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OFFENDER MANAGEMENT IN AND AFTER PRISON: THE END OF 'END TO END'?

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Abstract

In 2013 a joint report by the Inspectorates of Probations and Prisons in England and Wales concluded that offender management in prisons was 'not working' and called for a fundamental review. This paper[3] considers why existing arrangements have failed and draws upon theory and research on resettlement, case management and desistance from crime, to define what a more effective system of 'rehabilitative resettlement' – both inside prison and 'through the gate' - might look like. It also comments on emerging proposals for radical change, including abandonment of the 'end to end' model of offender management by an outside probation officer and the development of 'rehabilitative prisons', in which more responsibility is placed on prisoners for managing their own rehabilitation, and a formal motivational role is created for large numbers of prison staff.

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Introduction

It has long been recognised in the research literature that the successful resettlement and rehabilitation of prisoners depends critically upon continuity of sentence planning and case management during their time in custody and 'through the gate'; but that unless determined efforts are made to counteract them, offenders are likely to experience major discontinuities in their relationships with case managers and their contact with rehabilitative services as they move into, through and out of prison (see, for example, Petersilia 2003; Taxman 2004; Maguire and Raynor 2006). More often than not, they have been handed over from whatever sources of assistance are available in prison to different and usually inadequately connected arrangements at the point of release (which is immediately followed, for many, by the period of greatest risk of involvement in new offences). The impact of such dislocation can be further exacerbated by a tendency of staff within prisons to focus primarily on the custodial sentence itself rather than on preparing offenders for release. In a study of Pentonville published over fifty years ago, Morris and Morris (1963, p. 309) remarked that:

'The prison staff are concerned not with what a man will do after he goes out of the gate, but with feeding, clothing, and housing him while he is inside, not with whether he will turn again to crime, but whether he will be up to mischief in the prison. Because the dominating concerns of the prison are not for tomorrow . . . contemporary notions of . . . after-care find great difficulty in taking root'.

It was ostensibly to counteract long-standing problems of these kinds that the Carter Report (2003) recommended major organisational changes to the correctional services in England and Wales, designed to 'join up' the 'silos' of prisons and probation and to build practice around the concept of 'end to end offender management'. This resulted in the creation in

2004 of the National Offender Management Service (NOMS), the executive agency of the Ministry of Justice now responsible for commissioning and providing both prison and probation services in England and Wales (NOMS 2015). It also led to the introduction in 2005 of the NOMS Offender Management Model (OMM). Under the OMM (in its ideal form) each offender is supervised throughout his or her prison sentence and post-release licence period by the same community based probation officer, who – assisted by a prison-based 'Offender Supervisor' - designs and oversees the implementation of an individual sentence plan (NOMS 2006).

However, only a few years after these changes were implemented, their effectiveness was called into serious question by HM Inspectorates of Probation and Prisons in a series of highly critical joint reports on offender management in prisons. In their final report the Inspectorates 'reluctantly' concluded that:

'…the Offender Management Model, however laudable, is not working in prisons. The majority of prison staff do not understand it and the community based offender managers, who largely do, have neither the involvement in the process nor the internal knowledge of the institutions, to make it work. It is more complex than many prisoners need and more costly to run than most prisons can afford. Given the Prison Service's present capacity and the pressures now facing it with the implementation of *Transforming Rehabilitation* and an extension of 'Through the Gate' services, we doubt whether it can deliver future National Offender Management Service expectations. We therefore believe that the current position is no longer sustainable and should be subject to fundamental review.'

(HM Inspectorates 2013, p.4)

Following the Inspectorates' reports, it has been accepted by NOMS that practice rarely matches the ideal, and that major changes are again needed to offender management in prisons. In 2015, following an internal NOMS review, a new direction of travel was sketched out by the Chief Executive, including a suggestion that the core principle of the OMM ('end to end offender management') may be abandoned. The ideas he floated should be understood against the backdrop of much broader changes that are taking place in the correctional system in England and Wales. The probation system is still undergoing far-reaching change brought about by the *Transforming Rehabilitation* programme, under which the delivery of probation services to the majority of offenders has been commissioned by NOMS on a 'payment by results' basis from 21 Community Rehabilitation Companies (CRCs),[4] leaving only the high risk to be supervised by the public sector National Probation Service (Ministry of Justice 2013). Meanwhile, plans have been announced for a 'wholesale' prison reform programme, based around modernisation of the estate and much greater autonomy for governors, who will be incentivised to produce new custodial environments 'conducive to rehabilitation'.[5]

In this paper, we briefly describe the existing offender management arrangements in English and Welsh prisons and discuss why they have failed to achieve what was expected of them. We then draw upon international theory and research on resettlement, case management and desistance from crime, in order to gain a clearer idea of what a more effective system might look like. In the light of this analysis, we offer some reflections on the new approaches being considered by NOMS and assess their chances of producing significant positive change.

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[4] The majority of CRCs are led by private companies, which sub-contract some service provision to 'supply chains' made up of voluntary agencies. The introduction of TR was partly justified by the government on the basis of early encouraging results (in terms of reduced re-offending rates) from 'payment by results' pilots involving third sector organisations in through-the-gate resettlement work with prisoners in HMPs Doncaster and Peterborough. However, later figures have been disappointing (Ministry of Justice 2015, Annex A).

[5] The plans, which will be piloted through the creation of six 'Reform Prisons', were outlined by the Prime Minister in February, 2016 (https://www.gov.uk/government/speeches/prison-reform-prime-ministers-speech).

