Experiencing Oversight: Prison Staff's Experiences of Inspection and Complaints

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Research Background

This research was undertaken as part of the PRILA project based in Trinity College Dublin. PRILA is a five year research project funded by the European Research Council. It aims to understand what works when it comes to prison oversight from the perspective of prison staff, prisoners, and oversight personnel.

The project examines prison oversight from around Europe: including national prison inspection bodies, international prison monitoring bodies, national preventive mechanisms, and prisoner complaints systems.

Prisons in Ireland and across Europe are experiencing growing levels of oversight. In the Irish context, the last 30 years has seen an expansion of such oversight mechanisms. For example, the creation of the Office of the Inspector of Prisons (OIP), prison monitoring by the Council of Europe's Committee for the Prevention of Torture (CPT), and the introduction of a new prisoner complaints system.

For prison managers in particular, this expansion of oversight obligations has meant that they are accountable to an increasing number of audiences. However, little is known about how accountability is experienced by prison management and prison staff, how they engage with oversight bodies, and how accountability in this form supports prison work. This research set out to understand:

- What is the culture of accountability among managers in the Irish Prison Service (IPS)?

- What are prison managers' attitudes towards inspection, monitoring, and prisoner complaints?

- How can oversight mechanisms better support prison work?

This briefing paper, written by PRILA researcher, Sarah Curristan, presents a short summary of the key findings from this research.

Research Methods

This research was undertaken using interview and survey methods. Interviews were carried out with Chief Officers, Governors, and senior administrative staff at IPS Headquarters. All eligible participants received an email advert for the study inviting them to participate. The interviews addressed the topic of prison work, prison culture, accountability, prison inspection and monitoring, and prisoner complaints. 35 staff members, serving and recently retired, participated in the interviews.

Anonymity was a very important consideration for this study in order to allow participants to speak freely about their experiences within IPS. Care was taken during the analytical process to remove any aspects of the interview transcripts that could render a participant identifiable from their comments.

The survey was distributed to staff at all prisons, support units, and IPS headquarters. The survey was available in both an online and a postal format. Overall 369 staff members responded to the survey through both modes. The response rate for the survey was 11.6%.

Interview Method

👥 **35 Participants**

📋 **Semi-Structured**

👮 **Chiefs, Governors, HQ Staff**

📅 **Nov 2018 – May 2019**

Survey Method

👥 **369 Respondents, *RR* = 11.6%**

📋 **Online & Postal Modes**

👮 **All Grades**

📅 **Jun 2019 – Nov 2019**

One aim of this research was to establish what it is like to be accountable while working in the prison environment. As this section will describe, prison is an environment that presents unique challenges for accountability.

The Importance of Accountability

As in many work settings, the expectation for accountability in prison has increased in recent years. IPS and its staff are engaging with an increasing number of oversight bodies, thereby introducing new audiences for accountability. Interviews with staff revealed four key reasons why oversight and accountability are so vital in the prison context, though staff differed in the emphasis they placed on each.

Firstly, some staff expressed that oversight and accountability are required because prison staff hold a large degree of power over people in custody. Oversight and accountability were viewed as ways to ensure that those powers are used appropriately and not abused. For example:

> "I think it's important that we're more accountable [...] given the power differential between the people in our care. Unless we hold people accountable for their actions it could become a dark place very quick"

Participant 22

Secondly, oversight was regarded as necessary because of the vulnerability of people in custody. By virtue of being at the loss of their liberty and autonomy, prisoners are disempowered. In this regard, oversight is necessary not only to ensure that staff's powers are used appropriately, but furthermore to provide an essential safeguard for prisoners. This is expressed in the quote below.

> "…the prisoner has no autonomy in that respect. They can't just get up and walk out. They're practically 100% dependent. So from that point of view, there should be more accountability."

Participant 9

Thirdly, accountability towards oversight bodies is regarded as a necessary obligation because the Irish Prison Service is a public service. As such, accountability and oversight are a means to ensure that the Irish Prison Service is operating as it should be and meeting its organisational objectives.

