

**Conceptualising service-user engagement in the Criminal Justice System as infrastructure: A prison council case study.**

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# **Conceptualising service-user engagement in the Criminal Justice System as infrastructure: A prison council case study.**

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## **Abstract**

Service-user engagement schemes in the UK criminal justice sector have exploded over the last thirty years. Despite their growing salience to discussions of legitimacy, accountability, and participatory governance debates, in-house i.e., prison-run service-user councils remain understudied. Grounded in qualitative custodial service-user engagement initiative mapping workshops conducted with prison councils, combined with analyses of HM Prison Inspectorate reports, this study addresses this contemporary knowledge gap. ‘Engagement infrastructure’ is introduced as an innovative conceptual device directing attention to if and how these participatory mechanisms are embedded or not by accounting for their interaction with wider penal logics. The implications of this study’s findings are pertinent to maintaining One HMPPS policy aspirations and critically inform wider sector shifts towards engaging former rather than current penal service-user communities.

## **Key words**

Service-user engagement in custody; Service-user engagement in the Criminal Justice System; Prison Council; Prisoner Council; Prison Committee; Service-user engagement infrastructures; Service-users; Former service-users.

## **Introduction**

No empirical research on in-house, i.e., prison-run, service-user councils has been conducted for over twenty-five years (for in-house probation-run councils see, Barr and Montgomery, 2016; Pike et al., 2019; Tyler, 2023), despite the HM Chief Inspector of Prisons (HMCIP) asserting “most” prisons in England and Wales have one (HMCIP, 2024, p 33). In-house prison

councils are defined as “structures...prison-wide bodies enabling dialogue between prisoners and management in setting policy for the whole prison” (Solomon and Edgar, 2004, p 1; and cf. Levenson and Farrant, 2004).

At a time when a “re-setting of the balance of power within prisons” is being reported (Crewe and Liebling, 2017, p 905) and ambitions towards radically transforming penal culture are proposed to involve an “interplay of effort, activity and commitment” between service-user and service provider communities (McCulloch, 2015, p 41; and cf. Albertson et al., 2022; Albertson and Albertson, 2023) this omission is surprising. Given penal governance structures have generated much criminological controversy and debate (Sykes, 1958; Goffman, 1961; Foucault, 1977 [1975]; Sparks and Bottoms, 1995; Garland, 1997; Crewe, 2011; Tankebe and Liebling, 2013), this apparent lack of scholarly attention to service-user engagement initiatives with current criminal justice service-user communities proves even more perplexing.

The benefits of in-house user councils are cited as providing residents-in-prison with direct access to prison management, promoting active custodial citizenship and improving staff and resident-in-prison relations (Solomon and Edgar, 2004). In 2016, an evaluation of a third sector, former service-user-led council model, despite having no in-house councils in the sample suggested this model suffers from a lack of senior management buy-in, lack of representative community input and as generating staff-resident resentment (Barry et al., 2016, p 95-96). This present study clearly distinguishes ‘service-users’ as those with current legally mandated access to current sentence and sanction-period-related criminal justice services. Those who are no longer compelled to use, nor have access to, said services are defined as former service-users (see Albertson, 2025). Acknowledging this conceptual clarity

ensures precision across this burgeoning field of study alongside appraising agency recruitment and engagement drives.

To date, the ways in which in-house service user initiatives communicate broader issues about legitimacy has been largely ignored by penal scholars, which may be due to such penal innovation falling outside the explanatory bounds of more reductive penal governance theories (see McMahon, 1992; Brangan, 2020). An impediment noted as having resulted in the “potentially positive consequences of the use of ‘good’ power in prison and the negative consequences in its under-use” remaining largely disregarded (Crewe and Liebling, 2017: 899). We argue subsequent legitimacy studies would benefit from being extended into the in-house penal service-user and peer engagement study realm. This study proposes a more service-user community specific, nuanced conceptual lens and situates ‘engagement infrastructure’ as a core unit of analysis.

This article begins by positioning contemporary in-house service-user engagement efforts within more established criminological debates. The two distinct data samples and added value of adopting an infrastructure approach are then detailed. The first findings section presents contemporary prison council practice landscape findings, and the second and third contain a more focussed critical comparative analysis of a highest and lowest ‘Respect test’ scored sub-sample of HMCIP inspection reports. The implications of this study findings are discussed in concluding sections.

### **Penal governance and legitimacy, service-users and infrastructure**

Service-user engagement in the criminal justice system is an emerging topic in and of itself, however penal governance has long been the subject of controversy and debate (Sykes, 1958; Goffman, 1961; Cohen and Taylor, 1972). Criminologists have theorised penal power as

adaptive but inescapably expanding from hard into increasingly softer, weightier, tighter pains of self-governance indicative of neoliberal responsabilisation (Foucault, 1977 [1975]; Garland, 1997; Crewe, 2011; Crewe, et al., 2014; Crewe et al., 2020). Significantly however, responding directly to these more reductive theorisations the notion that the very legitimacy of penal governance involves negotiation, suggest penal power can, albeit within limits, be locally mitigated (Sparks, 1994; Sparks and Bottoms, 1995; Sparks et al., 1996; Crewe and Liebling, 2017).

