowing that each day can be quite difficult. I just think, you know, I can't... I can't spin all these plates. But I think there is an expectation that I will spin all these plates. [...] I will wake up quite regularly at three or four in the morning and think, 'this is happening today'.

*That's stuff ticking over in your head.*

Yeah, I think it's stuff ticking over, yeah. Yeah, constantly.

*And what kind of toll does it take on you personally to be surviving in this environment?*

It is not hours. It is the emotional drain and the complexity and difficulty with human relations, and the worry you have about the people you lock up every night. You worry about your staff and you worry about your management team.
Coping with ‘failure’

I think one of the things I'm struggling with, it's the first time I'm feeling unsuccessful as a Governor. I've never ever in my service felt that. And I've gone through the last six months feeling, ‘this isn't successful, this is unsuccessful’. And at a time when you probably feel you're working hard just to keep the show on the road, that feels a bit hard. And that's just something I've got to personally deal with, and personally dig deep about.

I feel like I'm someone who can most things work, and this is probably the first time in my career where I've felt like I'm failing, like I can't make it different or better. And I don't want to blow smoke up my own bottom, but I'm reasonably resilient. I'm not shy of hard work, I'm not shy of constructive criticism, I'm not shy of doing things differently. But, however which way I look at the problem at the moment, other than having a few more people, I can't make it work. [...] It does feel a bit like juggling jelly.
Lack of control

‘... we seem to be reliant on luck at the moment in terms of keeping things together. I don’t think we can give any more. ... We are not in control anymore. Events have overtaken us’ (PGA president, 2014)

I think I have been working too hard, and I'm not sure that my effort is getting the outcome that is comparative to my input, if that makes sense. I think some of it is I'm just trying to fill gaps that I just can't fill with people, resourcing.

*i.e. external pressures disrupt the normal relationship between professional inputs and outcomes*
Demands

The performance departments seem to be sort of going mad, and adding things for us all over the place. And that just means you've constantly got to be focusing on them. And at a time when the service is going through such change I'm wondering the wisdom of that. I think almost that's something you could just take the heat off a little bit, and yet they're not doing. I think the heat's going up, not down.

It still feels like an awful lot of people at headquarters don't understand how difficult it is in establishments. So I have, in recent weeks, had a request down from headquarters, and a follow-up a few hours later saying ‘Why haven’t you answered my email yet?’ And I think, ‘It is a good job you are not close, mate’. [laughs]. I am not in a good mood with you now. [laughs] I am doing my job. So there still feels like a bit of a mismatch between those things.

i.e. diminished support for performance culture, among former ‘knightly’ exponents
‘Soul-searching’

It's the hardest I've known in my service. I feel on the personal level I'm having to dig deep. [...] I'm doing some soul searching at the minute, because you're in a time where performance has declined. I have to decide, ‘can I rally this, and get this back up again?’ I think I can. I think I can still see what needs to be done, and we're having to learn to sort of almost deliver while spinning the plates in a different way.

I am feeling morally compromised in being a governor, because there’s too much politics and not enough sitting down and saying ‘Well hold on a minute, these prisoners are banged up and...’ [Governors] who are a little bit more interested in the job, those are the people who I feel are most upset, who feel they can’t make a difference anymore. They feel that actually they are not looking after people properly and they are very upset about that. So all the people that you would most want to stay in are leaving, and the people that are staying are the ones you might want least?

Yes, exactly. [It’s] The very ambitious careerists who are staying in.
'Soul-searching'

It's the hardest I've known in my service. I feel on the personal level I'm having to dig deep. [...] I'm doing some soul searching at the minute, because you're in a time where performance has declined. I have to decide, ‘can I rally this, and get this back up again?’ I think I can. I think I can still see what needs to be done, and we're having to learn to sort of almost deliver while spinning the plates in a different way.

I am feeling morally compromised in being a governor, because there’s too much politics and not enough sitting down and saying ‘Well hold on a minute, these prisoners are banged up and...’ [Governors] who are a little bit more interested in the job, those are the people who I feel are most upset, who feel they can’t make a difference anymore. They feel that actually they are not looking after people properly and they are very upset about that.

So all the people that you would most want to stay in are leaving, and the people that are staying are the ones you might want least? Yes, exactly. [It’s] The very ambitious careerists who are staying in.
It's the hardest I've known in my service. I feel on the personal level I'm having to dig deep. [...] I'm doing some soul searching at the minute, because you're in a time where performance has declined. I have to decide, ‘can I rally this, and get this back up again?’ I think I can. I think I can still see what needs to be done, and we're having to learn to sort of almost deliver while spinning the plates in a different way.

I am feeling morally compromised in being a governor, because there's too much politics and not enough sitting down and saying ‘Well hold on a minute, these prisoners are banged up and...’ [Governors] who are a little bit more interested in the job, those are the people who I feel are most upset, who feel they can’t make a difference anymore. They feel that actually they are not looking after people properly and they are very upset about that.

