

H.M. Prison



The rehabilitative prison

What does 'good' look like?



About Clinks

Clinks is the national infrastructure organisation supporting voluntary sector organisations working with offenders and their families.

Our aim is to ensure the sector and those with whom it works are informed and engaged in order to transform the lives of offenders and their communities. We do this by providing specialist information and support, with a particular focus on smaller voluntary sector organisations, to inform them about changes in policy and commissioning, to help them build effective partnerships and provide innovative services that respond directly to the needs of their users.

We are a membership organisation with over 600 members including the voluntary sector's largest providers as well as its smallest, and our wider national network reaches 4,000 voluntary sector contacts.

Overall, through our weekly e-bulletin Light Lunch and our social media activity, we have a network of over 15,000 contacts, which includes individuals and agencies with an interest in the Criminal Justice System (CJS) and the role of the voluntary sector in the resettlement and rehabilitation of offenders.

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The rehabilitative prison

What does 'good' look like? April 2016

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1 / Introduction

Clinks warmly welcomed the prime minister's ground-breaking speech of 8 February 2016, in which he presented a radical new vision to make prisons "places of positivity and reform ... places of care, not just punishment; where the environment is one conducive to rehabilitation and mending lives."

Particularly welcome was the recognition of the voluntary sector as "one of the most important drivers of change in this system since the 1990s," and the promise that it will have a "strong role ... in the operation of these reform prisons and the new prisons we will build in this Parliament."¹ The announcement of the draft Prison Reform Bill, setting out these plans in more detail, is currently expected in the Queen's Speech on 18 May 2016.²

Since its formation in 1998, Clinks has played a vital role in supporting the long history of voluntary sector involvement in prisons, working with prisoners and their families and helping individuals turn their lives around. In the past this has enabled the adoption of good practice approaches by prisons in engaging productively with the sector to support rehabilitation. Clinks' previous work to promote and support the role of the voluntary sector in prisons has included:

- Co-publication with HM Prison Service in 2001 of Clinks' *Prisons Community Links Good Practice Guide*³
- Working with HM Prison Service on the development and implementation of *Prison Service Order 4190: Strategy for Working with the Voluntary and Community Sector*⁴
- Clinks' Volunteering in Prisons training programme
- Inclusion's 2009 report for Clinks on prison service engagement with the voluntary, faith and community sector in London⁵
- A review of service user involvement in prisons and probation trusts⁶
- Clinks' 2011 guide to best practice in service user involvement in prisons and probation trusts⁷
- Working with the Home Office to pilot innovative voluntary sector involvement in Integrated Offender Management (IOM) arrangements, including a multi-agency 'through the gate' hub at HMP Leeds⁸
- Clinks' 2012 survey of voluntary sector organisations working in prisons⁹

- Clinks' range of *Do it Justice* guides¹⁰ and its ongoing support for voluntary sector organisations working with prisoners' families¹¹ and undertaking arts-based work with prisoners.¹²

This work, undertaken over a long period of time, has enabled Clinks to maintain an overview of changes in prison policy and practice with regard to rehabilitation. Since the implementation of the Transforming Rehabilitation (TR) reforms, voluntary sector organisations have reported very mixed experiences of rehabilitative work within prisons, although relationships have largely continued to be good. Some organisations delivering niche services have been supplanted by incoming Community Rehabilitation Companies (CRCs), bringing their own, often more narrowly focused, supply chain partners. Others, however, have been able to play more significant 'through the gate' roles within resettlement prisons.¹³

In 2015 a new Clinks project, *The Good Prison: Positive engagement with the voluntary sector*, began a fresh dialogue with prisons, voluntary sector organisations and CRCs to get a better picture of what was working well in relation to voluntary sector and prison engagement. This work is intended to complement that of the Lemos and Crane 'Good Prison' project.¹⁴

Following roundtable events, visits to prisons and projects around the country and a meeting with the former HM Chief Inspector of Prisons (Nick Hardwick), Clinks has identified enduring pockets of positive engagement and collaboration between prisons and voluntary sector organisations and, concurrently with this discussion paper, is publishing:

- A guide for prisons on engagement with the voluntary sector¹⁵
- A new training package for voluntary sector staff working with offenders in prisons and in the community.

Overall, however, the diversity of recent experiences of TR, across both the sector and the prison estate, has allowed very little coherent focus within each prison on how governors, prison staff, the National Probation

Service (NPS), CRCs and a range of partners can best collaborate with a focus on achieving a genuinely rehabilitative culture and joined up approach to the prisoners in their shared care.


In anticipation of the forthcoming draft Prison Reform Bill, this discussion paper therefore explores what 'good' might look like in a rehabilitative prison. What would characterise a different prison regime 'conducive to rehabilitation'? What might 'good' look like in a newly designed prison? What could 'good' – or perhaps 'good enough' start to look like across the rest of the prison estate? The paper additionally considers the position of voluntary sector organisations within a reformed system and asks questions about how a refreshed prison strategy might more routinely capitalise on their distinctive roles in supporting desistance.

The aim of the paper is to promote a constructive dialogue with government, the Ministry of Justice (MoJ) and National Offender Management Service (NOMS), the voluntary sector and others about how all partners can work collaboratively to achieve prison reform focused on rehabilitation. To this end, the paper is structured around a discussion of the proposed prison reforms, insofar as these are currently known. It first explores the potential for local areas to reduce the current pressures on the prison system through their

own commissioning of alternative provision, before considering how a reformed prison system focused on rehabilitation might be constructed around the learning from desistance research.

It should be noted that, while this paper addresses the need for reform across the whole prison estate, in reality the male and female estates present radically different needs and profiles and will require very different reformatory approaches if they are to deliver 'good' rehabilitation. There are issues relating to other groupings which also require specific attention. These include the disproportionate numbers of black, Asian and minority ethnic (BAME) people in prison, and the needs of young adults; older and disabled people; and lesbian, gay and transgender (LGBT) prisoners. The distinctive rehabilitative needs of these groups are therefore discussed under separate headings.

Clinks would like to invite you to participate actively in this discussion. The paper poses a number of questions at the end of each section, which are also listed in full in the Appendix. As a voluntary sector organisation, or indeed any other stakeholder, what answers would you like to propose to these questions? What case studies or examples of existing good practice would you point to as demonstrating 'good' rehabilitation in prison? Please see the end of this paper for details of how to respond.

A person is holding a large, dark book. The image is overlaid with a semi-transparent blue filter. The text '2 / What change is the government proposing for prisons in England and Wales?' is written in large, white, sans-serif font across the lower half of the image.

2 / What change is the government proposing for prisons in England and Wales?

Current government policy in England and Wales is focused on the closure of many of our urban prisons and the building of nine new prisons on less expensive land outside city centres, five of which will be completed within the present parliament.

These are envisaged to be regionally based prisons each capable of holding up to 1,000 prisoners. As outlined by the prime minister, the government also intends to identify six 'reform prisons' this year to test new approaches to facilitate rehabilitation, based on:

- A localised model that gives autonomy to governors, and control over how they spend their own budgets. Governors will have the opportunity to opt out of national contracts in order to invest in alternative provision.
- Greater transparency and accountability for each prison against a range of measures, publicised through a type of league table for prisons.
- The development of new interventions and treatments, making them "places of care, not just punishment." There is to be a major focus on prison education; healthcare; co-commissioning for drug treatment; and tackling extremism.
- Using the latest tagging and tracking technologies to enable new sentencing options such as weekend custody or day release for prisoners to go to work; and applying new thinking to support prisoners on release, for example by introducing 'ban the box' to make it possible for prisoners to apply for employment without disclosing criminal convictions at the stage of completing an application form.¹⁶

On 16 March 2016 the Secretary of State for Justice, Michael Gove, gave evidence to the House of Commons Justice Committee in which he further clarified a number of points arising from the prime minister's speech, namely:¹⁷

- There will be no targets set for reducing the prison population, and no attempt to change sentencing in an artificial way; the aim will rather be to reduce the prison population gradually by improving lives and reducing reoffending (and, by implication, slowing or stopping re-entry). Problem solving courts may, however, be an area for progress in sentencing.

