

Performance Measurement in the Prison Sector: Highlights from the United Kingdom and the Republic of Ireland

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The prison sector in the United Kingdom (UK) and the Republic of Ireland (ROI) is significant and forms the backbone of the criminal justice system in both jurisdictions. In 2021, approximately £5.4 billion was spent on the prison system in the UK, where His Majesty's Prison and Probation Service (HMPPS), an executive agency of the Ministry of Justice (MoJ), is responsible for 117 prisons in England and Wales, including 104 public prisons and 13 private. Three private-sector companies, G4S, Sodexo and Serco, manage the private prisons with a combined operational capacity of 16,000 places. As of March 2021, there were 78,058 prisoners overall. In ROI, the annual budget for the Irish Prison Service (IPS) for 2021 was €395 million, for an average 3,792 prisoners. The IPS operates as an office of the Department of Justice (DoJ). There are currently 12 prison sites in the Irish prison estate, with no privately-run prisons. The authors have recently conducted research, which explores the relationships among key stakeholders and performance-management tools involved in the provision of prison services in both the UK and ROI.

Key stakeholders

In the UK, specifically in England and Wales, within HMPPS, the Prison Group Directors are responsible for the operational delivery and strategic development of up to seven prisons at a time. To manage the contracts with private providers, moreover, there is a Head of Custodial Contracts for HMPPS, who ensures that the private contractors deliver to the expected standards. At the local level, prison governors are expected to provide vision and strategic direction for prisons, ensuring that their site is secure and operationally stable, whilst maintaining decency and compliance with key-performance metrics and targets. In the ROI, the governor in charge of each prison is accountable to the Minister, through the Director General of IPS, for the safe and secure custody, care and rehabilitation of the prisoners in their care. The governor is also responsible for effective corporate governance at prison level and for cost-effective performance against agreed plans.

The research highlighted that, in the ROI, key stakeholders (DoJ, IPS, and governors) considered a strong and clear governance system as essential. IPS and governors were perceived as the main actors through whom all decisions and changes had to pass and be approved by. A main underlying factor emerging in the provision of prison services was the ability to manage relationships across the wide range of stakeholders and levels involved. Such relationships were influenced by both human agents' behaviours/attitudes and contextual/physical factors (such as regulation, changes in control and performance-measurement systems, availability of resources, contractual aspects, etc.). When compared to the UK, a greater emphasis on softer control and measurement aspects, such as social and human conditions, as well as health and safety, became apparent in the ROI. Within the UK, on the contrary, key stakeholders (MoJ, HMPPS, governors, and contractors) emphasised contract-management issues as being critical to the delivery of services.

In both jurisdictions, the role of, and relationships between, the governors and HMPPS/IPS were of critical importance. The empirical evidence suggested the need for greater clarity on the

respective roles and responsibilities. The contention for increased efficiency and transparency has led, over time, to a proliferation of new control and performance-measurement tools, with an excessive emphasis on standardised and quantified performance measures. If care is not taken, this could lead to a diminution of accountability by narrowing the focus of management on a few numbers, rather than the overall quality of the service provision.

Performance measurement and control in prisons

The research showed that, compared to the ROI, the UK stakeholders, at all levels, were more wedded to business-like approaches, stressing the importance of efficient and cost-effective prisons and good contracts to manage their services. In both jurisdictions, and regardless of their public/private nature, prisons mainly replicated externally mandatory controls and measures. However, there was also an acknowledgement of the unifying role played by accounting and measurement practices and the benefits that common standards and professionalism could bring when new knowledge and techniques are integrated into existing systems.

In 2018, a new performance framework, the Prison Performance Tool (PPT), was introduced in the UK to monitor the performance of prisons. Similar in principle to the Balanced Scorecard, the PPT uses a data-driven assessment of performance in each prison to derive overall prison performance ratings. Data for the various measures in the PPT, along with overall prison ratings, are released at the end of each year on GOV.UK, as part of the Prison Performance Ratings publication. These ratings are publicly available and form the basis of a league table of prison performance. The PPT performance measures are weighted according to HMPPS priorities. For example, in 2019/20 there was an emphasis on safety and drug levels, living conditions and risk management, as well as security measures and data quality.

In ROI prisons, more integrated and comprehensive performance-measurement systems are currently being developed with the aim to strengthen governance and accountability, improve the prisoner's journey and the safety and security of prisons. IPS has recently introduced a new operating model to align functional responsibilities between directorates and the various operational sites (including prisons) and to provide clarity on decision-making authority and accountability. The *Oversight Agreement 2022-2024* sets out the key-governance and reporting arrangements. Consistently, IPS is required to develop a multi-year Strategic Plan. This defines the mission, vision and values of the service and is expected to incorporate appropriate objectives and goals along with relevant indicators and targets against which performance can be measured. At present, only a limited number of performance metrics are produced and made publicly available. Moreover, such quantitative performance data are limited in scope. For instance, there is no breakdown of figures for each prison, so it is difficult to see which are performing well, or otherwise, against the relevant targets.

While key stakeholders in both the UK and ROI indicated that many of the performance measures in place were relevant, governors frequently pointed out that prisons were not sufficiently resourced to achieve some of the targets set, which, ultimately, affected the prisoners' experience. It was concerning, in particular, that there was still relatively limited information, in the public domain, in relation to health and education in prisons. With reference to private prisons in the UK, moreover, the role of the public-sector controller was identified as being particularly critical. The controller is the MoJ's on-site representative in each private prison and effectively monitors performance on the ground. Private prisons' performance is measured through the same system public-sector prisons are subject to; however, in addition to this, each contract also has specific contract-delivery indicators (CDIs) built into it with financial incentives. If a private-prison operator does not meet its target for a CDI, it may incur a financial penalty. Contracts between private-prison providers and the MoJ are highly

complex. The contracts are normally an extensive suite of documents comprising the main contract and up to 30 detailed schedules, many with their own constituent parts and appendices. For the 13 private prisons in England and Wales, there was a significant level of compliance and assurance reporting. Private prisons were generally perceived to be under greater control and scrutiny, when compared to their public counterparts, because of the greater contract detail and the presence of public-sector controllers within their walls. A potential concern in this area would be the narrow competitive base of the UK prison market and, consequently, the MoJ and HMPPS's continued reliance on the same few contractors, even when there is evidence of inadequate performance levels.

Conclusions

The prison system represents a unique context in which many different stakeholders collaborate. Partnerships are critically important to ensure good performing prisons. Governors in both jurisdictions were conscious of the limitations of performance measurement and that existing indicators did not always reflect their priorities. If the application of performance-measurement systems is perceived as inflexible, staff will focus on short-term achievements, paying less attention to the longer-term impacts. The enabling or constraining effect of the systems set in place, and their ability to influence, in one way or another, decisions and behaviours, was perceived as being particularly important. If performance is to be effective, an integrated and inter-organisational governance approach becomes essential.

Whilst the research highlighted that some excellent work is being carried out in individual prisons in both the UK and ROI, there is still some ambiguity as to how, exactly, this is being effectively captured within the wider performance-reporting and control systems of the public sector. In both jurisdictions, there is a clear and increasing desire for consultation and inclusion in decision-making processes. The role of performance measurement and control is evolving and no longer covers only the assessment of organisational results, but increasingly includes managing change, organisational relationships, and the external environment. Successful prisons will be those that broaden their view, from looking inward to looking outward towards the community.



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