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# ‘Too Big to Fail and Too Big to Succeed’:<sup>1</sup> Accounting and Privatisation in the Prison Service of England and Wales

ANDREA MENNICKEN\*

**Abstract:** This paper is concerned with the challenges involved in the transformation of the prison into a performance-oriented accounting entity. It examines the implication of private sector accounting and consulting expertise in redefining prison values and prison performance, and it discusses the consequences this had for definitions of risk and responsibility. The paper shows how the reforms promoted a systemic decentring of Prison Service accountability. Prison managers and regulators came to be inserted into hierarchies of expertise and credibility shaped by quests for commensuration and auditability. Further, the paper shows how the reform attempts brought about a situation of institutional lock-in by contributing, as the outgoing HM Chief Inspector of Prisons Anne Owers has put it in 2010, to the creation of an inflated prison system ‘too big to fail, and too big to succeed’.

**Keywords:** prisons, performance measurement, New Public Management, privatisation, neoliberalism

## INTRODUCTION

This paper is concerned with the challenges involved in the transformation of the prison into a performance-oriented ‘accounting entity’ (Arnold and Oakes, 1995;

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and Kurunmäki, 1999). It examines the implication of private sector accounting and consulting expertise in redefining prison values and prison performance, and it discusses the consequences this had for definitions of risk and responsibility. Only a few studies have investigated the roles of private sector accounting and consulting in prison reform attempts (Cooper and Taylor, 2005; Humphrey, 1991 and 1994; Liebling, 2004; and Taylor and Cooper, 2008). The paper traces the impact of market testing, benchmarking and performance measurement in transforming the prison from a rules-based, bureaucratic institution to a calculating, economically minded organisation. Drawing on studies of accounting and New Public Management (for a useful review see Broadbent and Guthrie, 2008), the paper contributes not only to understanding economic and operational effects of private sector-oriented accounting reforms in public sector settings, it also draws attention to the complex relationships between politics, calculation and morality (Hirschman, 1997 [1977]).<sup>2</sup>

Following Kurunmäki (1999, p. 219), 'to define something as an accounting entity is to represent an area of interest, to make real and to circumscribe the objects and activities of which financial reports will speak'. Underlying the concept is the fiction of separable economic units and aspirations to use accounting as a tool for the mapping and managing of social and economic relations (Hopwood, 1984; Miller, 2001; and Miller and Rose, 1990). But accounting entity boundaries are neither easy to draw nor unproblematic. As Kurunmäki (1999, pp. 219–20) points out:

The making of an accounting entity is a political process with potentially significant implications. The boundaries which delineate an organization as an economic unit separate from other organizations are not [...] clear-cut, natural or fixed [...]. The actors who identify entities and define their limits are many and varied, and may speak on behalf of legal, economic, social, political, aesthetic and professional interests.

Questions of what to count, what categories to employ, what entity to account for, and where one accounting entity ends and another begins, are consequential for labour relations, organisation values, ethical commitments and the regulation of performance, risk and responsibility (Arnold and Oakes, 1995).

Since the late 1980s, the Prison Service of England and Wales has undertaken a series of steps to transform prisons into competitive, performance-oriented accounting entities. Of particular importance, in this context, was the government's engagement in prison privatisation (James et al., 1997). Against the background of Thatcher's neoliberal reforms, prison overcrowding, exploding costs and a series of serious incidents (Resodihardjo, 2009; and Woolf, 1991), prison privatisation, and private sector accounting, transferred into the Prison Service via consulting agencies and commercial security organisations, were called upon:

to introduce innovative approaches into the management of prisons and prisoners, and to break away from the constraints of traditional Prison Service values, attitudes

and methods, which were regarded by some as stifling progress (James et al., 1997, p. 62).

Until then, the Prison Service had been characterised by a relative absence of formal accounting and accountability systems. As Derek Lewis, Chief Executive and Director General of the Prison Service, 1993–1995, writes:

There were no forward plans, no budgets, no assessments of key people, no financial or operating reports. [...] There was little information of any kind about how the various parts of the service were performing – and such as there was provided no basis for judging whether we were doing well or badly (Lewis, 1997, pp. 7, 21).

In the 1990s this changed. As in other public services, increasing emphasis came to be placed on managerial process, financial control and performance measurement (Pollitt, 1993). This paper examines the different regimes of justification and realms of expertise that sought to establish the prison as a performance-oriented accounting entity, and it discusses consequences this had for definitions of prison values, risk and responsibility. First, the intertwinement of accounting with privatisation is explored, and the roles that non-governmental organisations, management consulting firms and private security corporations played in delineating new, performance-oriented entity boundaries. Second, the paper analyses the accounting instruments themselves, in particular instruments of prison rating and performance measurement, and examines how boundaries between the calculable and incalculable were redrawn, and how new relations of competition and cooperation were formed between different sets of calculative expertise. Third, it investigates how these changes contributed to the transformation of objects and subjects of prison regulation and accountability.

The analysis is based on the study of media and parliamentary data, government reports, White Papers, reports by the HM Prison Service, the National Offender Management Service (NOMS), the National Audit Office, the Public Accounts Committee, and the HM Inspectorate of Prisons, as well as documents from prison interest groups. The documents were analysed and coded in relation to objectives and problematisations underlying performance-oriented entity reforms; the intertwinement of the reforms with privatisation and consulting; conflicts; and effects on prison values and accountability.

