

**WORKING WITH
OLDER OFFENDERS:
A RESOURCE
FOR VOLUNTARY,
COMMUNITY AND
SOCIAL ENTERPRISE
ORGANISATIONS**

J DO IT JUSTICE

THE CRIMINAL JUSTICE SYSTEM EXPLAINED

Authors

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Feedback or further information

If you have any feedback on the resources, are seeking further information about the programme, or would like to share your own advice/experiences on working with older people in the Criminal Justice System, please contact Isabel Livingstone at Clinks: isabel.livingstone@clinks.org

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Resettlement and care for older ex-offenders and prisoners

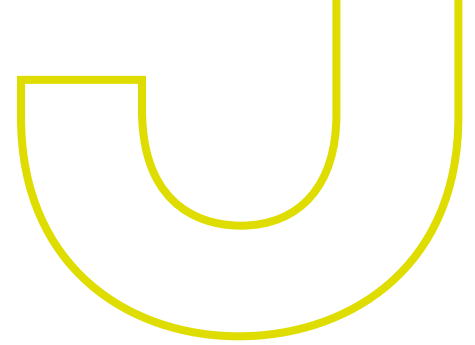
CLINKS

This resource is one of a series called Do It Justice, designed to provide easily accessible information on key aspects of the Criminal Justice System (CJS).

This guide is for Voluntary, Community and Social Enterprise (VCSE) organisations working in the CJS. It gives information on the needs and rights of older offenders and advice on how to support them.

It is written by RECOOP, a charity that promotes the care, resettlement and rehabilitation of older prisoners, offenders and ex-offenders. RECOOP focuses primarily on those over 50 years old, and provides support services, advocacy, financial advice, mentoring on issues such as employment and training, and advice on housing and health in prisons. Their aim is to enable people to take control of their lives, remain free from offending, stay mentally and physically active and avoid social exclusion.

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INTRODUCTION

This guide is for VCSE organisations working in the Criminal Justice System, to help them better understand the needs of older offenders. It gives information on the needs and rights of older people in the CJS and advice on how to support them, so that frontline staff, volunteers and managers can design appropriate and responsive services.

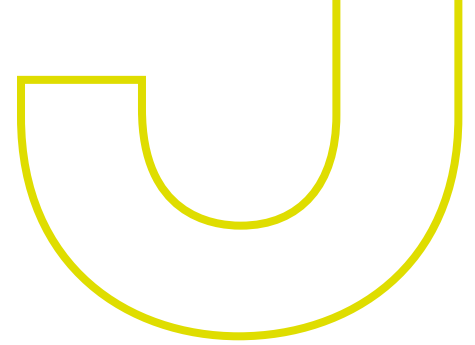
The increase in numbers of older offenders is part of a trend resulting from changes in attitudes within society and the CJS, coupled with an ageing population with a higher life expectancy. However, to date, very few additional resources have been made available to meet the needs of this particular group of offenders, either within or outside of our prisons. There is substantial evidence to suggest that prisoners suffer greater health problems than the general population, with many of them having health characteristics typical of someone aged ten years older who has not been in prison.⁸

“The idea sounded like a good one to me on the surface but I am a total cynic. I thought it was more ‘do-gooders’ with an idea that sounds good on the surface but will fizzle out. However, it was to be ‘run by the prisoners for the prisoners’. This would be specifically to deal with their problems both of an internal and external nature, and on any subject.”