As a concept 'legitimacy' refers to the perception of penal authority as appropriate, fair, and therefore requiring an element of generated consent from those subject to it (e.g., Sparks, 1994; Tyler, 2010; Liebling, 2004). The wider implication however opens up the possibility that one can "distinguish clearly between better and worse, preferable and less preferable" penal governance practice (Sparks, 1996, p 26). Comparative penal scholars, using largely quantitative measures, have since clearly distinguished between more and less legitimate custodial regimes (Liebling, 2004; Liebling and Arnold 2004; Crewe, 2009; Liebling et al., 2011; Crewe et al., 2020; van Ginneken and Crewe, 2025).

Although a now firmly established concept in criminological analysis (Bottoms and Tankebe, 2012), legitimacy studies tend to focus on measuring procedural and or moral performance outcomes; more often than not relying on individuals as the core units of analyses – albeit subject to subsequent numerical aggregation (e.g., Liebling, with Arnold 2004; Tyler, 2010; Crewe et al., 2020). Two distinct penal context-specific approaches have emerged, the first focussing on the police and courts (Tyler, 2006) and the second, concentrating on prisons (Sparks et al., 2016; Liebling, 2004; Crewe, 2009). Yet, despite the huge significance of these contributions, both approaches conceptually continue to rely on professional and moral/social

climate performance outcomes, largely overlooking everyday penal in-house service-user engagement mediation or negotiation contexts (Deambrogio, 2025). This is significant, in light of the admission that legitimacy is said to require opening up conceptually, particularly as legitimacy is no longer viewed as a single transaction, but “more like a perpetual discussion” (Bottoms and Tankebe, 2012, p 148). Conceptually then, as legitimacy’s relational, interactive and iterative characteristics have become increasingly highlighted, the coordination requirements to facilitate any sustained “claim-response dialogue” (Bottoms and Tankebe, 2012, p 166) in penal institutions therefore becomes ever more salient.

Indeed, the acknowledgement that legitimacy is a broader analytical approach to improving understandings of penal practice with which to “re-imagine better alternatives” (Loader and Sparks, 2013, p 64), effectively cleared the way for more participatory governance theorists to enter these debates. To date, this conceptual space has however been dominated by a focus on co-production as a form of participatory governance, which remain overshadowed by optimistic democratic aspirations rather than the every-day negotiation of aligning distinct custodial community ambitions (see Weaver, 2019; Weaver, 2022). Significant to the argument made here however, councils as user engagement schemes have been identified as in practice as having power that resides “in their processes” (Weaver, 2022, p 18). While a wider range of service-user engagement initiatives have been studied, as a body of work their orientation has tended to either rely on samples shaped by the retrospection of former service-users and/or examined lone service-user projects in isolation from others (e.g., Barry et al., 2016; Nixon, 2020; Schreech-Powell, 2025b). This is where the conceptual contribution of this article resides.

Infrastructures are notably defined as concerning “matter that moves matter”, thereby making “the relations between them” increasingly salient (Larkin, 2013, pp 238-239). Subsequently, a much broader set of concerns about the appropriate techniques and practice of governmentality that the co-ordination of infrastructures demand has emerged in other disciplines, “through which norms of appropriate behaviour and conditions of belonging are worked out” (Knox and Gambino, 2023, p 5). Our innovative conceptual framing opens up the criminological imagination to positioning penal community infrastructures, rather than individuals or isolated user engagement initiatives, as a significant unit of analysis. Infrastructures are institutional systems essential to enable, sustain, and enhance societal living conditions, and relevantly conceptualised as “agonistic phenomena, imagined, produced, challenged and refined in an uneven and deeply conflictual field” (Jackson et al., 2007, p 4; Almond and van Erp 2020; Kruse, 2021; Lammer and Thiemann, 2024). We argue that in the penal context infrastructure is analytically powerful as a fundamentally relational and interactional concept as thinking with infrastructures exposes “how choices and politics embedded in such systems become articulated components” (Star and Ruhleder, 1996, pp 253-4). This present studies approach is thus orientated towards identifying the operational, occupational and cultural penal groundworks that “undergird” (Kruse, 2021, p 3) participative in-house practice efforts with the potential to operate as key “mediating apparatus” (Lammer and Thiemann, 2024, p 211) in penal legitimacy negotiation. The constitutive implication of applying an ‘engagement infrastructure’ lens is a critical approach to pin-pointing more or less legitimate negotiation opportunities exist or not between competing interest groups in the penal context. Our conceptual framing operates here as a direct challenge to co-production dominated former service-user prioritising singular and dislocated examples of in-house service user engagement efforts. In contrast, we recognise in-situ penal community

infrastructures are constructed alongside wider, mutually adjacent systems that set normative interactional and relational expectations, that are both “fixed and ever changing” (Star and Ruhleder, 1996, pp 254-258). This conceptual re-alignment position compliments the Ministry of Justice’s recent One HMPPS change programme of developing consistency in front line penal practice across probation and prison (Webster, 2022; Grey, 2023). This study thus acknowledges that the potential for increasingly delegated autonomy for directly affected penal communities embedded within such penal policy aspirations is significant, as Ostrom (2000, p 33, *emphasis added*) notes:

“by consistently taking the power to make decisions about the ways to innovate, adapt, and coordinate *efforts away from those who are directly affected*, institutions become less able to respond *to their own community’s needs*”.

