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A longitudinal study of a performance management system in a UK prison.

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ABSTRACT

This paper presents a longitudinal study of a private prison in Scotland and the impact of key performance measures (which form part of the contract between the Scottish Prison Service and the owners of the prison) on the operation of that prison. The contract was supposed to serve as a public sector exemplar of best practice in terms of accountability and transparency. This rhetoric of accountability has served to throw a veil over state activities (hiding behind a few chosen performance measures), rendering the citizenry quiescent. In organizations characterized by significant power asymmetry, those in power are able to use management tools like performance measures to deflect responsibility. We can therefore hypothesize that the possibility of enabling formalization will tend to appear utopian and naive and that the coercion logic could be inevitable in spite of the profound negative consequences.

Keywords: Performance-measurement; prisons; Bourdieu; Lacan

The performance measurement system which underpins the contract, means that the Prison Services have considerably more information about the day to day operations of the private build, private operate prisons than public sector prisons. In the other SPS prisons, the performance measurement system lags considerably behind the Kilmarnock model (Scottish Prison Service, 2002, p.23)

The mood and the temper of the public with regard to the treatment of criminals is one of the most unflinching tests of the civilisation of any country. (Winston Churchill, 1910)

This paper presents a longitudinal study of a private prison in Scotland and the impact of key performance measures (which form part of the contract between the Scottish Prison Service and the owners of the prison) on the operation of that prison. The contract was supposed to serve as a public sector exemplar of best practice in terms of accountability and transparency. This rhetoric of accountability has served to throw a veil over state activities (hiding behind a few chosen performance measures), rendering the citizenry quiescent. In organizations characterized by significant power asymmetry, those in power are able to use management tools like performance measures to deflect responsibility. We can therefore hypothesize that the possibility of enabling formalization will tend to appear utopian and naive and that the coercion logic could be inevitable in spite of the profound negative consequences.

But there is another side to PMSs in terms of their impact on organisational actors. Managerial forms of accountability impact upon organisational actors in profound psychopathic ways and can distort organisational performance. Extant research on the issue of performance measurement systems (PMS) appears to suggest that formalised PMSs fail to engender commitment, innovation and effectiveness. Rather, measurement induces a technocratic rationality into operations that tends to transform substantive evaluations into formal procedures. In 1966, the Mountbatten Report on the operation of prisons identified low staff morale as a major contributory factor to the service's operational failure (Coyle, 2005). Thus any performance management system which lowers staff morale is likely to be of grave concern in a prison setting since prisons are wholly reliant on their staff to maintain a humane and dignified existence for inmates.

Drawing from, and building upon Adler and Borys' (1996) conceptualisation of types of bureaucracy alongside work on organisational learning, we reflect upon the rationale behind the inclusion of key performance measures in the contract. We buttress Adler and Borys' (1996) typology with insights drawn from Lacan and Bourdieu to discuss why and how management control systems might be used to support rather than constrain operational management.

Our research field is broad. This is in part because social understandings of prisons which in part determine the everyday life of prisons, not least through their part in constituting the identity of prison staff derive from many different social media (the press, films, TV, education, literature and so on). Innes (2003) argues that practices of punishment need to be understood as being imbricated in a social matrix, shaped by and shaping of, wider master patterns in the conduct of social control.

The paper is structured as follows – in the next section we set out the theoretical perspective which we draw upon to enable a deeper understanding of the psychoanalytic impact of performance measurement systems on individuals. We see the structures of society and organisations as having an impact on an individual's habitus such that we know and desire what is valued in society's hierarchical structures. In the following sections we consider prison expansion alongside the introduction of New Public Management within the context of late-modern capitalism. We argue that not only is the free-market highly criminocentric, but it exploits this quality to promote an ideology of its apparent economic success (Downes, 2001). We then turn to our longitudinal case study of Kilmarnock Prison (2002 – 2012). We found two dominant concerns over this ten year period, the shortage of resources (mainly staff) and the contract between the owners of the prison and the Scottish Prison Service. We then discuss the problems with the contract in light of the literature on organisational learning.

Lacan and Bourdieu

The dominant theoretical perspectives in this paper draw from the work of Lacan and Bourdieu. Each of these theorists is concerned with structure. While Lacan is concerned with the operation of structures at the psychoanalytic level and Bourdieu is concerned with broader social implications of structures, Bourdieu's work is also concerned with agency and thus we see Lacan as providing a psychoanalytic perspective on Bourdieu's work on the habitus and the dispositions of social actors. Lacan's work provides a useful theoretical foundation for understanding the impact of performance measurement systems on individuals (see for example Roberts, 1991, 2001, 2005, 2009). The work of Bourdieu presents a framework with which to understand the social structures and institutions within which the Lacanian "decentred" subject operates.

Central to the methodological slant of this paper is the Lacan's "split" subject. According to Lacan, the creation of self begins at The Mirror Stage in an oscillation between mirror and mother. It is a fundamentally transformative and decisive turning point in a child's mental development in which a child becomes aware of her own "autonomy" and that her actions can impact upon others in negative and positive ways. We become visible to ourselves; in essence we become self-conscious. The duality of self as subject and object emerges from a process of seeing and being seen "our awareness of self develops simultaneously with our awareness of the world and our relation to others" (Roberts, 1991 p.357). The child's identity is developed as both what I am, and what others see of me. In this sense it is dual or split. And yet, the mirror reflects an image of wholeness and control which is fundamentally opposed to the child's experience of herself as dual/split. The image is a trap as it causes her to "(mis)take the objectification of the self for what the self is – an object. It is this that makes the subject's knowledge of itself paranoid, for it is only the complete identification with the image – the (mis)location of one's very existence here – that makes us so vulnerable to others objectifications, for it is then as if others' recognition has the power of life and death over us" (Roberts, 2005 p.636). Identification offers two dangers, one where we assume an illusory belief in our image to the extent that we think we are invincible, or at the other extreme, we become so captured and transfixed by the image that others offer that it is they who define all our possibilities of self (Roberts 1991). From then on "it is from the Other, from such others, that one is given one's flesh, one's individuality, one's person, one's 'proper ipseity'" (Friedland, 2009 p.911).

In an organisational context performance measures become a mirror of one's own value (Roberts, 2001). But, this is not a once and for all process; we are constantly being made and remade, and we are aware that acceptance is transitory and conditional on performance. Our desire for positive reflection is amplified by a fear of exclusion/rejection which forces us back repeatedly to a concern with our own singular survival which depends on meeting the standards that are set. Our desire for recognition promotes an individualising preoccupation with self and how others see (judge) us. The mirrors the world offer people arouse the desire for love and belonging alongside fears of being rejected. In organisations in which performance measures have become routine, success depends on internalising the values that are set by the performance measures as "objective confirmation of relative value and worth" (p.360). So employees are sucked further into conformity with standards as if their survival depends on it. Job security and success for managers is crucially dependent on getting others to conform so the workforce becomes "mere objects of use" (p.360).

In short, the Lacanian insight is that humans find it hard not to keep losing themselves in the images the world offers so performance measures which can be grasped as an authoritative recognition of a person's existence can have a profound effect on individuals (Roberts, 1991). There are several strategies which can be adopted in the face of this. Those with power can deflect performance measures onto subordinates. It is also possible, in some cases, to manage the performance measures themselves. Or as Tsoukas (1997) puts it, "management becomes tantamount to keeping up appearances, and fighting shadows: managing *via* league tables leads to managing *the* league tables themselves." (Tsoukas, 1997, p 838)

While performance measures can be seen as a profound mechanism for control and for deflecting blame onto others, they can also be seen as a pedagogic practice (Oakes et al, 1998). As a "structuring structure" they tell us what is important and will give us positive reflection and what will be frowned upon and consequently can significantly change organisational practice. In "taking over" the attitudes of others towards herself the child discovers not only herself but is introduced to the beliefs, values, rules and injunctions that structure social life" (Roberts, 1999). In Bourdieu's terminology, they are incorporated into the habitus. Bourdieu developed the notion of the habitus from his "desire to recall that beside the express, explicit norm, or the rational calculation, there are other principles that generate practices. ... to explain what people do, you have to suppose that they obey a certain "feel for the game"" (Bourdieu, 1990, p 76). Our habitus has an infinite capacity for generating thoughts, perceptions, expressions and actions. These are limited by the social conditions of their production since the habitus is constructed upon the myriad of social categorizations and structures (economic/gender/class/age/ethnic/political) and these define who we are, how we think and how we act in order to gain positive reflection. The habitus is constructed and reconstructed through our upbringing, education and position in the fields which we inhabit (Bourdieu, 1990, p 11).

On fields, habitus is the incorporation an actor's position on that field as disposition. This means that a field's hierarchical structures are embodied as habitus and consequently are embodied as legitimate and so, in main, go unchallenged. As we will argue later, simply seeing performance measurement systems as forms of control is incomplete. They both serve to reflect, individualise and shift blame alongside providing legitimate forms of discourse and language that produces altered organisational understandings. Importantly for this paper, state sector performance management systems are derived in a particular institutional setting¹.

¹ In order to theorise this we draw from the work of Pierre Bourdieu.

We see Lacan's psychoanalytic theories which are grounded in the importance of structures as adding a deeper dimension to Bourdieu's work on the relationship between structure and agency. In this, we are in agreement with Steinmetz (2006) which states that Bourdieu describes sociology and psychoanalysis as *different*, complementary approaches -

This is not the place to question the relation between the mode of exploring subjectivity proposed here and that practiced by psychoanalysis. But, at the very least, it is necessary to guard against thinking of these relationships as alternatives to each other. *Sociology does not claim to substitute its mode of explanation for that of psychoanalysis*; it is concerned only to construct differently certain givens that psychoanalysis also takes as its object....