Older prisoner, see Case Study, page 8

KEY STATISTICS

- Currently **12%** of the prison population, nearly ten thousand people, are aged 50+.¹
- Older prisoners are the fastest growing group within the prison population; over the last decade the number of 50-59 year olds has doubled, and the number of over 60s has increased by **120%**.²
- More than **80%** of male prisoners aged 60 and over suffer from a chronic illness or disability³ and older prisoners have been found to have accelerated ageing, with their health being similar to that of a non-prisoner who is 10 years older.⁴
- **More than half** of older prisoners have been diagnosed with a psychiatric illness, the most common being personality disorder and depression.⁵
- Only **18%** of male prisoners over 60 years who have a recorded psychiatric illness are receiving appropriate medication.⁶
- **Forty per cent** of older offenders (40+) on Community Orders have a mental health condition (compared with one third of all age groups on Community Orders).⁷



IN CUSTODY

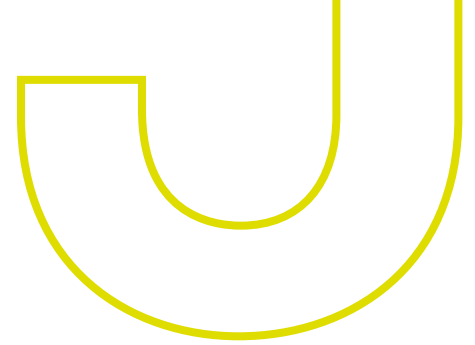
The prison environment is primarily designed for, and inhabited by, young and able-bodied people. Older people in prison are generally a compliant population who suffer poor mental and physical health and prisons rarely have the resources available to enable them to train staff in the needs and rights of older people. Within the prison estate there is limited provision for specialist long-term care and end-of-life health care.

Those retired in prison often have little educational or leisure opportunities, which can lead to them being locked in their cells for long periods of time. Many have lost contact with friends and family and often do not have a home to return to on release. There is a clear lack of resources and specialist knowledge to meet older people's health and social care requirements.

EXAMPLES OF THE CHALLENGES FACED

RECOOP has worked with older prisoners who struggle with the prison regime. Here are a few specific examples of the challenges their service users have faced:

- Difficulty in getting dressed – putting on socks with arthritic fingers for example.
 - Limited contact with family as they are also elderly and struggle to travel long distances to the prison to visit.
 - Feeling intimidated by younger prisoners – withdrawing to their cells and reducing communication with others, resulting in a loss of confidence and self-esteem whilst increasing the risk of depression.
- Mobility issues such as difficulty in climbing stairs or getting on and off the top bunk bed in a cell (with examples of people falling out of bunks, causing serious injury).
 - Prisoners unable to walk easily or wear shoes because their toe nails are so long they are being pushed out of the base as they can't reach to cut them. (Officers are not allowed to do this for them or provide any social care support).



ON RELEASE

Preparation for release has often been seen as inadequate by RECOOP's service users. Many prisons lack the specialist resources needed to help older prisoners prepare for a new life in the community and there is a danger that lack of appropriate resettlement support will affect the success of transition from custody to community. Some of the main issues are detailed below:

INSTITUTIONALISED

Many older prisoners are serving long sentences. Some may become institutionalised, losing touch with changes in society and lacking crucial self-help skills and confidence to live in the community.

RESETTLEMENT

Resettlement involves engaging with a number of complex systems such as social care, benefits or pensions, housing, and personal finance. Older offenders completing long sentences may find it particularly difficult to adjust and need more support in preparation for release. Many older prisoners are released on licence which also requires them to manage a range of restrictions and obligations.

HOUSING

Some prisoners are released to No Fixed Abode (NFA). The reasons are unclear but may include late or no referral to housing agencies. Some older ex-offenders are vulnerable to exploitation by private landlords. There have been cases of poor housing conditions and of some landlords charging a premium for coins or tokens for electricity meters.

* The Social Fund was a central government fund that provided crisis loans and community care grants to people moving to a community from another area, care home or from prison. From April 2013, it has been abolished and is no longer available from central government, but un-ring-fenced funds have been passed to local authorities to manage at their discretion. It is not yet clear what the impact of this will be on access to emergency grants for those resettling from prison.