Penal service-user community citizenship status is significantly conceptualised here as being a member of a currently legally mandated sanction or sentence service-consuming community – aligned with classical ontologically tensed distinctions between past (lived experience) and present (living experience) of criminal justice service use (cf. Graziani et al., 2023; Albertson, 2025). This binary conceptualisation is grounded in active custodial citizenship definitions of in-situ residents participating in volunteering, peer support, and peer representation roles (see Edgar et al., 2011; Behan, 2014; Albertson, 2025). While we acknowledge this approach contrasts with a growing body of scholarship which tends not to distinguish between current and former service-user communities (e.g., Corda & Kasper, 2022; Tietjen & Kavish, 2022; Schreeche-Powell, 2025b). Notwithstanding, this binary distinction institutes empirical precision enabling service-user and peer status clarification with which to

critically inform future in-house participatory engagement policy aspirations in this sector (cf. Albertson, 2025).

### **Methods, samples and data analyses strategies**

Engaging two distinct data sets, the secondary data analysis presented here is orientated to addressing two distinct research questions (Guenther and Falk, 2021):

- 1) In England and Wales, what characterises the contemporary prison council practice landscape?
- 2) What are the conditions under which service-user council initiatives can be identified as operating as sites of the contestation of, and/or reproduction of established penal legitimacy deficits?

#### **Data set 1: Qualitative fieldwork sample and analysis**

The qualitative prison council workshop data are drawn from an evaluation of a peer mentor element of an innovative wing model pilot conducted across four prison sites in 2023. The four-site sample were pre-determined as the only prisons hosting this pilot initiative at that time. One of the sites was in an adult female training and resettlement prison and the remaining three in adult male category C training and resettlement prisons. Commissioned by a third sector Prime<sup>2</sup> provider, the evaluation gained ethical approval in January 2023 (University Ref. ER49795291 and HMPPS NRC Ref. 2023-012&238). Data collection activities included workshops, ethnographic observation and interviews. Acknowledging the challenge of securing genuine consent to participate in research from residents in the custodial context, as experienced prison researchers we operated reflexively - delivering a clear and concise overview of the project, and a sense-check of the implications of consent form contents - to each resident and group, before prompting residents to decide to sign or not. We assured residents that at this point - should they not want to be involved; they were either free to stay

in the room but not participate or be returned to which ever activity they had been drawn from. This offer was taken up on one occasion. By way of offering something of value to others considering conducting research in this unique context, working from the assumption residents have not provided informed consent is recommended as the best starting point for research integrity-based practice (see Roberts and Indermaur, 2008). All data were transcribed and pseudonymised<sup>3</sup> and evaluation reporting outputs published (Albertson, 2024).

A workshop with each host establishments resident prison council members was conducted as part of the original evaluation study. A research workshop generally involves a large group focussing on a specific topic area which involves conducting thought-provoking tasks and activities, which operate to access how more collective, community-based perspectives and knowledge are produced, reproduced and exchanged in everyday life (Chambers, 2012). One-to-one interviews with the No. 1 Governor and the Governor with prison council responsibility from each of the four sites were also undertaken via video conferencing. In total, 36 resident prison councillors – ten female and 26 male – voluntarily engaged in our “Peer involvement role mapping” workshops from across the four prison sites. As a key part of the workshop activities, participants generated a list, on a flip chart, of the service-user engagement schemes, initiatives and peer involvement roles and responsibilities currently available in their establishment.

For this present study, we conducted a secondary inductive interpretative analysis of the qualitative prison council-specific workshop data set described above. Applying a phenomenological approach to data analysis acknowledges that social reality is neither singular nor objective, but shaped by human experiences in the specific social custodial group context (Giorgi and Giorgi, 2003). Initial open coding of data involved a close and detailed

reading of each individual senior staff interview and each of the four workshop transcripts (Smith et al., 2021). The next analytical iteration involved looking across this reconstituted qualitative data set for convergence and divergence (Smith et al., 2021). Exclusively from the senior staff interviews, wider context factors concerning the current prison council landscape are presented in findings section one. Two further contrasting key experiential master themes (Smith et al., 2021) were identified from the analysis of resident prison councillor workshop data: First, council practice conditions which residents perceived the initiative as giving them a voice and enhancing legitimacy; and – by way of direct contrast, second, conditions where it was perceived user council practice reinforced penal legitimacy deficits. These two contrasting master themes directed the subsequent comparative deductive content analysis of a sub-sample of ten highest and ten lowest HMCIP ‘Respect test’ scoring prisons generated from the initial content analysis of 119 HMCIP reports detailed below.