- Ultimately reform prisons will effectively work as clusters of prisons, led by governors. They will still be in the public sector but, like groupings of academy schools, will be established as free standing trusts or foundations with their own governance structures.
- The intention is to give the governors of reform prisons greater autonomy and scope to re-invest efficiency savings from, for example, any re-tendering of national contracts that they have control over. They will still be required to operate within national pay scales for prison officers, while negotiating with staff to deploy them in a more creative and productive way.
- The aim is to reconfigure the prison estate to enable prisoners to 'stay put' throughout their sentence, as far as possible. A review of categorisation is also under way to support this process.
- Measures of each prison's success will include: immediate 'dipstick' measures such as time out of cell; the quantity and quality of prisoner qualifications; success rates in achieving resettlement goals such as accommodation and employment; and desistance outcomes over the longer term (3, 4, 5 years). It is also hoped that governors will be able to contribute their own thinking about measurable outcomes particular to their own establishments.
- The reform prison programme is seen as a way of involving local communities and agencies more closely in the prison, so that they can engage with prisoners throughout sentence and follow them up 'through the gate'.
- Prisoners and families should be able to keep in touch and, if prisons are to be further outside city centres, there will be a need for better transport links and appropriate time and facilities for visits.
- Even after the six reform and nine new prisons are in place, the majority of prisoners will continue to be held in the existing prison estate. A timetable is therefore being developed to achieve capital investment and improved security in the remaining prisons as well as to use the existing estate to achieve better rehabilitative outcomes.

- Government is continuing to think about how to divert women from custody and reserve prison only for those who really need to be there.
- Discussions are also taking place with the NHS about the expansion of liaison and diversion services to provide more appropriate non-custodial alternatives for people experiencing mental health problems, and about supporting prison governors to provide better health care to meet prisoners' mental health needs.



3 / The extent of the challenge

In his speech of 8 February 2016, the prime minister talked about the challenges of developing a rehabilitative culture within a highly pressurised, failing prison system where “the current levels of prison violence, drug-taking and self-harm should shame us all.”

As he described, this is a seriously over-crowded system in which there are almost 600 incidents of self-harm each week, as well as at least one suicide; and 350 assaults, including 90 on staff. It is also a system that he believes is “full of damaged individuals,” prompting him to ask whether it is a sensible strategy “to allow these environments to become twisted into places that just compound that damage and make people worse.”¹⁸

These concerns about the levels of over-crowding, under-staffing, radicalisation and violence in our prisons, the latter often now fuelled by prisoners’ use of new psychoactive substances being sold into the prisons by organised criminal gangs, were echoed in Nick Hardwick’s final annual report as HM Chief Inspector of Prisons in 2015. The report highlighted not only the difficulties confronting the prison system but also:

“... the increased vulnerability of those held across the range of establishments we inspect and the challenge establishments have in meeting these individuals’ needs. Too often locking someone up out of sight provides a short-term solution, but fails to provide the long-term answers more effective multi-agency community solutions would provide.”¹⁹

Clinks would endorse as an absolute priority the need to reduce the number of people being sent to prison whose criminogenic and wider social and health needs could be addressed more effectively in the community, especially those who currently serve unproductive short sentences of up to twelve months and whose reoffending rate remains stubbornly high at 59% compared with 45% across the whole prison population.²⁰

As at September 2015 there were 6,541 people in prison in England and Wales who had received sentences of twelve months or less.²¹ Although this figure represents a relatively small proportion

of the 85,886 men and women held in prison (on remand and sentenced) at that point in time, it masks the true level of ‘churn’ and much higher numbers passing through prison on short sentences. In the year to September 2015, 38% of custodial sentences imposed were for three months or less, and a further 30% were for between three and twelve months – a total of 68%.²²

The prime minister himself fully acknowledges that prison is not necessarily the best place for “mending lives,” especially in light of the “diminishing returns from ever higher levels of incarceration” in terms of reduced reoffending, while reported crime has reduced by 23% in the last five years.

Clinks and others have warmly welcomed this government’s understanding of these issues, and their recognition of the importance of crime prevention and developing alternative approaches and community provision for people with severe mental health needs and for women with babies who are in the prison system.

There are other groups and individuals, too, who need much more effective problem solving approaches in the community to divert them from inappropriate custodial disposals and to provide rehabilitative frameworks more likely to support their desistance from offending. These include: all girls and women at risk; young adults in transition from children’s services; children and adults with neurological conditions or head injuries; people with physical or learning disabilities or speech, language and communication needs; persistent substance misusers; homeless people; and people with multiple complex needs.

As is more fully discussed in a later section of this paper, broader structural change is also needed to address the entrenched institutional behaviours and systemic failures that have caused our prisons to fill up with black, Asian and minority ethnic (BAME) people. With over a quarter of the prison population coming from a BAME background, it is encouraging that a wider debate is now in progress focused on addressing disproportionality in the Criminal Justice System (CJS). Some ground-breaking work has been undertaken by the Young Review since 2014, working with government to improve

outcomes for young black and Muslim men in the CJS.²³ Building on this initiative, the findings of the newly commissioned Lammy Review of racial bias and BAME representation in the CJS are now eagerly awaited and anticipated by spring 2017.²⁴

The statistics collated by the Prison Reform Trust in their quarterly Bromley Briefings make sobering reading in this regard – see Table 1 which summarises the social characteristics of the current prison population compared with the general population.²⁵

Table 1 / The social characteristics of the adult prison population (England & Wales) compared with adults in the general population



Social characteristic	Proportion (%) of prison population	Proportion (%) of general population
Unemployed in the month before custody	68% (81% for women, 67% for men)	8% of the economically active population are unemployed
Have used Class A drugs at some time	64%	13%
Regularly truanted from school	59%	5.1% (England) 4.8% (Wales)
Had children before age of 18	54%	27% approx. of those over 18
No educational qualifications	47%	15% of working age population
Expelled or permanently excluded from school	42% (32% for women, 43% for men)	In 2005 <1% of school pupils were permanently excluded (England)
Observed violence in the home as a child	41% (50% for women, 40% for men)	14%
Experienced abuse as a child	29% (53% for women, 27% for men)	20%
BAME individuals	26%	14%
Identified as suffering from both anxiety and depression	25% (49% for women, 23% for men)	15%
Have attempted suicide at some point	46% for women 21% for men	6%
Looked after (in care) as a child	24% (31% for women, 24% for men)	2%
Drank alcohol every day in the month before custody	22%	10% of women and 16% of men report drinking on a daily basis
Have symptoms indicative of psychosis	16% (25% for women, 15% for men)	4%
Homeless before entering custody	15%	4% have been homeless or in temporary accommodation
Never had a job	13%	4%

Source: Adapted from Prison Reform Trust (2015) Bromley Briefings Autumn 2015, pp.28, 36



Questions

- Do you think a smaller prison population is a pre-requisite for a reformed prison system focused on rehabilitation?
- Which groups do you think should be a priority for diversion, alternative sentencing and enhanced community provision?
- What national policy and legislative changes are needed to address persistent disproportionality in the CJS?
- What problem solving approaches are needed in local areas to reduce the inappropriate use of short prison sentences?

In order to explore the potential to decrease the inappropriate use of imprisonment, this paper first briefly considers how local areas might be better incentivised to invest in alternative provision, in order to reduce offending and reoffending by their most troubled as well as troublesome citizens. If successful, this could significantly reduce pressures on prisons and allow a smaller estate to deliver the punishment of the courts and focus its expertise on rehabilitating those offenders whose crimes are so serious as to merit longer sentences and who, on release, potentially pose the greatest risk of harm to the community.



4 / Local responsibility and local action to reduce the prison population

Clinks believes the prime minister is right to say that the excessive use of prison has let other parts of the system 'off the hook' for their failures to provide early and effective support for people with the most complex needs.²⁶

The further development of liaison and diversion services and the intended piloting of 'problem solving courts' will hopefully go some way to addressing these issues and reducing the inappropriate use of imprisonment.

However, as the Howard League for Penal Reform, Prison Reform Trust and many other commentators have strenuously asserted, reducing prison numbers and reserving prison only for those whose offences are so serious as to warrant punishment and incarceration will also mean a) encouraging or legislating for different sentencing behaviour, while b) developing more meaningful and effective community sentences that will have the confidence of the judiciary and magistracy, and c) enabling local areas to commission and fund more appropriate preventative services and multi-agency responses to crime.^{25 28}

It is clear that the Government, through its *Localism Act 2011* and *Cities and Local Government Devolution Act 2016*,²⁹ is already committed to giving much greater control back to local areas. Policy analysts in the criminal justice arena have recently argued persuasively that the devolved approach should also be extended to include local responsibility for all work with offenders, including custodial budgets, and have set out how this might be achieved.^{30 31}

Collaborative local approaches developed through Integrated Offender Management (IOM) and Making Every Adult Matter (MEAM) have already demonstrated the value of joined up local multi-agency action to address entrenched problems and support desistance by prolific and persistent, but low risk of harm, offenders.³² Voluntary sector organisations have played important roles in many of these initiatives, providing offenders with important sources of individual relationship and family support, tangible practical help, and access to wider community networks and resources.³³

Clinks believes these more holistic 'whole systems' approaches to offending behaviour are intrinsic

to helping offenders achieve desistance, in addition to formal sentence requirements and the introduction of new technologies such as satellite monitoring and alcohol tags. While it is encouraging that the prime minister wishes to use such technologies as alternatives to imprisonment for vulnerable women with babies, it is clear that a whole raft of other community support will also be needed if they are to achieve positive futures for themselves and their children. More joined up support for women offenders is currently being piloted in four areas by the MoJ through the use of 'whole systems' grants, an approach that could be replicated for other offender groups if successful.³⁴

Since 2012, Police and Crime Commissioners (PCCs) have inherited important responsibilities and budgets formerly allocated to local drugs intervention programmes and youth crime prevention.³⁵ The Home Secretary recently gave indications that the government envisages further increasing the responsibilities of PCCs as 'crime commissioners', very much in line with the devolution and local justice reinvestment agendas.³⁶ The PCC role clearly has the potential to provide a much needed point of coordination for joined up multi-agency strategies to prevent and address crime in local areas, especially following the fragmentation of local probation services under TR.

