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**Ensuring the 'Care' of London's Children**

**Discourses of Exclusion, Marginality and Punishment**

### **Abstract**

Using inspectorate reports this article explores the discourses about a London prison where children are inmates. The construction of the child prisoner inmates intimates their contribution to a pervasive culture of violence, bullying, opposition and poor engagement with purposive activities. While inspectorate reporting is based on the policy of ensuring a safe and rehabilitative experience for prisoners it is suggested that the discourses they harness do not engage with the fabric of these lives. The adoption of a corporate discourse, minimizes the communication of the individual harms inflicted on these children by criminal 'justice'.

### **Keywords**

discourse, harm, Feltham, inspectorate, violence, safety, respect, purposiveness,

### **Introduction**

There are six Young Offender Institutions (YOIs) across England, namely Aylesbury, Cookham Wood, Parc, Feltham, Werrington and Wetherby (Independent Monitoring Boards, 2021). Levels of protection for inmates are limited: In Werrington one young man stayed isolated in his cell for over 130 days due to fear of violence before being transferred to hospital under the Mental Health Act. At Cookham Woods a young man was segregated for over four months before transfer to a different YOI (Independent Monitoring Boards, 2021). The Inspectorate reported personal safety is a major concern for prisoners at Aylesbury (HM Chief Inspectors of Prisons (2017a).

The Ministry of Justice (MOJ) is a ministerial department of His Majesty's Government with an annual budget spend of around £7 billion whose jurisdiction is England and Wales. Its creation was announced in May 2007. Among the Ministry of Justice's main duties are the administration of HM Prison Service, oversight of the inspectorate and the sentencing of 'youth' or juvenile offenders. Its 'mission statement' includes reducing reoffending by breaking the cycle through rehabilitation and community disposals (Gibson, 2008). Each prison is inspected periodically by an inspector and her/his team, an annual report published and the results of each inspection are published.

A prison inspection spans about two weeks (HMIP, 2022). Prison inspections generally evaluate the treatment of prisoners, regime quality, prisoner and staff morale and the regime's physical security. Young offender institutions are inspected more regularly than adult prisons due to the perceived heightened risks and vulnerabilities associated with the detention of children and young people (Hardwick, 2014). HM Inspectors are required to

follow a mixed methods approach with the inspection framework prescribing rules on report writing and production that pre-dates 1999. They typically operate through a system of mainly unannounced (excepting a 30 min alert) visits, each taking two weeks. They report to the Secretary of State; the Chief Inspector must report annually to parliament (HM Inspectorate of Prisons, 2022, 8). The Inspectorate purpose is as follows:

‘We ensure independent inspection of places of detention, report on conditions and treatment and promote positive outcomes for those detained and the public.’

The purpose is based on HM chief Inspector of Prisons’ legislative powers and duties and the UK’s obligations arising from its status as a party to the Optional Protocol the United Nations Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment (HM Inspector of Prisons, 2022, 4). To help ameliorate prison harm and foster safe environments for prisoners and staff the Inspectorate adopt a *Healthy Prison Test* framework with ratings of 4-1 with a score of 4 being a good outcome against one of the four tests of a Healthy Prison. A score of 1 means outcomes for children are poor against one of the four healthy prison criteria.

The standards of the provision existing within prisons are subject to evaluation prison visits made by teams using mixed methods research and normative benchmarking standards. Prison inspections span around two weeks. The HM Inspection criteria for the prison estate holding young offenders in England and Wales is presented in Table 1.<sup>1</sup> The Inspectorate reports are organised in terms of a group of quality assurance measures designed to document the balance of strengths and limitations of particular prisons. There are four tests adopted by the Inspectorate of prisons to evaluate and rate the quality of the prison environment. We can conceptualise these four tests as state discourses designed to focus the inspection process and the representation of the boundaries of legitimate legal custody giving rise to “healthy prison outcome.” These tests are presented as found in the inspectorate reports, in Table 1. Ensuring these broad ranging “tests” address the phenomenology of prison reality is arguably outside the officially sanctioned political scope of these government mandated inspection regimes. The four “Healthy Prison Tests” pivot around prisoner welfare, especially “safety” at the uppermost point in this hierarchy. Through analysis of the inspection reports the detailed enunciation and discursive basis of contained within these four area Tests are articulated more fully and critically explored. For example, we ask how the discourse of “Safety” is represented and constructed within this category of Test.