#### PRIVATISATION, ACCOUNTING, AND THE ETHOS OF CONTESTABILITY

The rise and spread of private sector accounting instruments into the prison system of England and Wales is inextricably linked to wider processes of governmental reform and neoliberal policy (Hood, 1995; and Miller and Rose, 2008). Of particular relevance, in this context, are the linkages that came to be established between accounting, management consulting and privatisation. Between 1980 and 1987, prison expenditure had increased in real terms by 72%

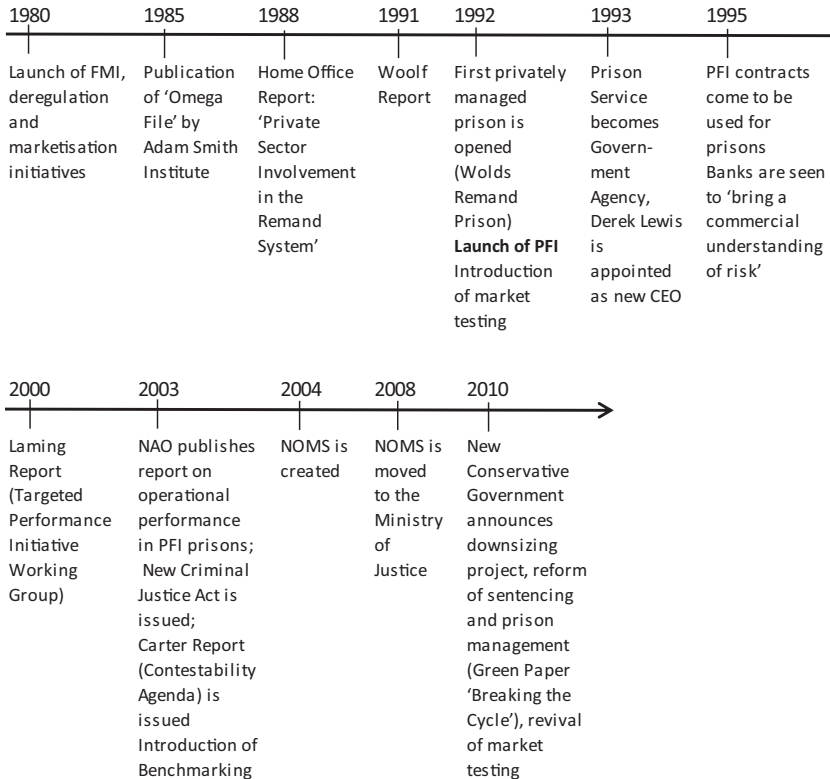
(James et al., 1997, p. 48). The overcrowding of prisons had become a serious issue.<sup>3</sup> Parallel to the crisis within the Prison Service (Resodihardjo, 2009; and Woolf, 1991), overcrowding, exploding costs, and a series of severe prisoner riots in the late 1980s and 1990<sup>4</sup>, faith in the state to manage public sector services had generally been declining (Hood, 1991; Lapsley, 1994; Miller and Rose, 1990; and Pollitt, 1993).

Against the backdrop of these problems, the foundation of private prisons<sup>5</sup> and the enhancement of inter-organisational competition via market testing were thought to improve prison quality and security (Black, 1993; Home Affairs Committee, 1987; Home Office, 1988 and 1991; and Prison Reform Trust, 1994).<sup>6</sup> The ethos of competition, later rephrased in terms of 'contestability' (Carter, 2003; and Home Office, 2004), was thought to bring about improved 'service delivery' at reduced costs. Supported were these developments by the government's *Financial Management Initiative* (FMI), launched in 1982, and the *Private Finance Initiative* (PFI), launched in 1992 (Carter, 2001; and Humphrey, 1991 and 1994) (see Figure 1).

Private sector-oriented accounting instruments, particularly tools of performance and cost management, were introduced to 'tackle under-performing prisons' (Home Office, 2000, p. 1), to better 'understand the link between resources and outputs', and to identify 'failing prisons' (Home Office, 2000). They were called upon to help redefine prisons as competitive economic units responsible for their own performance management (Home Affairs Committee, 1997; and Home Office, 1988 and 2000).

Yet, the shift towards creating separable, performance-oriented prison entities and systems of 'managerial accountability' (Home Office, 2000) did not originate inside government. Instrumental for articulating and advancing the reform proposals were actors located outside government (James et al., 1997; and Nathan, 2003). These included private security corporations, management consulting firms and neoliberal think tanks. In the late 1980s, globally operating security firms, like the Corrections Corporation of America (CCA), Wackenhut (now part of G4S) and Group 4 (now G4S), sought to expand the markets for their services. Perceiving correctional services as lucrative investment opportunity, these firms pushed for policies seeking to establish prisons as separate economic units, governed by the market, economic calculation and objectives of profit making. As James et al. (1997, p. 43) point out, Carter Goble, a US consulting firm with a focus on criminal justice, had been hired by Group 4 to undertake 'extensive research to identify possible sites in Europe where the best opportunities might lie for expanding the private correctional market'.

Another important key player lobbying for prison privatisation and performance-oriented accounting change was the Adam Smith Institute (ASI). The ASI defines itself as 'one of the world's leading think tanks': 'Independent, non-profit, and non-partisan, it works to promote libertarian and free market ideas through research, publishing, media commentary, and educational programmes.'<sup>7</sup> In the 1980s, the ASI heavily criticised the Prison

**Figure 1****Key Dates in the Reform of the Prison Service**

Service for being 'unimaginative' (Young, 1987, p. 6). The Institute made several representations to the Home Office, disseminated publications and held seminars promoting the idea of private-sector involvement in the prison system (James et al., 1997).<sup>8</sup>

For accountants and management consultants, the reform requests provided a valuable opportunity to extend their realms of influence and expertise. The government hired accounting and management consulting firms to evaluate pros and cons of prison privatisation (Cooper and Taylor, 2005) and to help with the development of new accounting tools (Humphrey, 1991). In 1988, the Home Office wrote:

Management consultants are to be engaged. Their task will be to examine in detail the practical feasibility of the various options for involving the private sector

[...]. This work will include: [...] devising means by which proposals from private companies could be assessed against relevant criteria (including value for money); considering procedures to ensure the smooth interaction of contractors' operations with other elements in the criminal justice system; looking at the consequences of the allocation of prisoners between contracted-out and the remaining facilities; drawing up performance criteria for contracts; recommending management systems; and looking at commercial considerations, such as bases for payment and terms of contracts (Home Office, 1988, pp. 9; 16–17).