Questions

- What potential exists for local areas to take responsibility for custody budgets and to develop more robust community interventions to facilitate desistance at home or close to home?
- What larger role might PCCs usefully play in enabling and coordinating joined up local approaches?
- How can the voluntary sector play a full part in those processes and be embedded in the development and implementation of local crime prevention and diversion strategies?

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5 / Is national policy needed to change sentencing behaviour?

Despite the government's current reluctance to place restrictions on sentencers, this section invites you to contribute views on the issue. While the devolution agenda appears to have much to offer as a means of achieving local reinvestment and action to prevent crime and reoffending, and to reduce the inappropriate use of custody for less serious offenders, do you think national policy will still be required to drive changes in sentencing behaviour, for example through efforts to restrict the use of short custodial sentences?

In Scotland, measures to reduce the use of short prison sentences now form part of a broader strategy, encapsulated in the New Community Justice (Scotland) Bill that was passed by the Scottish Parliament in February 2016:

The Community Justice (Scotland) Bill supports the Scottish Government's commitment to significant reform of penal policy in Scotland, aimed at reducing reoffending and moving away from ineffective short term prison sentences, in favour of more effective community sentences. The Bill lays the groundwork for a new decentralised model which supports increased use of community sentences, a reduction in the use of short prison sentences and improved prospects for people who have offended returning to their communities.³⁷

A clearly articulated policy of this kind would appear to have much to offer in the context of the England & Wales CJS. Care is needed, however, to avoid creating perverse incentives for the imposition of longer sentences if shorter ones were no longer available.

In Scotland, where a presumption against sentences of three months or less has been in place since 2011, there is evidence of reduced use of the shortest sentences. In 2008/9, a total of 16,854 men and women were sent to prison in Scotland. Of those, 6,897 – or 41% – were sentenced to three months or less. By contrast, 13,977 people were imprisoned in 2014/15, with 4,092 – or 29% – given sentences of three months or less.³⁸


Other evidence suggests, however, that the Scottish courts may in many cases have overcome the presumption against short sentences by imposing

longer terms, with six month sentences in particular having risen markedly over the same period.³⁹ The Scottish Parliament is now considering introducing a presumption against short sentences of up to twelve months, in a further effort to counteract the use of custody for less serious offences.⁴⁰



Questions

- What changes in sentencing policy and practice might most effectively reduce the use of imprisonment?
- Does the emergent model of community justice in Scotland offer useful learning for England & Wales? Or a warning about the unintended consequences of making changes to national sentencing policy without securing the full support of the sentencers?

A photograph of a person wearing a plaid shirt, seen from the side, using a stapler to staple papers on a desk. The scene is set in what appears to be a prison office, with various papers and a stapler visible. The image is overlaid with a blue tint.

6 / What does 'rehabilitation' mean in the prison context?

Setting aside the huge structural challenges involved, if we can imagine a reformed and less pressurised prison system – ideally one containing fewer prisoners overall and in particular far fewer serving inappropriate short sentences – and start to think about what effective 'rehabilitation' really means in that context, we first need to consider evidence from research about 'what works' to support desistance.

6.1 / Evidence from desistance research

Increasingly, rehabilitation is understood to be a complex process which can support or hamper, but not command or compel, desistance – the individual offender's own efforts to cease and refrain from offending.⁴¹ This notion of supporting offenders in their own efforts at desistance is reflected in the stated purpose of NOMS, which is to "protect the public and reduce reoffending by delivering the punishment and orders of the courts and supporting rehabilitation by helping offenders to reform their lives."⁴²

As NOMS' main objective suggests, rehabilitation is often seen as something that runs alongside, and is different from, the delivery of justice, public protection and punishment. In reality, of course, the individual prisoner very much experiences all these different aspects of the CJS simultaneously on their rehabilitation journey, and all of them interact with his or her own individual history and circumstances to influence outcomes for good or ill.⁴³ A more integrated view of rehabilitation has therefore recently been emerging from desistance theorists, in which the interdependencies between four different forms of rehabilitation are recognised as having an integral part to play in the 'natural rehabilitation' process of individual desistance.^{44 45}

- **Personal rehabilitation:** re-development of the self; capacity building to support individual change and development of potential
- **Social rehabilitation:** re-development of social identity and social acceptance; informal reintegration into the community
- **Judicial rehabilitation:** formal end of punishment; removal of the 'criminal' label; requalification as a citizen

- **Moral rehabilitation:** reparation and redress involving the offender, victim, community and state; restoration of good character, good community and good government.

From this perspective, 'constructive punishment' in prison should work to deliver both justice and rehabilitation, and pay attention to all four rehabilitation strands in order to support the full reintegration of the reformed offender into society.

Questions

- How can prisons, prisoners and the communities to which prisoners return work together to achieve all four strands of rehabilitation?

6.2 / Support for long-term desistance

As more fully described in Clinks' Introducing Desistance guide, desistance theory emphasises the need for a holistic, flexible and person-centred approach to supporting people who have offended and who wish to stop.⁴⁶ It recognises desistance as a highly individualised process that is quite likely to involve relapses and repeated attempts to break with old patterns of thinking and behaviour, as the individual seeks to develop a changed identity and new strategies for living a crime-free life.

Researchers are increasingly interested in the distinction between primary desistance (any lull or gap in offending) and secondary desistance (the complete cessation of offending, accompanied by the development of an altered identity as a non-offender, and the person's full reintegration into the family, community and society).⁴⁷ Some of the key factors that research has identified as critical to supporting and achieving secondary desistance include:⁴⁸

- Maturation, which in this context may be as much about supporting the individual's emotional and social maturation as it is about their chronological age⁴⁹

- Forming or renewing positive, supportive relationships
- Developing a pro-social identity, sense of purpose and self-determination
- Individualised interventions which respond to issues of identity and diversity
- The development and maintenance of hope and motivation
- Approaches that develop and support strengths and resources, both in the individual (personal capital) and in their social networks (social capital)
- Recognition and celebration of positive change.

Research thus suggests that secondary desistance is best served by an individually tailored approach, which recognises the prisoner's own needs and aspirations and preserves their personal sense of agency, with the establishment, organisation,

worker or volunteer acting as 'guide' or supporter. This individualised approach to rehabilitation clearly also has to take as its starting point each prisoner's personal circumstances and reoffending risk factors, given the current profile of severe health and social care need within the prison population.



Questions

- Should prisons be taking a much longer view of rehabilitation and doing more to encourage and support secondary desistance?
- What might a prison regime look like that addresses each individual's reoffending risk factors and does so within an environment geared to supporting long-term desistance?

A photograph of a child's hand playing with a toy train on a track, overlaid with a semi-transparent blue filter. The train is black and green, and the track is white. The background shows a child's legs and feet, suggesting a play area.

7 / The individual prisoner's journey to desistance

Although desistance theory has very much entered the language of criminal justice in relation to community sentences such as probation and wider discussions of what rehabilitation means in a community context, desistance theorists have recently highlighted that “research about how and why people come to stop offending (and stay stopped) has rarely been used either to re-imagine or to critique imprisonment.”⁵⁰

Indeed, the prison setting by its very nature may be considered a more problematic context in which to seek support for desistance, in that it often removes responsibility, damages social ties, and may reinforce negative rather than positive identities. The next section of the paper therefore discusses how a reformed prison system could draw on the research evidence in a much more deliberate way, to support 'good' rehabilitation and long-term desistance.

