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# 'It was absolute hell': Inside the private prison

Phil Taylor and Christine Cooper

Abstract

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*As part of a broader current of critique of the economic and political dynamics of prison privatisation — a critique that initially emanated from the USA — this paper focuses on Scotland and on research carried out at its then only private penal institution, HMP Kilmarnock. The authors dismantle the government's case for extending prison privatisation by drilling deep into the experience of Kilmarnock and demonstrating the deleterious effects of marketisation for prison officers and prisoners alike. Degraded pay and conditions and systemic understaffing corroded morale, exposed staff and inmates to risk, and contributed to massive officer turnover. Compelling evidence comes from sources ordinarily unavailable to critical researchers, such as internal company and government documentation.*

Introduction

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**A** primary aim of the neoliberal project, of which privatisation is a signal feature, has been to open up new fields for capital accumulation in areas previously considered immune from the 'calculus of profitability' (Harvey, 2005: 160; Kerr, 1998). Indeed, it is argued that privatisation should be seen as part of an effort by the state to disengage from investment while stimulating capital accumulation (Kerr, 1998), giving the private sector lucrative investment opportunities while providing the legal, social and economic structures to enable employers to drive down wage levels and increase worker efficiency. All kinds of public utility, transportation, social welfare provision and public institutions have been privatised to varying degrees throughout the capitalist world; but prison privatisation provides an excellent example of the marketisation of a core state activity that seemed

fanciful only a short time ago. In the UK, an outlandish proposal made by a marginal far-right think tank (Adam Smith Institute, 1984) became mainstream government policy, and generated a multi-million-pound market (Cavadino & Dignan, 2006).

The privatisation discourse of successive UK governments has always stressed the importance of market disciplines in breaking up ‘unnatural’ monopolies, subjecting them to efficiency-generating competition, restoring managerial prerogative, and improving service quality. Yet it is not universally acknowledged that labour and the labour process have been central concerns of those driving privatisation. Apart from the desire to reduce absolute numbers in what were stigmatised as the bloated public-sector workforces, the aim is to use labour more flexibly, hence intensively, through process re-engineering in order to raise productivity (Ellis & Taylor, 2006; Glyn, 2006). The achievement of these objectives is related to the euphemistically termed ‘reform’ of employment relations, which is essentially the recasting of workers’ terms and conditions through a sustained assault on trade unions. The abrupt and radical nature of the Conservatives’ privatisation of nationalised industries during the 1980s stimulated a body of critical literature exploring the consequences for employment relations (e.g. Colling & Ferner, 1995; Ferner & Colling, 1991; O’Connell Davidson, 1993; Pendleton, 1997; Pendleton & Winterton, 1993). While the impact was uneven<sup>1</sup> and sectorally contingent (Arrowsmith, 2003), common outcomes were observed: widespread redundancies, decentralised bargaining, new management styles (‘macho’ or ‘partnership’), diminished union influence, lean staffing and work intensification.

Of course, the application of market mechanisms was not restricted to nationalised industries. Compulsory competitive tendering (CCT) was followed in the early 1990s by the private finance initiative (PFI), which significantly expanded the private sector’s role in providing services in local government, the civil service, the NHS and elsewhere (Corby & White, 1999). Notwithstanding rhetorical claims to the contrary, New Labour extended privatisation and broadened the rationale of PFI to encompass public–private partnerships (PPPs), in which public-sector organisations commission and pay for services, but do not directly provide them (Treasury, 2000). The modernisation agenda was centred on ‘best value’ (BV), which put ‘users of services centre stage’ while maintaining a ‘strong emphasis on competition’. Ostensibly intended to remove the narrow prescription and cost minimisation that tarnished CCT (Blair, 1998), BV actually led to tighter performance management directed at raising service standards and leveraging efficiencies (Richardson et al., 2005). The

interests of ‘producers’ were further subordinated to ‘consumers’ as Blair (2002) insisted on ‘more flexible staff working practices’ and a ‘break away from outdated systems’ of industrial relations.

In contrast to the first privatisations, much less attention has been paid to the impact on employees from PFI and, particularly, from Labour’s PPP initiatives. Despite the large numbers involved, the emergence of a public-services (as opposed to public-sector) workforce, and the centrality of new performance management, which pose enormous challenges for labour, the paucity of evidence-based research is striking (Morgan & Allington, 2002). To an extent, this is mirrored in academia where, for example, journals in the broad fields of employment relations<sup>2</sup> contain only a handful of articles on the effects of PFI/PPP on workers. Exceptions include Hebson et al.’s (2003) study of contractual approaches to managing and the emphasis placed upon the meeting of performance targets. Worker interviews revealed cost-cutting, work intensification and understaffing. An NHS Trust porter bemoaned the halving of his section’s staff following PFI. His *cri de coeur*, ‘They are running us ragged’ (ibid: 493), may well capture the largely unreported condition of many among the post-privatised workforces. Additional literature has generated insights, including Toynbee’s (2003) account of the quotidian experiences of contracted-out hospital porters, care-home workers and school cooks. Often, we rely on trade union sources (Unison, 2002; 2003) or critical think tanks (Sachdev, 2004) to provide an understanding of consequences of PFI/PPP at workplace level. More specifically, in respect of this paper’s focus, despite the controversial nature of prison privatisation, academic studies (Black, 1995; Corby, 2002) have yet to engage with the workplace consequences of contracting-out under PFI/PPP within the UK penal system.

### Evidence, aims, theoretical reflections

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This paper contributes to the remedying of some of these deficiencies by providing detailed evidence of workforce management, working conditions and employment relations at Scotland’s only private prison. HMP Kilmarnock opened in March 1999, operated by Premier Prison Services (PPS or ‘Premier’), which is itself jointly owned by the multinationals Serco and Wackenhut. The context for the case study was the Scottish Executive’s proposal to extend privatisation by building three new, 700-prisoner establishments under PFI. Three complementary reports advocating privatisation were published simultaneously: the

*Scottish Prison Estates Review* by the Scottish Prison Service (SPS, 2002), the *Financial Review of Scottish Prison Service Estates Review* by PricewaterhouseCoopers (PWC, 2002), and a *Consultation Document* by the Scottish Executive (2002A). Had their proposals been implemented, 36 per cent of Scotland's prisoner population would have been incarcerated in private jails, compared to 8 per cent in the UK and 7 per cent in the USA (Hallett, 2006: 13), the latter being the country with the longest history of prison privatisation. Widespread opposition from politicians, unions, prison reformers and from across civil society forced the Executive to institute an inquiry into its proposals through the Scottish parliament's Justice 1 Committee.

