



Through the Prison Gate

A Joint Thematic Review
by HM Inspectorates of
Prisons and Probation

2001

Foreword

The connection between public protection and the prevention of reoffending is central to Government policy. The White Paper, *Criminal Justice: The Way Ahead*, talks of “tackling the underlying causes of criminal behaviour through and during sentence”. The Halliday review of the sentencing system, *Making Punishments Work*, calls for a “framework to support the work of the prison and probation services to reduce reoffending”. It also recommends that the boundary between custodial and community sentences be further blurred, a proposition which depends crucially on the development of a collaborative strategy between the probation and prison services.

Since the establishment of the National Correctional Policy Framework, progress has been made to increase cooperation but there is currently no strategy for implementation of the framework. This is not to say that none of the ingredients of a good resettlement strategy exist, or that there are no practices to be emulated – there are both, and the report highlights several examples. But there is no overall strategy. The resettlement needs of many prisoners are being severely neglected and further, many offenders continue to be released without having addressed their offending behaviour, a deficiency that is seldom made up following release.

The core message of this report can therefore be stated very simply. It calls for a national strategy to be drawn up and implemented and identifies some of the changes necessary in the systems, approaches and priorities of both the prison and probation services to support cooperative and targeted work and achieve the effective resettlement of offenders sentenced to imprisonment. We do not underestimate the changes in culture and the resources that will be needed to make such a strategy effective, rather than aspirational. This is a challenge not only to the two services – separately, working together and with others – but to Government and society at large.

A word about terminology. In common with others we use the term “resettlement” to refer to a long tradition of work whose essential aim is the effective reintegration of imprisoned offenders back into the community beyond the period of any licence to which they may be subject. There will be those who look to older terminology – such as aftercare and throughcare – and who may see the use of resettlement as an example of a general tendency to introduce less tender or morally more neutral language. Others may feel that resettlement is as much open to objection as rehabilitation and reintegration on the grounds that it implies restoration of a condition that never was: many imprisoned offenders were not habilitated, integrated or settled prior to their incarceration. We understand these doubts. But we nevertheless favour the use of resettlement. It focuses attention on the desired outcome as well as the processes which allegedly promote the outcome. Further, if resettlement implies a more modest assumption regarding prisoners’ prior condition, we think there is merit in that.

Effective resettlement is vital to the prevention of further offending. It is true that the community at large enjoys respite from the criminal behaviour of active offenders while they are in prison, and this consideration is at the forefront of most people's minds when serious offenders are sentenced to long terms of imprisonment. But most offenders are not convicted for the vast majority of offences they commit, and if they are caught, sentenced and sent to prison (it needs to be remembered that imprisonment is a sanction applied to only a small minority of offenders), their incarceration is typically brief. Just over three-quarters of all offenders sentenced to immediate imprisonment are sentenced to two years or less. In practice, taking into account remand and release provisions, more than four-fifths of all offenders sentenced to imprisonment are released within 12 months of sentence. Therefore, the prison population is mostly a very high turnover population, and if these prisoners return to offending on release – and currently half are reconvicted, let alone reoffend, within two years – the respite for the community from their activities is relatively brief. It may be more a matter of offences delayed than prevented. That delay may be longer for the minority of long-term prisoners but, except for a small number of life sentence prisoners who may never be released, it is still only a delay.

The point is this. Unless something is done to tackle the causes of offending behaviour, and the social and economic exclusion from which it commonly springs, and to which it contributes, prisons will continue to have revolving doors, and the public will not in the long term be protected.

Our findings on resettlement are clear. Firstly, insufficient priority is given by the prison service to resettlement work and outcomes. It is not enough to draw up sentence plans: they will remain only paper exercises unless prison staff are able to engage with and motivate prisoners, and to provide the appropriate interventions. This is what we describe as a case management approach: assessing the risks and needs of each individual and ensuring, through regular contact with a dedicated prison officer, that they are provided for, progressed and regularly reviewed. It requires standards and targets to be set for prisons, as well as prisoners, so that the provision of adequate time and resources is not an optional extra, but a baseline requirement. These targets and priorities will need to vary for different kinds of prison. It also requires the prison service to pay much more attention to locating prisoners close to home, at least towards the end of sentence, so that links can be retained or built up with family, probation and other services, and accommodation and employment opportunities maximised. We recognise, of course, the difficulty faced by the prison service, given that it has no control over the number of prisoners sent by the courts.

Secondly, probation areas too need to re-order their priorities. At present, their main focus is on those serving their sentences wholly in the community. Their contact with sentenced prisoners is not based on risk and need assessments and sentence planning and the respective roles of prison and probation staff during the custodial period require clarification.

Thirdly, the recent focus of prisons on security, and of the probation service on risk of harm, has allowed resettlement needs to be under-prioritised. Security and harm must, of course, be key priorities for both services. But effective resettlement is also essential to public protection and requires risk to be balanced against the need to

instil and encourage responsibility. This is a difficult balance that necessitates rigorous assessment and management; but the limited and uneven use of home detention curfews, or of opportunities to work outside prisons, suggest that it is not being struck properly. In addition, the absence of a public protection policy has resulted in inconsistencies of practice with regard to the assessment and management of offenders. A clear steer is needed from the management of both services on the priority that is to be given to resettlement in relation to their other responsibilities of protecting the public from the risk of harm and of reoffending.

Fourthly, there needs to be much better liaison between prisons and probation areas, and indeed between prisons and prisons, to prevent work being duplicated or, more commonly, not being carried out or followed through. There is a general lack of trust in the sentence plans or assessments made by others. Those receiving prisoners or ex-prisoners cannot assume that the work which should already have been carried out has been and programmes begun in prison (on drugs, offending behaviour or education and training) are rarely followed through on the outside.

Fifthly, we do not believe that either service makes best use of the resources that are available within the community or in partnership with non-governmental organisations. Community links are a vital part of the national and regional strategy we recommend. The report promotes the proper use of the voluntary sector, which at present is too often tolerated, rather than welcomed, and may operate under fragile financial arrangements which expect much to be delivered for little return, and which are often the first and the easiest victims of efficiency savings and budget cuts.

Finally, and most importantly, both services are at their weakest when dealing with short-term prisoners, particularly those serving sentences of 12 months or less. In prisons, they are likely to serve their sentences in under-resourced, overcrowded, local prisons, and are liable to be moved suddenly away from their home region in order for the prison to accommodate new arrivals and remand prisoners. They are likely to have few opportunities for purposeful work, acquiring educational or work skills, or seeing through offending behaviour programmes. On release, the probation service has no statutory responsibility to deal with them at all, and therefore is unlikely to be able to find the resources to do so.

Yet these offenders are not only the most numerous, they are also likely to have the greatest resettlement needs (in relation to mental health, abuse of drugs including alcohol, debts, and lack of accommodation, employment, education and labour market skills); and are most likely to reoffend and thus be reconvicted. Because these unmet resettlement needs are associated with the majority of released prisoners, they are of critical importance when it comes to the misery which people feel when they become the victims of volume crime. The social harm they cause may not be grave in each individual case but the incremental, corrosive harm of unprevented volume crime is great. It promotes mistrust, fear and anger and contributes to the widespread public perception that the criminal justice system fails to protect.

However, there are, as everyone in the field knows, no quick or easy fixes for dealing with repeat offenders, who often have a multiplicity of problems and needs that are far outside the reach of the prison or probation services. The task for both services is

to take every opportunity to assist and motivate those who may not yet be able or ready to change.

Though our report provides clear evidence of problems and the absence of an overarching strategy for resettlement, it also pushes at a door which we believe is open. Measures have already been taken, and much thinking has been done. A National Correctional Policy Framework has been established and a common assessment method for the prison and probation services, OASys, has been developed that is due to be rolled out nationally within the next year. The prison service has drafted a new resettlement Prison Service Order and is carrying out preliminary work to establish a baseline for a key performance indicator for resettlement which will measure the key integration factors of work and accommodation. Pathfinder resettlement projects, some of which are run in partnership with non-Government agencies, are trying out and evaluating “through the prison gate” initiatives, with short-term offenders. In individual prisons and regions, examples of good practice can be found and need to be supported, evaluated and disseminated. These and other measures should facilitate formulation and implementation of a national strategy for prisoners of all sentence lengths.

This is the second thematic review to be jointly undertaken by the Prisons and Probation Inspectorates and, as our observations above suggest, the topic of prisoners’ resettlement could not sensibly have been undertaken other than jointly. We anticipate further collaborative working on other topics in the future. Both of us took up our posts after the planning, data collection and analysis for this report had been completed, so we are the beneficiaries of our predecessors’ earlier work. We would like to thank Sir Graham Smith and Sir David Ramsbotham for having had the vision to plan, organise and see almost to completion a report that we both consider to be of vital importance for the future work of the two services, and the effective resettlement of prisoners.

ROD MORGAN
Chief Inspector of Probation

ANNE OWERS
Chief Inspector of Prisons

Contents

	Page
Acknowledgements	9
1. INTRODUCTION, AIMS AND OBJECTIVES	11
2. SUMMARY OF FINDINGS AND RECOMMENDATIONS	17
3. BACKGROUND AND CONTEXT	27
4. THE SEAMLESS SENTENCE – PRE AND POST-RELEASE	39
5. ADDRESSING OFFENDING BEHAVIOUR	57
6. SOCIAL INTEGRATION	71
7. HOME DETENTION CURFEW	95
8. THE ASSESSMENT AND MANAGEMENT OF RISK	109
9. AUTOMATIC UNCONDITIONAL RELEASED PRISONERS	125
10. MANAGEMENT ISSUES	133
Appendices	145
Glossary of abbreviations	161

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Monica Lloyd
HM Inspector of Prisons

Liz Calderbank
Claudia Lewis-Moore
HM Inspectors of Probation

Colin Allen
HM Deputy Chief Inspector of
Prisons

Frances Flaxington
HM Acting Deputy Chief Inspector of
Probation

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1. INTRODUCTION, AIMS AND OBJECTIVES

- 1.1 The successful resettlement of offenders into the community is a challenging but central aim of both the prison and probation services and requires effective collaboration. This review of resettlement was therefore conducted jointly by Her Majesty's Inspectorates (HMIs) of Prisons and Probation.
- 1.2 The aims were to assess the effectiveness of:
- collaborative arrangements in resettling offenders into the community
 - the resettlement of offenders, drawing out/highlighting good practice, as well as exploring future strategies likely to reduce reoffending.
- 1.3 Its objectives were to examine:
- the extent and nature of current work with automatic unconditional released (AUR) offenders serving 12 months or less and explore the potential for further development
 - the quality of initial assessments in automatic conditional release (ACR) and discretionary conditional release (DCR) cases for those serving longer sentences, how and when they are used focusing upon:
 - a) offence related and other needs
 - b) risk of harm and reoffending
 - how well identified needs were addressed during the prison sentence, focusing upon:
 - a) the availability, extent and appropriateness of resources
 - b) provision to address offending behaviour, related problems and victim perspectives
 - c) the extent of contact with families and its potential for future development to assist resettlement
 - the role that paid work and reparation in prisons could play in the resettlement process
 - the role of open, resettlement and local prisons in the strategic and cost-effective use of the prison estate to aid resettlement and the potential for further development
 - the prevalence and value of national pre-release training courses
 - whether pre-release plans were appropriately informed by the issues identified prior to and during the course of the prison sentence and successfully implemented
 - the appropriate use of and compliance with additional licence requirements
 - the extent to which Home Detention Curfew (HDC) was being used as part of resettlement

- the extent and nature of use of voluntary agencies in supporting resettlement
- the effectiveness of the supervision of offenders on licence including:
 - a) the management of identified risks of harm and of reoffending
 - b) the availability, extent and appropriateness of resources, to address outstanding employment, training, education, accommodation and other identified needs
 - c) the effectiveness of provision to address offending behaviour, related problems and victim perspectives
 - d) the extent of contact with families and its potential for future development to assist resettlement
- the progress made in the application of What Works principles to work with offenders who receive short and long-term prison sentences.

1.4 It was agreed that the review would be restricted to the examination of current provision for sentenced adult prisoners, male and female, and would exclude young offenders, juveniles, unsentenced prisoners and lifers whose resettlement had either been recently addressed¹ or was due to be examined in forthcoming reviews. Dispersal prisons were also excluded because of the presumption against the release of prisoners from these institutions directly into the community, although comment is made on issues relating to public protection and resettlement for prisoners released from high security establishments.

1.5 The experience of offenders from minority ethnic groups was explored by ensuring that they formed a proportionate part of the questionnaire and interview samples for both men and women.² In addition, provision for female offenders and those from minority ethnic groups was considered during fieldwork visits.

1.6 Very little reparation work was encountered during fieldwork and only limited paid work. There is scarce comment therefore on this objective in the report.

Definition of resettlement

1.7 The definition of resettlement agreed by the Association of Chief Officers of Probation (ACOP) was adopted for the purposes of the thematic review:

“A systematic and evidence-based process by which actions are taken to work with the offender in custody and on release, so that communities are better protected from harm and reoffending is significantly reduced. It encompasses the totality of work with prisoners, their families and significant others in partnership with statutory and voluntary organisations.”

¹ *Lifers: A Joint Thematic Review by Her Majesty’s Inspectorates of Prison and Probation (1999). Unjust Deserts: A Thematic Review by HM Chief Inspector of Prisons of the Treatment and Conditions for Unsented Prisoners in England and Wales (2000).*

² See Appendix 3. An inspection on the promotion of race equality had been undertaken by HM Inspectorate of Probation in 2000 (*Towards Race Equality – Report of a Thematic Inspection*) and a specific review of prisoners from minority ethnic groups was planned by HM Inspectorate of Prisons for the future.

Methodology

- 1.8 The project was designed jointly by HMI Prisons and Probation to ensure that the resettlement work carried out in the prison and probation services was complementary. Representatives from each service, other organisations and the Inspectorates formed an advisory group for the review. Members assisted in planning the review and fieldwork and commented on drafts of the report. Standards and criteria were developed for probation fieldwork based on official guidance issued to the prison and probation services by the Home Office, Probation National Standards 2000 and informed by work undertaken by ACOP. Prison fieldwork took account of HMI Prisons Resettlement Expectations.³
- 1.9 Visits were made to eight probation areas⁴ and to 16 prisons⁵ in the summer and autumn of 2000, selected to represent a good mix in terms of size and geographical coverage. As far as possible, the prisons visited commonly released prisoners into the probation areas selected. Details of the work undertaken in the prisons are shown in Appendix 3.
- 1.10 The review was also informed by previous visits to open and resettlement prisons and by regular inspections of the prison and probation services. Other departments were also consulted such as the Social Exclusion Unit (SEU), the National Probation Directorate (NPD), ACOP and other non-Government organisations involved in resettlement work.

Prison fieldwork⁶

- 1.11 In all 16 prisons visited, questionnaires were given to all prisoners to be discharged in the following month. These were designed to ascertain whether the respondents thought their resettlement needs had been addressed during sentence and how prepared they felt for release. In total, 470 completed questionnaires were collected, from 54 women and 416 men. The survey was also analysed to compare male recidivists (defined as those with five or more previous prison sentences), repeat offenders (those with between one and four previous prison sentences) and first timers (those who were serving their first prison sentence). This questionnaire is referred to in the text as the “prisoners’ survey”.
- 1.12 In addition, one-to-one, semi-structured interviews were carried out with 146 men in seven local prisons who were known to have been released from a previous sentence of less than 12 months within the last two years. Interviewees were asked about their experiences on their last sentence and on release, the services they had received and

³ See Appendix 2 and *Expectations: Criteria for assessing the treatment of and conditions for prisoners*, Annual Report of the Chief Inspector of Prisons for England and Wales: London HMSO (2001).

⁴ Devon, Durham, Kent, Leicestershire & Rutland, Inner London, Greater Manchester, Staffordshire and West Glamorgan.

⁵ Consisting of seven local prisons (Canterbury, Exeter, Leicester, Liverpool, Parc, Pentonville, Wandsworth), six category C prisons for adult males (Ashwell, Channings Wood, Featherstone, Highpoint, Stafford, The Weare) and three establishments for women (Brockhill, Eastwood Park, Highpoint).

⁶ Details on which aspects of the fieldwork were carried out in each establishment are given in Appendix I together with details of the questionnaire and interview samples.

what additional help might have prevented them from returning to prison. The interviews were designed to explore resettlement issues for repeat short-term offenders who received no statutory supervision from the probation service after release. However, many of the emergent themes and findings proved to be of broader relevance to other longer serving prisoners. This sample of discharged AUR prisoners is referred to in the text as the “interview sample”.

- 1.13 In 11 of the prisons visited, a meeting was held with staff involved in resettlement, including the throughcare manager, sentence planning staff, those providing offending behaviour group work and HDC, personal officers and seconded probation staff. A schedule of questions was designed to explore the practical issues associated with the resettlement of prisoners.
- 1.14 During fieldwork, a random sample of 180 sentence plans from three prisons for female offenders and eight prisons for adult male offenders was examined and their quality assessed. This included checking if the documentation was complete and had been accomplished within the required time period, whether there was evidence of a contribution from the supervising probation area and an appropriate focus on offending behaviour and reducing risk.
- 1.15 In addition to fieldwork, a survey was sent to the Governors of all adult prisons, excluding dispersal prisons, requesting information on current resettlement provision. It explored the management of resettlement in prisons, examples of good practice and Governors’ views on current issues, both in their establishment and nationally, and on how improvements could be achieved. All except one of the 102 questionnaires distributed were returned and analysed.⁷ Although the questionnaires were not sent to Governors of Young Offender Institutions (YOIs) data on young adult offenders were included in the information supplied by the small number of prisons holding both adult and young prisoners.

Probation fieldwork

- 1.16 Meetings were held with the Chief Officer (CO), members of the Probation Board and staff involved with resettlement work at all levels to learn of the issues facing those responsible for delivering resettlement to ex-prisoners in the community, and to identify good practice.
- 1.17 A sample of 260 case files,⁸ which included both prison and probation records, was examined to collect information on contact with offenders during their prison sentence and following release. In 161 cases (62%) the licence had already terminated. A one-day file reading exercise involving practitioners and managers was undertaken in each probation area visited.
- 1.18 Questionnaires were sent to the 260 offenders whose case files had formed part of the file reading exercise and to their supervising officers. Only 37 completed questionnaires were returned, a response rate of 14%, which was too low for the data to be considered

⁷ The one prison not returning a questionnaire explained that this was because they had only been in operation since January 2000.

⁸ See Appendix 3 for details of the case sample.

truly representative and to be used to inform this report. One hundred and seventy-four (67%) supervising officers returned their questionnaires, and the results of these are incorporated in the report. In addition, 36 offenders who were currently under supervision were interviewed about their time in custody and licence plans.

- 1.19 A structured schedule of questions was developed and piloted in Gloucestershire for use in probation fieldwork. The completed schedule, together with an analysis of the local file reading results, was sent to each CO, and a summary of the key issues provided for each Probation Board.
- 1.20 Following the creation of the National Probation Service for England and Wales in 2001, the new terms of probation areas and COs are used in this report.

2. SUMMARY OF FINDINGS AND RECOMMENDATIONS

The seamless sentence – pre and post-release

- 2.1 Where available, probation court reports were used appropriately to inform sentence plans and, those on file, usually accorded with sentence plans. In the absence of a report from the court, the inconsistency in whether and when home probation staff were allocated meant that the opportunity to communicate relevant information was not available in some cases. Supervising probation staff judged available sentence planning information to be satisfactory or very good in most cases.
- 2.2 Arrangements for completing sentence plans varied considerably between prisons. Sentence planning had become an established process but was not fully effective in a significant proportion of cases. Three-quarters of initial sentence plans contained targets to address offending behaviour, risk and other needs but only about a third were judged to have done this satisfactorily or well. Almost all were reviewed as required, but targets were judged to have been met completely or in part in only two-thirds of cases. The absence of a requirement to monitor the quality of sentence plans by either service meant that neither was in a position to assess the effectiveness of the sentence planning process.
- 2.3 Without a shared protocol, each service considered the role of risk assessment to be theirs alone. Many probation staff lacked confidence in the ability of prison staff to undertake risk and needs assessments, and a similar lack of trust existed between prisons. There was insufficient liaison both between prison staff and with home probation staff and voluntary organisations, and the potential for personal officers to act as case managers working alongside probation staff, psychologists and other relevant staff was not being realised. Cases were not prioritised according to risk and needs assessments, and the absence of a case management approach hindered effective sentence planning and implementation.
- 2.4 There was a lack of clarification regarding the appropriate role of home probation staff during the different stages of sentence. Their work was poorly integrated into initial sentence plans, although this improved as the sentence progressed, with some good examples of collaborative working found. The problem of prisoners being located far from home impeded work by probation staff and affected family relationships, though the movement of prisoners subject to sentence planning took place less frequently than commonly supposed.
- 2.5 A supervision plan following release had been prepared by probation staff in almost all cases, and they were fully or to some extent consistent with the sentence plan in 96% of cases. It was apparent that the majority of areas gave slightly greater attention to offence related work with ex-prisoners than to other needs in the supervision plan. This approach was consistent with the emphasis placed on public protection, but it was worrying that no work had been undertaken to address either offence or non-offence related needs in about one-fifth of cases given that file readers identified them in over

90%. Less evidence was found of work to address the offence related needs of offenders from minority ethnic groups, who were also less likely to receive a home visit after release than white offenders. The level of contact with offenders after release conformed with national standards requirements in most cases but breach action had been taken in just half of all relevant cases.

Addressing offending behaviour

- 2.6 Although the provision of accredited and non-accredited programmes was widespread in prison, a strategic approach had not been developed, and too many offenders were leaving prison without their offending behaviour having been addressed. The results of resettlement pathfinder projects⁹ were eagerly awaited but, in the interim, probation areas were faced with working with a significant number of ex-prisoners whose offending behaviour had not been addressed during the course of their sentences. Insufficient attention had been given by many probation areas in their What Works strategies to work with these offenders, particularly those subject to short periods of licence.
- 2.7 A balance was needed to meet clinical and offending behaviour needs in those offenders with mental health problems. This was particularly evident in those who had suffered early abuse and neglect. However, there was some evidence that programmes addressing emotional as well as the cognitive and behavioural areas were being developed, but the influence of the environment in which treatment was delivered, including the attitude of staff, needed to be recognised and treatment work supported by a case management approach.
- 2.8 Levels of drug misuse were found to be highest amongst repeat short-term and women offenders. Most prisoners with drug problems had received, as a minimum, contact with a Counselling, Assessment, Referral, Advice and Throughcare (CARAT) worker and detoxification, but the level of satisfaction with detoxification was low. There were signs that the CARAT strategy had increased the level of contact between prisoners and drug treatment providers, although there was an insufficient range of interventions in the community to meet the level of demand for treatment or provide the crucial aftercare that was intended.
- 2.9 Alcohol use, as drugs, was implicated in the offending of many prisoners, particularly violent and sexual offending, and was high in short-term repeat offenders who were also those least likely to accept that they needed help. Women offenders identifying themselves as problematic drinkers were much more likely than men to admit to needing help. Insufficient interventions were available, and continuity of treatment following release was rarely achieved.

⁹ Pathfinders were established at Birmingham, Hull, Lewes, Low Newton, Spring Hill/Woodhill, and Wandsworth prisons in January 2000 and at Parc prison in April 2001.

Social integration

- 2.10 Important initiatives to improve the housing of ex-prisoners cut across other programmes designed to enhance community safety and many local authorities were reluctant to accept potentially problematic tenants unless they met agreed criteria for vulnerability which currently does not include ex-prisoners. Although there was a range of services in prisons and the community, these were not consistently available and examples of good practice had not been formally evaluated and spread. Feedback from prisoners and the examination of probation case files suggested that finding stable accommodation for release remained a widespread problem. However, some offenders appeared to lack the motivation required to address their accommodation problems or were unrealistic in their expectations.
- 2.11 Previous studies showed that a considerable proportion of prisoners had educational difficulties and the acquisition of basic literacy and numeracy skills had been identified as a priority for both the prison and probation services. Although considerable emphasis was being placed by the prisons on the provision of courses leading to a qualification, examination of the probation case files showed that only a small number of offenders planned specifically to undertake or continue in education or training on release. Significantly, new targets for educational/vocational qualifications had been set for both the prison and probation services, which needed to be delivered alongside other measures to increase the skills of offenders and their social integration.
- 2.12 The review showed that almost two-thirds of the prisoners in employment at the point of sentence lost their job as a result of their imprisonment. Work was ongoing within prisons to support effective resettlement, with the aim of doubling the proportion of prisoners to find employment on release, and efforts were being made to improve the relevance of work experience provided in the prisons. A number of promising schemes had been established by probation areas aimed at helping offenders find work following release which required further evaluation.
- 2.13 Almost a fifth of prisoners experienced problems with rent arrears, unpaid bills and fines. The greatest need was for help with benefits and rent arrears. Although little provision existed in the majority of prisons to assist prisoners with their financial problems prior to release, the review identified a small number of prisons where work was being undertaken. Despite the prevalence of monetary problems amongst prisoners, financial needs were identified in only a small proportion of probation case files, although some areas had set up specific arrangements to provide financial advice and assistance to offenders. It was of concern that the extent of the need described by prisoners was not being identified or addressed by either the prison or probation services given its potential to undermine other resettlement work.
- 2.14 Although good examples were found in individual prisons and probation areas of work to address social integration issues, there was a lack of consistency in provision and coordination of effort nationally to harness the potential of prison and probation staff, voluntary and other organisations. It was difficult to assess the impact of initiatives on the resettlement of offenders.
- 2.15 Contact with families and friends was limited and the minimum statutory entitlement of two visits per month was only taken up by about half of all prisoners, which required

some exploration. Visits were seen as a privilege rather than as a right or positive influence on resettlement and the emphasis on the number of visits rather than their quality detracted from their value. No statutory agency was responsible for the interests of prisoners' families and this fell to charities and pressure groups. Surveys have indicated that a significant number of families want to be more involved in sentence planning and preparation for release, and this was shared by a third of prisoners sampled for this review.

Home Detention Curfew

- 2.16 The HDC scheme had proved able to identify offenders who could successfully complete a curfew period and recall and reconviction rates were consistently low for offenders placed on the scheme. However, there was considerable variation in release rates between prisons of the same functional type, suggesting that different levels of risk aversion applied and that the full potential of the scheme was not being realised.
- 2.17 Prison and probation staff and offenders were generally positive about HDC, though several Governors had reservations about its resettlement value without some other form of oversight. Probation staff generally considered that it assisted with resettlement and strengthened the period of supervision in the community.
- 2.18 There was no evidence that HDC alone had reduced the overall rate of reconviction. However, it was considered to have the potential to support the resettlement of longer-term and higher-risk prisoners and there was widespread support for the new powers, brought in by recent legislation, making it available as part of a package of post-release conditions.

The assessment and management of risk

- 2.19 Although the two services shared a common purpose to identify and reduce risk of harm and reoffending, their differing priorities detracted from the extent to which they could meet their joint responsibilities. The prison service was most concerned with maintaining security and control and probation areas with the management of risk of harm in the community. It was intended that the implementation of the Offender Assessment System (OASys)¹⁰ would focus the services on the same areas of risk and need and, without diverting attention from security, allow cases to be prioritised according to a dynamic assessment based on risk of harm.
- 2.20 Public protection issues were in most cases given high priority. However, in the absence of an agreed national policy both the prison and probation services had developed various differentiated approaches which often prioritised intervention by length of sentence rather than the risk assessment. Criteria for the registration of high risk of harm cases differed between probation areas and surprisingly little correspondence was found in many cases assessed as high risk of harm by their supervising officer and those actually placed on the high-risk register. The use of different criteria had impeded the

¹⁰ Joint prison and probation tool for offender assessment.

development of a shared understanding of risk and the purpose of registration by probation areas, to target resources as well as management attention, had been lost.

- 2.21 All the probation areas visited had developed comprehensive policies for assessing and managing risk of harm for offenders subject to supervision on licence and the quality of their assessments was considered satisfactory in the majority of cases. The absence of a risk management plan prior to release in a significant number of cases identified as high risk of harm was of concern, as was the failure to review risk assessments in about a quarter of cases.
- 2.22 The use of additional licence conditions varied considerably both within and between areas. Only three of the areas visited had produced any guidance to staff on their use and none routinely monitored their deployment or enforcement. There was insufficient use of additional licence conditions to prevent reoffending and protection of the public, and attention was given to the views of victims in too few cases. The use of hostels was an important element of plans to manage offenders assessed as high risk of harm, and the lack of a range of suitable accommodation was identified by managers and practitioners in all areas as an ongoing problem.
- 2.23 All probation areas and most prison area managers were signatories to multi-agency public protection protocols for managing high risk of harm offenders in the community. Awareness of these arrangements amongst prison staff was low and staff attending meetings often did not have first-hand knowledge of the offender and of work undertaken in prison. There were a number of positive examples found of multi-agency liaison and cooperation to manage high risk of harm offenders in the community.

Automatic unconditional released prisoners

- 2.24 Short sentenced prisoners were the greatest proportion of prisoner discharges, who displayed the highest level of resettlement need and received the least intervention from either the prison or probation services. The length of their sentences prevented them from taking advantage of interventions designed for longer serving prisoners. Prisons were mostly aware of the inadequacy of their resettlement provision and a number had developed improvement plans for which they were seeking funding. Probation areas were not funded to provide any intervention after release and, although some encouraged voluntary contact, the majority only responded if contacted by the prisoner.
- 2.25 It was positive that provision had been made by all probation areas visited for intervention with AUR prisoners identified as high risk of harm. Partnership arrangements were open to these offenders in most areas though not widely used by them, and only one of the areas visited had made specific provision for AUR prisoners through a voluntary organisation. The new requirement to assess AURs serving more than three months for HDC identified concerns which could not always be addressed where prisoners' needs had to be balanced against the availability of resources. The pathfinder projects established across England and Wales, designed to be delivered "through the prison gate", promised to identify good practice.
- 2.26 This review established that the main offences of AURs were generally of a less serious nature and were linked with alcohol and drug misuse, cognitive deficits and a failure to

achieve or sustain stability in the community. Imprisonment had not in itself impacted on offending patterns, which needed to be addressed by proven interventions delivered either in the community or “through the prison gate” as appropriate. Both would require a case management approach supported by some form of supervision in all cases.

Management issues

- 2.27 A commitment to meeting and resourcing shared responsibilities for protecting the public and delivering resettlement was made in the National Correctional Policy Framework of 1999,¹¹ and work had taken place to achieve better integration, although barriers remained to the achievement of shared outcomes. However, contracts for the delivery of probation resources to prisons were still made between individual Governors and COs and ignored the regional context, although limited work had been undertaken in some areas to address this issue.
- 2.28 As the prison population had risen rapidly, the prison service had tried to protect the regimes in training prisons from overcrowding. However, this had resulted in the short notice movement of prisoners out of local prisons, and often out of the locality, even if they were nearing the end of sentence. This made it difficult to provide effective resettlement for AURs and short sentenced ACRs. The delivery of effective sentence management was hampered by the absence of a case management approach. Local prisons had the potential to carry out a particular role in the resettlement of prisoners from the immediate locality. In addition, the different functions of open and resettlement prisons required clarification.
- 2.29 Confusion existed as to the proper role and membership of Resettlement Policy Committees (RPCs) and no system was as yet in place to hold them accountable. Consideration was needed to the provision of a range of specialist resources, including psychologists, to ensure they complemented the resettlement process. Despite some examples of excellent practice, partnership arrangements between prisons and outside agencies were not widespread and there was little incentive for change.
- 2.30 Governors identified resources and distance from home as major barriers to good practice, although this review identifies the lack of an implementation plan to support the National Correctional Policy Framework to be the major obstacle to effective resettlement.
- 2.31 Although the business plans and resettlement policies of some of the probation areas visited lacked direction, all had objectives and practice guidance for this area of work. Practice in a number of areas was in the process of transition and there was increasing specialisation and differentiation in resettlement delivery, and a growing emphasis on case management and effective practice. Most of the areas visited made appropriate use of probation service officers (PSOs) in both pre and post-release work with medium and low-risk offenders. A combination of measures was in use to ensure compliance with policy and standards, although there was an absence of quality assurance methods for sentence planning. Information on the race and gender of resettlement cases was not routinely scrutinised and it was difficult to see how it could be determined whether services were free from discrimination.

¹¹ Home Office The Correctional Policy Framework: *Protecting the Public* (1999).

Recommendations

2.32 It is therefore recommended that:

1. *The Home Office should produce and implement a resettlement strategy to deliver the National Correctional Policy Framework in both the prison and probation services. It should include:*
 - (a) *the priority to be given to resettlement work and how this is to be delivered by the regions, bearing in mind the range of different offenders and the importance of closeness to home prior to release;*
 - (b) *outcome targets and performance measures for offenders of different ages, offence categories, gender, and ethnicity;*
 - (c) *requirements for monitoring, quality assurance and evaluation of resettlement activity;*
 - (d) *the appropriate use of local, open and resettlement prisons within the prison estate. (Para 10.40)*

2. *The Home Office should, in reviewing the sentencing framework, take account of the findings of this review and address the position of short-term prisoners to ensure public protection and effective resettlement through provision of:*
 - (a) *risk and need assessments;*
 - (b) *appropriate interventions to raise and sustain offenders' motivation to change;*
 - (c) *interventions for drug and alcohol misuse;*
 - (d) *educational and vocational opportunities;*
 - (e) *assistance with housing, debt and relationship difficulties;*
 - (f) *statutory supervision following release, where required, and using partnership and other resources to build on work undertaken in prison. (Para 9.29)*

3. *The Prison Service should produce and implement a national What Works resettlement strategy, and the NPD should review its What Works strategy in relation to offenders supervised on licence. The two services should work together to achieve consistency and continuity in preventing reoffending and reintegrating offenders into the community, by ensuring that the strategy:*
 - (a) *takes account of risk and needs assessments, including mental health needs;*
 - (b) *is based on a case management model;*
 - (c) *gives equal attention to meeting offence and other needs before and after release;*
 - (d) *utilises a range of resources, including those of voluntary organisations, that should be coordinated at both a national and regional level;*

- (e) *facilitates quality contact with families and friends, volunteer visitors or mentors who can contribute to resettlement and continue to offer support after release;*
 - (f) *addresses the different needs of minority ethnic offenders and women offenders. (Para 5.52)*
4. *The Prison Service should develop and adopt a case management approach to assist in the implementation of sentence plans. It should identify the role and responsibilities of personal officers working with prison, probation staff and others and be supported by appropriate training and management oversight. (Para 4.60)*
 5. *The Prison Service and NPD should review the respective roles of prison and probation staff, assigning the lead role to prisons during the custodial period and identifying the appropriate contribution to be made by probation staff at different stages of the prison sentence. (Para 4.60)*
 6. *The Prison Service should develop a strategy to ensure that prisoners can be located closer to home, where appropriate in the months before release, to facilitate their resettlement. (Para 4.60)*
 7. *The Prison Service and NPD should work together to develop a coordinated partnership plan, at a national and regional level, which is monitored to assess its impact on the resettlement of offenders as part of their What Works resettlement strategy. It should include:*
 - (a) *the identification of a range of appropriate partnerships to address offending behaviour and related needs;*
 - (b) *assistance in securing suitable housing for prisoners after release, taking account of risk and need assessments;*
 - (c) *continuing education opportunities after release building on progress made in prisons;*
 - (d) *the expansion of real wage schemes and work experience in the community before release;*
 - (e) *access to advice on debt management and benefits;*
 - (f) *the identification, evaluation and dissemination of good practice in increasing the number of offenders achieving suitable employment and accommodation after release. (Para 6.83)*

8. *The Prison Service and NPD should, in collaboration with other organisations, develop a joint strategy for drug and alcohol misuse, which includes:*
 - (a) *a strong emphasis on motivational elements to increase readiness to engage in treatment;*
 - (b) *differential provision to address individual risk and need in both prisons and the community;*
 - (c) *development of a shared KPI identifying the number entering prison with a substance misuse problem, who leave prison drug and alcohol free and who remain so at the end of the licence period. (Para 5.52)*

9. *The Prison Service and NPD should provide further guidance on the role of HDC, clarifying expectations regarding its use as part of What Works and public protection strategies giving consideration to:*
 - (a) *the circumstances in which a pre-sentence curfew suitability assessment should be undertaken;*
 - (b) *the identification of targets for release on HDC;*
 - (c) *ensuring that action for prisoners considered unsuitable for release on HDC on the grounds of risk are adequately covered by public protection procedures;*
 - (d) *the accommodation needs of those refused HDC on the grounds of the unsuitability of their accommodation;*
 - (e) *the monitoring of HDC referrals and decision by ethnicity, gender and sentence category. (Para 7.41)*

10. *The Prison Service and NPD should ensure with others that a national public protection policy is developed for the assessment and management of risk in all cases, including those serving short sentences, spanning the period in custody and after release and is based on a shared dynamic assessment of risk of harm and of reoffending. It should address:*
 - (a) *the balance that should be struck between avoiding the risk of escape and facilitating the resettlement of high risk of harm offenders;*
 - (b) *the appropriate use of additional licence conditions and HDC to address offending behaviour and protect potential victims;*
 - (c) *the provision of suitable and sufficient accommodation to meet the risk and resettlement needs of high-risk offenders. (Para 8.56)*

3. BACKGROUND AND CONTEXT

The origins of resettlement

- 3.1 The first attempts to promote successful resettlement, through aftercare for offenders, began as a voluntary activity carried out by the Discharged Prisoners' Aid Societies (formed into a national body in 1936) and with police court missionaries – the early forerunners of probation officers. In 1948 the Criminal Justice Act charged the probation service with the statutory aftercare of prisoners released from preventive detention and corrective training. The transfer of other forms of aftercare to statutory agencies was subsequently considered by the Maxwell Report of 1953¹² but did not pass to the newly expanded Probation and Aftercare Service until 1963, following the Advisory Council's report on the Organisation of Aftercare.¹³ At the same time, it was determined that the throughcare of offenders in prisons would be undertaken by social workers, later replaced by probation officers in 1966.
- 3.2 The probation officers' role was described as "*social caseworkers, as the focal point of social work, as the normal channel of communication on social problems with the outside, and as the planner of aftercare*". However, the divergent cultures and different approaches of prison and probation staff made integrated work difficult. In 1974 a Home Office paper entitled *Social Work in the Custodial Part of the Penal System* attempted to clarify the respective roles of prison and probation staff and five schemes were subsequently established to pilot various forms of shared working. The 1980s saw these pilots formalised into "Shared Work in Prison" (SWIP) in which selected prison officers were trained by probation staff to respond to welfare matters, enabling probation officers to undertake work on offending behaviour. This model of working formed the groundwork for later personal officer schemes.
- 3.3 The first psychologists started work in Wormwood Scrubs prison in 1946. They were introduced to carry out aptitude testing of young offenders subject to an industrial training regime, and this developed to include rehabilitative group work in the 1960s. They remained mainly involved with young offenders until new procedures for the assessment and review of life sentenced prisoners were introduced following the abolition of the death penalty in 1965. Their tasks grew to include the training of staff, consultancy to Governors, research, and clinical work with prisoners. Most importantly, however, the Young Offenders Psychology Unit (YOPU) and Adult Offenders Psychology Unit (AOPU) were established in prison service headquarters in the mid 1970s to provide practice evaluation of prison service policy. Their published research contributed considerably to a growing forensic psychological knowledge base and laid the foundations for the later Offending Behaviour Programmes Unit (OBPU).
- 3.4 Education in adult prisons was not initially regarded as a priority but more as a way of occupying prisoners' time. Its importance was recognised in both the Government

¹² Home Office *Report of the Committee on Discharged Prisoners' Aid Societies* (the "Maxwell Report"): London HMSO (1953).

¹³ Advisory Council on the Treatment of Offenders *The Organisation of Aftercare* (1963).

White Paper¹⁴ which preceded the Criminal Justice Act 1991 and the Woolf Report¹⁵ into the prison disturbances which described provision as inadequate. In 1996, a National Core Curriculum Framework was introduced into all education departments in the prison service with the intention of providing a flexible structure for the delivery of basic skills, with clear outcomes and national qualifications compatible with colleges, schools and community education.

- 3.5 Other people contributed to the resettlement of prisoners responding to a perceived need or gaps in provision. They included voluntary organisations, chaplains and ministers from other faith groups and prison visitors. Their achievements resulted in many significant developments, including visitors centres, family support groups and drug and alcohol treatments.

Parole

- 3.6 In 1967, the introduction of the parole system meant that the voluntary supervision of offenders after a prison sentence was substituted by the compulsory supervision of suitable prisoners released early on licence. Its purpose was both to promote rehabilitation and the prevention of crime and to reduce the size of the prison population. Over time changes in the details of the system widened the gap between the sentence passed in court and the term actually served in custody, leading to the 1988 Carlisle review¹⁶ of parole for fixed-term prisoners which made sweeping recommendations for changes to the early release system. Most of these recommendations were adopted in the 1990 White Paper and found their way, with modifications and additions, into Part II of the Criminal Justice Act 1991.