7.1 / The right starting conditions for 'good' rehabilitation

In the prison context, it is evident that providing a safe, decent and humane environment is absolutely fundamental to an approach which supports desistance. The work of the Prisons Research Centre at the University of Cambridge, through its surveys to measure the quality of prison life, suggests that the strongest positive effects on prisoners' personal development are found in prison regimes characterised by:

- **Help and assistance** ('support and encouragement for problems, including drugs, healthcare and progression')
- **Humanity** ('an environment characterised by kind regard and concern for the person')
- **Staff professionalism** ('staff confidence and competence in the use of authority')
- **Bureaucratic legitimacy** ('the transparency and responsiveness of the prison and prison system and its moral recognition of the individual')
- **Organisation and consistency** ('the clarity, predictability and reliability of the prison').⁵¹

The prisoner's reception into the prison therefore needs to provide them with the earliest possible evidence that this is a safe, professional regime in which the necessary levels of security and control are balanced by a whole prison culture of humanity, fairness and care for the individual.

Questions

- How should reception and induction be designed and delivered to create the right starting conditions for rehabilitation?
- If safety, decency and humanity constitute the bedrock of a rehabilitative culture, should these be viewed as key indicators of the rehabilitative 'health' of each establishment?
- How should governors be measured on their delivery of a safe, decent and humane prison?

7.2 / Basic principles to underpin the individual prisoner's journey

Desistance thinking suggests there are other basic principles which should shape a reformed system and underpin the *whole* of the individual prisoner's journey, as follows:

7.2.1 / Opportunities for self-determination and support for maturation

A reformed system should give the prisoner agency and responsibility from the beginning of their sentence right through to resettlement, as well as providing necessary boundaries. This should not be all about risk, but also about strengths-based approaches that see a non-offending future as entirely possible.⁵²

Structured opportunities for self-determination and maturation should be available not only through education, training and work, but also through the allocation of increasing levels of responsibility and trust, enabling prisoners to take up trained and supported roles on Prison Information Desks,

as 'buddies', advocates or carers for new or more vulnerable prisoners, as peer tutors and mentors, as representatives, user group facilitators and as project managers for new prison activities or programmes. The Prison Reform Trust's *Time Well Spent* guide provides ample evidence of the value of such active citizenship opportunities as well as guidance on how to make them work.⁵³

More significant user involvement in the design of prisons, and in reviews and decisions about how each prison operates, would not only improve effectiveness but also inspire prisoners to feel invested, hopeful and motivated about the service that they are receiving, providing a sense that they have something to give even in the most confined circumstances.^{54 55} Furthermore, Clinks' research on the extent and operation of user involvement in prisons and probation trusts in England and Wales revealed perceptions from staff that its benefits extend to hard outcomes such as improved compliance and reductions in reoffending.⁵⁶

Although its use has been in steep decline in recent years, Release on Temporary Licence (ROTL) has been shown to have great value in rehabilitative terms.⁵⁷ Other initiatives that build on this model, such as weekend leave, and structured opportunities to undertake purposeful activity in the wider community, such as volunteering, would help to build hope in a different future, while enabling prisoners to develop greater self-reliance and feelings of worth.

7.2.2 / A focus on the importance of relationships and family ties

Prison officers have a unique opportunity – given sufficient time, training and support – to build strong relationships with those in their care focused on supporting desistance.

Prisons could usefully develop approaches that further build on the concept that 'every contact matters', which underpinned NOMS' recent piloting of 'Five Minute Interventions' by prison officers. This project, which trained prison officers to turn everyday conversations with prisoners into rehabilitative interventions, suggested that when officers provided constructive challenge, gave positive feedback on achievements, used active listening and communicated hope, there were

observable improvements in prisoners' thinking skills, self-efficacy and problem-solving abilities.⁵⁸

Despite the government's recent rejection of the Harris Review's proposals for the creation of a new role of Custody and Rehabilitation Officer (CARO) for those in custody aged 18-24, with qualifications as a social worker or professional youth worker,⁵⁹ it seems that NOMS has been reviewing the current end-to-end Offender Management Model and is instead considering allocating a prison officer or key worker to each prisoner to provide them with a single consistent relationship within their current establishment. If this could be achieved alongside greater stability of prison location for the duration of sentence, and build in appropriate training and support for the prison officer or key worker role, such an approach would appear to have much to offer.

Peer support and mentoring are very well-evidenced approaches that could be mainstreamed within a rehabilitative prison culture, enabling reformed offenders and other community mentors to come into the prison whilst also training serving prisoners to act as peer mentors to others within the establishment. Such relationships clearly offer the potential for continuation 'through the gate', if prisoners are being held relatively close to home.

Support for prisoners' families and children, and the maintenance and development of meaningful family ties, are of critical importance not only for prisoners' desistance but also for the wellbeing of family members and the future life chances of their children.⁶⁰ New prisons have a great opportunity to create positive opportunities for family contact through sensitive design of visitors' centres, access to well-planned transport and guest accommodation, and family-friendly policies and practice. These should include active support for prisoners to exercise and develop their parenting skills and to address – and test out through weekend or temporary leave – their own thinking and behaviour as partners and family members. The facilities and practice of existing prisons also need reviewing to ensure they are as supportive as possible of families and family ties. Prisoners and families could usefully be much more fully involved in the design and review of these services, as exemplified by HMP Parc in Wales.^{61 62}

7.2.3 / Opportunities for pro-social development and acquisition of new skills and interests

A reformed prison system could do much more to enable prisoners to build new relationships and non-criminal networks, through relationships with volunteers and community organisations. 'Normalising' the prison environment by making it a much more permeable community asset (albeit still secure, for example by creating a community hub at the prison gate providing versatile, creative space) would do much to provide opportunities of this kind.⁶³

Recent work by Clinks (due for publication in 2016) suggests that prisoners very much value and benefit from the involvement of community volunteers across a range of activities, as well as through mentoring, befriending and chaplaincy support. Volunteers are perceived as being independent and 'outside the system', providing a bridge to a much more 'normal' life outside and tangible affirmation that someone genuinely cares about them and sees their value and potential. If more activity of this kind could be extended into evenings and weekends, this would also go a long way to 'normalising' the prison environment and creating many more opportunities for constructive out of cell activity.

Prisoners themselves are also able to develop pro-socially and to acquire valuable new skills and insights through structured opportunities to volunteer, both inside the prison and in the community.⁶⁴

Faith-based activities clearly offer important opportunities for self-development to many prisoners, as well as providing space for deep reflection and reinforcing the possibility of a transformed identity through redemption.

As self-selected activities that promote hope and motivation, arts based interventions can also provide highly individualised routes to self-development and the acquisition of new, non-criminal identities. The National Alliance for Arts in Criminal Justice now has a solid library of evidence demonstrating that participating in arts activity contributes towards essential intermediate outcomes leading

to desistance from crime.^{65 66} This was recently affirmed by the Department for Culture, Media and Sport in The Culture White Paper, which states that 'culture can help to improve self-esteem, social skills and wellbeing; all of which helps to reduce the risk of offending and reoffending and make our communities safer'.⁶⁷ Simply providing arts and crafts materials in prisoners' cells has been shown to reduce reoffending rates.⁶⁸

7.2.4 / Access to a full and varied programme of individualised interventions

As set out by NOMS in its 2014 Evidence and Segmentation document, a range of programmes have been shown to be effective in addressing criminogenic needs and therefore supporting desistance. These include interventions focused on: drug and alcohol misuse; attitudes and impulsive behaviours that support crime; lack of qualifications, work skills and employment; sex offending.⁶⁹

Most prisons already make available a range of such interventions but the current pressures on the estate, the degree of 'churn' and the brevity of sentences means that these are not necessarily well-targeted, well-paced or capable of satisfactory completion. To be fully effective in supporting desistance, a reformed estate would need to ensure better assessment, access and continuity, as well as giving prisoners a higher degree of choice and control over the planning and pace of their own rehabilitation programmes.

Education and training are clearly of key importance to the achievement of better desistance outcomes, and are viewed as such by this government. Giving governors the flexibility to commission educational services that best meet the needs of their populations represents one of the biggest changes proposed for the reformed estate. The current Coates Review of prison education, commissioned in September 2015, will set out options for future models of education services in prisons which emphasise effective rehabilitation of different segments of prison learners.⁷⁰

As set out in Clinks' submission to the Coates Review, given the prevalence within the prison population of

poor educational attainment, high levels of learning disabilities and many prisoners for whom English is a second language, any standardisation of the prison education curriculum presents a huge challenge. This diversity in educational attainment, need and interest points to the requirement for a wide ranging and varied curriculum, focused as much on personal development as on the acquisition of skills and knowledge. The arts have again demonstrated significant value in this regard, providing an effective means to engage with offenders who have disengaged from formal education and to help them improve basic skills and progress to further education, training and employment.⁷¹ A focus of this kind could deliver educational provision capable of meeting the needs of a diverse population and allow for the development of aspiration and life skills which will in turn support individuals to build effective relationships in the community and lead crime-free lives on release.⁷²

Prisoners themselves, when consulted about prison design, have also emphasised the importance of developing practical basic life skills in areas such as cooking, budgeting and managing finances.⁷³

7.2.5 / Opportunities for moral rehabilitation

While a reformed prison system could clearly offer the prisoner greater opportunities for personal and social rehabilitation, there is also an opportunity to support the prisoner's moral rehabilitation, enabling them to make reparation directly or indirectly to victims and the community. Restorative justice practices⁷⁴ can have significant value in this process, where appropriate, but there are many other ways for prisoners to be seen to make reparation and to have that effort recognised.

