

# PRIVATISATION OF PRISONS

## Briefing Paper on Human Rights



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RIGHTS  
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## Introduction

1. This briefing paper on the human rights aspects of the privatisation of prisons was considered by the Human Rights Commission's Detention, Policing and Justice Committee in September 2010. The paper was revised and updated in March 2011.
2. The briefing paper considers some of the key concerns regarding the debates around the privatisation of prisons, locating the debates within the Northern Ireland context. It evaluates the performance of a number of private prisons currently in operation in England and Wales, and Scotland. The Appendix provides information regarding recent inspections of three private prisons, Altcourse, Peterborough and Kilmarnock.

## Human rights obligations

3. International human rights law places legal obligations upon states to protect and promote the human rights of everyone under their jurisdiction. If a prisoner is committed to a private prison establishment, it does not affect his or her rights to the protections of the European Convention on Human Rights (ECHR).
4. In terms of enforceability of the Human Rights Act 1998 (HRA) in respect of private prisons in the UK, it appears that companies contracted to run prisons are functional public authorities for the purposes of the HRA and are therefore covered.<sup>1</sup>
5. Additional rights under the International Covenant on Civil and Political Rights (ICCPR), in particular Article 10(1) (right to be treated with humanity and respect for inherent dignity) recognises the special vulnerability of those held in detention. There is also a large body of international instruments that outline the minimum standards for the treatment of prisoners.

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<sup>1</sup> *YL (by her litigation friend the Official Solicitor) (FC) (Appellant) v Birmingham City Council and others (Respondents)*, House of Lords, 2007. In this judgment Lord Mance, referring to an earlier case on the same issues, expanded on the characteristics of bodies which might constitute 'core or hybrid public authorities', making reference to the "obvious" example of the running of prisons by private organisations, at para 91 of his judgment. See also: Baroness Hale at para 63: "it is common ground that privately run prisons perform functions of a public nature" and Lord Bingham at para 7.

Thus, “the state therefore retains a duty under international human rights law to ensure the humane treatment of prisoners, regardless of whether the prison... is owned or run by the state or by private enterprise”.<sup>2</sup> Nonetheless, the UN Human Rights Committee (the body supervising compliance with the ICCPR) has raised concerns about the state’s ability to meet its human rights obligations within privatised prisons.

6. While private entities have obligations under international human rights law, “such obligations may not be enforceable without the assistance of the state”. As such, contractual obligations of the prison operator and the *monitoring* role of the state take on an added importance. Where contractual obligations reflect human rights duties, issues around compliance are potentially less problematic, however:

... where contracts are not so effective in protecting human rights, private operators should nevertheless be considered to have an independent duty to ensure human rights within their institutions. ... [C]ontractual shortcomings may also indicate a failure on the part of the state to discharge its own human rights obligations under international human rights law.<sup>3</sup>

7. Thus, while there is an “independent responsibility” on private entities to protect prisoners from human rights abuses, and particularly so with detention facilities, “the state will have a heightened duty of supervision, ensuring that private entities meet their human rights obligations”.<sup>4</sup>

## **Private prisons – general findings**

8. The UK has the most privatised prison system in Europe, with private prisons holding 11.3 per cent of the prisoner population of England and Wales (Prison Reform Trust, 2010).<sup>5</sup> There are 11 private prisons in England and Wales and two in Scotland, these being Kilmarnock and Addiewell. Nine of these are financed, designed, built and operated by the private sector on 25-year contracts. Primary contractors include Serco, G4S and Kalyx.

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<sup>2</sup> McBeth A (2004) ‘Privatising human rights: What happens to the state’s human rights duties when services are privatised?’, *Melbourne Journal of International Law*, vol 5, issue 1.

<sup>3</sup> Above.

<sup>4</sup> Above.

<sup>5</sup> Prison Reform Trust (July 2010) *Bromley Briefings: Prison Factfile*, PRT, London.