Probation service resettlement priorities

- 3.7 In April 1984, the Home Office issued a Statement of National Objectives and Priorities,¹⁷ establishing a broad order of priorities for the probation service, which gave work with offenders in prison and following release lower status than the supervision of offenders on community orders and the preparation of social enquiry reports:

“Sufficient resources should be allocated to throughcare to enable the Service’s statutory obligations to be discharged ... Beyond that, social work for offenders released from custody, though important in itself, can only command the priority which is consistent with the main objective of implementing non-custodial measures for offenders who might otherwise receive custodial sentences.”

¹⁴ Home Office *Custody, Care and Justice: The Way Ahead for the Prison Service in England and Wales* (1991).

¹⁵ Woolf, Lord Justice *Prison Disturbances April 1990: Report of an Inquiry by the Right Hon Lord Justice Woolf* (Parts I and II) and His Honour Judge Stephen Tumim (Part II): Cm 1456 London HMSO (1991).

¹⁶ Carlisle, Lord *The Parole System in England And Wales* Report of the Review Committee: London HMSO (1988).

¹⁷ Home Office Probation Service in England and Wales: *Statement of National Objectives and Priorities*: London HMSO (1984b).

The Carlisle Committee later commented:

“We recognise the many pressures on probation services and the need for them to establish some priorities, but it seems clear that the 1984 Statement was taken as a signal by some of them to reduce their commitment to working with offenders in prison. That indeed is the signal which the Statement seems to have been designed to give. We very much regret that. Reducing the priority for work with prisoners does not seem to us to be consistent with the overall objective of preventing further offending.”

- 3.8 The subsequent Criminal Justice Act 1991 and National Standards 1992 re-established the delivery of throughcare as an important objective for the probation service:

“Good throughcare practice will be crucial to effective supervision following release. It should aim to enhance the ability of offenders to resettlement in the community whilst giving access to help and resources which assist them to maintain themselves in the community without offending ... Effective throughcare will require close cooperation between the prison and probation services.”

- 3.9 Although the objective of the rehabilitation of offenders released from prison was raised in status within the 1995 revision of National Standards, concerns about the management of risk continued to dominate the supervision of offenders. The 2000 revision highlighted the commonality of both resettlement and community supervision cases and listed the reduction of offending, the reintegration of offenders and public protection as equal objectives.

The seamless sentence

- 3.10 The Woolf Report¹⁸ in 1991 heralded changes within the prison system. It recommended that prisons should meet prisoners' legitimate needs through a process of “compacts” and sentence planning and that relationships between staff and prisoners should be professionalised through the speedy extension of personal officer schemes from the young offender estate to the adult estate. The subsequent Prison Service White Paper *Custody, Care and Justice*¹⁹ committed the prison service to expanding the schemes and introducing sentence planning, initially for adult prisoners serving longer determinate sentences and, subsequently, for those serving shorter terms. In fact, their introduction was accelerated to support the implementation of the Criminal Justice Act 1991 and extended to include all young offenders serving determinate sentences and, ultimately, adult prisoners serving determinate sentences of over one year.
- 3.11 The Criminal Justice Act 1991 introduced the principle of the “seamless sentence” described in Probation National Standards 1990 (8.6) as *“a wholly new concept, namely that of a sentence served partly in custody and partly in the community with the offender being liable to recall to custody right up to the end of sentence.”* All prisoners serving less than four years were to be released automatically halfway through their sentence. Those sentenced to less than 12 months would not then be subject to any form of licence but be subject to AUR. Those who had received sentences between one

¹⁸ Ibid, see footnote 15.

¹⁹ Ibid, see footnote 14.

and four years would be supervised up to the three-quarter point, remaining liable to recall up to the end of sentence. This was known as ACR. Offenders sentenced to four years and over became eligible for DCR on parole at the halfway point of sentence. If released, they were supervised up to the three-quarter point and were liable to recall up to the end of sentence. Offenders not released on parole were released automatically at the two-thirds point and supervised to the three-quarter point in the same way as ACR offenders. The supervision of some sex offenders, in both automatic and discretionary categories, could be extended to the end of sentence at the direction of the sentencing judge. There were no discretionary elements in the ACR scheme which was administered entirely by prison establishments. The prison issued the licence, signed, on behalf of the Home Secretary, by the Governor who could approve special licence conditions on the recommendation or with the agreement of the supervising probation officer.

Sentence planning

- 3.12 A system for sentence planning and management was introduced in 1992 to provide a framework to prepare prisoners for safer release by ensuring that constructive use was made of the time spent in custody. This was introduced initially for DCR prisoners and was extended to ACRs in 1993. The system was subsequently reviewed and a revised version introduced supported by a joint prison/probation implementation and training strategy in 1997. These revisions centred the system on risk assessment and were designed to support greater integration with other processes. Within this system local prisons were intended to be responsible only for the initial security classification and allocation of newly sentenced prisoners to training or open prisons. The receiving prison then completed an initial sentence plan within eight weeks of sentence for ACR and 12 weeks for DCR prisoners, with subsequent reviews at six (ACR) and 12 (DCR) month intervals.²⁰ The sentence planning documentation was intended to provide a record of planned and completed resettlement work for the benefit of staff in any prison to which the prisoner was subsequently moved, and to assist the home probation officer in preparation for release. All the main regime providers, including personal officers and seconded and home probation officers, were expected to make a contribution to the planning process. The system allowed for a pre-discharge report to be sent to supervising probation staff before release and for a feedback form to be returned to the discharging prison at the end of the licence period.
- 3.13 A national framework²¹ was introduced in 1993 which defined the respective roles and responsibilities of the prison and probation services. Until this point, probation officers had been seconded to prisons through a national arrangement in a ratio of one to 100 prisoners, with their costs financed directly by the Home Office and administered by the Probation Services Division. The funding arrangements were changed from 1994/1995 so that the costs of the seconded probation team were devolved to individual Governors' budgets. This was a significant departure and meant that the cost of

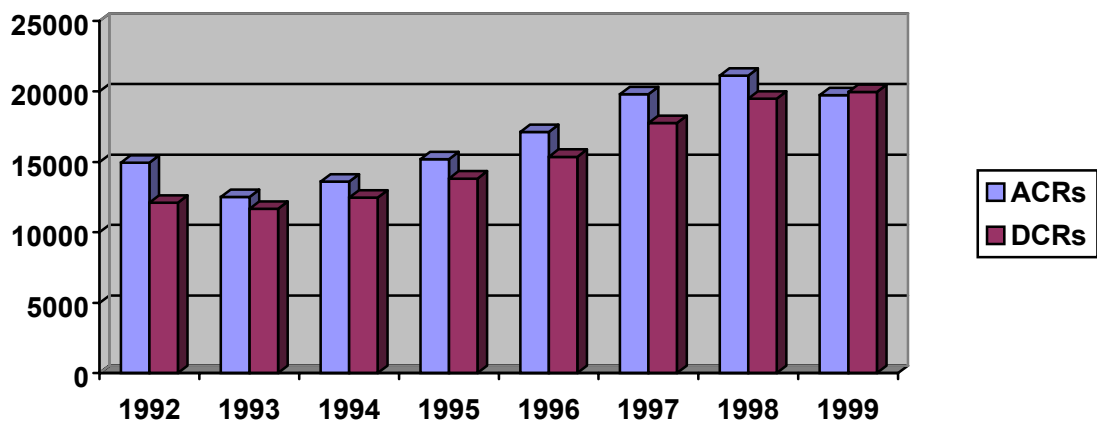
²⁰ The system for young offenders required them all to be sentence planned regardless of sentence length and to be reviewed every three months, although a subsequent amendment (Prison Service Instruction 15/2000) extended the review frequency to a minimum of a year for young offenders serving DCR sentences.

²¹ Home Office *National Framework for the Throughcare of Offenders in Custody to the Completion of Supervision in the Community* (1993).

probation departments had to be set alongside other operational expenditure when considering spending priorities.

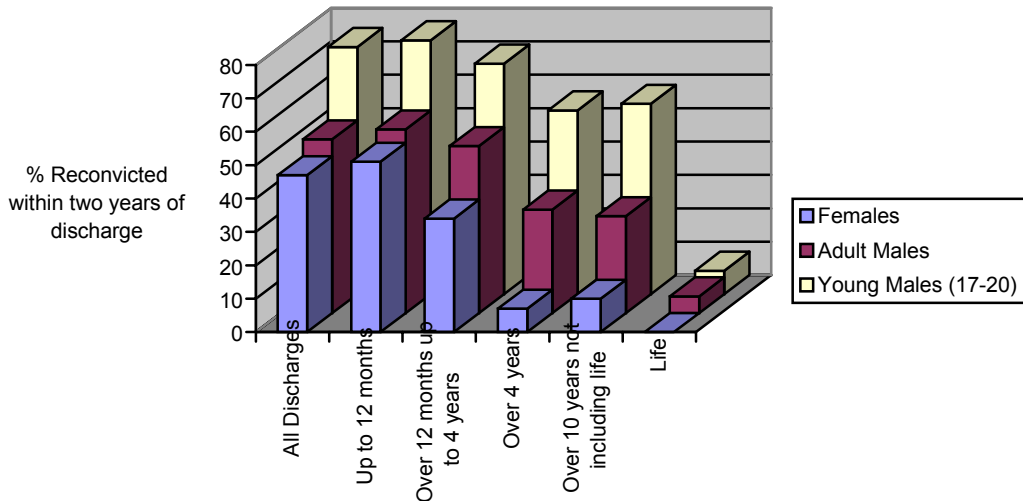
- 3.14 The associated publication *Throughcare Business and Three Year Development Plans between Chief Probation Officers and Governors* formalised the relationship between the two services by means of local contracts on a purchaser/provider model and provided guidance on their content. Much of the business specified in the new Governor/CO contracts concerned the implementation of sentence planning, and probation staff were tasked variously with the training of personal officers to complete sentence plans, oversight and quality control of sentence planning and, in some prisons, management of the process itself. In the ensuing years, however, considerable variations developed in the role and size of seconded probation teams, reflecting the different priority awarded to resettlement by individual prison Governors.
- 3.15 Apart from probation staff, no attempt was made to specify the roles of other staff in prisons or their costs. It was assumed when sentence planning was introduced that the extra work would be offset by the drop in the number eligible for parole from 25,000 to 5,000. Subsequently, a small number of high profile escapes from high security establishments in 1994 and 1995, diverted managerial attention and financial resources from regimes towards security. At the same time, with the prevailing doctrine that prison “worked”, the prison population began to rise and a sentence planning system introduced in 1992 for 27,055 was struggling to cope with 39,707 by the end of 1999. The rise in numbers is illustrated in Figure 3.1.

Figure 3.1: The number of prisoners, adult male, young male, females, eligible for sentence planning 1992/1999 (excluding lifers) Source: Home Office Research, Development and Statistics Directorate (RDS).



- 3.16 Adults serving less than 12 months imprisonment remained outside the sentence planning process. In 1999, AUR prisoners constituted 13% of the total male and 21% of the total adult female sentenced population, although their turnover was such that in the calendar year 2000 they formed 65% and 77% respectively of the discharged populations. Figure 3.2 reveals that their rate of reoffending in 1999 was also higher than that of ACR and DCR prisoners. Yet, this group of prolific offenders remained outside the formal system of sentence planning and without statutory supervision after release despite the fact that their successful resettlement was crucial to the realisation of the overall aim of reducing reoffending.

Figure 3.2: The reconviction rates of AUR, ACR, DCR prisoners and lifers within two years of discharge from prison.
Source: Home Office RDS



Joint work between the prison and probation services

- 3.17 During the 1990s, the prison and probation services began to work increasingly closely together, beginning in 1992 with the secondment of a chief officer from a probation area to the prison service to work on throughcare issues. In 1995, a forum was set up jointly by ACOP and the prison service chaired by the ACOP lead officer for throughcare and the deputy director of the prison service, supported by a working group. A group was also established between ACOP and the Parole Board.
- 3.18 In July 1997, a Prison/Probation Review was launched to identify and assess options for close and more integrated work, including any implications for structure, organisation and management. Although the merger of the two services was initially considered, amalgamation was abandoned in favour of the establishment of a new national probation service (NPS) with a parallel hierarchy and regional structure to the prison service. In January 1998, in response to the review, the forum initiated a series of meetings to find practical and achievable ways to improve collaboration within existing arrangements. Nine action points were identified at the first meeting relating to the development of effective practice, shared use of resources and staff development, and the inauguration of a shared risk/needs assessment and the establishment of a joint panel for the accreditation of work undertaken with offenders in the community. These points were subsequently circulated within the Home Office, prison and probation services in the form of a joint communiqué and included as part of the “Zero Plus Option”²² in the consultation document²³ published in August 1998.

²² A package of improvement measures which did not require structural change and, consequently, could be implemented without delay.

²³ Home Office *Joining Forces to Protect the Public* (August 1998).

- 3.19 In September 1999 the Government published its response to the review in the form of the National Correctional Policy Framework²⁴ which set out, for the first time, a common structure for the prison and probation services. Its purpose was to ensure delivery of the common aim of “effective execution of the sentences of the court so as to reduce reoffending and protect the public”.²⁵ It committed both services to:
- *“effective partnership between themselves and other agencies that deliver work on their behalf, recognising the importance of work undertaken by the voluntary sector in securing necessary outcomes*
 - *continuing and developing the joint plan of work, the Joint Strategic Planning Forum, the Prisons Board/ACOP Group and the What Works Steering Group*
 - *improved alignment of managerial and geographical structures to facilitate common outcomes, also recognising the importance of other Government regions*
 - *effective liaison with other agencies responsible for delivering correctional services to offenders within their jurisdiction*
 - *joint accreditation of offender programmes*
 - *accurate and effective risk assessment*
 - *equal opportunities and fighting racism*
 - *joint strategy on research, measures of performance, and open and effective exchange of information.”*
- 3.20 The quality and performance of work undertaken to deliver the required outcomes of the correctional policy were to be monitored through a series of measures relating to the services’ separate objectives, and arrangements were made for the introduction of a joint prison/probation resettlement performance indicator from April 2001.

Effective practice in addressing offending behaviour

- 3.21 Research carried out since the mid ‘80s had identified positive treatment effects, in the region of 10% for interventions that conformed to certain criteria²⁶ if delivered in isolation and higher if part of a multi-modal programme. The distinguishing elements concerned the theoretical model of change, the focus of the treatment, its mode and integrity, the style of delivery, the matching of dosage to level of need and the extent to which transfer of learning to the real world was supported during and after treatment. These elements were taken into account in the development of the prison service sex offenders treatment programme (SOTP) in 1992/1993 and in the further development of what was then called the thinking skills programme. In 1995/1996, an accreditation panel was established which drew up formal criteria against which programmes should be measured and were given the power to accredit programmes which met them. The prison service adopted a key performance indicator (KPI) under which it undertook to

²⁴ Ibid, see footnote 11.

²⁵ Home Office Aim 4 2000.

²⁶ Losel, F The Efficacy of Correctional Treatment: A Review and Synthesis of Meta-evaluations. In *What Works: Reducing Offending – Guidelines from Research and Practice*: McGuire, J (Ed). Wiley and Sons (1995).

deliver a given number of completions by prisoners of such accredited programmes, of which a certain number should be of SOTPs. The prison service OBPU, which had cooperated in the development of the early programmes, subsequently took on the task of developing training and audit systems to ensure that programmes were delivered as the accreditation criteria demanded.

- 3.22 The probation service similarly embraced effective practice principles. In 1998, HMI Probation published two reports, *Strategies for Effective Offender Supervision*²⁷ and *Evidence Based Practice: A Guide to Effective Practice*,²⁸ setting out the key What Works principles which probation areas were expected to adopt in their supervision of offenders. The guidance stressed that interventions should be rigorous and matched to assessed risk and need, with medium to high-risk offenders receiving a greater range of inputs at increased intensity than lower-risk offenders. A subsequent probation circular²⁹ set out a national implementation strategy and required areas to develop local arrangements for effective evidence-based supervision. A Joint Accreditation Panel (JAP)³⁰ was established for both prison and probation programmes and took over the work of the two prison service panels which were disbanded.
- 3.23 Both guides produced by HMI Probation focused on the work undertaken by probation areas in the community and therefore made little, if any, reference to the role of the prison service. In July 1999, the JAP³¹ published criteria for the accreditation of both prison and probation programmes, adapted from work previously undertaken by the prison service, and its first report emphasised the importance of continuity between the prison and probation services with the inclusion of additional criteria relating to resettlement:

“The programme is integrated into the overall plan for the offender’s sentence and supervision. There is continuity between the prison and community-based programmes so that offenders can make a smooth transition from one to the other and build on their progress. Relevant information is shared. Key agencies concerned with the protection of the public are kept informed to aid work with victims, and monitor offenders.”

- 3.24 Accreditation ensured that both prison and probation programmes were based on a sound theoretical model and delivered at the dosage and intensity necessary to produce change and with the individuals for whom the interventions were targeted. This model of development was designed to reduce reoffending and was supported by the Comprehensive Spending Review (CSR) 1999/2002 which provided for the increase in the number of offender behaviour programmes completed by prisoners from 3,000 to 6,000 a year by 2001/2002 and for the expansion of accredited programmes by probation areas.

²⁷ HM Inspectorate of Probation *Strategies for Effective Offender Supervision* – Report of the HMIP What Works Project (1998).

²⁸ HM Inspectorate of Probation *Evidence Based Practice: A Guide to Effective Practice* (1998).

²⁹ Probation Circular 38/1999 *Effective Practice Initiative: A National Implementation Plan for Effective Supervision of Offenders*.

³⁰ Probation Circular 43/1999 *Joint Prison/Probation Accreditation Panel*.

³¹ Home Office *What Works: First Report of the Joint Accreditation Panel 1999/2000*.

Integration factors

3.25 Accommodation, employment, basic skills, budgeting, family relationships and debt counselling are referred to in this review as integration factors. This term is used rather than reintegration as many offenders have only ever lived in the margins of society and without practical and sustained help are unlikely to achieve any degree of social inclusion. These areas are also sometimes referred to as protective factors because they protect against relapse into crime. As such, they have been identified as targets for specific intervention and formed part of the core curriculum established under the What Works strategy for the NPS. Their importance was recognised in HMI Probation's guide to effective supervision which stated:

"Effective practice can be based on building strengths as well as eliminating deficits. Whilst risk factors increase the likelihood of reoffending, protective factors enhance the individual's resilience in the face of risk factors."

3.26 Resettlement pathfinders³² were established in April 1999 to explore effective collaborative arrangements for the resettlement of prisoners serving less than one year. Three involved partnerships between prisons and probation areas and three between prisons and voluntary sector organisations. All were being evaluated as part of the Crime Reduction Programme. They were designed to provide information on:

- the risks and needs of short-term prisoners, including females
- the effect on reconviction of interventions focusing on practical needs alone in contrast with those focusing on practical needs and thinking skills
- the design and management of seamless resettlement across the criminal justice system.

3.27 All of the resettlement pathfinders were targeted at short-term prisoners serving less than 12 months. It was anticipated, however, that the findings would have much wider significance. In recognition of the link between recidivism and social reintegration,³³ all of the six addressed practical resettlement issues such as accommodation, employability, finances and drug misuse. In addition, because of evidence linking cognitive deficits with reoffending, the probation-led pathfinders also tested new programmes designed to help offenders develop and apply thinking skills to the situations they would face after release. All the programmes were delivered "through the prison gate" with pre-release work focusing on motivation to change, problem solving and resettlement planning, and post-release work focusing on applying and sustaining this learning in the community to prevent relapse.

Joint assessment of risk and needs

3.28 An offender assessment tool, known as OASys, had been developed jointly by the prison and probation services based on research about offence related factors. This was designed to link both services and provide a means of assessing risk of serious harm, reoffending and criminogenic needs as well as a common measure of change and

³² Ibid, see footnote 9.

³³ Ibid, see footnotes 27 and 28.

effectiveness. It was intended to determine referrals to targeted interventions, including accredited programmes, and included a framework for sentence planning, risk management and supervision. Completion would normally be during the pre-sentence report (PSR) stage or on reception into custody following sentence, and reviewed at critical points thereafter to determine progress. OASys was intended to replace all existing assessment and planning tools and address many of the deficits of the existing systems including their failure to integrate risk of harm issues into offending assessments and review.

- 3.29 The predictive validity of OASys was being tested against reconviction data and other risk assessment instruments, and its performance with female offenders and those from minority ethnic groups was also being evaluated. Two versions of the tool had been developed, one to inform the preparation of PSRs and sentence planning and a shorter adaptation for specific sentence reports (SSRs) for those serving short sentences. The length of time taken to complete the longer version had been recognised as a problem in the Spending Review 2000 (SR2000) and, at the time of the thematic review, probation areas were being advised to allocate additional resources to report writing teams. Implementation of the system was planned from September 2001 in probation areas using a paper version, followed by national roll-out of the information technology (IT) version in 2002/2003. In prisons, as for the probation service, the main implementation would follow the procurement of the IT version, and provisional plans involved the phased change from 2003/2004.

A new era

- 3.30 A new National Probation Service for England and Wales was inaugurated in April 2001, and common aims and a closer working relationship for the two services had been clearly signalled through the National Correctional Policy Framework. A senior manager had been appointed to take responsibility for the development of policy for women offenders across both services and arrangements had been made to provide professional oversight to psychologists working in the probation areas through the Head of Prison Service Psychology.³⁴ The current arrangements for providing probation resources to establishments were under review with the intention of introducing modifications in practice from April 2002. A new Resettlement Standard was issued in November 2000 and a supporting Prison Service Order drafted³⁵ which asserted that:

“All prisoners will have the opportunity to maintain and develop appropriate community ties and to prepare for their release.³⁶ Provision by the prison service in collaboration with probation services will be targeted on the basis of an assessment of risks and needs and directed towards reducing the risk of reoffending³⁷ and risk of harm.”

³⁴ Probation Circular 71/1999 *Joint Working between Prison and Probation Services: Psychology*.

³⁵ To be issued in September 2001.

³⁶ Lifers subject to a “whole life” tariff are expected to have the opportunity to maintain and develop appropriate community ties but not to prepare for their release.

³⁷ With the exception of those prisoners with no previous convictions who are remanded for trial.

- 3.31 The importance of integration factors in the rehabilitation of offenders and consequent protection of the public was also recognised by the Home Office as a key component of What Works. The annual Business Plan for 2001/2002 established performance measures which committed the prison service to work on a strategy to double by April 2004 the number of prisoners getting jobs and to increase those with stable accommodation on release. Both services were required to work towards the development of a joint performance indicator by establishing baseline data on the employment and accommodation status of offenders on post-release supervision and, in addition, to:
- increase the educational and vocational qualifications of offenders by delivering accredited qualifications in custody and working towards achieving level 2 basic skills awards following release into the community
 - draw up a “custody to work” strategy.
- 3.32 In addition to the draft Prison Service Order, the Resettlement Standard was also supported by a Prison Service Instruction³⁸ and would be monitored in due course by means of a new joint resettlement KPI. A new Prison Service Directorate of Resettlement had been set up which included two new units “What Works in Prison” and “Custody to Work”, both of which had close links with the NPD. Work was ongoing to examine the experience of prisoners and their resettlement needs through the new Prisoners’ Learning and Skills Unit³⁹ within the Department for Education and Skills and the SEU whose resettlement study findings were expected to be published shortly.
- 3.33 In July 2001, the Government published a review of the sentencing framework for England and Wales (the Halliday report)⁴⁰ in response to widespread concerns about its deficiencies. This contained far-reaching recommendations for change and stated in the foreword:
- “Some of the present deficiencies cry out for reform. The shorter prison sentences are peculiarly ill-suited for their purpose. The absence of any clear message about the effect of persistent offending on severity of sentence is a major shortcoming. The absence of reality in the second half of prison sentences is a serious weakness. Courts could also be more usefully involved in the consequences of their decisions. There also continue to be unexploited opportunities in non-custodial sentences, including reparation for victims.”*
- 3.34 In light of this momentum for change, this joint review is timely and should inform any decisions about future sentencing policy.

³⁸ Prison Service Instruction 39/2000.

³⁹ For further information contact www.lifelonglearning.co.uk/ipls.

⁴⁰ Home Office *Making Punishment Work* – Report of a Review of the Sentencing Framework for England and Wales (July 2001).

4. THE SEAMLESS SENTENCE – PRE AND POST-RELEASE

- 4.1 This chapter examines the work undertaken with offenders by the prison and probation services in relation to sentence planning and compliance with national standards before and after release.

Sentence planning and management

- 4.2 The current model of sentence planning,⁴¹ introduced in 1997, was intended to provide the mechanism for effective joint work between the prison and probation services. Its overall aim was to prepare prisoners for safer release by ensuring that constructive use was made of the time spent in custody. Specific objectives were included to:
- identify factors relevant to the rehabilitation of the offender, protect the public, prevent further offending and the successful completion of the licence
 - provide a focus for all work and interventions
 - inform all assessments and decisions made in relation to the prisoner, such as release on temporary licence and parole
 - provide the basis of the supervision plan for the licence period.
- 4.3 Probation National Standards 2000 (C5) stated:
- “Probation staff in prisons and home supervising officers shall work jointly with prison service staff on sentence planning and management, which forms the basis of effective resettlement. They shall ensure that:*
- *in each individual case there is clarity as to who is responsible for various tasks*
 - *information about the offender, particularly risk/needs assessment, is used to inform sentence planning*
 - *a copy of the plan is on the prison case record, updated as necessary and copied to the supervising officer*
 - *the plan includes consideration of post-release issues*
 - *where sentence planning arrangements are not in place and OASys is not completed as part of the prison arrangements, the supervising probation officer plans resettlement arrangements.”*
- 4.4 Policy documents and practice guidelines in the probation areas visited varied significantly in the extent to which they referred explicitly to sentence planning and management requirements. Some, such as Durham, afforded it high priority and identified effective communication between the field staff and prison establishments as

⁴¹ Prison Service Orders 2200 *Sentence Management and Planning: An Operational Guide for Prison and Probation Services.*

a prerequisite to good resettlement practice. Others were either more reactive in their approach, expecting staff merely to respond to any communications sent by prison staff, or made little reference to the sentence planning process at all. Apart from initial training when the present system of sentence planning was introduced, none of the areas visited, with the exception of Devon, had provided staff with any further training.

Probation contribution to sentence planning

4.5 The importance of early assessment was reinforced in Probation National Standards 2000 (C2) which stated that:

“Probation staff in courts shall provide the receiving prison any information they have about the offender. Information suggesting a serious risk to others, including staff, or of self-harm shall be provided (to the receiving prison) as a matter of priority.”

4.6 Analysis of 260 probation case files confirmed that the initial collation of information both to inform sentence planning and the assessment and management of risk was variable:

- a post-sentence interview took place in only 40% of all cases
- a PSR or SSR was available in 83% of all cases.

4.7 Table 4.1 shows the variation between probation areas in supplying information following sentence to the receiving prison.

Table 4.1: Information supplied by probation areas to prisons following sentence. Source: Probation case files

Probation area	% post-sentence interview taken place	% PSR or SSR prepared	% RF11 on file
Devon	14 of 30 (47%)	32 of 35 (91%)	18 of 33 (54%)
Durham	16 of 32 (50%)	32 of 34 (94%)	14 of 32 (44%)
Kent	3 of 32 (9%)	25 of 33 (76%)	19 of 31 (61%)
Leicestershire & Rutland	7 of 27 (26%)	24 of 30 (80%)	10 of 28 (36%)
Inner London	14 of 32 (44%)	26 of 33 (79%)	14 of 33 (42%)
Greater Manchester	14 of 31 (45%)	25 of 31 (81%)	17 of 31 (55%)
Staffordshire	23 of 30 (77%)	27 of 31 (87%)	17 of 31 (55%)
West Glamorgan	6 of 30 (20%)	23 of 30 (77%)	17 of 30 (57%)
Total	40%	83%	51%

Commentary

- The PSR or SSR was the most consistently available source of information.
- The results confirmed the findings from prison fieldwork⁴² that RF11s were completed in only about half of all cases.
- There was a noticeable number of cases in Kent, Inner London, West Glamorgan, Greater Manchester and Leicestershire & Rutland on which no PSR or SSR had been prepared.

⁴² The request form sent to the supervising probation area for information not already communicated via the pre or post-sentence reports

- 4.8 The PSR or SSR acted as the single most important source of information about the offender. Although these reports were prepared at the request of the court to assist in the sentencing process, they were also used to inform the initial classification and allocation of the prisoner in custody and the initial sentence plan. Sentence planning staff in prisons confirmed that the two documents most useful to them in terms of completing initial sentence plans were the PSR and the pre-convictions from the police database. The absence of any probation report in 17% of the ACR and DCR cases examined therefore had a significant impact on sentence planning. Probation staff in West Glamorgan noted that it was common for its Crown Courts to sentence sex offenders without the benefit of a PSR. The information in reports, where available, was well used by prison staff and it was encouraging to note the level of consistency (84%) between the PSR and ACR1/DCR1⁴³ in files which contained both documents.
- 4.9 Changes in the role and priorities of probation court staff, coupled with offenders being removed quickly from court, had meant that less than half the offenders sentenced to custody were interviewed immediately following sentence in most of the areas visited. The purpose of these interviews was to identify any immediate practical issues arising from imprisonment, such as childcare concerns, and to advise on the possibility of self-harm and the potential of harm to others. It was important that this task was not lost in the need to rationalise the use of probation resources within the courts and attention needed to be given to this issue by most areas, but particularly Kent, Leicestershire & Rutland and West Glamorgan.
- 4.10 The timeliness of the allocation of cases to supervising probation staff after sentence was an important factor which determined the contribution made to the RFI1. In 25% of cases, the allocation of the offender to a supervising officer or PSO⁴⁴ occurred outside of the 10 days required by the National Standard (D3) and in a further 16% the position was not clear. Most areas claimed to allocate promptly with the expectation in some, such as Devon, that a letter confirming this would be sent to the prisoner within 10 working days of sentence. Kent and Inner London also stipulated that prisoners should be visited within the first month of sentence, but other areas also attempted to see offenders in the early part of the sentence. Although this was a realistic expectation in Kent, where the majority of prisoners were held in the cluster of prisons within the county, it was not sustainable elsewhere. In practice, in Inner London all newly sentenced prisoners were initially contacted by letter but their cases held by a senior probation officer (SPO) until 12 months prior to discharge when they were allocated to a probation officer/PSO. This process was not consistent with good practice and was subsequently changed by the area so that all prisoners were initially contacted by a PSO, working under the supervision of an SPO.
- 4.11 However, even where offenders were allocated in good time, it was apparent from the comments made on RFI1s that many supervising probation staff had not had any contact with the prisoner at this point and were not in a position to add anything to the PSR or SSR. Table 4.2 indicates that field officers' contributions (RFI1 returns) were often missing from prison sentence plans or were of poor quality. The low completion rate could be attributed to the fact that most information known to the probation area had

⁴³ ACR1 and DCR1s were the initial sentence plans for ACR and DCR prisoners and should be completed within 8 or 12 weeks respectively of sentence.

⁴⁴ Many areas appropriately allocated high risk of harm cases to probation officers and less serious cases to PSOs following a risk assessment.

already been conveyed via the PSR. It also suggests that RFI1s provided worthwhile information (satisfactory or good) in only 22% of the cases. A high level of nil returns did not give cause for concern where a PSR was on record though, where this was not completed, the probation area did not always complete a RFI1. Additional information to emerge through the course of the sentence should be communicated to the prison at any time by means of an update form (U1) and prison staff were not confident that they had all available information to inform sentence planning.

- 4.12 Of the 174 supervising officers to respond to their questionnaire, only 31 (18%) described their input into sentence planning as “considerable”, 63 (36%) considered that they had “some but not much” involvement and 80 (46%) said that they had “little or none”. Their contribution, where it occurred, was usually by means of a written report (58%). Direct contact with prison staff occurred in only 17% of cases and attendance at sentence planning meetings in 15%. Whereas contact during sentence might be expected to be low, it would be expected to be higher immediately before release. However, probation file reading indicated that contact whether by letter, visiting or other means in the three months prior to release was considered to be clearly adequate in only 36% of cases, and the quality of that contact in only 34% of cases. Questionnaire feedback from supervising officers/PSOs indicated that 101 (58%) had been able to visit the offender in prison prior to release, and of the remainder, 24 (33%) gave workload pressures and 14 (19%) distance to travel as reasons for their lack of contact. Eighteen (25%) said that they had not been allocated the case in sufficient time to allow a visit to be made prior to discharge. Late allocation should not jeopardise the smooth resettlement of the offender or the management of risk.
- 4.13 In Durham, a two-tier system of allocation operated for high and lower-risk cases, with high-risk cases allocated probation officers, many of whom had relevant experience of working within prisons and who were expected to make early contact. In most low to medium-risk cases, however, resettlement tasks appropriately required limited input from home probation staff other than at the stage of discharge planning before release.

Sentence planning in prisons

- 4.14 An examination of 180 sentence plans in three female and six adult male prisons showed that: initial sentence plans (ACR1s or DCR1s) had been completed in 84% of cases, but in only 56% by the due date. ACR2s or DCR2s⁴⁵ were on file in 95% of those cases due for review and targets were judged to have been met in full in 20% of cases, partly in 62% of cases and not at all in 18% of cases. Further details of the overall content of sentence plans, including the contribution of field and prison/probation officers/PSO is shown in table 4.2.

⁴⁵ ACR2 and DCR2s were the reviews of the original ACR1 and DCR1s and were due within six months and 12 months respectively of the date of completion of the initial plans.

Table 4.2: Content of sentence plans in fieldwork prisons. Source: Prison sentence plans

	Sample size*	Not present		Good		Satisfactory		Poor	
		No	%	No	%	No	%	No	%
Field probation officer/PSO contribution	141	63	45	13	9	19	13	46	33
Seconded probation officer contribution	119	40	34	21	18	33	28	25	21
Tackling offending	168	34	20	30	18	45	27	59	35
Other needs	167	36	21	27	16	36	22	68	41
Assessing risk	165	48	29	21	13	47	28	49	30
ACR/DCR2 if applicable	61	3	5	5	8	35	57	18	30

* Not every inspector addressed all areas. If that area was not commented on it was removed from the analysis.

Commentary

- The field probation officer's/PSO's contribution was missing in 45% of plans and poor in 33%, reflecting the lower priority afforded work carried out during custody.
- The absence of any input from seconded probation officers/PSOs in 34% of cases reflected their current deployment in prisons which did not always include sentence planning. Their contribution, where made, was considered satisfactory or good in 46% of cases.
- 80% of plans included targets which addressed offending behaviour, but did so satisfactorily or well in only 45% of the total sample.
- 79% of plans included targets which addressed other non-offence related needs but did so satisfactorily or well in only 38% of the total sample.
- Similarly, 71% of plans addressed the risk of reoffending but did so satisfactorily or better in only 41% of the total sample.
- An ACR/DCR2 was on file in 95% of cases where one was due and was satisfactory or good in 65% of cases.

Case management in prisons

- 4.15 The three important elements of sentence planning, the identification of offending behaviour targets, of other needs and of risk of reoffending or of harm were carried out in most (about 75%) cases, but poorly in about a third of cases. For sentence plan reviews, targets were met in about two-thirds of cases but closer examination indicated that non-offence related needs were met more often than offence related. Specific offence focused targets were often not met and were carried over to new plans.
- 4.16 There appeared to be some confusion about the relative roles of the two services with regard to risk assessment and sentence planning at the start of sentence. Without a shared protocol both services considered the role of risk assessment to be theirs alone. There was also an apparent lack of confidence on the part of probation staff in the ability of prison staff to identify risk without their input.

4.17 Arrangements for completing sentence plans varied between prisons. The tasks of supporting prisoners, attending planning and review boards and completing documentation were hard to reconcile with the duties of a residential officer on shiftwork. Most had consequently abandoned the original aim of making the process the responsibility of residential personal officers and had allocated the work instead to dedicated sentence planning teams, often including a probation officer to provide supervision and oversight, and sometimes including the staff responsible for its administration. This meant that the work was usually completed as required, but not that it was necessarily implemented. Table 4.3 displays the combined results of the questions relating to personal officers from the surveys of prisoners carried out for routine inspections over the last three years.

Table 4.3: The percentages of prisoners reporting to have a personal officer and the frequency of contact:
Source: Prison inspection surveys

	Yes	If yes, seen once or more per month	If yes, not seen at all	The proportion of all prisoners seen at all by a personal officer
Women's locals (n=115)	72	41	44	30
Women's closed and open (n=133)	91	65	31	59
Male Trainers (n=1166)	78	38	58	39
Male Open (n=117)	88	56	43	49
Locals (n=1357)	34	43	51	15
High Security (n=104)	61	50	50	31
Total (n=2992)	58	43	52	25

Commentary

- Prisoners in women's and male open prisons were most likely to claim to have personal officers and to see them once or more a month.
- Prisoners in local prisons were the least likely to claim to have personal officers.
- Less than half of prisoners claiming to have personal officers had contact once or more a month.
- Overall, only a quarter of all prisoners claimed to have had any contact at all with a personal officer.
- Only 15% of local prisoners claimed to have had any contact at all with a personal officer.

4.18 Prisoners' views suggest that personal officer schemes, particularly in male prisons, were often not in place or not working. The absence of a viable case management approach meant that no mechanism existed to ensure that sentence planning targets were systematically implemented and, where appropriate, interventions prioritised according to the assessment of risks and needs. Thus, the potential for personal officers to act as case managers, liaising with probation staff, psychologists and other relevant staff was not being realised. Nor did they have sufficient time to act themselves as mentors, role models and maintain motivation when this flagged, and the successful implementation of sentence plans depended almost entirely on processes of referral and allocation operating smoothly without specific attention from individual staff working with others and the prisoner to implement the plan.

- 4.19 The model of dedicated sentence planning teams left personal officers with a limited role which mainly consisted of taking an ongoing interest in their prisoners and providing general support and comment on institutional behaviour at times of reviews. Personal officers did this with varying degrees of success, but most residential staff interpreted the task as a passive role, making observations on records and reports rather than actively engaging with prisoners. Service-wide, because of local variation in how personal officers worked, there was no national specification for the role and any training provided was developed and delivered locally. The role of personal officers was not seen as integral to the proper management of prisoners, and there was rarely any expectation that line managers would act as supervisors and check that appropriate contact was taking place. Only the most motivated of staff persisted with their role in these circumstances and this represented a significant missed opportunity.

Eastwood Park prison was an example of good practice. Here personal officers had a clear job specification and were required to hold regular meetings with their prisoners and make entries into the women's records, and senior officers checked the records every month during supervision meetings with officers. Training was also provided to equip the staff to operate as case managers.

- 4.20 It was difficult to assess the extent to which the responsibility for implementing the plan was seen to belong to prisoners or to staff. It was important that prisoners were seen as responsible for their own development and were able to act as agents of their own change. Without this expectation some prisoners abdicated responsibility and lapsed into dependency. An active case management scheme should have, as its focus, the encouragement of individual prisoners to maintain progress. Such an approach was, however, largely absent.
- 4.21 Just over half of prisoners from training prisons and 18% of prisoners from local prisons were located more than 50 miles from their home area.⁴⁶ This impeded face-to-face contact with local agencies, both statutory and voluntary, and detracted from family contact and the maintenance of relationships. Devon and Kent were exceptional in that a significant proportion of prisoners from the area were held locally, thus facilitating contact between the supervising officer and both the offender and prison staff. Other areas had tried to influence prisons to hold prisoners within their immediate locality or to consider dispersal on a regional basis, but without success. Wales was particularly poorly provided with prisons, which placed additional demands on West Glamorgan probation staff in their contact with prisoners. Although a significant proportion of Durham prisoners were held outside the county, many were within the region. Durham also placed considerable emphasis on the work undertaken with prisoners prior to release and had structured their resettlement teams to promote contact with prisons. Some areas, such as Devon, Inner London and Staffordshire, were attempting to overcome some of the difficulties inherent in travelling to prisons through video and telephone conferencing. These facilities were still at an early stage of development but could prove a useful way forward.
- 4.22 However, contrary to expectations, a surprising level of stability was found in relation to where prisoners subject to sentence planning served their sentences, and the continuity of the supervising probation area. In 23% of the probation cases examined, prisoners had served their sentence in just one prison, 54% in two, 16% in three and 7% in four or more, and the supervising probation area changed in only 20 (8%) of the 260 cases

⁴⁶ HMI Prisons inspections database.

examined. As would be expected, DCR prisoners were more likely than ACR prisoners to move as their sentence progressed as part of a recategorisation process intended to prepare them for release.