Current arrangements and key problems identified

Largely due to resource constraints, only limited categories of prisoners have been designated as fully 'in scope' of the OMM: those assessed as posing high risk of serious harm to the public, Prolific and Priority Offenders, and those serving indeterminate periods of imprisonment for public protection. Each prisoner in these categories is thereby subject, in theory at least, to 'end to end' case management by the community-based Offender Manager (OM) who will eventually supervise him or her on licence after release. This means that the OM is responsible from early in the sentence for the production of a full risk and needs assessment and the creation and periodic review of a formal Sentence Plan. The OM also maintains broad oversight of the progress of the Plan, although during the custodial phase of the sentence its implementation is placed in the hands of a prison-based 'Offender Supervisor' - usually a prison officer. In 2012, English and Welsh prisons were directed to extend formal case management and sentence planning arrangements to all prisoners serving twelve months and over (NOMS 2012, 2012a, 2014). However, this move did not signify extension of the 'end to end' principle to a wider range of prisoners: full responsibility for the application of these arrangements to medium and low risk prisoners was given to Offender Supervisors within prisons, rather than community-based OMs.[6]

The concerns raised by the Inspectorates relate to problems both inside prisons and in the role of outside OMs. The former can be summarised as follows:

- The absence of a broad 'rehabilitative culture' within many prisons.

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[6] It should, however, be noted that the new CRCs have a related role with offenders within 'resettlement prisons' – those from which prisoners are released. Although not involved in offender management *per se,* CRC staff are based in these prisons with responsibility for creating a *Resettlement Plan* for every prisoner and for making practical arrangements during his or her last 12 weeks in custody to meet immediate post-release needs (Ministry of Justice 2013a, 27-31).

- Insufficient attention to the aims of managing risk and reducing re-offending, rather than simply assisting prisoners with practical resettlement problems.

- Lack of understanding, communication and cooperation between different departments of prisons, which continue in many cases to behave as 'silos'.

- Lack of communication and mutual understanding between Offender Supervisors and wing officers, losing the potential benefits of the latter's involvement in the implementation of sentence plans.

- Lack of guidance and management of Offender Supervisors, manifested in poor understanding of their role, poor skills and infrequent personal contact with offenders.

- Major deficiencies in record-keeping, including backlogs in OASys completions and limited use of p-NOMIS,[7] restricting the ease of information sharing, including access to knowledge about the content and progress of sentence plans.

Where the role of community-based offender managers (OMs) is concerned, the Inspectorates defined the main problems as:

- OMs' general lack of personal involvement with prisoners until release is imminent.

- Their inability to drive sentence planning and implementation from a distance.

- Their lack of knowledge about the internal workings of prisons.

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[7] OASys is the standard Offender Assessment System devised by NOMS to assess the risks and needs of all offenders, p-NOMIS is the operational database used in prisons to record prisoners' details and casenotes.

The above problems stem from a variety of roots, all of which are common to many prison systems across the world. These include deeply ingrained features of prison culture which are not conducive to cross-departmental collaboration or to the development of trusting personal relationships between prison officers and prisoners. Overcrowding and shortage of staff and resources are also major factors. Perhaps most important, however, is the basic fact that prisons, and those who live and work in them, are inevitably cut off to a significant degree from the outside world. As will become clear from the following review of relevant research literature, such obstacles combine to create daunting challenges for the design and implementation of the kinds of offender management and resettlement processes that are widely agreed to be most effective.

The resettlement literature: some key messages

The importance of understanding resettlement as a process that starts well before release, and includes work with the offender in prison, is a central conclusion of the research carried out by Joan Petersilia, one of the leading US researchers on resettlement, or 're-entry' as it is called there. In her overview of the subject, Petersilia (2003) argues that improvements in re-entry require reforms in four key areas. Although these are discussed under the heading of re-entry, they actually provide guidance for the whole process of offender management through and beyond the prison sentence: this underlines the point that resettlement is part of offender management and should not be separated from it. One of her suggested reforms, which will not be discussed here, is the introduction of systems of discretionary release and revocation based on consistent guidelines and risk assessments. The three others are:

1 Alter the in-prison experience (by creating a prison environment which focuses consistently on rehabilitation, education and work; promotes life skills rather than allowing criminal attitudes and subcultures to dominate; and, ideally, is permeated by a pro-social offender management process);

2 Revise post-prison services and supervision (targeting by risk and need);

3 Foster collaborations with the community and enhance mechanisms of informal social control.

A similar understanding of resettlement as a multi-stage process beginning well before release is set out by Taxman (2004) in her work on engaging offenders' active participation in reintegration. Her 'five-step offender active participant model' includes:

1 The 'message to the offender' (concerning personal responsibility: key decisions are in the offender's own hands, and risk/need assessment must include 'sharing information from the assessment with the offender' to help in action planning);

2 Institutional treatment (during the sentence, including reintegration goals, transitional planning, and motivation);

3 Institutional pre-release (active planning for release, with a focus on survival needs: 'a place to live, a place to work, food on the table, people to love'. Taxman suggests starting this phase 90 days before release;

4   Post release (basically the first month at liberty: learning to survive without

        offending, and overcoming initial obstacles) followed by:

5   Integration (up to two years: 'maintenance and crisis management' and eventual

        consolidation of a crime-free life in the community).