The Prison Reform Trust's *Time Well Spent* sets out a range of ways in which prisoners, through opportunities for active citizenship and volunteering, can demonstrate their wish to 'make good', in their own and others' eyes.⁷⁵

Desistance research has again also pointed to the value for many prisoners of faith-based activity, enabling them to express remorse and seek forgiveness, providing a 'redemption script' to help them construct a more positive self-narrative.⁷⁶

7.2.6 / Very practical support that follows the individual 'through the gate'

Desistance studies have shown that, irrespective of the work done with prisoners during sentence to support their rehabilitation and desistance, it is the success or otherwise of their individual transitions back into the community that are key in determining outcomes. Many people leaving prison immediately have to confront a number of daunting obstacles: lack of money; the opportunity to get easy money through crime; boredom and the need for excitement; lack of work; having a criminal record; the temptation to take drugs. Prisoners who want to desist have to develop their own 'situational self-binding strategies' on release, which may include avoiding criminal friends, avoiding specific places, using displacement activities such as exercise or involvement in hobbies, and altering the structure of their daily activities, e.g. only going out with trusted non-criminal friends.⁷⁷

It follows that prisoners may benefit from explicit individual counselling or group work prior to release, to help them anticipate these challenges and develop practical strategies to meet them. This could also form the basis for ongoing dialogue with their supervising officer after release, helping discharged prisoners to better monitor and manage their own risk.

Very practical 'through the gate' help is clearly also needed to help stabilise discharged prisoners' circumstances in terms of accommodation, income, continuing education and training, employment, participation in wider community activities. In particular, a reformed prison system should enable prisoners to sustain their educational progress and other important programmes and activities on release, through early coordination with local community agencies. This was of course very much the intention of the TR reforms, with the location inside prisons of the CRCs intended specifically to start this process and make these links three months before release, and for the NPS to manage a similar resettlement process for high risk offenders.

7.2.7 / Opportunities for judicial rehabilitation

There are currently no real mechanisms within the prison or wider CJS that provide for prisoners' judicial rehabilitation – the removal of the criminal

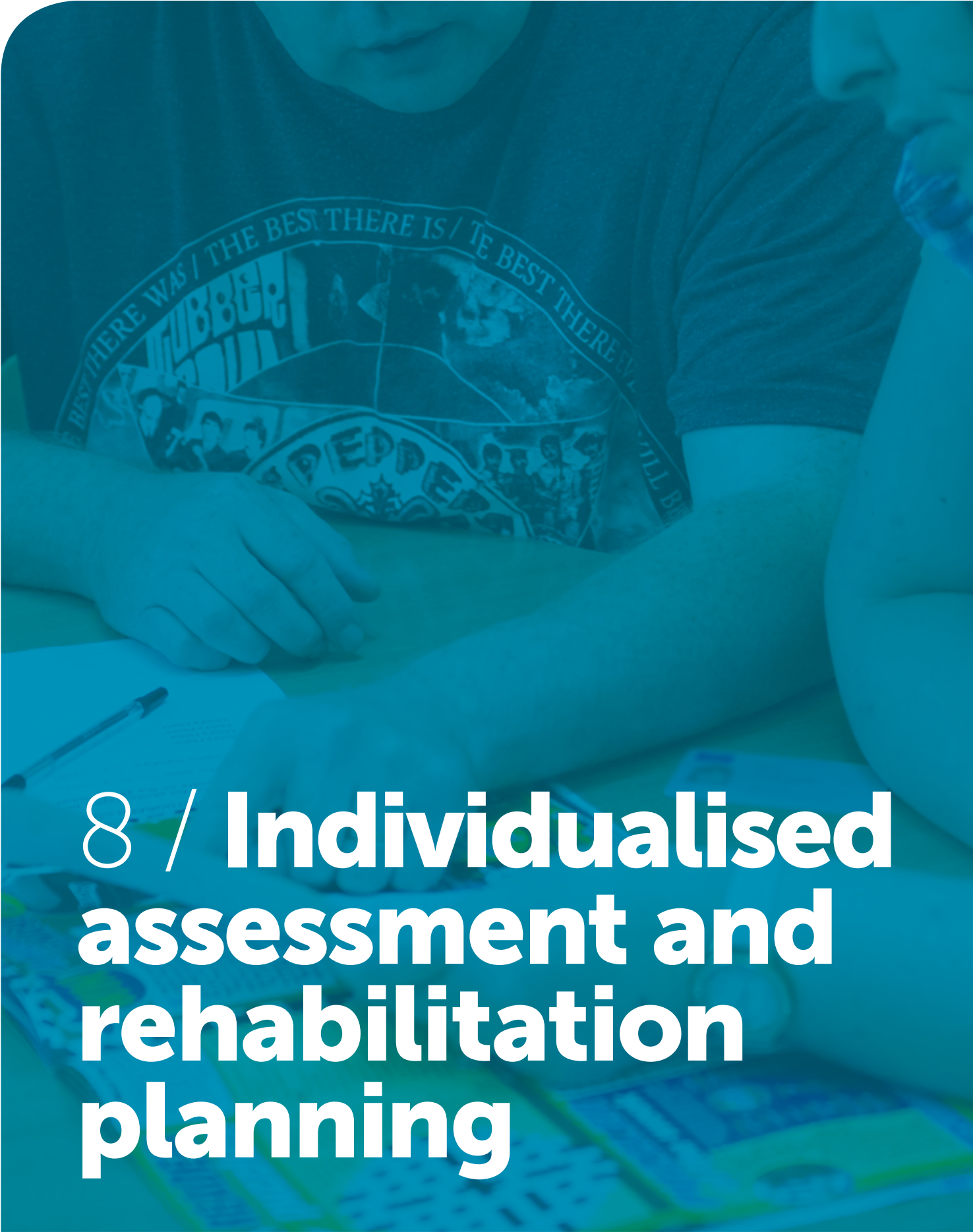
label and their re-qualification as a citizen – once they have been released and successfully completed their licence period.⁷⁸ The proposal to 'ban the box' represents a positive start to a process of de-criminalising former offenders, but much more could be done to re-qualify as citizens those who achieve desistance.

Many people would of course not wish to participate in any formal process to mark such a transition, but we know from research that recognition and celebration of positive change are important in supporting the process of secondary, long-term desistance. This perhaps provides scope for some voluntary piloting of different approaches that would more tangibly recognise success, delivered in partnership with supervising officers or problem solving judges.



Questions

- Are these the right underpinning principles for a reformed prison system focused on desistance? What else is needed, in your opinion?
- What new prison systems and structures would deliver these principles and better support each prisoner on their individual journey towards desistance?
- How could prison officer time be increased to permit continuity and quality of relationship?
- What is the potential for staff other than prison officers to be allocated 'key worker' roles? Is this a role that staff from voluntary sector organisations could usefully play?
- What core competencies would a 'key worker' need? How could these be achieved across the system?
- What roles could voluntary sector organisations more routinely play in delivering these underpinning activities? How could this best be facilitated and supported?
- What outcomes should be measured and how far can these outcomes be attributable to a particular prison regime?

A person is shown from the chest down, wearing a dark t-shirt with a graphic that includes the text 'THE BEST THERE WAS / THE BEST THERE IS / THE BEST THERE EVER WILL BE'. They are sitting at a desk, writing in a notebook with a pen. The image is overlaid with a semi-transparent blue filter.

8 / Individualised assessment and rehabilitation planning

Each prisoner's readiness to think about their own priorities for desistance, and the pacing of interventions to help address them, will very much depend on their individual histories and the length and stage of sentence.

Current research is showing, for example, that men and women serving life sentences of 15 years or more from a young age (25 or under) are initially preoccupied by worry about maintaining outside relationships and the acute pain of missing loved ones, by thinking about the crime itself, and by the overwhelming prospect of the time they have to serve. For them, the journey towards desistance may involve a long initial period of denial, resistance, or just 'treading water' before they can achieve some acceptance of their situation and a measure of control over their daily lives in order to manage and cope with the duration of their sentences.⁷⁹

For prisoners such as these, confronting not only the seriousness of their own crimes but also the need to make some sense of their experience, there may be a much more powerful drive in the middle and later stages of sentence to derive meaning through a commitment to wholesale personal change and self-improvement, for example through faith-based activity, education or volunteering.

A system of assessment and rehabilitation planning is therefore needed that is capable of responding flexibly to both the length of sentence and the individual prisoner's circumstances and ability and readiness to engage.