(Bourdieu, 1999, cited in Steinmetz, 2006, p446)

Bourdieu wrote that one of the modern State's main functions is to bring about *a theoretical unification* through its power to classify and distinguish (Bourdieu, 1998, p 45)². In part, the State's power derives from its ability to shape *cognitive structures* while at the same time imposing common principles of vision and division (Bourdieu, 1990b, p 137)³. The Lacanian desire for reflection adds an emotional edge to these Bourdieusian cognitive structures.

Any discussion of criminal justice necessarily involves a discussion about the state and we also draw upon Bourdieusian theory to frame the machinations of state actors. According to Bourdieusian theory, the state is an ensemble of administrative or bureaucratic fields within which agents and categories of agents, governmental and non-governmental, struggle over the power to *rule* via legislation, regulations, administrative measures (subsidies, authorisations, restrictions, etc), (Bourdieu and Wacquant, 1992, p 111). Western states maintain the monopoly of rulemaking and applying to the extent that crimes committed against individuals, are generally regarded as offences against the state⁴ and in western society the state has increasingly taken on the duty of inflicting direct punishment on the offender. In the UK, the state retains control of the prisons. Alongside the structural control of the management of prisons, the state plays a symbolic role of classifying and distinguishing criminals (Bourdieu, 1990b, p 85).

A Bourdieusian perspective would see bureaucratic fields as being sites of continuous struggles for position in which some actors hold more or less valuable forms of power (in the form of economic, social and cultural capitals with varying values depending on individual fields) to win battles (see for example, Oakes et al, 1998). More importantly for this study, fields are structured hierarchically. Fields are relational even if semi-autonomous (Emirbayer and Johnston, 2008). The construction (and maintenance) of fields is in part the result of "the relations" between a field and other fields (Ramirez, 2009). Thus individual government

² Bourdieu (1988, p 778), "Paired oppositions construct social reality.... They define the visible and the invisible, the thinkable and the unthinkable; and like all social categories, they hide as much as they reveal and can reveal only by hiding."

³ The State, which possesses the means of imposition and inculcation of the durable principles of vision and division that conform to its own structure, is the *site par excellence of the concentration and exercise of symbolic power* (Bourdieu, 1998, p 45).

⁴ But we do not see the state as a "neutral" arbiter which sets laws for the good of everyone. Bourdieu has described the modern state as the organisational expression of the concentration of symbolic power, or "public trove of material and symbolic resources guaranteeing private appropriations" (Bourdieu, 1989, p 540). Thus, it could be argued that the state enables the capitalist accumulation process, and in doing so maintains its position vis-à-vis the economic field in particular. "Private" agents and organisations, which are themselves in competition with one another, work to orient "state" policy in each of their domains of economic or cultural activity and they form coalitions and ties with other bureaucratic agents whose preference for a given type of measure they share (Bourdieu and Wacquant, 1992, p 112/113).

Ministers and senior civil servants on each bureaucratic field will struggle to maintain or enhance the position of their field vis-à-vis both other bureaucratic fields and other broader social fields.

Thus the perspective taken here is that fields are sites of struggle in which actors struggle for position. Actors work with a “feel for the game”, their strategies are frequently “instinctive”. However the rules of fields are set to help those at the top maintain their positions. And new rules and structures will be put in place to that end. In other words, management becomes an end in itself rather than a means to an end. In the next section after giving a very brief historical introduction, we discuss how control of punishment/criminality was used by those in power to enhance their respective power positions.

Punishment, the state and prison expansion

Punishment can be understood as a mode of “social control” through exclusion both physically and symbolically. Prison performs the structural reinforcement of the symbolic separation of criminals by separating criminal deviants from the “law-abiding majority”. It also acts as a punishment and at the same time, the technologies and apparatuses associated with modern prisons were, from the late 19th century, designed to engage in “soul-training” and “normalization”. In Foucault’s terms, prisons serve both a disciplinary and sovereign form of power. These forms of power are an important context of our concern with the operation of prisons. There are significant moral concerns too with issues surrounding punishment/rehabilitation and more significantly concerning the moral implications of private prisons profiting from this sovereign form of power (other people’s misery).

The modern conception of prisons as places of punishment is fairly new. Until the eighteenth century, prisons in the UK were rarely used as a form of punishment, they were used as holding places where prisoners were kept while they awaited trial, for debts to be paid, for exile, or for execution (Coyle, 1994). Indeed execution for crimes against property was an English tradition⁵. Exile was common too; convicts were transported first to the Americas and then to Australia each of which needed an abundant and cheap supply of labour. Transportation was abolished in 1867, at which time, the transportation ships were moored in the major estuaries and the convicts were used on “public works” like the building of dockyards. The living conditions of the prisoners were terrible and the ships began to rot. The solution was to build the vast Victorian prisons which are still in use today (Coyle, 1994). Thus exile through imprisonment, (rather than transportation), remained an important part of the criminal justice system; in contrast to earlier times, “restoration” to the victims of crime was entirely absent.

However, the control of prisons by the state was originally structurally separated by “Prison Commissions.” In Scotland the prison commission was set up in 1877 but was abolished as early as part of the Reorganisation of Offices (Scotland) Act, 1928 under which the Scottish Prison Commissioners ceased to hold office and in 1929 was replaced by the Prisons Department, which came under the direct control of the new Secretary of State for Scotland. A second Reorganisation of Offices (Scotland Act) was passed in 1939 where it was assimilated into the new Scottish Home Department (Scottish Home and Health Department) where it remained until devolution. By 1950, the Director of the Scottish Prison Service

⁵ In the last 20 years of the 20th century in London and the neighbouring County of Middlesex 1,910 people were sentenced to death and 890 executed. This could be compared to the whole of Scotland which had double the population where 134 people were sentenced to death and 97 executed.

reported directly to the Scottish Home and Health Department. Since Scottish Devolution in 1999, control of prisons in Scotland has moved to the new Scottish Parliament⁶. This means that in spite of the changes to the administration of Scotland, control of prisons has remained within the bureaucratic field or part of the administrative civil service rather than with the judiciary.

The bureaucratic field in charge of prisons (the Home Office or the Scottish Government) possesses significant power vis-à-vis other bureaucratic fields due to the sheer scale of prisons. To give an idea of the economic scale of prisons, spending on prisons alone (without adding in any of the costs of the criminal justice system) is more than £4bn per year⁷. Therefore in economic power terms alone, retaining control of prisons is an important political concern for the minister and senior civil servants involved. It will also be in their interest for prisons to expand. Paradoxically those involved can claim the credit if crime goes down and insist on prison expansion if crime goes up (Downes, 2001). However, there are more than simple inter-bureaucratic field battle manoeuvres in the expansion of prisons. For the state, the breakdown of social order is a very strong concern. When crime is allied to other break-downs in social order, many of the arms of the state will feel under threat. In the 1980s the UK saw a doubling of the crime rate accompanied by riots over the Poll Tax. This followed high unemployment and deindustrialisation (Downes, 2001). Imprisonment offered a means to exclude those who threatened the “social order” and symbolically affirms the state as “being in control”. Wacquant (2001) argues that in a period of history that privileges the role of the free market, governments have become increasingly concerned to tackle the problems caused by those whom market systems have failed on the basis that they threaten the system. Since the early 1990s both of the UK’s major political parties have engaged in “populist punitiveness” and prison expansion (Bottoms, 1995; Downes, 2001). Blair’s New Labour administration adopted the pro-prison ideological position from Clinton’s Democratic Party (Downes, 2001). Thus prison expansion presents opportunities for those in power to strengthen their positions. There is also a fiscal upside to prison expansion – the potentialities of “prison-Keynesianism”. Prisons provide many jobs and are frequently sited in areas of high unemployment. They further help to enhance unemployment statistics by imprisoning people who might otherwise be unemployed.

There is no direct correlation between the number of crimes and imprisonment. Indeed the numbers of people incarcerated in the UK can rise during periods of falling crime, and different cultures have exhibited different appetites for incarceration (Downes, 2001). The growth in prisoner populations then, is not simply a function of growing criminality. Simon (2001) attributes the growth in imprisonment in the US to three factors which are relevant to the UK, a change in political culture where “populist punitiveness” has become the dominant sentiment (Bottoms, 1995), the war on drugs (Simon, 2001) and transcarceration (the interlocking of various agencies). Offenders are frequently the clients of various welfare agencies. They therefore become locked into a cycle of control (local authority care, young offender institutions, prisons, hospitals, centres, mental hospitals etc). Thus state control (or penal) functions are blurred with welfare ones. Taking a more radical perspective, Wacquant (2001) sees transcarceration as a surrogate policy for dealing with the social problems caused by a racialised and deeply ingrained culture of poverty. Rather than tackling the structural

⁶ In 1999, a devolved legislature, the Scottish Parliament, was founded with authority over many areas of home affairs following a successful referendum in 1979. In 2011, the Scottish National Party (SNP) won an overall majority in parliament and intends to hold a referendum on independence in the autumn of 2014.

