

GIVING EFFECTIVE CONSEQUENCES

Introduction

If a prisoner doesn't do as they are asked, they can expect a consequence. But prisoners lack control over most aspects of their lives. A consequence – a further loss of control, or of the limited privileges they enjoy – is likely to feel particularly upsetting to them.

This makes an angry response to a consequence quite likely. A prisoner may rage against the consequence, the system, the messenger, or all three. If they keep digging, or lash out, it can make the situation worse. We want prisoners to accept the consequences of their actions and to learn from their mistakes. We want to avoid escalation. *How* we give a consequence is crucial to achieving this.

Imagine a low-key consequence you might encounter, like criticism from a colleague. We can imagine being told "You're on a warning because you've screwed up. You weren't paying enough attention – don't let it happen again." Alternatively, we could imagine our colleague first saying, "What you've done breaches our rules, and makes the prison less safe. That's why I'm giving you this warning." They might assume the best of us, showing that they believe we are well-intentioned, and have just had a lapse: "I'm sure you were trying to do the right thing, and I know how hectic things can feel." They could choose words which describe the situation in neutral terms and relate to our goals: "This isn't a judgement – I'd just suggest that you keep looking at what officers around you are doing and learning from them." The consequence that we face – the warning – is the same. Everything else is different. In the second example, a punishment has become a chance to learn. The colleague is an ally who wants to help us. They are supporting us on a path to improvement.

A prisoner is likely to prefer the second, more supportive option too: constructive support is preferable to blunt criticism. But a prisoner's experience of a consequence additionally reflects what may be months and years of blunt criticism. They may feel the difference more acutely. To a prisoner with few means of entertainment, "You've screwed up, so we're taking your TV for a week," is a harsh sentence. A neutrally phrased explanation of what they've done, why it matters, and what they can do differently doesn't reduce the punishment. But it may ease the moment in which the sentence is delivered, de-escalating a tense situation. It may help the prisoner to reflect on their intentions, and the impact of their actions. And it may sow seeds for change, as they reflect on our words, and what they say about their choices and our investment in their success.

How can you pursue this strategy?

A. **Narrate the situation.** The first element of this strategy is to switch from stating the consequence to telling a story. Stories are a powerful and memorable way to convey an idea. We need to tell prisoners a story which:

- **Explains the reason for the consequence:** Consequences are about more than keeping prisoners in line and applying the rules. They are about maintaining a decent society and being ready for a better life after release. We give consequences, **not** just “because the rules say so,” but because, “This helps us keep the wing decent.” You could also appeal to reasons such as safety, responsibility, cleanliness etc whatever the reason for the consequence may be. We can also think about both immediate goals, and the goals that prisoners are working towards on release, or in future.
- **Explains how to change:** Emphasise that people can change, and that we believe this prisoner will change. A consequence reflects past actions. We need to describe what the prisoner can do now. For example, we might tell them that “You can learn from this. Think about what you’re going to do differently tomorrow.” This also helps to emphasise that we care: that we’re holding the prisoner to a high standard, not just punishing them for our benefit.
- **Is positive, clear and concise:** We may be telling a story, but we want something that’s the length of a joke, not a long, involved anecdote. This is particularly important if we’re talking to a prisoner for whom English isn’t a first language, or who has a limited vocabulary. We want something like: “Threatening violence isn’t acceptable in prison or outside.” Rather than “The thing that you need to understand is that the kind of stuff you’ve done, like threatening people, it isn’t on. It’s not right. You need to avoid it...”

B. **Assume positive intent:** When people behave undesirably, we often assume the worst of them. We attribute bad driving to selfishness, for example, rather than inattention or confusion. When we articulate or imply judgements like these, we create conflict. We close down prisoners’ opportunities to change. By contrast, when we assume positive intent, we give prisoners the benefit of the doubt. We attribute to them the intentions we want them to behave. For example, compare the following responses:

- “Are you trying to take the mick, wearing sliders on the landing?”
- “I look at your feet and wonder whether you’ve forgotten something, pop back to your cell and put some shoes on for me, would you?”

Unlocked

The situation is identical. But in the first example, the implication is that the prisoner's actions are intentional, and in some way disrespectful. In the second example, the implication is that the prisoner has wandered out of their cell absent-mindedly. The first example promotes conflict – “I’m not taking the mick” – and implies that the officer will be watching the prisoner for future infractions. The second example encourages a response like “Oh yeah, I’ll grab them now,” and implies the prison officer is on the prisoner's side. Either way, we hold the prisoner to the desired standard. But when we assume positive intent, we characterise undesirable behaviour as an accidental omission or moment of forgetfulness – not an intentional misdeed.