Currently all new prisoners are subject to very rudimentary assessment on reception, using the Basic Custody Screening Tool (Stage 1). This is the only core assessment that is completed for prisoners sentenced to 12 months or less, until they reach three months before release when the CRC works with them on a resettlement plan, using the Basic Custody Screening Tool (Stage 2). Often this is the only assessment completed for longer sentenced prisoners too, unless seriousness of offence and risk indicates a need for a complete Offender Assessment System (OASys) assessment to be completed by the NPS.

Throughout sentence, however, an individual prisoner may be subject to numerous discrete

assessments conducted by different providers of education, drug and behavioural interventions, none of which appear to be well coordinated or shared. This lack of coordination or continuity of assessment may especially affect prisoners when, as often happens, they are moved at short notice to a different establishment and are unable to continue with the same activities or programmes and see their own progress dashed. For highly vulnerable individuals, the need to keep re-telling their stories to a succession of unknown staff may also serve to re-traumatise them.

To underpin a reformed prison system focused on desistance, and to complement the requirements of the Basic Custody Screening Tool and OASys, a better solution might be a single, comprehensive rehabilitation plan that is developed with and owned by the prisoner. This could be started once the initial shock of imprisonment has passed and be kept under regular review. Such a plan would place the individual at the centre of a holistic set of relationships, interventions and activities, paced to reflect their sentence length and representing their individual desistance pathway.

The rehabilitation plan could usefully be structured to address identified criminogenic needs while also supporting progress towards personal, social, judicial and moral rehabilitation, through a programme combining structured elements with more informal self-selected opportunities for:

- Education, training and work
- Drug programmes, sex offender treatment and other therapeutic interventions
- Specific action plans to address mental and physical health needs
- A family and [non-criminal] friends and community contact plan
- A housing plan
- Self development activities – the arts, music, literature, sport
- Building on strengths and potentials – skill sharing, peer mentoring, volunteering inside and potentially outside the prison (community outreach)
- Structured opportunities for personal reflection, such as faith-based activities

- Restorative justice and restorative action
- Access to culturally sensitive and culturally specific services for prisoners with protected characteristics (see later in the paper for further discussion of these issues)
- Specific plans and services for young adults that take into account issues of maturity.


The prisoner could then choose to share their plan with other delivery partners as the basis for agreeing specific personal goals and reflecting on progress with each partner. As the prisoner nears their release date or moves to a resettlement prison – ideally providing a longer time horizon than the current three months – their rehabilitation plan could then form the basis of a much more informed resettlement plan.

Resettlement could furthermore be focused not only on immediate post-release issues such as housing and work, but also on nurturing stronger family and community links 'through the gate', thereby supporting longer term, secondary desistance.

Such an approach is currently being piloted by the Scottish Prison Service through the adoption of the Asset Inquiry Report (AIRMAPS), a new participatory assessment and planning framework designed to enable case managers to develop strengths-based rehabilitation plans jointly with the prisoners in their care. Some Prison Officers have also been trained as Throughcare Support Officers (TSOs), working collaboratively with short-term prisoners, their families and communities to develop AIRMAPS and to support prisoners 'through the gate' for at least the first six weeks after release.⁸⁰

Questions

- What would a good rehabilitation plan look like?
- How could a self-owned rehabilitation planning process operate in practice?
- How could the prisoner be supported to self-advocate in this process?



9 / 'Good' prison rehabilitation for specific cohorts and people with protected characteristics

Clinks and others have long argued the importance of distinctive approaches to rehabilitation, both in the community and in prison, that recognise and respond to the needs of specific cohorts and the discrimination and disadvantage experienced by many people with protected characteristics.⁸¹

The unequal experiences of some groups of prisoners are fully acknowledged within NOMS' current service specification for rehabilitation services in custody, which states that, 'historically, there have been unequal patterns of outcomes, with some groups of offenders with shared protected characteristics faring better than others'.⁸²

Much work has already been undertaken by Clinks and others to highlight the inequalities that affect different groups of prisoners and to advocate for change that could result in better desistance outcomes for them.⁸³ It is not intended to cover this ground again here in detail; the following sections therefore briefly summarise current thinking about how a reformed prison system might better respond to the different rehabilitation needs of some key groups of prisoners, as a stimulus for further debate.

9.1 / BAME prisoners

The disproportionality within the prison population of England and Wales is well evidenced, with 26% now being from a minority ethnic group. Black people account for nearly half (48%) of all minority ethnic prisoners, and the number of Muslim prisoners has more than doubled over the past twelve years.⁸⁴

The 2015 report from the Young Review – *Improving outcomes for young black and/or Muslim young men in the Criminal Justice System* – focused particular attention on the significant over-representation of young BAME male prisoners and on their poorer rehabilitation outcomes. Black prisoners described feeling stereotyped as drug dealers, and Muslim prisoners stigmatised as extremists. The report highlighted the importance of improved staff training to overcome these stereotyped responses and to focus on BAME prisoners as individuals. It emphasised the importance of involving voluntary sector partners

with knowledge of BAME communities and faiths, to help prisoners forge more positive identities supporting their long-term desistance.⁸⁵

The Young Review has provided a comprehensive set of recommendations to improve prison rehabilitation and support long-term desistance among young BAME and/or Muslim young men which, if adopted and further extended to all BAME prisoners, could transform their prison experience and outcomes.

Building on the learning from the Young Review and forthcoming Lammy Review,⁸⁶ the reform prisons and new prisons have a clear opportunity to model and test new approaches to BAME prisoners, to monitor and measure outcomes, and to cascade learning to the wider prison estate.

Questions

- What tangible changes could a reformed prison system make to address disproportionality, make prisons more culturally sensitive, and improve rehabilitation and resettlement outcomes for BAME prisoners?

9.2 / Young adult prisoners (aged 18-25 years)

Members of the Transitions to Adulthood (T2A) Alliance, including Clinks, have argued the need for a distinct approach to young adults that takes account of their relative immaturity, given the high levels of severe head or brain injury and developmental delay identified among young adult prisoners, and the fact that the process of neurological maturation may continue into the mid to late twenties. It is suggested that interventions – and custodial regimes – specifically tailored to address the relative immaturity of young people aged 18-25 and that aim to build their resilience, as well as to support their desistance, can reduce the risk of harms such as self-harm, suicide, and violence, whilst also delivering greater opportunities for them to 'grow out of' crime.⁸⁷

Proposals for reform are therefore focused on the importance of maintaining distinctive institutions, or of working differently with separate cohorts of young adult prisoners, to meet their specific rehabilitation and resettlement needs. It is thought this work should be led by governors who fully understand and can commission programmes and more intensive 'through the gate' support to meet the developmental, educational and training and employment needs of young adults, together with staff specially trained to build relationships with and support prisoners in this age group.⁸⁸

The recently published interim report from the Taylor Review of Youth Justice has proposed the establishment of smaller, secure schools to replace Secure Training Centres and Young Offender Institutions for the under-18 age group, offering psychologically-informed regimes and high quality educational and resettlement programmes to maximise children's chances of leading crime-free lives on release.⁸⁹ Given the already very stark transitions to adult systems experienced by young people once they reach 18, it will be vitally important to ensure that any good practice developed as a result of the Taylor Review is also continued into the young adult estate.

Questions

- What could a reformed prison system do better to meet the rehabilitation needs of young adult prisoners?
- What specific approaches and interventions are needed to address the high levels of additional need evident in the young adult prison population?

9.3 / Women in prison

Although Ministers in England and Wales have recently committed to reducing women's imprisonment for all but the most serious offences, it is evident that far too many women are still entering custody on remand or to serve short sentences of six months or less for non-violent crimes.⁹⁰ In addition to the welcome steps outlined by the prime minister

to stem the flow of women with babies into the prison system, there remains a need to extend the scope and reach of community sentences to a much larger number of non-serious women offenders.

For those women who do remain in the prison system, the first challenge is to ensure that the prison experience does not further traumatise and damage them, and that it seeks as far as possible to nurture and sustain important family ties and ease the harm caused by separation from children. Women in prison often present with much more complex needs than their male counterparts, having experienced higher levels of abuse, time in local authority care, drug use, poor mental health, self-harm and attempted suicide. Governors and staff therefore require very particular skills and training to work with this highly at-risk group and to deliver the kinds of trauma-informed interventions that will help women to overcome their difficulties and build on their strengths in order to achieve desistance.