#### **Data set 2: HMCIP Inspection report sample, sub-sample and content analyses**

Each prison in England and Wales is inspected independently by HM Inspectorate of Prisons, (HMIP) at least every five years (HMIP Website, 2025). HMIP assess each prisons’ performance against four ‘Healthy Establishment Tests’: Safety; Respect; Purposeful activity; and Preparation for release (HMIP Website, 2025). Prison council arrangements are consistently reported on under the “Respect test” report section, under a sub-section entitled: “Prisoner Consultation, Applications and Redress”. The secondary content analyses used here are designed with two distinct aims: First, to establish the contemporary prison council practice landscape; and second to identify the conditions under which prison councils characterise more or less legitimate service user engagement practice.

A final sample of 119 adult prison ‘Reports on unannounced HMIP inspection’ were downloaded from the HMIP website with publication dates ranging from April 2020 through

to July 2025. These reports are taken as representative of contemporary prison council practice in England and Wales. The core function of a quantitative content analysis is to “produce counts of key categories” (Neuendorf, 2017, p 21). Prison council activity were primarily located using the following key search terms: ‘Council’ ‘Committee’; ‘Consultation’; ‘Forum’; ‘Focus group’; ‘Events’; and ‘Characteristics’. Indicative data were inserted into a spread sheet classified by prison and a “simple” content count conducted (Neuendorf, 2017, p 5). These quantitative and descriptive sector landscape findings are presented in findings section 1.

The second aim of the content analysis of HMCIP reports is to identify the conditions under which prison council practices can be said to characterise capitulation to – or contributing to the amelioration of – penal power deficits. Accordingly, we utilise HMIP’s ‘Respect test’ scores as a proxy indicator for more and less legitimate service-user engagement conditions. Each of HMIP’s four Healthy Establishment Tests is summarised in a scored award from a four-item range: ‘Good’; ‘Reasonably good’; ‘Not sufficiently good’; Poor’ (HMIP Website, 2025). From this scoring matrix we generate a ‘Respect test’ sub-sample total of twenty prison inspection reports, drawn in equal numbers from the overall highest and lowest ‘Respect test’ scores. A comparative analysis is carried out on this sub-sample of data set 2.

The highest scoring prison sub-sample of ten, taken as representing more legitimate service-user engagement practice, were selected in ascending order on the following criteria: First those prisons awarded the highest rating of ‘Good’ across all four healthy prison tests, including Respect; Second those receiving ‘Good’ on Respect, two other ‘Good’ test ratings and one ‘Reasonably good’ test rating. These criteria were sufficient to identify the best performing sub-sample<sup>1</sup>, which contains two female, four open and two privately operated

prisons. All ten operate an in-house council and none conduct democratic elections for council recruitment.

Conversely, taken as representing less legitimate service-user engagement practice conditions, the ten lowest scoring 'Respect test' prisons were selected as follows: Lowest were those awarded the lowest rating of 'Poor' for the Respect test and also receiving two other 'Poor' test ratings; Next lowest (in ascending order) were: those receiving 'Poor' on Respect and one other 'Poor' test rating; 'Not sufficiently good' on the Respect and two other tests; one other 'Poor' test rating; 'Not sufficiently good' on Respect and two other 'Not sufficiently good' ratings. This selection was sufficient to identify the second sub-sample of ten<sup>2</sup>. The final list contains no female, open or private establishments, but three long-term and high-security establishments, and six prisons that had, as a result of their inspection, an Urgent Notification issued (HMIP Website, 2025). All ten operated an in-house council and one prison uses democratic elections for council recruitment.

None of the four prisons in which qualitative council workshop data were generated (data set 1) featured in the 'Respect test' sub-sample for comparative analysis (data set 2). The more subjective approach to the sub-sample of data set 2 is designed to enable a comparison between more and less legitimate service-user engagement conditions (see Flick, 2014). This underpinned a more deductive approach directed by the induced qualitative fieldwork themed findings as formatively shaped hypotheses. Familiarisation with this sub-sampled data set was ascertained using six key sensitising words: 'Culture'; 'Community'; 'Positive'; 'Relationships'; 'Enabling'; and 'Ethos'. Indicative text from each of highest and lowest scoring 'Respect test' comparative sub-sample of prisons were inserted into a spread sheet and compared in an interpretation phase. This phase involved identifying the distinct "dimensions

and structures of meaning making in the material” (Flick, 2014, p 370). The results of this more critical, deductive systematic comparative analysis are presented in findings sections two and three.

### **Findings 1: Mapping the contemporary prison council practice landscape**

Quantitative analysis findings establish that, of the 119 adult prisons in England and Wales in data set 2, 88% (105 prisons) currently deliver a prison council initiative and 12% (14 prisons) do not. Those prisons categorised as not delivering are identified where: “Regular wing meetings had been taking place... but the absence of a formal prison council...” (HMCIP, 2022i, p 28). Of the total of 105 prisons delivering a council initiative, our analysis establishes the in-house council model is used in 95% of them (100 prisons). The remaining 5% (5 prisons) currently subcontract service-user council delivery and responsibility to external third sector agencies.