> "Accountability, we have a policy statement to say that we will provide safe and secure custody of prisoners and accountability is to ensure that that happens."

Participant 19

This view of accountability contrasts with the previous two in that is more managerial in tone, it could be applicable to any organisational setting.

Finally, accountability was framed by some participants as a means for improvement, which offered a source of learning for the organisation. This perspective was shared by many participants, particularly those who sought to utilise engagement with oversight mechanisms to support their own objectives as prison managers.

> "…any recommendations and things like that […] we should always strive to improve what we're delivering and what we're giving to prisoners and to try and better the services that we can give them"
>
> Participant 28

The Prison Environment

Senior staff described the influence of the prison environment and prison culture in shaping their perspectives on accountability. Prison was described as a place that had, for a long time, been left outside of public awareness.

> "…what I get from people is, you know, it's really behind the wall and they're happy enough that it's behind the wall."
>
> Participant 6

The introduction of new audiences for oversight has also presented something of a cultural change for prison staff in terms of accountability, meaning that the actions and decisions of management also became open to scrutiny from new external audiences. One participant described this as:

> "…a huge cultural change of people actually realising that their decisions would be, not only would be questioned, but should be questioned all the time. So it made people a bit more reflective on what they were doing and how they were doing it"
>
> Participant 2

As for prison culture, descriptions of the work environment emphasised that things could very quickly turn for the worse in prison. Accountability was often associated with adverse events in prison. As such, it was often viewed a process of assigning blame. This view was expressed, in particular, with regard to experiencing accountability *within* the organisation. Many staff felt there was a lack of support from their line management.

> "the headquarters sometimes is quick to point the finger. It's the.. The support network, I don't think, is always there."
>
> Participant 17

> "Accountability, you know, it's huge in the Prison Service. It's… But the underlying tenet of it is if something goes wrong, who do we blame? Unfortunately."

Participant 21

Owing to this, participants described that prison staff often adopted a defensive stance when it came to accountability and their engagement with oversight mechanisms, both internally and externally.

This sentiment was expressed in relation to experiences with inspection and monitoring bodies as well as complaints investigators. Though many senior staff maintained that these interactions could provide opportunity for improvement, there was also caution about this type of interaction. For example, Participant 24, speaking on complaints investigators:

> "you always feel that they're out to do something, to find something, you know, that they want to find something wrong"

Participant 24

Similarly, speaking on prison monitoring by the CPT, participants described a similar sense of distrust, for example:

> "Any I've dealt with before, they just didn't believe what you were saying to them."

Participant 5

The literature on regulation and oversight emphasises that trust is required between the oversight body and those that they are seeking to regulate. Where accountability is viewed as a process of blame or fault-finding it is understandably difficult for trust or a constructive relationship to develop between staff and external oversight bodies.

In contrast, in instances where interview participants *did* describe a trusting or more positive relationship with external oversight bodies, they were more inclined to view oversight as something that could be leveraged to support their own goals and objectives as managers. For example, speaking on the previous Inspector, Participant 11 explained:

> "if there's something wrong let's find it and deal with it. And if somebody with his clout is saying it's wrong, I could be banging that drum every day of the week and nobody listens, but if he comes in and puts it in his report?"

Participant 11

Viewed in this way, engaging with oversight is not simply an obligation or a vector for blame, but can offer a means to support one's work and objectives as a prison manager.

A Changing Culture

In interviews, senior staff recognised the accountability culture within IPS as one that is changing. As well as increasing demands for account from external bodies, participants observed that the organisation was also placing a larger emphasis on internal compliance.

The possibility of introducing performance targets or indicators was met with scepticism; most senior staff agreed that prison work did not translate well to quantification. It was evident that participants felt that positive contact and good relationships with prisoners should take precedent over targets – aspects that are not easily measurable. It was also emphasised that any measures of performance must be supported by the Directorates and calibrated to resources available.