Numerous reports dating back to the 2007 *Review of Women with Particular Vulnerabilities in the Criminal Justice System* (the Corston Report) have urged the creation of smaller custodial units located closer to communities, to enable women to maintain important relationships and to be helped to access stable accommodation on release, together with training and employment opportunities more suited to their family commitments.⁹¹

In Scotland the only national all women's prison, HMP Cornton Vale, is now being replaced by a single 80 bed prison for the most serious offenders, plus five small regional units each holding 20 women. These facilities will all be designed around the needs of women affected by trauma and will resemble flats, enabling women to cook for themselves and do their own laundry. Children will also be able to stay for overnight contact.⁹² It is hoped that units of this kind, with the provision of family friendly accommodation to permit extended visits (as already happens at Acorn House in HMP Askham Grange), will increasingly be seen as the norm in England and Wales too.

There is a further challenge in catering for women across the age spectrum within the same facility, in that older and younger women prisoners have very distinctive health, social and occupational

needs that require differentiated approaches to their rehabilitation. A recent report from T2A highlighted the paucity of opportunity for the youngest women held in adult prisons in terms of education, and the serious effect of imprisonment on their mental health and wellbeing, resulting in 'a toxic mix of fear and boredom'. It called for a strengthening of existing guidance and staff recruitment to enable effective, distinctive management of young women.⁹³

Older women also experience particular difficulties in prison around accessing preventative healthcare, and fear of illness, loneliness and depression. They can feel 'invisible' and side-lined in terms of occupational opportunities, which they believe are all geared up to enabling younger women to resettle and find work.^{94 95} It will therefore be important to ensure that older women do not get left behind, in the middle of so much reform to address the rehabilitation needs of the younger majority of prisoners who are at higher risk of reoffending.

The success of local women's centres in supporting women's desistance in the community, and their experience in taking trauma-informed approaches to respond to the needs of women of all ages, suggests they could be commissioned to play a much larger part in community in-reach into prisons and in supporting resettlement through the gate.⁹⁶

Questions

- How could the women's prison estate be reformed to better support female desistance across the age spectrum?

9.4 / Older prisoners

People aged 60 and over are now the fastest growing age group in the prison estate and those aged 50+ comprise 14% of the prison population. Almost half of the men in prison aged over 50 have been convicted of sex offences; most of the remainder have committed violent or drug offences. Many of those entering prison in older age experience 'entry shock', and those growing old in prison show signs of premature ageing, chronic

ill health, depression and disability, often making it difficult for them to access the interventions and programmes necessary to their rehabilitation.^{97 98}

Although the Care Act 2014 made local authorities responsible from April 2015 for assessing the care needs of prisoners and delivering social care to meet them, it is not yet clear to what extent this has improved the quality of life of older prisoners or their access to wider prison services.

Future prison building design will be key to improving access and facilities for older prisoners and enhancing their opportunities for rehabilitative activity geared to their capabilities, interests and life prospects on release. Given the ageing profile of the prison population it will be important to include and actively involve the older cohort in the planning of new facilities, so that they can influence the design of regimes that will meet their distinctive needs, rather than leaving them to languish in the oldest parts of the estate.

Older people are also likely to need different kinds of help with resettlement, given their probable health and social care needs and the fact that in 2010-11 the proportion of positive accommodation outcomes on release from custody were lower for those aged 50-59 (81%) and 60 and over (79%) than the average (86%).⁹⁹

Getting things right for older prisoners is also likely to make prison a much more suitable environment for the rehabilitation of all prisoners with some level of disability.

Questions

- What further reform is needed to support the rehabilitation of older prisoners?

9.5 / Lesbian, gay, bisexual and transgender (LGBT) prisoners

LGBT people report increased isolation, harassment, violence and assault while in prison, making it very difficult to address their particular rehabilitation needs and issues openly. The Bent Bars project, established as a writing project

for LGBT prisoners, has highlighted many of these issues and developed a range of resources to support prisoners more effectively.¹⁰⁰

The high levels of fear and isolation experienced by LGBT prisoners suggest that it may be especially important to establish groups or forums that provide a safe space for LGBT prisoners to discuss their particular needs and issues and bring these to the attention of prison staff, as already happens in HMP Stafford with the support of two local LGBT organisations.¹⁰¹

The current review of the care and management of transgender (hereafter described as 'trans') prisoners has been widely welcomed and its recommendations are now awaited, together with new guidelines which will cover the future shape of prison services for trans people.

Clinks' recent response to the consultation discusses how the prison system could better respond to the needs of trans prisoners through improved

identification and data collection.¹⁰² Specialist organisations working with trans people are likely to be small and widely dispersed, making it less likely that they have been routinely included in existing CRC supply chains. This suggests a need for prisons to identify and commission specialist community organisations that could better provide support, including peer mentoring, for trans prisoners both in custody and 'through the gate'. Such organisations are also well placed to provide training and time-limited support for prison staff.

Questions

- How could prisons better respond to the needs of LGBT prisoners, including the particular needs of trans prisoners?
- What more should a reformed prison system be doing to address its wider equality duties?



10 / A new role for the voluntary sector as a key strategic and delivery partner?

The foregoing discussion highlights the importance of involving voluntary sector organisations as key strategic partners in the reforms, and of enabling community in-reach by non CJS agencies to undertake a range of activities capable of supporting desistance.

The new reform agenda will hopefully provide the opportunity for every individual governor to develop their own vision of how to deliver these elements within their own prison, and a plan to engage with voluntary sector organisations and other community agencies as full strategic and delivery partners. New freedoms enabling governors to re-invest any budget underspend should also offer greater scope to commission specific services from voluntary sector partners, to complement those already delivered by CRCs through their supply chains.

This is an opportunity that Clinks is already actively supporting through its project, The Good Prison: Positive engagement with the voluntary sector, and new guidance to help prisons engage with voluntary sector partners, as well as through representation of the sector with the MoJ and NOMS.¹⁰³



Questions

- How could governors more routinely harness the potential of voluntary sector organisations and other non CJS community organisations to help support desistance?
- What should the voluntary sector reasonably expect and ask of the governors of the six 'reform prisons' in terms of strategic partnership working?
- What would 'good' early engagement with voluntary sector and other community partners look like in the new build prisons?
- What would be the necessary pre-conditions for truly effective involvement of the voluntary sector as the reforms progress, particularly for smaller organisations?
- What commissioning and procurement processes would help or hinder a desistance-based approach to prison rehabilitation?



11 / Prison reform strategies elsewhere in the UK

It is clear that significant strategic and structural change will be required to deliver 'good' rehabilitation regimes capable of supporting long-term desistance across the prison population. Two other UK prison systems have been seeking to develop strategies incorporating understandings from desistance research, in Northern Ireland and Scotland.

The 2011 Review of the Northern Ireland Prison Service explored the role that prisons can play in building a safer society and in delivering all four strands of rehabilitation (personal, social, judicial, moral). The review understood desistance to be a social process as much as a personal one, requiring broader social, community-level and political commitment to the reintegration of ex-offenders than can be achieved through the prison system alone. It called for families, communities, the institutions of civil society (media, church, business, etc.), and the state itself, to be actively engaged in the process of supporting change.¹⁰⁴

In Scotland too, considerable progress has recently been made in 're-imagining' the Scottish Prison Service (SPS) and the prison estate as a vehicle for enabling long-term rehabilitation and reintegration into the family, community and society, through a new 2013 vision and strategy: *Unlocking potential – transforming lives*.¹⁰⁵ This set out a new mission for SPS of 'providing services that help to transform the lives of people in our care so they can fulfil their

potential and become responsible citizens'.¹⁰⁶ To fulfil this mission, SPS has made a commitment to:

- View ourselves as part of the 'whole system'
- Develop a person-centred, asset-based approach
- Promote individual agency and self-efficacy to realise potential
- Strengthen links into communities and support through-care
- Professionalise and invest in SPS staff as effective change agents.

Although it is still too early to assess how far Northern Ireland and Scotland have succeeded in shifting their prison cultures and behaviours to deliver truly rehabilitative regimes, there would seem much to learn from their efforts to date.

Questions

- In England and Wales, how could the proposals for the six 'reform prisons' best interact with a desistance model of rehabilitation to deliver improved outcomes?
- How might desistance principles inform the design of the nine new prisons – both the buildings and the regimes?
- How could existing prisons better facilitate a desistance-based approach?



12 / 'Normalising' the prison environment: future design

The government's plans to build nine new prisons provide a once-in-a-generation opportunity to do things differently and to design for desistance. But what should this mean, beyond aspiring to every prisoner having the choice of a room to themselves? Should we be aiming for a more home-like environment where self-care is supported and viewed as the norm? Should prisons be designed for greater part-time residence and day attendance? Should families be able to stay on site for longer visits or in the weeks leading up to release?