- 4.23 It became apparent, however, that some offenders waited months in local prisons for allocation to training prisons, and their plans were often completed just before transfer, presumably because the receiving prison insisted on this. Receiving prisons almost always redrafted the plan and it seemed to be a general rule that no prison trusted the sentence planning of the sending prison. It was official policy that DCR plans should be revised within three months of transfer, presumably because longer sentenced prisoners might expect progressive transfers during sentence and these should involve a reassessment of what the prisoner might achieve in the new location. This had been interpreted, however, by prison staff to apply to the transfer of all prisoners subject to sentence planning, and had served to devalue the process in the eyes of probation staff as it suggested that the needs of offenders were not absolute but depended on what each prison had to offer. Many probation staff also believed that their contributions were undervalued by the prison and spoke of sentence planning boards being cancelled or rearranged with little notice. Prison staff, in their turn, spoke of their frustration at the failure of many field probation staff to attend sentence planning boards when invited.
- 4.24 In the early stages of sentence there was inconsistency in the provision of information for sentence planning purposes, due to either probation reports not being requested by the courts, or probation areas not allocating cases and/or having any additional information at this stage. Following the early stages of sentence, contact by the probation area was desirable in some high-risk of harm and other cases, but should be decided by the risk and needs assessment carried out in prisons, informed by probation assessments and communicated in the sentence plan provided to probation areas. It was not clear whether the identification of those at high risk of harm or with significant resettlement needs by the prison was then being used to inform probation allocation, the nature of the work to be done and the development of an appropriate risk management plan for release. The appropriate role of home probation staff, at the different stages of sentence and the point of allocation, required clarification.
- 4.25 It was evident from the review that managerial oversight of this important aspect of resettlement was lacking in many probation areas and the majority visited had no mechanism in place for monitoring probation officers' contribution to sentence planning other than through the normal process of staff supervision. Devon, however, had undertaken an internal inspection on resettlement and was planning a practice audit to assess the quality of probation contributions to sentence plans in collaboration with a local prison. Staffordshire had a similar system of practice audits and was also considering one in relation to sentence planning. These initiatives were commended, but needed to be based on agreed criteria for what constituted good practice.
- 4.26 In prisons various arrangements were in place to provide quality control of sentence plans, usually by the throughcare manager who sampled a number of plans and signed them to this effect. Although this was not required within the Prison Service Order, it suggested that the throughcare manager "might consider" regularly reading a sample of completed sentence plans with a view to monitoring and maintaining quality. Without this requirement the prison service was not in a position to assess the overall quality of its sentence planning.

Prisoners' experience

- 4.27 From the survey of prisoners undertaken within a month of their release:
- 48% of ACR prisoners and 75% of DCR prisoners said they had a sentence plan
 - 87% of those with plans were aware of what their targets were and 76% said that they had been involved in drawing them up
 - DCR prisoners were more likely (88%) to say the targets had been met than ACR (59%) prisoners.
- 4.28 These findings were consistent with those from the examination of sentence plans and confirm the variability of work undertaken and the need to involve prisoners consistently in the sentence planning process. It was not possible, however, to make any informed assessment of the resettlement outcomes for prisoners. It was also apparent that sentence plans had been prepared on many of the prisoners claiming not to have them, but they had not been involved in the process and so were not aware of their existence.
- 4.29 The prisoners' survey also showed that their contact with supervising probation staff was maintained in approximately half of all cases as illustrated in table 4.4.

Table 4.4: Contact between prisoners with their supervising officer. Source: Prisoners' survey

	AUR		ACR		DCR	
	No	%	No	%	No	%
Men	16	8	96	62	35	81
Women	10	26	4	33	3	100

$p < .001$

- 4.30 Contact was also more likely to be confined to letters for shorter sentenced prisoners and to include visits, letters and face-to-face contact during home leave for longer sentenced prisoners. 55% of male and 61% of female prisoners would have liked more contact with their home probation officers, and this proportion was similar for those who had had contact and those who had not. Most prisoners still associated the probation service with help to find accommodation and with benefits, and the wish for more contact with probation staff may therefore reflect a lack of understanding about their current role. However, field probation staff prioritised involvement with prisoners before release by risk, and with only a small number of personal officers undertaking this role and few prisons providing such advice and assistance from any other source, many prisoners were left without any obvious source of help.

Preparation for release

- 4.31 Overall, 43% of male and 21% of female prison Governors claimed they provided a pre-release course. Although category C, open and resettlements prisons released a higher proportion of prisoners, pre-release courses were run in 56% of category B prisons compared to 47% of category C, 46% of open and resettlement and 36% of local prisons. 41% of the prisons offering the course delivered the standard prison

package, although a further 50% said they did or could tailor the course to the needs of the participants.

- 4.32 The pre-release course was a standard “Inmate Development and Pre-release” (IDPR) course which had been part of the standard preparation for release for many years. It had recently been evaluated on a small-scale by “Unlock”,⁴⁷ a charitable organisation, who concluded that it reached very few of the discharged population and was not sufficiently tailored to individual need or up to date in terms of the information it imparted. The report recommended that pre-release preparation build on work undertaken previously in sentence and that its content should be informed by what prisoners themselves needed to know and what were significant factors in their offending. It also suggested that prisoners with a sentence of under four years should receive a “standard” course and longer sentenced prisoners an “enhanced” course, possibly within resettlement prisons and that such courses should be accredited and managed from headquarters to ensure their integrity.
- 4.33 The IDPR course at the time of this review was due to be replaced and had been discontinued in many establishments. Only about 10% of those surveyed (9% of the women) said they had attended a pre-release course, and a further 20% said they had chosen not to. Of the AURs interviewed, 7% said that they had attended a course and 12% said they had chosen not to. This left 70% of those surveyed and 81% of those interviewed stating they had not attended a pre-release course, either because none was available or they did not know whether one existed. Provision was clearly patchy and not obviously related to need. If pre-release courses are to continue, they need to build on developmental work undertaken earlier in sentence and this work identified within sentence. The contents should be tailored to the resettlement needs of individual prisoners.

Supervision following release

- 4.34 Probation National Standards 2000 (C10) for the supervision of prison licences in the community stated that supervision should aim to address and reduce offending behaviour as well as promote reintegration into the community. It specifically required that all offenders released on licence from prison should have a supervision plan prepared within 15 days, but preferably prior to release, which should address identified risk factors. The standard stated:

“Offenders must be aware of the aims of the supervision plan and be involved in its formulation. Supervision plans must specify a structured programme of individual and/or group supervision delivered by the probation service, or by others working in partnership, based on the principles of effective practice, and be related to tangible outcomes.”

The supervision plan was to be reviewed every four months with a final review to be made available to the offender where possible. Feedback was also to be provided to the discharging prison at the end of the licence period.

⁴⁷ Leech, M and Cheney, D. *Inmate Development and Pre-release Courses at Wymott and Elmley prisons*. Unlock. www.tphbook.dircon.co.uk/unlock.html (March 2000).

- 4.35 A high proportion (92% or 238) of the probation case files contained an initial supervision plan, a slight increase on the average of 81% found in the first seven regional inspections undertaken by HMI Probation during 2000/2001.⁴⁸ Although the national standard encouraged probation staff to prepare the plan prior to release, only 7% had been prepared 15 working days prior to release. The competing need to involve the offender in the process meant that the majority had been prepared after release, with 74% having been completed within the 15 day timescale.
- 4.36 However, a significant number of cases did not contain both a sentence plan and supervision plan. Table 4.5 examines the correlation between the supervision plan prepared by the supervising officer and the prison sentence plan by probation area in cases where both documents were on file.

Table 4.5: Correlation between supervision and sentence plan. Source: Probation case files

	Supervision plan fully/largely consistent with sentence plan	Supervision plan consistent with sentence plan to some extent	Supervision plan not consistent with sentence plan
Devon	28 of 32 (88%)	3 of 32 (9%)	1 of 32 (3%)
Durham	15 of 24 (62%)	7 of 24 (29%)	2 of 24 (8%)
Kent	22 of 27 (81%)	4 of 27 (15%)	1 of 27 (4%)
Leicestershire & Rutland	14 of 19 (74%)	3 of 19 (16%)	2 of 19 (11%)
Inner London	6 of 15 (40%)	9 of 15 (60%)	0 of 15 (0%)
Greater Manchester	13 of 21 (62%)	8 of 21 (38%)	0 of 21 (0%)
Staffordshire	10 of 20 (50%)	9 of 20 (45%)	1 of 20 (5%)
West Glamorgan	23 of 26 (88%)	3 of 26 (12%)	0 of 26 (0%)
All areas	71%	25%	4%

Commentary

- There was a high degree of consistency between supervision and sentence plans overall.
 - There was a high degree of consistency between sentence and supervision plans in Devon and West Glamorgan.
- 4.37 The high number of cases in Inner London, Leicestershire & Rutland and Staffordshire without both a supervision and sentence plan was worrying, for example in Inner London only 15 of the 33 cases examined contained both documents. With the possible exceptions of Devon and West Glamorgan, all areas needed to give greater attention to the sentence plan (where available) when drawing up the initial supervision plan. It was important that the different needs of released prisoners from those under other forms of community supervision were recognised and that their licence period took account of the assessments made of them whilst in custody and any work undertaken to address their offending behaviour or resettlement needs. Supervising probation staff judged the sentence plan information available to them to be satisfactory or very good in a total of 88% of cases where it was available.
- 4.38 The supervision plan had been signed by the offender in only 59% of the cases where one had been prepared. Table 4.6 shows the proportion of cases by area where the supervision plan identified offence related needs appropriately and where that work was

⁴⁸ Performance Inspection Programme – HMI Probation’s regional inspection of probation areas.

shown, through examination of the case file, to have been taken forward either by the supervising officer or another agency.

Table 4.6: Offence related needs: assessment and intervention. Source: Probation case files

	Supervision plan clearly identified offence related needs	Supervision plan identified offence related needs to some extent	No offence related needs identified	Work to address offence related needs taken forward through supervision
Devon	28 of 34 (82%)	6 of 34 (18%)	0 of 34 (0%)	31 of 35 (89%)
Durham	24 of 34 (71%)	9 of 34 (26%)	1 of 34 (3%)	27 of 33 (82%)
Kent	18 of 33 (55%)	8 of 33 (24%)	7 of 33 (21%)	23 of 33 (70%)
Leicestershire & Rutland	18 of 24 (75%)	3 of 24 (12%)	3 of 24 (12%)	17 of 29 (59%)
Inner London	18 of 30 (60%)	10 of 30 (33%)	2 of 30 (7%)	20 of 32 (62%)
Greater Manchester	16 of 28 (57%)	10 of 28 (36%)	2 of 28 (7%)	23 of 33 (70%)
Staffordshire	14 of 28 (50%)	12 of 28 (43%)	2 of 28 (7%)	21 of 31 (68%)
West Glamorgan	18 of 30 (60%)	10 of 30 (33%)	2 of 30 (7%)	20 of 30 (67%)
All services	64%	28%	8%	71%

Commentary

- In 92% of cases overall, offence related needs were identified either clearly or to some extent and work undertaken to address these in 71% of cases, leaving 21% of relevant cases with no appropriate input.
- The noticeable proportion of cases in Kent (21%), where offence related needs had not been identified, gave cause for concern.
- It was positive to note the focus given to offence related needs by Devon, in both the supervision plan and in work undertaken with the offender.
- The work undertaken by Durham in addressing offence related issues with offenders during supervision was also commendable. Emphasis needed to be given by other areas, however, to taking this work forward through supervision.
- In Leicestershire & Rutland and Inner London, work was undertaken to address offence related needs in less than two-thirds of all cases.

4.39 Although the level of intervention would depend on the assessment of risk of harm and reoffending, a focus on offending should be evident with all offenders. Even where significant input had already been made in prison, attention should be given to reinforcing that learning on release, if only by relapse prevention. Surprisingly, little use was made of other agencies with only 23% of cases being referred to partner organisations.

4.40 Table 4.6 shows the proportion of cases by area where the supervision plan identified non-offence related needs appropriately and where that work was shown, through examination of the case file, to have been taken forward either by the supervising probation officer/PSO or another agency.

Table 4.7: Non-offence related needs: assessment and intervention. Source: Probation case files

	Supervision plan clearly identified non-offence related needs	Supervision plan identified non-offence related needs to some extent	No non-offence related needs identified	Work to address non-offence related needs taken forward through supervision
Devon	24 of 34 (71%)	9 of 34 (26%)	0 of 34 (0%)*	30 of 34 (88%)
Durham	19 of 34 (56%)	6 of 34 (18%)	5 of 34 (15%)*	19 of 31 (61%)
Kent	16 of 33 (48%)	10 of 33 (30%)	2 of 33 (6%)*	21 of 32 (66%)
Leicestershire & Rutland	17 of 24 (71%)	4 of 24 (17%)	3 of 24 (12%)*	20 of 27 (74%)
Inner London	12 of 30 (40%)	13 of 30 (43%)	3 of 30 (10%)*	22 of 30 (73%)
Greater Manchester	17 of 28 (61%)	9 of 28 (32%)	2 of 28 (7%)*	26 of 32 (81%)
Staffordshire	16 of 28 (57%)	7 of 28 (25%)	5 of 28 (18%)*	22 of 31 (71%)
West Glamorgan	15 of 30 (50%)	9 of 30 (30%)	1 of 30 (3%)*	17 of 29 (59%)
All services	56%	28%	9%*	72%

* These figures exclude cases (7% of the total sample) where there was no evidence that there were any non-offence related needs.

Commentary

- In 84% of cases overall non-offence related needs were identified either clearly or to some extent and work to address them was undertaken in 72% of cases, leaving 19% of relevant cases with no input.
- With the exception of Greater Manchester and Staffordshire, offence related needs were more likely to be focused upon clearly in the supervision plan than other needs.
- The high proportion of cases where no non-offence related needs had been identified in Durham and Staffordshire was surprising.

4.41 It was apparent that the majority of areas gave slightly greater attention to offence related work with ex-prisoners than to other needs in the supervision plan. This approach was consistent with the emphasis placed on public protection, but it was worrying that no work had been undertaken to address either offence or non-offence related needs in about one-fifth of cases given that file readers identified them in over 90%. Devon was the only area visited to focus equally on both offence related and non-offence related needs in a significantly high proportion of the cases examined.

4.42 Little difference was found between white offenders and those from minority ethnic groups in relation to the identification of both offence related and non-offence related needs. Less evidence was found, however, of work undertaken to address the offence related needs of minority ethnic offenders. These issues needed further exploration and confirmed the conclusions reached in HMI Probation's thematic inspection on race⁴⁹ which raised concerns about the tendency of many staff to focus on welfare issues rather than offence related concerns with minority ethnic offenders. It is important that work with prisoners from minority ethnic groups is addressed as part of probation areas' ongoing work to promote race equality.

⁴⁹ HM Inspectorate of Probation *Towards Race Equality Report of a Thematic Inspection* (2000).

Achieving compliance and ensuring enforcement

- 4.43 The Home Office Plan for the Probation Service 1999/2000 included the following KPIs:
- 90% of those released from prison to be seen within one working day of release
 - breach action to be taken on or before the third unacceptable failure in 90% of cases.
- 4.44 Probation National Standards 2000 (D1) described the purpose of achieving the required levels of contact and enforcing supervision rigorously as:
- *“to satisfy the courts and the community that a credible level of disciplined supervision is taking place*
 - *to ensure that offenders have the opportunity to engage in effective supervision.”*
- 4.45 The standards required the offender to be seen either on the day of release from prison or, where not practicable, the next working day. Arrangements were then to be made for a minimum of weekly contact during the first four weeks following discharge, making a total of five contacts in the first four weeks. One of the contacts would normally be a home visit arranged to take place within 10 working days of release. Contact was then to be arranged fortnightly for the second and third months and thereafter not less than monthly. In addition, supervising officers/PSOs were required to remind offenders that their supervision formed part of their original sentence, issue them with a statement explaining what would happen if they failed to comply and remind them that travel outside the UK was prohibited unless there were exceptional circumstances.
- 4.46 Table 4.8 shows the performance of the individual areas visited in meeting the requirements of National Standard (D11) in relation to contact post-release.

Table 4.8: Contact with offenders post-release. Source: Probation case files

	Offender seen within one working day of release	Home visit took place within 10 working days of first interview	Level of contact generally satisfactory as required by national standards
Devon	35 of 36 (97%)	26 of 35 (74%)	32 of 35 (91%)
Durham	31 of 34 (91%)	28 of 32 (88%)	27 of 34 (79%)
Kent	30 of 31 (97%)	24 of 30 (80%)	29 of 31 (94%)
Leicestershire & Rutland	26 of 28 (93%)	21 of 27 (78%)	25 of 27 (93%)
Inner London	27 of 32 (84%)	6 of 32 (19%)	23 of 31 (74%)
Greater Manchester	30 of 33 (91%)	29 of 33 (88%)	30 of 33 (91%)
Staffordshire	26 of 31 (84%)	9 of 30 (30%)	21 of 30 (70%)
West Glamorgan	26 of 30 (87%)	23 of 30 (77%)	22 of 29 (76%)
All areas	91%	67%	84%

Commentary

- The performance of Devon, Kent, Leicestershire & Rutland and Greater Manchester was commendable.
- The low proportion of cases to receive a home visit in the timescale established by national standards in Inner London and Staffordshire required investigation.

- 4.47 Little difference was revealed between white offenders and those from minority ethnic groups in relation to contact. However, some divergence was found in home visiting, with 71% of white offenders receiving a visit from supervising probation staff within 10 working days of release compared to 46% of offenders from minority ethnic groups. The reasons for this discrepancy need to be explored and underlying issues, within the control of probation areas, addressed as part of work undertaken to promote race equality.
- 4.48 While the finding of 84% achieving a generally satisfactory level of contact against national standards was fairly positive, other requirements of national standards were not so well observed or documented. Only 39% of cases examined contained a record that the offender had been told that their period of post-release supervision formed part of the original sentence and 46% that travel outside the UK was prohibited. In just 49% of cases there was evidence that the offender had been issued with a statement explaining what would happen if he or she failed to comply.⁵⁰ These requirements needed to be properly enforced and recorded as they were of significance for breach action. The offender had signed the licence in 90% of all cases.
- 4.49 National Standards 2000 (D23) for offenders released on licence required the supervising officer to:
- issue a formal written warning after the first failure to comply, where breach action was not to be taken
 - arrange for an officer of at least assistant chief officer (ACO) level to issue a formal written warning, copied to the Parole Unit, after the second failure to comply, where breach action was not to be taken
 - commence breach action no later than the third failure to comply.
- 4.50 Table 4.9 shows those cases where breach action was taken in accordance with the national standard requirements.

Table 4.9: Breach action – by probation areas. Source: Probation case files

	Number of cases with third unacceptable failure	Number of such cases where breach action taken
Devon	7	4 (57%)
Durham	10	8 (80%)
Kent	3	2 (67%)
Leicestershire & Rutland	8	2 (25%)
Inner London	7	3 (43%)
Greater Manchester	8	3 (38%)
Staffordshire	8	5 (62%)
West Glamorgan	8	3 (38%)
All areas	59	30 (51%)

Commentary

- The performance of Durham was noteworthy. However, none of the areas visited met the KPI of 90%.
- Leicestershire & Rutland needed to give immediate attention to enforcement practice.

⁵⁰ Home Office *National Standards for the Supervision of Offenders in the Community* National Standard D12 (2000).

- 4.51 The findings compared favourably with those from the seven previous regional inspections which showed that an average of only 36% of cases were breached on or before the third unacceptable absence. However, considerable variations were found and it was evident that all areas, with the possible exception of Durham, needed to take immediate action to ensure better enforcement.
- 4.52 Little difference was found between white offenders and those from minority ethnic groups in relation to breach action, although the number was too small to make meaningful comparison possible.

Overview

- 4.53 Table 4.10 shows the overall assessment of the quality of work undertaken by prisons and probation areas, pre and post-release, as assessed by file readers within probation fieldwork.

Table 4.10: Overall assessment – pre and post-release. Source: Probation case files

	Quality of pre-release work by prison satisfactory or better	Quality of pre-release work by supervising probation area satisfactory or better	Quality of post-release work by supervising probation area satisfactory or better
Devon	27 of 33 (82%)	29 of 33 (88%)	31 of 35 (89%)
Durham	24 of 34 (71%)	26 of 34 (76%)	30 of 33 (91%)
Kent	24 of 32 (75%)	25 of 33 (76%)	25 of 33 (76%)
Leicestershire & Rutland	17 of 30 (57%)	16 of 30 (53%)	22 of 28 (79%)
Inner London	15 of 29 (52%)	20 of 31 (65%)	26 of 32 (81%)
Greater Manchester	16 of 30 (53%)	21 of 30 (70%)	30 of 33 (91%)
Staffordshire	19 of 31 (61%)	19 of 30 (63%)	21 of 29 (72%)
West Glamorgan	19 of 30 (63%)	21 of 29 (72%)	28 of 30 (93%)
All areas	65%	71%	84%

Commentary

- Work undertaken post-release was generally considered of higher overall quality than work prior to release, reflecting the priority accorded to post-release supervision.
 - The prison and probation services' seemed able to deliver better quality pre-release work with offenders from Devon, Durham and Kent.
 - There did not appear to be any variation in terms of ethnicity.
- 4.54 These assessments were consistent with earlier judgements of the quality of work undertaken by prison and probation staff but did not address the matter of "seamlessness". Despite quality work being undertaken in about two-thirds of prison cases and three-quarters of probation cases, there was very limited evidence of the "seamless approach" to which the Criminal Justice Act 1991 had aspired. In areas where prisoners were able to serve their sentences closer to their homes, the quality of pre and post-release work was higher. Prison staff did not take sufficient ongoing responsibility for implementing sentence plans effectively by using personal officers as case managers in liaison with prison colleagues, home probation staff and voluntary

agencies. Probation staff were variously undertaking work which should have been the responsibility of prison staff, duplicating their work, or making insufficient contributions, with some apparently treating offenders on release almost as a new case. It was clear, given the short length of most prison licences, that probation areas could not address the offence related needs of prisoners effectively if such work was not commenced by the prison service with the offender whilst in custody. Similarly, prisoners needed attention to be paid to their resettlement needs. Prison and probation staff, both separately and together, needed to adopt a case management approach to their work with offenders.

Summary

- 4.55 Where available, probation court reports were used appropriately to inform sentence plans and, those on file, usually accorded with sentence plans. In the absence of a report from the court, the inconsistency in whether and when home probation staff were allocated meant that the opportunity to communicate relevant information was not available in some cases. Supervising probation staff judged available sentence planning information to be satisfactory or very good in most cases.
- 4.56 Arrangements for completing sentence plans varied considerably between prisons. Sentence planning had become an established process but was not fully effective in a significant proportion of cases. Three-quarters of initial sentence plans contained targets to address offending behaviour, risk and other needs but only about a third were judged to have done this satisfactorily or well. Almost all were reviewed as required, but targets were judged to have been met completely or in part in only two-thirds of cases. The absence of a requirement to monitor the quality of sentence plans by either service meant that neither was in a position to assess the effectiveness of the sentence planning process.
- 4.57 Without a shared protocol, each service considered the role of risk assessment to be theirs alone. Many probation staff lacked confidence in the ability of prison staff to undertake risk and needs assessments, and a similar lack of trust existed between prisons. There was insufficient liaison both between prison staff and with home probation staff and voluntary organisations, and the potential for personal officers to act as case managers working alongside probation staff, psychologists and other relevant staff was not being realised. Cases were not prioritised according to risk and needs assessments, and the absence of a case management approach hindered effective sentence planning.
- 4.58 There was a lack of clarification regarding the appropriate role of home probation staff during the different stages of sentence. Their work was poorly integrated into initial sentence plans, although this improved as the sentence progressed, with some good examples of collaborative working found. The problem of prisoners being located far from home impeded work by probation staff and affected family relationships, though the movement of prisoners subject to sentence planning took place less frequently than commonly supposed.
- 4.59 A supervision plan following release had been prepared by probation staff in almost all cases, and they were fully or to some extent consistent with the sentence plan in 96% of

cases. It was apparent that the majority of areas gave slightly greater attention to offence related work with ex-prisoners than to other needs in the supervision plan. This approach was consistent with the emphasis placed on public protection, but it was worrying that no work had been undertaken to address either offence or non-offence related needs in about one-fifth of cases given that file readers identified them in over 90%. Less evidence was found of work to address the offence related needs of offenders from minority ethnic groups, who were also less likely to receive a home visit after release than white offenders. The level of contact with offenders after release conformed with national standards requirements in most cases but breach action had been taken in just half of all relevant cases.

Recommendations

4.60 It is therefore recommended that:

The Prison Service and NPD should review the respective roles of prison and probation staff, assigning the lead role to prisons during the custodial period and identifying the appropriate contribution to be made by probation staff at different stages of the prison sentence.

The Prison Service should develop a strategy to ensure that prisoners can be located closer to home, where appropriate in the months prior to release, to facilitate their resettlement.

The Prison Service should develop and adopt a case management approach to assist in the implementation of sentence plans. It should identify the role and responsibilities of personal officers working with prison, probation staff and others and be supported by appropriate training and management oversight.

5. ADDRESSING OFFENDING BEHAVIOUR

5.1 This chapter discusses work to address offending behaviour in prisons and the community. It includes the areas of substance misuse and mental health, which are known to be associated with further offending. Protective factors, such as housing, education, employment, budgeting and debt management, also important in protecting against further crime and promoting the successful resettlement of prisoners on release, are discussed in the next chapter.

Offending behaviour work in prisons

5.2 The delivery of accredited programmes in prison increased following the CSR and a commitment under the Public Service Agreement (PSA) to deliver 5,000 programme completions, including 1,020 for sex offenders, during 2000/2001. This target was subsequently increased in 2001/2002 to 6,100 completions, including 1,160 for sex offenders. Projected figures from the Governors' survey suggested that 4,500 completions would be achieved in 2000/2001. In the event, 5,986 prisoners attended accredited programmes, of whom 786 participated in programmes for sex offenders.

5.3 The targets were set at a figure considered to be achievable within the resources available, rather than the proportion considered to need the intensive intervention of an accredited programme. It was therefore difficult to know how successful the PSA was at meeting the real level of need. The prison service OBPU, established in the early 1990s, had been extremely successful in developing and supporting accredited programmes in prisons but no strategic plan existed to inform their deployment. The prisons running accredited programmes were those who had successfully bid for funding, rather than those identified as able to meet assessed needs within geographical clusters. As a result, a valuable resource was not utilised to best advantage. This issue, amongst others, had been identified by a review recently undertaken under Better Quality of Services (BQS) standards.

5.4 The Governors' survey indicated that 77% of prisons in total were running one or more accredited programmes:

- Enhanced Thinking Skills or ETS was running in 59% of prisons
- the Sex Offender Treatment Programme or SOTP in 18%
- Reasoning and Rehabilitation or R&R in 15%.

5.5 Nine prisons had introduced the Cognitive Self Change Programme (CSCP) for offenders identified as high risk of violence, one was running the McGuire "Think First" programme, and Grendon prison was operating an accredited therapeutic community on one wing. Others had plans to introduce programmes or were hoping to pilot courses for shorter-term offenders which were under development at the time of the review.

5.6 A further nine prisons had introduced the Controlling Anger and Learning to Manage It (CALM) course aimed at offenders whose history of offending was linked with problems in managing their emotions. This programme had been accredited in September 2000 and, in accordance with JAP's effectiveness criteria,⁵¹ arrangements were being made by the Prison Service and NPD for the programme to be followed up on licence.⁵² This work is commended as good practice.

5.7 The growing awareness of the importance of What Works principles informing work with offenders, combined with the emphasis placed on meeting KPIs, discouraged Governors from running non-accredited courses. Although resources were channelled into running accredited programmes, the Governors' survey indicated that 78% of prisons still ran some non-accredited courses. Information supplied for 223 of the 280 courses revealed that they were mainly (85%) low dose courses of less than 25 hours, with the remainder mostly medium dose of between 25 and 100 hours. Only six (3%) offered more than 100 hours input. Table 5.1 provides the detail from the Governors' survey.

Table 5.1: Categorisation of non-accredited courses according by length of course. Source: Governors' survey

Course	Low (<25 hrs)	Medium (>25<100 hrs)	High (>100 hrs)	Not known	Total
Drugs	20	4	4	9	37
Anger management	26	3		5	34
Alcohol	23	2		7	32
Offending behaviour	23	1		1	25
Other anger/aggression/violence	8	1	1	3	13
Victim awareness	10			3	13
Drugs (dealers/importers/suppliers)	10	1			11
Communication/social/life skills	7			2	9
Pre-release/IDPR	3	3		3	9
(Cognitive) thinking skills	2	3	1	1	7
Motivational courses	4	2		1	7
Substance misuse/general addiction	1	2		4	7
Sex offenders	3	1		2	6
Health/first aid/health and safety	3			2	5
Parenting	5				5
Personal development	4			1	5
Self-harm/suicide awareness	4			1	5
Stress management	5				5
Employment/accommodation	4			1	5
Anti-bullying	3			1	4
Domestic violence	4				4
Relapse prevention	3			1	4
Relationships	2			2	4
Resettlement/throughcare	1			3	4
Assertiveness	2	1		1	4
Alpha		2			2
Depression	2				2
Foreign nationals	1			1	2
Geese Theatre	2				2
Interpersonal Skills	1				1
Basic regime programme	1				1
Car crime	1				1
Gamblers Anon				1	1
Lifers		1			1
Survivors of abuse	1				1
Total	189	27	6	57	279

⁵¹ Criterion 9: Continuity of programmes and services.

⁵² Probation Circular 58/2001 What Works: *CALM Programme: Follow-Up Work on Licence*.

- 5.8 These courses fell into several categories:
- high, medium and low dose treatments for drug and/or alcohol misuse
 - courses for anger and violence in prisons where the accredited programmes were not yet in general currency
 - low dose general offending behaviour, victim awareness and relapse prevention courses
 - information giving to particular groups of prisoners or at particular points of the sentence
 - low dose resettlement and pre-release preparation
 - groups to provide support or to help with emotional difficulties and surviving abuse.
- 5.9 The high importance rightly given to accredited programmes had taken precedence over other group work with prisoners. There were however legitimate reasons why non-accredited group work continued in prisons and these needed to be acknowledged. Practitioners were faced by the very real urgency of meeting current prisoner needs as further evidence-based programmes were being developed. There were also reasons for seeing prisoners collectively other than to undertake offending behaviour work. Information giving courses for example, such as induction courses for new prisoners or life skills courses teaching parenting, first aid or health and hygiene, and support groups for particular groups of prisoners such as lifers or foreign nationals were all legitimate. Those groups designed to assist prisoners with emotional difficulties in managing anxiety, depression or the urge to self-harm were also valuable. There were no accredited courses for drug or alcohol misuse and it was necessary for programmes for prisoners with different levels of need to be developed, from which good practice could be identified. The emphasis on accreditation was in relation to those courses which aimed to reduce offending behaviour, not groups which were convened for other purposes.
- 5.10 Several prisons were running offending behaviour courses for shorter-term prisoners, often developed in the community and delivered by seconded probation officers which they believed were effective and had the potential to be accredited. Prison managers were ambivalent about this. Whilst they understood that non-accredited courses for offending behaviour were officially discouraged as their effectiveness had not been demonstrated and they did not contribute to a KPI, they were reluctant to abandon them altogether where there were no alternatives to meet identified need. It was important however that such courses, as with the accredited programmes, conformed with the known effectiveness criteria, and that staff running them were appropriately trained and supported. Consideration was being given at the time of the review to the development of a new internal process for assuring standards for programmes or activities which contributed to the reduction of offending behaviour but did not meet the criteria for full external accreditation. A differentiated approach of this nature is supported.

The need for a strategic approach

- 5.11 It is not the case that all offenders released from prison reoffend within a two year period. Therefore, a strategic approach based on actuarial and individualised dynamic

assessments would assign offenders to risk categories and allow them to receive either low, medium or high-risk interventions according to need. Low-risk interventions would take the form of motivational work to prepare for release and provide the commitment to tackle accommodation, employment and relationship problems. Medium-risk interventions might include cognitive programmes to sharpen critical reasoning and problem solving skills and equip offenders to better consider their options for change and manage themselves after release. High-risk interventions might include any or all of a range of interventions including motivational help, thinking skills training, offence specific programmes and relapse prevention, as well as help with resettlement. Many offenders may also require help with emotional and drug related problems associated with their offending. All prisoners should thereby receive an individualised intervention which would not necessarily take the form of an accredited programme, but which would be captured by the sentence plan. This requires an individual case management model, concentrating on the need to motivate prisoners and sustain efforts to change. It should utilise the resources of different prison staff and voluntary organisations.

- 5.12 It also had to be acknowledged that risk did not necessarily correspond with sentence length and needed to be taken into account for sentence planning purposes. Dynamic assessments of risk would identify offenders of high risk of harm or reoffending within all sentence categories, including short sentenced prisoners. It was possible that some of the courses currently in development or being piloted as resettlement pathfinders would meet the needs of this group and become a blueprint for interventions with shorter term medium to high-risk offenders.
- 5.13 A comprehensive strategy for addressing offending behaviour would also include motivational elements. The survey of prisoners revealed that 20% of ACRs and 36% of DCRs believed that there was nothing the prison service could do to help them stop offending. Most of those expressing this view felt it was down to them to stop offending, or they linked their reoffending with peer group influence. In contrast, another significant proportion seemed to believe that they had no control over their lives, demonstrating a form of “learned helplessness”⁵³ from repeated disappointment in response to efforts to effect change.⁵⁴ These views confirmed the importance of motivational work. For many, such opportunities may be sufficient in themselves to bring about a readiness to make changes they are already equipped to make. For others, it may serve as an essential preliminary to further work on offending.

Meeting mental health needs in a prison environment

- 5.14 High levels of psychiatric disturbance in offenders were confirmed in the recent psychiatric morbidity survey undertaken in prisons.⁵⁵ From the prisoners’ survey 30% of men and 27% of women identified health problems with which they needed help, and from AUR interviews 40% claimed the same. The most common complaint was depression, followed by schizophrenia, anxiety, panic attacks, insomnia and stress. The What Works criteria do not address mental health needs as these did not emerge as significant in the first meta-analytic studies. However, a subsequent re-evaluation

⁵³ This term was first adopted by the behavioural psychologist Seligman working in the 1950s.

⁵⁴ See next chapter.

⁵⁵ Singleton, N, Meltzer, H and Gatward, R *Psychiatric Morbidity among Prisoners in England and Wales*: Home Office London: The Stationery Office (1998).

confirmed that individual differences were related to reoffending, with personal distress and psychopathology correlating 8% and temperament and personality factors 21% with further criminal behaviour.⁵⁶

- 5.15 Sexual and violent offenders who constituted the highest risk of harm often had associated personality problems. The backgrounds of many included exposure to violence and abuse from their early carers which produced a dual offender/victim personality, with the offender switching between the two roles, offending violently in response to feeling victimised and feeling safer as persecutor than as victim. Part of the aim of treatment in these cases was to integrate these different aspects of the offender's personality, and involved making it safe for the offender to experience his or her own vulnerability. Cognitive behavioural treatments (CBTs) while able to modify distorted beliefs about self and others, did not in itself address the emotional difficulties which might arise as the offender began to experience him or herself as a victim and recall previous unresolved trauma. Neither was CBT in many cases supported by the general prison milieu. Graduates of programmes described anti-therapeutic attitudes on the part of some residential staff towards them outside of treatment sessions, and some of those refusing to undertake SOTP indicated that their diffidence was a defence against exposing themselves to treatment within a non-supportive environment. Prisoners should be able to feel safe in consenting to treatment, and positive relationships were necessary not only between prisoners and staff within the treatment setting, but also in residential settings where staff should act as pro-social models to support prisoners' new thinking and behaviour.
- 5.16 Although CBT is used successfully with patients with mental health needs in clinical settings, in these circumstances patients undergo group work as part of a range of interventions during which they receive close attention from nursing staff and are subject to casework and regular clinical review. To be truly responsive to a prison population, programmes therefore should be sensitive to mental health needs, recognising that many offenders, male and female, may be emotionally damaged and require the additional support of personal casework and mental health input to sustain group work.
- 5.17 There was some evidence that awareness of clinical need was beginning to grow. One-to-one support had been introduced during SOTP and CSCP programmes to retain those who became demotivated or destabilised by the programme, and a new form of therapy was being piloted in Holloway prison teaching the skills of emotional regulation for those with borderline personality disorder.⁵⁷ Skills training in a group took place alongside one-to-one therapy to support the transfer of skills learned during practice sessions to life outside of the group. This therapy was also under consideration as part of a range of interventions for dangerous and severe personality disordered prisoners in Whitemoor prison. Such models of treatment, which addressed the emotional domain as well as the cognitive and behavioural, pointed the way to more comprehensive and differentiated treatments for offender populations.

⁵⁶ Andrews, D A and Bonta, J *The Psychology of Criminal Conduct*: Cincinnati: Anderson (1994).

⁵⁷ Linehan, M *Dialectical Behaviour Therapy* Developed in America for borderline personality disordered outpatients presenting high levels of personal distress and self-injury.

Offending behaviour work after release

5.18 The initial focus of What Works strategies within the probation service, both at a national and local level, was for offenders on community rehabilitation and community punishment and rehabilitation orders. Although continuity of work between prisons and probation areas was intended, little attention had been given to the practicalities of working with offenders following release, particularly for those subject to short licences. It was therefore not surprising, albeit disappointing, to find that a number of areas had not considered the needs of ex-prisoners in their local What Works strategies. The exception to this was work with sex offenders which had a strong public protection element, and where most of the areas visited had established relapse prevention programmes to follow-up sex offender treatment undertaken in prisons. These offenders were not only a priority because some had been assessed as high risk of harm but they also often had longer licences during which such work could be undertaken.

5.19 From the examination of probation case files, the need to address offending behaviour as such was identified in a surprisingly low proportion of cases (60 cases or 23%). Of these cases, action had been taken:

- in prison in 30 of 59 cases⁵⁸ (51%)
- after release in 29 of 59 cases (49%).

Conversely, offence related needs had been identified in 237 of the 260 cases (91%) examined, suggesting that probation staff were more likely to focus on the risk of harm or other matters relating to offending than the risk of reoffending *per se*.

5.20 It was apparent that all probation areas experienced considerable difficulty in addressing the offending behaviour of ex-prisoners, many of whom were released on short licences which were incompatible with attendance on current accredited community programmes. In many areas, attendance at group work was therefore confined to those with licences over three months, or focused on resettlement needs alone. In Kent, group work was undertaken only where a specific condition of attendance had been inserted in the licence, whereas Inner London was considering a proposal that all offenders on licences of three months or more would attend an approved programme as an integral part of their supervision. Leicestershire & Rutland limited attendance on their offending behaviour module to those with licences of three months or more, but had developed an Active Learning Programme for delivery by PSOs on an individual basis to those assessed as low risk. Other areas had developed programmes for short licences focusing on resettlement needs alone. Both Devon and Durham, for example, had established truncated programmes of six sessions focusing on resettlement and reintegration into the community.

5.21 Not all areas collated information on the number of referrals to group by order type and it was therefore difficult to establish how widespread programme work with resettlement cases was. Where not referred to groups, much of the work with ex-prisoners took place on a one-to-one basis with input from partnership organisations. Many areas did not collect information on referral to partner agencies by order type or ethnic group, making oversight of the work difficult. Similarly, the majority were unable to demonstrate that they were providing equality of access to ex-prisoners from minority ethnic groups.

⁵⁸ In one case, the position was unclear.

- 5.22 Some areas had made specific arrangements to address the needs of minority ethnic groups. Both Inner London and Greater Manchester ran well-established groups for minority ethnic offenders open to offenders on licence. In addition to the Black Offenders Group, Greater Manchester also supported a project aimed at South Asian Offenders and had both a women's offending group and a dedicated hostel. Staffordshire also funded bed spaces in a hostel for women run by a voluntary organisation. All these initiatives were commended but needed to be subject to monitoring and evaluation.
- 5.23 It was difficult for probation areas to work effectively with ex-prisoners unless they were either subject to a sufficiently long period of licence or had undertaken work to address their offending behaviour during the course of their sentence which could be followed up after release. The value of interventions which spanned the period in custody and the community was currently being investigated through the resettlement pathfinder projects for AUR prisoners, and both the CALM programme and the CSCP required probation areas to follow-up interventions begun in prisons in a systematic way. There was a need for two broad categories of provision: one for those requiring further intensive work and another for relapse prevention and maintenance for those who had completed programmes in prison and/or only now needed this type of intervention.