> "I think if you have really detailed performance indicators, people will only focus on the performance indicators and the person will get lost behind the indicator."

Participant 8

Finally, prison managers have a vital role to play in this changing culture. In interviews, senior staff spoke about their responsibility to develop and foster accountability within the prison environment. As described previously, being accountable and engaging with oversight can prompt defensiveness among prison staff. Senior staff emphasised the need to instil an understanding of the importance and relevance of accountability in the staff under their charge. Secondly, they advocated that there is a need to create a work environment in which staff feel comfortable challenging their colleagues and other staff members.

> "Oversight only became relevant to me as you went up the ranks [...] It only becomes relevant as you get exposed to it."

Participant 14

> "…if it's a healthy culture of saying exactly what happened and why it didn't happen, and even if there is fault at least something can be done about it. And I just think that [the Irish Prison Service] needs to catch up on that."

Participant 9

> "…still today, people don't run to the authorities. They don't, you know? That's the reality. So you need a very open system. [...]. You know, where people are going to say, 'I'm not condoning that.'

Participant 32

Findings: The Prisoner Complaints System

Under the Irish Prison Rules, all prisoners are entitled to make a complaint relating to their experience in custody. Since the current complaints system was introduced in 2014, reports on the system by the OIP and the CPT have highlighted low trust in the system among both prisoners and staff.
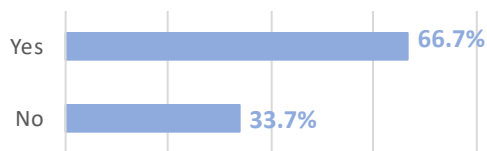
Experience with the complaints system was explored through the survey. Graph 1 shows that 66.7% of respondents – staff at all grades – reported having experience with the complaints system. This experience could occur for many different reasons. Graph 2 illustrates some of main the reasons for contact with the complaints system.

Finally, Graph 3 illustrates staff attitudes towards the complaints system. Attitudes are largely negative, with 63.3% of staff reporting very negative or somewhat negative views of the system. However, attitudes differed significantly among frontline staff and senior staff. The majority of frontline staff, 74.5%, held a negative opinion of the system. In comparison, the majority of senior staff, 47.5%, viewed the system as positive.
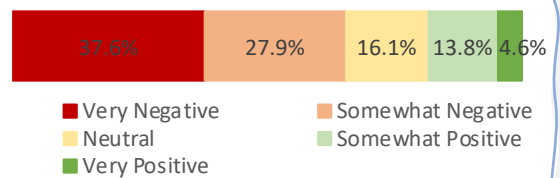
Graph 1

Experience with the Complaints System

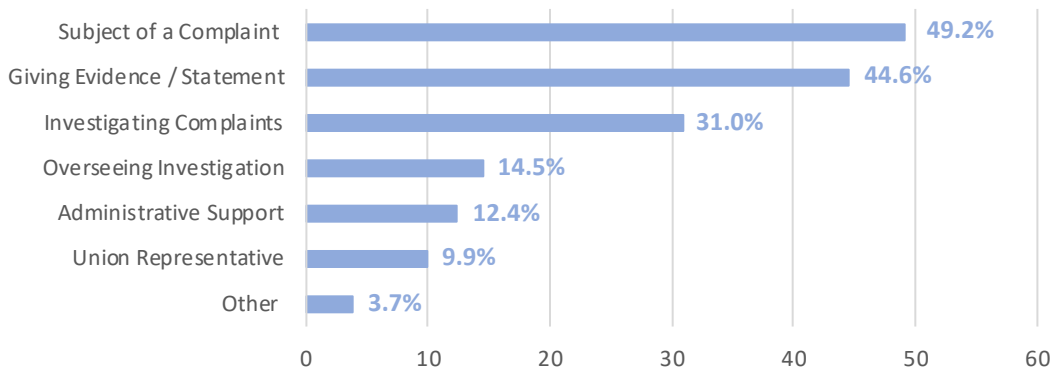|	
Yes	66.7%
No	33.7%

n = 365 respondents

Graph 3

Opinion of the Complaints System

| 37.6% | 27.9% | 16.1% | 13.8% | 4.6% |

- Very Negative
- Somewhat Negative
- Neutral
- Somewhat Positive
- Very Positive