The Home Office appointed accounting firm Deloitte, Haskins and Sells to conduct the work (James et al., 1997, pp. 53–54). Earlier, in 1986, the Home Office had hired PA Consulting Group to participate in the preparation of the reform package known as Fresh Start, released in 1987 and aimed at freeing up to 20% of spare capacity in the prison system (McDermott and King, 1989). In 1989, the same consulting firm had developed for the Home Office twenty-two objectives against which individual prison performance was to be measured. According to ex-prison governor Coyle this was the first time that the Prison Service had engaged in the development of formal performance measures (Coyle, 2005, p. 48).

Apart from individual prison establishments, also the Prison Service as a whole was to be redefined as an 'accounting entity'. In 1993, shortly after the first private prison had been opened, the government set up the Prison Service as a quasi-autonomous Executive Agency with a set of private sector-oriented performance targets and budget controls, monitored by the Home Office. The Prison Service Executive Agency was one of the largest of the Next Steps agencies, with around 39,000 staff in 1994–95 (74% of the Home Office total) and a budget of £1.6 billion (26% of Home Office spending) (Talbot, 1996, p. 5). The Agency was established with the aim 'to improve the management of services by reducing the domination of policy specialists in Whitehall' (*ibid.*). Its first Chief Executive, Derek Lewis, was recruited from the private sector. In 1993, building on the work of PA Consulting Group, Lewis introduced eight key performance indicators and six goals against which the performance of the Prison Service was to be evaluated (Coyle, 2005, p. 48). Lewis commented:

1993–94 saw the assignment of greater responsibility and accountability to governors, the introduction of targets for establishments, rigorous measurement of performance, the publication of a new code of operating standards and the added stimulus of competition from the private sector (cited in Liebling, 2004, p. 18).

Poorly performing public sector prisons came to be exposed to market tests, i.e., direct competition from external providers. In August 1992, HM Prison Manchester (Strangeways) became the first public prison to be 'market tested' (Prison Reform Trust, 1994, pp. 26–33). In preparation of their (successful) bid, the prison management made use of external consultants and their accounting

expertise. Consulting firms came to function as ‘carriers’ (Sahlin-Andersson and Engwall, 2002) contributing to the redefining of the prison as an ‘accounting entity’ and the travelling and translation (Czarniawska and Joerges, 1996) of private sector accounting instruments into the Prison Service. As ex-prison governor Coyle (2005, p. 49) put it, consulting firms helped the Prison Service and individual prisons with the development of a ‘managerial approach to running prisons and the application of many of the principles which had long been adopted in the business world.’

In 2003, the rise and spread of private sector-oriented accounting techniques was given a further boost by the introduction of benchmarking and performance ratings (Table 1). The benchmarking and rating programmes were accompanied by Lord Carter’s correctional services review in which he called for the establishment of the principle of ‘contestability’ within the Prison Service (Carter, 2003; and Home Office, 2004). Lord Carter, ‘a healthcare entrepreneur and management consultant’ (Nellis, 2006., p. 53), introduced the concept of contestability as a mechanism to increase the involvement of the private and voluntary sectors in offender management. With his contestability agenda, Carter intended to drive up public sector standards, increase quality and save costs. According to Nellis (2006, p. 53), Carter’s review exemplified ‘the messianic managerialism’ – the re-engineering of existing structures and functions to produce ‘guaranteed’, quantifiable behavioural outcomes – that had come to characterise New Labour’s approach to modernisation.

**Table 1**

Excerpt from ‘Prison Quarterly Ratings, Quarter 4, 2009/10’

<i>Establishment</i>	<i>Rating</i>	<i>Performance Against Last Quarter</i>
Acklington	3	No change
Altcourse	3	Drop in performance
Ashfield	3	No change
Ashwell	3	No change
Askham Grange	4	No change
Aylesbury	3	No change
Bedford	4	No change
Belmarsh	3	No change
Birmingham	2	No change
Blantyre House	3	No change
Blundeston	3	No change

*Notes:*

Rating 4 = Exceptional performance

Rating 3 = Good performance

Rating 2 = Requiring development

Rating 1 = Serious concerns

*Source:* National Offender Management Service (2010, pp. 1–2).



The Prison Service commented on the benchmarking programme and prison ratings in its magazine *Prison Service News* (Number 229, May 2004):

Twelve months after their introduction, phrases like performance testing, improvement planning and high performing prisons, are now firmly embedded in the Prison Service lexicon.<sup>9</sup>

The next section analyses consequences and challenges of the reforms. Instruments of prison rating and performance measurement did not only contribute to the formation but also problematisation of prison entity boundaries. Elements of private sector accounting practice had to be melded with existing prison rules and practices. Tensions arose between the new accounting tools and existing government codes and practices.

### CALCULATING PRISON PERFORMANCE

Turning to the question of how the performance of the [Prison] Service is evaluated it is clear to us that there is *no clarity* on this subject [emphasis added]. Ministers, managers, trade unions, staff, HM Inspectorate, apart from the wider world, all seem to have their own perception of what is acceptable or reasonable in the Prison Service. No organisation can hope to be confident about its performance when the benchmarks against which it is measured vary so widely or change so often (Home Office, 2000, p. 4).

