

## The statutory presence of the Church of England in prisons should give it a voice on issues of imprisonment, but it remains largely silent

*The formal links between the Church of England and prisons are strongly embedded in legislation and constitutional practice, despite changing patterns of religious practice in society. Despite this, **Peter Phillips** argues, the isolation of many prison chaplains from the mainstream of the church has prevented the Church of England from raising ethical and practical prison concerns in the public forum.*



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The Anglican prison chaplains are the only clergy whose basic duties are prescribed in law. The **Prisons Act of 1952**, section 7(4) requires that “The chaplain and any assistant chaplain shall be a clergyman of the Church of England.” In this it reflects the wording of the 1823 and 1835 Gaol Acts which also defined the duties and activities of the chaplain. These statutory duties remain unchanged today. All prison chaplains, including Anglicans, must visit newly received prisoners within twenty four hours of arrival, visit daily all prisoners under segregation or in the prison hospital and take religious services. These are the statutory duties. Chaplains are also involved in broader pastoral work, supporting prisoners in difficult times, suicide and self harm prevention, community rehabilitation and sometimes liaising with their families. They are chaplains to the whole prison, including staff.

A further Prisons Act in 1877 united what had been a disparate system, one effect being that all statutorily appointed chaplains became civil servants. This remains the case although there are now imams and Muslim women chaplains who are also civil servants. The 1952 Act ignores the disestablishment of the Church in Wales in 1920 and, of course, predates the ordination of women as priests in 1993 (1997 in Wales). The terms of the 1952 Act have also been overtaken by changing patterns of religious practice in a society which is perceived to be both increasingly secular and multi-faith, even if the signs are differently analyzed and interpreted (examples are **Religion & Society**, **British Religion in Numbers**, **Westminster Faith Debates**, **Steve Bruce** and **Grace Davie**). Nevertheless, the post of Chaplain General is still filled by an Anglican priest. Additionally, one of the twenty six bishops who sit in the House of Lords is designated as **Bishop** to

Prisons. The formal, structural links between Church and prisons are therefore strongly embedded in legislation and constitutional practice.

One result of this statutory privilege has been that Anglican (from here on the term “Anglican” denotes both the established Church of England and the disestablished Church in Wales. Scotland and Northern Ireland are not included since each has a separate prison system from England and Wales) chaplains acted as brokers for the ministers of other faiths. Beckford and Gilliat in their **influential study** identified ways in which Anglican chaplains were able to exercise influence over who had access to the prison as well as the provision of resources and facilities. Since the Prison Service chaplaincy conference in 1999 the traditional primacy and broker role of Anglican chaplains has diminished, a change acknowledged by both **Beckford** and Gilliat-Ray in separate articles. However, it remains the case that a majority of full time chaplains, or managing chaplains as some are now known, are Anglicans.

Whilst the hegemony of the Anglican churches is much reduced, Anglican chaplains still represent the largest group among prison chaplains. Surprisingly, perhaps, this is broadly in line with **prisoners’ declared religions**. The caveat here, however, is that HM Prison Service does not now distinguish in its statistics between Christian denominations so that the 41% (July 2016) of prisoners described as Christian may well be Catholic or Pentecostalist rather than Anglican. In my experience very few claim to be Anglicans. It’s not surprising, therefore, that any appearance of Anglican dominance should be contested by Catholics, as it was in 2012 and as it is by Humanists who argue that over 30% of prisoners claim to have no religion.

The relationship between the Church of England and the Prison Service, which are both complex, hierarchical institutions, is contradictory. On the one hand, it is highly formalised and legalistic at a national level; on the other, it appears, as Todd and Tipton **have shown**, that prison chaplaincy can be said to be informally co-constructed in each individual prison; hence the Anglican chaplain is located differently in each individual prison structure. Operative factors seem to be the category of the prison and the gender of its residents and the history of chaplains’ involvement in the life of the prison especially attitudes to officers and support at times of stress. In a number of establishments the Anglican is still regarded as “the” chaplain.

It is not only in the prison structure, however, that the Anglican chaplains are affected by people, place and local custom. My own extensive **research** with Anglican chaplains suggests that their profile in a diocese (a church administrative area under the authority of a bishop) depends to a significant extent on the attitude of the local hierarchy, the bishops and archdeacons, a structure strikingly similar to that of governing governors and functional heads in the Prison Service. Some chaplains are warmly welcomed and included while others are kept on the periphery: as one archdeacon remarked to a chaplain, “We’ll find you a proper job.” Too many chaplains think that they have been effectively abandoned by their diocese and left to get on with it as best they can. Despite the locating influence of local and historical factors in the Prison Service, its characteristics as a rational-legal institution provide at least a base level of consistency which the Church does not. It is hardly surprising, then, that a number of COE chaplains appear to identify more closely with the prison than with the COE.

From my own **research**, I conclude that the Anglican churches of England and Wales frequently miss the opportunity to use their prison chaplains – whom they do not even have to pay – as a resource to inform their ministry and teaching about moral and social issues, and, in turn, to nourish them with their own human and material resources. It is wasteful and short-sighted to suppose that the churches have nothing to learn from their prison chaplains; equally, it is disturbing to conclude that, with the exception of former Archbishop Rowan Williams and a few like minds, they apparently have little to offer in terms of supporting a stressful ministry with the resources of time opportunities for reflection. (Interestingly, a similar observation was made by an imam in a focus group about mosques.) My attempts to establish any kind of research based dialogue with the bishop to prisons have drawn a total blank.



There is a further sense in which the COE fails to engage actively with prisons as public institutions. The relevant sections of the 1952 Prisons Act are well past their sell-by date but until the Act is amended the COE has at least the potential to raise in the public forum ethical and practical issues of sentencing and imprisonment as they affect all people who live and work in prisons. Chaplains, not only Anglicans, see on a daily basis the overcrowding in prisons, the squalor of old and inadequate buildings, the distress of abused women imprisoned inaccessibly far from their children, and the **stress experienced by other prison staff**. There are, rightly or wrongly, twenty six bishops of the established Church of England in the second chamber of government, the House of Lords. Each has right of entry to prisons in their diocese and each has a voice in Parliament, never mind that a concern for prisoners is mentioned twice in the **consecration of bishops**. It would not be difficult to trace a line of communication from the COE chaplains in their multifaith teams and on the prison landings through to the bishops with their constitutional place and opportunity to address ethical concerns in the public sphere.

The COE's primacy in prisons provides a real opportunity to give a voice to issues concerning prisoners and prison staff in the public domain; however, the isolation of many prison chaplains from the mainstream of the church denies this opportunity.

### About the author



**The Revd Dr Peter Phillips** is an honorary research associate at Cardiff University and the Cardiff Centre for Chaplaincy Studies at St Padarn's Institute, Llandaff. He is a retired full time Anglican prison chaplain who worked in all areas of the prison estate.

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