All four of the prison sites in data set 1, our qualitative fieldwork sample, deliver in-house councils. One significant common theme across the four Senior Management Team rationales for currently re-vitalising their prison council practice is the response to the disruption experienced over the covid-pandemic:

when covid kicked in, well it made us all realise: “Actually things can be changed!”, so, that was our starting point (Senior Management Team interview, site 4).

it was post-covid, that the [No 1. Gov] and I decided we wanted a completely different approach to it (Senior Management Team interview, site 2).

When prompted by the researcher to identify any additional sources stimulating this re-prioritisation (e.g., Prison Service or third sector contact, guidance or mandate) staff had little to add further.

Only one site in the qualitative workshop data sample currently uses democratic elections for prison councillor recruitment, a dominant feature of external third sector former service-user led council models (see Barry et al., 2016; Weaver, 2019; 2022). Alternative recruitment approaches are adopted in the remaining three sites. Of these, one site's staff support team consult existing councillors regarding whom to target for further recruitment; council representation in the remaining two sites is incorporated into an existing, paid Wing-based peer representation role.

Quantitative content analysis of data set 2 similarly highlights that, of the 105 prisons currently delivering a service-user council initiative, 80% (84 prisons) are concerned with recruiting more diverse representation at council meetings. Of these, adequately representative service-user input into council initiatives is identified as occurring successfully in 68% (57 prisons). In 37% (27 prisons) the council is failing on this metric as e.g., it is "not representative of the population, particularly in relation to age and incentives level" (HMCIP, 2023x, p 28). Resident-in-prison recruitment strategies are only transparently stated in 27% (28 prisons) out of the 105-prisons which have councils. However, of these 28, 46% (13 prisons) cite democratic elections as a current or about to implemented approach; 36% (10 prisons) incorporate the role into wing peer support role profiles; and 18% (5 prisons) use other alternatives, ranging from smaller establishments inviting all residents to attend, to application and interview techniques.

Of the 105 prisons currently delivering a council initiative, 43% (40 prisons) have established a coherent link into their council for other user engagement initiatives, for example, where: "Wing prisoner forums had been reviewed...Outcomes from these meetings were then discussed [at council meetings] ... and drove improvements" (HMCIP, 2024v, p 28). A further

11% (10 prisons) are explicitly highlighted as omitting to link their council initiative into wider service-user engagement and peer involvement role schemes, typically represented as where: “The prison council operated... but there was no mechanism for wing forums to feed into it” (HMCIP, 2023p, p 24).

The first key finding presented here is the vast majority of prisons in England and Wales deliver a prison council service-user initiative. The second key finding establishes the contemporary dominance of in-house councils across the contemporary custodial sector.

**Findings 2: Conditions under which service-user engagement is more legitimately embedded within penal systems**

On average across the qualitative four site workshops - thirteen distinct examples of service-user engagement initiatives – over and above the prison council – were identified as being also currently delivered from our secondary analysis of data set 1. Findings further illuminate resident-in-prison councillor perceptions of council initiatives operating more legitimately on two counts: First, as a space where resident voices are heard:

It’s where changes can be suggested (Prison council resident members workshop, Site 3).

we meet to discuss matters and work with the hierarchy (Prison council workshop, Site 2).

we discuss things, and it is a place to work with the prison on solutions (Prison council workshop, Site 1).

Second, and notwithstanding, our respondents also reflected that given our listing workshop activity - only a few select residents’ experience and expertise contributed to their council practice. Responding to the generated list of all peer involvement roles going on in their institution, some commented:

we only represent them off our wings in here [the council], there are lots of roles and schemes up there [pointing at the flip chart], but most of us don't know much about them. A big proportion [of the prison community] are not represented here either (Prison Council workshop, Site 4).

I've not heard of half of them up on that board, and then I bet there all divided up like. So, the ones I do know about, they all have a different manager. I don't think there is anyone who knows about them all or has got responsibility for them all together like (Prison council workshop, Site 1).

Subsequent workshop discussions turned most significantly to our councillor sample acknowledging their councils limited connections into other service-user engagement populations in their community. Adopting an 'engagement infrastructure' lens illuminates this finding as in-house councils being run independently as a singular "collegial pocket" (Lazega, 2020, p 2) of penal service-user engagement activity. Underlined as respondents pondered the lack of a coherent service user engagement infrastructure to which their own in-house council had access:

...would make sense for us at the council to have a bit of oversight of all that and push things forward mind you. Prisoners are the experts and need listening to and that makes it part of our job (Prison council workshop, Site 3).

... we could do with being more involved, we're the ones that work on the coalface...but we're also on the receiving end. It [having a council] might look good, but it could just end up like a box ticking thing (Prison council workshop, Site 4).

Highlighting, as others have found that participatory initiatives are at risk of being delivered as an in-house “bureaucratic ritual – a tick-box exercise” (Schreeche-Powell, 2025b, p 2). These qualitatively induced findings however reflect that our respondents imagine more legitimate council practice operating as part of a more cohesive service user engagement infrastructure. Adopting this as a tentative hypothesis stimulated the proceeding deductive analysis of the ten highest HMIP ‘Respect test’ scoring prison sub-sample drawn from data set 2.