In the Prison Service, performance measurement has considerably changed over time reflecting 'shifting priorities and improvements in thinking about the limitations of measures selected' (Liebling, 2004, p. 63). The introduction of key performance indicators (KPI) and targets (KPT) in 1993 was closely connected to the general rise of NPM techniques and increasing pressures to audit and publicly *demonstrate* performance (Power, 1997). KPIs, KPTs and Standard Audit ratings were important for 'doing business with the Treasury', as requests for funding were increasingly tied to performance on specified targets (Liebling, 2004, p. 65). The measures were enrolled in attempts aimed at 'exacting responsibility' (Miller, 2001, p. 380), following ideals of 'total, finely calibrated control' (Nellis, 2001, p. 33). Further, the measures were introduced to aid 'commensuration' (Espeland and Stevens, 1998). They should make it possible to compare and evaluate different prison establishments – public and private – 'according to a common metric' (*ibid.*, p. 313):

The ability to make comparisons between different institutions is important because it is clear that there is a very wide variation in the staffing, resourcing and performance of establishments with similar responsibilities. It is of particular value to make such judgements between establishments of the Prison Service and those which are separately managed by private agencies (Home Office, 2000, p. 4).

Prison ratings produced via standardised performance measures should help establish a 'common language' (Power, 2004, p. 774) for making judgements

about failure and successfulness of different prison entities. But the aspirations connected to standardisation and measurement proved to be very difficult to realise. Over the past fifteen years or so the Prison Service, similar to other public services (Hood et al., 2004; and Kurunmäki and Miller, 2006), has been confronted with an avalanche of numbers, targets and indicators. What constitutes good prison performance remains contested and commensuration, 'the transformation of different qualities into a common metric' (Espeland and Stevens, 1998), a hardly achievable goal.

#### ACCOUNTING AVALANCHES AND ISSUES OF INCOMMENSURABILITY

Since their first introduction by PA Consulting Group in 1989 and Prison Service Chief Executive Lewis in 1993, who had been hired from the private sector, the number of prison KPIs has steadily increased from 8 to 18 in 2000–01 (Liebling, 2004, pp. 58–63), to 28 for the newly created National Offender Management Service Agency (NOMS) in 2008–09 (joining up the prison and probation services).<sup>10</sup> Public prisons have to report their performance in accordance with 'measures of outcome set by the Secretary of State to assess performance of the Service under 'Agency' status', 'extended outcome measures requested internally as part of a new business planning process', and Prison Service Performance Standards.<sup>11</sup>

Compliance with the standards is measured via performance indicators, such as number of unqualified Prison Service accounts, costs per place, number of prisoners entering drug rehabilitation programmes, number of accidents and of reportable major injuries, and audit compliance (see e.g., NOMS, 2009). The plethora of performance measures enters a weighted scorecard, drawn up in the fashion of Kaplan and Norton's Balanced Scorecard (Kaplan and Norton, 1992), on the basis of which performance ratings are drawn up, similar to the 'star ratings' of the NHS. Since 2003, prisons (public and private) are rated on a 1 to 4 performance scale. Level 4 is awarded to excellent establishments that are delivering 'exceptionally high performance'. Level 1 indicates a 'poor performer' (Table 1). Prisons in the lowest category (Level 1) are subjected to 'performance tests'. They are given six months in which to improve their performance (Bryans, 2007, p. 73). A failure to improve means that the prison faces closure or being contracted-out to the private sector (*ibid.*). Since the introduction of the ratings, prison governors find themselves operating in a 'more competitive' and 'less collegiate' world, 'more than ever before, their focus is on how prisons are performing relative to other similar prisons' (Bryans, 2007, p. 74).

The avalanche of numbers, ratings and performance measures, at least in part, was driven by the desire to construct proxies for 'uncertain and elusive qualities' (Espeland and Stevens, 1998, p. 316), and to compare and demonstrate performance across (public and private) prison establishments. As Miller (1992, p. 61) writes:

By translating the concrete processes of car manufacturing, the assembly of electrical goods, or the administration of health care and education into a single figure [e.g., a prison rating, added], accounting makes comparable activities and processes whose physical characteristics and geographical location may bear no resemblance whatsoever. [...] The neutrality and social authority accorded to the single figure is one that is set above the fray, apart from disputes and political interests, and endowed with a legitimacy that seems difficult to contest or dispute (Miller, 1992, pp. 68–69).

However, in the case of prison performance measurement, commensuration proved to be very difficult to realise. Quests for commensurability, and the connected explosion of performance measures, were accompanied and accelerated by problematisations of ‘incommensurability’ (Espeland and Stevens, 1998). As we know from the numerous performance measurement studies in accounting, even seemingly straightforward accounting measures, like measures of cost, are far from being unproblematic. As Hood et al. (1997) point out it is far from clear how one should calculate prison costs. Should it be expressed as a per diem rate for prisoners, or as a fixed sum assuming 100 per cent occupancy? Prisons, both publicly managed and privately managed, came to be ‘overburdened’ with performance measures, ‘making the monitoring of performance and prioritisation between targets difficult’ (House of Commons, 2003, pp. 4–5).

Inconsistencies occurred between the performance measures and targets for different prison entities (House of Commons, 2003; and National Audit Office, 2003):

There are inconsistencies between the targets set for PFI and public prisons. For example, the average target for purposeful activity in a public prison is 20.6 hours a week per prisoner, as opposed to 29.5 hours a week in PFI prisons (House of Commons, 2003, p. 12).

The contracts negotiated for each private prison differed, making it difficult to draw comparisons between different prison establishments. Variation in the characteristics of different prison entities further undermined attempts aimed at establishing comparability. Operational efficiency and cost effectiveness of a prison are hard to separate from variables of size, design, location, function and age (House of Commons, 2003, p. 11). Mr Davidson from the Public Accounts Committee remarked in this respect:

I was looking on page 23 giving the various categories and I found it immensely complex to draw any lessons from it. Then, when I turned to page 8, the clearest single correlation is between the age of the prison and whether or not it is in the red or any other category, with 50% of those in the red category being built in the 1800s and only 20% in the orange and 10% in the green (House of Commons, 2003, Ev15).