⁷ http://www.crimeandjustice.org.uk/opus1793/Prison_and_probation_expenditure_1999-2009.pdf accessed 24/1/13

and structuring causes of poverty, the dominant policy orientation has been to try to exert increasing levels of control over the destitute and marginalized. Other writers have evaluated contemporary theories which explain mass incarceration in the US. These include, empirical (crime-led), psephological (public opinion-led), journalistic (media manipulation of crime as a wedge issue), political (governing through crime), historical (a cycle of tolerance and intolerance towards key forms of deviance). Tonry, (1999) tends to dismiss these on the grounds that each of them fails to explain why prison populations are lower in Europe than in the US. However, this may simply represent a time lag. There has been a battle of ideas over imprisonment. Beckett (1997) demonstrated that public fear of crimes registers most powerfully after media and political campaigns rather than rises in crime rates or drug use. Thus increasing and mass imprisonment is an easy vote winner.

Attitudes to rehabilitation

The relentless trend in the expansion of imprisonment in the West has been accompanied by a change in the perceived purpose of prisons. The “soul-training”/“normalization” or rehabilitative possibilities of prison have been removed from the popular conception (Innes, 2003). Those closely involved in the criminal justice system are also highly sceptical of prison’s rehabilitative possibilities (eg Coyle, 1991). Downes (2001) argues that it was only in the late 20th century that American exceptionalism ruled out alternative options with regard to deviance and control. One of these, until the recent past, has been rehabilitative ideology. This was given up on in the post Martinson “nothing works” era after 1974. Indeed Downes (2001), like Wacquant (2001) looks to the roots of changing penal policy in the US as “Reaganomics” and the Bush and Clinton administrations which removed all but a vestigial welfare safety net. Aligned to this right-wing academe (for example, Herrnstein and Murray, 1994⁸; Wilson, 1975;⁹ Wilson and Herrnstein, 1985) repudiated the search for the root causes of crimes and confirmed penal incapacitation as the sole remedy for crime on the streets. If individuals are solely responsible for crime, structural and cultural theories become inadmissible as explanations for the causes of crime. Downes (2001) argues that prisons are no longer a utopian device as in earlier eras. Rather, in the US, the new utopia consists in the removal of criminals from society by penal means. It rests on exclusion and banishment rather than inclusion and hopes of reform (Young, 1999); human warehousing (Cohen, 1985) rather than normalization (King and Morgan, 1980). This “utopian” ideology arrived in the UK through several channels. As explained earlier, through the adoption of US Democratic penal ideology by the Blair government and also through the export of private prison systems by large US companies, for example, Wackenhut and Correctional Corporation of America, (Downes, 2001). These corporations were entrenched in the “business of prisons” rather than anything to do with “best criminal justice practice”. And they came from a society which had ceased to believe in rehabilitation. These ideas were further exported to the UK through a government committee as we will see next.

Contract Provision of Prisons (Privatisation)

⁸ According to Murray, increased numbers of young, healthy, low-income people choose not to take jobs, but instead turn to crime; in particular, street crime and regular drug abuse. This is a result of the increase of lone parent families without a father figure. As a result, the young males lack role models that demonstrate how to live in society correctly. Murray believes the welfare dependency that these young men have lived on throughout their childhood has led them to a lack of work ethos, and subsequently pushed them towards a life of crime.

⁹ In Wilson’s more recent work, he has moved towards a biological explanation for the causes of crime. He argues that people are born with a natural predisposition for crime. This potential can only be realised through poor socialization provided by inadequate families—e.g., single-parent families. Wilson also goes on to say how the welfare state has led to the easy life for many people. There is no longer the hard work needed to hold down a job, and one can live solely off the state. Also, from an increasingly affluent society, the potential gains of crime are increasing, and thus inviting more people to a life of crime.

In 1986, a UK parliamentary select committee on Home Affairs examined the state and its use of prisons. Its terms of reference included learning from best prison practice internationally. Its remit did not specifically include privatisation. Surprisingly, given the choice of prison systems around the globe, the only country committee members visited was the US and it spent time there visiting two facilities owned and run by the Correctional Corporation of America (CCA). In its report, the committee relied heavily on what CCA told it about privatisation and in its conclusion it recommended that the Home Office should enable private sector companies to tender for the construction and management of custodial institutions (Nathan, 2003). The first British private prison opened in 1992. Initially, the committee recommended that private prisons should be an experiment; but insufficient time was given to assessing the prison before more came on stream Nathan (2003).

The first private prison in Scotland, HMP Kilmarnock, opened in 1999. HMP Kilmarnock is privately managed by Serco under contract to Scottish Prison Service (SPS). The contract between SPS and HMP Kilmarnock includes over 70 performance measures and targets to monitor the performance of the prison, including a requirement for all prisoners to be involved in 'constructive activity' (industries, education, programmes, approved activities, physical education) for at least 35 hours per week. Prisoner activity at Kilmarnock is monitored by SPS and the prison faces financial penalties if the overall performance falls short of expectation.¹⁰ A commonly held position at the time was that it did not much matter who provided public services so long as they meet certain performance (output) criteria¹¹. The adoption of performance measures for prisons was already in place in UK prisons by the time Kilmarnock opened. As we explain, in the next section, the use of performance measures in the public sector can be seen as part of what Hood describes as New Public Management (NPM¹²).

Changes to the management of prisons - Performance measures and contracts.

During the 1990s, the management of prisons, shifted towards a New Public Management "accountingization" model (Power and Laughlin, 1992, p. 133). Hood (1995) writes that the introduction of NMP can be claimed to be part of a broader shift in received doctrines of public accountability and public administration. Indeed, one of the claims made for Kilmarnock prison was that its contract would render the prison more accountable and transparent and thus Kilmarnock should be a blueprint for state sector prisons (Scottish Prison Service, 2002, p.23). One of the doctrines underpinning the accountingization of the public sector was the need to apply "proven" private sector management tools in the public sector. Thus there was an extension of private sector managerialism into the public sector (which also involved privatisation) (Efficiency Unit, 1988; Gore, 1993; Townley et al, 2003; Osbourne and Gaebler, 1993). The form which this took was the creation of more *explicit and measurable* (or at least checkable) *standards of performance* for public sector organizations, in terms of the range, level and content of services to be provided, as against trust in professional standards and expertise across the public sector (Hood, 1995). The management of prisons perhaps came a little later than other public sector organisations to NPM. Up until 1990 prison governors were left to govern prisons provided they observed the Prison Rules and Standing Orders¹³.

¹⁰ www.audit-scotland.gov.uk/docs/.../nr_050121_prison_service.rtf

¹¹ This view has been the subject of significant critique in the critical accounting literature (see for example, Collier, 2006; Edwards and Shaoul, 2003; Froud and Shaoul, 2001; Froud 2003; Grout, 1997; Heald, 2003).

¹² The changing form of state sector management has also been described as a "performance-control model", (Mintzberg, 1996) and "reinventing government" (Osbourne and Gabler, 1993).

¹³ Although a review of prisons had already begun in 1989 (*Review of Organisation and Location above Establishment level*, unpublished).

Aside from the introduction of NPM, the 1990s would have seen significant changes in the management of prisons due to the 1990 Strangeways prison riot and the subsequent report by Lord Justice Woolf (Coyle, 2005). Woolf described the conditions inside Strangeways in the months leading up to the riot as "intolerable", and as a central contributing factor to the riot. He also blamed the failure of successive governments to "provide the resources to the Prison Service which were needed to enable the Service to provide for an increased prison population in a humane manner". Strangeways was one of the Victorian prisons which had been built to replace prison ships. Woolf did not recommend privatization. But the introduction of private prisons would be a way of off-balance sheet funding for new shiny prisons (Broadbent and Laughlin, 2005)¹⁴. In all Woolf made 12 key recommendations and 204 proposals. Perhaps in-tune with the NPM zeitgeist some of Woolf's recommendations suggested the introduction of contracts (presumably in place of trust in the professionalism and expertise of prison staff). Recommendation 2 stated that "More visible leadership of the Prison Service by a Director General who is and is seen to be the operational head and in day to day charge of the Service. To achieve this there should be a published "compact" or "contract" given by Ministers to the Director General of the Prison Service, who should be responsible for the performance of that "contract" and publicly answerable for the day to day operations of the Prison Service." And recommendation 5 stated that "A "compact" or "contract" for each prisoner setting out the prisoner's expectations and responsibilities in the prison in which he or she is held."

In the period since 1990 there has been an increasing emphasis on how the prison service is organised and the managerial process (Coyle, 2005). In England, senior civil servants were concerned about the autonomy of regional prison offices. Their solution was to centralise and to bring in a dose of NPM. Area managers were given a series of 22 corporate objectives against which the performance of each prison is to be measured. This was the first attempt at creating a consistent set of performance measures across the prison service in the UK. It provided prison governors with a set of objectives against which they and others could measure their performance and that of their prisons. At the time, it was argued that the introduction of performance measurement in the public sector reflected a dissatisfaction with pluralistic or interest group politics, and that their use was an attempt to replace the 'rationality of politics' with the 'rationality of planning' (Carter et al, 1992).

Prison governors, like other managers in state organisations, are experts who have to operate in the context of uncertainty about what the problems are and what will work confused moralities, competing interests, and historical and deep-seated inequalities and resentments (Townley et al, 2003). Therefore a clear performance measurement system was initially seen as a progressive development by prison governors since they set out unambiguous goals and standards (Coyle, 2005, p 48). Although Coyle (2005) notes that the performance metrics were flawed from the outset since they were concerned with process, that is, with how things were done, rather than with what was being done. They also failed to take into account the variety of different tasks which faced different kinds of prisons. This is reflective of Townley et al's (2003) longitudinal study of the introduction of performance measures in Albertan museums in which they show how the potential for reasoned justification was frustrated in practice, through a growing disparity between a discourse of reasoned justification and the practical operationalization of mechanisms of business planning and performance

¹⁴ There is no evidence that private prisons are cheaper than state prisons, see Cooper and Taylor (2005). According to a parliamentary written answer (Hansard HC, 9 January 2007, c546W), the costs of private prisons per place are higher than public sector prisons in most categories.

measurement. The search for reasoned justification and instrumental mastery are part of the same rationalization process, and these two contradictory, but inherently connected forces are an important explanation of the dynamics of managers' responses to organizational change.