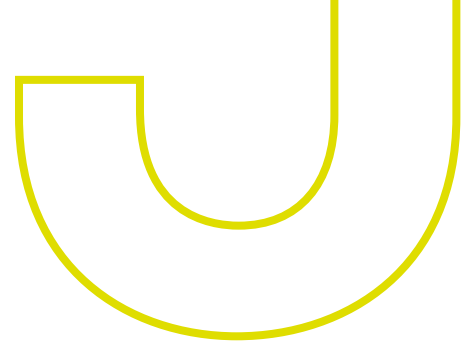
HEALTH

There is no statutory requirement to refer a prisoner to a local GP or dentist. Some lack the knowledge or necessary documentation to help them make their own arrangements, when this can be vital to maintaining or managing complex health issues. Very few older prisoners have a working relationship with social services to set up necessary health and social care services on release from custody.

EXAMPLES OF THE CHALLENGES FACED

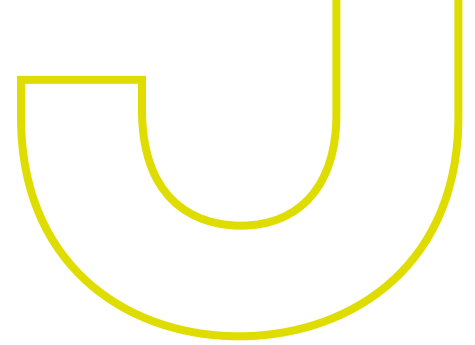
It is especially difficult for an older prisoner being released into the community if they are moving to a new area or facing homelessness. They are often less resourceful, adaptable and can be more vulnerable than their younger counterparts.

- Prisoners with mobility issues are leaving prison without wheelchairs or frames as these belong to the prison. This means that they are arriving in towns and cities without the ability to walk very far.
- Some, leaving prison in winter months, have no warm clothing or coats.
- Elderly and vulnerable prisoners are leaving prison to communities without anywhere to live or anyone to contact (ties with families have been severed) which can, in severe cases, lead to sleeping rough for a significant period of time.
- Older prisoners are leaving prison without pensions or benefits set up and the new lack of Social Fund provision could result in an acute level of crisis.*



- After long periods of incarceration, prisoners are leaving without an ability to use a cash machine / computer / mobile phone / self-service aisle in a shop and don't recognise the new technological world around them. This can cause anxiety and fear.
- Confidence and self-esteem are generally low for older people leaving prison.

It should be recognised that individual prisoners' needs and abilities vary considerably and that resettlement cannot be effectively provided on a 'one size fits all' basis. The opportunity to discuss personal needs is valuable. Such preparation can be effectively applied in group sessions, though in RECOOP's experience one-to-one support may be needed in some cases.



LEGISLATION AND RIGHTS OF OLDER OFFENDERS

'Age' is recognised within the Equality Act 2010 legislation, together with disability, as a protected characteristic. The Equality Act prohibits various types of unlawful discrimination where that discrimination is because of a protected characteristic. The protected characteristic of age has a flexible definition, depending on the situation. Most prisons recognise the older cohort as those over the age of 50 years.

The Equality Act also includes the Public Sector Equality Duty, under which public authorities such as prisons, Ministry of Justice, courts and probation services must take account of equality, discrimination and good relations between different people in the way they make policy, deliver or buy goods and services, and employ people.⁹

In 2011, a Prison Service Instruction on 'Ensuring Equality' was issued to outline prisons' obligations under equality law. Whilst it was not very specific on age discrimination, it included this instruction on disability which will apply to some older prisoners:

*"Governors must consider whether prison policies and practices, the built environment, or lack of auxiliary aids and services could put a disabled prisoner at a substantial disadvantage and if so must make reasonable adjustments to avoid the disadvantage."*¹⁰