9. There is also another form of 'contracted out' prison establishment, under contracts won by the Prison Service after a process of tendering, and these operate under service level agreements (SLAs). Three establishments that fall under this arrangement are Manchester, Buckley Hall and Blakenhurst, providing a mix between a privately run and a public sector prison.
10. The Ministry of Justice recently announced the outcome of a competitive tendering process for the management of five prisons.<sup>6</sup> The contract for the management of HMP Birmingham, currently managed by the public sector, will now be with G4S. A new prison, Featherstone 2, due to open in 2012, will also be managed by G4S. HMP Doncaster will remain under contract to Serco and its contract award will include a new "payment by results" pilot.<sup>7</sup> HMP Buckley Hall will continue to be run by HM Prison Service under a Service Level Agreement. HMP Wellingborough was removed from the competition process because it "could not produce significant improvements without considerable financial investment".<sup>8</sup>
11. It is estimated that 25 per cent of the prison population of England and Wales could be held privately by 2014 if all new private prisons come on stream and the private sector wins all tendering competitions.<sup>9</sup> In Scotland, almost a fifth of prisoners are held in private prisons.<sup>10</sup>
12. A common theme arising from the literature on the privatisation of prisons is the argument that the driving forces behind privatisation include the objectives of deregulation, weakening trade union structures, implementing cuts in staffing and easing the way to bring in changes to working practices.
13. The Prison Officers Association (POA) in private prisons is subject to a recognition agreement. From a membership of approximately 36,500 throughout the UK, some 1,000

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<sup>6</sup> Ministry of Justice, 'Prisons competition outcome', press release, 31 March 2011. Available: <http://www.justice.gov.uk/news/press-release-310311b.htm>.

<sup>7</sup> The Payment by Results (PBR) element means that 10 per cent of the contract price will only be payable if the operator reduces the one-year reconvictions rates of offenders discharged from prison by five percentage points (as above).

<sup>8</sup> Above.

<sup>9</sup> Prison Reform Trust (July 2010) *Bromley Briefings: Prison Factfile*, PRT, London.

<sup>10</sup> Armstrong S (2007) 'What good are markets in punishment', *Prison Service Journal*, Issue 172, July 2007, HM Prison Service, London.

members work for the private sector.<sup>11</sup> The POA is opposed to the operation of private prisons and is currently engaged in promoting its 'Prisons are not for Profit' campaign.

14. Private prisons are subject to inspections by HM Chief Inspector of Prisons (HMCIP) in the same way as public sector prisons; they also have Independent Monitoring Boards.
15. Once a complaint has exhausted internal procedures in England and Wales, all prisoners, sentenced and on remand, men and women, adults, young offenders and juveniles, whether in public or private prisons, can complain to the Prisons and Probation Ombudsman about their treatment. However, more information is required regarding the effectiveness of internal procedures for progressing complaints within privately run prisons.
16. It has been argued that already in the UK significant sections of the services provided by public sector prisons have been privatised. Examples include provision of offender management courses, bed linens, telephone services, court transportation services and building and architecture.
17. Others have put forward the view that it is a 'market discourse' that "has taken root, frequently in the absence of actual markets, which has profoundly altered organisational identities and values in criminal justice"; and that

... the significance of the relatively limited number of private prisons in our midst today is not as harbingers of an apocalyptic *future*, but as only one of a number of factors that has already affected the *present* – in how public prisons are operated, in how criminal justice is defined, in how public servants understand their role.<sup>12</sup>

## **Altcourse Prison**

18. Altcourse Prison is frequently held up as a 'model' private prison. It is situated in the Fazakerley area of Liverpool and is a purpose built prison operated by G4S. It is a category 'B' male core, local and remand prison.

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<sup>11</sup> 'Prisons are not for Profit' campaign. Available: <http://www.poauk.org.uk/index.php?prisons-are-not-for-profit>.

<sup>12</sup> Armstrong, above.