In England and Wales in 1993 the prison service was defined as an agency of the Home Office. A businessman, Derek Lewis, who had previously been the finance director at the Ford Motor Company and chief executive of Granada was appointed to the head of the prison service. The prison service soon found itself with a "statement of purpose", a "vision", a set of six "goals" and eight "key performance indicators" against which achievement of its goals was to be measured. But not the kind of contracts (for staff as well as inmates) envisaged by Woolf. The documents are now part and parcel of prison management and are updated on a regular basis. In 2003, a new "benchmarking programme" was introduced in England and Wales and this has resulted in prison league tables.

In Scotland, there ensued a subtle shift in the Scottish Prison Service in line with other new public management initiatives. In 1989, the Scottish Prison Service produced its first "Business Plan" and attempted to define its "customers" and in 1993 it became an Agency of the Scottish Government. In 2012, the SPS has 13 publicly managed prisons and 2 privately managed prisons. The SPS is based in Edinburgh and has 6 Directorates. The Prisons Directorate is responsible for the line management of public sector prisons, ensuring delivery against key performance indicators and prisons' service agreements, together with compliance with legal requirements. The key performance measures which the Scottish Ministers will use to assess the performance of the SPS are set out in the Agency's Business Plans.

Roberts (2009) clearly sets out the dangers in using a performance measurement system like the one adopted by the SPS. He argues that the intensification of performance measurement systems, particularly for government ministers who are often at a considerable organizational distance from the actual operations which they nominally control and who understand what is happening largely through accounting information (and/or performance measures) means that – the accounting measures of the particular organization *are* the results. As we found in our Kilmarnock case study, the potential danger in this close identification with output measures is that the results, and the ministerial careers and reputations that depend upon them, will be secured at the expense of some very pathological department activities.

Bourdieuian theory would suggest that the "development" of prisons has been largely the result of struggles within the state bureaucratic field for position in that field and of the prison field in relation to other fields. Those at the top of the field, the politicians and leading civil servants, bring the capitals which are valued by the field to bear in these struggles. The cultural capital valued in the political field is concerned with "spin" and understanding the game rather than an in-depth understanding of prisons. In the following section, we will describe how what might be described as a "political habitus" will enable those with the most power to understand the value of the ability to deflect blame. While blame deflection has always been a feature of politics and happened before the introduction of NPM, we will describe how NPM has become a useful tool for politicians and others to deflect blame.

Why NPM? The Lacanian insight into NPM, accountability, transparency and performance measures

Arguably, one of the drivers behind the introduction of NPM was the desire by many states to cut public expenditure and to reduce taxation (Czarniawska, 1985). But, there are many

different cost cutting models which could have been used by the state which didn't involve the adoption of NPM. Performance measures, in the NPM cannon are supposed to render individuals transparent and accountable. In this section by drawing upon the theoretical perspective of Lacan, we discuss how NPM forms of accountability and transparency serve to reflect and individualise through our "narcissistic preoccupation with how the self and its activities will be seen and judged" (Roberts, 2001b p.1553). We also discuss how accountability, transparency and performance measures can also in field battles to deflect criticism onto others (Pallot, 1993; Tsoukas, 1997).

By using the NPM form of "accountability" Government Ministers and senior civil servants could "render their departments accountable" by requiring the production of performance metrics (by others) which could be used both to demonstrate the managerial prowess of the individual Minister and to demonstrate his/her accountability to the general public. Thus, for example, a Minister of Health could point to the reduction in waiting times as evidence of their political prowess, while, if patients keep dropping dead because of hospital acquired infections they can quickly produce a league table of hospitals in terms of cleanliness and dismiss (or punish) those in charge of the "dirty" hospitals. While not adopting a Lacanian perspective, Adler and Borys (1986) argue that power asymmetry enables people in higher positions to deflect responsibility. Not only does power asymmetry allow those with most power to shape management systems, it also allows people in higher positions in the organizational hierarchy to deflect attribution of responsibility for negative outcomes down the hierarchy more easily than subordinates can deflect responsibility upward; conversely, subordinates can less easily claim credit for positive outcomes.

The UK Home Secretary always had parliamentary accountability for prisons but, as described above, the prison service has become a part of the mainstream civil service¹⁵. It has been argued that the bureaucratic field which administers prisons has become particularly adept at fostering secrecy while strengthening its own position (Coyle, 2005). For example, Coyle (2005) notes that a 1979 Committee of Enquiry into the United Kingdom Prison Services, recommended an independent system of inspection of the Prison Service. But what was set up was a system of prison inspections. Thus "blame" could be placed upon prison governors, rather than a spot light be turned on the prison service itself. Coyle, 1991 states that—

The bureaucrat's official life stretches out in front of him as a graded career and he is tacitly expected to adapt his professional work to the prospect of this career. Inevitably this will lead the central organisation to an over-concern with adherence to rules and regulations. In a word, the great symbolic importance of the means leads to a situation in which they become more important than the end. Nowhere is this more likely than in the organisation of the prison system. (p 192)

Career civil servants on the bureaucratic field of prisons are not members of the prison service. They have the habitus of career civil servants who are likely to change departments throughout their careers and have little or no cultural capital regarding the three basic elements of the system: prisoners, prisons and prison staff. It is easier for senior civil servants to set detailed rules which keep the general public happy than to come up with anything which is really revolutionary in terms of policy which might threaten their positions. Coyle (2005) argues that this means that senior management prefers to concentrate on

¹⁵ The same has happened in the US – see Jacobs, J. B., (1983)

detailed decision making, which in his opinion should be delegated, rather than taking an overview and concentrating on broad strategies. In short, detailed rule setting may absolve senior management from the need to concern itself with wider policy matters.

In the forgoing, we have set out the broad context of the development of prisons and prison management in the UK. The neo-liberal turn produced a more accountingized form of management structures for government has been merged with neo-liberal “individualised” ideas on crime and criminality. We now have a politically popular growing prison population, alongside government ministers who are shielded by and yet also fixated on performance measures; there seems to be little or no concern about reform nor serious discussion about the best ways to rehabilitate offenders (Cooper and Taylor, 2005). The social and political context of prisons outlined here applies to Scottish prisons. There is an additional economic dimension to the Scottish context. The Scottish Government has responsibility for prisons, and yet no borrowing powers. With the expansion of prisoner numbers and the dreadful conditions of the Victorian Scottish prisons, the only way to get a new prison was to privatise.

THE CASE STUDY

This paper presents a longitudinal study of a private prison in Scotland HMP Kilmarnock. The prison became operational in 1999 and has a 25 year contract. It is currently owned by Serco (formerly Premier Prison Services). The SPS exercises control over Kilmarnock through two principal mechanisms. Firstly, Kilmarnock is subject to the same independent inspections (by the HM Inspector of Prisons) as the state sector prisons. The second and as we explain, more pervasive mechanism, is the contract between the owners of Kilmarnock Prison and the SPS, which includes prescribed performance measures. The performance measures (set out in Appendix A) are couched in “negative” terms. So for example, a “serious injury assault” collects 50 points, while “discovery within prison of smuggled in item” attracts 25 points. If the number of points accrued during a performance quarter exceeds the baseline total, the amount payable to Serco by the SPS is reduced (in effect a fine is imposed). The contract stipulates a declining baseline total such that in year 1, the baseline total is 2,740 falling to 1,206 in year 25.

The management structure at Kilmarnock is rather different from state sector prisons. At Kilmarnock, many of the tasks normally undertaken by a prison Governor are the responsibility of the Director. However, the Criminal Justice and Public Order Act 1994 precludes the Director from undertaking certain duties associated with the Governor’s job, which are the responsibility of the SPS Controllers who are based at Kilmarnock. As well as monitoring the contractor’s performance against the requirements of the contract, the Controller’s duties include prisoner adjudication, confirmation of prisoner release on temporary licence, the investigation of prisoner complaints against staff and being the primary link between SPS and the prison.¹⁶ Two members of SPS staff are employed to monitor the daily operation of the contract.

Serco exercises control over the prison through the “Serco Management System” (SMS) which is the Group’s mandatory management framework within which all parts of Serco must operate. Serco is a fairly new company which floated on the London Stock Exchange in 1988. About 90% of Serco’s business is supplying services to public sector organizations in a wide arena. For example, alongside the management of Kilmarnock Prison, Serco operates traffic

¹⁶ Col 10939, Scottish Parliament, 18th April, 2002

management systems, provides computer and software support service to all 66 UK law enforcement agencies, manages airspace and education authorities and operates London's Docklands Light Railway. We were shown a copy of the Serco Management System's documents by the current director of Kilmarnock prison (Sandy McEwan). The documents are, of necessity, general and do not specifically deal with the management of prisons. McEwan stated that Kilmarnock did not have a specific profit target but from our interview it became clear that profit was a continuing and profound concern.