Both of these American examples show that successful resettlement is, in effect, a coherent

case management process which begins early in the sentence, and in which each stage builds

on the last. Neither specifies exactly how the process should be managed, but continuity of

assessment, planning and implementation is clearly required. They also identify two other

key issues that need to be addressed. One is the need for a positive climate within prisons to

motivate and encourage offenders to reconsider their attitudes to crime and to make genuine

plans to change their lifestyle. This highlights the daunting challenge of creating the

'rehabilitative prison' as a consistent reality across a system dogged by cultures resistant to

change and by shrinking resources, staff and accommodation – a topic to which we return

later. The other key issue is the disadvantaged situation of most ex-prisoners on release. The

Social Exclusion Unit's (2002) report on reducing re-offending by ex-prisoners pointed to

education and training, employment, drugs and alcohol, mental and physical health, attitudes

and self-control, institutionalisation and life skills, housing, benefits and debt, and family

relationships as priority areas of concern which, if not addressed, could contribute to

recidivism. It is now widely recognised that in preparing prisoners for release, it is essential

to give them practical advice and bolster their resilience to overcome such problems. Clearly,

though, however much work of this kind is undertaken while they are in custody, its benefit

may be dissipated if nothing is done to follow it up after release.

Finally, a large body of research underlines the importance, both in custody and outside, of directing attention to how offenders think and react as well as to their social and practical problems. For example, an influential Canadian study of factors influencing post-custodial recidivism (Zamble and Quinsey 1997) provides useful insights into the relationship between social circumstances (structure) and individual decision-making (agency). Most of the released adult male prisoners in their study encountered obstacles of various kinds; the recidivists tended to react emotionally to them, for example with anger or despair, and to become pessimistic about their chances of managing a crime-free life. This frame of mind, and the accompanying beliefs that circumstances or people were always against them and gave them no chance, often led them into further risky behaviour and offending. Zamble and Quinsey (pp. 146-7) sum up the relationship between circumstances and thinking in this way:

> 'Factors in the social environment seem influential as determinants of initial delinquency for a substantial proportion of offenders . . . but habitual offending is better predicted by looking at an individual's acquired ways of reacting to common situations.'

In somewhat similar vein, Maruna's well-known qualitative study of recidivists and desisters in a probation population (Maruna 2001) emphasized the role of internal narrative, or the way that people understand and talk about their own lives: put very simply, recidivists tended to believe that they were victims of circumstances with little control over whether they got into trouble again, whilst desisters believed they were responsible for, and in control of their own lives: 'desisting interviewees had a plan and were optimistic that they could make it work' (p. 147). In Britain the Probation Pathfinder study of the resettlement of short-term prisoners, which evaluated seven different projects, found that the more successful projects were those which tried to address attitudes and thinking as well as linking the prisoner with appropriate

resources (Lewis et al. 2003). It is possible that a service which focuses only on circumstances and resources will tend to reinforce beliefs that circumstances completely determine what happens; on the other hand, a focus on thinking alone neglects the fact that a decision to stop offending needs to be supported by the resources and opportunities that would make this possible (Bottoms and Shapland 2011).

This brief and selective survey of resettlement literature serves to illustrate three key points. The first is that the resettlement process, properly understood, encompasses the whole sentence. The second is that well-planned case management is an integral part of this process. The third is that effective resettlement requires detailed attention to the practical problems of access to community resources *and* to offenders' thinking, attitudes and management of emotions. As will be discussed later, workers in offender management and resettlement need the skills and training to do both.

Effective case management: insights from experience, theory and research

The Carter model

For the purposes of this article, case management and offender management are treated as equivalent terms. Although some commentators would distinguish between them, the Carter report (2003) – the key driver of subsequent rehabilitation and resettlement policy - treats them as much the same. The underpinning knowledge base of that report reflected the context of the time: the development of the 'what works' movement in British probation (unlike in other countries) had placed an almost exclusive emphasis on cognitive-behavioural group programmes as the key to rehabilitation. This is reflected in Carter's assumption that 'interventions' of these kinds are what reduces re-offending, whilst 'offender management' is largely a process of linking assessment to appropriate interventions, rather than a set of

practices expected to have their own impact on re-offending. There appears to have been limited input into the Carter report from any broader review of what was known about effectiveness. The main problem identified in the system - prisons and probation as separate 'silos', creating a lack of continuity in the case management of individual offenders - was seen as an issue to be addressed primarily through organisational reform and the merging of high-level administrative systems (principally, the creation of NOMS). In short, the proposed solution, as might be expected from a management expert, was managerial and system-centred rather than based on an understanding of offender supervision as a *human process*.

In Carter's defence, it should be noted that a number of developments he saw as important to the success of his model have either never appeared (such as shared case management recording across the system) or been tried and then discontinued in a process of serial reorganisation (such as the appointment of National and Regional Offender Managers[8]). Others have been unevenly implemented or delayed: these include a unified system of user-friendly risk and need assessment, placement of prisoners near where they expect to live after release, and a video network to allow face-to-face communication at a distance. For example, the Inspectorates found that completions of the standard risk/needs assessment instrument, OASys, remained patchy across the prison system, and even when the forms were completed, they rarely informed offender supervision in prisons (HM Inspectorates 2013, p.8). Again, contact between prisoners and community-based offender managers has for many years fallen short of desirable levels because time and money to make distant visits are limited. Although the situation may at last be improved by the current development of 'resettlement prisons' (aimed at allowing most prisoners to spend the last period of their sentence near home), longer termers will continue to be held elsewhere for much of their

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[8] Ten Regional Offender Managers were appointed in late 2004. Their role included commissioning services aimed at the reduction of re-offending, particularly in relation to the 'throughcare' of prisoners. However, in 2011 NOMS took on responsibility for commissioning centrally.

sentence, while shrinking resources increasingly constrain probation visits even to local prisons.