n = 348 respondents

Graph 2

Reason for Experience with the Complaints System

Subject of a Complaint	49.2%
Giving Evidence / Statement	44.6%
Investigating Complaints	31.0%
Overseeing Investigation	14.5%
Administrative Support	12.4%
Union Representative	9.9%
Other	3.7%

n = 242 respondents

A Good Process

As prison staff are responsible for managing and responding to prisoners' complaints it is important to understand how they view the complaints system. Research on complaint procedures in other settings, such as policing and health care, has indicated that a good complaints process can lead to improved trust and legitimacy for the organisation.

Through the staff survey, this research aimed to identify what is important to staff in terms of a good complaints process. Analysis of the survey data indicated that staff at all grades had a more positive opinion of the complaints system where they agreed that:

- ✓ The complaints system is fair.

- The process to resolve complaints is clear.

- They have confidence that the process will reach the correct decision.

- The complaints system gives prisoners a necessary voice.

- Prisoners have opportunity to make complaints.

- The time taken to resolve complaints is reasonable.

- Complaints have lead to improvements in the prison.

Despite the many concerns with the complaints system, which will be further explored in the next section, during the interviews senior staff emphasised the importance of complaints. The system provides a formal channel through which prisoners can complain, rather than confronting a member of staff directly. Additionally, complaints offer the possibility to draw attention to and fix issues within the prison.

> "…that they're listened to, that they feel listened to. It is important that we have the process but that we're not just going through the motions."
>
> Participant 12

Staff Concerns: The Complaints System

Interviews with the senior staff group revealed several concerns about the complaints system. Three commonly raised issues will be described in this section. First, during interviews, senior staff highlighted that there is a lack of trust in the complaints system. In particular, this low level of trust was most keenly felt among frontline staff.

> "…staff feel that it's very much stacked against them."
>
> Participant 25

> "...staff have a perception that prisoners are just out to get them by putting in the complaints."

Participant 29

This finding was also reflected in the survey. While the majority of the senior staff group (57.5%) agreed with the statement 'I have confidence in the process of the complaints system to reach the correct decision.' In contrast, frontline staff reported much lower confidence, with 67.2% *disagreeing* with this statement.

Second, and relatedly, staff's mistrust of the complaints system may be linked to the next common theme, that there is as strong perception among staff that the system is misused by prisoners. This finding was also reflected in the survey data. 79.0% of all respondents agreed with the statement 'The complaints system is misused by prisoners', though agreement was higher among front line staff at 83.2% in comparison to among senior staff, 77.5%.

> "Using them incorrectly. Using them to frustrate the process or be vexatious."

Participant 5

Third, during interviews senior staff emphasised the time that is required to investigate and respond to complaints. Complaints can often pile up. It is a time-intensive task, that often takes staff away from other duties.

> "All that work which keeps people like me nailed to my desk [...] Whereas if you can unravel all of that and you're actually out and about more less of this stuff would go on."

Participant 14

As such, it is important that complaints work is given the necessary support, time, and resources that this work demands.

This section has showed something of distinction between the views of frontline staff and senior staff regarding the complaints system. Complaints are a necessary feature of prison, they are an important channel for prisoners to voice concerns about their experience of custody.

In light of these findings, steps to improve attitudes toward the complaints system could include: introducing staff training on the purpose and value of the complaints system as well as its procedures; to implement wider publication of the complaints figures among staff to help to dispel misconceptions of misuse of the system; and to ensure that complaints work is properly supported and resourced.

Findings: Prison Inspection & Monitoring

The OIP

The OIP was established on a statutory basis in 2007. The OIP is responsible for the independent oversight of Irish prisons and conducting regular prison inspections.