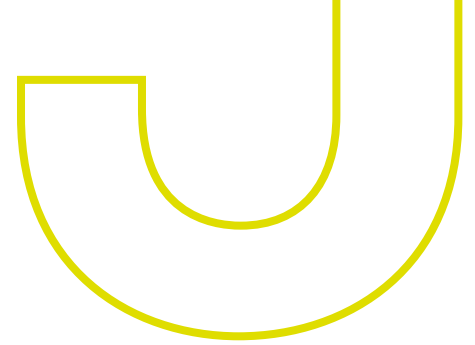
There have not been many legal cases on age discrimination because the law is very new, but recently a legal challenge has been started by the Equality and Human Rights Commission about lack of facilities for elderly and disabled prisoners. The case is of 'Mrs C' a 70-year-old woman who uses a wheelchair. Mrs C was kept in a closed

prison for over a year after being assessed as suitable for open conditions, but was told that the open prisons could not accept a wheelchair user. The solicitor representing Mrs C says:

*"Disabled and elderly women prisoners are routinely given a raw deal when it comes to them being able to participate in and progress through the prison system. An obvious example of this is the lack of facilities for wheelchair-using prisoners in the women's open prison estate. The Chief Inspectorate of Prisons has repeatedly raised this problem, yet the Prison Service has so far refused to act. We hope that Mrs C's claim acts as a catalyst in the Prison Service finally living up to its obligations, and in ensuring an equal service for all prisoners."*¹¹

The current prison regime is set up for the younger majority with educational and vocational workshops provided to encourage skills development that can be taken back into the community on release. Not all older prisoners are able or eligible to engage in these activities but are entitled to alternative meaningful activity to help prepare them for their eventual resettlement and ability to live independently.

Fulfilling their obligations under equality law can be a challenge for the Prison Service, particularly in the current climate where resources are stretched. There is an opportunity for VCSE organisations to work with their local prisons and explore how they can support older prisoners and develop services to help the prison meet their legal duties.



CASE STUDY

SETTING UP AN OLDER PRISONERS' FORUM – A PRISONER'S PERSPECTIVE

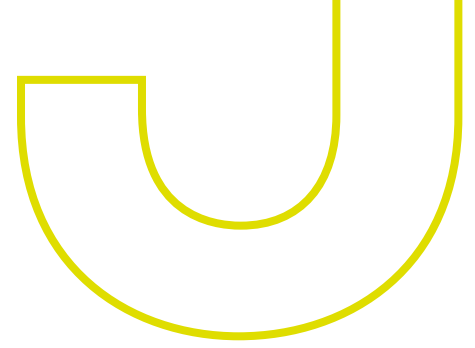
RECOOP WORKS WITH A NUMBER OF PRISONS TO HELP SET UP OLDER PRISONERS' FORUMS. SOMETIMES IT TAKES A LITTLE WHILE FOR THE MODEL TO BE RECEIVED FAVOURABLY, AS THIS PRISONER OUTLINES:

"The idea sounded like a good one to me on the surface but I am a total cynic, somebody who in real life sees things in black or white. I thought it was more 'do-gooders' with an idea that sounds good on the surface but will fizzle out like most other things you experience when [you are] a 'captive audience'. However, it was to be 'run by the prisoners, for the prisoners'. This would be specifically to deal with their problems both of an internal and external nature, and on any subject.

"After a proper working committee had been elected it became more and more apparent that this was going to work. Prisoners were encouraged to see people actually trying to do something for them, especially as they, through their committee, could make decisions as to who they would like to come and speak to them and on which subjects they wanted help [with] from the outside world. Speakers almost queued up to come and speak at monthly meetings, perhaps because it was a unique audience.

"Over the next six months we had speakers with a wide range of interests; representatives from the Pension Service and other voluntary organisations came to give advice and explain their purpose and even a renowned expert on the subject of dementia came to give a talk and conduct a survey on the subject. In such a short space of time it became apparent to a cynic like myself just how important and worthwhile such forums can be.

"The 50+ forum for a prison community is a concept that does and will work as long as the membership is prepared to put some effort into it. It is a vehicle that is being presented to them and should be driven like a Rolls Royce not a Robin Reliant."