19. An Independent Monitoring Board (IMB) Annual Report for Altcourse for the period 2006-07 raised key concerns relating to discrepancies in resettlement provision; overcrowding issues linked to government policies (for example, indeterminate sentences); the need for a tightening of reporting mechanisms relating to the administration of 'medication under restraint'; importation of strong drugs into the prison; poor drug detox facility and inconsistency of food standards.
20. However, a recent unannounced HMCIP inspection that took place in January 2010, found that Altcourse remained an extremely effective prison. The largely positive inspection report found that prisoners did feel safe and that that good relationships had been formed between prisoners and prison officers.<sup>13</sup> (See Appendix for more detail of the inspection report.)
21. It is of note that Altcourse costings have been reported as being significantly higher than most other private prisons.<sup>14</sup>

## **Comparative data**

22. There are generally mixed reviews in terms of comparative data between privately run and public sector prisons. A comparative study sponsored by the Home Office and published in 2000 found that privately owned prisons provided average savings of 13 per cent per prisoner, but that this amounted to little or no savings "after accounting for their greater rates of overcrowding".<sup>15</sup> This study also found little difference between private and public sector prisons, although there was some evidence of private prisons faring better in terms of providing purposeful activity, out-of-cell time and more flexible visiting hours. However, positive outcomes regarding 'purposeful activity' have not been borne out in the recent inspections reports of Peterborough and Kilmarnock (see Appendix).
23. Interestingly, a recent inspection report of Wolds prison (the UK's first private prison) found deterioration in safety and security arrangements, particularly the significant increase in

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<sup>13</sup> Full unannounced inspection of HMP Altcourse 15-22 January 2010 by HMCIP

<sup>14</sup> Available: [http://www.unison.org.uk/bargaining/doc\\_view.asp?did=466](http://www.unison.org.uk/bargaining/doc_view.asp?did=466).

<sup>15</sup> Pozen DE (2003) 'Managing a correctional marketplace: Prison privatization in the United States and the United Kingdom', *Journal of Law & Politics*, Vol XIX:253, 2003, University of Virginia School of Law, Charlottesville, USA.

drug use and a weakness in staff supervision of prisoners.<sup>16</sup> Commenting on the report, the Director of the Prison Reform Trust stated that it “raised serious questions about the over-reliance on private companies in the running of the prison estate”. Her view was that evidence on the performance of private prisons was “inconclusive”, with many starting off well but with performance levels dropping to below that of the public sector, and that “privatisation is clearly no panacea to the problems of an overcrowded and underperforming prison system”.<sup>17</sup>

24. A National Audit Report (2003) on the “Operational Performance of PFI Prisons” acknowledged the difficulties of comparing the performance of PFI (private finance initiative) and public prisons due to a number of variables. From its study group of 21 prisons, it found that PFI prisons “tend to be better than public prisons in areas related to decency and regimes”; however, they “perform less well in other areas, such as safety and security”.<sup>18</sup>

## Costings

25. As private prisons are run along ‘business’ lines, salary differentiation between management and prison officers is high, with comparatively low pay for prison officers.
26. In 2006, basic pay for private sector custody officers was 39 per cent less than their public sector equivalents. Taking a valuation of benefits such as pensions and holidays into account, public sector advantage rose to 61 per cent.<sup>19</sup>
27. An average of 40 per cent of private sector staff has over five years’ service. High staff turnover remains a problem in a number of private prisons.<sup>20</sup>
28. In the UK, according to a parliamentary written answer, the costs of private prisons per place are slightly higher than public sector prisons in most categories, with average contract sector costs ranging between £26,813 (male,

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<sup>16</sup> HM Chief Inspector of Prisons (July 2010) *Report on an Unannounced Inspection of HMP Wolds*, 7-11 December 2009, HMCIP, London.

<sup>17</sup> Verkaik R (2010) ‘UK’s first private prison condemned in report’ *The Independent*, 6 July 2010.

<sup>18</sup> Report by the Comptroller and Auditor General, *The Operational Performance of PFI Prisons*, 16 June 2003, TSO, London.

<sup>19</sup> Prison Reform Trust (July 2010) *Bromley Briefings Prison Factfile*.

<sup>20</sup> Above.

category B) to £48,669 (male juvenile) and £44,000 (female 'closed'). Apart from prisons holding male category C prisoners, overall public sector costs are slightly lower.<sup>21</sup>

29. Private prisons have a Ministry of Justice 'controller' who is located within each prison and oversees contractual compliance, imposing fines for non-compliance. The Home Office has shown willingness to withhold performance-linked fees. One example of this is Securicor Ltd, operator of Parc Prison, which was fined approximately £800,000 for failing to meet contractual requirements.<sup>22</sup> The Commission is seeking more recent information on the frequency, type of breaches and size of fines imposed.
30. Further information is also being sought on what role/powers the 'controller' has in terms of implementation of any recommendations or measures to be taken in order to strengthen compliance.