In the course of this paper, we draw on evidence in the public domain that contributed to or emerged from the public debate. We outline the Scottish Executive's main arguments in relation to labour utilisation and cost, and PPS management's defence of its management of Kilmarnock. Since working conditions were portrayed as essentially non-problematic by government, the Scottish Prison Service and PWC, they formed part of the justification for the extended programme of prison privatisation. Against this, we present data critical of Kilmarnock's performance and specifically of its labour management, drawn from official sources including Her Majesty's Inspectorate of Prisons (HMIP, 2000; 2001; HMCIP, 2001)<sup>3</sup> and submissions to the Justice 1 Committee (Scottish Parliament, 2002), all of which were wilfully disregarded by those driving privatisation. Notwithstanding the significance of this evidence, the paper's real empirical bite comes from data sources that expose the hidden realities of a UK private prison and, more generally, cast light on what are the typically opaque processes surrounding privatisation. The first source is of a kind that critical researchers are rarely able to access: internal company documentation including more than fifty briefings, reports and reviews for consideration by management at establishment and corporate levels. These are supplemented by email and other written correspondence between management and with the Prison Service and the Prison Service Union (PSU). This data covers the period May 2001 to February 2003. The second source consists of five contemporaneous, in-depth interviews with prison officers currently or recently employed at Kilmarnock.

This paper's import stretches beyond the particular cases of HMP Kilmarnock, Scotland's polity or the prison sector. New Labour has hailed prison privatisation as a success not only in penal policy terms, but also because it provides a paradigm for the public sector generally (Sachdev, 2004: 17). Former Prime Minister Blair

declared that the private sector has triggered ‘major improvements in the way that public prisons are operated with considerable efficiency gains’ (2002: 16), and the (then) Chancellor of the Exchequer Gordon Brown, making a specific reference to prisons, claimed that ‘the use of private contractors is not at the expense of the public interest or need be at the expense of terms and conditions of employees’ (Brown, 2003). Consequently, the primary evidence presented below, which demonstrates that a private contractor did degrade the conditions of staff to such an extent that the public interest was undoubtedly compromised, implies a broader critique of the privatisation project.

Traversing the empirical and the theoretical, this paper raises questions about the relationship between capital and the state in the privatisation process. It is incontestable that privatisation benefits a coalition of corporate executives, politicians, investment bankers and accounting firms, which profit from the process through which public assets (or services hitherto provided by the state) are floated on the market, with the aim of maximising shareholder value (Callinicos, 2003: 135). Monbiot (2000) has provided telling case studies that demonstrate this. However, notwithstanding the increasing porosity of state and capital in the neoliberal era (Harvey, 2006: 78), it does not follow that their interests should necessarily coincide exactly at all times and in every detail. The state is no mere cipher, no passive captive of corporate interests but rather, as many observe, is the initiator and driver of the wider capitalist project of neoliberalism, deregulation and globalisation. Within the reciprocal undertaking of privatisation, it has its own sets of interest. For example, in driving privatisation, UK (and Scottish) government agendas have been profoundly shaped if not determined by political–economic pressures such as the need to comply with the monetary convergence criteria of the Maastricht Treaty and the General Agreement on Trade in Services (GATS) (see Krajewski, 2003; Leys, 2001).

### Economic and political dynamics of prison privatisations

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Unsurprisingly, private-sector involvement in the provision of prison facilities has progressed most in ‘neoliberal’ countries (Cavadino & Dignan, 2006). Critical literature has analysed the dynamics of the global corrections industry and ‘prison industrial complex’ (Wood, 2003) that originated in the USA. By 1989, correctional firms operated two dozen major facilities, and expansion thereafter was rapid (Sinden, 2003). Hallett (2006: 13)

estimates that between 1995 and 2003, the number of inmates in US for-profit prisons increased nearly by 500 per cent. Private incarceration became big business, with the two largest companies, the Corrections Corporation of America (CCA) and Wackenhut Corrections, performing 'handsomely' (Parenti, 2003: 31). However, it is an analytical mistake to regard the spectacular growth in the prison population<sup>4</sup> as a unilinear outcome of the state's capture by private capital and corporations' aggressive drive for profits. While the prison industry undoubtedly shaped criminal-justice policy at state and federal levels through *inter alia* extensive lobbying, interlocking interests and shared personnel, it is important to acknowledge the longer-term and profound transformations in criminology and criminal justice.

Radical analysts insist that imprisonment has been a response of the US state to the contradictions of restructured US capitalism and a prolonged societal crisis, encapsulated in the phrase, a 'war on crime'. From the 1960s on, penal policies shifted from focusing on indeterminate 'rehabilitative' practices to the imposition of lengthy mandatory minimum sentences (Hallett, 2006: 123). Political agendas were increasingly dominated by the rhetoric of crime control, and priorities centred on the 'war on drugs', or 'zero tolerance' (McElligot, 2007). There was a distinctive racial dynamic to this, given the disproportionately large numbers of African-Americans and Latinos in private institutions: 'an ever rising sea of black people monitored by predominantly white overseers' (Hallett, 2002: 372). 'Lockdown' penal policies created overcrowded and more costly prisons, which increasingly resembled 'warehouses'. In conditions of supply and demand, the correctional industry exploited the growing market opportunities. In sum, the explosion of the prison population has been both cause and consequence of the 'prison industrial complex', 'a convergence of the economic and political interests of exalting corporate profits and elite power from incarceration' (Chang & Thompkins, 2002:45). Prison privatisation exemplifies the symbiotic relationship between state and capital, with government attracted to privatisation by cost-cutting, and corporate interests driven by the logic of profit maximisation and capital accumulation.

US critics argue that private firms ultimately privilege profit over the interests of the public, the prisoners and their rehabilitation. In order to expand markets, correctional companies might deny inmates due process, lengthen their sentences, and lobby for laws and policies that create more imprisonment (Schneider, 2000). Certainly, cost-cutting has often led to the kind of conditions Parenti (1999: 221-229) described as a 'private hell' for prisoners. The

denial of rights, prison guard brutality, lack of facilities (e.g. medical care) and inmate violence are well documented (Greene, 2003; Alexander, 2003), with Wackenhut achieving perhaps the greatest notoriety (Palast, 2002).<sup>5</sup> Since salaries account for around 60 per cent of prison budgets (Bureau of Justice Statistics, 2000), eroding pay and conditions and the marginalisation (or exclusion) of unions have been the principal objectives of the privatisers. The results have invariably been lower-quality and inexperienced staff, less training and a higher rate of attrition<sup>6</sup> (Miller, 2003). Yet, despite the assault on pay and conditions and the promise of cost reduction, US studies suggest that real cost differences between state and private prisons are insignificant. The General Accounting Office of the Federal Government (1996) found only marginal cost discrepancy, and the Department of Justice concluded that ‘rather than the projected 20% ... the average saving from privatization was only about 1%’ (Sinden, 2003: 46).