Staff's experience with the OIP was explored through the survey. Graph 1 shows that 49.3% of survey respondents reported having had contact with the

OIP. Graph 2 illustrates that contact with the OIP is more common among senior staff. This is an important point as it is indicative of how contact between the two organisations takes place. Graph 3 illustrates the variety of reasons for coming into contact with the OIP.

Finally, Graph 4 shows respondents' opinion of the OIP inspection process, with 43.8% expressing a very negative or somewhat negative opinion.
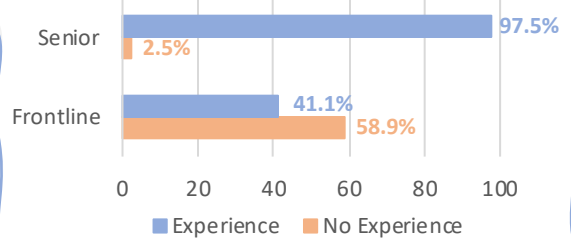
Graph 1

Experience with the OIP

Yes — 49.3%
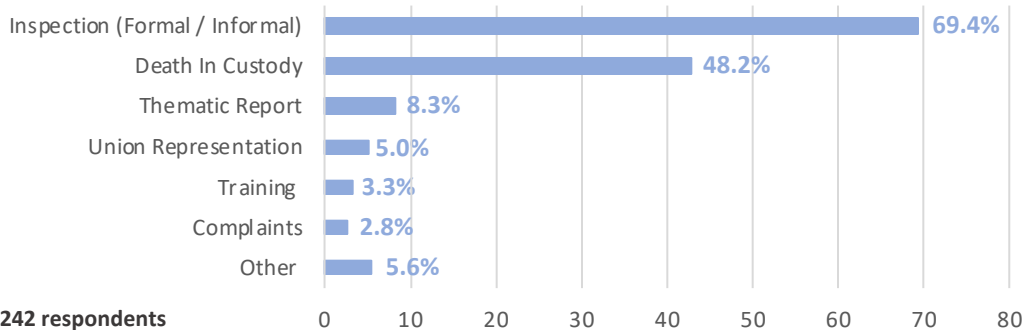No — 50.7%
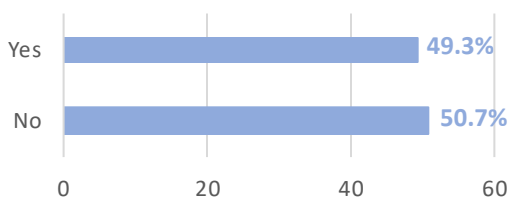
n = 365 respondents

Graph 2

OIP Experience by Staff Group

Senior: 97.5% Experience, 2.5% No Experience
Frontline: 41.1% Experience, 58.9% No Experience

n = 322 respondents

Graph 3

Reason for Contact with the OIP

Inspection (Formal / Informal) — 69.4%
Death In Custody — 48.2%
Thematic Report — 8.3%
Union Representation — 5.0%
Training — 3.3%
Complaints — 2.8%
Other — 5.6%

n = 242 respondents

Graph 4

Opinion of the OIP Inspection Process

Very Negative	Somewhat Negative	Neutral	Somewhat Positive	Very Positive
25.0%	18.8%	21.0%	15.9%	19.3%
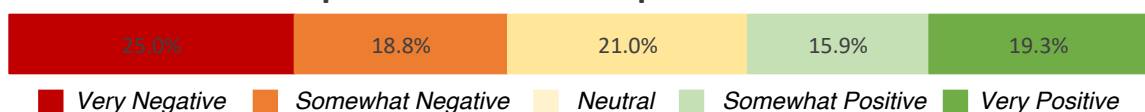
n = 174 respondents