## Northern Ireland concerns

31. Against a backdrop of a recently devolved prison service and proposed cuts in public sector funding, the possibility that serious consideration may be given to privatising prisons or parts of the prison service in Northern Ireland is an issue that needs to be addressed.
32. An issue that has surfaced repeatedly during discussions about the future of the Northern Ireland Prison Service (NIPS) has been that, despite the relatively high costs of prisons in Northern Ireland, the Prison Service has received a number of poor inspection reports, in particular those relating to Maghaberry Prison. The death of Colin Bell in Maghaberry Prison in July 2008 marked a low point in prison management and highlighted the urgent need for reform. A series of reports ensued from a range of bodies including Criminal Justice Inspection Northern Ireland (CJINI), the Prisoner Ombudsman for Northern Ireland and the Pearson Review team,<sup>23</sup> which was commissioned by Paul Goggins, the former

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<sup>21</sup> Hansard HC, 9 January 2007, c546W cited in Prison Reform Trust, *Bromley Briefings Prison Factfile*, July 2010.

<sup>22</sup> Pozen (2003) above.

<sup>23</sup> CJINI, *Report of an Unannounced Full Follow-up Inspection of Maghaberry Prison, 19-23 January 2009*; CJINI, *Vulnerable Prisoners – An Inspection of the Treatment of Vulnerable Prisoners by the Northern Ireland Prison Service*, December 2009; Prisoner Ombudsman for Northern Ireland, *Report by the Prisoner Ombudsman into the Circumstances Surrounding the Death of Colin Bell*,



Minister of State for Northern Ireland and Robin Masefield, the former Director of the Northern Ireland Prison Service, pursuant to the Prisoner Ombudsman's report into the death of Colin Bell. However, these bodies have the power only to recommend, not to enforce recommendations, resulting in the ongoing problem of monitoring progress in the effective implementation of recommendations.

33. The unannounced inspection of Maghaberry Prison by CJINI<sup>24</sup> found evidence of serious operational difficulties, highlighting poor industrial relations which impacted negatively on prisoners; the need for changes to established working practices; the existence of a security-dominated prison environment and the need to strengthen links between Prison HQ and prison staff.
34. A dual consideration within this debate is the recent push for decarceration, particularly for women and for low-level offenders, together with reducing the number of remand prisoners. The publication of the Corston Report<sup>25</sup> in 2007 provided additional impetus to promoting an approach to women's imprisonment which advocated that prison should be reserved only "for serious and violent offenders who pose a threat to the public". When contemplating how the strategic view for the prison estate should be shaped, this initiative should be kept at the forefront along with the requirement to examine how funds should be diverted away from custody toward the provision of more supports delivered within communities. The point has been made that privately run prisons may have a vested interest in maintaining optimum prison places so as to maximise profit:

In the case of prison privatisation in Scotland, the starting figure of three new 700-place prisons was based on a fairly regressive penal assumption that prison places needed to be expanded. Once the decision was made to provide for 2100 new prison places, it was difficult to discuss alternatives to

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January 2009; Pearson Review Team, *Review pursuant to the Death in Custody of Colin Bell on 1 August 2008*, 9 June 2009; Pearson Review Team, *Six Month Audit to Review Progress against Recommendations from the Pearson Review published 9 June 2009*, 25 March 2010.

<sup>24</sup> CJINI, *Report of an Unannounced Full Follow-up Inspection of Maghaberry Prison, 19-23 January 2009*, CJINI/HMCIP, Belfast.