UK developments have largely mirrored those in the USA. First advocated by the Adam Smith Institute (ASI, 1984), privatisation, it was argued, ‘would overcome both the spiralling costs of the prison system and the shortage of places by using innovative managerial and technological methods and by concentrating resources’ (cited in Nathan, 2003: 162). Although privatisation was initially rejected by government, a 1987 Home Affairs Committee report invited firms to ‘tender for the construction and management of custodial institutions’. A more ideologically partisan and influential ASI briefing (Young, 1987) then pressed for privatisation in order to break ‘monopolistic provision’ and to weaken trade unions. As in the USA, where political and economic interests converged to shape penal policy and to pursue corporate gain, there emerged a ‘powerful combination of personal self-interest and corporate self-aggrandizement’ (Cavadino & Dignan, 2006: 62). US companies profoundly influenced UK government policy (Nathan, 2003). For example, CCA formed UK Detention Services Ltd (UKDS) as a joint venture with construction companies McAlpine and Mowlem, both major contributors to the Conservative Party. UKDS admitted that ‘it took us two or three years to finally convince government that this [privatisation] was indeed the right course of action’ (Nathan, 2003: 164). Crucially, the Criminal Justice Act (1991) extended privatisation to remand centres (firstly to Wold), and in 1992, Home Secretary Baker announced the building of a new private jail (Blakenhurst) for remand and sentenced prisoners. Thereafter, privatisation was pursued through the ‘DCMF’ — privately designed, constructed, managed and financed — model. Underlining governments’ need to reduce union influence was the



Prison Officers Association's (POA) success in slowing Howard's extensive privatisation programme following complaints to the CAC over lack of consultation. The contracting-out of existing prisons was also stalled by the European Commission's Acquired Rights Directive, which secures employees' terms and conditions following transfer from the public sector. Despite these setbacks, widespread privatisation proceeded under PFI.

New Labour abandoned the unequivocal commitment it had held while in opposition to reverse the Conservatives' programme, and to return privatised prisons to the public sector 'as soon as contractually possible' (PPRI, May 1997). Within a week of becoming home secretary, Jack Straw signed the outstanding contracts, and within a month approved three further private establishments. Labour's *volte-face* was complete when Straw announced that all new prisons in England and Wales would be privately built and run (Cavadino & Dignan, 2006). By 2003, eight private jails including Kilmarnock had been built or had opened under Labour (NAO, 2003, 3–5). Consequently, the UK has the most privatised criminal-justice system in Europe, with its own 'prison industrial complex' (Nathan, 2003). Contracts are distributed between a handful of global companies; Premier, UKDS (now Kalyx), Group 4, Securicor and GSL Limited (PPRI, 2006, no. 74). This is not unregulated free competition, since the size of the custodial 'market', the nature and terms of services supplied, and even the identities of these 'players' are determined by the state.

Despite operational problems in England and Wales (Nathan, 2003; PPRI, 1996–2006), government reports provide largely sanitised accounts. Privatisation is justified as the only cost-efficient 'solution' to a prison population that has grown by 36 per cent since the first PFI contract: 'The use of the PFI to build new prisons has helped the Prison Service cope with this increase speedily and cost efficiently and has created the necessary conditions for competition in the management of existing public prisons' (NAO, 2003: 9).

Official reports do fleetingly reveal differences between the private and public sectors in respect of, in the former, lower pay, longer hours, less holidays, inferior overtime entitlement, poorer pensions and smaller staff–prisoner ratios (Table 1; and see also NAO, 2003). According to recent Pay Review Board data, private-sector officers earn 41 per cent less than those in the state sector (PPRI, 2006, no.74). This leaner, cost-efficient and more flexible private model is held up as a virtuous comparator in order to discipline the public-sector workforce and to put pressure on the POA, since it is identified by the state as a major obstacle to privatisation. Industrial relations 'reform' has been central to

**Table 1:** Pay and conditions for prison officers (public sector) and prison custody officers (private sector) compared (2001–2)

	Prison officer	Prison custody officer
Average basic pay	£18,550	£14,500
Pay range	£16,159-£23,110	£11,500-£17,500
Average weekly contracted hours	39	40-42
Overtime pay	TOIL, or up to 9 hours a week for 13 weeks at £11 per hour	None, flat rate or 1.5 x
Pension	Final salary scheme – employer contribution rate equivalent to 18.5 per cent	Money purchase scheme. Employer contribution from 2-5 per cent

(Source: MCG, 2001)

‘modernisation’. Successive governments have striven to combat powerful union organisation, with its 90-per-cent-plus density, and to overcome the legacy of troublesome industrial relations by *inter alia* curbing the right of unions to take industrial action (Corby, 2002) and creating a POA-free<sup>7</sup> segment in which flexibilities could be freely implemented. In no private prison opened since 1997 has the POA been granted recognition (Bach, 2002). Certain private operators (notably Premier) do recognise the Prison Service Union, which formed in 1987 as ‘a disaffected splinter group’ from the POA (Black, 1995). The PSU defines itself as a moderate body that accepts privatisation, eschews the POA’s political campaigning role, and seeks constructive partnerships with private operators. Thus, a dichotomous industrial relations structure is both a reflection of and contributes to the two-tier public/private prison workforce.

### HMP Kilmarnock and the case for privatisation in Scotland

HMP Kilmarnock operates under a twenty-five-year contract between the Scottish Prison Service (SPS) and Premier Prison Services (PPS), a subsidiary of the Premier Custodial Group (PCG). The contract is monitored daily by two SPS staff members, the senior acting as controller, and if performance targets are not met, the SPS can impose financial penalties on PPS. There are twenty-eight targets or ‘key performance indicators’, although significantly, none measures staff welfare or working conditions for compliance with the Working Time

Directive, the provision of rest breaks, or staff satisfaction generally. Tasks performed by prison governors in the state sector are entrusted at Kilmarnock to a director employed by PPS, although the Criminal Justice and Public Order Act (1994) precludes directors from carrying out certain responsibilities such as prisoner adjudications, investigating complaints against staff and reporting to the SPS, which remain the responsibility of the controller. In common with PFI/PPP projects, the government insists that a private contractor's contractual compliance is sufficient to guarantee effective performance and the maintenance of the public interest.