Drug misuse

- 5.24 In 1998, a Government White Paper⁵⁹ set out an updated long-term strategy to tackle the misuse of drugs,⁶⁰ which emphasised the need for multi-agency coordination at both national and local levels. In prisons, multi-disciplinary drug services were developed in partnership with probation and health services and specialists from the voluntary sector to provide specialist assessment, treatment and throughcare to all prisoners according to their needs and the length of their sentences. This CARAT service was to link with the work of the drug action teams, and probation areas were seen as having a *"crucial role in raising the profile of post-release resettlement, and in working with drug action team colleagues to engage with CARAT services locally"*.⁶¹
- 5.25 The findings of this review confirmed the strong link between offending and drugs, with 50% of those interviewed saying their current offence was drug-related. 41% of those with a drug problem had been in prison 10 times or more, compared with 24% of those without a drug problem. Analysis of the probation case files showed drug and other substance misuse to be the offence related need most frequently identified by probation officer staff working with ex-prisoners. Of the 260 cases examined, substance misuse was identified in 121 (47%) and in 116 (96% of the 121) was judged to be directly connected to the individual's offending.
- 5.26 Table 5.2 confirms high levels of drug use in offenders, with 22% of men and 40% of women interviewed a month within release admitting their drug use was a current

⁵⁹ Home Office *Tackling Drugs to Build a Better Britain: The Government's 10 Year Strategy for Tackling Drug Misuse*: Cm 3945 London: The Stationery Office (1998).

⁶⁰ HM Prison Service *Tackling Drugs in Prison: The Prison Service Drug Strategy*: London (May 1998).

⁶¹ Probation Circular 68/1998: *Prison Area Bids for Drug Strategy Funds – Further Guidance for Probation Services*.

problem. 47% of those interviewed also claimed to have had a drugs problem when they were in prison on their last sentence.

Table 5.2: Percentage of prisoners who thought each of the following statements about their drug use was true for them. Source: Prisoners' survey and interview sample

	Male				Female	Interviews
	AUR	ACR	DCR	Total	Total	AUR*
I have never used drugs	28	16	34	24	15	16
I have used drugs occasionally	10	14	11	12	9	11
I use drugs socially and its not a problem	17	16	18	17	4	15
I used to have a drugs problem but not any more	21	30	26	26	32	10
My drug use is a problem	23	24	11	22	40	47
Total	100	100	100	100	100	100

* Drug use of AUR interview sample on their previous sentence.

Work to address drug misuse

- 5.27 Examination of the treatments received by sentence type, shown in table 5.3, indicated that drug users on shorter sentences received more limited intervention than those on longer sentences. Shorter-term prisoners were more likely to receive prescription or detoxification and longer-term prisoners were more likely to receive additional treatment such as group work, counselling or rehab. This was understandable given the length of sentence but was not necessarily commensurate with treatment need.

Table 5.3: Percentage of prisoners with a past or current drug problem experiencing different treatments. Source: Prisoners' survey

	Males				Females
	AUR	ACR	DCR	Total	Total
CARAT worker	35	53	43*	45	61
Prescription	25	13	21	21	39
Detoxification	42	36	21	38	63
Voluntary Testing Unit	12	47	79	33	13
Advice/counselling	13	43	43	30	47
Group work	5	32	57	23	16
Self-help group	4	15	21	10	21
Rehab programme	2	10	14	6	5
At least one treatment	65	69	86	69	87
<i>Sample</i>	<i>85</i>	<i>81</i>	<i>14</i>	<i>189</i>	<i>38</i>

* CARAT workers would not have been in place when longer serving prisoners began their sentences.

- 5.28 The CARAT service was relatively new at the time of this review, but there were some encouraging signs that it was beginning to have an impact in prisons. From the questionnaire sample 43% of the men and 61% of the women with a current or previous drug problem had seen a CARAT worker during their current sentence, and the majority had received some form of treatment. It was apparent, however, that the service was overwhelmed by demand. Drug treatment providers highlighted some of the frustrations they encountered in trying to deliver services in prisons. Time was wasted due to poor management of contracts, basic facilities such as confidential offices and access to administrative help were lacking, and officers were not reliably detailed to programmes. Not all officers possessed the necessary aptitudes to work with drug users,

nor were they always properly trained and supervised or available on a regular basis to ensure continuity. All these features were known to impact on the outcomes for prisoners, and within accredited programmes were managed as part of the accreditation process. The same approach was required for the delivery of drug programmes based on a tripartite management team with all aspects associated with the successful delivery of the programme subject to audit.

- 5.29 Most of the male prisoners (69%) and female prisoners (87%) who said they had a drug problem, whether currently or in the past, had received some treatment during their current sentence. The majority (68%) of men and women (60%) who had received help said it had been partly or fully effective, though it was not clear whether they were referring to the relief of immediate symptoms or permanent long-term change. The effectiveness of treatment was judged by prisoners to increase with the number of interventions, as shown in table 5.4, supporting the view that combinations of treatments were more effective than detoxification alone.

Table 5.4: Percentage of prisoners receiving treatment who felt it was effective, by number of treatments received. Source: Prisoners' survey

Effectiveness	Number of treatments						Total
	1	2	3	4	5	6	
Yes	21	39	41	52	60	67	35
No	40	24	16	16	–	–	26
Partly	30	29	41	28	30	33	31
Don't know	9	8	3	4	10	–	7
Total	100	100	100	100	100	100	100

- 5.30 The most common concern raised by prisoners about the treatment they had received related to the quality of detoxification and the fact that, in isolation, it was insufficient. Drugs were sometimes used to blot out traumatic memories connected with violence and sexual abuse, and many prisoners said they needed one-to-one counselling to help them through their withdrawal and to explore the underlying reasons for their drug use. In such cases it was essential that prisoners were assessed and support provided from professionally trained staff. Other complaints concerned the prevalence of drugs within prisons, including on “drug free” wings, and difficulties accessing treatment. Many prisoners were uninformed about what treatment was available or misinformed about what they were eligible for. As drug users were likely to be in withdrawal and in a confused or distressed state when they first arrived in prison, they were unlikely to retain what they were told during induction. It was therefore important that full information about services available in the prison was reinforced later on, possibly by personal officers.
- 5.31 There were clearly limitations on the amount of treatment that could be delivered to prisoners on short sentences. However, for shorter sentenced prisoners the prison service should aim to provide services which could be followed up after release, and more intensive and sustained work to those serving longer sentences. Work on relapse prevention was required during the course of the sentence when drugs continued to be available, following a move to open or resettlement conditions and at the end of sentence when old coping strategies could be triggered.
- 5.32 As with offending, not all drug users were ready to modify their drug use. Many said it was down to them and there was nothing the prison service could do to stop them.

Some did not want to stop and others felt they were unable or unlikely to stop even where they were aware of the dangers. As motivation to change was so fragile, particularly in the early stages, it was important that staff were supportive of efforts in this direction. Prisoners' comments indicated they were easily discouraged by the attitude of staff, but equally inspired when they encountered supportive staff.

Prisoners' comments

- *"someone taking 15-20 minutes of their day to go to your cell to ask if you're ok and ask if you have any questions, to know someone is there who is going to listen to you."*
- *"the Governor said I was not trying to address my problem, so I cancelled."*
- *"I'd do better with more support and if the officers stopped putting me down."*
- *"I have been in and out of prison all my life up till now and no-one has taken any interest in how I felt or my problems. But this time one officer did, he asked me things and showed an interest in my work towards coming off drugs. This made me so confident that I am looking forward to going out now and have some hope again."*

Treatment on release

- 5.33 Around half the men in the prisoner survey and one quarter of the women who believed their treatment needed to be continued on release said that arrangements had been made for this to happen. Within the sample of those interviewed who had returned to prison in the previous two years, only 20% of those claiming their treatment needed to be continued said that arrangements had been made for this to happen, and none of these had actually completed their treatment before returning to prison. Many more accepted that they needed help on release but had not begun any treatment which could be continued.
- 5.34 Although the goal of the CARAT service was to provide support up to eight weeks following release to ensure successful transfer to a community-based service, the level of demand and the problems of accessing community services for prisoners had made this goal very difficult to achieve. One of the main problems was a shortage of suitably experienced CARAT staff and of appropriate treatment facilities in the community. There were also practical funding problems associated with linking services in prisons with outside resources, even when they were from the same provider. In some areas there were long waiting lists so that work begun in prison was either not followed up on release, or the waiting period resulted in loss of motivation and relapse. Moreover, many of the services in the community were maintenance-based and focused on harm reduction and needle exchange. Ex-drug users leaving prison tended to be drug free and needed abstinence-based services and relapse prevention, and were not helped by being exposed to current drug users.
- 5.35 There was a case for fast tracking prisoners into appropriate services in the community to build on treatment already delivered. In addition to an increase in services in the community, there was a need for more link workers to ensure that prisoners kept initial appointments made for them after release. Several prisons had secured funding for such posts on a pilot basis, and these results should be monitored with a view to extending this practice if it is found to be effective.

- 5.36 A common problem for drug users was lack of stable accommodation after release, which resulted in some returning to drug using friends. Many prisoners were reluctant to use hostels or bed and breakfast accommodation because of the prevalence of alcohol and drug use in them and the social isolation which left them vulnerable to relapse.
- 5.37 The review did not consider work undertaken by probation areas with drug users in depth. However, analysis of the probation case files showed that substance misuse was the offence related need most frequently identified by probation staff. All the probation areas visited had responded to this evident need by establishing a range of interventions for drug users. Arrangements included partnerships with both health services and voluntary agencies. Inputs raising the awareness of the dangers of drug misuse were also given as part of a general induction course in a number of areas.

Alcohol use

- 5.38 The Prison Service Drug Strategy Unit was only just beginning to develop an alcohol strategy at the time of this review, but there was confusion about whether drug treatment providers should also provide treatment for alcohol problems, and this needed to be clarified. There were strategic advantages to alcohol services being delivered alongside drug treatment services by the same providers with dedicated funding.
- 5.39 Findings from this review confirmed that alcohol misuse was widespread among prisoners and was a factor in a substantial proportion of offences. Over a quarter (27%) of men in both the questionnaire and the interview samples said their offence was alcohol related and 24% of women said this was the case. Among the interviewees 31% said they *“drank heavily and this has caused problems”*. Examination of the probation case files suggested that 47 (18%) of the 260 offenders experienced problems with alcohol and in 41 cases (87% of the 47), this was directly related to their offending. These offences were more likely to be violent (including assault, grievous bodily harm [GBH] and actual bodily harm [ABH]) than offences which were not alcohol related.

Work to address alcohol misuse

- 5.40 Despite about a third of prisoners reporting problem alcohol use and a quarter linking this with their crime, the proportion of prisoners accepting that they needed help was relatively low. Within the male AUR interview sample, only 16% of those reporting problematic alcohol wanted help with alcohol related problems, and from the prisoners' survey male ACRs and DCRs were more likely to want this than AURs, despite similar levels of alcohol related crime within these three groups. Of those whose alcohol use was related to their offending, women were more likely (69%) than men (28%) to say they needed help with their alcohol problems.
- 5.41 Only around half the questionnaire respondents and under a third of interviewees wanting treatment for alcohol related problems had received it. This mostly consisted of attendance at Alcoholics Anonymous (AA) groups or detoxification, although a small number mentioned counselling, CARATS and alcohol awareness courses. Approximately half the questionnaire respondents who had received treatment said it was effective, largely because they had gained a better understanding of their alcohol

problem and its impact on themselves and others. Others valued just talking or being listened to, with one male AUR commenting *“they brought me back to reality, I felt suicidal initially but I seem to have settled down”*. Six out of the seven interviewees who received help said it was effective or partly effective but the comments suggested this was because it delivered palliative relief in the short-term.

- 5.42 Reasons given for treatment not being effective included short sentence length, inadequate detoxification, no assistance with cravings and treatment options limited to AA. Although this was effective for some, it did not suit others, particularly those who wanted to achieve controlled social drinking or who found participating in groups difficult.
- 5.43 When asked what else could have been done to provide assistance with their alcohol problem, the most common response was *“nothing”*. Several said this was because only they could help themselves or because they would deal with their problem on release, while others said there was nothing more the prison could have done as they were satisfied with their treatment. The additional support identified mirrored that also identified by drug users and included improved detoxification and support for withdrawal symptoms, counselling, health information, rehab, self-help groups, medication, counselling on release and accommodation. One vulnerable prisoner pointed out that *“not even AA is available to prisoners on the vulnerable prisoners’ wing”*, a worrying finding given the known role of alcohol as a disinhibitor in sex offending.
- 5.44 In terms of continuity of treatment, three of four interviewees who said their treatment needed to be continued after release had this arranged, though none of them completed their treatment, mostly because they said it was not appropriate to their needs. The majority of probation areas tended to incorporate work with problem drinkers within their strategy to address drug and substance misuse, and made specific provision to address alcohol abuse within their partnership arrangements. Further analysis of the case files showed that of the 47 offenders identified as needing some form of help, work was undertaken prior to release in 15 cases (32%) and following release in 31 cases (66%).

The need for a new strategic approach to drug and alcohol misuse in prisons

- 5.45 Parallel with the approach to addressing offending behaviour, treatment for drug and alcohol users should be based on individual needs within a wider strategy. The needs of many non-dependent users may be met with health information, motivational input and resettlement support alone. Those drug users unable or unwilling to become abstinent required harm minimisation advice and to be linked with appropriate services offering maintenance and needle exchange after release. Others with a long-standing habit, who wanted to become drug free, needed carefully managed detoxification followed by any combination of specialist health care for bloodborne diseases, rehab, relapse prevention, group work or counselling. The different support needs of prisoners after release wishing to remain abstinent should also be recognised and a system for fast tracking ex-prisoners into rehab adopted. New powers to add a drug testing condition to release licences were included in the Criminal Justice and Court Services Act 2000

which, if implemented, would provide a means of enforcing such measures. The use of these conditions was being piloted in three probation areas.⁶²

- 5.46 HMI Prisons inspections indicated that current performance measures in the areas of drug misuse contained some perverse incentives. The target of the number of prisoners receiving a community care assessment favoured assessments being carried out as an end in themselves rather than as a preliminary to treatment. The emphasis placed on the number receiving treatments resulted in providers delivering shorter treatments which were generally less effective, and there was some evidence to suggest that the proportion of positive mandatory drug tests was manipulated by averaging the test results between low using vulnerable prisoners and high using populations on mainstream wings. There was no effective performance indicator which measured positive outcomes for offenders with problems of either drug or alcohol misuse.
- 5.47 Alcohol problems were clearly widespread among prisoners, although there was a tendency for users not to see this as a problem, particularly male offenders and AUR prisoners. This may be partly related to the fact that, unlike drugs, alcohol was not illegal or socially unacceptable, particularly for men. As with drug users, there was a need for motivational work and both education and treatment programmes to increase awareness of the effects of alcohol use on health, crime and relationships. In addition, further interventions were needed for more problematic drinkers including rehab, group work, counselling, controlled drinking and, where work had already been done, relapse prevention and booster courses targeted on prisoners at the end of sentence before their re-exposure to freely available alcohol on release.

Summary

- 5.48 Although the provision of accredited and non-accredited programmes was widespread in prison, a strategic approach had not been developed, and too many offenders were leaving prison without their offending behaviour having been addressed. The results of resettlement pathfinder projects were eagerly awaited but, in the interim, probation areas were faced with working with a significant number of ex-prisoners whose offending behaviour had not been addressed during the course of their sentences. Insufficient attention had been given by many probation areas in their What Works strategies to work with these offenders, particularly those subject to short periods of licence.
- 5.49 A balance was needed to meet clinical and offending behaviour needs in those offenders with mental health problems. This was particularly evident in those who had suffered early abuse and neglect. However, there was some evidence that programmes addressing emotional as well as the cognitive and behavioural areas were being developed, but the influence of the environment in which treatment was delivered, including the attitude of staff, needed to be recognised and treatment work supported by a case management approach.
- 5.50 Levels of drug misuse were found to be highest amongst repeat short-term and women offenders. Most prisoners with drug problems had received, as a minimum, contact with

⁶² Probation Circular 132/2001 *Criminal Justice and Court Services Act 2001: Drug Testing as a Licence Condition*.

a CARAT worker and detoxification, but the level of satisfaction with detoxification was low. There were signs that the CARAT strategy had increased the level of contact between prisoners and drug treatment providers, although there was an insufficient range of interventions in the community to meet the level of demand for treatment or provide the crucial aftercare that was intended.

- 5.51 Alcohol use, as drugs, was implicated in the offending of many prisoners, particularly violent and sexual offending, and was high in short-term repeat offenders who were also those least likely to accept that they needed help. Women offenders identifying themselves as problematic drinkers were much more likely than men to admit to needing help. Insufficient interventions were available, and continuity of treatment following release was rarely achieved.

Recommendations

- 5.52 It is therefore recommended that:

The Prison Service should produce and implement a national What Works resettlement strategy, and the NPD should review its What Works strategy in relation to offenders supervised on licence. The two services should work together to achieve consistency and continuity in preventing reoffending and reintegrating offenders into the community, by ensuring that the strategy:

- (a) takes account of risk and needs assessments, including mental health needs;*
- (b) is based on a case management model;*
- (c) gives equal attention to meeting offence and other needs before and after release;*
- (d) utilises a range of resources, including those of voluntary organisations, that should be coordinated at both a national and regional level;*
- (e) facilitates quality contact with families and friends, volunteer visitors or mentors who can contribute to resettlement and continue to offer support after release;*
- (f) addresses the different needs of minority ethnic offenders and women offenders.*

The Prison Service and NPD should, in collaboration with other organisations, develop a joint strategy for drug and alcohol misuse, which includes:

- (a) a strong emphasis on motivational elements to increase readiness to engage in treatment;*
- (b) differential provision to address individual risk and need in both prisons and the community;*
- (c) development of a shared KPI identifying the number entering prison with a substance misuse problem, who leave prison drug and alcohol free and who remain so at the end of the licence period.*

6. SOCIAL INTEGRATION

- 6.1 This chapter examines the work undertaken by the prison and probation services to aid the integration of ex-prisoners into the community by focusing on factors considered to protect against further offending. It specifically addresses accommodation, basic skills and education, employment, budgeting, debt counselling and contact with families and friends.

Accommodation

- 6.2 There had been little incentive, in the past, for prison staff to concern themselves with where adult prisoners might live after release, other than the obligation to pay a higher discharge grant to those released to no fixed abode (NFA). However, in addition to the general commitment to resettlement in the new strategic objective within the Home Office Business Plan for 2001/2002, the Government had also set itself the target of reducing the number of people sleeping rough by at least two-thirds by 2002. To this end, four charitable trusts⁶³ were granted £250k in July 2000 to fund initiatives in seven prisons across the country, including three women's establishments, to reduce the number of prisoners released NFA. This was a relatively modest investment which fell short of identifying ex-prisoners as a priority group, but pointed the way for further investment.
- 6.3 Developments to improve the housing of ex-prisoners, however, cut across other programmes designed to enhance community safety, and many local authorities were reluctant to house tenants who were perceived as potentially problematic. Others would only consider applications from individuals with a local connection and prisoners were unable therefore to register for housing until after release. However, the homelessness legislation was being revised at the time of this review, with plans to incorporate amendments by February 2002. The proposed changes to prevent local authorities from excluding ex-offenders as a category when assessing potential tenants were being circulated for consultation.
- 6.4 Ex-prisoners could however be considered a priority for local authority housing if they met current criteria establishing their vulnerability or had written evidence from a psychiatrist that they had mental health problems. Prison Health Care Standards required the general practitioner or other responsible agency to be informed of the release of all prisoners with a need for continuing care. A considerable proportion of prisoners were known to have high levels of psychiatric morbidity for which they had received treatment, including medication, whilst in prison. However, only 7% of all prisoners said on interview that they had been given a letter from the prison doctor when released from their previous sentence which could be used to strengthen any applications for local authority housing.

⁶³ St Giles Trust, Wandsworth; St Mungo's Trust Pentonville; Depaul Trust, Feltham, Brinsford; Women's Link, Holloway, Highpoint, Bullwood Hall.

- 6.5 Housing benefit rules currently allowed prisoners to continue to receive benefit whilst on remand, but after sentence only if they had less than 13 weeks left to serve. A high proportion of offenders with single tenancies were therefore rendered homeless by the length of their sentence. If they were willing to renounce their tenancy, they could at the least avoid accruing rent arrears and remain eligible for rehousing on release. Some prisons, often in collaboration with the local probation area, had made provision to ensure that prisoners were made aware of this situation and helped to manage it. In Durham prison, for example, a PSO acted as a housing officer with the specific task of interviewing all new prisoners on reception, whether on remand or following sentence, to identify any issues relating to their housing that could be compromised by their detention. Every prisoner entering a local prison should receive clear information regarding council tenancies.
- 6.6 The Governors' survey indicated the range of services available in prisons to assist with accommodation on release:
- 84% cited help from the prison/probation team
 - 56% referred to the National Association for the Care and Resettlement of Offenders (NACRO) trained staff
 - 23% had forged links with the Citizen's Advice Bureau
 - 27% had a nominated officer responsible for advising on housing matters
 - 5 had arranged for a local authority housing officer to come into the prison
 - a small number had prisoner run housing advice schemes
 - others had agreements with outside charities, voluntary organisations and housing associations.
- 6.7 Only one prison admitted to offering no assistance whatsoever. A number indicated that advice was available "on application" or that NACRO trained staff and resettlement officers were deployed "when detailing allowed". Others stated that advice was given within pre-release courses. However, it was clear from feedback given by prisoners that few were aware what was available or knew how to access these services.
- 6.8 In Buckley Hall prison a formal Housing Advice Centre (HAC), led by prisoners, had been set up with the Greater Manchester Probation Area in partnership with NACRO. The project was jointly managed by an SPO and the deputy director of custody and consisted of three prisoners, specifically selected for the role, who worked to a PSO. Prisoners referred themselves to the HAC through induction and drop-in centres, but were screened for risk by the seconded SPO. Between November 1998 and May 2001 it had been responsible for the rehousing of 151 prisoners on release, 14 into supported housing and 82 placed on a waiting list. The project had also succeeded in increasing the proportion of local authorities accepting prisoners on to their waiting lists from 40% to 90%. Since its inception, the HAC had built up considerable expertise in dealing with the problems faced by prisoners in seeking accommodation and challenging the existing policy and practices of housing providers. It found that one of the most common problems encountered was previous rent arrears. As a result, a debt repayment scheme had been set up in June 1999 enabling prisoners to pay £3.00 a week from their prison wages towards their existing arrears, all of whom had subsequently been rehoused.

“We have found that ... the information that we can provide on an applicant from Buckley Hall is far greater than the information that they get from an applicant ‘on the street’. With the prisoner’s consent we are able to tell the housing body about the person’s criminal convictions, sentence, current offence, family needs and contacts, and how well they have responded to programmes of rehabilitation ... This in turn can address some of the housing body’s fears about providing suitable accommodation to the prisoner”.

Prisoner working at Buckley Hall prison HAC, 1999

6.9 This scheme should be formally evaluated and the effective elements identified so that these can be replicated elsewhere.

The experience of prisoners

6.10 Finding accommodation following release from prison was a widespread problem. Only 56% of men and 47% of women surveyed within a month of discharge knew if they had somewhere to live on release. Recidivists (44%) appeared to be significantly⁶⁴ less likely to have some form of accommodation on release than repeat offenders (56%) and first timers (75%). Of those interviewed, 34% said they had lost their accommodation as a result of coming to prison on their last sentence and several linked their lack of stable accommodation with their reoffending.

6.11 Table 6.1 shows the type of accommodation prisoners expected to return to on their release.

Table 6.1: Do you have somewhere to live on release? If yes, what accommodation will you return to? Source: Prisoners’ survey

	Men				Women
	AUR	ACR	DCR	Total	Total
Yes	53	59	60	56	47
If yes, where (% of total)					
Home/rent	29	16	5	21	23
Parents/family	11	26	33	20	19
Friends/partners	11	11	7	10	6
Hostel	1	6	14	4	0
Missing	1	1	2	1	0
Total	53	59	60	56	47
No	34	27	23	30	38
Don't know	13	14	17	14	15
Total	100	100	100	100	100
Sample size	196	160	43	399	53

Commentary

- Of the total sample, around one-fifth expected to return to a home which they owned or rented and another fifth to live with their parents or other family members.
- For men, more AURs than ACRs or DCRs expected to return to their own or rented home, or to friends or partners.

⁶⁴ P=.000, chi square

- More ACRs and DCRs than AURs expected to return to parents or other family members or to hostels.
- Women in this sample (of whom most were ACR) expected to return to their own accommodation or to their families in about the same proportions as men, but were only half as likely (6%) to expect to return to a partner or friend than were ACR men (11%).
- These figures were broadly corroborated by the findings from the probation case file reading exercise (see table 6.3).⁶⁵

6.12 From the prisoners' survey:

- only 14% of men and 11% of women indicated that they had received any help with housing during their time in custody
- only 27% of men and 14% of women appeared to know whether help was available if they wanted it
- 33% of male DCRs said they had received help to find accommodation compared to 16% of ACRs and 8% of AURs.

6.13 Overall, prisoners differed in the degree of assistance and the quality of accommodation they expected. Some indicated they would be satisfied with contact details so that they could pursue their cases themselves; others wanted more active help, expecting the prison and probation authorities to arrange accommodation on their behalf. Many seemed uninformed or misinformed about what services were available, what they were entitled to and how to access local authority accommodation. Probation was the most frequently mentioned agency, although often regarded as unhelpful. Others referred to voluntary organisations such as NACRO or the Society of Voluntary Associates (SOVA) as well as CARATS workers and prison staff, including housing officers. Help, where given, mostly took the form of providing names and addresses of organisations to contact and relied on the prisoner having the initiative and application, as well as access to phones and the necessary phone cards, to make contact with the appropriate authorities.

6.14 Some of those interviewed, asked what happened to them after their previous sentences, had not considered the issue of where they would live until they were actually released. Several were given long-term "B&B" accommodation, and others were helped by voluntary organisations, social services, local authority housing officers or homeless persons' units. Many relied on help from friends and family rather than from official organisations. Private rented accommodation was said to be difficult to obtain because of the need to raise the necessary deposit (this was also mentioned as motivating further criminal activity) and an application to the Department of Social Security was not always considered. Hostels were often full and several were reluctant to use them because the clientele were often drug users and criminals "*just like prison*". Council or other housing organisations were described as having long waiting lists or not replying to applications.

6.15 Without minimising the real problems facing prisoners in finding stable accommodation, these responses exemplified the approach of many offenders to

⁶⁵ The probation case file reading exercise did not include AUR prisoners.

managing their problems, with the tone of much of their comments reflecting the “learned helplessness” commented on earlier. The attitudes underlying these responses required challenging if offenders were to be empowered to re-establish themselves and sustain a law-abiding life after release.

Typical housing problems:

- *“I was evicted from my flat five years ago and this was due to rent arrears. They say they cannot rehouse me due to this. Well, how do they expect to get their money back if they do not rehouse you and make you pay that little bit extra towards the arrears?”*
- *“I will be NFA on my release and have repeatedly asked to see probation, throughcare or one of the officers that deal with housing. All to no avail. I have seen no-one. The only people who have helped me have been Healthcare who have written to the council to say that I am unfit to be on the street.”*
- *“I would like to see more help from housing agencies and probation in securing resettlement. It’s always the same, get out of prison, go into a hostel that’s worse than the prison you’ve just left and before you get off the rung it’s back to square one.”*
- *“I asked probation to find me somewhere to live (as I’m NFA) when I am released. I don’t want to go anywhere near drugs. That’s why I turned down my tagging and probation knew that. Then they offered me a place in Torquay. I turned it down because it is full of ‘druggies’ and alcoholics.”*
- *“There should be some sort of hostel for each prison for those being released, even if it is just for 28 days per person.”*
- *“The prison service should set up something like a halfway house and send prisoners there prior to their release, whereby they could go out and get jobs and come back in the evenings and still keep that job on release.”*

The experience of offenders after release

6.16 Table 6.2 shows how those prisoners interviewed, who had returned to prison after serving a previous sentence, had fared in terms of accommodation in the interim period.

Table 6.2: Accommodation type of prisoners on release from previous sentence and before returning to custody on a subsequent sentence. Source: Interviews with prisoners

	On release from previous sentence	Before returning to prison
Own/rented home	19%	34%
With parents or family member	32%	20%
With friends or partner	26%	26%
Slept rough	10%	12%
Hostel	1%	1%
Other	12%	7%
Total	100%	100%
Sample size	146	146

Commentary

- The proportion living in their own home before returning to prison (34%) was higher than on previous release (19%), indicating that some had improved their accommodation status.
- However, the proportion of those sleeping rough on release (10%) and before returning to prison (12%) did not change significantly.

- These findings should be compared with those from the probation case file reading exercise (see table 6.3) which shows that, although the majority of ex-prisoners were able to improve their accommodation status during their period on licence, the position of some deteriorated.

6.17 Information obtained from the probation case files indicated that accommodation had been identified as an issue in 98 (38% of the total cases examined) and was considered to be directly related to offending in 25 (26% of these 98 cases). Table 6.3 shows the accommodation status of prisoners at the time of their first reception into custody, on release and at the current time or on expiry of licence.

Table 6.3: Accommodation status* of offender by probation area. Source: Probation case files

	Permanent			Temporary/hostel			NFA		
	When first in prison	"Planned" status on release	Current/end of licence period	When first in prison	"Planned" status on release	Current/end of licence period	When first in prison	"Planned" status on release	Current/end of licence period
Devon	56% (18 of 32)	41% (14 of 34)	55% (18 of 33)	25% (8 of 32)	47% (16 of 34)	33% (11 of 33)	19% (6 of 32)	12% (4 of 34)	12% (4 of 33)
Durham	90% (28 of 31)	61% (20 of 33)	55% (16 of 29)	0% (0 of 31)	36% (12 of 33)	34% (10 of 29)	10% (3 of 31)	3% (1 of 33)	10% (3 of 29)
Kent	76% (22 of 29)	65% (20 of 31)	72% (23 of 32)	14% (4 of 29)	32% (10 of 31)	25% (8 of 32)	10% (3 of 29)	3% (1 of 31)	3% (1 of 32)
Leicestershire & Rutland	58% (15 of 26)	58% (15 of 26)	61% (17 of 28)	35% (9 of 26)	42% (11 of 26)	39% (11 of 28)	8% (2 of 26)	0% (0 of 26)	0% (0 of 28)
Inner London	75% (18 of 24)	57% (17 of 30)	63% (19 of 30)	17% (4 of 24)	37% (11 of 30)	37% (11 of 30)	8% (2 of 24)	7% (2 of 30)	0% (0 of 30)
Greater Manchester	71% (20 of 28)	53% (17 of 32)	83% (24 of 29)	25% (7 of 28)	44% (14 of 32)	17% (5 of 29)	4% (1 of 28)	3% (1 of 32)	0% (0 of 29)
Staffordshire	79% (22 of 28)	50% (14 of 28)	62% (16 of 26)	18% (5 of 28)	50% (14 of 28)	38% (10 of 26)	4% (1 of 28)	0% (0 of 28)	0% (0 of 26)
West Glamorgan	82% (23 of 28)	76% (22 of 29)	79% (23 of 29)	14% (4 of 28)	7% (2 of 29)	21% (6 of 29)	4% (1 of 28)	17% (5 of 29)	0% (0 of 29)
All areas	73%	57%	66%	18%	37%	30%	8%	6%	3%

* Figures excluded cases where position was unclear on file.

Commentary

- Greater Manchester and West Glamorgan had the highest proportion of offenders in permanent accommodation currently/on termination of their licence.
- No offender in the samples from Leicestershire, Inner London, Greater Manchester, Staffordshire or West Glamorgan was homeless currently/on termination of their licence.
- Leicestershire & Rutland, Staffordshire, Inner London, Durham and Devon had the greatest use of interim housing arrangements of the areas visited, with a third or more of all offenders living in temporary/hostel accommodation currently/on termination of their licence.

6.18 Further analysis, comparing accommodation status on first reception with that currently/on termination of licence, showed that:

- 57% were in permanent accommodation and had been on reception
- a further 12% were in permanent accommodation and had not clearly been at first reception

- 18% were not in permanent accommodation but had improved or maintained their situation
- 12% were in a worse position than on first reception
- 1% (3 offenders) were of NFA and had been so on reception.

6.19 All the probation areas visited had a range of provision to address homelessness, both through agreements with local housing authorities and other providers, and by way of partnership arrangements with voluntary organisations and local housing associations. In Greater Manchester, as in other areas, long-standing arrangements existed to address the needs of homeless offenders through the work of a specialised unit. Other initiatives consisted of the purchase of bed spaces in voluntary hostels, identification of “approved” landlords/landladies and, as in Staffordshire, the appointment of dedicated staff to work with offenders at risk of homelessness.

6.20 Durham had the highest proportion of offenders whose housing situation deteriorated following a prison sentence, with only 55% being in permanent accommodation currently/on termination of the licence compared to 90% at the time of first reception into custody. It was the only area visited not to currently have an approved hostel within the county and had made considerable efforts to meet the evident housing needs of offenders. Measures included a partnership project with a voluntary organisation, establishment of links with the local housing authorities, and the use of dedicated accommodation officers, one based in the local prison.⁶⁶ Significant use was also made of temporary accommodation and representatives from two of the local housing authorities sat on the Public Protection Strategy Group. Both COs and staff were open about the difficulties of housing ex-prisoners and spoke of the impact of hardening public attitudes on local housing policies, some having specific exclusion policies, particularly in the wake of the movement to “out” paedophiles, making the safe resettlement of any offender more difficult.

6.21 The reality for prisoners was that very little help was available in prisons to sort out accommodation problems before release. Seconded probation officers had, in the past, undertaken this work, but their priorities had shifted to identifying and working with high risk of harm cases and delivering accredited programmes. Some work had been picked up by Citizen’s Advice Bureaux staff, but they were not present in all prisons, nor were there effective personal officer schemes.⁶⁷ A significant number of prisoners said that they did not know who to go to for help, and many had resigned themselves to leaving prison without housing in place. Initiatives such as the HAC at Buckley Hall prison demonstrated what could be achieved to help prisoners in finding accommodation whilst they were still serving their sentence.

Education and training

6.22 Prison Rules stated that:

“Every prisoner able to profit from the education facilities provided at a prison shall be encouraged to do so.” (32-1)

⁶⁶ See para 6.5.

⁶⁷ See paras 4.18-4.20.

“Special attention shall be paid to the education and training of prisoners with special educational needs. And if necessary they shall be taught within the hours normally allotted to work.” (30-2)

- 6.23 The National Core Curriculum for prisoners⁶⁸ introduced in 1997 had English, IT, basic, key and social and life skills at its heart, but the overriding importance of basic literacy and numeracy skills was stressed within a new Prison Service Order three years later.⁶⁹ Assessment of prisoners’ basic skills⁷⁰ (indicating that 31% were operating below level 1 for reading, 37% for numeracy and 49% and 58% for spelling and punctuation respectively) was used to identify improvement targets for both prison and probation services. In the prison service a KPI of 14,660 level 2 awards in basic skills was introduced in 2000/2001 and increased to 18,230 in 2001/2002, and a target of 6,000 level 2 awards are planned for the NPS in 2002/2003. To support this work in prisons a new Prisoners’ Learning and Skills Unit was established within the Department for Education and Science in April 2001, and within the NPS a multi-agency steering group has been set up to develop a basic skills strategy which will differentiate between the educational needs of those released from prison and those on community supervision.
- 6.24 In this review Governors were asked whether they provided any education leading to a qualification, and the number expected to gain such qualifications in the current year. Ninety-eight establishments listed 815 types of education leading to a qualification. As would be expected in light of the current prison service priority, basic literacy and numeracy qualifications were mentioned most frequently but there was clearly a considerable amount of other educational achievement taking place. From the information supplied, it appeared that over 34,000 qualifications would be gained in total in the current year, of which over 12,000 would be in basic/key skills (literacy and numeracy) and around 4,600 in IT. Other courses included communication, social and life skills, cooking and catering and preparation for work.
- 6.25 The survey of prisoners showed that 50% left school before the age of 16, and 52% of the men and 71% of the women had no qualifications. Recidivists (63%) were significantly⁷¹ more likely to have left school before the age of 16 than repeat offenders (43%) or first timers (33%). Interviews provided more detail. Over a third of interviewees (36%) had been excluded from school and 43% had no qualifications. Those with qualifications had mostly General Certificates of Secondary Education (GCSEs), “O” levels, National Vocational Qualifications (NVQs) or City & Guilds, many of which had been obtained in prison on previous sentences. A few had experience or qualifications in a trade.
- 6.26 This confirms the poor skills profile of prisoners as assessed by the BSA⁷² and the position of recidivists as the least equipped of all to achieve legitimate employment after release. Despite this, only 19% of the women and 26% of the men admitted to having educational needs when they entered custody on their current sentence, suggesting that many were either unaware of any educational deficiencies, reluctant to reveal them or considered them irrelevant. Interestingly, those without qualifications were less likely to

⁶⁸ Prison Service Orders 4200 (17 July 1997).

⁶⁹ Prison Service Orders 4205 (18 April 2000).

⁷⁰ Basic Skills Agency (BSA) screening test undertaken on 97,000 prisoners in 2000/2001.

⁷¹ p=.000

⁷² See para 6.23.

admit to having educational needs (27%) than those who had qualifications (43%), suggesting that the greater the deficit the less likely it was to be admitted. On interview, prisoners were apparently more candid, with a significantly larger proportion of AURs (52%) admitting to educational needs than within the questionnaire (22%). This was apparently not a function of their recidivism as there was no difference between first timers, repeat offenders or recidivists within the survey sample in this respect. It was difficult to be sure of the reason for this differential response, but it suggested that interviews might be more effective in encouraging honesty or promoting insight.

6.27 Table 6.4 indicates the number stating they had been involved in any education or training during their current sentence.

Table 6.4: Involvement in education or training this sentence. Source: Prisoners' survey

		Males				Females
		AUR	ACR	DCR	Total	Total
Yes	#	53	88	22	163	19
	%	27	58	54	42	36
No	#	143	65	19	227	34
	%	73	42	46	58	64
Total	#	196	153	41	390	53
	%	100	100	100	100	100

Chi square, $p < .000$

Commentary

- 42% of men overall had been involved in education or training.
- AURs were significantly less likely to have been involved than ACRs and DCRs.
- Women were slightly less likely than men to have experienced education or training.

6.28 In further analysis, of those identifying needs, only 27% claimed these had been met in custody. Most of the examples given of work undertaken related to literacy, numeracy, English, maths and IT, although a smaller number mentioned more advanced forms of education, such as "A" levels and business studies. Almost half (49%) of prisoners overall believed that their involvement in education or training had provided them with skills that would be useful to them on release, although AURs, (27%) were significantly⁷³ less likely to assert this than longer-term prisoners (58%).

6.29 Of those interviewed, few considered that their needs had been met, either because they did not think it was worth applying for education as they were serving a short sentence, they were refused, or the waiting list was too long. Some claimed they had applied for education but had received no response. Others said they had been told that they must work or had done so through choice because the wages were higher, or to gain longer periods out of their cells. Many were in withdrawal from drug misuse, in a confused state, or were embarrassed to show themselves up in a class. Several did not realise that education was available in the prison or that they were allowed to participate, particularly during time spent on remand. Despite these obstacles, 31% said they had been involved in education or training, and of these 36% said this had

⁷³ $p < .043$

provided them with skills that would be useful on release. Sixteen of these (52%) said they would like to have continued their education, but only one of them did so.

- 6.30 After release, education had been identified as a need in only 16 of the 260 cases files examined (6%), and in only 2% was specific work planned or undertaken to continue education or training on release. Given the known profile of poor educational attainment in offenders and the correlation between poor educational attainment, including lack of basic skills and unemployment,⁷⁴ it was disappointing that there was not more input into this area of work. Probation staff, working with offenders to increase their employability, spoke of the need to address self-presentation, timekeeping and interpersonal skills as well as educational needs. This required extensive input and additional arrangements with education providers and other partner organisations were needed.
- 6.31 It should be stressed that achieving educational qualifications in isolation does not in itself protect against further offending. A significant number of the repeat offenders interviewed claimed to have fairly extensive educational qualifications, often acquired over successive prison sentences, but appeared to regard these as an end in themselves rather than as a means of gaining employment. Obtaining educational qualifications should therefore be accompanied by other interventions to support change, including offending behaviour work and employment and skills training, followed through into the community, where appropriate, after release.