<sup>25</sup> Home Office (March 2007) *The Corston Report – A Review of Women with particular Vulnerabilities in the Criminal Justice System*, Home Office, London.

custody even though these may have been cheaper and provide greater social benefits.<sup>26</sup>

Further,

Many have argued that privatised prison corporations have an interest in growing prison populations, and, consequently, have little incentive to adopt effective policies for tackling re-offending .... Labour cost reductions provide private operators with the single, largest source of savings and profits. However, low pay and, consequently, high attrition has often led to grossly under-qualified and inexperienced staff.<sup>27</sup>

35. However, it is also the case that under existing public sector prison arrangements in Northern Ireland, there has been an overall increase in the prison population since 2001, demonstrating that this development cannot be placed solely at the door of privatisation policies. There has been a very slight decrease in the overall number of prisoners held in 2009-10 when the average total was 1,449, as compared with 2008-09 when the average total was 1,492.<sup>28</sup> However, before this period there were seven consecutive increases in the annual average population between 2001 and 2008. The overall average population in 2009 represented an increase of 61 per cent, as compared with 2001<sup>29</sup>.
36. It is of note that there was a 13.8 per cent increase in prisoners held by the Irish Prison Service during 2009. Interestingly, the average cost of providing a prison place in 2009 decreased by 16.7 per cent compared with the previous year.<sup>30</sup> Thus demonstrating that growing prison populations also provide a means of reducing costs per prisoner place in public sector prisons.
37. The significance of sentencing policy must also be considered, and the point has been made that to a significant extent it is the state that "governs the sentencer's range of options, whether by statute, through guidelines or by determining which options to make available and at which levels in each

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<sup>26</sup> Cooper & Taylor (2005) 'Independently verified reductionism: Prison privatization in Scotland', in *Human Relations*, 58: 497, Sage Publications on behalf of the Tavistock Institute, London.

<sup>27</sup> Miller (2003) in Cooper & Taylor, above.

<sup>28</sup> *Northern Ireland Prison Service Annual Report 2009-10*.

<sup>29</sup> The Northern Ireland Prison Population in 2009, Research and Statistical Bulletin 2/2010, Department of Justice.

<sup>30</sup> *Irish Prison Service Annual Report 2009*.

locality".<sup>31</sup> For example, the ongoing delay in the introduction of alternatives to custody in Northern Ireland for fine defaulters has led to numerous instances of inappropriate committals to prison.

38. More than one-third of the prisoner population is on remand which is more than double the proportion in Great Britain. Some 14-15 per cent are life sentence prisoners which is a markedly higher proportion than in Britain.<sup>32</sup>
39. NIPS has recently assessed the potential impact of alternatives to prosecution for low-level offences and found that "opportunities may exist to reduce the number of remand, fine default and non-criminal offenders, who would historically have been placed in custody, by up to 21%".<sup>33</sup> It is important that even this modest potential is realised within the categories specified.
40. The budget for the current year is £132m (resources) and £12m (capital). There is a total staff complement of 2,350, with 200 based at HQ, and 1,900 Prison Service or uniform grades.<sup>34</sup> The Prison Service budget for the four-year period 2011/12 to 2014/13 is listed in the table, below.<sup>35</sup>

<b>Departmental Expenditure Limit (DEL)</b>	<b>2011/12</b>	<b>2012/13</b>	<b>2013/14</b>	<b>2014/15</b>
Resource DEL £m	149.9	128.8	112.5	114.0
Capital DEL	20.2	8.1	14.1	54.2

41. Specific projects outlined in the draft budget include redeveloping Magilligan Prison, improving facilities for female prisoners and completing essential maintenance projects.
42. In Northern Ireland, in 2007-08, the average cost per prisoner place stood at £81,030. This has recently reduced to £77,831, with the target for 2010/11 being £76,500.<sup>36</sup>

<sup>31</sup> McCulloch T and McNeill F, 'Consumer society, commodification and offender management', *Criminology and Criminal Justice*, 7(3):232, 2007, Sage Publications.

<sup>32</sup> Extract from Committee for Justice Report, *Overview Briefing on the Northern Ireland Prison Service*, 13 May 2010.

<sup>33</sup> *Draft Strategy: The Management of Women Offenders in Northern Ireland*, Annex A, February 2009.

<sup>34</sup> *Northern Ireland Prison Service Annual Report 2009-10*.

<sup>35</sup> Available: [http://www.dojni.gov.uk/index/publications/departement-of-justice-budget-2011-15\\_1\\_.pdf](http://www.dojni.gov.uk/index/publications/departement-of-justice-budget-2011-15_1_.pdf).