The government's case for extending privatisation rested almost entirely on claimed financial savings of £700m based on a putative comparison between the supposedly sclerotic public sector and Kilmarnock, cast as a successful example of private provision. Elsewhere, we have critiqued the validity of these calculations, provided for the Scottish Executive by accountants PWC, elsewhere (Cooper & Taylor, 2005). However, reprising the Adam Smith Institute's aspiration from decades earlier, PWC identified the fundamental source of the private sector's cost savings as lying in the 'significantly reduced staff levels compared with the public sector achieved mainly by the adoption of different and more flexible working practices' (2002: 37).

Although neither PWC nor the Scottish Executive detailed these flexible practices, they did stipulate that staffing levels were 'around 25% lower than [in] the public sector'. Savings also derived from radical adjustments to pay, made possible because the private sector 'operates local recruitment and pay regional market rates for all grades of staff' — a strategy that delivered 'competitive pay rates for prisoner custody officers' (Scottish Executive, 2002: 27). In defending Kilmarnock's labour management before Justice 1, Elaine Bailey, PCG's managing director, provided additional justification based on neoclassical economic assumptions, claiming that in a competitive labour market, unlike in the public sector, Premier responds swiftly and successfully to market signals:

The proper comparison is not with the public sector, because we do not aim to match public sector terms and conditions. We aim to attract sufficient high-quality staff from the local Kilmarnock area, so we have to make our package attractive in the first place ... If we cannot attract the staff then we have to enhance the package. I would say that what we are offering is competitive in the market from which we are trying to attract staff. (Justice 1 Committee [2002] col. 3725)

The Executive was signposting its intention to extend local pay determination to the proposed new prisons, which implied threats to the integrity of the prison service, to national pay bargaining and to the role of the POA (Scotland). Nowhere in the three documents advocating privatisation did the Executive, SPS or PWC suggest that reduced staffing, lesser terms and conditions for staff or labour flexibilities might be problematic. ‘Contrary to views by opponents of privately managed prisons that staffing levels are unacceptable, the SPS fully evaluated and accepted the robustness of the operator’s staffing proposals and experience to date has reinforced SPS judgement that the levels of deployment work well’ (Scottish Executive, 2002a: 27–28).

In order for privatisation to be expanded, the record of Kilmarnock had to be defended. At Justice 1, PCG and the SPS combined to rebut specific allegations. Responding to charges that high attrition was undermining performance, Kilmarnock’s director (Tasker) claimed that turnover had dropped to 11 per cent, an ‘indication that we are getting things basically right’ (Justice 1 Committee [2002], col. 3720) and that staff levels were now currently ‘up to strength’ (col. 3736). Tasker also rebutted allegations that officers were compelled to work 13–14 hour shifts with only 10–15 minute breaks as untrue, while the SPS director, Tony Cameron, denied that inadequate staffing was compromising the safety of employees and inmates, and rejected accusations that incidents that incurred penalty points and fines for PPS were being underreported (cols. 3808–3815). Cameron even disputed that safety was inextricably linked to staffing levels, arguing that they were not a concern for the SPS so long as PPS fulfilled its contractual obligations (col. 3809).

In sum, government — in the form of the Scottish Executive and its agency, the SPS — and capital (Premier) formed a triumvirate of vested interest, articulating their common objective in radically enlarging privatisation and defending the operation of Scotland’s existing private jail. Kilmarnock exemplified the efficient labour utilisation that served as a cost-efficient model for the public sector, and to the extent that working conditions were considered, they were portrayed as being essentially non-problematic.

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#### Criticism from official source

In accepting without question Premier’s account of working conditions, the Scottish Executive and SPS wilfully disregarded critical evidence from the Prison Inspectorate (HMIP). Although

the first HMIP report (2000) was relatively circumspect, it did refer to difficulties caused by 'staffing levels', notably the absence of a strategic approach to drugs misuse (paras. 4.13, 4.19) and fears for staff safety (para. 9.50). The later Intermediate Report (HMIP, 2001) was more emphatic. The Inspectorate concluded that Premier's strict adherence to the detail of the contract and its fear of incurring financial penalties were responsible for several problems. For instance, management had refused to commit additional resources to priority areas (paras. 2.1–2.4) such as healthcare, social work and rehabilitation. Prisoners were disincentivised from participating in programmes designed to challenge their offending behaviour because of the importance Premier attached to revenue-generating activities in prison industries. Inmates were permitted only two 'unauthorised absences' from work, a definition that included attendance at classes aimed at addressing offending behaviour (para. 5.2). Underpinning this contractual inflexibility was understaffing. Simply put, there were insufficient officers to transfer prisoners between the workshops and educational classes. More obviously, low staffing

in the houseblocks continued to be a concern. It was often the case that single officers were supervising large numbers of prisoners, due to the competing pressures of demands for escorts and other out-of-wing activities. 'A' wing, in particular, which houses LTPs (Long-Term Prisoners), seemed to be a particularly difficult place to work. With the current staffing levels, it did not, in our opinion, feel a particularly safe environment for either prisoners or staff. (para. 2.8)

The Inspectorate also discovered labour retention difficulties. Attrition, at 32 per cent, was 'significantly higher than any other Scottish prison' (e.g. Barlinnie, 9 per cent; Greenock, 11 per cent; Edinburgh, 11 per cent) (para. 2.5). Exit interviews suggested that rather than the attractions of rival employers being the cause of the turnover, it was dissatisfaction with working conditions. Operational problems were further demonstrated by Scotland-wide statistics showing that Kilmarnock outstripped all public establishments in *inter alia* unauthorised absences, possession of unauthorised articles, arson and property damage (SPRC, 2002). Testimony to Justice 1 underscored the Inspectorate's criticisms, including telling evidence given by Phil Hornsby, PSU secretary, whom the Committee reported as having attributed difficulties to:

the ferocity of the tendering system [which] means that every new private prison that comes on stream does so with fewer staff on lower pay, because the wage bill is the big cost in running a prison. He claimed that an average [increase] of around 20% would be required at HMP Kilmarnock to bring the level up to proper staffing complement. (Scottish Parliament, 2002: 120)

The irony is that Hornsby is gesturing here towards a critique of the privatisation process upon which his union depends for its existence. The lean staffing and inferior conditions he now opposes are central to achieving the cost reduction that makes the private operators attractive to the state, and which is simultaneously the source of their profits.