Employment

- 6.32 Prison Rules stated:
- “A convicted prisoner shall be required to do useful work for not more than 10 hours a day, and arrangements shall be made to allow prisoners to work, where possible, outside the cell and in association with one another.” (31-1)*
- 6.33 In the past, much of the work provided in prisons had been viewed as a form of constructive occupation rather than a means of imparting skills that could be useful after release. However, the prison service had begun to recognise the value of meaningful work which imparted job skills. The KPI for purposeful activity had subsequently been increased to average 24 hours per prisoner per week in the Home Office Business Plan for 2000/2001 and a “purposeful activity expansion scheme” had been established in 33 prisons to increase the range and value of work and other regime activity. A “custody to work” unit had been set up in the prison service in 2000 and £15 million a year from 2003/2004 was earmarked to support effective resettlement work with the aim of doubling the proportion of prisoners getting jobs on release.
- 6.34 Governors were asked whether they provided:
- any work leading to NVQs
 - work experience which imparted skills that could be considered useful to prisoners after release

⁷⁴ The BSA estimates that individuals with low basic skills would have access to only one in 50 intermediate and lower skilled jobs.

- any opportunities to undertake voluntary work in the community on release on temporary licence.

6.35 Table 6.5 shows the opportunities available to prisoners to improve their employability.

Table 6.5: Opportunities to enhance employment prospects. Source: Governors' survey

	NVQs		Work experience within the prison		Voluntary work in the community	
	% providing NVQs	Number to achieve NVQ (give period)*	% of prisons with prison workshops	Average daily attendance at workshops*	% providing work experience in community	No of prisoners involved
Locals	72%	800	78%	1,970	19%	40
Category B	100%	620	89%	950	0%	0
Category C	93%	1,800	86%	3,440	48%	60
Male open/ resettlement	69%	850	77%	490	100%	300
Female closed	73%	150	82%	5,430	27%	30
Female open/ resettlement	100%	120	67%	91	100%	30
Total	81%	4,370	80%	12,310	40%	460

* Numbers are underestimates because 14 prisons failed to provide figures for NVQs and 16 for relevant work experience. Figures are therefore rounded to the nearest 10.

6.36 The high number of prisoners estimated to achieve an NVQ during the current year, or the average daily attendance at workshops, suggested that this was an area of significant activity. However, prison inspections have found that the actual number to achieve an NVQ was often less than the estimated number. Few prisoners were able to complete the required work or achieve the necessary input within the restrictions of a prison environment and length of time available, with the result that prisoners frequently started qualifications but did not complete them. Some prisons also facilitated prisoners working in a voluntary capacity outside of the prison for those considered suitable on the basis of a full risk assessment. Table 6.5 indicates that this more often occurred in open and resettlement prisons and was rarely allowed in locals or category B prisons. The variation in the number of category C prisons allowing this activity reflected in part the differing levels of security they operated, but also suggested that there were different interpretations of risk assessment in operation (see also the differing rates of release category C prisoners on HDC which varied from 5% to 85%⁷⁵). The number of category C prisoners undertaking work in the community constituted 0.2% of the total category C population at the time of the review. It was unlikely that this represented all of those who would be suitable for such an activity and would be able to gain resettlement benefit from it.

Links with employers or other providers in the community

6.37 Links had been forged with employers by:

- all open and resettlement prisons
- 57% of all closed prisons for males and 55% for females.

⁷⁵ See Figure 7.3.

6.38 Some of these partnerships were very creative as illustrated.

Partnership 2000

A project established at Buckley Hall prison as a partnership between public and private sector organisations in which local employers were invited into the prison to provide training in the skills required by their particular businesses.

The Comeback Employment Trust

A voluntary scheme was run in four prisons in Kent to provide prisoners with support and advice in gaining employment and to provide ongoing support for those employing offenders.

“The New Bridge”

Three prisons referred to the role that *The New Bridge* played in contacting local job centres on behalf of individual prisoners arranging an appointment for the week following release.

Apex Trust

One referred to the Apex Trust, an organisation helping those with a criminal record obtain suitable jobs, self-employment training or further education through 27 projects around the country. It also provides employers with advice about how to recruit and retrain people with a criminal record.

Prince’s Trust

Two said they had links with *the Prince’s Trust* and one with an organisation called *Belts* both of which helped prisoners who wanted to start up their own businesses.

Reed Employment Agencies

Two others referred to links with the *Reed Employment Agencies* that helped ex-offenders into work.

Featherstone prison had an engineering workshop with links to outside firms and had placed several prisoners in jobs on release.

Community Service Volunteers (CSV)

CSV provided placements for suitable prisoners on temporary licence in social care settings for up to one month before their release. The work involved helping older people, those with learning difficulties or physical disabilities, young people in schools or hostels and the homeless, and it combined elements of restorative justice with resettlement into the community. During 2000, 80 prisoners in total took part in the scheme in 10 YOI establishments, one female and three adult male establishments.

6.39 It was not clear either how extensive or how effective these schemes were in terms of increasing offenders’ employability and all required evaluation. At the time of the review, 43% of male prisons and 45% of female closed prisons had no such links and it was also evident that such initiatives, however positive, could not compensate for the lack of a strategic approach, hopefully forthcoming through the Custody to Work Unit.

The prisoners’ experience

6.40 The prisoners’ survey supported national research and showed that around a third (34%) of all men and one-fifth (21%) of women had a job when they entered custody and nearly two-thirds (65%) lost this as a result of coming into prison. It also suggested that:

- longer serving DCR prisoners were more likely (80%) to lose their job than shorter serving ACR prisoners (71%) or AUR prisoners (55%)
- recidivists were both significantly⁷⁶ less likely to have been employed (22%) than repeat offenders (34%) or first timers (54%), and were also significantly⁷⁷ less likely to expect to have a job to go out to on release

⁷⁶ p=.000

⁷⁷ p=<..001

- only 17% of recidivists expected to find employment on release, compared to 20% of repeat offenders and 32% of first timers
- the figure for women was even lower (14%).

6.41 Further data from the survey indicated that:

- around one-fifth of the men and a quarter of the women thought they had done something during their current sentence which would help them get a job on release
- 38% of DCR prisoners believed that they had improved their employment prospects whilst in prison, compared to 24% of ACR prisoners and 13% of AUR prisoners
- about a third of the total sample identified education and training in this context and specifically IT, English, maths and business studies
- only 11 (12% of the total) referred specifically to NVQs
- few examples were given of employment experience that provided direct preparation for a job on release.

6.42 Interviews with those who had completed a short sentence in the previous year and returned to prison indicated that only 9% had had a job to go out to on release, but this had increased to 20% before returning to prison on the current sentence. Some of those with jobs had got them through family, friends or partners, or on their own. Others had had a New Deal place, a college course, or a job arranged for their release, which had been disrupted by their subsequent imprisonment. Many said they were locked up most of the time whilst in prison or were involved in routine work that did not provide them with useful skills or experience. A few mentioned education, courses or certificates (e.g. food/hygiene, job clubs, pre-release) but these were often not completed due to the short length of their sentence, or were not relevant to the type of work they hoped to pursue on release.

6.43 Education, including IT, and training to gain vocational qualifications in bricklaying, catering, painting and decorating were most frequently mentioned by prisoners when asked what they would like to have done, either in custody or after release, to improve their job opportunities. Motor mechanics was also particularly popular. Some wanted a job or college course set up to go to on release. Other help mentioned included advice on setting up a business, contact with a job centre before release, careers advice and help with writing CVs, letters of application and interviews.

6.44 Worryingly, only 10% of prisoners who responded to the survey identified help in increasing their job skills and finding work as the most useful contribution the prison service could make to help them stop offending in the future. Many prisoners thought it was not worth trying to get a job with a criminal record and no work history and that only “dead end” jobs would be available to them. Several had never worked and were ill-informed about the facilities available to assist them in finding employment or did not know what to ask for, whilst others indicated that they needed to give up drugs or alcohol or find stable accommodation before they could get a job. These responses

were to be expected, given the barriers known to exist to employment for offenders.⁷⁸ However, they also provided more evidence of the “learned helplessness” found in relation to accommodation and emphasised the need for the prison and probation services to address these attitudes through motivational work.

Finding work following release

6.45 The changing employment status of offenders from the point of reception into prison to the current time or termination of their licence period was examined. Table 6.6 shows information by area. To avoid excessive detail, the table does not show figures for those in education or training, those with an appointment for a job interview or unavailable for work.

Table 6.6: Employment status* of offender by probation area. Source: Probation case files

	Employed – full or part-time			Temporary/casual work			Unemployed		
	When first in prison	Planned on release	Current/end of licence period	When first in prison	Planned on release	Current/end of licence period	When first in prison	Planned on release	Current/end of licence period
Devon	10% (3 of 30)	13% (4 of 30)	28% (8 of 29)	0% (0 of 30)	7% (2 of 30)	7% (2 of 29)	73% (22 of 30)	53% (16 of 30)	45% (13 of 29)
Durham	16% (5 of 32)	17% (5 of 30)	30% (9 of 30)	6% (2 of 32)	7% (2 of 30)	3% (1 of 30)	56% (18 of 32)	67% (20 of 30)	50% (15 of 30)
Kent	30% (7 of 23)	41% (11 of 27)	53% (16 of 30)	4% (1 of 23)	11% (3 of 27)	10% (3 of 30)	52% (12 of 23)	19% (5 of 27)	20% (6 of 30)
Leicestershire & Rutland	29% (7 of 24)	30% (7 of 23)	50% (13 of 26)	8% (2 of 24)	13% (3 of 23)	4% (1 of 26)	58% (14 of 24)	30% (7 of 23)	27% (7 of 26)
Inner London	19% (6 of 32)	12% (4 of 32)	29% (9 of 31)	0% (0 of 32)	3% (1 of 32)	6% (2 of 31)	62% (20 of 32)	56% (18 of 32)	48% (15 of 31)
Greater Manchester	26% (7 of 27)	20% (5 of 25)	40% (12 of 30)	7% (2 of 27)	4% (1 of 25)	0% (0 of 30)	52% (14 of 27)	60% (15 of 25)	47% (14 of 30)
Staffordshire	32% (10 of 31)	13% (4 of 31)	26% (8 of 31)	0% (0 of 31)	0% (0 of 31)	0% (0 of 31)	58% (18 of 31)	55% (17 of 31)	55% (17 of 31)
West Glamorgan	42% (10 of 24)	28% (7 of 25)	27% (6 of 22)	8% (2 of 24)	12% (3 of 25)	23% (5 of 22)	42% (10 of 24)	48% (12 of 25)	36% (8 of 22)
All areas	25%	21%	35%	4%	7%	6%	57%	49%	41%

* Proportions exclude cases where the position was not clear on file.

Commentary

- Whilst the results achieved by probation areas would have been influenced by regional employment rates, the majority of areas were influencing employment in the right direction, with some having a significant impact.
- There was an increase in most areas in the proportion in full or part-time employment, particularly in Kent and Leicestershire & Rutland. However, there was no increase in Staffordshire or West Glamorgan.

6.46 The case file reading exercise showed that 128 of 223 cases (57%)⁷⁹ were unemployed at the time of sentence. Of the 260 cases examined, employment and training needs were identified in 106 (41%) cases and were considered to be directly related to

⁷⁸ These issues are currently being investigated by the National Institute of Economic and Social Research on behalf of the Department for Education and Employment.

⁷⁹ Excluding 37 cases where the employment status of the offender at the time of sentence was not clearly identified.

offending behaviour in 32 (30% of these 106). Action was taken to address these issues in 32 of the 106 (30%) cases identified whilst in custody and in 74 (70%) cases on release. Although this work was positive, it was of particular concern to note that no attempt had apparently been made to consider employment during the course of their licence with 43 (36%) offenders who were unemployed and available for work. The reasons for this poor response in such a large proportion of cases were not clear. Previous research,⁸⁰ however, attributed the evident diffidence of some probation staff in addressing employment with offenders to a sense of defeatism based on their low expectations of the offender's employment prospects or failure to appreciate the significance of finding work as part of the rehabilitation process.

- 6.47 A number of examples were provided of different schemes to help offenders find work. Staffordshire had established an employment project, resourced in part through external funding, which consisted of two job-search officers and an offender employment officer working to one manager within an employment and basic skills unit. It took referrals on all offenders, including those in custody. It was an imaginative initiative but did not appear, from the file reading results, to be achieving its full potential with offenders released from prison. Referral was dependent on the supervising officer and the main complaint of the employment officers was an absence of information about offenders in custody and the low number and poor timeliness of referrals. This lack of integration into mainstream work prevented employment officers contributing to work with the prisoner in custody before release and limited the effectiveness of the intervention.
- 6.48 A similar project had also been established in Kent which, like the Staffordshire scheme, was funded with support from external sources such as the European Social Fund (ESF). In contrast to the Staffordshire scheme, the Kent project was geographically based with employment officers located within case management units. Although referral was still dependent on the supervising officer, a monitoring system enabled the project manager to track the number of referrals from each unit by type of order against the number of such orders made. This information was circulated on a monthly basis to the SPOs responsible for the case management units. Employment officers worked with offenders using assessment tools developed by the BSA to draw up an action plan which then formed part of the individual's supervision plan and was reviewed on a regular basis. A project had also been established whereby employment officers from the project were based within three of the local prisons. It was resourced by the ESF and, despite being monitored in accordance with the funding agreement, was not subject to systematic evaluation. Although the project had closed when the funding ceased, it was regarded as a successful innovation by the area and the file reading results confirmed that 23% more prisoners were in full-time employment at the end of the licence period than at the start of the custodial sentence.
- 6.49 A different model had been set up in Leicestershire & Rutland with the local Apex Trust as part of the area's partnership arrangements. The scheme had been running for a number of years and was well-regarded by staff. Unless there were particular reasons not to do so, all unemployed offenders were referred automatically and seen by the employment officers at a number of "surgeries" established across the county. Appointments were given the same status as contacts with the supervising officer and

⁸⁰Andrew Bridges *Increasing the Employability of Offenders* The Centre for Criminological Research, University of Oxford (1998) and Diana Fulbrook *Long-Term Unemployment and the Probation Service* Hereford and Worcester Probation Service (1990).

failure to attend was enforced by breach action. The area monitored the level of referrals both centrally and locally but needed to give greater attention to evaluating effectiveness in terms of employment outcomes. File reading indicated that 21% more prisoners were in full-time employment in this area at the end of the licence period than at the start of the custodial sentence.

- 6.50 Employment was clearly compromised by imprisonment, and was increasingly jeopardised by further periods of custody. Substantial effort had been put into teaching basic and key skills and IT courses, and a small proportion of prisoners were able to begin NVQs even if they were unable to finish them in prison. Efforts had been made to improve the relevance of the work experience provided in prisons and to facilitate outside work in some category C prisons. There was scope for this to be extended, as well as the examples of creative partnership work which were found in some prisons. Education and employability needed to be considered together by prison staff and followed up systematically after release by probation areas.

Debt and financial advice

- 6.51 Little mention was made of the importance of advice on debt or financial matters in the practice guidance for either the prison or probation services. The Resettlement Standard⁸¹ simply stated that information should be given to prisoners about their entitlement to housing benefit in custody and responsibilities for transferring tenancies if unable to maintain their rent whilst in custody.
- 6.52 The Governors' survey indicated that some form of advice was available in 77% of establishments:
- 48% provided NACRO leaflets on benefits
 - 30% had arranged for Citizen's Advice Bureau staff
 - 22% for Benefits Agency staff to visit the prison.
- 6.53 The introduction of the Benefits Verification Framework in 2000, requiring claimants to provide two forms of identification when applying for benefits, had presented problems to a number of offenders on release. Attempts had been made in a small number of prisons to address this issue. A "prisoner passport" project had been established in both Holme House and Kirklevington which allowed prisoners to receive a personal interview with a Benefits Agency adviser whilst still in prison. Where possible claim forms were then completed and arrangements made to supply any missing documents such as birth certificates which might delay payments of benefits after release. Further interviews were arranged as necessary. The HAC at Buckley Hall had also set up a similar arrangement.
- 6.54 The prisoners' survey revealed that 22% of prisoners wanted advice about debt or benefits but that only 34% of those who wanted help said that they had received it in prison. A quarter (25%) thought that help was not available and 55% were uncertain. This suggested that insufficient attention had been given to these matters.

⁸¹ See para 3.30.

6.55 It showed that:

- there was no significant difference between shorter or longer serving prisoners, first timers or recidivists, men or women in their need for such assistance, although ACR and DCR prisoners were more likely to receive it than AUR prisoners (40% and 50% respectively compared to 26%)
- the main areas with which help was requested were benefits (7% of both men and women), and rent arrears (4% of both men and women), although advice regarding fines, debts, clothing and community care grants was also mentioned as was visits from friends and family
- support and advice were available in 35% of training prisons compared to 14% of local prisons
- where received, assistance came mainly from probation, although SOVA, NACRO, solicitors and pre-release courses were also mentioned. Only one prisoner said he had been helped by his personal officer.

6.56 Interviews with short-term repeat offenders indicated that 19% experienced problems with rent arrears, unpaid bills and unpaid fines whilst they were in prison. Few mentioned these problems to anyone, not expecting that it would be of any concern to the prison authorities. Help, where received, generally came from family members and friends, although a few had been granted crisis loans on release. The majority (81%) claimed benefit when they were released and around a quarter said they experienced problems. These included delays of between two to four weeks in receiving benefits and problems in filling in the appropriate forms, as well as difficulties in establishing an address or proving identity and the loss or theft of benefit books.

6.57 Table 6.7 indicates the financial status of prisoners from the time of sentence up to the current time or termination of the licence.

Table 6.7: Financial status* of prisoners by probation area. Source: Probation case files

	On reception into custody			On release			Current status on or termination of licence		
	Adequate	Inadequate	Problematic	Adequate	Inadequate	Problematic	Adequate	Inadequate	Problematic
Devon	31% (8 of 26)	27% (7 of 26)	42% (11 of 26)	67% (16 of 24)	25% (6 of 24)	8% (2 of 24)	70% (14 of 20)	10% (2 of 20)	20% (4 of 20)
Durham	69% (18 of 26)	19% (5 of 26)	12% (3 of 26)	72% (21 of 29)	21% (6 of 29)	7% (2 of 29)	79% (23 of 29)	17% (5 of 29)	3% (1 of 29)
Kent	53% (9 of 17)	12% (2 of 17)	35% (6 of 17)	82% (18 of 22)	4% (1 of 22)	14% (3 of 22)	81% (17 of 21)	9% (2 of 21)	9% (2 of 21)
Leicestershire & Rutland	63% (12 of 19)	32% (6 of 19)	5% (1 of 19)	65% (11 of 17)	29% (5 of 17)	6% (1 of 17)	56% (10 of 18)	39% (7 of 18)	6% (1 of 18)
Inner London	38% (6 of 16)	31% (5 of 16)	31% (5 of 16)	50% (9 of 18)	39% (7 of 18)	11% (2 of 18)	73% (11 of 15)	27% (4 of 15)	0% (0 of 15)
Greater Manchester	29% (7 of 24)	33% (8 of 24)	38% (9 of 24)	63% (12 of 19)	37% (7 of 19)	0% (0 of 19)	59% (10 of 17)	35% (6 of 17)	6% (1 of 17)
Staffordshire	74% (20 of 27)	15% (4 of 27)	11% (3 of 27)	78% (18 of 23)	17% (4 of 23)	4% (1 of 23)	79% (19 of 24)	17% (4 of 24)	4% (1 of 24)
West Glamorgan	36% (8 of 22)	41% (9 of 22)	23% (5 of 22)	62% (13 of 21)	29% (6 of 21)	10% (2 of 21)	74% (17 of 23)	17% (4 of 23)	9% (2 of 23)
All areas	50%	26%	24%	68%	24%	8%	72%	20%	7%

* Proportions exclude cases where the position was not clear on the file.

Commentary

- 50% were assessed as having inadequate or problematic financial circumstances on entry into custody, compared to 27% on their current status or at termination of the licence.
 - The most marked improvements in financial circumstances were seen in Devon, Greater Manchester, Inner London and West Glamorgan.
- 6.58 From a cross-tabulation of the current financial status of offenders (or on termination of licence) with those on first reception into custody, it appeared that:
- 47% had remained in adequate circumstances
 - 31% had apparently improved their situation
 - 18% continued to be in inadequate circumstances
 - the position of a further 4% had deteriorated.
- 6.59 The case file reading results indicated that, as would be expected, some of the more immediate financial problems facing offenders were resolved during their sentence by, for example, serving additional days in lieu of payment of fines. However, despite the prevalence of monetary problems, financial needs were identified as an issue to address in only 20 (8%) of the 260 cases examined and was considered to relate directly to the individual's offending behaviour in 11 (55% of these 20 cases). These figures were surprisingly low and suggested that debts and other financial matters were either overlooked or given inadequate attention by probation staff.
- 6.60 Some areas had, however, set up specific arrangements to provide financial advice and assistance to offenders. In Durham, managing finance was included as a separate module on the "citizenship" programme for offenders following release, and in Kent a partnership agreement had been established with the Citizen's Advice Bureau to provide help and advice in individual cases. The effectiveness of this project was currently being evaluated.

Real wage schemes

- 6.61 The Howard League published a Briefing Paper on prison workshops in September 2000.⁸² It stated:

"Prison work should strive to supply the same range of incentives and benefits which make legitimate work in the community worthwhile: namely job satisfaction, disposable income, self-esteem, personal development, social integration, social status, and the ability to plan and save for the future. In failing to do this, the prison service runs the risk of reinforcing negative views of legitimate work, as well as giving prisoners the impression that crime pays better."

⁸² The Howard League for Penal Reform *Rehabilitating Work: What are prison workshops for?* (2000). www.howardleague.org

6.62 Table 6.8 displays the amounts earned by prisoners in different sentence categories.

Table 6.8: Amounts earned by prisoners. Source: Prisoners' survey

		Men				Women
		AUR	ACR	DCR	Total	Total
£2.50 or less	#	65	15	9	89*	12
	%	34	10	22	23	23
>£2.50<-£5.00	#	19	9	3	31*	0
	%	10	6	7	8	0
£5->£10	#	94	98	19	211*	27
	%	50	62	46	55	52
>£10	#	11	35	10	56*	13
	%	6	22	24	15	25
Total	#	189	157	41	401	52
	%	100	100	100	100	100

* This total includes a small number of prisoners whose sentence length was unknown.

Commentary

- 23% of both male and female prisoners earned £2.50 or less per week.
- Most prisoners earned between £5 and £10 per week.
- Short sentenced prisoners were more likely to earn the lower amount of £2.50 or less and less likely to earn the higher amount of £10 or more than longer serving prisoners.

6.63 These incomes did not allow prisoners to make any significant contribution to the support of their families outside of prison, or to repaying any housing arrears. Neither did they afford any of the benefits in relation to resettlement identified by the Howard League. The Governors' survey suggested that few opportunities existed for prisoners to earn anything approaching "real wages". Only eight training prisons (of which half were female) operated schemes that provided work in prison that paid significantly more than standard prison wages. One category B prison provided 130 work places, enabling male prisoners to earn up to £60 per week, and another category C prison offered pay linked to production for 100 male prisoners who could earn up to £26 per week. However, these initiatives represented less than 1% of the total male prison population. Female prisons had a total of 105 women earning "real" wages, a slightly higher 3.5% of the total female population.

Contact with family and friends

6.64 The significance of maintaining family and community links whilst in custody in order to prepare the prisoner for safer release was recognised in the 1993 National Framework Document.⁸³ Similarly, HMI Probation's guide to evidence-based practice,⁸⁴ identified the importance of encouraging positive family relationships and/or support when working with offenders and recommended that supervision programmes should be

⁸³ Ibid, see footnote 21.

⁸⁴ Ibid, see footnotes 27 and 28.

designed to enable offenders to develop the cognitive and interpersonal skills necessary to sustain social and working relationships.

6.65 Prison Rules stated that:

“Special attention shall be paid to the maintenance of such relationships between a prisoner and his family as are desirable and in the best interests of both.” (4-1)

A prisoner shall be encouraged and assisted to establish and maintain such relationships with persons and agencies outside prison as may, in the opinion of the governor, best promote the interests of his family and his own social rehabilitation.” (4-2)”

6.66 The minimum entitlement under the Prison Rules for visits was two per month.⁸⁵ However, from the routine questionnaires carried out by HMI Prisons during inspections, just over half of prisoners held in prisons other than locals claim to live more than 50 miles from their home area, and substantial proportions of prisoners claim not to receive this many visits. Table 5.6 indicates the norms and range for the number receiving two or more visits per month in local, category B or C and open/resettlement prisons.

Table 6.9: The percentage of prisoners receiving two or more visits. Source: HMI Prisons inspections

Prisons	No	Average	Range
Locals	4	64	51-73
Category B/C	8	47	24-67
Open/Resettlement *	4	84	60-100

* Including town visits

6.67 Only about two-thirds of prisoners in local prisons and about half of prisoners in training prisons received their statutory entitlement of visits. The prisoners’ survey indicated that 29% of men and 47% of women in prison experienced difficulties staying in touch with their friends and families during their current sentences, with recidivists significantly⁸⁶ less likely to receive visits (10%) than repeat offenders (17%) or first timers (24%). The most common difficulties were:

- distance from home and difficulty in travelling to the prison
- difficulty getting access to telephones, unable to phone mobiles, and not having phone cards or money to phone in the first week in custody
- inefficient visits booking systems
- visits confined to the day time were too restrictive for those who worked
- the length of visits curtailed.

6.68 However, there was a significant number of offenders who did not want their families to know where they were and this needed to be respected by prison staff. Some had lost contact with family and had few friends outside of prison to visit them. Others, particularly minority ethnic offenders, did not wish their families to be subjected to being searched by prison staff in order to receive a visit. It was important that searches

⁸⁵ Prison Rule 35 (2b).

⁸⁶ $p < .014$

were conducted in a manner that was sensitive to the different perspectives of the recipients. Where prisoners were isolated, consideration should be given to the possibility of linking them with prison visitors so that they received contact with the world outside. Such schemes were often run by prison chaplains and several had facilitated contact with particular faith groups. A secular system was also necessary for those without religious beliefs but who needed social contact and exposure to role models who might inspire them to make positive lifestyle changes for the future.

- 6.69 Information obtained from the Governors' survey suggested that limited additional provision was made to promote contact with family and friends beyond statutory visits and home leave. Only 7% of those who responded had nominated family liaison officers and just over a third (37%) provided family days, enhanced family visits or encouraged relatives to attend case reviews for accredited programmes. Telephone calls, in lieu of visits, were available for foreign nationals in 57% of prisons, but it was not possible to determine the number of prisoners who actually benefited from these arrangements. With local discretion in the implementation of earned privilege schemes, many were using the number and quality of visits as incentives for good behaviour. Enhanced visits were therefore often reserved for enhanced prisoners or life sentenced prisoners only.
- 6.70 Despite the recognition given to the importance of maintaining family ties and social networks in the rehabilitation of the offender, no single agency carried statutory responsibility for prisoners' families. Without such a "champion", contact with families and others was seen as a privilege to be earned rather than a right or a potential aid to rehabilitation and social integration. The role of safeguarding the interests of prisoners' families and promoting their role therefore fell to charitable organisations or self-help and pressure groups and, in 1990, the Federation of Prisoners' Families Support Groups (FPFSG) was founded to encourage the development of, and act as a voice for, organisations providing assistance to the families of people in prison. Their aim was to provide a variety of services "to support anyone who has a link with someone in prison ... to cope with the stress of arrest, imprisonment and release." The need for the project had been demonstrated by the rise in the number of referrals over the 10 years of its life from 50 in 1988 to 2,400 in 1998.
- 6.71 During routine HMI Prisons inspections families indicated that including visits in incentive schemes put pressure on them to visit more often than they could manage. It was evident from the proportion of prisoners receiving the minimum number of visits, and the comments above, that there were other barriers to visiting in addition to the number allowed, and a greater incentive would be to provide better quality visits rather than a greater number.
- 6.72 Families have claimed to be an underutilised resettlement resource and a NACRO project⁸⁷ carried out in visitors' centres identified that 75% of families would like to be involved in sentence planning. Aside from the few that said they did not want their families to be involved with or know about that part of their life, a third (34% of men and 38% of women) of prisoners within a month of release indicated that it would have helped if their families had been involved in their sentence planning and preparation for release. Reasons were that they would have had a greater appreciation of their

⁸⁷ NACRO Resettlement surveys. Unpublished report to the Prison Service: *The Needs of Prisoners' Families*, (March 2000).

problems, would have had a say in what happened to them, been able to act as advocates on their behalf and helped them achieve HDC and avoid relapse.

- 6.73 Examination of the probation case files showed that during the pre-release period the prison or supervising probation staff had contact with the offenders' family and/or other significant persons (other than in connection with HDC/Release on Temporary Licence [ROTL]) in 39% of all cases. In only 9% of the total, however, was the level of contact "considerable". There was little evidence of contact in just over half the cases examined, with the position being unclear in the remaining 10%. The files indicated that the offender's relationships with family and friends was an issue to address in 25 (9%) of the 260 cases examined, and in 13 (52% of these 25) cases, the matter was considered to be directly related to offending behaviour.
- 6.74 Greater Manchester had a long-standing partnership with Partners of Prisoners and Families Support Group (POPS), a charitable self-help organisation established in 1988 by a group of women who were themselves the partners or relatives of prisoners. In 1992, recognising the particular difficulties faced by minority ethnic prisoners in prison, the group was instrumental in establishing a Black Prisoners Support Group (BPSG) funded jointly by the Greater Manchester Probation Area and the National Lottery, employing a case manager to assist and advocate on behalf of the prisoner and a resettlement officer focusing on issues such as employment and accommodation. Although Greater Manchester had engaged BPSG in undertaking research,⁸⁸ the number of referrals to the project from probation officers was said to be disappointingly low, and this issue was being addressed. Work on individual cases was progressing well, however, with information on risk shared as appropriate, liaison taking place over targets within the supervision plan and contact with the BPSG enforced under national standards.
- 6.75 A similar scheme existed in Leicestershire & Rutland, known as the Black Prisoners Support Project (BPSP), which put volunteers in contact with offenders to assist them with any issues that might arise during the course of the sentence. This project had been evaluated by the area in 1999. Although prisoners were generally satisfied with the project, concerns were expressed about the distance of the prison from the family home in 62% of cases and the failure of the prison to meet dietary needs in 34%. The decision to refer automatically to the project was being reviewed in the light of complaints that this should occur without the consent of the individuals concerned. These initiatives were commendable and needed to be evaluated and good practice disseminated.
- 6.76 It has to be acknowledged that contact with family and friends does not always protect against further offending where these contacts support criminal activity. Neither is this straightforward where the offending takes place within the family or where relationship problems triggered the offending behaviour. The line to take with family contact was not being clearly considered in individual cases, pointing again toward the importance of a case management approach to resettlement work.

⁸⁸ Greater Manchester Probation Area and POPS *Black Voices – Telling Us How They Feel* (1997).

Summary

- 6.77 Important initiatives to improve the housing of ex-prisoners cut across other programmes designed to enhance community safety and many local authorities were reluctant to accept potentially problematic tenants unless they met agreed criteria for vulnerability which currently exclude ex-prisoners. Although there was a range of services in prisons and the community, these were not consistently available and examples of good practice had not been formally evaluated and spread. Feedback from prisoners and the examination of probation case files suggested that finding stable accommodation for release remained a widespread problem. However, some offenders appeared to lack the motivation required to address their accommodation problems or were unrealistic in their expectations.
- 6.78 Previous studies showed that a considerable proportion of prisoners had educational difficulties and the acquisition of basic literacy and numeracy skills had been identified as a priority for both the prison and probation services. Although considerable emphasis was being placed by the prisons on the provision of courses leading to a qualification, examination of the probation case files showed that only a small number of offenders planned specifically to undertake or continue in education or training on release. Significantly, new targets for educational/vocational qualifications had been set for both the prison and probation services, which needed to be delivered alongside other measures to increase the skills of offenders and their social integration.
- 6.79 The review showed that almost two-thirds of the prisoners in employment at the point of sentence lost their job as a result of their imprisonment. Work was ongoing within prisons to support effective resettlement, with the aim of doubling the proportion of prisoners to find employment on release, and efforts were being made to improve the relevance of work experience provided in the prisons and a number of promising schemes had been established by probation areas aimed at helping offenders find work following release which required further evaluation.
- 6.80 Almost a fifth of prisoners experienced problems with rent arrears, unpaid bills and fines. The greatest need was for help with benefits and rent arrears. Although little provision existed in the majority of prisons to assist prisoners with their financial problems prior to release, the review identified a small number of prisons where work was being undertaken. Despite the prevalence of monetary problems amongst prisoners, financial needs were identified in only a small proportion of probation case files, although some areas had set up specific arrangements to provide financial advice and assistance to offenders. It was of concern that the extent of the need described by prisoners was not being identified or addressed by either the prison or probation services given its potential to undermine other resettlement work.
- 6.81 Although good examples were found in individual prisons and probation areas of work to address social integration issues, there was a lack of consistency in provision and coordination of effort nationally to harness the potential of prison and probation staff, voluntary and other organisations. It was difficult to assess the impact of initiatives on the resettlement of offenders.
- 6.82 Contact with families and friends was limited and the minimum statutory entitlement of two visits per month was only taken up by about half of all prisoners, which required

some exploration. Visits were seen as a privilege rather than as a right or positive influence on resettlement and the emphasis on the number of visits rather than their quality detracted from their value. No statutory agency was responsible for the interests of prisoners' families and this fell to charities and pressure groups. Surveys have indicated that a significant number of families want to be more involved in sentence planning and preparation for release, and this was shared by a third of prisoners sampled for this review.

Recommendation

6.83 It is therefore recommended that:

The Prison Service and NPD should work together to develop a coordinated partnership plan, at a national and regional level, which is monitored to assess its impact on the resettlement of offenders as part of their What Works resettlement strategy. It should include:

- (a) the identification of a range of appropriate partnerships to address offending behaviour and related needs;*
- (b) assistance in securing suitable housing for prisoners after release, taking account of risk and need assessments;*
- (c) continuing education opportunities after release building on progress made in prisons;*
- (d) the expansion of real wage schemes and work experience in the community before release;*
- (e) access to advice on debt management and benefits;*
- (f) the identification, evaluation and dissemination of good practice in increasing the number of offenders achieving suitable employment and accommodation after release.*

7. HOME DETENTION CURFEW

- 7.1 This chapter discusses the operation of the HDC scheme in relation to resettlement. It considers the evidence for the effectiveness of joint assessment and decision making between the two services and discusses its potential to support the release of longer-term and higher-risk prisoners within a shared strategic approach to resettlement and risk management.

The Home Detention Curfew scheme

- 7.2 The HDC scheme was introduced within the Crime and Disorder Act of 1998 and came into force in January 1999. It allowed for the early release of prisoners serving between three months and four years before the halfway point of their sentences when they would normally be released, with a curfew condition which remained in force up to the halfway point of the sentence. For adult offenders serving less than 12 months, the scheme provided the only form of oversight after release. For those subject to statutory supervision, the licence continued until the three-quarters point of the sentence, but shortened to take account of the period served on HDC. The detailed instructions for the current operation of the scheme are contained in Prison Service Orders 6700 and Probation Circulars 44/1998 and 82/1998.⁸⁹
- 7.3 The purpose was described variously as *“to manage more effectively the transition of offenders from custody back into the community”*, *“to impose a structure and discipline upon the offender on release”* and *“to address the temptations of recidivism by providing a managed transition back into the community”*. The aim was to balance the resettlement needs of offenders against the risk of further offending whilst still under sentence. All prisoners over the age of 18 years serving more than three months but less than four years were eligible, except for violent and sex offenders serving an extended sentence, or those who had previously reoffended whilst on licence or violated some form of early release. An assessment was carried out of the suitability of the home address and of the likelihood that the offender would comply with the conditions of the curfew.
- 7.4 The curfew was effected by the monitoring of a small electronic device fitted to the wrist or ankle of the offender which emitted a signal detected by a unit installed in the offender’s home. Violations could lead to the revocation of the licence and the return of the offender to court or to prison. Prisoners were released on a licence signed by the prison Governor which specified the terms of the curfew and, for offenders also subject to supervision, the requirements of supervision and any additional licence conditions.
- 7.5 The daily period of detention was usually for 12 hours overnight between 19.00 and 07.00 the next morning and the periods of time served on HDC varied with the length

⁸⁹ Probation Circular 44/1998 *Home Detention Curfew: The Role of the Probation Service*. Probation Circular 82/1998 *Home Detention Curfew: Accommodation and outstanding issues*.

of sentence, but ranged from 14 to 60 days. Although curfewees were confined to their homes during a 12 hour period overnight, the terms of the curfew could be adjusted to allow for shift work, childcare arrangements, religious observances and regular medical, probation or Benefits Agency appointments. *Ad hoc* appointments could also be accommodated with 24 hours notice to the contractor. The terms of the scheme did not therefore preclude legitimate activities which supported resettlement in the longer term.

A presumption in favour of release

7.6 The practice guidance to both prison and probation services stated that:

“Prisoners will normally be released on HDC unless there are substantive reasons for retaining the prisoner in custody until his or her automatic release date (ARD). Only when there are clear and substantive grounds to indicate that the prisoner is unlikely successfully to complete the period on HDC will release normally be refused. These are:

- *an unacceptable risk to the victim or to members of the public*
- *a pattern of offending which indicates an unacceptable risk of reoffending during the HDC period*
- *a probability of failure to comply with the conditions of the curfew*
- *an unsuitable address for HDC*
- *shortness of the potential curfew.”*

7.7 In practice, shortly before the scheme was introduced Governors were advised by means of an internal memo from the Director General to exercise their responsibilities carefully, remaining mindful of the political sensitivity of the scheme and the importance of not bringing the prison service into disrepute. This served to modify the presumption in favour of release.

Prison responsibilities

7.8 The prison service was responsible for the operation of the scheme and managed three contracts for the provision of curfew services across the country. Governors authorised release on HDC licence and the Sentence Enforcement Unit in headquarters managed recall and appeals against recall. AUR prisoners (serving less than one year) and ACR prisoners who had successfully completed a period of release on temporary licence were recommended for HDC following consideration of their case by a member of the prison-based throughcare team, taking into account any assessment made by the home probation area. If an ACR prisoner had not completed a period of release on temporary licence or was considered to be of a high risk of reoffending or harm, a board would be convened to consider the case. The decision to authorise HDC was to be taken by a Governor in all cases.

Probation responsibilities

7.9 Probation Circular 44/1998 described the probation service as having an important role in identifying factors that would mitigate against suitability for HDC and those that would support the expectation of release. It was given responsibility to comment on the suitability of the proposed curfew address and contribute towards the risk assessment at two separate stages:

- pre-sentence, based on information gathered for the PSR or SSR. This process was not intended to involve any additional investigation than that required for the preparation of these reports. Authors were, however, expected to highlight any relevant factors which might need further investigation before release, such as information about the victim that would make the curfew address unacceptable, and whether the offender would be likely to comply with the terms of an order
- pre-release, as part of the risk assessment coordinated by the prison service commencing eight weeks prior to the HDC eligibility date. Probation staff were expected to provide a full assessment within 10 working days of receipt of a request from the prison, commenting on the effect of HDC on other residents at the proposed address, including the prisoner's partner and family where appropriate, the position of any known victims and the likelihood of the prisoner reoffending or otherwise breaching curfew.

Home Office evaluation

7.10 The findings of a study⁹⁰ commissioned by the prison service (hereafter referred to as "the prison study") into the first 16 months of the operation of HDC are shown in table 7.1.

Table 7.1: HDC data from 28 October 1999 to 31 May 2000 Source: Prison study

Total number of prison population discharged	126,400
Number eligible to be considered for HDC	72,400
Eligibility rate (as percentage of discharged population)	57%
Number released on HDC	21,400
Release rate (as percentage of those eligible)	30%
Number recalled	1,100
Recall rate (as percentage of those placed on HDC)	5%
Average number on curfew at any one time	2,000

Commentary

- 35.5% of the prisoners eligible for HDC were released in the first month of its operation, after which the proportion fell steadily to 27.8% in December 2000.
- Approximately 4,500 prisoners a month were eligible for HDC, of whom approximately 1,300 were released at a rate of 30%.

⁹⁰ Home Office Research Study 222: *Electronic monitoring of released prisoners: Evaluation of the Home Detention Scheme*: Dodgson K, Goodwin P, Howard P, Llewellyn-Thomas S, Mortimer E, Russell N, Weiner M (2001).

- 2,000 prisoners were on HDC at any one time and the average length of the curfew was 45 days.
- The recall rate has remained steady at around 5% during the period.
- Approximately 1,950 prison places have been saved at an estimated financial saving to the prison service of £36.7m.

Release and recall

7.11 The prison study confirmed that those prisoners refused HDC had higher than average risk of reconviction scores, and offenders convicted of burglary and theft and handling were released less frequently than those convicted of fraud and forgery. The appropriateness of this decision was confirmed by the recall rates which were highest for burglars (10%) and lowest for fraud and forgery (2%).