Such correlations highlight the problematic nature of any postulated correspondence between different accounting measures and an accounting entity’s overall performance. One could argue that the correlation between prison

performance and age could be controlled for if private sector capital asset accounting were applied, which identifies obsolescence in assets. However, when the prison ratings were introduced capital asset accounting was not yet widely practiced within the Prison Service. Furthermore, capital asset accounting does not solve the problem of the impact of prison design, location and function on operational performance (e.g., on costs, re-offending rates, security etc.).<sup>12</sup> Calculative chains of commensuration are porous and fragile. This also comes to light when looking at the relationship between prison performance and the calculation of financial penalty points (Tables 2 and 3).

If a private prison contractor failed to meet a certain percentage of the performance target, penalty points accrued (National Audit Office, 2003, p. 11). These penalty points were translated into financial deductions. The National Audit Office criticised the penalty system stating that ‘the level of financial deductions is not an accurate indicator of performance’ (National Audit Office, 2003, p. 17):

The Prison Service could not provide a clear audit trail between historical performance, in terms of fixed fines for specific incidents or performance points against baseline, and the actual financial deductions. The earlier financial deductions at Altcourse and Parc were reduced following negotiations between the Prison Service and the contractors. These negotiations were not solely concerned with the prisons’ operational performance. They also took account of problems with inflexible contract monitoring.

The Commissioner for Correctional Services replied:

It is very difficult to get an exact correlation between financial penalties and the performance of a prison. For example, even Altcourse prison, which I think everybody

**Table 2**  
A Selection of PFI Contractual Performance Measures

<i>Performance Measure</i>	<i>Performance Penalty Points per Incident</i>
Failure of security procedures	5
Key/lock compromise	50
Items smuggled in	20
Assaults against prisoners or staff member	20
Incident of roof climbing	5
Failure to ensure prisoners see health care staff on arrival	1
Failure to comply with cleaning schedule	2.5
Delivering programme hours of <95% of contract standard	5
Delivering programme hours of <75% of contract standard	10
Delivering programme hours of <50% of contract standard	25

*Source:* National Audit Office (2003, p. 14).

**Table 3**  
Penalty Performance Deductions (Jan–Dec 2002)

	<i>Penalty Performance Points</i>		<i>Cost per Point</i>	<i>Performance Deductions</i>	<i>Deductions as % of</i>	
	<i>Acquired Jan–Dec 02</i>	<i>Adjusted Baseline<sup>1</sup></i>			<i>Annual Payment</i>	<i>Escapes Fines</i>
Ashfield	6,362	2,848	£94	£331,121	3	£0
Dovegate	3,573	1,784	£227	£406,392	1.5	£0
Altcourse	3,964	6,849	£293	£0	0	£0
Parc	6,157	6,443	£141	£0	0	£0
Lowdham Grange	301	620	£105	£0	0	£0
Forest Bank	4,178	8,052	£170	£0	0	£0
Rye Hill	2	2	2	£5,589 <sup>3</sup>	0.04 <sup>3</sup>	£60,000

*Notes:*

<sup>1</sup>The contractual baseline is adjusted to take into account overcrowding and assaults in comparator prisons.

<sup>2</sup>Rye Hill has a different contractual framework for calculating performance deductions based on quarterly and annual penalty performance deductions, each priced differently.

<sup>3</sup>Therefore these figures refer to the most recent contractual year rather than January–December 2002.

*Source:* National Audit Office (2003, p. 15).

who visits thinks is a very good prison and is possibly the best prison we have, has been fined something like £420,000. It does not mean it is a bad prison, it means that we would now view the performance measures we introduced, (when we were setting up Altcourse as one of the first, as being somewhat inflexible (House of Commons, 2003, Ev8.)

The incommensurability of prison entities is further problematised in the dialogue below:

Mr Williams (Committee of Public Accounts): Can you just clarify a point which is genuine misunderstanding? In Figure 9 on page 15, cost per penalty point, Ashfield is £94, Altcourse is £293. Why is the cost per point three times higher in one than in the other?

Mr Narey (Commissioner for Correctional Services): It is because each penalty point regime — and I confess to having had to have a tutorial on this just this morning — is unique to that particular prison. If you want to compare how a particular prison has performed against another one, you cannot just look at the penalty points incurred, but you will see that prisons have very different base lines, that is, the number of penalty points which are tolerated before a financial penalty is enforced. That again reflects the fact that we have different schemes for different prisons.

Mr Williams: Why was Ashfield set at £94? Why is it so different, particularly in view of subsequent events? The worst offender of the lot, yet it has the least disadvantageous penalty point system?

Mr Narey: It has been significantly at a disadvantage in terms of the money we have taken from it, a total of £4.2 million, as Mr Beeston said. Whatever the penalty point regime, the fact is that we have been able to use sanctions against Ashfield going way beyond the use of penalty points, in this case in closing places and saying this is not a safe enough place in which to put young prisoners so as to make a very significant financial sanction.

Mr Williams: Was the £4.2 million based just on penalty points or on other factors?

Mr Narey: No, the £4.2 million was primarily based on closing places and saying we do not think this is a place which is safe enough or good enough to meet our standard requirements so we are not going to put young people into there.

(House of Commons, 2003, Ev18.)

Performance measures, such as financial penalty points, are criticised for not being representatives of ‘actual’ prison performance. As many performance measurement studies have shown before for other areas, performance measures very often give only limited or no insight at all into ‘what is going on’ in the entity they seek to represent.<sup>13</sup> In the dialogues above, the inflexibility of the performance measurement system is highlighted and the fact that different penalty point regimes exist for different prisons. There exists a mismatch between perceived prison performance (e.g., with respect to safety and security) and performance according to awarded penalty points. As a result, trust in the measures is undermined. Yet, whether prison governors believe the measures or not, the measures have changed their working environment (see e.g., Bryans, 2007). As ex-prison governor Coyle (2005, pp. 49) puts it, the introduction of formalised performance measurement led to ‘a concentration on process, on how things are done, rather than on outcome, that is, what is being achieved.’ Prison governors have to meet increasingly detailed reporting demands, facing ‘constant oversight from internal auditors and external inspecting bodies’ (*ibid.*, p. 97). Emphasis has been shifted away from ‘commitment to any correctional ideology’ to a focus on ‘scientific management’ of individual prison entities (*ibid.*).