<sup>36</sup> *Northern Ireland Prison Service Corporate and Business Plan 2010-13*.

43. For historic reasons, there has been a lack of recruitment opportunities for prison officers in NIPS. There have been no external recruitment exercises for main grade prison officers since 1994. As mentioned above, inspection reports have highlighted a cultural resistance to change from prison officers and the poor relationship between HQ and staff working in the prisons, together with high costs per prisoner place. The strong influence of the Prison Officers' Association (POA) has also been raised as a factor.
44. It is against this backdrop that prison privatisation may be put forward as a means of reducing costs, weakening the strength of trade union structures and driving through a reform programme.

## **Concluding comments**

45. There are particular problems within the prison regime in Northern Ireland stemming from the legacy of the conflict. Many currently serving prison officers were recruited at a time when issues of security were paramount within the management and culture of the prisons and this has impacted negatively upon staff interaction with prisoners. The problems associated with the poor industrial relations have also been outlined, together with a perceived cultural resistance to implementing reforms. Poor staff relations with HQ have also been identified. In addition, the recent long-running protest by some of the separated prisoners located in Maghaberry over issues including lockdowns and full body searches reflects the serious nature of ongoing unresolved legacy issues.<sup>37</sup>
46. One of the driving forces behind privatisation initiatives in other parts of the UK has been identified as a desire to weaken trade union organisation and thereby ease the way to secure changes in working practices. However, there appear to be very mixed reviews regarding the comparative data available on private and public sector prisons. Terms and conditions of prison officers working within the private sector are significantly worse than those in public sector prisons. Problems relating to high turnover of staff and reduced training opportunities have been identified, with no clearly

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<sup>37</sup> The text of the agreement ending the Roe House Protest, 12 August 2010, can be found on the NIPS website. Available: <http://www.niprisonservice.gov.uk/module.cfm/opt/10/area/Press%20release/page/pressrel/pid/542>.

discernable advantages to the care of prisoners offered by private prisons.

47. The issue of cost has surfaced continually within debates on the future of the prison service in Northern Ireland. As has been documented, costs per prisoner are significantly higher here than in other parts of the UK. Some local factors may at least partly explain this. However, in other parts of the UK overall average costs per prisoner place come out slightly higher in private prisons than in public sector provision.
48. It would appear that within the private sector considerable savings are made by reducing the terms and conditions of prison officers. However, protection is a right of an employee where an "employer's business is subject to merger or transfer of ownership"<sup>38</sup> The Directive may have relevance if certain criteria and rules apply, where a workforce is transferred. This may be a factor that would impact on any projected saving in staff costs in the event of prison privatisation if existing staff retained this protection.
49. From an oversight perspective, formal mechanisms appear to be broadly similar. However, the point has been made that the monitoring role of the state takes on additional importance in ensuring adherence to human rights law by private entities.
50. Aside from the moral and ethical issues arising from profiting from punishment, there is the additional concern that the profit motive will make promoting an agenda for decarceration and the provision of workable alternatives to custody more difficult to achieve. The issue of vested interest in maintaining 'capacity' may, of course, be relevant to public sector providers as it is to private providers.
51. Commentators have expressed concern regarding the growth of a 'managerialist' approach towards those in the criminal justice system. Some suggest that the real danger facing prison reform may be that the state sector has adopted a 'market discourse':

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<sup>38</sup> EU Council Directive 2001/23/EC). A transfer has taken place when "there is a transfer of an economic entity which retains its identity, meaning an organised grouping of resources which has the objective of pursuing an economic activity, whether or not that activity is central or ancillary" (Federation of European Employers, [www.fedee.com](http://www.fedee.com)).

...processes of commodification also operate within the state sector through the disciplines of managerialisation, marketisation and standardisation employed in the process of developing mixed economies of penal provision.<sup>39</sup>

52. Will the task of challenging further 'commodification' within the criminal justice system become harder to resist if punishment providers are located within the private sector? Is the greater challenge to rethink what the purpose of prison is and how the notion of 'punishment' is located within this? If the aim is to seek to increase the provision of viable alternatives to custody and prosecution and to look towards best practice in the provision of support to those within the criminal justice system, these goals do not sit easily alongside the pursuit of profit as a key motivational factor.
53. There are serious problems that need to be tackled within the culture of the prison regime in Northern Ireland. Privatisation may not provide any long-term solution to those problems:

... with for-profit operators, a prison can quickly degenerate when its management is determined to save money by cutting corners and government does not intervene. Private prisons may have proven themselves more similar than dissimilar to public prisons over the last decade, but their greater risks place an added onus on regulators.<sup>40</sup>

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<sup>39</sup> McCulloch & McNeill (2007) above.