To make matters worse, the developments in sentencing which Carter regarded as an essential part of his proposed reforms, such as reducing the use of imprisonment by re-invigorating the use of fines, have not occurred, thereby adding further pressures to already overcrowded prisons. Overall, then, it can be argued that the system we see at present bears little resemblance to what Carter envisaged, and it is therefore not surprising that his vision of offender management is difficult to operate within it. However, it should also be noted that doubts were expressed about how effective his approach to offender management would be even in more favourable circumstances: for example, Raynor and Maguire (2006) argued that the unification of offender management at a high administrative level did not necessarily make it less fragmented and disjointed at the level of the individual offender, and might actually increase fragmentation through the attempt to sub-divide different offender management functions (in particular, separating interventions from case management).

Alternative perspectives

Since Carter's work in 2003, a number of other sources of knowledge have contributed to the emergence of a somewhat different view of offender management and of its role in reducing re-offending.

<u>Relational continuity and trust</u>

First, research has highlighted the importance of continuity of contact and relationship between offenders and case managers. A Home Office study by Partridge (2004) showed that specialist models of case management which passed offenders on to different supervisors for

different purposes were often favoured by managers, but not by most practitioners and offenders, who preferred continuity. Trust is personal: we tend to trust people rather than systems or processes, and we do not like telling our troubles to a succession of strangers. Robinson (2005) argued, for these among other reasons, against 'pass-the-parcel' case management.

When the Carter vision was given practical form in the NOMS Offender Management Model the importance of relational continuity was recognised in the text:

> 'The human service emphasis in the approach means that an Offender Manager is
> expected to discharge their sequence of tasks and functions face-to-face and personally.'
>
> (NOMS 2006, p. 20)

However, the model's emphasis on continuity has often in practice been interpreted to mean administrative rather than relational continuity. From the supervised person's point of view, pass-the-parcel is unlikely to feel like continuity, even if it occurs within a single management process. A study of voluntary after-care carried out for the Home Office in the 1990s showed that short-sentence adult prisoners were much more likely to take up an offer of post-release contact if it followed on from a pre-release visit (Maguire et al. 1998). Later research on the Home Office's Resettlement Pathfinders (Lewis et al. 2003, 2007; Clancy et al. 2006; Maguire and Raynor 2006) again pointed to the importance of continuity and trust, and of work with offenders in prison to increase their commitment to change and their motivation to use services on release (for example, the FOR programme: Fabiano and Porporino 2002). Successful compliance with compulsory supervision – particularly the 'normative' compliance identified by Bottoms (2002) as most conducive to desistance from

crime - is also typically negotiated in the context of a relationship and often depends on trust (see Ugwudike and Raynor 2013).

<u>Supervision skills</u>

Research on the impact of one-to-one supervision is also highly relevant to offender management, but was not significantly represented in the Carter report. In fact, the 'Risk-Needs- Responsivity' model (Andrews and Bonta 1995), which underpins many of the group programmes which Carter saw as key to reducing re-offending, is built around 'core correctional practices' (CCPs) which are relevant to *all* human service contacts with offenders, not simply to the delivery of group programmes. In their influential meta-analysis, Dowden and Andrews (2004) grouped CCPs into five clusters: effective use of authority, appropriate modelling and reinforcement, problem solving, use of community resources, and quality of interpersonal relationships. Work with offenders was found to be generally more effective when these skills were present.

Several other studies have now used quasi-experimental or random allocation designs to study the impact of supervision skills on reconviction: these include Trotter (1996), Trotter and Evans (2012), Taxman (2008), Bonta et al. (2011), Paparozzi and Gendreau (2005), Robinson et al. (2012) and Raynor et al. (2014). All of these use slightly different but overlapping lists of skills, and all of them show, in a nutshell, that skills matter in individual supervision: people supervised by more highly skilled staff are less likely to be reconvicted or re-arrested. The assumption that only 'interventions' change behaviour is simply incorrect; or, alternatively, individual supervision should be seen as an 'intervention' in its own right. In addition, recent research in prisons has placed the relationship between prison staff and prisoners at the centre of our understanding of what makes a good prison (see, for example,

Liebling and Price 2011). Prison staff are now told that 'Every contact matters' (NOMS 2014) and are being encouraged to use personal skills more purposefully and systematically in new initiatives like 'Five Minute Interventions' (Kenny and Webster 2015).

Desistance theory and research

Finally, a major change in perspective has been introduced into debates about offender management by a large body of research and writing around desistance from offending (see, inter alia, Maruna 2001; Farrall and Calverley 2006; Farrall et al. 2014). What is distinctive about this work is that offenders and ex-offenders are the main source of knowledge. It has provided a number of key insights which have become well known and widely accepted, among policy-makers and practitioners as well as academics, under the broad label of 'desistance theory' or (more accurately) the 'desistance perspective'. In highly simplified terms, these can be briefly summarised (as in Maguire and Raynor 2006) as:

- Agency is at least as important as structure in promoting or inhibiting desistance;
- Individuals differ greatly in their readiness to contemplate and begin the process of change;
- Desistance is a difficult and lengthy process, not an 'event', and reversals and relapses are common;
- Generating and sustaining motivation is vital to the maintenance of processes of change;
- While overcoming social problems is often insufficient on its own to promote desistance, it may be a necessary condition for further progress;

- As people change they need new skills and capacities appropriate to their new lifestyle, and access to opportunities to use them; building social capital is a vital component of this process.