And yet, not all dimensions of prison performance can be measured at the level of individual prison entities. The reduction of re-offending, for example, constitutes a performance objective challenging prison entity assumptions. Individual prisoners and their movements in between prisons make it very difficult to attribute re-offending rates to the performance of individual prison entities:

Mr Osborne (Public Accounts Committee): One of the things mentioned here is that there is no measure of actual reduction in re-offending rates. I would be interested to know whether you have any figures for the difference in re-offending rates in PFI prisons and public prisons?

Mr Narey (Commissioner for Correctional Services): No, we do not. As I explained to the Committee last time I was here, because we move prisoners about so frequently, it is very difficult to attest to the particular work done by one prison. . . . We are trying

to do work now, to try to see whether we can link future offending behaviour after release with the time spent in a particular prison. For example, if someone spent most of their time in Bullingdon prison and they have not gone back to re-offending, we will try to make a link between the prison where they spent most of their time and their future behaviour. It is very difficult . . . While we move prisoners about quite as much as we have to because of overcrowding, it is very difficult to tie down and credit to a particular prison, what might have happened to someone after release.

(House of Commons, 2003, Ev14.)

This quote illustrates how problematic it is to draw boundaries around individual (public and private) prison establishments. Prisoners are ‘moved about’. They transcend prison boundaries and the accounting for them. Redefining the prison as a performance-oriented entity creates new visibilities *and* invisibilities (Arnold and Oakes, 1995; and Kurunmäki, 1999), leaving *inter*-organisational activities unaccounted for, as also the following example illustrates:

Mr Williams (Public Accounts Committee): Going back to our hearing on Fazakerley prison years ago, when they had just finished their first year I think, and when there had been trouble at Parc and a riot, we discovered that you had to call on prison officers from Cardiff and Swansea to go in and help out. I asked whether they received any compensation from the private operator of Parc for the provision of their staff. I was told no. Has this situation changed now? The staffing is so low in the private prisons that they do not have anyone they can send to help out with the public prisons.

Mr Narey (Commissioner of Correctional Services): We have arrangements of mutual support. For example, when we had a very serious incident last autumn at Lincoln prison, some of the staff who came to help reassert control came from private sector prisons. The two sectors support one another. A private sector prison running into difficulties like that would suffer significant numbers of penalty points which would result in fines, if they breached the tolerance levels. There is not a straight link. The private sector do not pay for the mutual aid in the same way that we do not pay the private sector when they offer mutual aid to public sector prisons.

(House of Commons, 2003, Ev19.)

As Narey points out, the performance measurement system does not recognise mutual aid and support that prison entities provide to each other. Activities of inter-organisational cooperation and exchange do not fit conceptualisations of the prison as an accounting entity with clearly delineable organisational boundaries. The problem at hand here is not only one of ‘misrepresentation’. Prison ratings and performance measures, aimed at establishing the prison as a performance-oriented entity, actively intervene in the day-to-day organisation of prison life, for example by shaping a prison governor’s view of what counts and what does not count (Bryans, 2007; and Coyle, 2005).<sup>14</sup> They stimulate competition among prison governors leading to cost savings and operational efficiencies (National Audit Office, 2003). Yet, at the same time, they also contribute to the creation of forms of organisational introspection, blindness and boundary creation inhibiting cooperation and information exchange amongst

different prison establishments, thereby harming the Prison Service as a whole (Bryans, 2007; and House of Commons, 2003, Ev19–22).<sup>15</sup>

#### SHIFTS IN RISK AND RESPONSIBILITY

Frequently, the Prison Service has been criticised for its fragmented nature and multi-layered, malfunctioning governance system (Carter, 2003; Hood et al., 2004; and Hough et al., 2006). To counter-act the criticisms and better coordinate activities across prison establishments and probation, following recommendations outlined in a report by healthcare entrepreneur and management consultant Lord Carter, the government created in 2004 a new organisational entity – the National Offender Management Service (NOMS) (Carter, 2003; and Home Office, 2004). The creation of NOMS followed Carter's call for 'a more joined-up and constructive approach to offender management' (Carter, 2003, p. 4). NOMS came to constitute one of the three largest business areas within the Home Office, with a total budget of over £4 billion in 2005–06, representing around 31% of the Home Office resource budget (NOMS, 2005, p. 4). In April 2008, NOMS was moved to the Ministry of Justice as Executive Agency with separate managerial and budgetary responsibilities (NOMS, 2008). Under the new Agency Framework, NOMS' ten Directors of Offender Management are encouraged to use:

sophisticated Service Level Agreements/contract-management to incentivise high and to tackle poor performance by prisons and probation areas, both individually and in collaboration and to improve efficiency year on year (NOMS, 2008, p. 8).

NOMS' activities are guided by the *Specification, Benchmarking and Costing Programme*, which the Ministry of Justice issued in 2008 'to define the offender services that NOMS delivers with specific outcomes, outputs and costs' and 'to drive service improvement and value for money' (NOMS, 2009, p. 33).