7.12 It also showed that:

- 40% of all eligible female prisoners were granted HDC compared to 29% of male prisoners, reflecting their lower average risk of reoffending and reimprisonment
- older prisoners were more likely to be granted HDC than younger prisoners
- prisoners from minority ethnic groups were marginally more likely to be granted HDC, with 31% of African/African Caribbean, 39% of Chinese and Other and 51% of South Asian prisoners released compared to 29% of white prisoners. Again, these release rates were closely linked to risk of reconviction scores.

7.13 Only 5% of those released in the 16 month period covered by the study were recalled to prison. The most common reason for recall (68%) was breach of curfew conditions (being absent from the curfew address, threatening monitoring staff, damaging the equipment or failing to be present for the installation of a new telephone line or equipment). A small number were recalled because it was not possible to monitor them, either because of a “change of circumstances”, “installation failure” or “monitoring failure”, or for breaking the conditions of their supervision licence. Only eight out of approximately 1,100 were recalled on the grounds that they represented a serious risk of harm to the public.

Reconviction

7.14 The study found that, of those who were granted HDC:

- only 2.1% reoffended during their period of HDC
- 9.3% were reconvicted during a period of six months after their ARDs compared to 40.5% of prisoners eligible for but not granted HDC.

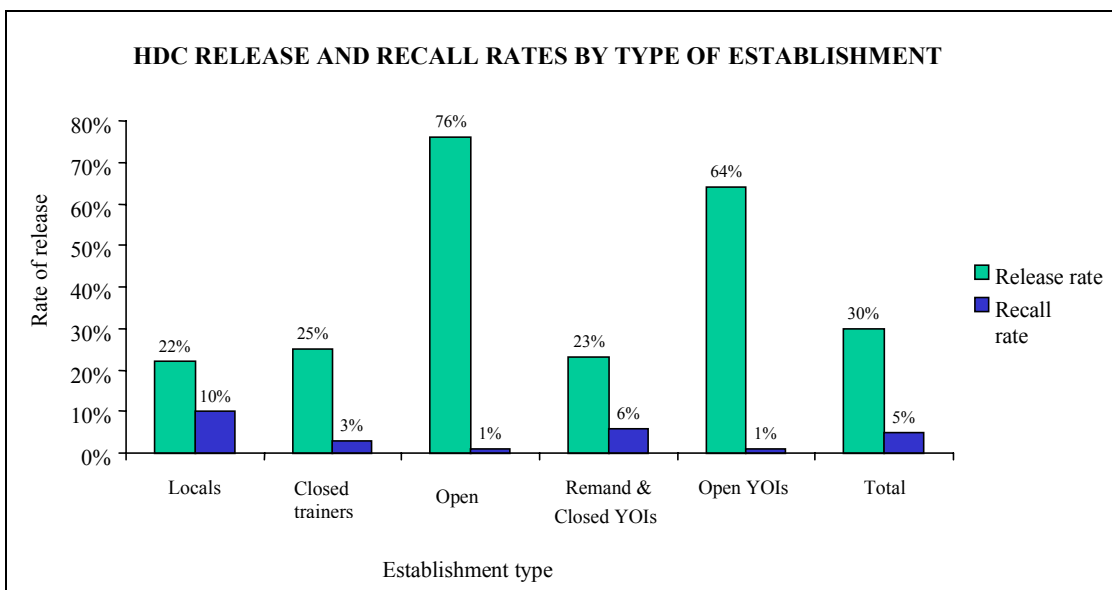
7.15 The actual reconviction rates of the HDC group were also lower than their predicted reconviction rates, indicating that the combined judgements of prison and probation staff improved on risk prediction scores alone. Although the curfewees offended less,

the prison study indicated that this was because assessments correctly identified those who would have offended at a lower rate anyway. The combined rate of reconviction during the six months following the ARDs of those granted and not granted HDC (30.5%) was little different to the baseline rates of reconviction of the equivalent prisoners a year earlier (30%). The influence of HDC itself had not therefore resulted in a lower rate of subsequent reconviction. This was consistent with the effect of punishment only interventions on subsequent recidivism⁹¹ and the same literature suggested that this intervention would be more likely to reduce further offending if it was supplemented by other forms of individualised support and aftercare.

Variations in release and recall rates between establishments

7.16 The prison study indicated that open establishments contained prisoners with lower risk of reconviction scores and with correspondingly higher rates of release than closed establishments. The lower release rate of local prisons was due in part to their holding prisoners serving very short sentences less than 28 days before the halfway point of sentence and therefore not eligible for HDC. Figure 7.1 displays the release and recall rates of different types of prisons.

Figure 7.1: Release and recall rates for prisons of different functional type. Source: Home Office RDS



7.17 As well as variation in release and recall rates between prisons of different functional type, the data displayed in Figure 7.2 and 7.3 also indicates a high degree of variation within the local and category C prison groups which hold broadly the same mix of prisoners and have the same length of time in which to conduct assessments.

⁹¹ Gendreau, P and Goggin, C. *Principles of effective correctional programming: Forum on Corrections Research*, 8, 3, 38-41 (1996).

Figure 7.2: Variation in release and recall rates for local prisons. Source: Home Office, RDS

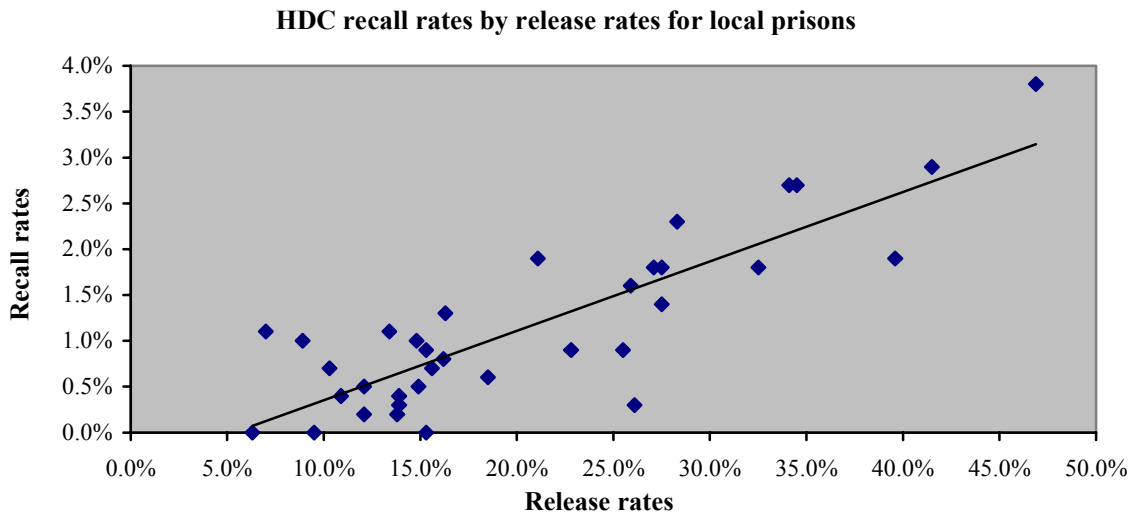
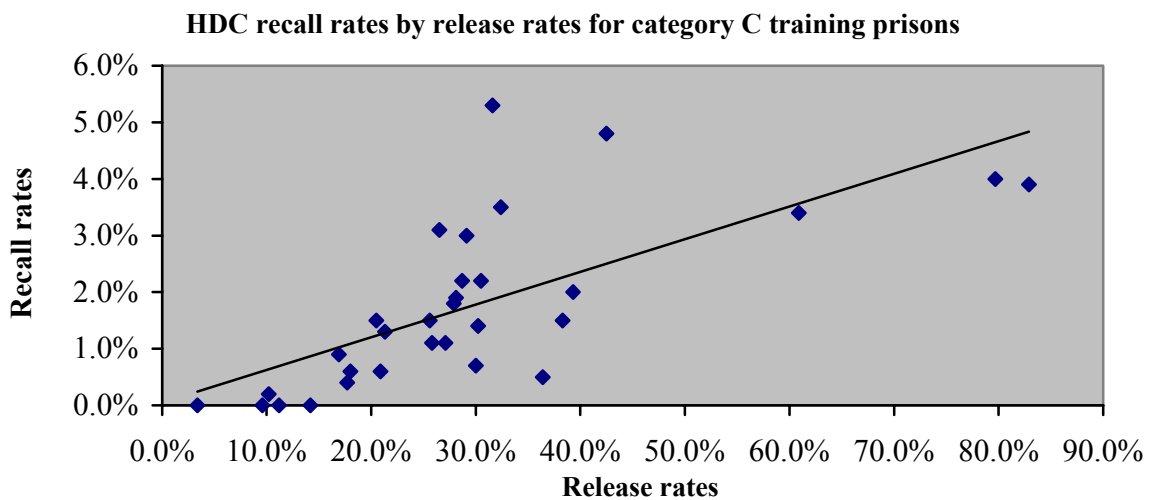


Figure 7.3: Variation in release and recall rates for category C prisons. Source: Home Office RDS



7.18 These figures provided evidence of a correlation, stronger for local than for category C prisons, between the rates of release and recall. It suggested that local prisons could increase their release rates to 45% and category C prisons to 80% without the recall rate rising above its current level of 5%. This would at least double the number of prisoners on curfew at any one time and further reduce the prison population by approximately 2,000 prisoners. There was also evidence of considerable variation in release rates for both local and category C prisons. This was likely to be due, with local prisons, to the speed with which newly sentenced (and therefore eligible) prisoners were transferred to training prisons after sentence and, with both types of prisons, to the varying degrees of caution about the decision to release. During fieldwork, one local prison claimed to move on all its newly sentenced (and therefore eligible) prisoners within 24 hours of sentence, and indeed had a negligible release rate. Three others had release rates significantly below the average and admitted that they were very cautious, and three category C prisons took pride in the fact that their release rates were significantly high and failure rates particularly low.

- 7.19 The availability of a curfew alone was considered insufficient by some Governors to justify early release. The adoption of a cautious approach was confirmed by probation staff responsible for HDC assessments in both Inner London and Greater Manchester, who believed that the scheme was not being fully exploited by some Governors. Probation records suggested that the decision to refuse was justified in only two-thirds of the cases for whom pre-release assessments had been requested. It was evident from the pride that fieldwork prisons were taking in their respective release rates, be they higher or lower than average, that each prison was satisfied with its current position and unlikely to adjust it without a clear directive from the operational line. Given that it is possible to identify optimal rates of release which maximise the benefits of early release whilst minimising the risk of reoffending, it was disappointing that targets for HDC release identified for each category of prison and performance against these targets had not been monitored.

Probation area arrangements for the administration of Home Detection Curfew

- 7.20 An additional £600k had been made available nationally to probation areas in October 1998, three months before the scheme was introduced, and extra funding had been provided within the CSR.
- 7.21 Of the eight areas visited, all but Durham had either briefing papers or practice guidance in place which reinforced the key responsibilities of relevant staff and clarified procedures. Greater Manchester had been able to build on its experience as one of the pilots for electronic monitoring and included a specific section on HDC in its resettlement manual. In addition to general guidance about the operation of the scheme, this also covered the position of AUR prisoners, the accommodation needs of eligible prisoners and implications for inter-agency work. Other areas had developed briefing papers for staff, with those provided by Kent, Inner London and Staffordshire being particularly comprehensive.
- 7.22 Different arrangements existed for the operation of the HDC scheme. Inner London was the only one to have established a dedicated unit of four PSOs to undertake HDC assessments on all AURs, and on ACRs where requested by the supervising officer. The work of this unit, which also covered South West London, had been reviewed after six months operation and their assessment reports found to be of a overall higher quality than those completed by other staff. In West Glamorgan, a decision had been taken to locate responsibility for the completion of the assessments during the initial implementation stage with one probation officer, with assistance from PSOs based in the resettlement teams as required. The majority of other areas used PSOs to undertake suitability assessments, often from within specialist resettlement teams, with the appropriate involvement of probation officers in high-risk cases.
- 7.23 Greater Manchester had established a good working relationship with the local contractor which had resulted in the production of information leaflets for HDC offenders and their families which were easily accessible and understandable. Arrangements had been made to translate the leaflets into other languages to facilitate better understanding.

7.24 Little monitoring information was available to assist areas in managing the scheme. Kent had undertaken an audit in November 1999 to assess both the demands placed on the area and performance in meeting their obligations, but no further routine monitoring was undertaken. Inner London, Staffordshire and West Glamorgan were the only areas to undertake any form of monitoring on the use of HDC for minority ethnic groups. However, the methodology adopted by Inner London for monitoring the unit's workload was based on visual identification and, as such, not consistent with the principles of the national system. Staffordshire recorded both the number of referrals by date of request and completion, and those who subsequently failed to comply with their curfew arrangements by both ethnicity and gender, whereas West Glamorgan collated information referrals by sentence category and gender alone. None of the areas visited had access to the number of prisoners refused HDC and the reasons for their refusal or the number of those for whom HDC had subsequently been granted. All prisons and probation areas needed to give greater attention to this issue to ensure equality of access and provision.

The quality of pre-sentence assessments

7.25 The sample of 260 probation case files included 198 (76%) ACR cases which were eligible for HDC. The proportion of curfew suitability assessments (CSAs) completed at the pre-sentence stage in these cases is shown in table 7.2.

Table 7.2: CSAs completed at pre-sentence stage.* Source: Probation case files

	Evidence of CSA	No evidence of CSA	No PSR completed
Devon	11 (37%)	17 (59%)	1 (3%)
Durham	9 (32%)	19 (68%)	0 (0%)
Kent	2 (11%)	16 (84%)	1 (5%)
Leicestershire & Rutland	7 (29%)	14 (58%)	3 (12%)
Inner London	7 (28%)	18 (72%)	0 (0%)
Greater Manchester	9 (35%)	13 (50%)	4 (15%)
Staffordshire	3 (15%)	16 (80%)	1 (5%)
West Glamorgan	2 (8%)	21 (88%)	1 (4%)
All services	50 (26%)	134 (69%)	11 (6%)

* Table excludes three cases where information was not recorded.

Commentary

- The proportion where there was evidence that CSAs had been completed in line with Probation Circular 44/1998 was surprisingly low and required investigation.
- The proportion of CSAs completed varied widely from 8% in West Glamorgan to 37% in Devon.

7.26 In Greater Manchester, the value of completing an HDC assessment prior to sentence had been questioned, both in terms of workload and practice. It had also been noted that the circumstances of offenders often changed after receiving a prison sentence. It had therefore been agreed that staff would only be required to complete a pre-sentence assessment when:

- there was information about the offender not reported within the PSR but relevant to the risk posed to third parties, specifically identifiable victims, potential victims and household members who may be affected by the future enforced presence of the offender
- the offender was serving a short prison sentence and/or had spent a significant time on remand in custody so that the time available for assessment was short.

7.27 No monitoring had been undertaken to ascertain whether these procedures were being followed or their impact. However, as shown in table 7.3, Greater Manchester had one of the highest completion rates for pre-sentence assessments of the eight areas visited, albeit only a third of those potentially eligible. Further work was required to assess both the effectiveness of this targeted approach and the low completion rates in other areas. Dependent on the findings, it would appear that the pragmatic approach adopted by Greater Manchester in targeting assessments at the PSR stage, on those prisoners for whom it was relevant, offered a constructive way forward.

The quality of probation pre-release assessments

7.28 Of the ACR sample, HDC had been considered in 116 of 198 (58%) eligible cases. Details are given in table 7.3.

Table 7.3: Pre-release assessments. Source: Probation case files

	Evidence of assessment of both proposed accommodation and suitability of offender, as proportion of cases where HDC considered	HDC assessment clearly completed within 10 working days of receipt of request by prison	HDC granted, as proportion of cases where HDC considered	Refusal to grant HDC considered reasonable in light of probation area risk assessment on release
Devon	11 of 14 (79%)	6 of 12 (50%)	6 of 13 (46%)	7 of 7 (100%)
Durham	11 of 15 (73%)	10 of 14 (71%)	11 of 15 ((73%)	4 of 4 (100%)
Kent	12 of 13 (92%)	10 of 13 (77%)	7 of 13 (54%)	4 of 6 (67%)
Leicestershire & Rutland	11 of 14 (79%)	10 of 15 (67%)	10 of 15 (67%)	4 of 5 (80%)
Inner London	12 of 16 (75%)	6 of 14 (43%)	11 of 17 (65%)	2 of 5 (40%)
Greater Manchester	11 of 11 (100%)	7 of 11 (64%)	10 of 11 (91%)	1 of 1 (100%)
Staffordshire	10 of 13 (77%)	5 of 13 (38%)	8 of 13 (62%)	3 of 5 (60%)
West Glamorgan	18 of 20 (90%)	16 of 19 (84%)	10 of 20 (50%)	8 of 10 (80%)
All services	83%	63%	62%	77%

Commentary

- HDC was granted in 62% of cases considered.
- The majority of cases contained an assessment of both the proposed accommodation and suitability of the offender.
- The timeliness of assessments completed in Inner London and Staffordshire required attention.
- Similar findings were available from an internal audit conducted in Kent in which HDC was granted in 110 (77%) of referred cases, including 6 (4%) where the report raised concerns but did not oppose the proposals for early release.

The interface between the prison and probation services

- 7.29 Generally prison staff stated that they were satisfied with the performance of probation staff in HDC cases, more so with seconded staff (mainly PSOs) than with outside officers. Some indicated that suitability assessments could be rushed and that they sometimes had to be chased up before boards were held. These comments were endorsed by the findings of the case file reading exercise above. Whilst acknowledging that the timeliness of assessments could be improved, probation areas commented on logistical difficulties in managing the workload, caused by the varying rate of requests and short notice given by some prisons.
- 7.30 Release rates not only varied but were lower than predicted⁹² and had fallen steadily over the life of the scheme. These factors could not be explained by geographical or functional differences alone and suggested a level of risk aversion on the part of the prisons. Some probation staff considered that Governors erred too much on the side of caution.

Accommodation for offenders subject to Home Detention Curfew

- 7.31 Prisoners unable to provide a discharge address were ineligible for HDC and its implementation raised issues about the provision of accommodation for homeless offenders which were addressed in a probation circular⁹³ which stated:

*“Offenders who pass the HDC risk assessment by definition are unlikely to require the additional supervision provided by an approved hostel ... **The purpose of approved hostels is not to provide accommodation for those who would otherwise be homeless and they should not be used solely to meet a housing need.**”*

- 7.32 Consistent with the public protection priority for the NPS, approved accommodation was reserved for high-risk offenders. All but one of the probation areas visited had hostels which were equipped to take HDC cases, but only in very small numbers. Two areas, for example, were only able to take one curfewee. Some prisons and probation areas had developed schemes, often in partnership with voluntary organisations to assist those of NFA to find accommodation prior to release⁹⁴ but little help was otherwise available, particularly for AUR prisoners.

The management of those refused Home Detention Curfew

- 7.33 No systematic follow-up existed for those who were refused HDC and remained in prison until their ARDs. Although by default, resources were targeted on those who remained, none of the prisons visited had any particular procedures to follow or interventions in place for offenders considered unsuitable for release on curfew. Probation staff said that, although work would be undertaken to find employment and tackle offending behaviour for those released on licence, there was nothing specifically

⁹² Estimated at 50%. (Probation Circular 44/1998).

⁹³ Ibid, see footnote 89.

⁹⁴ See Chapter 6.

in place for those not subject to licence. The prison study indicated that the actual reconviction rate of those refused HDC was at least four times higher than those who were granted it. The absence of a strategy for those refused HDC was therefore a missed opportunity to target a group at high risk of reoffending, and the absence of a framework for post-release supervision for AUR prisoners was a structural barrier to their risk management after release. If the prison and probation services were to operate a shared system for identifying and managing high-risk cases,⁹⁵ then those refused HDC should be considered for registration as high risk of harm cases and become subject to the procedures which applied to their risk management.

Home Detention Curfew and resettlement

7.34 Governors expressed varying views about the value of HDC in relation to resettlement. 46% (44) believed that the scheme was wholly successful. Two-thirds gave cautious support, saying it provided a transition between prison and unstructured freedom, or acted as an incentive to prisoners to cooperate with their sentence. A number felt that HDC was simply a device to shorten sentences and had little resettlement value. They were critical because they believed it could undermine existing work. There was concern that HDC in its current form was of little use for very short sentenced prisoners. Both prison and probation staff commented on the administrative burden it imposed, which was seen to cut across and take priority over other resettlement work. These feelings were expressed particularly vocally by Governors in open and resettlement prisons whose role had appeared, in some instances, to have been overtaken by the introduction of HDC.⁹⁶ Others pointed out that the current arrangements obliged Governors to consider HDC in isolation from other arrangements for release, when they would prefer to include it as part of a package of other measures providing individualised offender support.

Figure 7.4: Prison Governors – their views. Source: Governors' survey

- *“Apart from ... prisoners being released earlier, in my opinion there is little additional resettlement value to be gained from HDC.”*
- *“I believe that HDC is of limited utility from a resettlement perspective. It seems more a question of reducing the prison population within politically acceptable parameters.”*
- *“We release a high proportion of inmates on HDC, but I do not feel that the process is well integrated into existing systems like ROTL. Late HDC decisions impact (adversely) on pre-release courses, NVQs, education, community work, etc.”*
- *“HDC constitutes a good focused release into the community but it is still being rather cautiously used by the prison service.”*
- *“We would release more if short sentenced prisoners (i.e. AUR prisoners) were supervised on release and given licences that contained additional requirements.”*
- *“We do nothing for those whose risk is too high for HDC!”*
- *“Good scheme – appears to be successful in allowing prisoners to maintain family ties and employment. Reduced cost to prison service, low risk to public.”*
- *“The reality here is that for many the HDC process happens virtually on arrival and it is a rush to simply get the forms returned, let alone embed them in any planning for resettlement.”*

⁹⁵ See Chapter 8.

⁹⁶ See Chapter 9.

- 7.35 According to the probation areas, the supervision of offenders subject to HDC had not posed any additional problems to those released on ACR licences without HDC but had provided some unexpected benefits. In Durham, staff believed that the number of offenders released without an address had decreased as a result of HDC. In Staffordshire, although a small number of staff expressed ambivalence about electronic monitoring on philosophical grounds, others said that their attitude had changed as a result of working with offenders subject to curfew. They found the curfew requirement assisted prisoners in making the transition from prison to the community. They also thought that compliance with supervision had improved amongst those subject to HDC.
- 7.36 In the prison study:
- both curfewees and household members were very positive about the scheme, with only 2% of curfewees saying that they would have preferred to spend the time in prison
 - over a third of prisoners (37%) said that the prospect of being granted HDC influenced their behaviour in prison
 - 82% of offenders saw the main advantage of the scheme as being out of prison and with their families
 - few disadvantages were noted, although 41% of offenders did cite the curfew restrictions
 - 72% of household members identified the main advantages as having the offender back home and with 69% no further need for prison visits.
- 7.37 The potential value of HDC in promoting successful resettlement was recognised by the Government in Sections 62 and 63 of the Criminal Justice and Courts Services Act 2000⁹⁷ implemented on 1 February 2001. This allowed for an electronic monitoring condition to be included in a release licence in order to monitor compliance with any other condition, such as a curfew or exclusion from a particular place. The new arrangements were to be piloted in probation areas from July 2001 and systems were to be developed to enable offenders' whereabouts to be tracked. The use of electronic monitoring in this manner, as part of a "package" of controls on release, was supported by the review of the sentencing framework⁹⁸ which commented on the under-exploitation of HDC's capacity to support resettlement objectives by the current system.

Summary

- 7.38 The HDC scheme had proved able to identify offenders who could successfully complete a curfew period and recall and reconviction rates were consistently low for offenders placed on the scheme. However, there was considerable variation in release rates between prisons of the same functional type suggesting that different levels of risk aversion applied and that the full potential of the scheme was not being realised.

⁹⁷ Probation Circular 115/2001: *Criminal Justice and Court Services Act 2000: Electronic Monitoring as a Licence Condition*.

⁹⁸ *Ibid*, see footnote 40.

- 7.39 Prison and probation staff and offenders were generally positive about HDC, though several Governors had reservations about its resettlement value without some other form of oversight. Probation staff generally considered that it assisted with resettlement and strengthened the period of supervision in the community.
- 7.40 There was no evidence that HDC alone had reduced the overall rate of reconviction. However, it was considered to have the potential to support the resettlement of longer-term and higher-risk prisoners and there was widespread support for the new powers, brought in by recent legislation making it available as part of a package of post-release conditions.

Recommendation

- 7.41 It is therefore recommended that:

The Prison Service and NPD should provide further guidance on the role of HDC, clarifying expectations regarding its use as part of What Works and public protection strategies giving consideration to:

- (a) the circumstances in which a pre-sentence curfew suitability assessment should be undertaken;*
- (b) the identification of targets for release on HDC;*
- (c) ensuring that action for prisoners considered unsuitable for release on HDC on the grounds of risk are adequately covered by public protection procedures;*
- (d) the accommodation needs of those refused HDC on the grounds of the unsuitability of their accommodation;*
- (e) the monitoring of HDC referrals and decision by ethnicity, gender and sentence category.*

8. THE ASSESSMENT AND MANAGEMENT OF RISK

- 8.1 This chapter discusses the assessment and management of the risk of harm posed by offenders in prison and following their release into the community. The use of additional licence conditions, the early warning mechanism to alert the Home Office to the discharge of potentially dangerous offenders, and the role of Multi-Agency Public Protection Panels (MAPPPs) and hostels in managing high-risk prisoners released into the community are also examined.

The differing risk priorities of the two services

- 8.2 The sentence planning system was predicated on the assumption that the prison and probation services shared common risk responsibilities.⁹⁹

“Planning for safe release should begin at the start of the offender’s sentence. Risk assessment and confronting offending behaviour are essential elements of this process and are the joint responsibility of both the Prison and Probation Services.”

Although joint responsibilities undoubtedly existed, differing risk priorities inevitably detracted from the extent to which both services were able to meet them. The primary concern of the NPS was to determine the risk of harm and of reoffending by the offender, so that this could be addressed in prison and managed appropriately on release. The priority of the prison service, in contrast, was to assess the likelihood of escape and to identify any prisoners likely to be violent or vulnerable to violence, self-harm or bullying. Probation areas were therefore more concerned with the management of risk of harm in the community and the prison service with maintaining security and control in prisons. In high-risk cases the obligation on the prison service to prevent prisoners’ escape eclipsed their resettlement needs. The new Resettlement Prison Service Order partly acknowledged this tension and, in the use of the term “operational requirements”, effectively relieved the prison service from addressing resettlement needs in those cases where security and control were of concern:

“Family ties and resettlement needs may therefore be outweighed by other considerations. But, to the extent permitted by operational requirements and a balanced assessment of the prisoner’s overall needs, allocation decisions must seek to reinforce the resettlement process.”

Assessment of risk in prisons

AUR prisoners

- 8.3 The current sentence planning arrangements applied only to offenders serving more than 12 months. AUR prisoners were only identified therefore if they were Schedule 1

⁹⁹ See paras 4.2 and 4.3.

offenders,¹⁰⁰ in which case their release was notified to social services. All high-risk cases should be notified to the Dangerous Offenders Unit (DOU) in the Home Office,¹⁰¹ but there was no formal system for their identification other than for Schedule 1 offenders. Others were identified only if they came to the attention of prison staff.¹⁰²

Prisoners subject to sentence planning

- 8.4 The prison service has made gains reducing escapes. Reflecting this priority, initial classification and allocation (ICA) forms, which assessed security risk and allocated prisoners to a suitable prison, were completed in 94% of all cases, one-third of these within a week of sentence. In contrast, the assessment of risk of reoffending or of harm within initial sentence plans, which was derived from an assessment of the balance of risk factors (offending behaviour), personal problems and protective factors (integration needs), was either missing or poor in 59% of cases.¹⁰³
- 8.5 The assessment of risk was, however, a dynamic process which became more informed as the sentence progressed. The contribution of the home probation officers to prisoner reviews (RFI2s) and discharge plans increased appropriately as the sentence progressed. By the end of sentence, the risk picture was inevitably more complete than at the beginning, and was informed by dynamic factors relating to the extent to which the offender was taking responsibility for his or her offending and had taken action to reduce risk. Generally, both seconded and field probation staff took their responsibility very seriously for ensuring that public protection arrangements were established in high risk of harm cases. This was more difficult to achieve, however, when the prison was remote from the area of release due to the logistical complexities of setting up such arrangements without the benefit of face-to-face contact and discussion between all the agencies concerned. Public protection issues were, in most cases, afforded higher priority by both the prison and probation services than meeting offenders' resettlement needs, but more attention needed to be given to the location of high-risk prisoners in the period immediately preceding release.¹⁰⁴
- 8.6 The Prison Service Order for the management of sentence planning¹⁰⁵ required boards to be convened for DCR prisoners but made no prescription for ACR cases. In practice, according to the Governors' survey, 36% of local and closed female prisons and 43% of category C prisons had developed systems which prioritised DCRs over ACRs. This was done on the basis that DCRs were eligible for parole and that a clearer assessment of their risk, needs and progress was required than for those prisoners whose release was automatic. A variety of arrangements existed which included:
- personal officers or sentence planning officers completing sentence plans for ACRs and probation officers for DCRs
 - boards held only for DCRs (except in a very few prisons for ACRs assessed as high risk of harm)

¹⁰⁰ Prison Service Instruction 46/1994. Referring to those sexual or violent offenders whose victims were under the age of 18.

¹⁰¹ See paras 8.42 and 8.44.

¹⁰² See Chapter 9.

¹⁰³ See table 4.2.

¹⁰⁴ See para 8.41.

¹⁰⁵ *Ibid*, see footnote 41.

- boards chaired by the throughcare manager or a seconded probation officer for DCRs but by sentence planning staff for ACRs.

8.7 Given the resource intensity of the process of assessment and review and the high number of eligible prisoners, a differentiated approach was clearly sensible, and the practice adopted in some prisons of holding a board for high-risk ACRs was commended. Prioritisation should take place on the basis of risk of harm and of reoffending rather than on length of sentence. The use of throughcare managers or seconded probation staff to chair boards for high-risk cases was also endorsed, in that it made best use of their specialist skills and signalled the importance of the process to prison staff. These examples of good practice, prioritising cases at high risk of both harm and reoffending, should be used to inform the development of a consistent approach to sentence planning across the prison service.

Assessment of risk in probation areas

8.8 Although no national public protection strategy existed, all the areas visited had developed comprehensive policies concerning the assessment and management of risk of offenders under supervision. Some, such as those adopted by Inner London and West Glamorgan, defined explicitly the expectations placed on staff working pre and post-release with resettlement cases; others adopted a more generic approach. Greater Manchester, for example, had issued overarching procedures on the management of the risk of harm which had subsequently informed the development of other policies, including resettlement. However, in other areas, such as Kent, little attempt had been made to cross-reference risk and resettlement policies. Criteria for the registration of high risk of harm cases varied considerably¹⁰⁶ and, in the absence of a national framework for the assessment and management of risk, impeded the development of a shared understanding of what was meant by high risk of harm between the prison and probation services.

8.9 The quality of risk of harm assessments within supervision plans was considered satisfactory in the majority of cases. Probation National Standards 2000 (C10) required all offenders supervised on licence to have a written supervision plan prepared within 15 days of release which included reference to the risks the offender posed to the victim(s) of the offence, to the public, to staff and to themselves. Where possible, the plan was to be completed prior to release and specify, wherever relevant:

“... how risk will be managed and, where possible, reduced. The level and intensity of supervision should be determined by the degree of risk and likelihood of reoffending, indicated by the assessment.”

8.10 Table 8.1 examines the different aspects of the risk of harm assessment and shows the proportion of cases in which the assessment was considered sufficient.

¹⁰⁶ See paras 8.15 and 8.21.

Table 8.1: Assessment of risk of harm prior to or post-release by probation area. Source: Probation case files

Probation area	% Sufficient assessment undertaken of risk of harm to:		
	Public	Staff	Self
Devon	35 of 36 (97%)	35 of 36 (97%)	34 of 36 (94%)
Durham	33 of 34 (97%)	26 of 34 (76%)	28 of 34 (82%)
Kent	32 of 33 (97%)	32 of 33 (97%)	31 of 33 (94%)
Leicestershire & Rutland	27 of 30 (90%)	27 of 30 (90%)	27 of 30 (90%)
Inner London	23 of 33 (70%)	13 of 33 (39%)	10 of 33 (30%)
Greater Manchester	32 of 33 (97%)	29 of 33 (88%)	26 of 32 (81%)
Staffordshire	23 of 31 (74%)	22 of 31 (71%)	22 of 31 (71%)
West Glamorgan	29 of 30 (97%)	18 of 30 (60%)	14 of 30 (47%)
Total	90%	78%	74%

Commentary

- Assessments prepared by Devon and Kent were of a consistently very high quality.
- Greater attention was required to the assessment of risk of harm to staff and self by West Glamorgan.
- The overall poor quality of risk assessments by Inner London was of concern.

8.11 In meeting this standard, supervising officers had the benefit of previous completed sentence planning from the discharging prison which was rated by the officers as satisfactory or very good in the majority (88%) of cases. Although there was some variability in performance, the overall quality of assessments of risk of harm to the public was high and exceeded those concerning harm to staff and to self, confirming the extent to which public protection had become an accepted priority for all areas. It was difficult however to estimate the significance of these assessments in the absence of any evidence demonstrating their link with the outcomes of supervision.

8.12 Of the 65 cases assessed as high risk of serious harm by the supervising officer, a plan had been prepared prior to release in 42 cases (approximately two-thirds) but had only been fully implemented in 29 (about 70%) and partially implemented in a further 11 (about a quarter). The absence of a risk management plan prior to release in a significant proportion of high-risk cases was of considerable concern and indicated the attention needed to translate the assessment into agreed actions to manage risk. The failure to review the risk assessments in 26% of the cases examined was also a matter of particular concern. Considerable variation was noted between areas, with 15 of 31 cases (48%) in Greater Manchester having no reviews compared to 3 of 32 (9%) in Durham. All areas needed to give attention to the completion of regular reviews, including updating risk assessments and deciding on the nature and frequency of future contact.

8.13 Further analysis in table 8.2 shows that risk assessments completed on white offenders were considered overall to be of higher quality to those on minority ethnic offenders.

Table 8.2: Assessment of risk of harm by ethnic origin. Source: Probation case files

Risk assessment satisfactory	Overall	White	African/ African Caribbean	Asian	Other
Harm to public	90%	92%	76%	88%	82%
Harm to staff	77%	89%	57%	62%	59%
Harm to self	74%	78%	55%	50%	48%

- 8.14 These results were consistent with the findings of the inspection *“Towards Race Equality”*¹⁰⁷ which revealed that a satisfactory assessment of risk of harm to self and staff was more likely to have been completed for white offenders than for African/African Caribbean offenders subject to a community sentence. This issue needs to be addressed by all probation areas in work undertaken to promote race equality.
- 8.15 In all the areas visited a two-tiered system of supervision was in place which was intended to provide a higher level of managerial oversight of those cases formally registered as high risk of harm. However, examination of the probation case files revealed surprisingly little correspondence between those cases identified as high risk of harm by supervising officers in risk assessments and those formally registered as high-risk cases. Of 260 cases examined, 56 had been placed on the area high-risk register(s), of which only 39 (70%) were actually identified as high risk of harm in assessments by their supervising officers. Conversely, only 39 (60%) of the 65 cases identified as high risk by the supervising officer had been formally registered. Previous inspections undertaken by HMI Probation had revealed significant variations in the criteria used by probation areas and it was apparent that some were registering cases as high risk according to the nature of the offence or length of sentence rather than as the result of a dynamic assessment.
- 8.16 Table 8.3 compares work undertaken to assess and address the offence related needs of those registered as high risk against those not registered, and of those assessed as high risk by their supervising officers compared to those considered low or medium risk.

Table 8.3: Offence related needs: assessment and intervention. Source: Probation case files

Risk status	Supervision plan identified offence related needs			Offence related needs addressed
	Clearly	To some extent	Not at all	
Cases on high risk of harm register	60% (31 of 52)	33% (17 of 52)	8% (4 of 52)	71% (39 of 55)
Cases not on register	64% (117 of 182)	28% (51 of 182)	8% (14 of 182)	73% (141 of 194)
Cases assessed by supervising officer as high risk of harm to public	73% (43 of 59)	25% (15 of 59)	2% (1 of 59)	81% (52 of 64)
Cases assessed by supervising officer as low/medium risk of harm to the public	60% (98 of 163)	29% (47 of 163)	11% (18 of 163)	69% (116 of 168)
Cases on high-risk register and also assessed by supervising officer as high risk of harm to public	67% (24 of 36)	31% (11 of 36)	3% (1 of 36)	76% (29 of 38)

¹⁰⁷ Ibid, see footnote 49.

- 8.17 This table indicates that there was no difference in practice in the quality of offence focused work carried out with those on the high risk of harm register compared with other cases. In fact, the offence related needs of those assessed as high risk by their supervising officers were most likely to be identified and work undertaken to address them. The failure to address the offence related needs of one in four of the small number of offenders who had been both assessed as high risk and placed on the high-risk register raised questions about the purpose of registration and required further investigation.
- 8.18 Little difference was also found in relation to work undertaken to address non-offence related needs as shown in table 8.4.

Table 8.4: Non-offence related needs: assessment and intervention. Source: Probation case files

Risk status	Supervision plan identified non-offence related needs				Non-offence related needs addressed
	Clearly	To some extent	Not at all	No non-offence related needs	
Cases on high-risk register	63% (33 of 52)	25% (13 of 52)	10% (5 of 52)	2% (1 of 52)	79% (41 of 52)
Cases not on high-risk register	54% (98 of 182)	30% (54 of 182)	9% (16 of 182)	8% (14 of 182)	71% (131 of 185)
Cases assessed by supervising officer as high risk of harm to public	69% (41 of 59)	24% (14 of 59)	5% (3 of 59)	2% (1 of 59)	80% (49 of 61)
Cases assessed by supervising officer as low/medium risk of harm to the public	51% (83 of 163)	28% (46 of 163)	11% (18 of 163)	10% (16 of 163)	69% (110 of 160)
Cases on high-risk register and also assessed as high risk of harm to public	67% (24 of 36)	28% (10 of 36)	3% (1 of 36)	3% (1 of 36)	80% (28 of 35)

- 8.19 A similar analysis was undertaken to identify any differences in relation to compliance with national standards. Not surprisingly, high levels of contact were found with offenders assessed as high risk of harm and on the high-risk register. A home visit was made within 10 working days of the first interview in a higher proportion of those actually assessed as high risk by supervising officers than for either those on the high-risk register or in the general caseload (81% compared to 69% and 67% respectively). Little difference was found, however, in relation to initial contact on release, contact during the course of the licence, or to enforcement.
- 8.20 It was encouraging to find that greater attention was paid to both offence and non-offence related needs where high risk was identified by the supervising officer, and that a greater proportion received a home visit following release. However, this analysis suggested that the purpose of registration had been lost by the inclusion of cases defined as high risk of harm by virtue of static factors such as the offence and sentence rather than by a dynamic assessment of current risk.
- 8.21 It is important that resources and attention are concentrated where they are most needed and likely to be effective. The findings of this review suggested that this was not happening with any degree of consistency. Both prison and probation services should concentrate their specialist resources on those offenders currently assessed as posing a

high risk of harm and exploit their multi-agency links on behalf of the same group after release. Such prisoners should be identified early in sentence by means of a shared risk assessment protocol although, with a dynamic assessment of risk, it should be possible for cases to cross the threshold into and out of the high-risk category at any point during sentence. Registration should be reserved for the critical few cases posing the highest risk of harm referred to the MAPPPs and attracting both intensive supervision and increased managerial oversight.

Formalising prioritisation on the basis of risk

- 8.22 There was much optimism expressed about the anticipated impact of OASys which, it was hoped, would focus the two services consistently on the same areas of risk and need. Prioritisation should then follow the assessed risk of harm rather than static features of the case. However, its future had not been decided at the time of the review and consideration was being given whether to limit its use to prisoners serving four years or more. If a two-tiered system is to operate, it should do so on the basis of assessed risk of harm and it is essential for there to be a risk of harm assessment for all cases. Therefore the use of a credible risk assessment protocol must be developed to apply to all sentenced offenders, including those serving less than 12 months. The predictive validity of OASys is being tested against reconviction data and other risk assessment instruments, and its performance with female offenders and ethnic minorities evaluated.
- 8.23 It is anticipated that OASys will provide guidance as to the threshold which equated with both high and very high risk of harm and the proportion of cases these two categories represented. Some national direction is clearly necessary to assist both prison and probation staff in identifying the critical few offenders who at any one time pose a danger to the public and for whom more intensive input before release and more closely managed supervision after release could be sustained. The frequency of review, required management oversight, pre-release arrangements particularly with regard to housing, and the role of other agencies also need to be specified.
- 8.24 Prison and probation services should note that although OASys may provide for the assessment of shared risks, it will not assess security and control risks in custody. Both risks need to be assessed and the prison service should review the wording of its draft Resettlement Prison Service Order to ensure that the interests of security are balanced with public protection considerations.¹⁰⁸

The use of additional licence conditions

- 8.25 The facility to place additional requirements within prison licences was available to Governors acting on the advice of probation areas in ACR cases and by the Parole Board in DCR cases.¹⁰⁹ These conditions were intended to manage risk in the community by requiring attendance at medical, psychological or psychiatric

¹⁰⁸ See paras 3.28 and 3.29.