The CPT

As a signatory to the Council of Europe's Convention on the Prevention of Torture, Ireland receives monitoring visits from the CP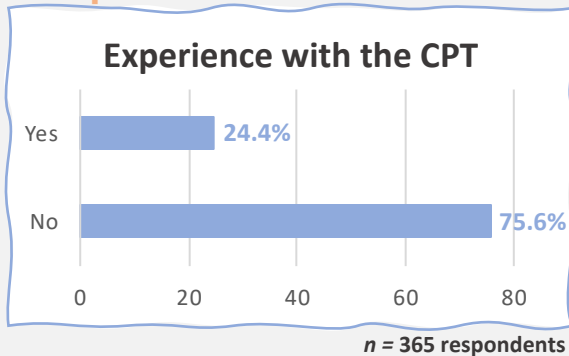T to its prisons and other places where people are deprived of their liberty. These visits occur roughly every four years. The most recent visit occurred in September 2019. The report arising from this monitoring visit was published in November 2020.
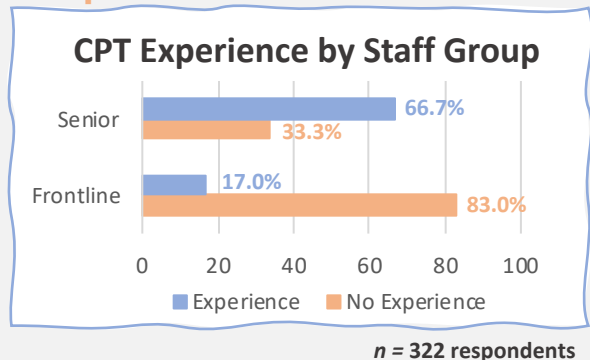
As displayed in Graph 1, 24.4% of survey respondents reported having met the CPT. Graph 2 illustrates contact by staff group. As with the OIP, contact more commonly occurs among senior staff than among frontline staff. Graph 3 shows that contact is largely confined to CPT visits.

Finally, Graph 4 illustrates staff's opinion of the CPT's monitoring process, which is largely neutral.

Graph 1

Experience with the CPT

Yes — 24.4%
No — 75.6%

n = 365 respondents

Graph 2

CPT Experience by Staff Group

Senior — Experience 66.7%, No Experience 33.3%
Frontline — Experience 17.0%, No Experience 83.0%

Legend: Experience / No Experience

n = 322 respondents

Graph 3

Reason for Contact with the CPT

Formal Visit — 77.5%
Providing Information — 23.6%
Contributing to a Response — 19.1%
Communication — 9.0%
Attended Event — 3.4%

n = 89 respondents

Graph 4

Opinion of the CPT Monitoring Process

9.5% | 17.9% | 40.5% | 17.9% | 14.3%

Legend: Very Negative | Somewhat Negative | Neutral | Somewhat Positive | Very Positive

n = 84 respondents

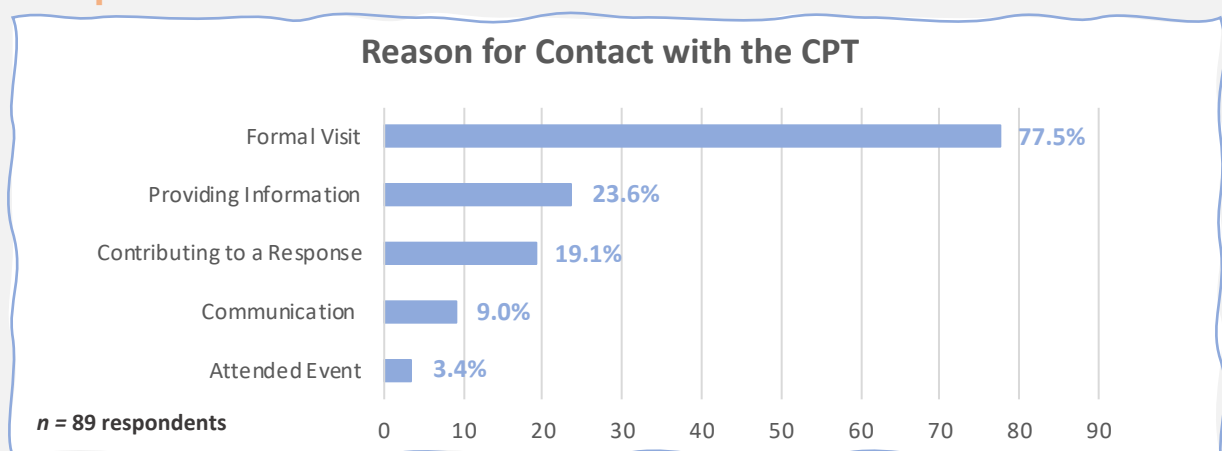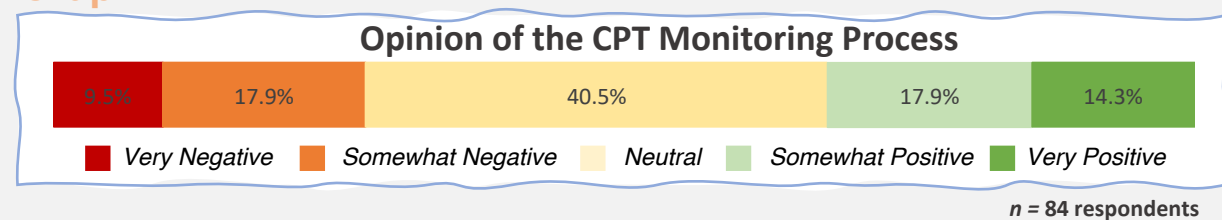## OIP & CPT Processes