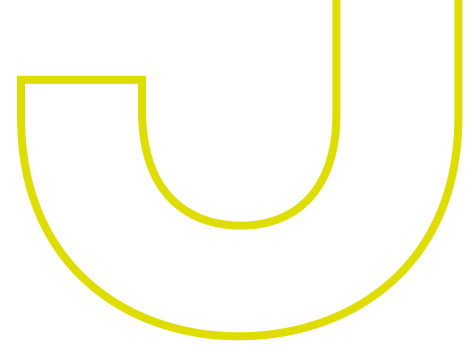


TOP TIPS FOR WORKING WITH OLDER OFFENDERS

There is limited support for older people in the CJS, and for that reason there is plenty of scope and opportunity for organisations to develop services for older people in prison and in the community. RECOOP have provided some tips below on how you might effectively work with this client group.

- **Consider extending your service provision** to include older service users to address their differing needs. The numbers might be small but their needs are significantly different and require urgent attention.
- **Canvass your older service users** to see how they would like the service they receive to be delivered. Would they like older group work, slower paced sessions, befriending services, or independent living support?
- **Provide training for staff** to help them understand the differing needs of older people. For instance, making sure that the language is appropriate – does an older service user want an action plan or are they more focussed on a retirement plan?
- **Consider older service users' additional health and social care needs** – use age-specific screening and assessment tools.*
- **Building community links and social capital** is key to building self-esteem and confidence. This can enable older offenders to live independently and successfully through better integration with local people and community groups.

* Available free from RECOOP's online resource library. See Further Resources, page 10.



FURTHER RESOURCES

RECOOP has a range of over 250 free supportive resources for the older population and practitioners working with this group. These are all available from the website www.recoop.org.uk by joining as a member (free of charge). The resources include:

AGE SPECIFIC ASSESSMENT TOOLS, QUESTIONNAIRES AND SERVICE DIRECTORY

SESSION PLANS – FACILITATOR’S NOTES AND SUPPORTIVE DOCUMENTATION (READY FOR EASY DELIVERY):

- *Healthy Eating* – all you need to get them talking about balanced diets and food groups to promote good health
- *Planning for your Retirement* – an alternative ‘action plan’ session for older service users

RESEARCH AND STATISTICS

- **Justice Select Committee Inquiry into the treatment of older prisoners 2013** – link to a transcript of evidence provided
- **Losing Track of Time: Dementia and the ageing prison population; treatment challenges and examples of good practice** – Mental Health Foundation, 2013
- **Out for Good: Taking responsibility for resettlement** – Prison Reform Trust, 2012
- **Doing Time: Good practice with older people in prison: The views of prison staff** – Prison Reform Trust, 2010
- **Doing Time: Good Practice Guide** – Prison Reform Trust, 2010
- **Older Prisoners Thematic Review** – HM Inspectorate of Prisons, 2008.

OTHER RESOURCES

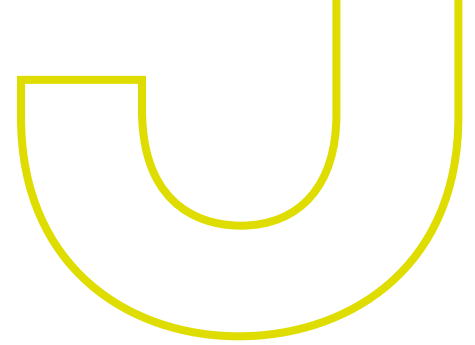
- Age related health posters – signs and symptoms (Including Dementia, Arthritis and Depression)
- Advice and guidance (including from Age UK on claiming benefits, finding help at home and personal budgets in social care)
- Links to a range of organisations delivering services for older offenders.