<sup>40</sup> Pozen (2003) above.

## **Appendix**

### **Extracts from recent inspection reports of private prisons, Altcourse, Peterborough and Kilmarnock**

#### **HMP Altcourse**

Extracts from report on a full unannounced inspection of HMP Altcourse 15-22 January 2010 by HMCIP:

##### Selected Positive Findings

- a) prisoners felt safe
- b) induction provided in form of power point presentation
- c) good relationships formed between prisoners and prison officers
- d) high levels of activity
- e) peer support
- f) variety of courses/vocational training and commercial workshops, and
- g) time out of cell (average 10 hours per day).

##### Selected Negative Findings

- a) some admission interviews not taking place in private
- b) some prisoners unable to shower upon arrival
- c) poor quality of food.

##### Selected Recommendations

- a) develop and maintain basic human rights standards within prison system
- b) implement a custody planning process for prisoners who are not sentenced/short sentenced
- c) segregated prisoners should have a more progressive and motivational regime; more out of cell time and more interaction
- d) catering to improve temperature of food served
- e) punitive nature of pre-entry scheme should be removed, and
- f) improvements needed to health complaints process and the administration of medicines.

#### **HMP Peterborough**

HMP Peterborough is a local category B prison and is operated by Kalyx under a 25-year contract to the Home Office. Opening in

March 2005, it is the UK's only dual purpose-built prison providing separate accommodation for men and women. The prison also has a 12-place Mother and Baby Unit.

Extracts from a report of an unannounced follow up inspection of HMP/YOI Peterborough Women's Prison (2008):

- a) women had little confidence in applications and complaints systems
- b) separate incentives scheme was little different from men's prison
- c) too much lock-up time – one-third of women locked in cells during activity periods
- d) to date in 2008, large number of women arrived late at prison (between 7 and 8.30pm).
- e) clear information needed about reception process to new arrivals
- f) better access to showers on arrival
- g) Women should feel safe on their first night and should be supported in appropriate comfortable accommodation. They should not be required to share with in-patients or prisoners withdrawing from drugs and unconvicted women should not have to share with convicted prisoners, and
- h) improvements needed to listener and listener trainer scheme.

### **HMP Kilmarnock, Scotland**

Extracts from a report on an inspection of Kilmarnock Prison 2007:

Opening in 1999, this prison is operated under a 25-year contract by Serco Home Affairs Division, on behalf of the Scottish Prison Service. It has 500 single cells with a maximum capacity for 692 prisoners. It accommodates male adult prisoners and long-term young offenders on remand. As with all Scottish Prisons, Kilmarnock is subject to the Prisons and Young Offenders Institutions (Scotland) Rules 2006, as amended, and prisoners have the same rights at Kilmarnock as they would have in any other Scottish Prison. Although Kilmarnock Prison is operated by Serco, it is part of the SPS estate and prisoners remain under the same care agenda as that of the Scottish Prison Service.

#### **Selected Positive Findings**

- a) prisoners and staff reported as feeling safe in prison
- b) been a decline in violence, and
- c) more positive engagement with prisoners.



## Selected Negative Findings

- a) excessive lock-up time
- b) overcrowding in prison
- c) limited opportunities for transfer to Open Prison
- d) lack of system for recording complaints
- e) lengthy time taken going through reception process (can be six hours)
- f) not enough prisoners have access to workshops, and
- g) problems with booking system for visits raising concerns regarding right to a family life.

## Selected Recommendations

- a) more out-of-cell time
- b) risk assessment should take place in private at reception
- c) reception process should be managed more quickly and efficiently
- d) improvements to 'befriender' scheme
- e) listener scheme should be introduced, and
- f) prisoners held in segregation for three months should have regular mental health assessment.