Attitudes towards the OIP and the CPT's inspection and monitoring processes were explored with survey respondents who reported having met these bodies. Attitudes towards the OIP's inspection process tended to be negative. In contrast, attitudes towards the CPT's monitoring process were mostly neutral.

This research also identified features of these processes that were statistically linked with these positive or negative attitudes. Analysis of the survey data indicated that staff at all grades had a more positive opinion of both CPT and IOP processes where they agreed that:

The inspection / monitoring process is clear.

The oversight body understands the realities of prison work.

The oversight body is regarded as approachable.

The reports by the oversight body accurately represent the prison they visit.

The recommendations arising from the oversight body's report are reasonable.

The work of the oversight body has led to improvement in Irish prisons.

While these results do not indicate a *causal* relationship between these aspects of inspection or monitoring and overall opinions of the process, they are indicative of what matters to prison staff in relation to experiencing inspection and monitoring.

Concerns: Inspection & Monitoring

In interviews, senior staff expressed some concerns about inspection and monitoring. This report will highlight three concerns that were commonly raised by participants.

Firstly, some participants expressed that engagement between these oversight bodies and prison staff could be improved upon. While there was high awareness of the OIP, there was less awareness of the work of the CPT.

"…to be honest I don't know a huge amount about their role."

Participant 19 on CPT monitoring

"…there should be more information or engagement or education that, like, 'It's not a witch hunt, we're not trying to crucify you. We're just making sure…'

Participant 33 on OIP inspection

Understanding the role and objectives of oversight bodies is important in order for staff to be able to recognise where inspection and monitoring can support their work.

Relatedly, some staff felt that there was a lack of clarity regarding how inspection and monitoring is conducted and how findings are arrived at by the OIP and the CPT. For example, in the survey, 53.9% of respondents disagreed that the OIP have a clear inspection process; similarly, 41.6% of respondents disagreed that the the CPT had a clear monitoring process.

> "...you know, you have to be specific. And there has to be evidence. And in my view, you should be able to say, 'Well, could you show us that evidence?'"
>
> Participant 32

> "For most reasonable people looking at it, it absolutely is about the process. How do you conduct it? And is it fair?"
>
> Participant 6

Finally, many staff stated that inspection and monitoring failed to recognise the positives aspects of the prisons they visited, their regimes, or work performed by staff. In the survey, 57.2% of respondents agreed with the item

statement that the OIP 'ignores the good work performed by prison staff'. Similarly, 63.0% agreed with this statement in the case of the CPT.

Although participants recognised that prison inspection and monitoring will inevitably report on where the prison is falling short, it was viewed with frustration that reports tended to concentrate on the prison's faults.