**More legitimate conditions: Inclusive, valued and connected council practice**

Conceptualising infrastructure as a relational concept affords a view of ‘engagement infrastructure’ as not merely organisational mechanisms, but as involving people in their communities, affording a shift in focus from in-house service user engagement initiatives to the relationships between them (see Star and Ruhleder, 1996; Lipman, 2013). Thus the analytical power of adopting an ‘engagement infrastructure’ lens directs attention towards identifying where in-house councils serve an infrastructural function in penal communities that both build and use them (Knox and Gambino, 2023).

Comparative content analysis findings establish all ten highest scoring ‘Respect test’ prisons are distinct, as they facilitate an assorted and diverse range of creative and inclusive service-user engagement opportunities across their establishments:

Residents on interview panels... Residents providing their insights at new staff forums...providing an impressively strong and supportive culture... good relationships between staff and prisoners, and a level of engagement rarely seen elsewhere (HMCIP, 2025t).

wide range of peer-led initiatives had helped to create and embed a culture of aspiration and self-improvement... safe and supportive culture and positive staff-prisoner relationships (HMCIP, 2024ad).

There had been significant investment to replace the poorest-quality accommodation... provided bright and comfortable... carpeted landings, excellent communal facilities... tangible commitment by staff to the governor's vision and the response from prisoners was impressive (HMCIP, 2024s).

Similarly, service user engagement initiatives consistently featured as a valued element of an organisationally embraced active citizenship strategy across these ten highest scoring 'Respect test' establishments:

The positive culture of the prison, supportive staff and opportunities to progress gave prisoners hope.... a team of managers and prisoners... predicated on good relationships, respect, and the sense of purpose and opportunity engendered by a meaningful prison regime... the excellent culture... optimism among the prisoner population and the genuine team ethos (HMCIP, 2024s).

An impressive range of prisoner-led initiatives that covered all aspects of prison life... innovative use of peer support.... good range of peer worker roles... well embedded.... Prisoner's felt staff treated them with respect (HMCIP, 2024ah).

friendly and upbeat atmosphere.... sense of community... café in the heart of the prison, serving staff and prisoners alike .... good enrichment offer that catered well for prisoners from a range of backgrounds and abilities (HMCIP, 2024z).

Cohesive, connected and collaborative service-user infrastructure is found to directly feed into council initiatives in all ten highest scoring 'Respect test' prisons. These establishments are distinct in their facilitation of communication and collaboration between a wide range of service-user initiatives and other programmes operating across their own discreet community. This is taken as indicative in inspection report content, where:

The prison's council... well attended by senior leaders and prisoner representatives from each residential unit and key departments... supplemented by monthly meetings of residential unit representatives... along with dedicated forums.... Peer support was well embedded...and prisoners in these roles often demonstrated responsibility in important areas of prison life (HMCIIP, 2025i).

Peer workers played an integral role... confident in their ability to raise concerns and influence decisions that affected their daily lives... Prisoners had a voice in matters that affected them.... regularly shared data with prisoners (HMCIIP, 2024s).

This section presents findings suggesting higher scoring 'Respect test' prisons approach service user participation activities characterised by penal systems facilitating assorted, creative and inclusive participatory pathways which are utilised as valued elements of an organisationally embraced strategy, indicative of cohesive, connected and collaborative service-user engagement infrastructures.

### **Findings 3: Conditions under which service-user engagement is less legitimately implanted within penal systems**

The secondary analysis of qualitative workshops in data set 1 finds resident prison councillor's perceptions of less legitimate council practice as failing to close "service-user engagement-implementation gaps" (Jones and Bice, 2021, p 1) on three counts. First where residents'

disillusionment with service-user councils is linked to a lack of adequate organisational commitment and resourcing made available:

It's overpromised and underdelivered this council idea, 'cos we're still discussing the same issues two years on (Prison Council workshop, Site 4).

It's annoying when we feed problems and the solutions up to the prison, but then they say they cannot fix them because of resource constraints (Prison council workshop, Site 2).

Second, where the council lack accountability from some departments and external service delivery agencies operating in their custodial community, which may also more widely reflect one of the practice challenges brought in with privatisation and marketisation in this sector (cf. Phillips et al., 2020):

Healthcare are unmoveable... They won't come here to talk to us, no matter how often we ask... there's just no accountability (Prison council workshop, Site 3).

We've been trying to get meeting with the canteen supplier for two and half years now, it's like banging your head on a brick wall (Prison council workshop, Site 4).

The final key condition, a lack of recognition of the value establishments provide towards those trying to actively engage in their community is identified in data set 1 by concerns such as:

Prisoners who behave and come up with good ideas are unappreciated. Bad behaviour is rewarded, and good behaviour ignored. Peer workers are completely overlooked... what's the point in showing any enthusiasm when the prison just pushes back? (Prison council workshop, Site 4).

Induced qualitative findings presented here advocate a lack of recognition, resource neglect and missed opportunities to engage service-user communities indicate conditions where less legitimate council practice occur. Adopted as a tentative hypothesis directing the analysis of the ten lowest 'Respect test' scoring prisons' from the sub-sample drawn from data set 2.