Kilmarnock presents as an interesting site of study of the meaning and uses of management accounting because it has "two heads" (SPS and Serco) with competing interests. In Bourdieu's terms, while Kilmarnock could be seen as occupying a position on the economic field, it is somewhat controlled by a state bureaucratic field. The management and other staff at Kilmarnock have to cope with a contract while at the same time achieving cost cutting to enable Serco to make a profit. Kilmarnock prison's contractual performance measures are not aligned to Serco's goals. We began our research in 2002. At that time it became clear that two concerns dominated. The first of these was the "leaner" staffing levels at Kilmarnock. Currently, in a typical state prison 82% of the funding is spent on staffing, this compares to 65-68% in a private prison, while spending on staff at Kilmarnock is 59%¹⁷. This is the result of Serco's dominant performance measure at work – profitability. The second, and this is the dominant concern of this paper, is the Contract. In our initial interviews in 2002, we found that the contract was seen by staff, management and the prison inspectors as a significant problem. Interviews across the ten years since then have all raised the same two issues -- the contract and low levels of staffing.

Method

The dominant research method which we used was semi structured interviews. Over the course of our research we have interviewed all of the key actors except prisoners. We have spoken to four Kilmarnock prison officers, the current director of Kilmarnock prison (Sandy McEwan), a chief inspector of prisons (Clive Fairweather), his deputy (Malcolm MacLennan), Steve Farrell (Joint Deputy General Secretary of the Prison Service Union), Derek Turner (Scottish Prison Officer's Association), Kenny MacAskill (MSP - Cabinet Secretary for Justice), Andrew Coyle (formerly Governor of Greenock, Peterhead and Shotts Prisons in Scotland and Governor of Brixton Prison in London; Emeritus Professor of Prison Studies in London University) Baroness Stern (Director of NACRO¹⁸ until 1996; Secretary General of Penal Reform International from 1989 until 2006), Stephen Nathan (researcher and editor of Prison Privatisation Report International¹⁹) and eight prison visitors. By ensuring the full range of field participants were interviewed, a rich perspective of the field was developed. Interviews lasted between one and four hours and the majority²⁰ were recorded (with permission). Good relations were developed with all interviewees, who were keen to share their experiences. This enabled the authors to return with further questions or to seek clarification. Immediately following the interviews, the interviews were transcribed and the authors then met to discuss the interview findings. We have also analysed the Kilmarnock contract, the HMP reports on Kilmarnock, the SPS annual business plans and other government documents concerning Kilmarnock prison and other prisons. To enable a closer feel for the issues we accompanied prison visitors on a prison visit.

¹⁷ Interview 1st February, 2012.

¹⁸ National Association for the Care and Resettlement of Offenders

¹⁹ www.psir.org/justice

²⁰ In some cases it was not possible to record the interview. For example, there are strict rules about what can be taken into prisons. Recording devices are not allowed.

Prison officers

Despite an increasing amount of research into prisons over the past 35 years, little has been written about the role of the prison officer, and yet, on operational grounds, no prison system can develop without the role of the prison officer (Coyle, 2005). It is probably fairly obvious that “staff morale” is always important. Arguably, staff morale in prisons is especially important. So too, is a feel for the game or what Sandy McEwan (Director of Kilmarnock Prison) called “prison craft”. Sykes (1958) seminal research of a US maximum security prison, found that order was contingent and negotiated between guards and prisoners. Minor rule infractions were allowed in return for a “quiet” institution. More recent work by Sparks et al (1996) on UK maximum security prisons found that a key concern of prison officer was how to ensure the orderly running of the prison on a day-to-day basis²¹. When we began our study, Kilmarnock was a relatively new prison. Its modern facilities meant that prison staff did not have to contend with any of the indignities of the old Victorian prisons like slopping out. Indeed Kilmarnock’s cells were deemed to be “luxurious” having their own TVs. Moreover, the majority of staff employed within the prison had not previously worked within the prison system and so it was hoped that the staff would, not having the habitus of state sector prison officers, would bring something new and innovative to the daily operations of prisons. The new staff had the potential to learn along with the development of the prison, although it was recognised that new prisons need time to “bed-in” (this can be seen in the tightening of performance measures in the contract).

However, the new and inexperienced (no feel for the game) staff at Kilmarnock found themselves within what Goffman (1961, p 11) describes as a “total institution” in which prison officers and prisoners “cut off from the wider society for appreciable period of time, together lead an enclosed, formally administered round of life”. For Goffman (1961) prisons are designed to produce a form of control which is all encompassing, although individuals will struggle to inure themselves to the regulatory system so as to preserve a sense of self. We found that prison officers in Kilmarnock had little or no time to acclimatize to life in a “total institution” and were sent to work “in the Halls” (ie in the prison houseblocks dealing directly with prisoners) after their initial training of six weeks. There was also a feeling that the initial training was more concerned with “paper-work” and bureaucracy than preparing staff for the job. We were told that the training was concerned with informing new staff about the company, the rules and regulations, penalty points and the contract²².

At this stage it is worth commenting that each officer we spoke to expressed anxiety over their first few months spent as prison officers. The plan to put inexperienced officers into the midst of a prison with scant training on the basis that a contract was in place to ensure “accountability and transparency” was madness. This is especially the case since the inmates were not novices. We were told in our interviews that as soon as a new officer appeared, the inmates would “try it on”. For example, they would inform officers that they were allowed special privileges and so on. In many cases two officers would be in charge of 80 inmates. If one had to leave (for example to escort an inmate to the medical centre) a new untrained guard would be left alone. The government minister sitting at some distance from the prison could rest assured that their reputation would remain intact - if the performance measures

²¹ Nevertheless “control incidents” still occur which can involve the capability of officers to exert physical coercive force to restore order.

²² This is rather different from state sector prison officers who typically, after a longer period of training spend a year or more on the gate building up their “feel for the game” before being allowed to work in the prison house blocks.

were good, they could take credit for them. If there were many problems, they could point to the sanctions which they were able to impose.

Keeping fellow human beings confined is a complex and difficult task. Coyle (2005) argues that the development of the personal authority of the prison officer is more likely to occur if the officer is quite clear as to the primary purpose of imprisonment, and by extension, of her/his own principle role. While the SPS and government ministers pay lip service to rehabilitation, in all of our interviews, no-one genuinely believed that the current prison system could help with rehabilitation. In part this may have been due to more general shifts in our social understandings of prisons, but our sense was that it came from the practical experiences those involved in the criminal justice system. While not adopting the radical political perspectives of (for example) Wacquant (2001) and Downes (1998) set out above, all of our interviewees could see that many of the inmates had been failed by the social system before entering prison and that prison could not repair the failures in the system. For example, an ex Chief Inspector of Prisons (Fairweather) told us that when he took on his role, he had no experience of the prison system and that “he was a member of the hang them and shoot them brigade”, but that on his very first prison visit he realized that many of the prisoners were victims too. He said that he had spent many sleepless nights overcoming the “prejudices of a lifetime regarding people who ended up in prison.” Coyle (2005) argues that there “is a shortage of resources in the prison system, resources which are necessary to maintain a penal model in which prisoners could be humanely dealt with, but even if the prison system had all of these resources and more it could never become a vehicle for social reform because that isn’t its primary function” (p.204). Prison is for punishment (and getting criminals off the street to give the police a break). One of the principal defects (structurally) arises from the continuing attempt to justify the humane handling of prisoners on the grounds that such humanitarianism is “treatment.” As explained earlier, prisons are places of exclusion. How can an institution which serves to exclude human beings from the rest of society serve to rehabilitate?

The directors

As we set out below, managing Kilmarnock prison with conflicting masters is an incredibly difficult task. Pfeffer and Salancik, (2003) state that the manager (as leader) serves “as symbol, as a focal point for the organisation’s successes and failures [...] giving observers an identifiable concrete target for emotion and action” (p.16). “The manager who serves as a symbol exposes himself to personal risk. He is accountable for things over which he has no control, and his personal career and fortunes may suffer as a consequence. The sports casters cliché that managers are hired to be fired reflects a great amount of truth about all managers.” (p.17). The director of Kilmarnock prison who had vast experience in the prison system told us that he felt that prison directors could have a significant influence over the atmosphere and ethos of the system. His position at Kilmarnock was his first experience of operating a privately run prison. He said that it was the hardest job he had ever had. This was due in part to having to serve the needs of the shareholders of Serco, while meeting the Contract. Since Kilmarnock was opened there has been a change in the political administration in Scotland and the governor felt that the SPS were not supportive. We asked if he would rather work without Serco or the SPS – he replied “I would rather work without either of them”.

The Contract in practice

Almost from the outset, “the contract” and its fines-based performance measures came to be seen as problematic. From our very first interview to the most recent one (February 2012), the issue of the contract was raised. We found absolutely no evidence of organisational

“decoupling” from the performance measures. Rather, performance measures were very much felt by all involved. According to one officer, the inmates too were very well aware of the Contract, and whenever the opportunity arose would use it to their advantage. It is likely that the performance measures are more powerful because they are attached to fines.

It does seem though that initially, the contract and its performance measures, were seen in a positive light. The first HM Inspectorate of Prisons Report on Kilmarnock (HMIP, 2000) had generally approved the effects of operating to an agreed specification, as this had been thought to provide clarity of purpose. However, the 2001 Intermediate Inspection concluded that the contract was more of a mixed blessing with management also describing it as being “restrictive and inflexible at times” (HMIP, 2001). The 2001 report stated that it had been pointed out several times by the inspection team that “running a contract was not necessarily the same as running a prison.” (para. 2.3, p.2) Indeed, the research presented here suggests that significant effort was spent on “running the contract”.

The existence of in-built financial penalties compelled Kilmarnock Prison management to take the contract very seriously. Harry Conaghan of the Aberlour Trust (a specialist voluntary sector care organisation), summarised his perception of the operation of the contract following his visit as part of the Intermediate Inspection team in March 2001.