Yet the state has its own interests, which may partially or temporarily conflict with those of firms. Specific motivations (public spending reduction, penal policies, the Maastricht Treaty, etc.) may lead it to pursue cost reduction with such vigour that it provokes complaints from contractors that the margins being offered in contracts are too tight.

Given their reluctance to compromise profits, the only possible outcomes are further staffing cuts and the imposition of additional labour 'flexibilities'. This is the basis of Hornsby's objections. If workers are squeezed too far, operational effectiveness may be undermined, which, in turn, may lead to breaches of key performance indicator targets and financial penalties for contractors.

Arguably, this evidence from official sources, notably the Inspectorate reports, was sufficiently critical to have halted Scotland's privatisation programme. In fact, it seriously understated the depth of Kilmarnock's problems, revealed only by data which is ordinarily publicly inaccessible.

### A prison in crisis: Evidence from management sources

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Management documentation demonstrates that to describe Kilmarnock as a regime in crisis is not to indulge in hyperbole. To cite but one example, in an email to Premier's finance director, Kilmarnock's director warned that a 'number of factors coming together could lead to a failure of control or major incidents, industrial action by staff or a further worsening of contact performance' (Nick Cameron to Nigel Beswick, 1 October 2002).

### Understaffing

The principal ‘factor’ was understaffing, as evidenced by the volume of emails, memos and reports highlighting shortfalls against what were termed ‘ASLs’ (actual staffing levels), namely the ideal levels of staffing as defined by the contract. A June 2002 briefing by the assistant director of finance, Ken Paul, conceded that the prison had been operating at ‘an average of eight PCO [prison custody officer] vacancies per month’ over the previous 6 months, and that it currently had ‘a vacancy level of 12’. Weeks later, he admitted that operating below ASL meant that ‘inevitably some things get missed and we are constantly fire-fighting’ (email from Ken Paul to Cameron, 9 July 2002). Excessive sickness absences exacerbated staff shortages so that Kilmarnock was operating at only 20 per cent of ASL (email from Cameron to Premier’s finance director Nigel Beswick, 1 November 2002). In a remarkable sequence of events, profound problems in another PPS establishment had compounded the problem of inadequate staffing. On 23 May 2002, the director general of the Prison Service (England and Wales) declared Ashfield Young Offenders Institution to be ‘unsafe for both staff and young people’ (PPRI, no. 53) and assumed direct control. Attempting to save its contract, Premier then seconded PCOs from Kilmarnock to Ashfield to boost staffing levels: ‘The need to supply detached duty staff over the summer period will be a high burden on all contracts but one that must be suffered in order to keep Ashfield in Premier’ (email from PCG managing director Elaine Bailey, 6 June 2002).

The negative consequences for Kilmarnock forced its director to request that staff be retained. There was ‘concern about our commitment to Ashfield affecting performance of HMP Kilmarnock. On the back of the contract performance in the first quarter of this year, I believe that it is imperative that we balance both the need to support Ashfield and the need to successfully deliver to contract’ (letter to PCG operations manager, 1 July 2002).

Thus, a crisis in one Premier institution, Ashfield, caused in large part by cost cutting and understaffing, aggravated emerging problems of a similar nature in another, Kilmarnock. Despite the severity of this situation, neither Premier nor SPS made any reference to it during their testimony to the Justice 1 Committee.

### Attrition: Extent, causes, consequences

Actual levels of attrition far exceeded the figures supplied by Premier to Justice 1. Average PCO turnover for 2002 was calculated at 39 per cent by consultants MCG (2002: 1) and at 34 per cent by

Kilmarnock's HR department, compared to the 11 per cent figure given to the parliamentary inquiry. Therefore, since turnover remained consistent with the 32 per cent discovered by the Inspectorate for 2001, Kilmarnock was evidently not 'getting things basically right', as Premier claimed it was. That management fabricated figures for public consumption was admitted by the prison director in an email to his company director:

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 info they can beat us with, or info that we have declined to give them in the past for confidential reasons ... Staff Turnover. Do we give 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 we can't find the 11% 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 Justice 1 Ron gave an estimated fig of 17.9%, so 16% would be good news. (Cameron to Bailey, 6 June 2002)

MCG challenges Premier's assertion that market-driven pay was sufficient to attract and retain staff. Given that the district was 'characterised by the highest unemployment in Scotland ... and a steady flow of redundancies', recruitment and retention should not have been difficult. Yet

both are causing problems at Kilmarnock where PCO voluntary resignations in the last 6 months have risen to 40% ... PCO and DCO pay and hours compare unfavourably with the pay of public and private sector staff engaged in work requiring some similar interpersonal skills, including police, prison, social and community work ... Operational Support staff receive less pay than many security guards and about the same as supermarket shelf-fillers and checkout operators, though less than some ... pay rates need to be increased well above inflation in order to attract the quality of recruits needed. The benefits package currently remains below market levels but action [is needed] to improve hours, pensions and holidays to minimum acceptable levels. (MCG, 2002: 1,3)

Questionnaire results (Table 2) from an earlier internal study show the depth of employee dissatisfaction that made exit an inevitable outcome.



Table 2: Employee satisfaction survey

	Yes	No	Unsure
Is there a team/community spirit within the organisation?	29	98	1
Does the company listen to employees?	8	117	3
Do you trust the organisation to look after your interests?	6	121	1
Do you have confidence in the organisation to respond to employee concerns?	4	122	2
Does the organisation display commitment/loyalty to employees?	5	122	1
Are you currently seeking alternative employment?	84	40	4
Do you think you will be working for the organisation in 5 years?	38	74	16

*(Source: Closing the Door on Turnover, 2001)*

Kilmarnock’s workforce lacked experience and quality. An HR report (October 2002) admitted that 50 per cent of PCOs had less than two years’ service, and over 20 per cent had finished training within the last four months. Many staff ‘lack[ed] the ability to be good PCOs, but we accept them as little alternative exists’ (email from Cameron to Beswick, 1 November 2002). This ‘experiential gap’ extended to supervisory grades. An assistant director complained to the director that twelve out of seventeen supervisors had less than three-and-a-half years’ prison experience, and that staffing shortages meant that Premier had been ‘virtually unable to provide them any training to equip them for this role’ (email from Ken Paul, 9 July 2002).