¹⁰⁹ Probation Circular 83/1999 *Parole, Licence and Recall Arrangements*.

appointments or at drug treatment or offending behaviour groups to prevent reoffending. In addition, residence could be required at a specified address and contact proscribed with persons under a specified age or with named individuals, thereby affording some protection to the victims of previous and potential future crimes. Probation National Standards (C6) stated that:

“The Probation Service shall contribute to risk assessments undertaken by the Prison Service and Parole Board and, in particular, shall ... keep licence requirements under review, and seek changes or additions from the Prison Governor or Parole Board, where relevant to the management of risk and changes in circumstance.”

8.26 The use of additional conditions varied considerably both within and between areas. Details of these differences are given in table 8.5.

Table 8.5: Use of additional licence conditions by probation areas. Source: Probation case files

Probation area	Cases with additional licence condition	Additional licence conditions appeared appropriate in light of sentence plan or probation assessment*			Additional condition desirable but not made
		Clearly	To some extent	Not at all	
Devon	40% (14 of 35)	77% (10 of 13)	15% (2 of 13)	8% (1 of 13)	36% (13 of 36)
Durham	28% (9 of 32)	88% (7 of 8)	13% (1 of 8)	0% (0 of 8)	15% (5 of 34)
Kent	39% (13 of 33)	45% (5 of 11)	27% (3 of 11)	27% (3 of 11)	19% (6 of 31)
Leicestershire & Rutland	38% (11 of 29)	91% (10 of 11)	9% (1 of 11)	0% (0 of 11)	23% (7 of 30)
Inner London	33% (11 of 33)	78% (7 of 9)	22% (2 of 9)	0% (0 of 9)	39% (13 of 33)
Greater Manchester	38% (12 of 32)	70% (7 of 10)	10% (1 of 10)	20% (2 of 10)	24% (8 of 33)
Staffordshire	47% (14 of 30)	83% (10 of 12)	8% (1 of 12)	8% (1 of 12)	10% (3 of 30)
West Glamorgan	25% (7 of 28)	71% (5 of 7)	29% (2 of 7)	0% (0 of 7)	28% (8 of 29)
Total	36%	75%	16%	9%	25%

* Figures exclude cases where the position was not clear.

Commentary

- The low use of additional licence conditions in West Glamorgan and Durham was noted.
- The high proportion of cases in Devon, Inner London and West Glamorgan, where additional licence conditions were assessed by the file reading team as desirable but were not made, was also a matter of concern.

8.27 Of the 90 cases with additional licence conditions, 40 (44%) required the offender to take some form of action, either by way of attendance at a group or receipt of treatment, and 14 (16%) precluded the offender from contact with a particular individual or from going to a specific locality. Thirty-three cases (37%) contained both types of conditions. Negative requirements were generally considered by probation staff to be more difficult to administer, in that the nature of the condition meant that it could usually only be enforced retrospectively on breach. These types of conditions were still, however, acknowledged to be of benefit by providing some level of protection to the victims of certain types of offences and were usually properly adopted as part of a risk management strategy.

- 8.28 Further analysis revealed that 68% of the cases both on the high risk of harm register and assessed as high risk were subject to some form of additional licence conditions, compared to 66% on the high-risk register and 55% of those assessed as high risk by their supervising officer but not registered. In contrast, additional licence conditions were invoked in only 31% of cases assessed as low/medium risk. Cases on the high-risk register and/or assessed as high risk of harm were significantly more likely to be denied contact with certain individuals or access to specific locations, suggesting that these restrictive types of conditions were appropriately being prioritised to those particular cases. However, a further 25% of total cases were identified where the circumstances suggested that an additional licence condition might have been appropriate but, worryingly, none was made. Of the 68 additional licence conditions suggested by file readers, nearly two-thirds (44) related to drug or alcohol misuse, indicating that supervising probation officers were giving insufficient attention to the use of conditions to address behaviour or continue treatment commenced during sentence.
- 8.29 Devon, Inner London and West Glamorgan were the only areas to have provided guidance to staff on the use of additional licence conditions. However, none of the areas visited monitored the extent of their use apart from the processes of normal staff supervision. The impact of additional conditions on the effectiveness of supervision had been the subject of an internal inspection undertaken by Inner London in 1999 and had been included in a full inspection of resettlement in Devon in 2000. The findings from both inspections were similar and indicated that insufficient attention had been paid to both the appropriateness of additional licence conditions and their enforcement, particularly if they did not relate to attendance at a specific activity. Although it was too early to expect any improvement in the performance of Devon, it was disappointing that the performance of Inner London had not improved as a result of the internal inspection.
- 8.30 Although it was apparent that probation staff associated the use of additional conditions with the seriousness of the offence and the protection of the public, it was evident that they could be more widely used. It is also important to note that conditions could not be imposed on AUR offenders who were not released on licence. As one prison Governor commented in relation to HDC:
- “We would release more if AUR prisoners were supervised on release and given licences that contained additional conditions.”*
- 8.31 Greater flexibility was needed to combine HDC with other conditions as part of plans to manage risk in the community. The use of additional licence conditions and their enforcement should be monitored and evaluated as an integral part of national arrangements for public protection policy.

Protection of victims

- 8.32 Following Probation Circular 61/1995¹¹⁰ probation areas were required to make contact with victims of serious crimes to provide them with information about the custodial process and circumstances of the perpetrator’s release. These requirements applied to

¹¹⁰ Probation Circular 61/1995 *Contact with victims*.

69 of the 260 cases (27%) examined, and there was evidence in the case file that the views of the victim(s) had:

- been taken into account fully in 27 (39%) cases and to some extent but not fully in 5 (7%)
- not been included in 16 (23%) despite there being indications that there were some victim concerns
- in the other 21 (30%) cases there was no indication that there were victim concerns.

8.33 Care needs to be taken in considering these findings, as there may have been work undertaken which was not recorded in the case file for reasons of confidentiality, or legitimate reasons for not taking victims' views into account. No standard format existed whereby the supervising probation staff could inform the victim liaison officer of forthcoming events such as a parole or ACR assessment. Further national guidance¹¹¹ has since been published following the implementation of Section 69 of the Criminal Justice and Court Services Act 2000 which placed a new statutory duty on Probation Boards to consult and notify victims about the release of offenders serving 12 months or more for a sexual or violent offence. However, there was undoubtedly room for improvement in work with victims and the review echoed the findings of HMI Probation's Thematic Report on Victims¹¹² which recommended that COs should:

"take steps to ensure that the victim perspective has a greater impact on work with the offender, particularly in relation to:

- a) PSRs;*
- b) risk assessments;*
- c) supervision planning;*
- d) informing relevant offenders of the Victim's Charter requirement to contact victims."*

Managing potentially dangerous offenders on release

8.34 All the areas visited had long-standing multi-agency agreements in place to assess and manage the risks posed by those identified as potentially dangerous offenders. These were based on initiatives developed during the 1980s and 1990s by the police and probation services, one of the first being West Yorkshire, and had now become a statutory duty for both services within the Criminal Justice and Court Services Act 2000. Initial guidance on managing risk had been circulated to areas in March 2001¹¹³ and further direction was to follow.

8.35 In the absence of a national policy for managing risk, probation areas had developed local arrangements. Most took the form of MAPPPs which could be convened at the

¹¹¹ Probation Circular 62/2001 *Further Guidance on the National Probation Service's Work with the Victims of Serious Crimes*.

¹¹² HM Inspectorate of Probation *The Victim Perspective: Ensuring the Victim Matters* A Report of a Thematic Inspection (2000).

¹¹³ Initial Guidance to the Police and Probation Services on Sections 67 and 68 of the Criminal Justice and Court Services Act 2000.

request of any local organisation to share concerns about the potential risk of harm posed by individual offenders. Meetings were chaired by a senior police officer or probation manager, according to local agreement.

8.36 The involvement of the prison service in these arrangements was variable. However, within the Resettlement Prison Service Order it was made clear that:

“Establishments must sign up to information-sharing protocols, unless exceptional local circumstances prevent this (for example, where the police or probation service indicate that this would not be appropriate).”

“The protocol may also involve establishments agreeing to facilitate liaison with establishments in other parts of the country.”

8.37 The Governors’ survey showed that 70% of prisons were signatories to such local agreements. The breakdown by type of prison¹¹⁴ was:

- 60% of core locals holding category A prisoners
- 77% of other locals
- 89% of category B prisons
- 80% of category C prisons
- 46% of open/resettlement prisons
- 55% of female closed prisons
- no female open prisons.

8.38 Those prisons not part of a formal protocol gave different explanations. Some considered their involvement inappropriate as they released only low-risk offenders or because they released to such a large catchment area. Others indicated that they had informal arrangements with the police, or said that they simply had not “been invited”. However, it was normally the area manager who signed such protocols for the prisons within a geographical area, and the awareness of their existence among practitioners within prisons was low.

8.39 The prison task was to contribute first-hand information about the offender’s progress in prison and to comment on the release plans. Probation staff suggested that, at times, the member of staff attending was too senior to have this first-hand knowledge or had little understanding of what was expected of them by the community-based agencies. The involvement of prison staff was potentially demanding, particularly for those institutions serving a large number of probation areas, and needed to be limited to those cases formally identified as high risk¹¹⁵ where their direct involvement could make a significant difference. All closed prisons releasing prisoners, as well as all local prisons receiving lifers,¹¹⁶ should therefore be signatories to a local agreement and should seek different ways to contribute to panels as required, for example through providing written reports or letters. Representatives should be familiar with details of the case and work

¹¹⁴ Dispersal prisons were excluded from the survey. This should not be taken as implying however that they should not be signatories.

¹¹⁵ See paras 8.15 and 8.21.

¹¹⁶ It is a new policy for all local prisons to attend their local MAPPP to receive information about a capital offence directly from the local police.

undertaken and have the authority necessary to commit the prison to an agreed plan of intervention where appropriate.

- 8.40 The arrangements in Durham provided a promising example of best practice. Working together, police and probation had established a strategic public protection group which met four times a year and included representation at a senior level from a number of agencies including the prisons and local housing authorities. As a result, a pilot had been established to develop a Public Protection Unit, funded by the police and probation area, as a joint initiative aimed at the protection of the public from individuals (usually but not always offenders) identified as high risk or on the sex offenders register. The unit was managed by a resettlement SPO within the resettlement division of the probation area. It was committed to the early exchange of information necessary to the assessment and management of high-risk cases, and had established a dedicated intelligence system to which all other agencies represented on the strategic group, including prisons, had access. At the time of the review, the pilot had been running for approximately six months and had not yet been evaluated. Early indications were that it had increased the level of awareness about risk, promoted a shared understanding between police and probation and contributed to the successful integration of high-risk offenders back into the community.
- 8.41 An innovative partnership had recently been established between the prison and probation services in Greater Manchester to address the problems of working with high-risk offenders located outside the area. Prisoners considered by the Manchester City Public Protection Panel were transferred back to Manchester prison in the final months of their sentence to facilitate work on their safe release and resettlement. A similar scheme had also been set up in the area, in conjunction with the local Crime and Disorder Executive Partnership Group of the City Council, targeted at prolific offenders. Although it was too early to evaluate the success of either scheme, the work undertaken was a positive example of the two organisations working together towards a common goal of safe resettlement and should, as with the Durham model, identify What Works in terms of multi-agency management of very high-risk offenders.
- 8.42 Following the release from prison and special hospitals of a number of high profile cases a DOU had been established within the Home Office in 1998 to provide oversight of such cases. In February 1999, a Probation Circular¹¹⁷ advised on the formation of a multi-agency support group within the DOU to assist local agencies and establish an “early warning mechanism” to ensure they were alerted to their release. A similar instruction was issued to the prison service¹¹⁸ advising them of their responsibility to notify the Home Office of the release of AUR prisoners not subject to supervision but who nevertheless presented a serious risk of harm. These prisoners were not subject to sentence planning, however, and there was no formal system in place to identify those who posed a significant risk of harm. Governors were, however, required to notify the local Social Services Department of the release of any Schedule 1 offenders and, in contrast, a procedure¹¹⁹ had been established to ensure that these prisoners were

¹¹⁷ Probation Circular 15/1999: *Early Warning Mechanism for the Release or Discharge of Potentially Dangerous Offenders.*

¹¹⁸ Prison Service Instruction 24/1999 *Notification of the Release of Dangerous Inmates.*

¹¹⁹ Instruction to Governors 54/1994 *Release of prisoners convicted of offences against children or young persons under the age of 18.*

identified, informed of their position and the possible implications and the necessary steps taken.

- 8.43 In accordance with the circular, most, but not all probation areas had issued local guidance to staff. However, two of the areas visited had found the circular confusing and, as evidenced by the variations in the number of cases notified, managers from different areas had interpreted the criteria in different ways. Updated guidance was published within Probation Circular 27/2000¹²⁰ which described the work of the support group and clarified the criteria for notification. It covered many of the issues raised by managers and staff relating to difficulties in finding accommodation for high-risk offenders out of their local area, and the low number being notified. The circular stated:

“The general principle is that offenders should be accommodated in their home areas. One issue which is causing problems, however, relates to the difficulties which arise when probation services try (often for good reasons) to settle dangerous offenders outside of their home area. We know that hours of effort are put in – often with no result – and we want to consider, as part of the accommodation review, what the best solution to the problem might be.”

- 8.44 However, the casework focus of the unit limited its usefulness. A national strategy is needed and is now being developed by the NPD to provide direction and support in placing offenders who are difficult to accommodate. Further work was required with many local authorities which had developed policies that refused some offenders housing as part of their “safer communities” initiatives. Best practice in this work should be identified and disseminated. Pending the development of an overarching national strategy containing such measures, and with a shortage of suitable housing, many areas were experiencing considerable difficulties in the supervision of offenders.

Hostels

- 8.45 Suitable housing often took the form of approved hostels. Probation National Standards 2000 stated that:

“Approved hostels are for bailees, probationers and post-custody licencees, where their risk of causing serious harm to the public or other likelihood of reoffending means that no other form of accommodation in the community would be suitable.”

- 8.46 At the time of the review, nine of the then 54 probation services did not have an approved probation hostel within their area. The lack of sufficient suitable accommodation was cited by managers and practitioners in all areas as an ongoing problem in the management of high-risk offenders following release from custody, impacting on their safe resettlement in the community. Approved hostels were considered to provide a structured and supportive environment, particularly appropriate for offenders following release, which enhanced supervision and were to be used where no other form of accommodation within the community was considered suitable.

¹²⁰ Probation Circular 27/2000 *Update on the Work of the Support Group of Dangerous Offenders and The Work of the Wolvercote Clinic.*

- 8.47 In addition to the approved hostels, all the areas visited had established arrangements to ensure access to bed spaces in hostels run by local providers and voluntary organisations. These arrangements ensured access to specialist provision for women and offenders misusing drugs. Contact with representatives from the voluntary organisations involved in running these hostels confirmed that appropriate arrangements had been made in most areas to share information about risk, particularly on first assessment. Greater use could be made in some areas, however, of the potential contribution of voluntary hostel staff to the review process.
- 8.48 It was apparent that difficulties in accommodating “hard to place” offenders (who may or may not be potentially dangerous) had resulted in some use being made of the voluntary sector. This practice raised a number of issues which will be addressed in HMI Probation’s inspection report on Langley House Fresh Start Projects. This inspection will highlight generally the need for a range of accommodation suitable to meet the needs of different types of offenders.
- 8.49 With the exception of Durham, all the areas visited had approved hostels within their immediate location and saw them as part of an overall strategy to integrate serious offenders into the community. Durham had attempted to address the lack of a local approved hostel by the appointment of two PSO posts to the Public Protection Unit with a brief to assist offenders assessed as high risk of harm to secure stable accommodation in the community. They appeared to be providing a high level of oversight, combining both direction and support.
- 8.50 In contrast, staff from the approved hostel in Staffordshire were able to become directly involved in planning for the offender’s safe release. Prison visits were given high priority and the majority of offenders were seen prior to release. Involvement in the sentence planning process was limited to the discharge arrangements but directed at ensuring, insofar as possible, continuity of work undertaken by the prison following release. Each offender was allocated a key worker prior to their arrival who was responsible for developing a plan, additional to the probation supervision plan, relating to work to be undertaken in the hostel. A three-way meeting between the supervising officer, the hostel key worker and the offender was then held to discuss the contents of the plan, ensure its compatibility with the aims of supervision and that all knew what was expected of them. Such practice was commended.

Summary

- 8.51 Although the two services shared a common purpose to identify and reduce risk of harm and reoffending, their differing priorities detracted from the extent to which they could meet their joint responsibilities. The prison service was most concerned with maintaining security and control and probation areas with the management of risk of harm in the community. It was intended that the implementation of OASys would focus the services on the same areas of risk and need and, without diverting attention from security, allow cases to be prioritised according to a dynamic assessment based on risk of harm.
- 8.52 Public protection issues were in most cases given high priority. However, in the absence of an agreed national policy both the prison and probation services had developed

various differentiated approaches which often prioritised intervention by length of sentence rather than the risk assessment. Criteria for the registration of high risk of harm cases differed between probation areas and surprisingly little correspondence was found in many cases assessed as high risk of harm by their supervising officer and those actually placed on the high-risk register. The use of different criteria had impeded the development of a shared understanding of risk and the purpose of registration by probation areas, to target resources as well as management attention, had been lost.

- 8.53 All the probation areas visited had developed comprehensive policies for assessing and managing risk of harm for offenders subject to supervision on licence and the quality of their assessments was considered satisfactory in the majority of cases. The absence of a risk management plan prior to release in a significant number of cases identified as high risk of harm was of concern, as was the failure to review risk assessments in about a quarter of cases.
- 8.54 The use of additional licence conditions varied considerably both within and between areas. Only three of the areas visited had produced any guidance to staff on their use and none routinely monitored their deployment or enforcement. There was insufficient use of additional licence conditions to prevent reoffending and protection of the public, and attention was given to the views of victims in too few cases. The use of hostels was an important element of plans to manage offenders assessed as high risk of harm, and the lack of a range of suitable accommodation was identified by managers and practitioners in all areas as an ongoing problem.
- 8.55 All probation areas and most prison area managers were signatories to multi-agency public protection protocols for managing high risk of harm offenders in the community. Awareness of these arrangements amongst prison staff was low and staff attending meetings often did not have first-hand knowledge of the offender and of work undertaken in prison. There were a number of positive examples found of multi-agency liaison and cooperation to manage high risk of harm offenders in the community.

Recommendations

- 8.56 It is therefore recommended that:

The Prison Service and NPD should ensure with others that a national public protection policy is developed for the assessment and management of risk in all cases, including those serving short sentences, spanning the period in custody and after release and is based on a shared dynamic assessment of risk of harm and of reoffending. It should address:

- (a) the balance that should be struck between avoiding the risk of escape and facilitating the resettlement of high risk of harm offenders;*
- (b) the appropriate use of additional licence conditions and HDC to address offending behaviour and protect potential victims;*
- (c) the provision of suitable and sufficient accommodation to meet the risk and resettlement needs of high-risk offenders.*

9. AUTOMATIC UNCONDITIONAL RELEASED PRISONERS

- 9.1 This chapter examines the provision of resettlement, before and after release for prisoners sentenced to less than 12 months.

The statutory framework

- 9.2 Under the terms of the Criminal Justice Act 1991, all prisoners sentenced to less than 12 months imprisonment are released automatically once they had served half their sentence. They were not subject to compulsory supervision, although they remained at risk of being returned to prison to serve the balance of their sentence should they reoffend prior to the date at which their sentence expired. AUR prisoners were not included in formal sentence planning and the only requirements placed on prisons was to assess them for HDC if their sentence was longer than three months and inform the local social services in the area to which they were to be released if they were Schedule 1 offenders, or the DOU if they were considered to pose a significant risk of harm.

- 9.3 At the time of the review probation areas had no statutory involvement with AUR prisoners, nor were they required under National Standards 2000 to make contact with them. However, the Probation Rules 1984, developed when the former probation services had a responsibility to offer voluntary aftercare to offenders released from prison, stated:

“It shall be part of the duties of a probation officer to advise, assist and befriend any person not subject to supervision on release who has been released from an institution and is willing to be so assisted, provided that a probation officer shall not be required to act under this arrangement in relation to any person except during the 12 months following that person’s release.”

- 9.4 This rule therefore required probation areas to respond to ex-prisoners seeking help but placed no obligation on the offender to comply with instructions even to maintain regular contact. Furthermore, changes in the funding for probation areas meant that work undertaken with prisoners subject to AUR was not reflected in the resource allocation formula.

- 9.5 A Home Office research study¹²¹ showed that the extent of voluntary aftercare had declined significantly since the implementation of the Criminal Justice Act 1991. Fewer prisoners were registered as voluntary aftercare cases and only a small number were likely to have any form of contact with probation staff. Probation areas were found to vary considerably in their attitude to voluntary aftercare, with one-third actively encouraging AUR prisoners to seek help and 40% discouraging them from doing so and working only with high-risk cases. Some had contracted out management of low-risk cases to a voluntary agency.

¹²¹ Maguire, Raynor, Vanstone and Kynch *Voluntary Aftercare* Home Office Research and Statistics Directorate (1998).

Work with automatic unconditional released prisoners in prisons

- 9.6 The growing prison population in the middle of the 1990s resulted in severe overcrowding, placing pressures particularly on local establishments who found themselves holding an increasing proportion of AUR prisoners. Their short sentences normally precluded them from attending accredited programmes and the importance of retaining spaces for unsentenced prisoners held for the courts meant that they were liable to be transferred at short notice to prisons in other parts of the country. It was therefore difficult for either the prison or home probation area to make any systematic provision for their resettlement.
- 9.7 From the perspective of prisons, sentence category was relevant only to the administration of the sentence in terms of inclusion in sentence planning and eligibility for HDC or parole. No formal discrimination was made in the delivery of resettlement opportunities between AUR and ACR prisoners, though the absence of any sentence plan and the short length of the sentence were practical impediments to AUR prisoners being able to make use of such opportunities. As the offending behaviour of prisoners could not be addressed until they were convicted, and many AUR prisoners served much of their sentence on remand, they were effectively prevented from addressing their offending behaviour in custody at all.
- 9.8 Specific initiatives for AURs in their prisons were described by 28% of Governors. Some of these were the current resettlement pathfinder projects and others were in the planning stage and depended on successful bids for funding. Although not part of any strategic plan, many were well conceived. Highdown prison had bid for crime reduction money to run a residential rehab project in conjunction with the London Borough of Croydon, and Nottingham prison had bid for ESF funding for a partnership project with SOVA to provide mentoring after release. Several prisons were hoping to pilot new short offending behaviour programmes under development by OBPU, and Holme House was developing an initiative to identify prisoners with a minimum of six weeks on licence to undertake a "Think First" course in the community with the Teesside Probation Area.
- 9.9 Others had current projects. Two London prisons were working with the Revolving Doors Agency to link outreach workers with prisoners with mental health problems to provide support after release, and two others had recruited PSOs as dedicated resettlement workers to provide help with housing and employment. Bristol operated JADE which was a project to bring outside employment, education providers and Benefits Agency staff into the prison for workshops with prisoners on remand or with short sentences to discuss their resettlement needs before release. Lewes prison had established a mentoring scheme designed to provide prisoners with sustained contact following release, and four prisons had introduced sentence planning for AURs specifically focused on resettlement issues. It was not possible to know, at this early stage, whether the experience of planning for release would improve the resettlement outcomes for AURs, but it seemed likely that they would respond positively to a more individualised approach. Such initiatives should be monitored and evaluated for possible extension to all AUR prisoners.
- 9.10 Very few Governors indicated that any specific reference was made to work with AURs in the Governor/CO contract, except for those who were running established pathfinder

projects. The deployment of probation officers where this occurred was usually on the grounds of risk. One notable exception was Norwich prison which had identified work with short-term prisoners using brief therapy, motivational interviewing and pro-social modelling.

The pathfinder projects

- 9.11 The potential for reducing crime through effective work with short-term prisoners had been recognised in the probation What Works strategy and the establishment of pathfinder projects in prisons¹²² across England and Wales. The purpose of these is to provide information on the risks and needs of AUR prisoners, including women offenders,¹²³ and to assess the cost-effectiveness, in terms of improved social integration and reduced conviction, of work on practical needs and thinking skills. Four of the pathfinders involve partnerships between prison and probation areas and three between prison and voluntary sector organisations. All are subject to ongoing monitoring and assessment as part of the Crime Reduction Programme, with a final evaluation of their cost-effectiveness due in 2004.
- 9.12 These projects are designed to be delivered both in prison and in the community, with emphasis placed on problem solving and resettlement planning pre-release and follow-up work post-release to support and sustain this work in the community. The pathfinders should demonstrate what can be achieved with prisoners who are motivated to change and indicate the direction of future work.
- 9.13 Preliminary findings stress the importance of identifying the different pre and post-release components of effective resettlement, early action to preserve existing assets such as accommodation, employment and relationships in the community, a case management approach to prioritise, deliver and sustain coordinated work and monitor ongoing needs, motivational work, and timely exchange of information, particularly in the context of risk. The importance of working “through the gate” is also being reflected in joint work to manage the delivery of the resettlement case management process and to ensure that the infrastructure, including staff competencies and systems, is agreed and managed by the two services.

The experience of automatic unconditional released prisoners

- 9.14 Questionnaires and interviews with AUR prisoners indicated a high level of resettlement need. In comparison with other prisoners AURs had higher levels of problem drug and alcohol use but were less likely to receive anything more than help with detoxification and to think that their treatment had been effective. They also had more health problems, fewer opportunities to become involved in training or education and earned less money in prison than longer-term prisoners. In addition, they were less likely to receive help with accommodation, benefits or debt or to believe that they had improved their employment prospects during the course of their sentence. Only 6% had received

¹²² Ibid, see footnote 9.

¹²³ Women serving short prison sentences form a disproportionately high percentage (79%) of the adult female population.

any help in addressing their offending behaviour. Where ongoing help was needed after release this was infrequently provided, and even more rarely taken up.

- 9.15 Home Office research¹²⁴ indicated that less than 20% of those sampled expected to see a probation officer after release and few were actually aware of the provision for voluntary aftercare. Over half said that they would take this up if it was offered and more than a quarter of the main sample and half the sample of minority ethnic prisoners indicated that they had no source of help other than the probation area. The study found that the growing emphasis on addressing risk of harm and offending behaviour had resulted in areas concentrating more on offence related than welfare needs that had traditionally been the focus of voluntary aftercare. AUR prisoners were found, however, to have significant resettlement needs with regard to accommodation, employment and finance, and extensive criminal histories, findings which are supported by this review.

Probation work with automatic unconditional released prisoners

- 9.16 With the exception of Durham and West Glamorgan, all the areas visited had developed written policies or guidelines relating to contact with AUR prisoners. The range of provision varied from a reactive response, where assistance was only given when requested, to a planned strategic approach based on a partnership arrangement with a voluntary organisation. Some areas actively targeted certain cases. Kent, for example, specifically targeted domestic violence offenders and cases where there were public protection concerns. The Staffordshire policy was exceptional in that it required a supervising officer to be nominated within five working days of sentence. As in other areas, however, practice varied considerably across the country, with work with AUR prisoners being afforded lower priority than statutory cases in many instances.
- 9.17 Whatever the position adopted, all areas had made some provision for those identified as high risk. In the absence of a national policy for risk management, these arrangements varied in terms of both the criteria to assess risk and the level of subsequent involvement. Devon offered assistance to any prisoner who requested help, with the level of involvement commensurate with the assessment of risk. Greater Manchester stipulated that work would be undertaken with all those subject to MAPPPs proceedings, registered as potentially dangerous offenders or connected with children on the local child protection register. Inner London also considered involvement with those prisoners known to suffer from mental illness. In Durham, any AUR prisoner considered to pose a serious risk of harm to the community was referred to the Public Protection Unit for assessment, with a view to developing a multi-agency plan to manage his or her safe release into the community. The attention paid to high-risk prisoners with whom probation areas had no statutory involvement, and for whom they received no funding, was a positive indication of their commitment to public protection. The general lack of consistency in the overall provision, however, was a matter of considerable concern and needed to be addressed.
- 9.18 In Inner London, a long-standing partnership with SOVA provided welfare services to all AUR prisoners assessed as low risk. This partnership was examined in the 1998 Home

¹²⁴ Ibid, see footnote 121.

Office research¹²⁵ and the main emphasis was found to be on work undertaken prior to release, mostly in relation to arranging accommodation. This was confirmed by probation fieldwork for this review, which found that only a small number of prisoners maintained contact with the project following release. Volunteer visiting, where it occurred, was mostly (95%) to prisoners held in London prisons. The project was undoubtedly addressing a gap in provision of help with accommodation for AUR prisoners prior to release. Its potential as a direct model for other areas would need to take account, however, of both the local demography and the dispersal of prisoners.

- 9.19 None of the other areas visited had specific arrangements with partner organisations for providing services to AUR prisoners, although they were not specifically excluded. The demand was difficult to forecast given the voluntary nature of the contact, as it was dependent on the individual ex-prisoner's continuing motivation and, possibly, the quality of their contact with both the referring probation officer and the receiving organisation. Discussion with probation staff and those from voluntary organisations confirmed the need for a similar range of interventions to be available as for longer serving prisoners and identified the highest levels of need to be in relation to accommodation, drug and alcohol abuse and finance.
- 9.20 The introduction of assessments for HDC placed a responsibility on probation staff for limited contact with those AURs serving sentences of more than three months. Staffordshire commented that HDC applications were easier to complete where some form of contact had already taken place and, in one team, a PSO had been given responsibility to initiate contact with all AUR prisoners after sentence. This initiative was being monitored to see if it provided a cost-effective way of meeting their HDC responsibilities. Most other areas limited their involvement to carrying out assessments only on those cases referred to them by prisons who had already carried out preliminary screenings.
- 9.21 Where assessments for HDC identified further work to be done, this was only likely to be pursued in high-risk cases. Other work relating to housing, work or family problems was not a priority and the expectation of areas was that this would be pursued by prison staff or other providers. As stated in the Greater Manchester resettlement manual:
- "The application of the HDC scheme to AUR prisoners further weakens the provision of supervision and support to services based on categorisation reflecting sentence length. On one hand, limitations on available resources will have to be balanced against ensuring that AUR prisoners are not discriminated against in terms of their opportunity for early release subject to HDC."*
- 9.22 All the probation areas visited regretted their current low level of involvement with AUR prisoners who were recognised as prolific offenders with high levels of need. All, without exception, said that they would not be able to make any further provision within current funding and interpreted the exclusion of AUR prisoners from the resource allocation formula as an indication of the Government's priorities. Most areas believed that the work should be properly resourced and that some form of statutory supervision was required to provide the necessary structure to ensure compliance and effectiveness. A number of areas supported a targeted approach based on a full assessment of risk and needs, developed and implemented in accordance with the principles of What Works.

¹²⁵ Ibid see footnote 121.

The sentencing framework review

9.23 The position of AUR prisoners was specifically addressed in the sentencing framework review,¹²⁶ published in July 2001, which stated that:

“One of the most serious deficiencies in the present framework is the lack of utility in prison sentences of less than 12 months. Only half of such sentences are served, less with HDC, and the second half is subject to no conditions whatsoever. The prison service has little opportunity to work on the factors which underlie the criminality because the time served in custody is so limited – and yet these sentences are used for large numbers of persistent offenders who are very likely to reoffend. There is a need to provide a structured framework for work with the large number of offenders who persist in criminality at a level of seriousness that does not require longer prison sentences.”

9.24 The review concluded that, in their current form, AURs sentences met only the needs of punishment and needed to be substantially reformed to meet those of reducing crime and protecting the public. It recommended that:

- all short sentences should normally consist of a period in prison (maximum of three months) and a period of compulsory supervision in the community, subject to conditions and requirements whose breach could lead to a return to custody
- the period of supervision should be a minimum of six months and a maximum of whatever would take the sentence as a whole to 12 months
- in cases where the court identified no need for a supervisory period it should be able to order a period in custody, without post-release supervision, of up to three months.

9.25 This review has established that the main offences committed by AUR interviewees were theft and motoring.¹²⁷ Most were drink and/or drugs related and were linked with social exclusion and minor criminality. This category of prisoners had the highest reconviction rate of all prisoners and constituted over two-thirds of the discharged prison population. In the main, the risk they posed to the public was from repeat low level offending from which the latter were best protected by effective interventions to reduce drink and drug misuse, improve cognitive skills, increase employment and provide viable social housing. Such interventions did not necessarily have to be delivered in prison if they could be delivered effectively and safely in the community. Where a prison sentence was considered necessary to interrupt a pattern of offending, work needed to be undertaken to encourage major lifestyle changes after release, and include assistance with finding stable accommodation, employment, follow-up treatment for substance misuse and relapse prevention, as in the pathfinder projects. Such input should be delivered by partnership arrangements between the prison and probation services and other agencies, and could begin on remand for those with evident problems with which they wanted help, particularly in relation to substance misuse, housing problems, benefits or debt management. Such work should in all cases be delivered “through the prison gate” and be supported by supervision after release and possibly by HDC.

¹²⁶ Ibid, see footnote 40.

¹²⁷ See Tables A.8 and A.9, Appendix 3.

Summary

- 9.26 Short sentenced prisoners were the greatest proportion of prisoner discharges, who displayed the highest level of resettlement need and received the least intervention from either the prison or probation services. The length of their sentences prevented them from taking advantage of interventions designed for longer serving prisoners. Prisons were mostly aware of the inadequacy of their resettlement provision and a number had developed improvement plans for which they were seeking funding. Probation areas were not funded to provide any intervention after release and, although some encouraged voluntary contact, the majority only responded if contacted by the prisoner.
- 9.27 It was positive that provision had been made by all probation areas for intervention with AUR prisoners identified as high risk of harm. Partnership arrangements were open to these offenders in most areas though not widely used by them, and only one of the areas visited had made specific provision for AUR prisoners through a voluntary organisation. The new requirement to assess AURs serving more than three months for HDC identified concerns which could not always be addressed where prisoners' needs had to be balanced against the availability of resources. The pathfinder projects established across England and Wales, designed to be delivered "through the prison gate", promised to identify good practice.
- 9.28 This review established that the main offences of AURs were generally of a less serious nature and were linked with alcohol and drug misuse, cognitive deficits and a failure to achieve or sustain stability in the community. Imprisonment had not in itself impacted on offending patterns, which needed to be addressed by proven interventions delivered either in the community or "through the prison gate" as appropriate. Both would require a case management approach supported by some form of supervision in all cases.

Recommendation

- 9.29 It is therefore recommended that:

The Home Office should, in reviewing the sentencing framework, take account of the findings of this review and address the position of short-term prisoners to ensure public protection and effective resettlement through provision of:

- (a) risk and need assessments;*
- (b) appropriate interventions to raise and sustain offenders' motivation to change;*
- (c) interventions for drug and alcohol misuse;*
- (d) educational and vocational opportunities;*
- (e) assistance with housing, debt and relationship difficulties;*
- (f) statutory supervision following release, where required, and using partnership and other resources to build on work undertaken in prison.*

10. MANAGEMENT ISSUES

10.1 This chapter examines the current management arrangements within the prison and probation services to ensure the effective delivery of resettlement.

A correctional policy framework

10.2 Coordination of the activities of both the prison and probation services was taken forward by the National Correctional Policy Framework,¹²⁸ published in 1999. It was designed to ensure delivery of the common aim of “*effective execution of the sentences of the court so as to reduce reoffending and protect the public*”¹²⁹ and made specific reference to What Works, the joint accreditation of offender programmes, liaison with other statutory and voluntary organisations and accurate and effective risk assessment.

10.3 The quality and performance of work undertaken to deliver the required outcomes of the correctional policy were to be monitored through a series of measures relating to the respective objectives of the two services, one of which was a joint outcome measure for resettlement. The objectives of the prison service for 2000/2001 were to:

- protect the public by holding those committed by the courts in a safe, decent and healthy environment
- reduce crime by providing constructive regimes which address offending behaviour, improve educational and work skills and promote law-abiding behaviour in custody and after release

and those for the NPS for 2000/2001 were to:

- supervise offenders effectively in the community to reduce reoffending and protect the public
- provide the courts and others with high quality information and assessment to assist them in sentencing and other decisions.

10.4 In July 2000, the Strategy Board for Corrections Services met for the first time under the chairmanship of the then Home Office Minister with responsibility for prisons and probation. Membership included the Directors of both services, Home Office officials and four non-executive members, and its role included advice to the Home Secretary and the development of a joint strategic approach to the provision of correctional services. The Board had only met twice by the time this review’s fieldwork had been completed and the impact of its work had yet to be felt by frontline services.

¹²⁸ Ibid, see footnote 11.

¹²⁹ Home Office Aim 4.

Governor/Chief Officer contracts for the delivery of probation resources to prisons

- 10.5 Resettlement targets for the NPS included the reduction in the overall reconviction rate by 5% by 2004, and revision of the arrangements by which probation resources were delivered to prisons by April 2002. However, at the time of the review, contracts for the delivery of probation services in prison were still being negotiated within the 1993 national framework¹³⁰ which required a throughcare business plan and three year development plan to be agreed between the CO and Prison Governor to:

“provide the context for the delivery of more effective throughcare arrangements and define more clearly the role and status within establishments of seconded probation staff.”

- 10.6 Although some contracts had been agreed without difficulty, the process had been deferred in a number of areas due to changes in personnel at CO or Governor level, and in some privately managed prisons because of the re-letting of the contract to run the prison. In Staffordshire, visited halfway through the planning year, contracts had only been agreed with three of the five prisons in the area. The CO spoke of the difficulties of transacting a three year plan with prisons who were unable to reach a sufficiently stable state to allow such long-term planning to take place. As a consequence, the size and the role of the seconded prison teams were subject to annual review and negotiation, thereby considerably reducing their effectiveness. The area had attempted to strengthen its position in these negotiations by the introduction of task/time monitoring exercises and by linking its objectives in with the prison’s service level agreement.
- 10.7 Staffordshire’s experience was not uncommon. It became apparent that the whole process for negotiating the Governor/CO contracts was hindered by the absence of a national strategy within the prison service for the delivery of resettlement and a funding formula which identified the work to be done and the resources to do it. Individual prison budgets were inherited from a period when accounting was carried out centrally, and they reflected the legacy of past industrial relations and the priorities of previous Governors. Moreover, with efficiency savings, Governors had had to make difficult decisions about where to cut services and, in some prisons, these had been borne by the seconded probation teams. The ongoing level of uncertainty made it difficult to make any long-term strategic commitment for the delivery of resettlement and to negotiate the required services. The Governor/CO contracts consequently tended to focus on tasks and processes rather than outcomes.
- 10.8 The requirement for the contract to be drawn up between COs and individual Governors also ignored the wider area and regional context. Some probation areas had responded by including the area manager in six monthly contract reviews. In Durham, these meetings had been expanded to include the three COs within the region and the prison area manager. A similar approach had been adopted in the West Midlands region where a regional throughcare advisor had been appointed, as a fixed-term post, jointly funded by the five probation areas within the region and the prison area manager. In Lancashire, a prison Governor had been seconded to an area resettlement post to work alongside the resettlement ACO. All these initiatives were commended. The emerging regional structure of the NPS now provided the opportunity for both services to

¹³⁰ Ibid, see footnote 21.

consolidate such developments nationally and, in doing so, maximise resources and share good practice.