**Less legitimate conditions: Restricted accountability, disinterest and resource-stretched**

Adopting an 'engagement infrastructure' lens facilitates identification of where service-user infrastructures have failed or broken down between said infrastructure and the domain of relations they are intended to sustain (Knox and Gambino, 2023). Comparative analysis findings illuminate three conditions under which in-house prison council practice reinforce existing managerial penal logics. Identified as occurring where: Council initiatives lack accountability and oversight, where dis-interest characterises the institutions approach to service-user engagement and where councils operate in resource-neglected establishments. Conceptually, whilst not confusing the differing priorities of prisoners and the general public, this situation could be taken as indicative of the ways in which "disconnected" powerholders can lose touch with the communities they are tasked to serve (Bottoms and Tankebe, 2012, p 154).

The ten lowest scoring 'Respect test' prisons are characterised by council initiatives suffering from a lack of oversight and community-wide accountability and engagement being afforded to them:

A large number of external agencies [operated in the establishment] .... No one in the prison had oversight of this work, and leaders were unable to provide information (HMCIP, 2024d).

staff did not understand ... [peer workers] rarely unlocked to carry out their work... As a result, men could not use any services in the prison... too often peer work was poorly promoted (HMCIP, 2024ak).

Only six trained Listeners..., considering the high levels of self-harm.... a missed opportunity to allow prisoners to support their peers and play a meaningful role in the prison community (HMCIP, 2025h).

In the ten lowest scoring 'Respect test' prison sub-sample, service user council practice suffers from pockets of custodial staff indifference, not unlike other peer role initiatives introduced into the custodial environment (cf. Schreeche-Powell, 2025b):

we saw some areas of positive action to promote fair treatment and inclusion, the culture at the prison was undermined by limited staff prisoner relationships, the availability of drugs, and a lack of safety and stability (HMCIP, 2025l).

Some staff were attentive, but others displayed a concerning indifference... there had been seven self-inflicted deaths since we last inspected and the level of self-harm, despite some useful interventions, was very high (HMCIP, 2023q).

Inexperienced prison officers were struggling to manage a very challenging prison dominated by a 'tsunami' of drugs, high levels of violence, self-harm and failing infrastructure... facing serious staffing challenges (HMCIP, 2024u).

Findings identify a further sense of resource neglect evidenced by failing basic infrastructures in the ten lowest 'Respect test' scoring prisons:

The use of peer workers was under-developed with very few existing roles to encourage 'active citizenship' within the prison community (HMCIP, 2024ag).

already-inadequate conditions... deteriorating further, with fractured relationships between staff and prisoners creating a negative culture. Rates of violence were high and rising (HMCIP, 2025h).

a pervasive sense of neglect and dilapidation... Self-harm was now among the highest in the prison estate (HMCIP, 2025v).

mentors to help their peers, however, their work was not valued or facilitated.... High levels of violence, a poor regime and little opportunity to build productive relationships with staff led to a sense of hopelessness among prisoners (HMCIP, 2023e).

Findings presented here suggest less legitimate service-user participation initiative delivery is characterised by lack of oversight, accountability and apathy in resource stretched establishments, illuminated by the lack of embedded 'engagement infrastructures'.

### **Discussion**

This study has combined in-depth qualitative data and systematic analyses of HMCIP Inspection reports to address the contemporary criminological knowledge-gap concerning in-house council practice. This study applies an infrastructure lens to facilitate detection of where and how the infrastructural quality of penal community relations come to matter by mapping the more and less legitimate conditions they underwrite (see Larkin, 2013; Star 1999; Knox and Gambino, 2023). Key study findings are the contemporary dominance of in-house service-user council practice in the UK custodial sector and as identifying cohesive service-user engagement infrastructures as the key condition facilitating more legitimate "claim-response dialogue" (Bottoms and Tankebe, 2012, p 166), thus illuminating the connection of "providers and service-users in different ways" (Lammer and Thiemann, 2024, p 197). Given Tankebe and Liebling (2012, p 166) "envisage a multi-dimensional" approach to assessments of penal

legitimacy, this study highlights a valuable additional avenue for consideration, as findings identify displacement of legitimacy where cohesive service-user infrastructures fail be organisationally embedded in penal systems.

The limitations of this study design include a small qualitative workshop data sample and analyses of HMCIP inspection reports, of which some are 5 years out date. Small samples however are emblematic of in-depth qualitative studies, and whilst acknowledging HMCIP reports are not generated for academic purposes, they remain the most pertinent source from which to establish the contemporary custodial practice landscape.