Senior management figures repeatedly described the way staff shortages were causing operational difficulties, such as the failure to conduct visitor searches in contravention of SPS rules. Again, these private admissions of acute problems contradicted Premier’s (and SPS’s) public representation of Kilmarnock. In the prison’s detox and drug abuse clinic, staff could not cope with the volume of cases. The problem was so serious that ‘the mentally ill are being neglected as are the genuinely ill’ (email from assistant director, 21 February 2003). The clinical manager briefed senior management (9 May 2002) on the ‘chronic shortage of staff’ illustrated by vacancies for five out of twelve qualified nursing posts. Staff were at ‘breaking point’ because of poor pay and stress caused by working as many as seventy hours most weeks. The manager was convinced that it was only a ‘matter of time’ before ‘a critical mistake’ occurred. The assistant director for Industries complained about similar conditions in the workshops:

Industries' staff are constantly highlighting the issue of low staffing levels ... It is my opinion that staff within Industries are working under unnecessary levels of stress ... I feel that I have been pressured into reducing staffing levels in the interests of meeting unrealistic budget targets despite having expressed concerns on these matters many times. (Lawrence McGhee, email to director, 21 March 2002)

### Management's responses

The key to understanding the way management responded to these risks lies in appreciating the private operator's obsession with maintaining profitability and minimising key performance indicator penalty points. In late 2002, Premier's finance director admonished the prison director because the contract was losing '£67k, £160m down on budget and £73k down on forecast' (email from Beswick to Cameron, 1 November 2002). Cameron immediately replied stating that key performance indicators, because of their potential to incur financial penalties, were the most significant issue. What intensified concerns over fines and profits was the decision by SPS to increase prison numbers from 548<sup>8</sup> to 596 by early 2003. As Cameron wrote in an email to Beswick, 'The staff at present are struggling to manage ... A rise to nearly 600 has the potential to tip things over the edge ... As director I must advise against adding another 48 prisoners to an already fragile situation' (1 November 2002).

Having identified staff shortages and high turnover as the main causes of the current crisis and of future risk, management sought to make marginal improvements to 'T&Cs' (terms and conditions). They proposed that pay be raised beyond the 'contract uplift of 3-4%' and that recruitment be accelerated. Although extremely modest, these adjustments nevertheless required authorisation by the corporate executive. There followed intense lobbying of PCG by Kilmarnock's management. It is an extraordinary episode that highlights the tightness of financial controls exercised by parent companies over their subsidiaries in order to protect profits. A covering letter from PCG to Serco and Wackenhut (Bailey, 4 December 2002) indicates the trivial sum (£56,000) that was needed to fund the improved pay award, although even this expenditure required shareholder approval. Concurrent with these concentrated efforts to prise resources from Premier, Kilmarnock pressurised the SPS to raise the baseline of key performance indicators in order to reduce the risk of financial penalties. In sum, management was motivated to address staff 'T&Cs' only when it faced the prospect of contractual penalties that would damage profitability.

### Prison Service Union

Documents offer insight into the relationship between the PSU and PPS. Despite the union's commitment to privatisation and its eager 'embrace of the partnership concept with Premier' (Hornsby to Serco, 7 November 2001), dissatisfaction with staffing levels, pay, hours and conditions was so profound that the PSU assumed an oppositional posture: 'My own Executive Council and, more importantly, my own membership are now calling for me to adopt a much more vigorous and robust stance on perceived employment abuses in the private sector custodial service ... Premier is in danger of becoming the worst employer in the private sector' (ibid.). As observed, Hornsby later criticised Premier at Justice 1, memorably reporting that 60 per cent of PSU members at Kilmarnock received income support (col. 3993, 30 April 2002). Yet the PSU's resistance never amounted to a thoroughgoing critique of privatisation. Rather, Hornsby used employee discontent to pressurise Premier into making the most limited improvements. For added leverage, he raised the spectre of the POA: 'There is now no doubt that the POA are preparing the ground for a bid for recognition by Premier in June 2003 ... The Company must start to behave like a responsible employer if disaster is to be avoided. I believe that the time is rapidly approaching when Premier will be required to defend the high staff turnover publicly' (ibid.).

Throughout, the PSU played the role of loyal opposition, as evidenced by its silence over Premier's fictitious turnover figures. It was only when the union began to lose legitimacy in its members' eyes that it voiced concerns. Significantly, during the staffing crisis of autumn 2002, the PSU supported Kilmarnock and the PPS in their overtures to the parent companies for more resources. There were self-imposed constraints on the PSU's capacity and willingness to campaign independently to improve its members' conditions.

### A prison in crisis: Prison officers' testimony

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The testimony of prison custody officers (PCOs) provides vivid 'bottom-up' corroboration of management evidence, and contrasts even more sharply with the ordered regime publicly portrayed by PPS. Above all, the selected testimonies presented here provide glimpses of the dreadful working conditions endured by officers.

Unlike in the state sector, where new recruits undergo lengthy probation, training and induction (see Justice 1 Committee, col. 3446), officers at Kilmarnock are deployed 'on the front line' almost immediately after commencing employment:

it's a six week training course which is mainly paperwork, and you are given an afternoon of about one-and-a-half hours on one wing basically shadowing an officer. That's the only actual on-the-job training you get ... I was then posted to the short-term houseblock which holds prisoners for up to four years. The first day, they said, 'Right, you are on Echo wing, there you go'. I walked on — me and one other officer who had been in the job three months — and ninety-two prisoners! I was like 'What do I do here?' And I said to the other guy 'Look, so what do I do?' He said 'Oh, I cannae tell you — I've got to go and escort some prisoners down to the med centre, I'll see you later'. And he went. So I walked onto the wing and I am standing there with now about eighty prisoners because he had taken twelve of them away. And they all came up, they knew I was new, and they are straight away, 'Aw, I've to get this', and 'I want that', 'Open this door'. I hadn't a clue whether they are entitled to it or not. (Prison custody officer 1 – hereafter PCO1)

Officers' work routines, the locking up and unlocking of inmates, moving them to workshops, to the medical centre, to reception and other escorting duties, were all disrupted by understaffing. The following episode offers a rather extraordinary take on the notion of the polyvalent worker:

Staffing levels were a problem right through the place. I was an Intelligence Officer and was told by a supervisor, 'I haven't got any staff today, can you work on visits?' I said, 'OK, fair enough'. Due to monitoring telephone calls, I knew who was bringing drugs in. I would wait at the entrance and make sure they were searched. The sliders would be opened and prisoners would come in and I would be pulled away from searching them to take them over to the visit hall. Then when I was in the visit hall a supervisor would say, 'Right, watch that table now because I have to deal with something else'. When I was monitoring a table another supervisor would say, 'Can you take such and such up to the houseblock because we have got no staff?' I said 'Well, I am actually working on the gate right now'. He would say 'We have no staff, just do as best you can'. And when I was up in the houseblock — this is unbelievable — the supervisor would say, 'We have no staff in the houseblock, can you take someone to health care?' All this time, the prisoners would be coming in the gate and not getting searched. (PCO2)

If daily pressures such as these contributed to high attrition, then they were exacerbated by poor pay and conditions. PCO1 cited the main causes of turnover as 'the terrible, terrible wages', the 'terrible staffing levels' and the 'drastic' shift patterns. Officers' accounts of extended working time contradicted the version given by Kilmarnock's director to Justice 1. Officers reported working up to thirty hours a week in excess of their contracted forty-four hours, but they received no pay enhancement and were rarely able to take the time-off-in-lieu accumulated. One recalled working sixteen 'ten-and-a-quarter-hour shifts on the trot'. Additional (unpaid) work often had to be performed at the end of a shift. The effects were most serious when officers were changing from a late to an early shift:

although you are paid until 10.15 [pm], you don't get away until maybe 11.30. There are eight wings and you have to do a count on all of them, and if there is one wrong you are held back. Prisoners hide in the toilets, stuff up the covers to look as if there are other prisoners, hide in each other's cells. They do this all the time because they know it screws the screws and we don't get paid. By the time I get home, it's 12.30. Takes you at least an hour to wind down, so you are talking about 1.30 before you are in bed sleeping. You have got to be back for 6.30, so you have to get up at 5.30. Four hours' kip, and then I'm back in and dealing with ninety-two prisoners. (PCO1)

Officers were rarely able to take the breaks that would provide some relief from this relentless intensity. Staff meals were supposed to be taken at the same time as those of the prisoners, who were locked in their cells. But incessant demands from inmates or inaccurate rolls gave officers little time to consume food. PCOs also reported habitual breaches of SPS regulations in a catalogue of informal and/or managerially-sanctioned customs and practices that jeopardised the safety of staff and inmates alike. In Houseblock 1, according to PCO3, prisoners were accustomed to not being searched.

When the doors opened, five guys from E-wing came towards me. What you are supposed to do is to rub them down, give them a wee search and make sure that they aren't carting anything they shouldn't. So I am standing at the slider and the prisoners are trying to get past me. I said, 'Where are you going, wait a minute and get searched'. 'You don't search us'. I said, 'Aye, I search everybody'. They said, 'This isn't

Houseblock 2 you are working on now, this is the big boys' houseblock. You don't search long-term prisoners. If we are getting searched then we're not going to work', and the other officer standing next to me, who usually works on the wing, said, 'Right enough, we don't bother searching these boys'.

According to PCOs, the failure to report or the downgrading of incidents including assaults and discoveries of drugs, weapons or other banned items, or the falsification of statistics in order to prevent the prison from incurring fines, were systemic. Many examples could be cited but the following incident is perhaps the most shocking:

this was when I finally said 'I'm out of here'. A personal alarm went off and I bolted up to it — it was at the long-term houseblock, and it was an officer, XXX, who had had a pen plunged into his neck ... he was actually staggering down the stairs, on his own, holding a bandage with blood pouring out of it. I read a couple of weeks later that the assault was nothing, he was barely scratched ... they had definitely downgraded that. How serious an assault can you get? (PCO1)

The neglect of regulations was seen by conscientious officers as exacerbating the dangers of working at Kilmarnock:

I did my job by the book as best as I could, and I used to make a lot of bother for myself. I used to get threatened daily, and one supervisor, who had been in the SPS [Scottish Prison Service], said, 'You are the same as me, you do your job by the book, and in the SPS nobody would think nothing, the prisoners would just go along with it. In here, the officers don't do it and the people that do it get a really hard time'. (PCO3)

As emphasised in the SPS mission statement, prisons exist not only to deliver secure incarceration, but are also concerned with rehabilitation, and the prison officer's role is central to the implementation of strategies aimed at challenging offending behaviour. At Kilmarnock, staffing shortages and the lack of resources undermined rehabilitation.

You don't have the resources, you don't have the training to do it either. I can speak for the short-term houseblock ... There was no rehabilitation programme at all. None. And that's where they need it most. The re-offence rate in the

short-term wing is terrible. In and out, in and out, constant, the same faces all the time. (PCO4)

For committed officers who joined the prison with the intention of making a difference to prisoners' lives, the perception that the regime was failing to deliver meaningful programmes merely added to their disillusionment. These officers could see little alternative but to exit Kilmarnock. Crucially, they did not see the PSU as being able to represent their interests, largely because it was seen as being insufficiently independent of management or, in PCO3's words, 'in Premier's pocket'.

## Conclusion

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This paper has illuminated the neglected realities of work and employment in the privatised public service, albeit in the distinctive world of the penal institution. While official sources suggest, contra Gordon Brown, that the use of a private prison contractor was at the expense of the 'terms and conditions of employees', they understate the depth of the crisis at HMP Kilmarnock. This is fully revealed only by evidence from prison and corporate management, and by the testimony of prison officers, which drill deep into Kilmarnock's operations. These sources prove that Premier deliberately misled the public over staffing levels, attrition and working conditions. To have admitted publicly to these problems would have attracted further unwelcome critical scrutiny of Scotland's only private prison at a time when the connected interests of government (the Scottish Executive), the prison service (SPS) and accountants (PWC) were proposing a massive expansion.

