

## **Rehabilitation and Resettlement ‘through the gate’: the need for a coherent approach**

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### **Background to this submission**

The authors are both Professors of Criminology. They have jointly and with others researched and written about a shifting variety of ‘through the gate’ offender management and resettlement systems in England and Wales, starting in the 1990s with studies of Automatic Conditional Release and Voluntary After-care, and continuing through the Pathfinder resettlement experiments, the ‘end to end’ offender management model developed by NOMS, the changes brought about by Transforming Rehabilitation initiative, and the recent implementation of the Offender Management in Custody (OMiC) model. Both have substantial experience of giving advice to the Home Office and the Ministry of Justice, including through membership of the Correctional Services Advice and Accreditation Panel. Both are members of the Wales Probation Development Group, but their submissions to this enquiry have the status of individual submissions and do not seek to represent the views of a group.

This submission is largely in response to questions about resettlement services in Section 3 of the Committee’s Call for Evidence. It will focus primarily on the challenging goal of ‘joining up’ the supervision of, and the provision of effective rehabilitative and resettlement services to, prisoners before and after release. We shall here outline and critique attempts that have been made to achieve this in England and Wales, and will summarise some key messages from research about what is needed to improve existing policy and practice. In a second submission we will look at possible lessons from resettlement systems in place in other jurisdictions in Europe and north America.

### **Introduction**

Over twenty years ago the Government’s Social Exclusion Unit published a major report on ‘Reducing re-offending by ex-prisoners’ (Social Exclusion Unit 2002). The report identified key problems faced by large numbers of released prisoners which impeded their successful resettlement and reintegration into society. These concerned: education and training; employment; drugs and alcohol; mental and physical health; attitudes and self-control; institutionalisation and life skills; housing; benefits and debt; and relationships with families. The problems mentioned will be familiar to anyone who has worked with prisoners or ex-prisoners and a similar list could be made today. It is also clear that many of them are made worse rather than better by incarceration.

It can easily be forgotten that nearly everyone sent to prison will be released at some point and resume life outside, in most cases within quite a short time. This makes it important to pay close attention to efforts to maintain links with the outside world and prepare prisoners for life after custody: in short, to activities concerned with ‘rehabilitation’ and ‘resettlement’. These terms tend to be associated with two apparently different aims - reduction of the risk of future offending, and reintegration of ex-prisoners into community life – and this distinction is reflected to some extent in institutional structures whereby separate departments and groups of staff may be responsible for each. In very broad terms, rehabilitative interventions typically set out to

challenge anti-social thinking and attitudes and to help prisoners build and sustain motivation to change, while resettlement work is largely concerned with addressing the immediate practical problems they will face on release. However, it should be emphasised that there are close links and overlaps between these aims and activities. For example, key elements of successful resettlement, such as stable housing and employment, are also associated with reduced re-offending. *Vice versa*, ex-prisoners are more likely to keep a job and sustain a more settled lifestyle if they have internalised the necessary determination and resilience to overcome setbacks and avoid crime. In short, the two can be regarded as interconnected parts of a larger process, which should begin in custody and continue after release in as undisrupted (or ‘seamless’) <sup>1</sup> a way as possible. Ideally, this should include some continuity of relationship with a specific practitioner, but at minimum it requires clear communication to outside supervisors about what rehabilitative work has taken place in prison and concrete resettlement plans which will be followed up outside.

Many jurisdictions now recognise the need for continuity of case management and services ‘through the gate’ but find this difficult to deliver because of the separation of prison and community services. In England and Wales, the fundamental problem of ‘joining up’ these two ‘silos’ has plagued successive efforts at reform over many years. Such problems are exacerbated by an under-resourced and overcrowded prison system, as well as probation services that suffer from staff shortages, large caseloads, and damage to morale caused by a succession of organisational upheavals. In the following pages, we first look at the fate of major reforms that have been introduced over the last 20 years in England and Wales in the hope of creating a more effective and ‘joined up’ system. We then draw lessons from these experiences to help identify what appear to be necessary ingredients for improvement.

### **Changing arrangements**

Three sets of major organisational changes to prison and probation services have been introduced in England and Wales since the mid-2000s, in each case heralded by Government as a solution to recurrent problems of co-ordination and continuity in the resettlement of prisoners. Numerous independent commentators, including the Inspectorates of prison and probation, agree that these have largely failed to achieve this goal.