The management at Kilmarnock seem very protective of the prison and keen to blame everything on the “Contract.” They seem to have tunnel vision so far as this is concerned: although they are restrained by the “Contract” I do not see this as an excuse for not progressing further with drug and offending behaviour programme (HMIP, 2001).

The report concluded that,

It became clear during the course of this inspection that priority was being given to delivering the contract as specified. Additional work, which might be necessary and appropriate and would contribute to more effective delivery of the contract, could not be undertaken if this meant that some other elements specified in the contract would not be delivered. Similarly, if there was a shift in existing demand, or if new demands arose, these could not be addressed without either changes to the contract being negotiated or additional resources being provided. (para. 2.2, p.2)

The need to renegotiate the contract was a source of problems for the prison governor. In our recent interview with the prison governor, he stated that he would like to send his staff on a suicide training course, but basically he couldn’t afford it. He felt that the fees charged by SPS for their course were excessive. Serco would not pay because it wasn’t part of their contract.

Internal documentation from Kilmarnock obtained in 2002 also demonstrated a strong concern on the part of senior management at Kilmarnock and their Head Office superiors that the contract be delivered. Accordingly, senior staff at Kilmarnock operated what could be described as a “budget-constrained” style of management²³. The Assistant Director (Finance and Administration) wrote that

²³ See Appendix 3

One point that I feel should not be forgotten is in regard to our general operational performance. In the last contract year we accrued contractual penalty points totalling £140,000. Following last months searches we are in a position where we face current contract penalties of £160,000.²⁴

The Kilmarnock management were clearly under severe financial pressure and concerned about accruing performance measure points and the related fines. Here we document one episode which demonstrates this. Mobile phones²⁵ had been found in what were supposed to be tamper-proof light fittings. The (state) Controller wrote to the prison management and requested further information. The member of staff charged with the investigation wrote that (see Appendix 2) the only way in which it would be possible to guarantee that there were no mobile phones in the establishment would be to carry out a search of the whole prison. This was seen as problematic since “*It would undoubtedly be financially punitive as each phone would cost approx. £8,675 in penalties once we have exceeded our baseline.*” The existence of mobile phones within the prison was caught by a fairly broad performance measure - “Discovery within prison of a smuggled in item”.

It has been found that some of the most basic aspects of prison life which are not caught by performance measures have been “left off the prison management’s agenda”. For example, an HM Prisons Report on a SERCO run private prison in England²⁶, HMP/YOI Moorland, which took place from 12 -16 December 2005, found that an absence of detailed contract conditions led to some basic failings. Some toilets had no seats. Toilet seats did not form part of the contract. In our recent series of interviews one officer raised his concern about the quality and cleanliness of bedding. He said that the mattresses and pillows were unbelievably awful. Decent bedding does not form part of the contract. It is clearly not possible to have a performance measure for *every* aspect of prison life but some potentially important performance measures do not form part of the contract.

The HM Chief Inspector’s interim report on Kilmarnock in May 2002 noted that there was no performance measure for the number of fires at the prison. An MSP²⁷ Roseanna Cunningham asked a written parliamentary question²⁸ regarding setting a KPI for staff turnover. The Justice Minister replied that it was not envisaged that one would be set. Yet, staffing issues were central to the activities of the prison (Taylor and Cooper, 2008). The management of Kilmarnock may have been reluctant to give the Scottish Government information on either staffing levels or on staff turnover. An e-mail sent in 2002 (see Appendix 3) suggests that the prison were concerned not to give a figure which “they then beat us with.”

Overall we found that management and staff at the prison felt that life in the prison would be much improved without the contract. Thus far we have concentrated mainly on how that

²⁴ Internal document from Kilmarnock Prison

²⁵ There are many reasons why the possession of mobile phones by inmates would want to be prevented by prison authorities. They can be used to assist inmates in arranging and executing criminal enterprises or provide a channel for inmates to conspire on acts of violence or organise escape attempts and camera phones may also allow inmates to take photographs of prison staff to identify them. It would clearly be important for the prison officers at Kilmarnock to feel safe in carrying out their duties without the threat that they or their families would be attacked by associates of the inmates outside of the prison. Yet the fear was expressed that the discovery of phones would incur fines.

²⁶ <http://press.homeoffice.gov.uk/press-releases/moorland-prisons-inspection?version=1>

²⁷ Member of the Scottish Parliament

²⁸ S1W-25004

management of Kilmarnock are influenced by the performance measures of the contract. In the next section we briefly discuss the immeasurable and performance measures.

The Unquantifiable and Performance Indicators

Perhaps the most obvious concern regarding the use of quantitative performance indicators is their inability to capture the more qualitative aspects of prison life, an anxiety expressed by a prison Visiting Committee-

Performance indicators have a profound effect on professional and institutional behaviour. Much that is to be accounted for in a prison is not easily measured and cannot be boiled down to a set of stock performance indicators. An example would be the atmosphere within a prison. To visitors and inmates alike this is palpable. It indicates the tensions that exist and says much about whether things are going well or not. It is a crucial consideration in the assessment of a prison, the analysis of which will never find its way into performance indicators. (Visiting Committee Annual Report on Cornton Vale Over 21's, 2001 - 2002)

The (then) Chief Inspector of Scottish Prisons, Clive Fairweather, expressed exactly this concern over the impossibility of KPIs to measure and evaluate intangible characteristics such as "atmosphere". He reported how he had felt unsafe in one of the wings at Kilmarnock, but when questioned about this by Kilmarnock management, he was unable to give "concrete evidence" (Interview, 28 February 2002). It turned out that Fairweather was correct in his impressions since a riot broke out while he was still in the prison.

To give you an example, and it's a funny one really, when we went back there last year, because there is a different language in a private prison, when we were back last year, going through things, because we always go back and say 'this is what we are going to say' and the Governor sat and said 'but how can you say that you feel that 'A' hall is unsafe? Where is your evidence?' I said 'well, I am saying it, that's how I felt'. 'But you can't say that Chief Inspector.' I said, 'Well, I'm sorry I've been in more jails now than I have had hot breakfasts and I know when I feel unsafe... Anyway, as this was going on, a figure kept appearing at the window outside the Governor's office, and knocking. And eventually I said 'xxxxxx, there's someone wanting to talk to you I think.' And in came the chap and he was in riot gear. The Governor, Deputy Governor and the whole management team had to go because they had a riot going on in 'A' hall, which ended up with a serious injury, you know, riot shields, the whole bit. The first time I had seen it. But my deputy and I left saying 'how can you say it's unsafe' because it was the very hall that we had we felt unsafe about. (Interview, 28 February 2002).

But the last inspection we did down there, we took an ex-prisoner with us, and we went into 'A' hall, and I thought we were going to get assaulted. I really thought we were going to get assaulted. You accept that and say 'well if that's how it's going to be I'm not going to run away'. Now, I am not a frightened guy, I don't go into prisons to be frightened, but what she [Christine Graham] was saying I could fully understand (Interview, 28 February 2002).

In our recent series of interviews, the issue of "A" Hall (which houses long term prisoners) was raised unprompted.

It is clearly impossible and undesirable to have performance measures on every aspect of the prison. In our earlier interviews we found that performance measures were managed by mis-reporting.

Managing performance measures

In our interviews in 2002, we found that one way in which staff at Kilmarnock managed the contract was to mis-report. For example,

Because there was no searches getting done, at the end of the shift we had a book for all the names of all the searches that had been done. There had to be one in three that had to be searched - prisoners. I think it was the same for people coming in. And because I was doing other duties, they weren't getting searched. At the end of the shift the supervisor would say to me 'We have twenty searches not been done here. Think of five or twenty names and write them in a book. Just say we have done them... This is to avoid us getting penalty points. Every weekend these search failures happened (Interview, 24 November 2002).

There are three KPIs relating to assaults, namely the number of serious assaults on staff, the number of serious assaults on prisoners and the number of injuries reported to the Health and Safety Government. In the Performance Measures for Kilmarnock a "Serious Injury Assault" against staff incurs 50 performance points, as compared to 20 for a "Minor Injury Assault." Consequently, it is in the interest of the prison owners to have assaults deemed as minor rather than serious as the latter incur greater financial penalties. Interview evidence confirmed that serious assaults had been downgraded to minor status. The Chief Inspector of Prisons and his Deputy decided to examine closely some of Kilmarnock's Minor Injury Assaults and found several discrepancies in reporting.

We tried to get hard evidence on our visits... we started to compare Kilmarnock against four or five other prisons. And the thing that stood out from these Key Performance Indicators was that we discovered that they had thirty assaults on staff but none of them was classified as serious. What we found was that they were using the same reporting system to report to Premier Headquarters as they were to the Scottish Prison Service. So you were lucky if you got a paragraph on the incident. There was no follow-up to say what the injuries were. [We did some digging] and that's when we found the one where the bloke had an injury to his arm, a broken arm. (Interview Malcolm MacLennan, 28 February 2002)

Probably another four when we looked at them I would classify as serious. There was the guy that went into a cell and had his hand broken with a chair. Things like that. Probably four or five which should have been classified as serious. (Interview, Clive Fairweather, 28 February 2002)

In our 2012 interview with the current director of Kilmarnock I asked about the misreporting issue. He was clearly aware that this had happened but said that he had put an end to it. Although in a recent interview, (6 February, 2012), a prison officer told us that the director did not know everything which was going on in the prison.