RECOOP CAPACITY BUILDING PROJECT

RECOOP is managing a National Capacity Building Project which is funded centrally by NOMS (National Offender Management Service) until March 2014. The Project aims to support prisons, probation trusts and other organisations, including the VCSE Sector, to build the range, capacity and skills necessary to meet the needs of older offenders in custody and through the resettlement transition. Through the project RECOOP is providing organisations with the expertise, knowledge and resources they need and, crucially, support them in establishing long-term, sustainable and effective partnerships. This support can include:

- Training support for those working with older offenders to help increase understanding of working with older offenders, prisoners, their needs and the ageing process. Bespoke packages can be provided.
- Support in developing partnerships with local prisons and other partners to provide an increased range in services for older offenders / prisoners.
- Support setting up an older prisoners’ forum in prison and linking those in the community to organisations offering support.
- Resources to support work with older offenders including guest speakers, programme delivery and specialist support.
- Information and guidance on end-of-life care for older offenders.

The RECOOP Capacity Building Consultant for your area can help you to develop services for older people in prison and in the community, by offering training and advice on working with this client group and introducing you to your local prisons and probation trusts. Contact RECOOP on 0300 123 1992 or visit www.recoop.org.uk.



FOOTNOTES

1. Prison Reform Trust (2013) Prison: the facts: Bromley Briefings Summer 2013 Online: www.prisonreformtrust.org.uk/Portals/0/Documents/Prisonthefacts.pdf [Last accessed: 07.11.2013]
2. House of Commons Justice Committee (2013) Older Prisoners: Fifth report of Session 2013-14, Volume 1. Online: www.publications.parliament.uk/pa/cm201314/cmselect/cmjust/89/89.pdf [Last accessed: 07.11.2013]
3. Prison Reform Trust (2003) Growing old in Prison. Online: www.prisonreformtrust.org.uk/Portals/0/Documents/Growing%20Old%20in%20Prison%20-%20a%20scoping%20study.pdf [Last accessed: 07.11.2013]
4. Frazer, L. (2003) Aging Inside: School for Policy Studies Working Paper Series Paper Number 1. Online: www.clinks.org/sites/default/files/basic/files-downloads/Older%20Prisoners%20LF%20Report%20sps01_lf.pdf [Last accessed: 07.11.2013]
5. Fazel, S., Hope, T., O'Donnell, I. and Jacoby, R. (2001) Hidden psychiatric morbidity in elderly prisoners. *British Journal of Psychiatry* 179: 535-539. Online <http://bjp.rcpsych.org/content/179/6/535.full> [Last accessed: 07.11.2013]
6. Fazel, S., Hope, T., O'Donnell, I. and Jacoby, R. (2004) Unmet treatment needs of older prisoners: a primary care survey. *Journal of Age and Aging*, 2004 Jul;33(4):396-8. Online: <http://ageing.oxfordjournals.org/content/early/2004/05/19/ageing.afh113.full.pdf> [Last accessed: 07.11.2013]
7. Cattell, J. Mackie, A., Prestage, Y. Wood, M. (2013) Results from the Offender Management Community Cohort Study (OMCCS): Assessment and sentence planning. Online: www.gov.uk/government/publications/offender-management-community-cohort-study-baseline-technical-report [Last accessed: 07.11.2013]
8. Frazer, L. (2003) Aging Inside: School for Policy Studies Working Paper Series Paper Number 1. Online: www.clinks.org/sites/default/files/basic/files-downloads/Older%20Prisoners%20LF%20Report%20sps01_lf.pdf [Last accessed: 07.11.2013]
9. Equality and Diversity Forum (2012) Equality Duty Support Package for the Voluntary and Community Sector. Online: www.edf.org.uk/blog/?p=17736 [Last accessed: 07.11.13]
10. Paragraph 8.2, cited in Leigh Day & Co Solicitors (2012) The application of the Equality Act to older prisoners. Powerpoint presentation. Available to download from Resource Library at www.recoop.org.uk. [Last accessed: 07.11.13]
11. Leigh Day & Co Solicitors (2013) Age and disability discrimination proceedings commenced on behalf of former prisoner. Online: www.leighday.co.uk/News/2013/August-2013/Age-and-disability-discrimination-proceedings-comm [Last accessed: 07.11.13]



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