> "...they very seldom acknowledge positive steps that have been achieved [...] It becomes dispiriting when people are really, really trying"
>
> Participant 2

This raises an interesting possibility; that inspection and monitoring could be used as a means to highlight what 'works well' in prisons and where successes could be replicated elsewhere. It it is important to note that this research took place before the introduction of the OIP's new inspection framework, which sets out greater clarity of method and plans for greater engagement with prison staff.

The concerns raised by staff in this research highlights three areas that could be addressed by both staff at the Irish Prison Service and staff at inspection and monitoring bodies to establish a more constructive relationship with respect to oversight.

Summary of Findings

Summary

In summary, the results of this research indicate that prison presents unique challenges for accountability. Like many other settings, accountability is required to ensure that the organisation is meeting its objectives and also that it is continually seeking improvement. With this said, the culture within the organisation is somewhat defensive when it comes to accountability, both internally and externally.

The obligations for accountability are also shaped by the fact that prison is an environment in which staff carry a high degree of power, and those in custody are significantly disempowered. As such, prison as a setting introduces additional considerations for oversight.

Many prison managers emphasised the importance of complaints during the interviews. However, salient issues with the current system remain. In particular, within the survey, complaints were viewed with a large degree of negativity among frontline staff, though senior staff showed more positive opinions.

Interviews highlighted several specific concerns with the complaints system. These included: a lack of trust placed in the system by frontline staff; high perceptions of misuse; as well as pressure to process, investigate and respond to complaints.

Staff's experiences of inspection and monitoring by the OIP and the CPT were also explored.

Data gathered through the survey indicated that contact with inspection and monitoring bodies is more common among senior staff than frontline staff. The majority of respondents reported a negative opinion of the OIP's inspection process at the time of the survey, though a new framework has been implemented (September 2020) since this study took place. Opinions of the CPT's monitoring process were mostly neutral.

Interviews highlighted ways in which the relationship between prison staff and these bodies could be improved upon. Specifically, staff expressed that there remained a lack of engagement and awareness regarding the work of inspection and monitoring bodies; there was a lack of clarity with respect to the conduct of inspection and monitoring; and finally that reporting often failed to acknowledge positive developments.

This briefing paper presents a summary of the key findings of this research. There was strong recognition of the importance of accountability and oversight among senior staff, though the perceived function of oversight could vary from person to person. As demands for oversight and accountability increase it is important that an organisation has a concordant accountability culture. Here, prison management plays a critical role. This entails developing a shared understanding within the organisation of the value of accountability work and engagement with accountability bodies, and utilising this understanding in the support of prison work.

Acknowledgements

I would like to thank all the staff at the Irish Prison Service who took time to participate in this research, who provided important feedback on the survey and interview guide while they were in draft, and who facilitated my visits across the prison estate to enable this research to be carried out.

Sharing the Findings

My intention was to share these findings in person and to bring together staff from Ireland with their counterparts from Germany, where this research is also being carried out. Unfortunately, due to COVID-19, this was not possible.

Myself and other members of the PRILA team were grateful to have the opportunity to share the findings of our research with staff of the Irish Prison Service at an online event in November 2020, and to receive feedback on our findings. The findings of this research have been shared with the OIP at the launch of their new inspection framework, as well as at the training day for Visiting Committees, December 2018.

Contact the Researcher

If you would like to know more about this research or have any questions, please contact the researcher, Sarah Curristan, at the details provided.

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www.tcd.ie/law/research/prila

Contact Information for Oversight Bodies

This information focused on two oversight bodies, the Office of the Inspector of Prisons (OIP) and the Committee for the Prevention of Torture (CPT). For more information on the work of these bodies or to contact the bodies directly, please see the information below.

OIP Contact Details

24 Cecil Walk
Kenyon Street
Nenagh
Co. Tipperary

067 42210

info@oip.ie

www.oip.ie/

CPT Contact Details

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www.coe.int/en/web/cpt/