The implications of this study's findings however extend beyond prison council practice. This article has contributed the innovative conceptual framing of infrastructure as an explicitly theoretically grounded concept differentiated from adjacent conceptual frameworks. The infrastructure lens is distinguished from co-production as enabling the empirical inclusion of a fuller, more diverse range of service user engagement initiatives, many of which are paid, but not democratically elected, positions (cf Albertson, 2025). As a conceptual device infrastructure is sensitive to identifying organisationally supported relational practice, thus is distinct from the limitations of legitimacy's focus on collating proxy measures of residents subjective perceptions of fairness. In direct contrast the infrastructure lens adopts a more strength-based capacity building approach to the potential for agencies to actively engage in coordinating interactional opportunities that positively connect providers and service-users in different ways (pp Lammer and Thiemann, 2024). The strengths of this article's conceptual claim are two-fold: First, that the infrastructure lens contributes a more holistic, real-world picture of the contemporary mixed sector service provision landscape; and Second, it is sensitised to organisational attempts to coordinate agentic forms of relational practice.

Neither of these contributions can be provided with the application of either co-production or legitimacy frameworks alone.

Engaging the 'engagement infrastructure' conceptual lens here has illuminated in-house council practice as part of a broader critical penal legitimacy agenda, highlighting that service-user engagement infrastructures are not neutral, but indicative of more or less legitimate local penal community relations. This conceptual framing facilitates a nuanced addition to legitimacy studies with the contribution of three key underpinning assumptions. First, that service-user engagement initiatives are firmly grounded within questions of operational choice, power and ambiguity; Second, that in-situ service-user community mapping of relational interactions between penal service-user engagement schemes can be used to illuminate undergirding penal "co-operation modes" (Lazega, 2020, p 2; Kruse, 2021) and; Third, where the "the cast of stakeholders" facilitated to engage in their own community is expansive (Jackson et al., 2007, p 364), are indicative of more legitimate in-house council practice emerging. Key to its novelty is that this alternative conceptual lens effectively situates in-house council activity as a necessary but not sufficient, "collegial pocket" (Lazega, 2020, p 2). In other words, it is not having a council that counts, but whether in-house councils serve more or less legitimate relational infrastructure functions for the specific penal community it is supposed to serve (see Knox and Gambino, 2023). It therefore follows in-house council practice being connected into wider user engagement schemes in a cohesive and holistic organisational 'engagement infrastructure' indicate where "service-user engagement-implementation gaps" (Jones and Bice, 2021, p 1; and cf. Lazega, 2020) are and are not being met. The core significance is to open up the criminological imagination to positioning in-house penal community service-user infrastructures, rather than individual or isolated user engagement initiatives as the core unit of analysis. Our conceptual framing device thereby

facilitates the extension of penal legitimacy investigations into mediating participatory negotiation contexts.

### **Conclusion**

The conceptual contribution of 'engagement infrastructure' offers an additional way of thinking about how participatory mechanisms are embedded within penal systems advocating for a more holistic approach to enabling consideration of how service user infrastructures interact with wider penal logics and service-user citizenship. The broader implication for criminological study is that adopting the infrastructure lens contributes to extending penal policy and legitimacy scholarship into participative service-user engagement and co-ordination efforts.

The theoretical contribution of this study is to challenge existing criminological penal governance theorising's apparent disregard of in-house service-user engagement practice. This study highlights the added value of expanding these established theoretical frameworks into the realm of in-house service-user engagement efforts across the criminal justice sector.

The policy significance of this study lies in its precise conceptualisation of service-users as current community members – as pertinent to informing One HMPPS consistency enhancing alongside localised authority delegation efforts. Ultimately, co-ordinating practices to address service-user engagement-implementation gaps will involve penal institutions engaging directly with their currently affected legally sanctioned penal citizenship claimant communities. Wider implications of acknowledging this binary distinction operates to sensitise criminologists and practitioner sampling and recruitment choices, as this study has underlined there are different dimensions of service-user experience, some more relevant than others to in-house penal community legitimacy negotiation. The appropriate response

from the penal research community is to be transparent regarding this service-user community sampling distinction.

ACCEPTED

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**Ethical considerations**

This study received ethical approval from Sheffield Hallam University Ref. ER49795291 and HMPPS National Research Council Ref. 2023-012&238.

**Consent to participate**

Participants were provided with project information sheets that were discussed openly before consent forms signed and further de-brief sheets provided post fieldwork activities.

**Consent for publication**

Informed consent for publication was provided in writing as part of the consent form by all participants. Participants data was anonymised utilising pseudonyms.

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**Declaration of conflicting interests**

The author declares no potential conflicts of interest with respect to the authorship and publication of this article. For the purpose of open access, the author has applied a Creative Commons Attribution (CC BY) licence to any Author Accepted Manuscript version arising from this submission.

**Data availability statement**

The original qualitative evaluation data supporting the findings of this study are not publicly available due to market sensitive requirements agreed under the evaluation study commissioning agreement.

## Notes

1. HMPs Askham Grange; Hatfield; Haverigg; Kirklivington Grange; Hollesley Bay; Oakwood; Prescoed; Rye Hill; Send; and Warren Hill- All reports available from: <https://hmiprisons.justiceinspectrates.gov.uk/our-reports/>
2. HMPs Manchester; Rochester; Wandsworth; Winchester; Guys Marsh; Bristol; Brixton; Woodhill; Isle of Wight; and Hindley – All reports available from: <https://hmiprisons.justiceinspectrates.gov.uk/our-reports/>

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