With NOMS, a new accounting entity has been created, which seeks to embrace and coordinate activities across prisons and probation. How successful NOMS will be remains to be seen. Within the past few years, NOMS and the Prison Service have undergone several restructurings. In attempts to make prisons – public and private – 'governable' (Miller and Rose, 1990), accounting entity concepts and boundaries have not been abandoned, but reconfirmed. Prisons and the Prison Service as a whole have been recomposed in accordance with private sector business models, and auditors, accountants, and good presentation skills have become increasingly significant (Liebling, 2004, p. 69). Since 2009–10, in accordance with the Financial Reporting Manual issued by the Treasury, NOMS prepares its accounts in accordance with International Financial Reporting Standards (IFRS).<sup>16</sup> The reforms are accompanied by shifts in risk and responsibility. Emphasis has come to be placed on prisons' self-regulatory capacity, and private sector systems of risk management and internal



control have been introduced. The risk of failure has been transformed into a 'category of management' (Power, 2007), something that is to be actively embraced, instead of being avoided, and in need of being made calculable to be acted upon:

The system of internal control is designed to manage rather than eliminate the risk of failure to achieve policies, aims and objectives; it can therefore only provide reasonable and not absolute assurance of effectiveness. The system of internal control is based on an ongoing process designed to identify the principal risks to the achievement of NOMS policies, aims and objectives, to evaluate the likelihood of those risks being realised and the impact should they be realised, and to manage them efficiently, effectively and economically (NOMS, 2010, p. 26).

Attempts aimed at reconstructing the prison as a private sector-oriented accounting entity have paved the way for these developments. They led to a shift in emphasis from the Prison Service as a whole to individual prison establishments. Notions of failure and failing have come to be connected to individual, failing prison organisations. Poor performance has come to be regarded as the failure of individual operational management which, in turn, has reinforced a focus on issues of 'structures' and 'systems' at the expense of softer, more subtle 'processes' and 'commitment' (Coyle, 2007; Hough et al., 2006; and Power, 2007). As the outgoing Chief Inspector of Prisons Anne Owers highlighted in 2010, a heightened focus on issues of operational management and penal policies aimed at being 'tough on crime' contributed to the development of an 'inflated prison system in a shrinking state' that has become 'too big to fail and too big to succeed', 'drawing in more and more resources to try to make it better' instead of looking into investments 'instead of and after prison' (Owers, 2010).<sup>17</sup> Prison building programmes have led to the creation of new accounting entities at the expense of evaluating the Prison Service in the context of society and investing into alternatives to prison.

## CONCLUSION

Since the late 1980s, the Prison Service has undertaken a series of steps to transform prisons into managerial, performance-oriented entities. Private sector-oriented accounting tools, such as prison ratings and performance measurement, and the nexus between accounting, management consulting and privatisation, have played an important role in this process. Formalised performance management metrics were first introduced into the Prison Service by consulting firms (PA Consulting Group, 1989). Consulting expertise was also called upon by the government to evaluate pros and cons of prison privatisation, to draw up performance criteria for privately managed prisons, and to develop more efficient and effective management systems (Home Office, 1988 and 2004). Further, consulting firms were utilised in the conduct of the first market tests, for example, by individual prisons in preparation of their bids (see e.g., the case of Strangeways in 1992).

Taking these interventions by consultants as a starting point, this paper has examined effects of the accounting tools they introduced, focusing in particular on the roles of prison rating and performance measurement on reconstituting the prison as a performance-oriented entity. The paper has traced how prisons and prison governors came to be embedded in an economy of ranking and reputation management shaped by quests for commensuration (Espeland and Stevens, 1998) and auditability (Power, 1997). Quests for commensuration, however, proved to be difficult to realise and were accompanied by problematisations of incommensurability. Public and private prisons came to be overburdened with performance measures making the monitoring of performance and prioritisation between targets difficult.

Further, the paper has shown how difficult it is to draw boundaries around the performance of individual prison entities. The reduction of re-offending, for example, could not be measured at the level of individual prison establishments, because of the frequent movement of prisoners in between prisons. Also inter-organisational activities, for example, in the form of information exchanges and mutual aid, remained unaccounted for. All this contributed to a decentring of Prison Service accountability and a shift in emphasis from the Prison Service as a whole to individual prison entities. We observe a 'narrowing of the basis of accountability' (Kurunmäki, 1999, p. 219). Notions of failure and failing came to be connected to individual, failing prison organisations, rather than the prison system as whole. Attention has been deflected from issues concerning the roles of the prison in society, alternatives to imprisonment, and general criminal justice issues.

Yet, despite these rather negative findings, one should not be too quick in dismissing the potential that private sector-oriented accounting tools, such as benchmarking and performance measurement, can have for animating and focusing debate. Because of their obvious limitations – their proneness to failure, misrepresentation and narrowing – private sector-oriented performance metrics and ratings can also come to function as an important platform for debate about prison values and reform, not least because of the public attention and criticism they attract. As Espeland and Stevens (1998, p. 330) have highlighted, quantification can offer 'a rigorous method for democratizing decisions and sharing power', particularly in situations 'characterised by disparate values, diverse forms of knowledge, and the wish to incorporate people's preferences'. For future research, this raises the question of the extent to which ratings and performance measurement, and quantification more generally, can be called upon as 'moralising' and 'democratising' instruments. It also raises the question of the extent to which performance measurement can play the role of a 'mediating instrument' (Miller and O'Leary, 2007) connecting a multitude of actors and domains and including disparate values and rationalities, such as those of security, rehabilitation, decency and economy. The study of these questions is beyond the scope of this paper. Yet, the findings presented here underscore the importance of attending to the different modalities and

operations of accounting technologies, and their ability (or inability) to reform practices, reconfigure interests and redefine possibilities for action.