Management of resettlement in the prison service

- 10.9 With the identification of new shared resettlement responsibilities, management arrangements in headquarters were changed to introduce new strategic direction. A “Custody to Work” unit had been established and a national Resettlement Strategy Steering Group was to be formed incorporating staff from headquarters, prisons and outside agencies reporting to the What Works in Prison Strategy Board.
- 10.10 Prison Throughcare Policy Committees were renamed RPCs within a new Resettlement Prison Service Order and were charged with providing strategic management and direction to resettlement work in individual prisons, coordinating activity and monitoring delivery and effectiveness, including value for money and equal opportunities. Although there was no system yet in place to hold the RPC accountable for the delivery of resettlement work other than through the individual prison Governor, the possibility of requiring each committee to provide an annual report on their work to the Resettlement Strategy Steering Group was under consideration at the time of this review.
- 10.11 The new instruction required the membership of RPCs to be wide-ranging and include representation from staff with regular contact with prisoners and particularly those with specific responsibility for their resettlement, such as sentence planning staff and accommodation or employment officers. According to the Governors’ survey, however, membership of these committees varied considerably between establishments with probation, residential and sentence planning staff attending in over most (80%), but education and CARATS staff in less (60%) and healthcare and accredited programme staff in only just over half. All but six prisons claimed to have resettlement committees,¹³¹ and only two of these met less frequently than quarterly. 44% met monthly, 26% bimonthly and 29% quarterly. The Deputy Governor or a functional head chaired the meetings in most prisons, although in 10% this role was delegated to the seconded SPO.
- 10.12 There seemed to be some confusion about the actual role of RPCs within the prison. Their title suggested that they dealt with policy matters only but, as there was no other forum to ensure that resettlement activity was managed and coordinated, they also acted as management committees and, indeed, the new Resettlement Prison Service Order listed management as one of its functions. It seemed absolutely essential therefore that custody staff responsible for administering sentence planning, HDC and parole should attend in person, as they apparently did in only a third of prisons. The inclusion in some committees of library staff, security, operations, estate manager and kitchen staff indicated that the previous title of “Throughcare Policy Group” had led some prisons to interpret the task as one of looking after prisoners well throughout their time in prison. Clearer guidance was required about the role and membership of the RPCs. Account needed to be taken of the appropriate provision of other specialist resources

¹³¹ Of those not having resettlement committees, three were locals, two closed female establishments and one a male category C prison.

provided to prisons to complement the resettlement process such as psychologists, education staff and others.

- 10.13 There was little evidence of the RPC's work being informed by any guiding policies. Governors were asked whether a resettlement strategy existed for their establishment and, if so, whether it was based on an analysis of need. Five prisons did not answer and, although 66% claimed to have resettlement strategies, only 41% had conducted needs analyses. A few establishments were candid in admitting that their strategy required updating and several claimed that it was embedded in its business plan or probation contract. One stated that they had a strategy *"to the extent that we aim to meet audit baselines"* which characterised the process-centred approach taken by many prisons. The resettlement function in each prison needed to reflect centrally determined priorities for the area, and the prisons within them, based on an understanding of the resettlement needs of the population, and with performance measured against clear targets translating these priorities into local objectives.
- 10.14 The Governor's survey identified a shortage of resources (45%) and the distance prisoners were held from home (23%) as the major barriers to good resettlement practice. Other factors included the fluidity of the population, the culture of the prison, overcrowding, the absence of links with outside agencies and adequate provision on release as well as public and political opinion. Although 42% failed to comment on the national picture, when invited to do so, 18% (19) stated that greater national direction was required.

Governors' views

- *"Everybody talks about improved regimes – identifying good practice, recognising prisoners' needs in order to make effective resettlement and reduce offending. But the money is not there ... The first question the Governor asks is how much?, not does it work, will it reduce offending, will it enhance prisoners' lives, does it meet the needs of the population?"*
- *"Preparation for release involves both work and accommodation ... these have been largely superseded by our preoccupation with offending behaviour work ... pre-release is no longer rated or endorsed by the (prison) service, although the number on offending behaviour courses is minute compared with the number being discharged with pre-release needs."*
- *"We have category C prisons which specialise in resettlement and open prisons that do not. We need to identify those prisoners that have a genuine resettlement need and seek to meet it in the appropriate geographical location."*

Links with outside agencies

- 10.15 Despite partnerships with outside agencies having been recently promoted by the Prison Community Links (CLINKS) roadshow, there were generally few such arrangements in place. Voluntary agencies consulted during this review claimed it was difficult establishing their legitimacy beyond the tenancy of each governing Governor. Although the importance of these links was acknowledged, no incentives existed for their establishment as Governors were not currently assessed on the effectiveness of their resettlement arrangements. Until their presence was seen as necessary, granting access to outside agencies would continue to be viewed by some as unnecessary extra work, with the potential to detract from the security of the establishment. The recent appointment of a prison service voluntary organisations coordinator should assist in achieving a more consistent approach nationally.

- 10.16 The Governors' survey confirmed the scarcity of partnership arrangements. Examples of good practice are given in Chapter 6, but these were not widespread. Nineteen prisons (18%) had no such links at all, and many of the arrangements described were those required for other operational reasons, such as the Samaritans, volunteer staff for visitors centres, the Women's Royal Voluntary Service (WRVS) and CARAT workers. Only 43% described arrangements that had been entered into specifically for resettlement purposes, and most were isolated initiatives that met the needs of an identified minority group, such as those of NFA or lifers. There were just a small number of prisons that had a range of links meeting the needs of more than one section of the offender population.
- 10.17 The Governors of category C prisons were most aware of the value of external expertise. One commented *"the situation we should be working towards is one in which the outside community, both statutory and voluntary bodies provide local facilities for prisoners to access during and after release."* Another made a plea for there to be a central point in headquarters to manage liaison with outside agencies across the country, able to broker arrangements with outside agencies providing local resources.

The resettlement role of different prisons

- 10.18 Local prisons were finding it difficult to adapt to the needs of their changing populations. Most of those visited found themselves holding an increasing number of AURs and releasing more sentence expired prisoners directly as it became more difficult to effect their transfer to training prisons. Population pressures also resulted in the transfer and receipt of overcrowding drafts from other prisons at short notice, making any systematic provision for resettlement difficult. Only one of the local prisons visited seemed to have been able to achieve the prompt transfer of their newly sentenced prisoners to training prisons and retain a mainly unsentenced population. More typical was the experience of another local prison whose population had changed to mainly sentenced prisoners with the opening nearby of a privately managed establishment, and who were faced with meeting a whole new array of resettlement needs.
- 10.19 The task of finding accommodation for a rapidly increasing prison population had been centralised during the period of greatest expansion and a strategy adopted of distributing prisoners between local prisons across the country in order to protect training prisons from the effects of overcrowding. The latter therefore had experienced greater stability. They were also more used to meeting resettlement responsibilities, though these had changed from providing traditional workshop based treatment and training to more prisoner centred work training and assistance with basic literacy and key skills. Many staff had also become more sophisticated in their approach to offending behaviour work through their experience of delivering accredited programmes that demanded good quality delivery and a high level of tutor skill.
- 10.20 This review identified a significant potential role for local prisons in working with offenders from the immediate community, both longer-term prisoners in the last six months of their sentences and short-term prisoners who served their entire sentences in local prisons. These prisons were well placed to develop partnership arrangements with local providers to ensure that ex-prisoners achieved the necessary community integration after release.

10.21 The introduction of sentence planning had brought about a shift towards a prisoner-focused approach. However, its specialised nature meant that it was difficult to achieve the full involvement of residential staff and some prisons had resolved this by developing dedicated teams who carried out sentence planning as their main duties. This approach had the unfortunate result in some prisons of making sentence planning an elite business, divorced from residential concerns. Activities previously part of general provision were meant to follow individualised assessments and be delivered according to need, requiring a casework approach to prisoner management. Those prisons with personal officer schemes were therefore best placed to deliver this approach. However, table 4.3 indicates that although 78% of male prisoners in training prisons had personal officers, only 38% had contact with them once a month or more. It was apparent therefore that even those prisons operating personal officer schemes were not necessarily well equipped to deliver the case management approach required.

The resettlement estate

10.22 This term was adopted in the new Prison Service Order to refer to those prisons or units within prisons operating a resettlement regime which:

- was available to appropriate prisoners towards the end of the custodial part of their sentence
- concentrated on preparation for release and resettlement
- included community work and paid working out
- required prisoners to exercise considerable personal responsibility.

10.23 This included the open prisons that held a mixture of low-risk shorter-term prisoners and longer-term prisoners at the end of their sentences when their risk of absconding was low, and resettlement prisons. The latter held more delinquent higher-risk category C prisoners, but carefully selected to include only those who had demonstrated, through their sentences, that they wished to give up crime and establish a regular pattern of work before release. Both types of prison had struggled to maintain their rolls with concerns about security predominating, and a review of open prisons was conducted by the prison service in 1998.¹³² Its recommendations however were not implemented, and the role of both types of prisons remained unclear at the time of this review. Although some clarification was provided within the new Prison Service Order, it was clear that further expansion of this part of the estate would depend on its demonstrated effectiveness in reducing reoffending.

10.24 It was the declared intention of the prison service to monitor actual reconviction rates against predicted rates for all resettlement regimes.¹³³ Such figures were collected by the Home Office, but were not currently made available to area managers or Governors or used as a measure of effectiveness. They indicated that resettlement prisons in particular have been selecting prisoners with higher baseline criminality and reducing reconviction by up to 18%.¹³⁴ Not all had performed to this standard, however, and

¹³² Newell, M *Open Prisons Review* Unpublished internal review (1998).

¹³³ Paragraph 8.2 of annexe 7A to the Resettlement Prison Service Order.

¹³⁴ The Offenders and Corrections Unit, Research, Development and Statistics Directorate, Home Office.

some open prisons had impacted in a negative direction, with reconviction rates higher than predicted.

- 10.25 From the evidence of this review, there would appear to be merit in open prisons continuing to provide benign custody to those of low risk and need who could be trusted not to abscond, and to those needing to prepare for release towards the end of a long sentence. Resettlement prisons however should have a clearly separate function in delivering enhanced pre-release preparation to suitable higher-risk prisoners, and such regimes should be available to all prisoners, subject to risk assessments, in their areas of release. The resettlement strategies for these prisons needed to be separately articulated and outcomes in terms of reconviction data monitored and evaluated.

Management of resettlement in probation areas

- 10.26 As with the prison service, there was a lack of strategic direction in the business plans and resettlement policies of some probation areas. This reflected, in part, the inevitable hiatus caused by the amalgamation of some areas and the transition to a national service. All the areas visited had included objectives relating to resettlement in their annual business plans but some, such as Devon, limited their reference to compliance with national standards. Inner London identified only the objective of supporting the CARAT service pre and post-release, whereas Greater Manchester set a range of objectives identifying seven key requirements for post-release supervision and targets for compliance ranging from 80-90%. In addition, all resettlement and prison-based probation teams were required to implement action plans in accordance with the resettlement policy by a set date and all risk assessments were to be completed on offenders following release from prison by a set date.
- 10.27 The varying priorities afforded to work with prisoners in business plans was reflected in the different attitudes of staff. Resettlement was given higher priority where areas were seeking to prioritise work according to assessment of risk and work was undertaken by specialist teams. In Durham, a case management approach, which determined the allocation of resources on the basis of risk assessment, gave confidence and authority to the resettlement team which held some of the area's highest risk of harm cases.
- 10.28 All the areas visited had some form of documentation to advise staff on the supervision of offenders before and after release. The status of these documents, which were described as "policies", "strategies", "procedures" or "guidelines", varied considerably and, in the main, defined expectations placed on staff in relation to resettlement but did not always give an indication of the priority to be given to the different stages of resettlement. Some had focused attention on post-release supervision but none provided sufficient guidance on the role of probation staff during the custodial sentence working in liaison with prison staff. A number were, however, in the process of revising their strategic documentation and the policies in three of the eight areas were in draft form. Examination of the proposed policies provided evidence, confirmed in discussion with probation managers and practitioners, of a growing change of emphasis in areas' approach to resettlement, dictated by the assessment of risk and need in accordance with What Works principles. The guide for resettlement developed in Greater

Manchester firmly located its delivery within the area's What Works strategy but recognised that the specific nature of the work would result in practitioners dealing with a high proportion of offenders:

- who had low levels of motivation and responsivity in their attitudes to post-release supervision
- where particular aspects of the work could give rise to issues of control, surveillance and accountability within the context of a case management approach.

Organisational structure

10.29 None of the then committees or boards in the areas visited had any specific structure in place to deal with resettlement matters, although in Leicestershire & Rutland, Inner London, Staffordshire and West Glamorgan individual committee/board members, with a particular interest in work with prisoners, were identified as taking a lead role. The role of the committee/board in approving the resettlement policy and monitoring its implementation varied considerably. In some areas, such as Durham and Staffordshire, the resettlement policy had been approved by the committee/board whereas others, such as Kent, focused on monitoring its implementation. In Inner London, a written review was presented annually to the Executive Board covering adult resettlement and other related matters including the work of the seconded probation teams. However, despite differences in procedure, it was apparent that members considered that they were kept well informed of practice and expressed confidence in their COs to manage any significant changes. Although some of the members had received training in relation to the management of risk, none of those seen had received any specifically on resettlement.

10.30 In all areas, functional responsibility for resettlement was held at ACO level, although in some, such as Greater Manchester, the responsibility for the field and seconded prison teams was split between two ACOs. The arrangements at operational level for the delivery of resettlement varied, not only between but also within individual areas, and appeared to be determined by workload, population spread and the approach to case management. In Devon, for example, a specialist team was based in Plymouth, and semi-specialist and generic models operated elsewhere. Kent and Leicestershire & Rutland also operated a similar model with specialist and semi-specialist teams. With the exception of Staffordshire, who were in the process of moving from a generic to a case management model, all the other areas visited had specialist teams.

10.31 Most of the areas made extensive and appropriate use of PSOs in work with low-risk prisoners both pre and post-release. In Durham, where a functional approach to resettlement had been adopted since 1997, all cases assessed as low risk were allocated to PSOs who undertook both pre and post-release work, enabling probation officers to focus on the supervision of those cases identified as high risk of harm. The use of PSOs in this way was an innovation for the area and work was currently ongoing to identify and meet their developmental and support needs. All reported directly to the team's senior officer, with guidance and advice available on request from one of the team probation officers in a mentoring role. Additionally, all were to undertake an NVQ in

criminal justice at level 3. A structured group work programme was being introduced for low-risk offenders on short licences to ease the caseload. Although the approach was at an early stage of development at the time of this review, it demonstrated how a differentiated approach to meeting resettlement needs of low and higher-risk offenders made good use of specialist resources. Its success would depend on the level of oversight provided by the SPO and the quality of initial and ongoing risk assessments.

- 10.32 Some practitioners argued in favour of a generic model of supervision in which probation officers were directly responsible for a mixed caseload of community supervision and resettlement cases. It was difficult, however, to see how the particular resettlement needs of prisoners could be met consistently using this approach, whilst still fulfilling the requirements of national standards and the What Works agenda. It was not surprising therefore that all the areas visited had either adopted or were planning to adopt a case management approach to resettlement work based on prioritisation according to risk. Although the models varied according to local circumstances, all included risk assessment and review, monitoring and supervision and, in accordance with the concept of “dosage”, were designed to ensure that input matched the assessment of risk and level of need. The use of specialist or semi-specialist staff was also considered desirable to ensure the development of an informed understanding of work with offenders before and after release from custody. The involvement of PSOs with low-risk offenders was considered as both appropriate and positive.

Monitoring

- 10.33 Areas adopted a combination of measures to ensure compliance with policy and standards. These included line management arrangements, collation of performance data, audit and internal inspection. Such information, as was available, tended to focus on compliance with national standards and achievement of the national and local targets identified in the annual business plan and was, in most instances, available to managers and presented to the committee/board on a quarterly basis. Although information on the race and gender of resettlement cases was available on request in some areas, it was not routinely available to managers nor was it incorporated into the reports submitted to the committee/board in any of the areas visited. Under these circumstances, it was difficult to see how areas could determine whether services provided were free from discrimination. This issue needed to be addressed as part of work undertaken to ensure equality of access to provision.
- 10.34 The review revealed other gaps in the data available to managers to inform the development of practice. No information was available in some areas on the number of resettlement cases referred to group work programmes. Although all the areas expected ex-prisoners to have equal access to the full range of services provided,¹³⁵ it was of concern that Inner London, Leicestershire & Rutland and West Glamorgan were the only areas able to provide information on the number of referrals by type of order. The absence of such information suggested that other areas were unaware whether their group work programmes or partnership arrangements were being fully utilised by ex-prisoners on licence. There was disappointingly little evidence of a sustained and

¹³⁵ Inner London and Leicestershire & Rutland were the only areas to make any form of specific provision for prisoners within their partnership arrangements with voluntary organisations.

proactive approach to the use of information at an organisational level. Greater Manchester, where a hostel for women offenders had been developed, provided the only example where monitoring had been used to identify need and meet gaps in the provision of services.

Summary

- 10.35 A commitment to meeting and resourcing shared responsibilities for protecting the public and delivering resettlement was made in the National Correctional Policy Framework of 1999, and work had taken place to achieve better integration, although barriers remained to the achievement of shared outcomes. However, contracts for the delivery of probation resources to prisons were still made between individual Governors and COs and ignored the regional context, although limited work had been undertaken in some areas to address this issue.
- 10.36 As the prison population had risen rapidly, the prison service had tried to protect the regimes in training prisons from overcrowding. However, this had resulted in the short notice movement of prisoners out of local prisons, and often out of the locality, even if they were nearing the end of sentence. This made it difficult to provide effective resettlement for AURs and short sentenced ACRs. The delivery of effective sentence management was hampered by the absence of a case management approach. Local prisons had the potential to carry out a particular role in the resettlement of prisoners from the immediate locality. In addition, the different functions of open and resettlement prisons required clarification.
- 10.37 Confusion existed as to the proper role and membership of RPCs and no system was as yet in place to hold them accountable. Consideration was needed to the provision of a range of specialist resources, including psychologists, to ensure they complemented the resettlement process. Despite some examples of excellent practice, partnership arrangements between prisons and outside agencies were not widespread and there was little incentive for change.
- 10.38 Governors identified resources and distance from home as major barriers to good practice, although this review identifies the lack of an implementation plan to support the National Correctional Policy Framework to be the major obstacle to effective resettlement.
- 10.39 Although the business plans and resettlement policies of some of the probation areas visited lacked direction, all had objectives and practice guidance for this area of work. Practice in a number of areas was in the process of transition and there was increasing specialisation and differentiation in resettlement delivery, and a growing emphasis on case management and effective practice. Most of the areas visited made appropriate use of PSOs in both pre and post-release work with medium and low-risk offenders. A combination of measures was in use to ensure compliance with policy and standards although there was an absence of quality assurance methods for sentence planning. Information on the race and gender of resettlement cases was not routinely scrutinised and it was difficult to see how it could be determined whether services were free from discrimination.

Recommendation

10.40 It is therefore recommended that:

The Home Office should produce and implement a resettlement strategy to deliver the National Correctional Policy Framework in both the prison and probation services. It should include:

- (a) the priority to be given to resettlement work and how this is to be delivered by the regions, bearing in mind the range of different offenders and the importance of closeness to home prior to release;*
- (b) outcome targets and performance measures for offenders of different ages, offence categories, gender, and ethnicity;*
- (c) requirements for monitoring, quality assurance and evaluation of resettlement activity;*
- (d) the appropriate use of local, open and resettlement prisons within the prison estate.*

Appendix 1

Probation Service Fieldwork Standards and Criteria

AURs – Short-term Prisoners

Standard:

It shall be part of the duties of a probation officer to advise, assist and befriend any offender not subject to statutory supervision upon release who has been discharged from prison and is willing to be so assisted for up to a 12 month period following release.

Criteria:

1. The service¹³⁶ has a policy in relation to offenders not subject to statutory licence.
2. Services, upon the request of offenders serving less than 12 months, systematically offer help with resettlement needs.

(Reference: Home Office Probation Rules 1984a)

Managing the risk of harm

Standard:

Effective arrangements have been established to assess and manage the risk of harm presented by offenders pre and post-release on licence to the probation service.

Criteria:

1. Risk assessments are completed at the PSR stage (where applicable).
2. Relevant material on the offender, including PSRs, SSR and Prison Service Instructions is sent to the receiving prison.
3. Contact is offered to victims, or the victim's family in cases involving serious sexual and/or violent offences.
4. There is evidence that seconded staff in prisons and home supervising officers work collaboratively with prison service staff on sentence planning and management. Having regard to information about the offender, risk assessments and reviews.

¹³⁶ These criteria were prepared prior to the establishment of the National Probation Service for England and Wales in 2001 and refer to expectations of individual probation areas.

5. There is evidence that the supervising officer contributed to the risk assessments undertaken by the Prison Service in relation to ROTL, HDC, Parole and NPD.
6. There is a correlation between the risk the offender presents and additional licence conditions, e.g. use of hostel.
7. Supervision plans are completed within national standards requirements for the management of the licence, which take account of the risk the offender presents.
8. Where an individual is assessed as posing a high risk of harm, a written risk management plan is prepared prior to release that identifies what action will be taken to reduce and/or manage the risk.
9. There are structured supervision programmes in place designed to reduce the risk of harm in specific cases (e.g. sex offenders) which reinforce the work undertaken during the custodial part of the sentence.
10. There is evidence that contact with the offender following release is commensurate with the level of risk presented.
11. A protocol has been established with the police, prison and other relevant services, for a coordinated inter-agency approach to the management of potentially dangerous offenders released on licence.

(Reference: Performance Inspection Programme Guide 1999)

Sentence planning and management

Standard:

There is a system in place for the integration of all decisions and processes affecting an offender, from being sentenced until the end of the licence period, central to which is a risk-based sentence planning process.

Probation staff in prisons and home supervising officers work jointly with prison service staff on sentence planning and management, to achieve effective resettlement.

Criteria:

1. Offenders are allocated and informed who their supervising home officer is within 10 working days of sentencing.
2. In each individual case there is clarity as to what is required and who is responsible for various tasks to address criminogenic and non-criminogenic needs.
3. Information about the offender, particularly risk/needs assessment, is used to inform HDC, sentence planning and their reviews.
4. There is evidence of the supervising officer contributing to the whole sentence planning process.

5. A copy of the completed sentence planning documentation is on the probation case record.
6. The sentence plan includes consideration of post-release issues.
7. Where sentence planning arrangements are not in place (and there is no OASys type of assessment on the offender), there is evidence that the supervising officer has made resettlement arrangements.
8. Supervising officers complete and return discharge feedback forms following termination of the licence.
9. There is evidence of contact during the sentence and in particular at the pre-release stage to enable the successful resettlement of the offender.
10. There is evidence of contact at the pre-release stage to enable the preparation of a supervision plan for the licence.

(Reference: Sentence Management and Planning Operational Guide)

(Reference: Probation National Standards 2000)

Effective practice supervision in the community

Standard:

The service is working effectively to protect the public by ensuring that offenders are supervised in accordance with national standards and What Works principles.

Criteria:

1. There is evidence that the service is addressing offending behaviour, criminogenic and non-criminogenic needs, risk, and the effects of the offence on victims.
2. There is a correlation between the needs of the offender and the pre-release supervision plan.
3. The service can demonstrate that plans for implementing evidence-based, effective supervision incorporate work with offenders on licence and includes referral to structured group work programmes.
4. Structured group work or one-to-one programmes are available and accessible to those on licence including women and minority ethnic offenders.
5. There is evidence that the first appointment with the offender after release is arranged to occur on the day of release or, if not practicable, on the next working day.
6. There is evidence of at least weekly contact within the first four weeks following release.
7. There is evidence of contact taking place at least fortnightly for the second and third months following release, and thereafter not less than monthly.

8. The police are notified of the release date, licence and address information within 10 working days of release, as well as subsequent changes of addresses on high risk of harm cases.
9. There is evidence that the offender has been provided with written information on standards of behaviour.
10. Clear instructions have been issued regarding the enforcement of licences to the offender.
11. Partnership or other arrangements have been developed to facilitate released prisoners access to employment, training, further education, accommodation and specialist advice on drug and alcohol misuse.
12. Offenders are provided with information about the range of resources available in the community to meet their individual criminogenic or non-criminogenic needs.
13. Services are required to demonstrate that their work is delivered free of discrimination.

(Reference: Performance Inspection Programme Guide 1999)

Provision of partnerships and other community resources

Standard:

The service makes appropriate use of partnership arrangements and other community resources in order to support effective resettlement.

Criteria:

1. The committee has a defined partnership strategy which includes resettlement of offenders with identified outcomes.
2. Staff are informed and make use of the services provided by the partnership organisations for the resettlement of offenders.
3. Services are monitoring the utilisation of partnerships by licence types, race and gender.
4. The committee receives reports on the level of usage and achievements of the service's partnerships project for resettlement.
5. There is evidence that offender contact with partnership projects is notified to the supervising officer.
6. Partnership organisations are required to demonstrate that their work is delivered free of discrimination.
7. Staff are aware of and make use of a range of community resources to assist in the resettlement of offenders.

(Reference: Performance Inspection Programme Guide 1999)

Management of resettlement

Standard:

The service is working to protect the public by ensuring that pre and post-release work with offenders maximises the potential for successful community reintegration and is undertaken in accordance with national standards and the What Works principles.

Criteria:

1. The service has a resettlement policy and practice guidance which confirms expectations and arrangements for implementing national standards and is able to demonstrate compliance with the policy.
2. The resettlement policy addresses the specific needs of women offenders as well as minority ethnic offenders.
3. The service has in place procedures for the assessment of risk of prisoners eligible for release on HDC.
4. Responsibility for resettlement policy and its implementation is clearly identified at CO level.
5. Throughcare business and three year development plans have been agreed for the current operational year with the prison Governors in the area and have been signed by the Governor and CO.
6. The corporate plans set annual objectives and targets for resettlement which are monitored and reviewed on an annual basis.
7. Home Office KPIs in respect of resettlement are being met.
8. Systems are in place for the routine monitoring of compliance with national standards and timely results made available which are used to manage performance and improve practice.

(Reference: Performance Inspection Programme Guide 1999)

Appendix 2

Prison Service – HMI Prisons Expectations

Within a healthy prison the following five outcomes for resettlement are evident:

1. Prisoners are able to trust staff to deal with details of their offending and personal circumstances responsibly.
2. Sentence planning, offending behaviour and substance misuse programmes and reintegration planning are effective and meet prisoners' assessed needs.
3. The approach of all staff encourages responsible behaviour and supports prisoners working on their offending, substance misuse, and other problems and preparing for release.
4. Access to purposeful activity is linked to prisoners' assessed needs and their planned targets wherever possible.
5. Prisoners address their offending behaviour and related problems and prepare for release whilst in custody.

The following expectations apply.

Management of resettlement

1. The establishment has an RPC which meets regularly under the chair of a member of the senior management team.
2. There is a clear resettlement policy or policies for the establishment based on an up-to-date analysis of the resettlement needs of the prisoner population.
3. The membership of the RPC includes all those necessary to ensure delivery of the resettlement strategy.
4. The RPC monitors the performance of the establishment with regard to the completion and review of sentence plans, HDC applications, parole and ROTL and takes action where necessary.
5. There are clear systems for the management of parole and HDC which ensure that prisoners are fully and fairly assessed before their eligibility date.
6. Members of the RPC receive feedback from headquarters with regard to their performance in terms of bail, HDC and the final outcome of supervision (in time the resettlement performance indicator) and use this information to modify practice.

Reintegration planning

1. Prisoners are helped to preserve their existing housing for release.
2. Prisoners without housing are helped to find this before release.
3. Prisoners are helped to preserve any previous employment for release.
4. Prisoners without previous employment are helped to find this before release.
5. Prisoners needing help with debt management are able to receive this in custody.
6. Prisoners with a known release date are seen sufficiently in advance to check that they have a viable release plan.
7. Prisoners remaining a high risk of harm or reoffending on release are considered at a multi-agency risk panel meeting in advance of their release and subject to a shared supervision plan which is communicated to the offender.
8. There is evidence that early release is being considered to achieve resettlement objectives and not just shorten sentences.
9. ROTL is considered as part of a staged preparation for release and not as a reward for good behaviour.
10. Residential staff are aware of prisoners' discharge dates and help them prepare for their release.

Sentence planning

1. An assessment of risk and needs is carried out promptly after sentence or transfer to a new prison.
2. Targets in sentence plans are clearly related to individual risk and needs and are specific, appropriate, achievable and measurable.
3. Sentence plan targets specify the purposeful use of time in custody as well as resettlement objectives.
4. Work with families is included as a target in sentence plans, if appropriate, and particularly so for young adult prisoners.
5. Prisoners are involved in the formulation of their sentence plans and know their contents.
6. Systems are in place to monitor progress against the plan, ideally including the personal officer.
7. Sentence plans are reviewed promptly to ensure that best use continues to be made of time in custody and that progress is noted.
8. Staff responsible for assessment and planning are competent for the task.
9. There is evidence that the quality of sentence plans is checked.
10. There is evidence that the views of the home probation officer have been sought.
11. Prisoners are not compelled to address personal histories of abuse.

12. Sentence plans are consulted in connection with decisions about temporary or early release.
13. There is communication with the home probation officer sufficiently in advance of release for a supervision plan to be formulated and additional licence conditions to be agreed if appropriate.

Offending behaviour work

1. There is a sufficient portfolio of formal offending behaviour work to meet the criminogenic needs of the population.
2. Prisoners are assessed before undertaking an offending behaviour programme as having the deficits the programme is designed to address.
3. Offending behaviour courses are based on a clear theoretical model of change.
4. Offending behaviour courses are manualised and delivered by trained staff.
5. Staff acting as tutors are competent for the task, non-judgmental in their approach and subject to supervision.
6. Prisoners' programmes take place in suitable settings without interruptions or delays.
7. The performance of prisoners on programmes is closely monitored and assessed, and the results are shared with the home probation officer.
8. Prisoners have a realistic chance of completing identified offending behaviour courses before their earliest release date, and waiting lists are operated fairly.
9. Staff lead by personal example, aware that their behaviour acts as a role model for prisoners.
10. There is an atmosphere of mutual respect in residential areas which supports the development of responsible behaviour.

Substance misuse

1. Prisoners with substance related needs are identified at reception and effective steps taken to help them understand the treatment services available.
2. A range of appropriate and effective physical security measures operate to reduce drug trafficking.
3. The influence of drug barons is effectively countered by the use of intelligence.
4. Drug and alcohol interventions are designed to meet the needs of all prisoners, i.e.:
 - women
 - young people
 - foreign nationals
 - ethnic minority prisoners
 - gay and lesbian prisoners
 - unsentenced prisoners
 - lifers.

5. Prison officers working in a drug specialist role are competent for this role and receive appropriate supervision.
 6. Skilled and competent staff provide drug treatment services of equivalent quality to those provided in the community.
 7. Prisoners are able to be accommodated in Voluntary Testing Units or participate in Voluntary Testing Programmes.
 8. Prisoners who are dependent on substances receive prompt, competent, professional help, e.g.: clinical detoxification, counselling, etc, based on their needs.
 9. Prisoners are informed about infectious diseases and other health problems that may arise from substance use.
 10. During induction, all prisoners are informed of the establishment's CARAT services and services in relation to alcohol and other substances. They have easy access to them.
 11. Prisoners feel safe to disclose substance related needs and are positively encouraged by all staff with whom they have contact, to seek support and treatment appropriate to their individual needs.
 12. Prisoners, based on identified individual needs, receive education, support and treatment, e.g.: drug/alcohol awareness courses, importers groups, victim awareness groups, anger management and rehabilitation programmes.
 13. Prisoners with substance related needs have access to a range of appropriate activities that support change and challenge offending behaviour, e.g. physical education, training and education, offending behaviour programmes.
 14. Where a prison does not provide an appropriate intervention and where the prisoner is willing, prisoners are transferred to other establishments in order to meet their needs and sentence planning requirements.
 15. Internal and external treatment provision is integrated; providers work together to reduce substance misuse and prevent first-time drug use and "prison-acquired drug habits".
 16. Prisoners released into the community have after-care plans, which include effective supervision and appropriate support from an external provider/agency.
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Appendix 3

Details of work undertaken in prisons and probation areas during the inspection

Table A1: Fieldwork carried out in each of the prisons visited

Prison	Prisoner questionnaires	Prisoner interviews	Meeting with staff	Sentence plan examination
Local prisons				
Canterbury	✓	✓		✓
Exeter	✓	✓	✓	
Leicester	✓	✓	✓	
Liverpool	✓	✓	✓	✓
Parc	✓	✓	✓	✓
Pentonville	✓	✓		
Wandsworth	✓	✓	✓	
Category C prisons				
Ashwell	✓		✓	
Channings Wood	✓		✓	
Featherstone	✓		✓	✓
Highpoint – male	✓			✓
Stafford	✓			✓
The Weare	✓		✓	
Female establishments				
Brockhill	✓		✓	✓
Eastwood Park	✓		✓	✓
Highpoint – female	✓			✓

The following tables provide a breakdown of the prisoner questionnaire and interview samples and the probation case file sample for key variables such as age, gender, sentence type and ethnic background.

Prisoner questionnaires

Table A2: Prisoner questionnaire sample: Prison type and sentence type

	Male local	Category C	Female	Total
AUR	159 (65%)	38 (22%)	39 (72%)	236 (50%)
ACR	62 (26%)	98 (57%)	12 (22%)	172 (37%)
DCR	10 (4%)	34 (20%)	3 (6%)	47 (10%)
Missing data	12 (5%)	3 (2%)	–	15 (3%)
Total	243	173	54	470

Table A3: Prisoner questionnaire sample: Gender and ethnic background¹³⁷

	Male	Female	Total
Asian	20 (5%)	–	20 (4%)
Black	56 (13%)	–	56 (12%)
White	328 (79%)	50 (93%)	378 (80%)
Mixed race	4 (1%)	2 (4%)	6 (1%)
Other	7 (2%)	2 (4%)	9 (2%)
Missing data	1 (0%)	–	1 (0%)
Total	416	54	470

Table A4: Prisoner questionnaire sample: Age and gender

	Male	Female	Total
Under 21 years	–	8 (15%)	8 (2%)
21-24 years	97 (23%)	15 (28%)	112 (24%)
25-29 years	113 (27%)	15 (28%)	128 (27%)
30-34 years	89 (21%)	9 (17%)	98 (21%)
35-39 years	48 (12%)	3 (6%)	51 (11%)
40-49 years	39 (9%)	4 (7%)	43 (9%)
50-59 years	13 (3%)	–	13 (3%)
60+ years	8 (2%)	–	8 (2%)
Missing data	9 (2%)	–	9 (2%)
Total	416	54	470

¹³⁷ HMI Prisons categories for ethnicity.

Table A5: Prisoner questionnaire sample: Main offence and gender

	Male	Female	Total
ABH/GBH	18 (4%)	1 (2%)	19 (4%)
Affray	8 (2%)	1 (2%)	9 (2%)
Theft	75 (18%)	23 (43%)	98 (22%)
Burglary	59 (14%)	2 (4%)	61 (13%)
Sexual	13 (3%)	–	13 (3%)
Robbery	27 (6%)	1 (2%)	28 (6%)
Arson	7 (2%)	1 (2%)	8 (2%)
Assault	26 (6%)	5 (9%)	31 (7%)
Drugs	38 (9%)	8 (15%)	46 (10%)
Fraud	21 (5%)	4 (7%)	25 (5%)
Driving	60 (14%)	3 (6%)	63 (13%)
Firearms	7 (2%)	1 (2%)	8 (2%)
Other violence against person	6 (1%)	–	6 (1%)
Other non violent	12 (3%)	2 (4%)	14 (3%)
Other indictable	8 (2%)	2 (4%)	10 (2%)
Missing data	31 (7%)	–	31 (7%)
Total	416	54	470

Prisoner interviews

Table A6: Prisoner interview sample: Ethnic background

	Frequency	%
Asian	5	3%
Black	13	9%
White	123	84%
Mixed race	4	3%
Other	1	1%
Total	146	100%

Table A7: Prisoner interview sample: Age

	Frequency	%
21-24 years	32	22%
25-29 years	47	32%
30-34 years	29	20%
35-39 years	16	11%
40-49 years	16	11%
50-59 years	6	4%
Total	146	100%

Table A8: Prisoner interview sample: Current main offence

	Frequency	%
Theft	57	39%
Driving	37	25%
Violence against the person	18	12%
Burglary/robbery	16	11%
Other violent	7	5%
Non-violent	7	5%
Drugs	3	2%
Sexual	1	1%
Total	146	100%

Table A9 Prisoner interview sample: Previous main offence

	Frequency	%
Theft	66	45%
Driving	41	28%
Violence against the person	16	11%
Burglary/robbery	9	6%
Non-violent	9	6%
Drugs	2	1%
Other violent	2	1%
Missing	1	1%
Total	146	100%

Probation case file sample

Probation case file sample: Age and gender

	Male	Female	Total
21-24	38 (15%)	2 (14%)	40 (15%)
25-29	73 (30%)	5 (36%)	78 (30%)
30-34	48 (20%)	4 (29%)	52 (20%)
35-39	31 (13%)	–	31 (12%)
40-49	33 (13%)	2 (14%)	35 (13%)
50-59	16 (7%)	1 (7%)	17 (7%)
60+	7 (3%)	–	7 (3%)
Total	246	14	260

Probation case file sample: Ethnic background and gender¹³⁸

	Male	Female	Total
South Asian	9 (4%)	–	9 (3%)
African/African-Caribbean	21 (9%)	1 (7%)	22 (8%)
White	195 (79%)	10 (71%)	205 (79%)
Other	4 (2%)	1 (7%)	5 (2%)
Missing/incomplete data	17 (7%)	2 (14%)	19 (7%)
Total	246	14	260

Probation case file sample: Sentence type

	Frequency	%
ACR	199	76%
DCR	45	17%
Non-parole date	14	5%
Other	2	1%
Total	260	100%

¹³⁸ HMI Probation's categories for ethnicity.

Probation case file sample: Length of licence

	Frequency	%
3 months or less	46	18%
4 to 6 months	93	36%
7 to 12 months	88	34%
1 to 2 years	25	10%
Over 2 years	8	3%
Total	260	100%

Questionnaires to offenders

Questionnaires were sent to each of the 260 offenders whose case file was read. Thirty-seven (14%) completed questionnaires were received. A breakdown by gender and ethnicity is:

Cases where questionnaire received from offender: Ethnic background and gender

	Male	Female	Total
South Asian	–	–	–
African/African-Caribbean	2 (6%)	1 (20%)	3 (8%)
White	26 (81%)	4 (80%)	30 (81%)
Other	1 (3%)	–	1 (3%)
Missing/incomplete data	3 (9%)	–	3 (8%)
Total	32	5	37

Questionnaires to supervising officers

Questionnaires were also sent to the supervising officers of each of the 260 offenders whose case file was read. One hundred and seventy-four (67%) completed questionnaires were received. A breakdown by gender and ethnicity of the offender is:

Cases where questionnaire received from supervising officer: Ethnic background and gender of offender

	Male	Female	Total
South Asian	7 (4%)	–	7 (4%)
African/African-Caribbean	12 (7%)	1 (9%)	13 (7%)
White	130 (80%)	10 (91%)	140 (80%)
Other	4 (2%)	–	4 (2%)
Missing/incomplete data	10 (6%)	–	10 (6%)
Total	163	11	174

Glossary of abbreviations

AA	Alcoholics Anonymous
ABH	Actual Bodily Harm
ACO	Assistant chief officer
ACOP	Association of Chief Officers of Probation
ACR	Automatic conditional release
AOPU	Adult Offenders Psychology Unit
ARD	Automatic release date
AUR	Automatic unconditional released
BPSG	Black Prisoners Support Group
BPSP	Black Prisoners Support Project
BQS	Better Quality Services
BSA	Basic Skills Agency
CALM	Controlling Anger and Learning to Manage it
CARAT	Counselling, Assessment, Referral, Advice and Throughcare
CBT	Cognitive-behavioural treatment
CO	Chief Officer
CSA	Curfew suitability assessment
CSCP	Cognitive Self Change Programme
CSR	Comprehensive Spending Review
CSV	Community service volunteers
DCR	Discretionary conditional release
DOU	Dangerous Offenders Unit
ESF	European Social Fund
FPFSG	Federation of Prisoners' Families Support Group
GBH	Grievous Bodily Harm
GCSE	General Certificates of Secondary Education
HAC	Housing Advice Centre
HDC	Home Detention Curfew
HMI Prisons	HM Inspectorate of Prisons
HMI Probation	HM Inspectorate of Probation
ICA	Initial classification and allocation forms
IDPR	Inmate Development and Pre-release
IT	Information technology
JAP	Joint Accreditation Panel
KPI	Key performance indicator
MAPPP	Multi-Agency Public Protection Panels
NACRO	National Association for the Care and Resettlement of Offenders

NFA	No fixed above
NPD	National Probation Directorate
NPS	National Probation Service
NVQ	National Vocational Qualifications
OASys	Offender Assessment System
OBPU	Offending Behaviour Programmes Unit
POPS	Partners of Prisoners and Families Support Group
PSA	Public Service Agreement
PSO	Probation service officer
PSR	Pre-sentence reports
RDS	Research, Development and Statistics Directorate
ROTL	Release on temporary licence
RPC	Resettlement Policy Committees
SEU	Social Exclusion Unit
SOTP	Sex Offenders Treatment Programme
SOVA	Society of Voluntary Associates
SPO	Senior probation officer
SR2000	Spending Review 2000
SSR	Specific sentence report
SWIP	Shared Work in Prison
WRVS	Women's Royal Voluntary Service
YOI	Young Offender Institution
YOPU	Young Offenders Psychology Unit