The first, the creation of the National Offender Management Service (NOMS) – now renamed Her Majesty’s Prison and Probation Service (HMPPS) – took place in 2005 following the publication of the Carter Report (2004). The main problems identified in the report - prisons and probation as separate ‘silos’ with a lack of continuity in the management of individual offenders - were seen by Carter as primarily organisational issues, to be addressed by shared high-level management: his proposed solution, as might be expected from a management expert, was system-centred rather than based

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<sup>1</sup> The concept of a ‘seamless’ transition from custody to community first received prominence in the 1991 Criminal Justice Act, which introduced the ‘seamless sentence’ whereby offenders would spend the first half of their sentence in custody and the second half under supervision in the community, with a clear rehabilitation plan covering their whole ‘journey’. However, as will be clear from the following text, the choice of the term ‘seamless’ (whereby one ‘cannot see the join’) seems excessively ambitious in the light of deep-seated and continuing problems in both prisons and probation (see also Cracknell, 2021).

on a view of offender management as a human process. NOMS, a new executive agency of the Ministry of Justice, was made responsible for providing and commissioning both prison and probation services in England and Wales, thereby offering in theory the prospect that the planning and delivery of rehabilitative work in custody and after release would be effectively co-ordinated. Under the NOMS Offender Management Model, which was developed to achieve this, community-based probation officers, re-badged as 'offender managers' (OMs), were tasked with the 'end-to-end' management of prisoners sentenced to 12 months or over. Ideally, the same community-based probation officer would prepare the initial court report, devise and oversee the prisoner's sentence plan while he/she was in custody, and supervise him/her after release. The OM was assisted by a prison-based 'Offender Supervisor', normally a prison officer based in the Offender Management Unit, who oversaw the implementation of the sentence plan (NOMS 2006).

However, within just a few years this arrangement began to attract serious criticism. Communication between outside probation officers and prison staff was often poor, and many OMs failed to visit their supervisees and had little knowledge about what they had done in prison. This culminated in a series of highly critical reports from the Inspectorates of Prisons and Probation. 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)

The second major reorganisation affecting preparation for release and 'through the gate' arrangements was the 'Transforming Rehabilitation' (TR) initiative, beginning in 2013 (Ministry of Justice 2013). This included a policy to enable most prisoners to spend the last few months of their sentence in an institution relatively close to their home, thereby supposedly making it easier to develop meaningful links with local agencies which could assist their resettlement. To this end, numerous establishments were designated as local 'resettlement prisons', each of which had a 'resettlement team' tasked with making such links. These teams were managed by Community Rehabilitation Companies (CRCs), largely private companies to which much of the work of probation services was outsourced as part of TR. This arguably misguided experiment ended in 2021 with re-unification of probation services in the public sector, but many problems continue: these include prison overcrowding, staff shortages in both services, a loss of experienced probation staff due to TR and a system of post-release supervision for short-sentenced prisoners which is of disproportionate length and not well-designed or well understood (Cracknell 2020, Raynor 2020).

In addition, commentators broadly agree that resettlement teams were largely ineffective in providing help to prison leavers. They faced heavy demands in terms of process targets which often led them to prioritise bureaucratic tasks over meaningful work with prisoners. In addition, arrangements by which mentors met released prisoners at the gate to offer early assistance often allowed the mentors very little time to develop any rapport with those they were meeting, or to do anything beyond the day of release (Taylor et al. 2017).

The third major reorganisation resulted from the internal review set up in response to the concerns expressed by the Inspectorates about the ineffectiveness of the NOMS Offender Management Model and its underpinning concept of ‘end to end’ offender management by community-based probation officers. This concept has now been largely abandoned. It has been replaced by the ‘Offender Management in Custody’ (OMiC) system, under which many probation staff have been appointed to posts inside prisons, where they work alongside prison staff to plan and oversee the ‘rehabilitative journeys’ of higher risk prisoners (devising sentence plans, holding supervision sessions, making referrals to programmes, etc.), responsibility passing to external probation officers only after release (NOMS 2017). This can be understood as moving from an ‘end to end’ to a ‘handover’ model of offender management (Maguire and Raynor 2017). Ideally, the external OM to whom the case is passed on release will earlier have attended at least one three-way meeting with the prison-based OM and the prisoner in order to learn about the latter’s progress and begin to build a relationship.

Under OMiC, however, the great majority of prisoners are no longer subject to ‘offender management’ in custody as generally understood; rather, they receive periodic advice and support from a prison officer in a new role of ‘key worker’. The intention is that, over time, the majority of prison staff will be trained to undertake this role and will take on a small caseload of prisoners, thereby helping motivate and empower prisoners to take more responsibility for their own rehabilitation (NOMS 2017).