So all the people that you would most want to stay in are leaving, and the people that are staying are the ones you might want least?

Yes, exactly. [It's] The very ambitious careerists who are staying in.
Reduction in discretion: influence

It is an environment where you put somebody in charge of a prison and yet they can’t actually decide how many pairs of boxer shorts a prisoner can have. It is ridiculous.

*So do you feel your room for manoeuvre or discretion as a governor has been curtailed?*

Yes. Yes. In all those areas where I could have more of a say or an influence over things that prisoners could benefit from: how they can order their canteen, how much private cash they can have. All those things where you can actually make a practical difference to the kind of domestic aspect of [prisoners’] lives, have been eroded. I’ve got a budget that’s set for me by the centre, and I’ve got my numbers of staff in each grade and my staffing structure, and management structure and SMT all decided for me from outside.

The system we have does disempower people. [...] It’s very frustrating to be told ‘you can’t’ [recruit a new administrator]. So you think ‘well, okay, I’ll have to fib a bit, and say that they’re for here, and then move them once they’re here’. We shouldn’t be needing to do that. So it does feel like you’re not trusted
Reduction in discretion: mistrust

I feel less trusted than I used to feel. I don’t feel on a person level, like ‘Phil Copple doesn’t trust me’; I feel like the organisation is moving to a position where they say they trust us, but don’t behave as though they do. [By] taking away our ability to manage our finances, for example. Then setting all the management structures for us. I understand why we had to do fair and sustainable, but there isn’t any movement in there. There is no wiggle room, there’s none at all. They’ve standardised our budgets, and every year that goes by they are taking more and more to the centre. That really does make you feel as though they don’t trust you, and there are probably all sorts of organisational reasons why they are doing that.

i.e. perceptions of being mistrusted not by individual leaders, but by the organisational bureaucracy
Reduction in discretion: mistrust

The service has made some of the changes as a reaction to ‘those who can’t’. We’ve taken some of that control away from governors because we’ve proven that if you just give them complete control, we’ve not got the talent there to be sure that every prison will be as good or as efficient as the next. [...] We did these changes partly because we didn’t trust them, and fundamentally because we needed to save money. [...] Now we should take the shackles off [...] and let me move things about as I see fit.

*Do you think that most governors will know what to do once the shackles are taken off?*

No, unfortunately not. That’s the dilemma. [...] It comes back to those who can and those who can’t. It’s about really poor decision-making [by some people].

You do have to find more room to trust individuals and for me that actually comes down to better recruitment processes and getting the right people into those posts. [...] I raised this with someone recently, I said ‘Why are we all being told to do this?’ ‘It is because establishments haven’t complied with this’. So I said ‘So what are area managers doing then? Why weren’t they tackling the establishments that weren’t doing this properly?’ Instead you resort to the classic ‘one size fits all’ [solution].
‘Creative compliance’

I do feel as though I can get away with things [...] partly reputational, and partly because I’m trusted. But I’m not sure that everyone would get away with it, or have the confidence to do it, actually.

*What is it that gives you that confidence?*

I’m not breaking any rules, and I know where the risk lies, and I’m telling the right people that I’m doing it.

I've just talked about integrity, haven't I, and playing by the rules. And here I am [finding] a way of getting round and subverting it. I think I could do it legitimately. I mean I can justify it to myself.

*You're being creative.*

I'm being creative. I'm doing it within the rules, performance recognition rules. But yeah, officially I can't temporarily promote this person to cover that role.
Changes in the governing task

*i.e. difficulties of shifting from ‘compliance’ to ‘innovation’/ culture change*

Over the last fifteen years it's cultivated a group of people who just want to meet targets without really thinking any broader than that. And then all of a sudden saying, 'Right, we want you to be innovative'. And then [governors] say, 'Well if you've got an instruction on that, what targets for innovation are there?' They can't quite get out of that way of thinking. You go to something like the Governing Governors forum, and they stick you in a room, and they say, 'Okay, well come up with innovation', and of course everyone's just sitting there looking blankly at them.

They've bred a ‘blue’ set of prison governors, myself included, and then saying ‘Go and be creative. But... you can’t just flick a switch and say okay, well we told you to do x, y, z for all these years, and this is exactly how you do it. [Now] go away and be creative and inventive. It is not going to happen.
Views of the Board

- Generally very positive e.g.
  
  - ‘a very strong team, using a language of moral legitimacy and doing the right thing’
  
  - ‘I respect Michael Spurr very much, and the job he does, and the way he does it. And I think we are steering, somehow, through a desperately difficult time’
Components of procedural fairness - see Tom Tyler (1990) *Why People Obey the Law*

- Voice
- Neutrality
- Respectful treatment
- Trust in authorities
I think the biggest difficulty in the last two years has been the driving through of benchmarking, and there is a feeling sometimes that nobody is listening. When you think things aren’t going to work there’s been a sense of, they are doing this. Some of us are saying ‘this isn’t going to work’ and nobody is actually listening to us.