Some of these insights, particularly in relation to motivation and the importance of offenders' own positive goals, are also features of the 'good lives' model (Ward and Brown 2004), which has increasingly influenced the design of offending behaviour programmes (Andrews et al. 2011; Ministry of Justice 2012). Generally speaking, however, the incorporation of desistance theory into practice has been piecemeal and hard to trace, for a number of reasons: for example, some practitioners seem to have regarded it as an *alternative* to 'what works', rather than as a complementary perspective ('what works' from the offender's point of view). In addition, desistance theorists have often resisted the idea that they should produce specific guidelines for practice. Thus Weaver and McNeill (2010) argue that the desistance literature provides 'a resource on which creative practitioners can draw' rather than 'a statement of what creative practice might be'. Even so, papers by McNeill himself have included strong steers in the latter direction, advocating for example 'help in navigating towards desistance'; 'explicit dialogue and negotiation' about risks, needs, strengths, resources and opportunities; and 'collaboratively defined tasks… using and developing the offender's social capital' (McNeill 2006, p.56). In fact these do not contradict the findings from research on CCPs but tend to confirm them, with a particular emphasis on individualisation, collaboration and moving at the offender's own pace when there is readiness to change.

A strong and clear thread running through all these newer perspectives is the implication that the individual offender is the centre of the change process, and that rehabilitation and resettlement practice should be based on offender-centred thinking and the building of trusting relationships rather than system-centred thinking and managerial processes.

Policy changes signalled by NOMS

With both the Inspectorates' reports and the above insights from research in mind, we now discuss some provisional plans for significant changes to offender management in prisons which were outlined by the Chief Executive of NOMS in a letter to key stakeholders in September, 2015 (NOMS 2015). The letter largely reflected the conclusions of an internal review of offender management in prisons which had been set up in response to the Inspectorates' reports. It set out five 'key principles', together with the bare bones of a possible delivery model to turn them into practice. The principles were expressed as:

- An underpinning rehabilitative culture;
- A collaborative approach between prisoners and staff, emphasising prisoner agency and relationships with staff;
- Skilled and supported OM staff;
- Target resources effectively;
- The responsibility for custodial OM should sit with the prison.

The first three of these principles are highly reminiscent of the direction of reform advocated by a growing body of academics and researchers in both the USA and UK, as outlined earlier. For example, the following paragraph from the letter, expanding on the principle of collaborative working between staff and prisoners, closely reflects core messages and terminology emerging from desistance theory and research:

"There must be a much greater focus on *personal relationships* and contact between prisoners and staff, to *motivate and support* the prisoner; to offer *hope*, *empowerment* and *opportunities* to rehabilitate; to challenge pro-criminal attitudes and behaviours; to

help prisoners take responsibility for their lives; and to *reflect with prisoners* on next steps. We also need a greater emphasis on prisoner *agency* and *engagement* in a *collaborative* approach with staff." [Our emphasis]

This indicates that senior NOMS managers are now embracing the basic argument put forward by McNeill (2006, 2009) and many others that rehabilitative work with offenders should be seen as a process of 'co-production', in which the key architects and owners of plans to desist are offenders themselves, the role of staff – who require appropriate skills and training - being to engage, motivate and support them through the process.

The letter also emphasises that these kinds of relationships can only flourish in prisons that are 'safe, decent and rehabilitative', this being described as the 'the essential foundation for empowering prisoners to turn their lives around'. This echoes the message of previous NOMS publications expressing the aim of creating custodial institutions which are modelled as far as possible on an ideal of the 'rehabilitative prison'. The features of such a prison have been represented in talks by NOMS staff in the form of a pyramid, as shown in Figure 1. A safe environment with a rehabilitative culture and rehabilitative prisoner-staff relationships are presented as fundamental to the model and 'resettlement' is included at the apex. Again, this idea, although obviously raising questions about feasibility, is congruent with messages from research, including those from Petersilia (2003) described earlier.

FIGURE 1 ABOUT HERE

The other two 'key principles' and their consequences, however, are more open to question. Of course, the principle of 'targeting resources effectively' is at face value difficult to

dispute, but it tends to be used by NOMS as a synonym for the narrower principle of 'resources follow risk', which has been espoused in UK prisons and probation policy for many years. Indeed, the NOMS Offender Management Model (NOMS 2006) stipulates explicitly that the level of support and services that any offender receives should be determined primarily by the risk category into which they are placed (risk here referring mainly to risk of harm, though risk of re-offending is also a factor in the decision). In a clear reversal of the expansion of sentence planning announced only three years earlier, the letter anticipates that a major distinction will be made in future between the high risk offenders allocated to the National Probation Service and all other prisoners serving six months or over. The idea is that the former will receive a 'specialised offer', incorporating a full needs assessment, formal sentence plan and structured supervision by a skilled case manager based in the prison. They will also have priority in access to offending behaviour programmes. By contrast, the remainder will receive only a very basic (Layer 1) OASys assessment and what is described in the letter as 'a simple, prisoner-owned progression plan, instead of the more formal sentence plan': in short, what might be characterised as an 'assessment lite' and a 'sentence plan lite'.