Prison privatisation in Scotland (and its precedents in the USA or the UK) should not be seen as involving the simple capture of the state by private capital. Rather, they involve a complex and dialectical interaction between political and economic agents who, although sharing a common overall interest in prison privatisation as part of the broader neoliberal, deregulatory and globalising project, do exhibit differing dynamics within the process. More generally, prison privatisation is inexplicable without reference to the profound changes in penal policy as developed over decades. Recent scholarship argues that penal policy is returning to a Victorian punishment model in which the bureaucratic and technical requirements of an institution overshadow the needs and rights of prisoners (Pratt et al., 2005). Prisons in 'advanced' states

are seeing the reappearance of long hours of lockdown, prisoner segregation, and unproductive and psychologically destructive regimes (Jewkes & Johnston, 2006: 7). An effective analysis of prison privatisation dynamics must incorporate these broader dimensions. That states have pursued market solutions to incarceration is only partly attributable to the Wackenhuts, the CCAs and Securicors, although due acknowledgment should be paid to their success in lobbying government and influencing policy; and the fact that states criminalise and incarcerate ever-increasing numbers of people is rooted in broader questions of societal crisis and criminology. Concretely, in Scotland the proposed extension of privatisation was predicated on penal expansionist assumptions (see Justice 1 Committee, col. 3575) that eschewed alternatives to custody and innovation in rehabilitative justice.

More specifically, regarding the relationship between state and capital, shareholder pressure and the desire to maximise profit that dominate corporate interests may be at variance with government priorities. As observed, the stringency of contractual terms negotiated by the Scottish Executive was perceived by Premier as creating conditions that would damage profits because significant breaches of key performance indicators were unavoidable. Adapting Marx's metaphor that competing capitalist firms resemble warring brothers, we may liken the relationship between government (the Executive and SPS) and Premier to that of squabbling siblings. Spats periodically occur as contractors' attempts to secure improved contractual terms are resisted by government, whose actions are partly dictated by its own cost-cutting imperatives.<sup>9</sup> Yet there is an essential unity of purpose that temporary and incidental differences do not threaten. Principally, the state will not reduce the margins available to the extent that they might act as disincentives to companies from participating in the privatisation process, nor will companies wish to jeopardise their relationship with the political institutions that are the source of their contracts. For all that Premier complained to the SPS about the severity of its contract terms, Kilmarnock Prison Services Ltd (a PCG subsidiary) made a pre-tax profit of £1.11m for the financial year ending 31 December 2001, and PCG made a profit of £9.98m for 2002 (PPRI, nos. 52, 60). Notwithstanding all the caveats, it is the private firms with their substantial profits that have been the principal beneficiaries of privatisation.

The source of these profits, and of the cost minimisation that underpins them, lies in the reduction in absolute numbers of staff and the pursuit of the holy grail of labour 'efficiencies' and 'flexibilities'. Essentially, the latter are rhetorical euphemisms used to



conceal the harsh imperatives of labour intensification, lean staffing and inferior pay so vigorously pursued by the privatisers. For whatever episodic differences arise between government and contractor, they have an unshakeable united commitment to driving down the cost of labour, with all the predictable consequences for the immiseration of working conditions.

Thus our findings resonate with the earlier privatisation literature. Further, from the perspective of understanding industrial relations at Kilmarnock — and more broadly, of understanding them in the private prison sector — the role of the PSU is pivotal. Despite some sabre-rattling when its standing amongst its members was threatened, this anti-POA organisation (likened by Black [1995] to the tame, employer-friendly ‘Spencer’ miners’ union established in the wake of the defeat of the British General Strike of 1926) should be seen as an important bulwark for the employers and state. Crucially, it prevented discontent from hardening into grievance and then collective action (Kelly, 1998). Individual ‘exit’ became the only perceived response for staff disillusioned with both employer and ‘union’.

Inevitably, the question arises of the typicality of research findings that are based on a single case study (Yin, 2003), and many of the necessary caveats apply. It is not being argued here that the extent of regime crisis and the appalling deterioration of employee conditions apply to all private prisons in the UK. Nevertheless, evidence from the USA and from other UK sources suggests that these findings are by no means untypical. Since the particular here is rooted in the wider political economy of privatisation, employee experiences at Kilmarnock may be at the extreme end of a spectrum.

Of course, employee conditions may be mitigated by management strategies, sectional union strength and the contingency of sector (Arrowsmith, 2003); but certain tendencies towards the experience reported here may be applicable to a greater or lesser extent to privatised or contracted-out workers. Bach and Winchester’s (2003: 296) account of the experience of the public-service workforce after decades of neoliberal policy — one of job loss, deteriorating employment conditions, demoralisation, increased workloads, low pay and being undervalued — is appropriate. However, the words of an assistant director of Kilmarnock in appraising the experience of his prison may be even more apposite as a metaphor for workers’ experience under privatisation: ‘We have been flogging a tired and worn out horse for far too long, such that the animal is not able to move any faster no matter how hard we beat it’ (Lawrence McGhee, 21 March 2002).

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Notes

- 1 Arrowsmith (2003) argues that there is no generic industrial relations experience of privatisation, and that variation in sectoral characteristics and managers' and unions' strategic choices means that we must qualify the more radical expectations of what he calls 'privatisation theory'.
- 2 Including the *British Journal of Industrial Relations*, *Industrial Relations Journal*, *Work, Employment and Society*, *Employee Relations*, *Human Resource Management Journal*, *International Journal of Human Resource Management*, and *Economic and Industrial Democracy*. Bach's (2002) review article in the *British Journal of Industrial Relations* discusses the effects of and union responses to Labour's PFI/PPP.
- 3 Ironically, given the ostensibly closed 'modern' penal institution (Foucault, 1977), a body of evidence on working conditions in UK privatised prisons is available from public sources.
- 4 The US statistics are well known. Between 1980 and 2000, the numbers held in federal, state and local jails surged from 500,000 to 1.9 million (Chang & Thompkins, 2002).
- 5 Critics focused on the second characteristic of the prison industrial complex: the emergence of prisons as sites of profit-generating industry, with prisoners as hyper-exploited labour. These initiatives were justified through the rhetoric of work as rehabilitation (Chang & Thompkins, 2002).
- 6 Chang and Thompkins (2002) cite a private average annual turnover rate of 52 per cent, as compared to 16 per cent in the public sector.
- 7 The Scottish Prison Officers Association (SPOA), which had enjoyed autonomy from the POA, merged with the POA and became the Prison Officer Association Scotland (POAS).
- 8 Although running on a complement of 500 prisoners, Kilmarnock's contract stipulated that the prison could take up to 692. The 48 'extra' prisoners allocated here were not matched by additional staffing.
- 9 During a revealing informal meeting held in May 2002 with a senior Scottish government minister (at the minister's request), the authors asked him what was the single most important driver of the privatisation proposals. His answer was that it was the convergence criteria of the Maastricht criteria and the government's desire to get the new prison expenditure 'off the books'.