There’s something else that’s more subtle than that, and I will [struggle] to explain why this makes me feel less trusted. But there’s very little consultation. You know, all those big changes I’ve just talked about, we didn’t get consulted about them.
There is, and there has been for a while a real fear of not being seen as corporate enough. When I say ‘fear’, I don’t mean fear really, I mean we wanted to be corporate. I think in a good way we really want to support Phil and Michael. Most of us are very loyal to both. I think we don’t want to be seen as difficult, not just for our career’s sake, but because we don’t want to be difficult. And I think there’s a certain feeling of, you knuckle down and make things work, and I think that’s quite healthy.

You can’t say what you think – you get labelled as a troublemaker, and you lose out because of that.

You’re dismissed as a ‘problem child’ if you raise questions.

When you question things, or raise difficult questions, it is seen as ‘challenging authority’ rather than ‘acting in a way that is principled’. [...] The view is ‘Don’t moan about it; make it work’
Threats to internal legitimacy
- neutrality

There’s too much looking after the ‘right people’ – favoured people, given good jobs. It’s not transparent, or consistent with the values being espoused at the top.

Sometimes I feel they are rewarding the wrong people. There are two things that worry me. I’ve seen some people become governors that I think are bullies, and I think that the Board know they are bullies and that worries me. And I think sometimes that is seen as useful, unfortunate but useful, and I think that is worrying. And I don’t necessarily think the processes are always transparent, so for instance, some governors [who are part of a consultative group] have recently become DDCs. I’ve no idea how people get picked for that group. There’s always been an issue about transparency and we always get told it is an operational necessity that people get moved to this jail or that jail, and everybody understands that. But I don’t think it explains necessarily the way we do things. [and] we wouldn’t get away with it at a local level.

- ‘useful bullies’, ‘bulletproof men’, & ‘moral leadership as a ‘new performance target’
Threats to internal legitimacy
- respectful treatment

What I really wanted was for [my DDC] to turn around and say, 'You've worked really, really hard, thank you' and I didn't feel I got that.

So it's about recognition?
Yeah, just about recognising the scale of the challenge

We had the inspection feedback in a couple of weeks ago, and [my DDC] came in that day, and I was sat in the office with him afterwards, and he didn't focus on any of the good stuff. And I just thought, 'for goodness sake, it's no wonder. I've got an entirely new management structure, an entirely new team, and entirely new bunch of Offender Supervisors. There's no wonder some of it has fallen away. So yeah, I think sometimes it's recognition that... I wouldn't say can't cope, but there's just that many plates to spin, and I think you know, if I've got twenty plates to spin I can probably spin about twelve of them successfully.
Their perception of the service in terms of say, decency, is not necessarily... I was going to say alive with reality, that would sound really harsh. [...] But I think their view is slightly rosier of where we are than it is [...] Governors are still dealing with brutality, and staff who don’t care about prisoners. [...] My fear is that they might not realise how far some of us still have to come. [...] I still think that people at the top of the organisation do believe passionately in rehabilitation [and] decency. My hesitation is only that they might underestimate the challenge in terms of maintaining all of those things. [...] to me what [they] says still sounds too distant from the challenges we are facing day to day sometimes.
Threats to internal legitimacy
- dissonance

Absolutely everything it seems that is coming to us from above is about risk management and compliance. We have Michael and Phil and others talking about what is important in respect of the role of the governor and I absolutely [agree] It is just that the way the organisation is operating at every other level is giving a completely different message.

All this talk about rehabilitation which is a load of tripe because you can’t rehabilitate people from behind the door, and the staff running around like headless chickens, because they don’t have five seconds, let alone five minute conversations to have with people. and they are so angry and upset and hurt about how they have been treated
Organisational loyalties & expectations

The stuff I get from NOMS to communicate downwards, I tend to ignore ... so we define NOMS as an organisation as ‘they’, as someone that’s done it to us. To give a message about caring for prisoners, I have to split myself off from the organisation. If I say ‘NOMS’, they’ll disengage.

It is quite hard to get to the position of being a governor, and when you get there and your staff look up to you, and they expect great things of you, and they carrying on having those expectations regardless of what the service does, and then the service starts taking away your ability to really make meaningful decisions. And that is quite hard.
So do you feel you can still set the tone of your establishment as governor? Are you still able to shape what kind of prison with what kind of culture?
The answer to that is yes, and I am pleased and relieved it is still a yes. Because even within those constraints you actually have an enormous say about how well our applications and complaints [are dealt with] and what is the quality of conversations on a daily basis.

To what degree do you feel you are able to control the tone and direction of your establishment still?
Yeah. I think significantly .. yeah, significantly.
Concluding comments

- Energy, vocational commitment, and moral drive among younger, less experienced governors

- Appreciation of the ‘pressure at the top’: tension between ‘loose’ and ‘tight’ control; need for new ways of working; extreme pressures of the wider political and economic context