It is early days in the implementation of OMiC, and there is as yet limited evidence of how well it is working. The arrangements for high risk prisoners seem to have some promise, and it is possible that the disadvantages brought about by removing the potential for productive ‘end to end’ relationships with external OMs are more than offset by the advantages of regular contact with a well-qualified custody-based OM. The effectiveness of the key worker system for the bulk of prisoners is considerably less certain. It 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 (Maguire and Raynor 2017). 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 and prioritise the smooth running of the institution (for a pessimistic view of OMiC’s chances of overcoming such problems and avoiding repetition of past failures of resettlement policies, see Cracknell, 2021). An interesting recent experiment in the Scottish Prison Service tried to bridge the custody/community gap by deploying some prison officers in the community as ‘throughcare support workers’, but the experiment was cut short after five years when the officers were recalled to custodial duties to deal with staff shortages (Maycock et al. 2020).

## Concluding comments

Achieving the effective rehabilitation and resettlement of prisoners is a goal that has eluded almost all penal systems throughout their history, but knowledge about what is needed to achieve it is not in short supply. An accumulation of research over many years offers a number of key messages, which can be summarised, following Maguire and Raynor (2017) as:

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 prisoners and ex-prisoners in decisions about how best to progress their rehabilitation.
4. As far as possible, interventions should be tailored to individual risks, needs, strengths and opportunities 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, including keyworkers in custody and community-based offender managers, who should be in contact well before release.
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.

Clearly, to be effective, rehabilitation and resettlement have to be based on a coherent, holistic process in which attention is paid systematically to a combination of practical, emotional and cognitive issues. The NOMS Offender Management Model was rightly built around the idea of such a process, which was represented by the acronym ASPIRE, meaning Assess, Sentence Plan, Implement, Review and Evaluate (NOMS 2006). But while this summarises the management process, it misses the key point that the change process should be a collaborative, 'human' process, based on *offender-centred* thinking, rather than system-centred thinking. If a new acronym would be helpful to emphasise this point, we would suggest EPICS:

**E**ngage and assess;  
**P**lan together;  
**I**nfluence and motivate;  
**C**onnect to pro-social community resources; and  
**S**upport.

This acronym is already used by some researchers to mean 'Effective Practices in Correctional Settings' (Lowenkamp et al. 2012), which makes it quite apt by adding another layer of meaning.

However, sound as these principles undoubtedly are, in the UK as in many other countries attempts to turn them into practice have always been confronted by huge obstacles. These include the perennial problem of prison overcrowding, to which Cracknell (2021) has added a useful list of 'six common threads of resettlement policy failings'. These may be summarised as:

1. Failure of the separate 'silos' of prisons and probation to develop cohesive working arrangements, leading to disconnected sentence planning and action.
2. A pattern of frequent changes of policy, driven 'top down' and at fast pace by central government, and often ignoring the views and problems of staff at local level, thereby causing resentment, loss of morale and 'change fatigue'.
3. Under-resourcing of service provision.
4. Cultural resistance from prison staff to policies aimed at embedding more rehabilitative models of working with prisoners.
5. High probation caseloads and heavy administrative demands, which leave staff with insufficient space to develop meaningful relationships with ex-prisoners, and encourage a 'pass the parcel' mentality in which practitioners feel they can aim at little beyond 'getting people through' the post-release period.
6. A tendency to adopt 'one-size fits all' approaches, rather than tailoring services to individual needs.

As Cracknell points out, inability to deal with such problems has led to a collective failure over many years to produce an effective resettlement system. More recently, too, the situation has been exacerbated by organisational upheaval caused by the splitting, part-privatisation and subsequent reunification of the Probation Service, which has led to more fragmentation, acute shortages of experienced staff, and problems of communication within the system (Dominey, 2016; Taylor et al. 2017).

On the positive side, there is reason to hope that, if they can overcome the problems that have marked their first few years, the advent of resettlement prisons will make it easier to join up service provision inside and outside custody. However, these arrangements – which do not necessarily involve close liaison with offender managers outside - are focused mainly on immediate practical assistance. Important as this is, they do not address the need for continuity of personal relationships and holistic, individualised rehabilitative work which research suggests are important to successful resettlement in its fullest sense: what might be called 'rehabilitative resettlement'. This needs to be a coherent process and, most importantly, experienced as such by service users.

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