## NOTES

- 1 Heading of article by outgoing HM Chief Inspector of Prisons Anne Owers, *The Guardian*, 13 July, 2010.
- 2 In her thoughtful and inspiring book, Liebling (2004) examines the impact of performance measurement at the level of the individual prisoner. She develops the notion of 'moral performance' to offer an alternative framework of evaluation, next to KPIs, to take into account relational dynamics between prisoners and prison staff and individual experiences of the 'quality of prison life'. In contrast to Liebling's work, this paper focuses on the prison as an organisational entity, and consequences and challenges of redefining prisons, through KPIs and other private sector accounting instruments, in terms of self-contained management units (accounting entities), which is an issue that Liebling and others have not studied in depth.
- 3 In 1987–88, the average prison population was 49,300. Average operational cost per prisoner was £14,300 ('Report on the work of the Prison Service', Home Office, 1987/88 Cm516). Regarding the issue of overcrowding the report states: 'The pressure of the population [...] reached an intensity not experienced before. There was a nightmare-like sense, felt more sharply than ever before at the top of the Service and, we know, shared by regions and establishments, of always running and never catching up' (*ibid*, p. 1). By 31 March, 1988, the prison population had exceeded available accommodation by 5,500 (*ibid*, p. 8). In 2002–03, the average prison population increased to 71,498 with a total expenditure of £1,733,194,722 and an average cost per prisoner of £24,241. See <http://www.publications.parliament.uk/pa/cm200405/cmselect/cmhaff/193/193we19.htm> (accessed 12 December, 2010). In 2007–08, the overall average resource cost per prisoner was £39,000 (to nearest £1,000). See <http://www.publications.parliament.uk/pa/cm200708/cmhansrd/cm081125/text/81125w0033.htm> (accessed 12 December, 2010). For 2008–09 the overall cost of a prison place was £45,000 (to nearest £1,000). See <http://www.publications.parliament.uk/pa/cm200910/cmhansrd/cm100325/text/100325w0008.htm#10032547007259> (accessed 12 December, 2010). In 1988, England and Wales had 123 prison establishments (all public). In 2012, the number amounted to 133 (119 public and 14 contracted out prisons) (<http://www.justice.gov.uk/about/noms>, accessed 21 June, 2012).
- 4 The 1990 riots had started in April 1990 in Strangeways Prison (Manchester). From there they spread to more than 20 prisons throughout the country. As Resodihardjo (2009, p. 93) writes: For Great Britain, these were 'the most serious series of riots ever experienced. [...] When the quiet returned, three people had died, 133 inmates and 282 prison staff had been injured and there the cost of the damage ran into millions of pounds.'
- 5 The first private prison was opened in England and Wales in 1992 (Wolds remand prison) (James et al., 1997). At present, there are 14 private prisons contractually managed by private companies such as Sodexo Justice Services, Serco and G4S Justice Services (<http://www.justice.gov.uk/contacts/prison-finder/contracted-out-prisons>, accessed 20 June, 2012).
- 6 With respect to market testing, Black (1993, pp. 27–30) wrote: 'Market testing within the Prison Service will be twofold: First, under the provisions of the Criminal Justice Act 1991, the Prison Service will have to compete with the total privatization of certain prison establishments. [...] Internal services currently run by the Prison Service are also to be contracted out, both to the public and private sectors. This is the second tier of market testing. [...] In the open market, an agency status Prison Service will have to bid with other competitive tenders in order to run its own existing establishments, under certain proscribed conditions.'
- 7 <http://www.adamsmith.org/about-us> (accessed 12 June, 2012).
- 8 How much influence the ASI actually managed to exercise on the government is difficult to gauge. However, several connections can be traced between the ASI and members of the Conservative government at the time. Michael Forsyth, for example, who later became a junior minister at the Home Office with responsibility for prisons and who played an active part in promoting the idea of private prisons within the Conservative Party, had close links

- with the ASI and championed the Institute's ideas within the Conservative Party (Ryan and Ward, 1989, p. 47).
- 9 [www.hmprisonservice.gov.uk/prisoninformation/prisonservicemagazine/index.asp?id=1435,18,3,18,0,0](http://www.hmprisonservice.gov.uk/prisoninformation/prisonservicemagazine/index.asp?id=1435,18,3,18,0,0) (accessed 8 August, 2010), 'Benchmarking Measures up to Service Expectations', *Prison Service News* No. 229, 2004.
  - 10 These KPIs included: public protection measures (measured in number of escapes), Offending Behaviour Programme (OBP) completions, OBP starts, number of completed drug rehabilitation programmes, drug testing results, employment of prisoners upon release, accommodation of prisoners upon release, number of serious assaults, overcrowding data (target: number of prisoners held in accommodation units intended for fewer prisoners does not exceed 26% of the population), staff sickness, race equality data (target: at least 6.3% of prison staff should be from ethnic minority groups) (NOMS 2009, pp. 18–19).
  - 11 Today, the standards cover a wide range of different topics, such as health and safety, effective financial management, reduction in the availability of drugs, the role of self-audit in ensuring compliance, incident management and public protection (<http://www.justice.gov.uk/publications/corporate-reports/hmps/performance-standards>, accessed 8 August, 2010).
  - 12 In a memorandum of the Prison Service from 2003 we read: 'Applying national KPIs directly to individual prisons can be of limited value. Headline KPIs lack the breadth and depth needed to capture the full range of activities carried out in a prison. Nor could they reflect the functional specialism of individual establishments' (Memorandum by HM Prison Service, PST 52, February 2003).
  - 13 Another example of the mismatch between performance measurement and underlying performance in the prison sector is the example of Wormwood Scrubs, which in 2000 had been identified by the HM Chief Inspector of Prisons as a 'failing prison' despite its apparent effectiveness according to its KPI performance (Liebling, 2004, p. 68).
  - 14 For a general discussion of how accounting measures recreate social worlds see Espeland and Sauder (2007) and Miller (2001).
  - 15 Also the financial accounting system was lagging behind economic entity concepts. In the mid-1990s, when the Prison Service was transformed into an Executive Agency, the financial accounting system was left unreformed, making it difficult to engage in entity-focused cash flow management and to relate accounting expenditure to income (Landers, 1999).
  - 16 It would be beyond the scope of this paper to engage in a detailed analysis of the consequences of the financial accounting reforms. However, it can be expected that the financial accounting reforms reinforce private-sector entity ideas and the narrowing of accountability.
  - 17 See also *The Guardian*, 13 July, 2010.

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