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<sup>1</sup> [justiceinspectorates.gov.uk](https://www.justiceinspectorates.gov.uk)

**Table 1**

**Healthy Prison Tests**

<b>TEST</b>	<b>HEALTHY PRISON OUTCOME</b>
Safety	Prisoners, particularly the most vulnerable, are held safely.
Respect (Care for YOIs)	Prisoners are treated with respect for their human dignity
Purposeful activity	Prisoners are able, and expected, to engage in activity that is likely to benefit them. This includes Ofsted's assessment of the quality of education, skills and work in the prison, using its own inspection framework
Rehabilitation and release planning (Resettlement for YOIs)	Prisoners are supported to maintain and develop relationships with their family and friends. Prisoners are helped to reduce their likelihood of reoffending and their risk of harm is managed effectively. Prisoners are prepared for their release back into the community

Wacquant's (2012) "The punitive regulation of poverty in the neoliberal age" article title connects with the empirically grounded thesis developed in this article about his foregrounded themes. Furthermore, he recognises "the new punitive politics of marginality" Instead of the concept welfare he coins the term "prisonfare" by analogy with workfare where the post-industrial proletariat are selectively targeted by systems of control including imprisonment (Wacquant, 2009). Wacquant (2000) argues the prison is a surrogate ghetto. In the vein of Wacquant's critical scepticism. The British state's corporate managerial discourse "Healthy Prison Tests" masks prison dysfunctionality and on the other hand it legitimates the dangerous and volatile custody of children. The economy and labour market in late capitalism for young people is associated with deep social inequality and precarity, this nexus, Cox (2021) argues, impacts youth justice in the United Kingdom: processes of criminalisation intersect with racialist social and economic factors a dynamic that is secreted into Feltham prison where many inmates are among an ethnic, severely disadvantaged urban minority in England.

Feltham prison in south London receives young offenders from typically marginalised neighbourhoods within London boroughs. Through a discourse analysis of inspection reports this research explores written representations of incarceration and the incarcerated inscribed in government inspection reports suggesting that their emphasis is less than benign and may help perpetuate structural inequality in British society. Although state power is not, at first blush, necessarily negative the representations of offenders in prison environments may nevertheless reaffirm their existing othering in the class structure of London areas ensconced within the neoliberal British society (Crewe and Liebling, 2017; Earle, 2011; Liebling, 2000).

Outcome based managerialism in the form of prescribed evaluative inspection criteria has affinities with neo-liberalism. It illustrates a dominant discourse in the ideological practices

of modern organisational governance in the public and private sectors (Klikauer,2015). Managerialism, as an ideological project, emerges, it is reported, during the article's findings generated through discourse analysis. Eagleton (1994) refers to the ideological managerialism of society whereby public institutions and society are run as corporations. Prisoners, in the vein of a managerialist perspective, are the human repositories of ideological socialisation that is designed to instigate the norms of mainstream society. According to Habermas (1997) managerial ideology, through colonizing societal institutions, undermines the presence of other life worlds. Managerialism serves power through covering up, colonizing, and distorting (Klikauer,2015).

Translating this theorizing into the context of this study lies with the article's study of the material outcomes of official inspections. The data used in the article are inspection documents. These documents are Ministry of Justice inspectorate reports. They are examined through the lens of critical discourse analysis (CDA). CDA provides a means of analysing the discourses that people or institutions use to construct social realities recognising they are culturally, socially and historically situated being shaped by differences in power. These discourses form a part of society rather than being external to it. They are exploited by individuals, groups and institutions to engineer specific meanings about the social world that justify and protect their own positions as socially dominant and legitimate (Fairclough, 1995, 2011). This analysis entails engaging with the state's official representation of knowledge embedded within discursive representations of prison and prisoners.

The article embraces the qualitative methodological tradition to analyse how the British government's prison inspectorate, a major government department based in London's prestigious Westminster post-code area situated beside the British parliament exercises power which legitimates the penalty custody regime for child prisoners aged 15-18. The research question involves determining the emphasis of this approach to "child protection." How is "child protection" constructed in prison inspection reports? Ministry of Justice prison inspections are public documents available through the British Government's Ministry of Justice website. Processes of child protection in the prison estate are influenced by the criminality and risk teenage offenders import into prison. In the third section I set out the background information about Feltham followed by an account of the documentary data, Inspectorate reports. In the fourth section CDA is deployed to examine discourses that accompany child protection. Inspectorates' annual reports about Feltham are investigated to identify how care is constructed in relation to teenage inmates. The contribution of this empirical article lies in its re-casting of ideological official discourses. The latter are associated the benign framing by the state of the conditions around secure custody for children which do not undermine human rights.