C. **Be factual:** As the discussion of assuming positive intent illustrates, the same situation can be described – sincerely – in different ways. We can choose words which minimise conflict and encourage desirable behaviour. In particular, we can:

- **Describe exactly what happened:** We want to stick to the facts, not get into motives and judgements. If we tell a prisoner to stop “Messing around,” we invite an argument: “No I’m not!” If we tell a prisoner that they “Didn’t go straight back to your cell after collecting lunch,” there is less to argue over, and the discussion is focused on what happened, and what should have happened.
- **Depersonalise the issue** – rather than making it personal. We don’t want to run a landing to be a battle between them and us. Choose words which focus on the thing you want the prisoner to do differently – not on you and them. “I don’t like what you’re doing,” or “I find that really unpleasant,” focus attention on us, and our reactions. A prisoner might respond “Well no one else minds,” or “Mr Andrews doesn’t care.” Better to focus on the issue: “Keeping food like this in a cell isn’t safe or hygienic.” This avoids a battle of egos and focuses on what needs to change: food storage, not your feelings.
- **State a learning or change opportunity** – rather than nagging about the problem. We can encourage prisoners to act by highlighting prisoners’ goals, and how the right actions now work towards them. Imagine a prisoner has been rude. We could tell them, “That isn’t going to do you any favours.” Or we could say something more persuasive, like: “You’ve told me you want to be a cleaner – responding politely when you get asked to do something will help you towards that.”

Potential Pitfalls

- **Assuming positive intent doesn’t mean letting prisoners off.** It’s a mistake to say something like, “I’m sure you didn’t mean to do that, so I won’t write it

Unlocked

up this time, as I know you'll do better next time." This assumes positive intent – but fails to hold the prisoner responsible for their action. It's more powerful to say something like "What you've done isn't acceptable. I will have to speak to your keyworker, but I'd like to be able to tell them you know what's wrong and you'll do better next time. Can I?" This assumes the best of the prisoner and highlights the path to change – without letting them off for what they have done. Offering both a consequence for poor behaviour and a path forward makes for a powerful and effective consequence.

Case Study

Officer Purewal notices a few prisoners still out after the final call to come down to the servery to collect their evening meal. The officer approaches one of the prisoners and says, "can you get a move on please and stop messing around?". The prisoner responds in a rude tone saying "I am not messing around. I need to chat to my brother. I have been at work all morning so haven't had chance so just leave me alone you jobsworth". The officer responds angrily: "Right I am writing you up for that. Now get down to the servery. The prisoner makes their way to the servery but says as they pass: "You are taking the piss you gov. You are a little little jobsworth."

This is a **non-example** for a few clear reasons. Firstly, the officer doesn't assume positive intent when they approach the prisoner. They assume that the prisoner is going slow intentionally. Secondly, when the officer gives their consequence, they don't explain why they are giving a consequence and don't explain precisely what the consequence is going to be. This undermines another technique of "purpose not power".

An example in this situation would require the officer to approach the prisoner assuming positive intent. Perhaps they could say "You look to have got a bit absorbed in your conversation there so you may not have noticed that the servery is about to close. So, if you want to nip down now and collect your meal please that would be great." If the prisoner responded rudely then the officer would have to deliver the consequence in a clear and calm manner while de-personalising their language, so it is clear what the prisoner needs to do.

Mitigations to using this technique

Consider the following questions to think about the circumstances when you would and wouldn't choose to use this technique:

- Can you always assume positive intent? What if you feel very strongly that a prisoner is doing something for a bad reason?

Unlocked

- Is it always possible to narrate the situation fully when giving consequences?
- Would you use this technique differently with different prisoners?

Final Reflection Questions

Answer these final questions to help to consolidate your learning and consider how you will use this technique in your day-to-day practice in your current working context.

- What is the goal? What are prison officers looking to achieve by using this technique?
- Why should this technique work? How should prisoners behave differently?
- What do you need to do? Outline the key success checks you need to meet to apply this technique?
- What are the pitfalls? When shouldn't we use this technique? What barriers do you foresee to using this technique? How could you overcome them?