

Should We Use Legal Regulations to Influence the Healthy Prison Agenda in England?

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Definition of 'Healthy Prisons'

(WHO, 1986; Gatherer *et al.*, 2009).

- Improving health and wellbeing
- Managing health risks
- Principle of equivalence
- Balancing act between rehabilitation and public protection

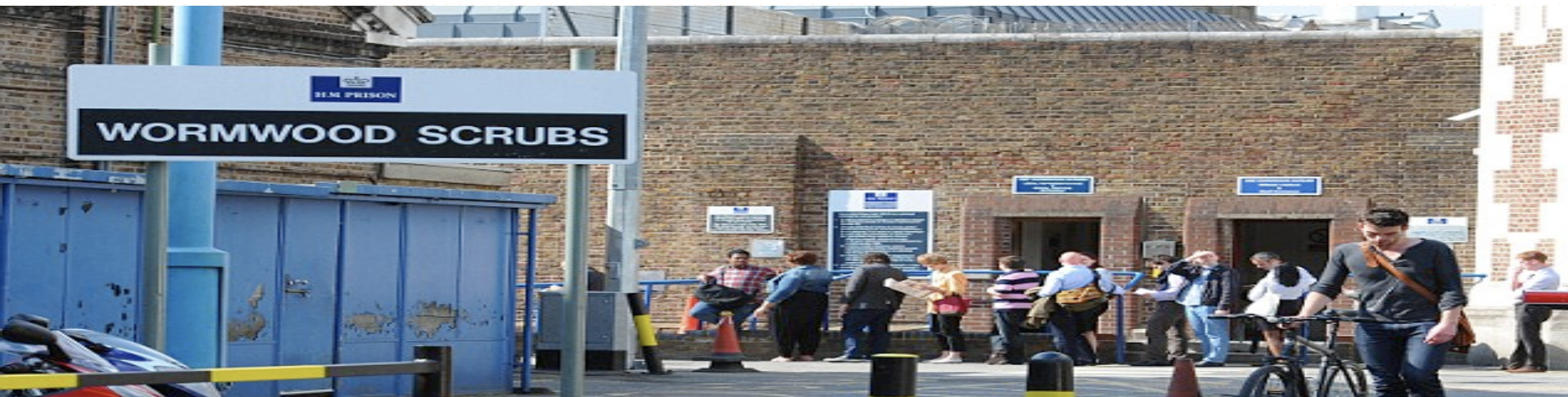
Why is the research relevant?

- The latest picture of the Healthy Prisons Agenda in England
- Little focus on integrating Public Health and Law disciplines
- Renewed interest in the prison field



The Limit of Legal Regulations

The majority of the participants questioned the capability of the legal regulations in capturing the rather broad, and often contested nature of the healthy prisons concept.



- Prescriptive of behavioural rules
- Accountability versus compliance



*...if we can't deliver on all the things we are supposed to deliver at the moment with the legislation that we have, **how is that legislation going to make things more effective?***

*...in terms of the staff who are trying to make things work it **may not necessarily help [the] workforce** in terms of **recruitment and retention** of staff. Especially, if you move to a model where litigation becomes more common as it is in hospitals' or doctors' surgeries... most people who work in health do so because they want to help people and **the risk of litigation I think is something that would frighten them...**(Participant 7).*

Prison Governors and Staff as Street Level Bureaucrats (Lipsky, 1991)

- Whilst legal regulations create a top-down framework that governs the expectation of the healthy prisons agenda across England, implementation may look different on the ground.
- The prison governors and the prison staff are the street level bureaucrats who will implement the governing framework at the local level.

*Prison governors [are] leaders...our role is to create a culture and an environment...So if you are talking around the healthy prison environment, **I decide as the governor of the prison, if that is my priority.** And if it is my priority, then I create the culture of a healthy prison by my leadership (Participant 17).*



*... A number of prison staff openly said that they would **turn a blind eye** to prisoners who smoked. The reason for that was sometimes **practical**; they didn't have the **time or resources** to address that because they were **dealing with more pressing issues**, in their view. Secondly, they were smokers themselves so **they didn't really want to enforce a piece of legislation that they themselves didn't subscribe to**...(Participant 12).*

External Forces

Legal regulations problematise the prison establishments as an institution that requires significant improvement in health, when there are external factors that inhibit their ability to fully embrace the healthy prisons agenda.



Diminishing level of resources

- The impact of fiscal austerity on healthy prisons appears in almost all interviews.
- This forces the stakeholders to go into defensive mode.



*...We can't do [health improvement activities] because **we haven't got the staff**. I hate the default of 'it's always about staff', but I genuinely think we're in a position. **We've got one of our prisons that's had 77 vacancies**. Phenomenal, phenomenal vacancy rates (Participant 1)*



*...Low positive drug test figures [is one of the] indicators that you've got a healthy prison, but all were progressively harder to provide...**We stopped drug testing at [a local prison]... because it was too expensive.** Well, if a prisoner says to you, “I don't want to take drugs and I want to give you a voluntary test to prove that,” and we say, “Actually, mate, it's too much money,” **what message is that sending to the prisoner?** (Participant 22)*

Unsympathetic Perceptions

- Frustration with the unsympathetic perceptions of the politicians and the lack of appreciation of the public on the rehabilitative culture within prison.
- Such a lack of acknowledgement perhaps stems from the political views that appear to be tough on crimes.
 - Power as a thought control (Stevens, 1974)
 - Media positioning the issues in the public debate (Naik, 2008)

*...Successive governments actually have not liked spending money on prisoners because **they don't want to be seen to be indulging prisoners... lots of the media, especially, mislead people into thinking that prison is all Xboxes, fried breakfasts, turkey dinners...and it's just not like that. Prison is a dangerous, humiliating place for everybody who goes in there... (Participant 18)***

Final Note

- The preliminary findings of this research qualify the assumption that the permanency of the legislative measures will improve the implementation of the healthy prisons agenda, due to the
 - Broad nature of the healthy prisons concept
 - Implementation of the agenda at the lower level by the street level bureaucrats
 - The role of external forces outside prisons in dictating the implementation of the healthy prisons



**ASK MORE
QUESTIONS**