The idea of giving prisoners more responsibility and 'ownership' of their plans for rehabilitation is clearly a positive one, but the reality is that, without assistance, many would be unable to progress their plans either because of lack of capacity or motivation, or because they are unable to overcome the many barriers that face inmates in attempting to access facilities and services. Presumably in recognition of this, the letter introduces the idea of creating in prisons a new role of 'key worker'. Unlike the current Offender Supervisor remit of 'delivering a planned programme of rehabilitative interventions' (albeit more of an ideal than a reality), the task of the key worker would be:

'to engage, motivate and challenge the prisoner. The main purpose should be effective prisoner engagement.'

Although details are not included in the letter, NOMS is considering the radical idea that large numbers of prison staff could be appointed to act as key workers alongside their main job. After a short training period, they would each be allocated a caseload of prisoners and tasked to act as a motivator and facilitator as these prisoners attempted to implement their 'progression plans'. Again, this is in many ways a positive and evidence-informed idea, in accord with the concept of a 'rehabilitative prison' in which all staff play a part in assisting prisoners to desist from offending. The obvious practical concerns, however, are that many current staff may not have the skills or willingness to undertake such a role effectively, and that as prison culture takes a long time to change, the aim of 'empowering' prisoners may be frustrated by the traditional tendency of prison life to suppress individual agency. In the meantime, there is a risk that many medium term (and even long term) prisoners would 'drift' through their sentence with little being done to address their rehabilitative needs.

The fifth 'key principle' – that responsibility for the case management of prisoners should sit with the prison, rather than community based probation staff – raises different concerns, in that it represents a major policy shift in a different direction to that suggested by research. The Chief Executive states in the letter that:

'We remain absolutely committed to maintaining a multidisciplinary delivery model utilising both Prison Officers and Probation Staff but the current arrangements which rely on an Offender Manager in the community and an Offender Supervisor in prison will change.'

This clearly signals the abandonment – *even for high risk prisoners* - of a central plank of the existing OMM, namely the principle that as far as possible, responsibility for sentence planning and case management of prisoners should remain with one person 'end to end' (i.e. in custody, through the gate and after release) and that those best placed to perform this role are community based offender managers. The need for such an arrangement, to make the transition from custody to community as 'seamless' as possible, also formed part of Carter's (2003) core rationale for the creation of NOMS itself. What is now being proposed is, in essence, a 'handover' model rather than one based on continuity of supervision.

As already outlined, handover models are generally assessed in the research literature as problematic, mainly because they disrupt the continuity of trusting personal relationships that is increasingly recognised as important to effective rehabilitative work with offenders. For this reason, this remains the most questionable component of the changes outlined in the letter. It should however be conceded that it is not inevitable that a handover model will have all the negative features of what Robinson (2005) calls 'pass the parcel' offender management. If handovers are undertaken sensitively and in person, through (ideally more than one) three-way meetings, they may have a better chance of retaining offenders' confidence. This is clearly recognised in other fields where handover models are used. For example, police management of informants has moved in the last two decades from a situation where individual detectives cultivated long-term personal relationships with their own 'sources', to one in which the latter are now considered to 'belong' to the police force rather than to one officer, and should eventually be managed by specialist 'handlers'. This entails handover meetings at which the officer introduces the source to the new handler, with the aim of reassuring him or her that the same kind of trusting relationship can be maintained

with a different person (Home Office 2010). It is doubtful whether a standard system of three-way meetings in prisons is feasible in the current context of shrinking resources, but it is something that needs to be seriously considered as a way of ameliorating the relational discontinuity that will follow from NOMS' adoption of a handover model. This seems particularly important for the high risk National Probation Service cases, where public protection issues are paramount.

Broader aspects of successful resettlement

The history of efforts to resettle and rehabilitate prisoners is replete with examples of policy-makers focussing too closely on one particular kind of approach or intervention at the expense of other equally important considerations. For example, the emphasis on improving thinking skills which drove the growth of the 'What Works' approach in the early 2000s created a tendency towards what Morgan (2003) called 'programme fetishism', whereby accredited offending behaviour programmes became regarded almost as a 'silver bullet', while the equally vital elements of case management and 'wrap around' services were neglected (see also Raynor 2012). Again, resettlement policy for short term prisoners has tended to focus on addressing immediate practical problems at the expense of attention to cognition or emotions (Maguire and Raynor 2006).

There is a similar danger that growing enthusiasm for 'desistance theory' could lead to policies which pay strong heed to some of its widely known messages, but miss others that are less often discussed. NOMS' provisional plans for reform of offender management have so far been built around recognition of the importance of supporting prisoners' motivation to change, placing emphasis on collaborative staff-prisoner relationships and the development of a 'rehabilitative culture'. However, successful resettlement depends on far more than this.

A 'rehabilitative prison', in which supportive relationships motivate prisoners to plan for crime-free lives, is perhaps best regarded as a necessary but not sufficient condition for reducing reoffending rates. The research literature we have outlined underlines the need for a 'holistic' approach to offender rehabilitation, based on a full understanding of each individual's circumstances and needs, and the facilitation of access to a broad range of services and opportunities, in prison and after release. These include offending behaviour programmes; help with problems such as mental health, substance abuse, limited education and training, unsuitable accommodation, or debt; emotional support; assistance to prisoners in maintaining contact with partners and children; and opportunities for employment or for greater involvement with local communities. Such an approach is consistent not only with research findings on resettlement, but also reflects messages from the desistance literature that successful and sustained desistance often requires not only motivation and changes in self-identity, but help in building both personal and social capital (see, for example, Farrall and Calverley 2006).