Overall

Over the ten year period of our study, we have found that some procedures and staff training (on things like first aid) have improved. It seems that if there is one aspect of Kilmarnock prison which is a serious problem, it is that there is a shortage of resources. Staff too feels the force of the Serco performance measures. As staff walk into the prison there is a flat screen TV which is on a loop giving information about the prison. One figure that it shown constantly is the number of prisoners in residence. One of the officers we interviewed recently said that they knew that Serco were paid extra for additional prisoners over and above the number stipulated in the contract. They said that they felt that prisoners (as bearers of revenue to the prison) were valued more highly than the prison officers who were seen as costs. People working within the prison are also dominated by the contract which the staff manage in various ways but is universally acknowledged to be a problem. In 2009, the staff submitted a petition to the Scottish Government calling for an independent review of the contract²⁹. However, in 2012 the contract is causing the same concerns.

It was clear that the performance measures did serve as reflectors of prison officer as individuals and that they needed praise. One prison officer, told us that if, for example, through doing a good job they found drugs, “You are made to feel guilty for doing your job – you like to feel praise. But you are made to feel you are giving someone a headache.”

The blunt fact is that Kilmarnock prison has half of its contract to run, and the state somehow needs to ensure that in the inmates are treated with respect and dignity. The government needs some way of monitoring what is going on inside Kilmarnock. So next, we turn to the literature which takes a positive approach to performance measures (for example Adler and Borys³⁰, 1996; Ahrens and Chapman, (2004); Wouters and Wilderom, 2008) to reflect upon the mistakes that have been made with the Kilmarnock contract and make suggestions as to how the situation might be improved.

New Public Management, performance measures and organisational learning

In the twenty or so years since the implementation of NPM in the public sector, academics have had the opportunity to consider its impact and its potentialities. In this section we examine the literature which considers the potential for formalised performance management systems to enable organisational learning within the bureaucratic organisational form. In doing so, we follow Wouters and Wilderom (2008) Adler and Borys (1996) and see Performance Measurement Systems (PMS) as a form of formalisation. The literature which is concerned with enabling PMSs and organisational learning could be described as being in the “soft HRM” camp (Ezzamel et al, 1996). There is no consensus within the literature. Adler and Borys (1996, p 61) recognise the challenges presented by formalisation and they highlight the vast literature on the negative effects of formalisation. For example, Rousseau (1978) found formalization (written rules and procedures governing employee activities) positively related to absences, propensity to leave, physical and psychological stress, and

²⁹ The petition went before the petition’s committee on 29 June 2010. This is the written result: We have examined the petition five times and given it thoroughgoing consideration. We have also listened carefully to what the petitioner's local and regional MSPs had to say. My information is that the petition is now centred on a dispute between the petitioner and the Scottish Prison Service about a number of issues in which the committee has no real locus, so there is not much more that we can do to advance it any further. Therefore, we should close it.

³⁰ They draw strongly on Rheinfrank, John J., William R. Hartman, and Arnold Wasserman (1992) on Xerox which redesigned its copiers with the goal of creating a system that mobilized rather than replaced users' intelligence. (Rheinfrank, John J., William R. Hartman, and Arnold Wasserman 1992 "Design for usability: Crafting a strategy for the design of a new generation of Xerox copiers." In P. S. Adler and T. W. Winograd (eds.), *Usability: Turning Technologies into Tools*: 15-40. New York Oxford University Press

negatively related to innovation and job satisfaction. Arches (1991) in studies of social service workers, found formalization negatively associated with job satisfaction, and Kakabadse (1986), studying blue collar workers found formalization of tasks and work processes positively associated with feelings of powerlessness and self-estrangement. Bonjean and Grimes (1970) found formalization of procedures and rules positively related to self-estrangement, anomie, and a general measure of alienation. Moreover, Adlers and Borys (1996) note that a vast amount of the human resource management literature is consistent with this negative assessment. For example, Walton (1985, p 38) assumed that rules and procedures substitute for, rather than complement or encourage, employee commitment.

The unifying feature of the “learning/enabling” literature is that it adopts a perspective that organisations will benefit from recognising that intelligent human beings are more productive if they aren’t totally “Taylorised” (Braverman, 1974). Adler and Boys (1996, p 63) state that a “second, more positive stream of research highlights ... that work can be fulfilling, rather than a disutility”. Moreover, there is no inherent problem in PMSs, since well-designed procedures would facilitate task performance and thus augment employees' pride of workmanship (Deming, 1986). For example, it has been argued that formalisation can reduce role conflict and ambiguity, thereby increasing work satisfaction and reducing feelings of alienation and stress (Jackson and Schuler, 1985) and Craig (1995), argues that formalised procedures can facilitate innovation when they capture lessons of prior experience (Craig, 1995). The idea that that formalised procedures can facilitate innovation when they capture lessons of prior experience is key to the organisational learning literature. Since expertise is captured by the organisation for its own purposes, it seems that some forms of organisational learning at least can be described as “dynamic taylorism”. In a Bourdieusian sense, the idea of organisational learning in this form could be described as recognition on the part of management of the value of the cultural capital of workers. For private organisations which are animated by the maximisation of economic capital, the value of worker’s cultural capital (know-how) will be increased if it enables the capital accumulation process. Thus from a Bourdieusian theoretical perspective, it makes sense for management to create systems which can continuously learn from their workforces, especially if know-how can be codified. Although the Lacanian insights on the potential for performance measures to produce psychopathic behaviour make the potential benefits of “dynamic Taylorism” less clear cut. In the case of Kilmarnock prison, if Serco were interested in organisational learning, they would be interested in ways of cutting costs, which could be formalised into rules or performance management systems since the contract and the fixed size of the prison means that there is little scope for increasing revenue. Our research suggests that there is very little scope for cost reduction at Kilmarnock. The amount spent on food in UK prisons is very low³¹ and Kilmarnock staff levels are very low. One can only imagine the brutalising regime that would have to be put in place to enable the profit accumulation process.

Wouters and Wilderom (2008) and Adler and Borys (1996) distinguish *coercive formalization* which aims to force employee compliance with *enabling formalization* which aims at making employees feel facilitated or motivated by the rules and the systems in place. The whole point of the Kilmarnock contract is to force certain performance levels from Serco and so is a form of coercive formalisation. While there are few studies which have found cases of enabling formalisation, Jonsson & Gronlund (1988) describe enabling formalisation as a tool which supports employees, that they can use for their own purposes to assess how

³¹ For example, for 2009-10, the last full financial year for which figures are available, the average public sector Prison Service daily food cost per prisoner in England and Wales was £2.20 (Hansard Commons Debates, 8 Nov 2010 : Column 79W). We have no evidence that the spend on food in private prisons is any higher.

things are going, identify problems, prioritize issues, develop ideas for improvement, engineer solutions for concrete problems or make decisions (in Wouters and Wilderom, 2008). In Kilmarnock, some of the performance measures could be used to identify problems. For example, if a prison officer found some drugs, this would mean that there is a problem somewhere in the system. It could be that for example, there was a searching weakness at the visitors' entrance or perhaps a problem with the design of the prison. But the information is not used to engineer solutions.

Adler and Borys (1996) suggest that whether formalization has an enabling or coercive character, depends on characteristics of the formalization as well as on the process of designing and implementing the system. These characteristics of formalization are internal and global transparency, and flexibility and repair. Their application has been demonstrated by Ahrens and Chapman (2004). What is made clear in Ahrens and Chapman (2008) is that overall company aims are set by management and are not open to discussion even in a "learning organisation". However, akin to Argyris' (1977) double loop learning organisations, Wouters and Wilderom, (2008) suggest that management recognise that single performance measures and the overall PM system should be periodically reviewed, revised and refined. Organizations can learn by carefully building on and reusing existing experiences (cf. Zollo & Winter, 2002), and experimenting and prototyping with new practices (cf. Carlile, 2002). Such "double loop learning", is not possible given the rigid nature of the contract at Kilmarnock.

Taking account of employee perceptions of PMSs the literature makes recommendations to enable the setting of PMs. Wouters and Wilderom (2008, p 491) argue that the greater the incompleteness, the more the PMS may be perceived by functional sub-units as a "negative", "unfair", "threatening", or "coercive" instrument of management control. While Malina and Selto (2001) found that perceptions of PMS were more negative if measures were inaccurate or subjective, and if benchmarks were considered inappropriate but nevertheless used for evaluation. In other words, employees may feel that their performance "as measured" (by the metrics) does not truthfully reflect what they see as their "real" contribution to the organization. One way of overcoming this problem could be to engage with employees over the completeness of performance measures (see Chapman, 1997; Lillis, 2002). In any case, Adler and Borys (1996, p 66) make the telling point that researchers have noted that people particularly resent what they consider "bad" rules, while "good" rules are taken for granted and rarely noticed (Perrow, 1986: 24). The Kilmarnock contract seems to violate all of the principles of a well-designed performance management system from an employee perspective. The contract is perceived as being "negative", "unfair", "threatening", and "coercive"; it does not reflect a prison officer's "real" contribution to the organisation and the application of a sanction for "good" performance like finding drugs, mobile phones, or weapons is perceived to be a "bad" rule.

Adler and Borys (1996) are very clear that performance management systems which are simply designed to highlight "deviations from standard procedure" instead of being designed to help subordinates determine whether the process is operating well, help them navigate the inevitable contingencies of the real work process, and help them identify improvement opportunities could be experienced by subordinate employees as a way for managers to protect their own interests. They give an example of an organization which they studied in which engineers write procedures, then hand them to employees, who must sign them as if they constituted a contract in order to ensure an audit trail in case of quality problems. The employees saw this arrangement as "a way for the higher-ups to cover their asses". The

situation at Kilmarnock is rather different since it is a source of stress to the senior management but as we set out earlier, it is a way of senior civil servants and politicians to deflect blame away from themselves.