Discussion and Conclusions

Achieving the effective rehabilitation and resettlement of prisoners is a goal that has eluded penal systems throughout their history. In the light of this, the tendency of government to hyperbole when introducing reforms in this field ('rehabilitation *revolution*', '*transforming* rehabilitation', the 'rehabilitative prison', and so on) seems misplaced. Nevertheless, the last two decades have seen the articulation by theorists and researchers of a broad set of principles which are widely agreed to offer useful building blocks for the design of a considerably more effective system. These relate both to work within prisons and to the links between prisons and the outside world. At their heart – and providing the glue that holds everything together – is what is referred to in current policy language in England and Wales

as 'offender management', or more widely as 'case management'. The main messages to emerge can be summarised as follows:

1. Case management in prisons should be seen by all those involved (including the offender) as part of a coherent process, beginning early in the sentence and continuing after release.

2. It should be understood as a 'human service' rather than simply a management system, and founded upon trusting relationships between offenders and those working with them.

3. Sentence planning and its implementation should be seen as collaborative exercises, involving offenders in decisions about how best to progress their rehabilitation.

4. As far as possible, interventions should be tailored to individual risks and needs, rather than 'one size fits all'.

5. To maximise its chances of success, case management requires a holistic approach, with attention both to practical 'resettlement' issues (housing, employment, etc) and to offending behaviour, thinking, attitudes and emotions.

6. It should be undertaken as far as possible by skilled practitioners.

7. It is most likely to succeed in a prison environment characterised by a rehabilitative culture throughout the establishment and with sufficient time and resources for staff of all kinds to engage and work with individual offenders.

As shown by the letter from the Chief Executive of NOMS, senior policy-makers are now paying serious attention to at least some of these messages – especially those relating to rehabilitative work *inside* prisons. The proposed changes to offender management are likely to form part of the much wider programme of prison reform announced in 2016, based around the creation of new 'reform prisons', modernisation of the existing estate, and incentives to governors (who will be granted much greater autonomy) to build regimes strongly focused on education and rehabilitation. Consideration is also being given to the transfer of more probation officers into prisons both to assist in building staff skills and to play a direct role in custodial offender management. Such plans hold out the promise of some meaningful progress in a field notoriously impervious to change. At the same time, however, some serious doubts need to be raised. The plans are being devised in the shadow of overcrowding, limited facilities and significant cuts in staff, the consequence of which is that only a minority of prisoners are likely to receive anything approaching a desirable level and quality of services, particularly in terms of individual sentence planning and case management. For the remainder, hopes are pinned on a major cultural transformation of prisons and prison officers, as well as the empowerment of prisoners to devise and progress their own plans for rehabilitation with relatively little help. Useful as it may be to identify such a 'transformation' as a policy goal (which may in itself help to focus motivation and effort), this has little chance of realisation without strong and sustained political commitment; major and continuing investment in infrastructure, recruitment and skills training; and a significant reduction in the prison population. The discouraging history of previous attempts at prison reform, combined with the failure of successive governments to tackle the population issue, only serve to emphasise the scale of the task.

The Chief Executive's letter has rather less to say about the other key component of prisoner rehabilitation, the creation of effective links and continuity of case management 'through the gate'. An obvious area of concern among his proposals is the likely abandonment of the 'end to end' principle of offender management that underpins the OMM. It is stated in the letter that '…things need to change, so that we can focus our efforts on improving outcomes for prisoners and ensuring greater continuity between court, prison and community OM work', but it is not clear how this 'greater continuity' will actually be achieved. The main hope is that the recent advent of 'resettlement prisons' will make it easier to join up service provision inside and outside. The aim is for the great majority of prisoners to be transferred for the last few months of their sentence to the resettlement prison closest to their home, where custody-based CRC resettlement workers prepare them for release (in many cases helped by mentors who meet them at the gate and accompany them to their first appointments).[9] However, these arrangements – which do not necessarily involve close liaison with either offender supervisors inside or offender managers outside - are focused mainly on immediate practical assistance, and lack the continuity of personal relationships and broader rehabilitative work which research suggests is important to successful resettlement in its fullest sense: what might be called 'rehabilitative resettlement'. At the same time, many community-based OMs in the CRCs have been burdened with high caseloads[10], leaving them little time to develop more than superficial relationships with most of their supervisees after release, let alone visit those still in prison (Dominey 2016). There are also indications that the competitive market in services to offenders created by *Transforming Rehabilitation* has fostered fragmentation of

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[9] In this context, it is a little ironic that the current trend in the construction of new prisons in England and Wales is towards very large establishments, often cited at some distance from major centres of population (several old prisons located in city centres being planned for closure). While to be welcomed in terms of the provision of appropriate facilities, this may create more challenges for resettlement.

[10] This has been caused partly by a significant reduction in government funds allocated to probation, and partly by the extension (under the Offender Rehabilitation Act 2014) of statutory post-release supervision to all prisoners, rather than just those serving twelve months or over.

provision and distrust between agencies (Burke and Collett 2016), making it more difficult for OMs to coordinate inter-agency work with released prisoners.[11]

In short, it seems unlikely on present evidence that, however badly the 'end to end' principle has worked in practice, simply replacing the OMM with a 'handover' model will produce greater continuity between prison and community based rehabilitative work. Even if current problems of high caseloads and shrinking resources are ameliorated, the fundamental problem remains of how to design and implement an effective coordinated system of offender management 'through the gate' and – equally important – how to ensure that it will be experienced by service users as a coherent and 'human' process, built on trusting relationships with those assisting them. A great deal more innovative thought is needed on this question, including consideration of ideas such as appointing staff (whether trained as prison or probation officers or other kinds of service provider) to work partly in resettlement prisons and partly outside, so that at least some offenders can be genuinely supervised 'end to end' by the same person.

Finally, it is emphasised that use of the term 'rehabilitative prison' itself raises questions about the essential nature of prisons, and brings to mind academic debates in the 1970s, where some argued that phrases of this kind were misleading oxymorons or euphemisms to hide a harsher reality – and sometimes to justify the use of imprisonment when community sentences would have been both more just and more effective. For example, Wright (1973) wrote of new language which was being used to describe elements of California prisons:

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[11] For example, Dominey (2016: 140) notes that 'supervisors work in an environment that is more political and less straightforward than that of their probation trust predecessors; well-coordinated inter-agency work brings benefits for supervisors and supervisees but may be increasingly hard to deliver.'

'The California "correctional officer" is still a guard; the "adjustment center" is still the hole; the "inmate" is still a prisoner; and above all the "correctional facility" is still a prison.'

In other words, it is important that the notion of a rehabilitative prison does not obscure the basic fact that, however well trained and caring the staff may be, prisons are not benign institutions. Inmates are there against their will, cut off from normal life, and housed with large numbers of other offenders – all of which are significant obstacles to rehabilitation. While it is obviously right to attempt to create as positive an atmosphere as possible for the people who are there, it is arguably even more important to pursue policies aimed at greatly reducing the use of imprisonment. This would have the dual benefits of allowing more offenders to access rehabilitative services in a community setting and at the same time improving the chances of rehabilitating those who remain in prison by freeing up resources and reducing the pressures of overcrowding.

Figure 1. 'The features of a rehabilitative prison' as represented by NOMS
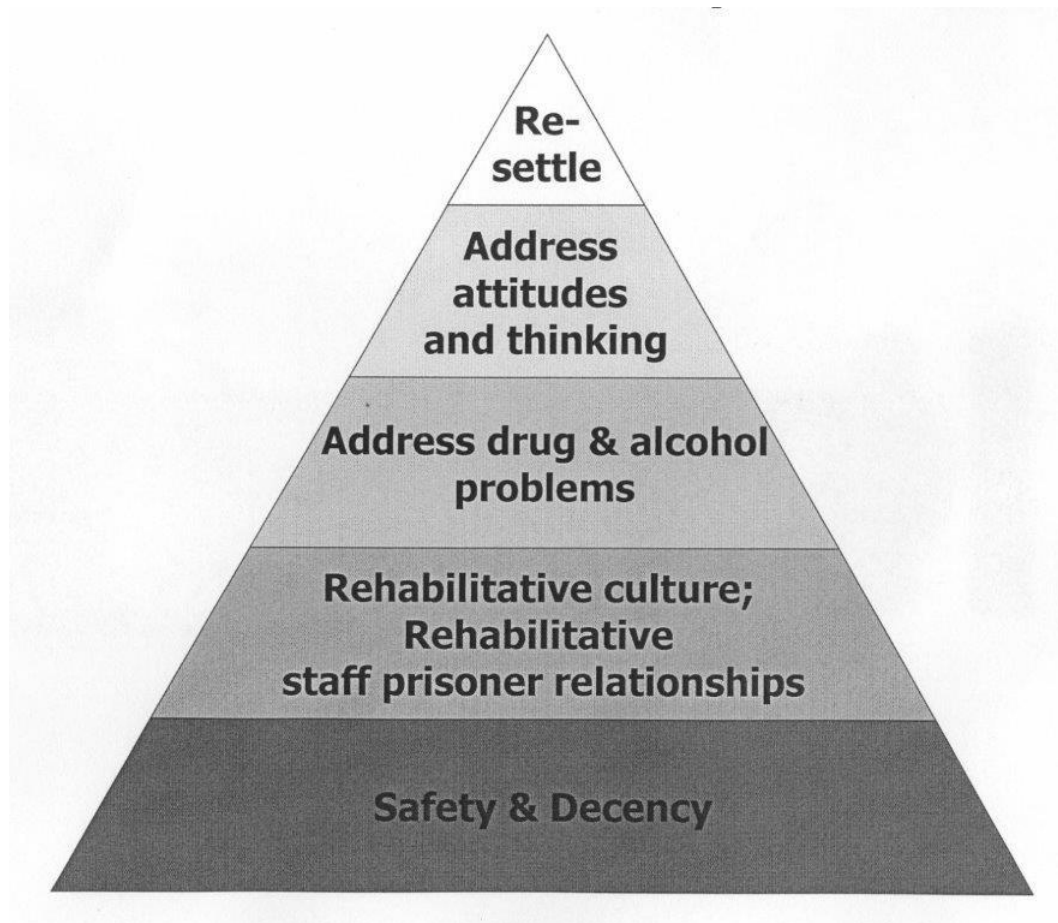
Source: 'Creating Safe, Decent and Rehabilitative Environments: From Local Innovation to Whole System Improvement.' Powerpoint presentation by Gill Attrill, NOMS, to 19th Council of Europe Conference of Directors of Prison and Probation Services, Helsinki, 17-18 June 2014. http://www.coe.int/t/dghl/standardsetting/prisons/Conference_19_files/Gill%20Attrill%20PP%20presentation%20revised.pdf

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