Gesturing towards a more psychoanalytic approach to enabling PMSs, Adler and Borys (1996) suggest that (p 80) "An enabling type of formalization is one that encourages motivation based on identification". The assumption underpinning this is that management will be more effective if there is some overlap between the goals of employees and those of the organization as a whole. The Lacanian understanding of our desire for recognition and identification renders this slightly more complex.

The creation and application of the Kilmarnock contract could be described as a system of coercive formalisation. The rigid contract is in place for 25 years. Re-negotiating the terms of the contract up until now has been strongly resisted. What is clear from our case study is that the contract, rather than delivering transparency and accountability, has created a straight jacket which is engendering stress and perverse behaviour within the prison.

Conclusion

A fascinating article by Manfred Kets de Vries (1989), which adopts a Lacanian perspective on management, starts by considering the 1972 novel by Jerzy Kosinski, *Being There*.³² The novel describes the process whereby people see what they want to see and how they use others to reflect themselves and their own desires. The main character of the novel, Chauncey, is an educationally challenged, illiterate, orphan, gardener who has spent his whole life in the safety of a walled garden; his knowledge of the outside world coming from the TV. He constantly repeats what is being said on TV. After a series of events he ends up in the house of a wealthy woman. She and her circle of influential friends are profoundly impressed by Chauncey and give him some kind of "guru" status. The culmination of this was when the President of the United States asks Chauncey what he thinks about the bad season on The (Wall) Street, Chauncey responds (p 608),

In a garden, growth has its season. There is spring and summer, but there is also fall and winter. And then spring and summer again. As long as the roots are not severed, all is well and all will be well (p 45).

Gardening allusions and repeating what people have said (a practice which Chauncey picked up from television) served to impress and appeal to everyone³³. Agreement (repeating what people have said) can be seen as a form of positive reflection and so make people feel comfortable. However, Chauncey did more than simply agree with people. He reflected what people wanted to hear. And thus the gardening allusion and its message that everything

³² The book was later made into a film starring Peter Sellers

³³ While, *Being There* is a novel, there are "real world" cases where, people have been held in thrall to meaningless rhetoric. Readers from the UK may well remember an incident involving Eric Cantona (a French international footballer and actor) who was sent off during a football match in 1995. While he was leaving the pitch, he launched an attack on a supporter. At a later press conference, he said in a slow and deliberate manner (rather Chauncey like) "When the seagulls follow the trawler, it's because they think sardines will be thrown into the sea. Thank you very much." Many hours were spent debating this "profound" statement. Years later Cantona admitted that it was nonsensical.

would be ok, that things are cyclical, and therefore the President could not be help culpable for Wall Street's financial woes, would have served as a positive reflection for the President.

The structuralist underpinning of both Lacan and Bourdieu suggests that actors understand the hierarchy of values in our culture. The 1980s and 1990s were a period which saw a reversal in the hierarchical positions of the state and the private sector. The state became the ugly sister (Czarniawska, 1985). The private sector became sexy. Management consultants and private sector prison companies held out the possibility to ministers that they too could become more beautiful and more sexy if they made "business-like" changes to the public sector (even though these may be painful). This makes the authors wonder about the quality of the advice given to politicians and senior civil servants. From our experience of Kilmarnock prison it does seem rather "Chauncey like" – nonsensical but what senior civil servants and politicians wanted to hear. Of course the context of this was a battle over economic capital.

Prisons, with their excluded inmates, are on the whole hidden from society, but mass imprisonment is a stark reality which disproportionately befalls the poorest sections of our communities.

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Appendix A Performance Measures and related “penalty points” for Kilmarnock Prison³⁴

Performance Measures (as detailed in paragraph 2 of this Schedule)	Performance Points per Performance Measure/Incident
Absconds: Category ‘C’	10
Category ‘D’	5
Temporary Release – Inadequate Risk Assessment	5
Release of Prisoner in Error	30
Failure to Provide Accurate Daily Report	10
Failure to Input Basic Details into Prisoner Records Application	5
Failure to Process Accurate Warrant Details	10
Discovery Within Prison of Smuggled-In Item	25
Key/Lock Compromise	55
Failure of Security Procedures: Category ‘A’	15
Category ‘B’	10
Category ‘C’	5
Category ‘D’	1
Assault Against Staff and/or Others	
Serious Injury Assault	50
Minor Injury Assault	20
No Injury Assault	5
Assault Against Prisoners	
Serious Injury Assault	50
Minor Injury Assault	20
No Injury Assault	5
Incident of Concerted Indiscipline	20
Incident of Hostage Taking	10
Incident of Roof Climbing	30
Incident of Self-Harm	5
Incident of “Class A” Drugs	10
Incident of Other Drugs Other Than “Class A”	5
Contingency Planning Exercise (Non-Completion)	5
Fire Evacuation Exercise (Non-Completion)	5
Failure to Comply with Agreed Reporting Procedures	10
Tool/Implement Loss (Recovered)	2
Tool/Implement Loss (Not Recovered)	4
Failure to Provide Timeous Medical Assistance	5
Failure to see Medical Officer on Admission	2
Failure to Provide Meal	1

³⁴ Taken from part 2 of the Kilmarnock Prison Contract. <http://www.sps.gov.uk/multimedialogallery/4F35D4D9-CF69-48C2-B993-2A98C77D1ECB.pdf>

Performance Measures (as detailed in paragraph 2 of this Schedule)	Performance Points per Performance Measure/Incident
Failure to Comply with Health and Safety and Hygiene Requirements/Legislation	7.5
Failure to Respond to Prisoner Complaint Timeously	1
Substantiated Complaints Against Staff	10
Failure to Comply with Cleaning Schedule	5
Failure to Repair (Equipment and Services)	5
Failure to Repair (Accommodation and Other Areas of the Prison)	5
Failure to Deliver Regime Activity Hours (Sentenced Prisoners)	
Provision of 76%-95% of Hours	5
Provision of 66%-75% of Hours	10
Provision of 56%-65% of Hours	20
Provision of Equal to or less than 55% provision of Hours	30
Failure to Deliver Work Hours (Sentenced Prisoners)	
Provision of 76%-95% of Hours	5
Provision of 66%-75% of Hours	10
Provision of 56%-65% of Hours	20
Provision of Equal to or less than 55% provision of Hours	30
Failure to Provide Education Hours	
Provision of 76%-95% of Hours	5
Provision of 66%-75% of Hours	10
Provision of 56%-65% of Hours	20
Provision of Equal to or less than 55% provision of Hours	30
Failure to Provide Structured Activity Hours (Sentenced Prisoners)	
Provision of 76%-95% of Hours	5
Provision of 66%-75% of Hours	10
Provision of 56%-65% of Hours	20
Provision of Equal to or less than 55% provision of Hours	30
Failure to Deliver Regime Activity Hours for Remand Prisoners	
Provision of 76%-95% of Hours	5
Provision of 66%-75% of Hours	10
Provision of 56%-65% of Hours	20
Provision of Equal to or less than 55% provision of Hours	30
Failure to Provide Sentence Planning	5
Failure to Provide Prisoner Compacts	5
Failure to Deliver Offending Behaviour Programmes	5
Failure to Deliver Pre-Release Programmes	5
Visits - Failure to Start Within 20 minutes of Visitor Arriving	1
Prisoner Not Visited by Legal Adviser	5
Failure to Report/Incorrect Reporting of any Performance Measure	50

Appendix 2

Extract of an e-mail

From: XX XXX
Sent: Saturday, June 01, 2002 9:46AM
To: YY YYY
Subject: Mobile Phones

Nick,

AS requested I have looked again at the information requested by ZZ ZZZ (the controller) in his e-mail dated 27 May 2002. At best I believe our position is as follows:-

1. At the moment we cannot guarantee that there are no other illicit mobile phones in the establishment because as you are aware approx. 70 Cells in Houseblock 1 and virtually all of Houseblock 2 was not searched on 24 May due to pressure of time.
2. As I have already indicated the only way we could try to eliminate the possibility of further mobile phones being found would be to:
 - a) Carry out a full search of the whole Prison to give us a starting point where we can be as sure as we reasonably can be that there are no more mobile phones in the establishment.

However such a strategy potentially brings with it a number of problems:

- It would be disruptive to regime performance
- It could precipitate issues relating to good order
- *It would undoubtedly be financially punitive as each phone would cost approx. £8675 in penalties once we have exceeded our baseline(emphasis added)*

Appendix 3

From: xx xxx
Sent: 06 June 2002 17:57
To: yy yyy
Subject: FW: Letter FAO Director

Elaine

I have completed a draft response to Justice 2 with the info they requested. However, I am concerned that I do not provide them with information they then beat us with, or infor that we have declined to give them in the past for confidnetial reasons. I've also had a brief chat with zzzzz, and she filled me in on Clive Fairweathers³⁵ revelation of the staffing figs in the March 2002 report (in breach of your confidence!).

Main areas to discuss are:

³⁵ Clive Fairweather was the then HM Inspector of Prisons in Scotland.

- 1 Staff levels by role – do we given them or refer to Clive’s figures, which would confirm the accuracy of them, or say “no commercial in conf”, or refer them to Justice 1 who saw the full contract on 5 June!....
- 2 Staff Turnover. Do we given them since opening? Will they correspond with previous info given? We don’t want them saying we have changed the figs. I’ve looked through previous transcripts, but can’t find the 11% (which is in my mind from the recent meeting we had in Bracknell) which would clash with the figures for 2001 of 16% that I would send them? Did we ever give them the fig of 11%? In Oct 2001 at J1 Ron gave an estimated figure of 17.9%, so 16% would be good news?