Certainly if prisons are to adopt multi-disciplinary approaches that encourage community partners to come in and that do more to 'normalise' the prison environment, there is a strong argument for designing prisons as shared community buildings that provide both secure and non-secure areas. Such design could usefully incorporate spaces for voluntary sector organisations and community organisations to work together in a single partnership portal or hub, readily accessible to prisoners, staff and outside agencies. Community-minded design could also incorporate family facilities, creative spaces, faith areas, cafés, recycling centres, food production areas, retail outlets, gardens and sports venues that could be used by the wider community. Trusted prisoners could be trained to staff these spaces in a range of useful roles.

Clearly governors, prison staff and existing partners from the voluntary sector and other agencies have much to contribute to this process. More would also

be gained by involving prisoners and their families as experts in design. The Creative Prison project took just such an approach in 2005/6 in order to develop a vision of what an imaginary prison might look like, through extensive consultation between Rideout (Creative Arts for Rehabilitation), architects SMC Alsop, Wates Construction Ltd and the staff and prisoners of HMP Gartree. The reports from this project certainly make fascinating reading, both in terms of the resulting vision for prison design and the consultation process that underpinned it.^{107 108}

Questions

- Within a more devolved system, what might a 'community prison' look like, with greater local involvement, accountability and follow-up?
- Is a 'partnership hub' or 'community space' a good way to enable community in-reach and access to a range of services and supports, including those provided by voluntary sector organisations?
- How could NOMS call on the expertise of prisoners and their families to involve them in good prison design?
- How could these principles be applied in existing prisons to improve prisoners' rehabilitation opportunities more evenly across the estate?



13 / 'Good', or 'good enough'?

The announcement of reform prisons and new build prisons has created an opportunity to design for 'good' rehabilitation, drawing on desistance research to inform the development of best practice.

Such a transformation will, however, make very heavy demands on NOMS, governors, staff and partner agencies at a time when considerable effort and energy are still being invested across the prison estate and in the wider CJS to implement the recent TR reforms. This suggests a need to moderate the pace of change and manage transitions well to avoid damaging the wider system and to protect the good work that is already happening in our prisons.

For prisons being de-commissioned, the closure of HMP Holloway provides some important lessons about the need for time to inform and properly consult with staff, prisoners, families and partner agencies. Replacement provision clearly has to be suitable and to avoid damaging the very supports for desistance that prisoners most need. Families of women prisoners from London, for example, will now face significantly longer journeys for visits to the replacement facilities at HMP Bronzefield in Middlesex and at HMP Downview in Surrey.

Final decisions about the size and locations of new prisons, as well as their design, should take full account of learning from desistance, in terms of transport links for family visits and proximity to thriving communities offering the potential for proactive partnerships. Sites earmarked for development will also require positive strategies for consultation with and involvement of local communities, including early work to engage with partner agencies including voluntary sector organisations.

It will also be important to avoid the creation of a 'two tier' prison system, with the governors of the reform and new prisons having the freedom and flexible funding to model all that is 'good' in rehabilitation, and the governors of the remaining estate left to struggle within existing facilities, contracts, budgets and modes of operation. For prisoners themselves, this could mean some having access to high quality rehabilitation support while other cohorts get left behind. The most disadvantaged prisoners – those affected by severe mental health problems or learning disabilities, physical disability or older age, those serving long-term sentences, as well as those presenting the most challenging behaviours – will therefore need to be brought fully into scope within the planned reforms.

For a large part of the older prison estate, it seems inevitable that reform to achieve a consistently 'good' standard of rehabilitative practice will be much less easy, simply because of existing structural and funding barriers that can make it so difficult to deliver positive outcomes, no matter how committed the governor and staff. It may therefore be that, for many establishments, it will be more realistic to aim for a rehabilitative framework that is 'good enough', while working incrementally to bring all prisons up to the standard of the best. If that is the case, what would 'good enough' look like?

The arguments advanced in this discussion paper suggest that a 'good enough' framework for rehabilitation would include:

- The guarantee of a safe, decent and humane environment
- Greater autonomy for all governors to commission interventions to meet the diverse needs of their populations
- A focus on key relationships and more time for prison officers to relate to prisoners
- Opportunities for prisoners to exercise some degree of autonomy and take on roles as information workers and peer mentors, alongside mainstream education, training and work programmes
- Services that are responsive to the needs of people with protected characteristics
- Positive support for family contact
- Mechanisms for service user involvement
- Strengthened community links and opportunities for prisoners' self-development, for example through the arts and faith activity
- Preparation and support for release and resettlement
- Effective 'through the gate' provision that provides a continuity of support in the community.

Questions

- Alongside the modelling of 'good' rehabilitation in the reform and new prisons, what should 'good enough' look like in the remaining estate?



14 / How to give your feedback

This discussion paper has raised a plethora of questions, listed in the Appendix, about what 'good' could or should look like in a reformed prison system focused on rehabilitation. Over the coming months Clinks will be offering a variety of opportunities for these to be debated with our members and other key stakeholders, particularly as more detailed information emerges from government about the intended prison reforms.

In the meantime, Clinks would very much welcome your responses to any or all of the questions raised. Please contribute your ideas and any examples or case studies that you think are representative of 'good' rehabilitation in prison, by emailing lesley.frazer@clinks.org

Make some notes, then let us know your thoughts...

Appendix:

the questions posed by this discussion paper

The extent of the challenge

- Do you think a smaller prison population is a pre-requisite for a reformed prison system focused on rehabilitation?
- Which groups do you think should be a priority for diversion, alternative sentencing and enhanced community provision?
- What national policy and legislative changes are needed to address persistent disproportionality in the Criminal Justice System (CJS)?
- What problem solving approaches are needed in local areas to reduce the inappropriate use of short prison sentences?

Local responsibility and local action to reduce the prison population

- What potential exists for local areas to take responsibility for custody budgets and to develop more robust community interventions to facilitate desistance at home or close to home?
- What larger role might Police and Crime Commissioners (PCCs) usefully play in enabling and coordinating joined up local approaches?
- How can the voluntary sector play a full part in those processes and be embedded in the development and implementation of local crime prevention and diversion strategies?

Is national policy needed to change sentencing behaviour?

- What changes in sentencing policy and practice might most effectively reduce the use of imprisonment?
- Does the emergent model of community justice in Scotland offer useful learning for England & Wales? Or a warning about the unintended consequences of making changes to national sentencing policy without securing the full support of the sentencers?

What does 'rehabilitation' mean in the prison context?

- How can prisons, prisoners and the communities to which prisoners return work together to achieve all four strands of rehabilitation?
- Should prisons be taking a much longer view of rehabilitation and doing more to encourage and support secondary desistance?

- What might a prison regime look like that addresses each individual's reoffending risk factors and does so within an environment geared to supporting long-term desistance?

The individual prisoner's journey to desistance

- How should reception and induction be designed and delivered to create the right starting conditions for rehabilitation?
- If safety, decency and humanity constitute the bedrock of a rehabilitative culture, should these be viewed as key indicators of the rehabilitative 'health' of each establishment?
- How should governors be measured on their delivery of a safe, decent and humane prison?
- Are these the right underpinning principles for a reformed prison system focused on desistance? What else is needed, in your opinion?
 - 1 Opportunities for self-determination and support for maturation
 - 2 A focus on the importance of relationships and family ties
 - 3 Opportunities for pro-social development and acquisition of new skills and interests
 - 4 Access to a full and varied programme of individualised interventions
 - 5 Opportunities for moral rehabilitation
 - 6 Very practical support that follows the individual 'through the gate'
 - 7 Opportunities for judicial rehabilitation.
- What new prison systems and structures would deliver these principles and better support each prisoner on their individual journey towards desistance?
- How could prison officer time be increased to permit continuity and quality of relationship?
- What is the potential for staff other than prison officers to be allocated 'key worker' roles? Is this a role that staff from voluntary sector organisations could usefully play?
- What core competencies would a 'key worker' need? How could these be achieved across the system?
- What roles could voluntary sector organisations more routinely play in delivering these underpinning activities? How could this best be facilitated and supported?

- What outcomes should be measured and how far can these outcomes be attributable to a particular prison regime?

Individualised assessment and rehabilitation planning

- What would a good rehabilitation plan look like?
- How could a self-owned rehabilitation planning process operate in practice?
- How could the prisoner be supported to self-advocate in this process?

'Good' prison rehabilitation for specific cohorts and people with protected characteristics

- What tangible changes could a reformed prison system make to address disproportionality, make prisons more culturally sensitive, and improve rehabilitation and resettlement outcomes for black, Asian, and minority ethnic (BAME) prisoners?
- What could a reformed prison system do better to meet the rehabilitation needs of young adult prisoners?
- What specific approaches and interventions are needed to address the high levels of additional need evident in the young adult prison population?
- How could the women's prison estate be reformed to better support female desistance across the age spectrum?
- What further reform is needed to support the rehabilitation of older prisoners?
- How could prisons better respond to the needs of lesbian, gay, bisexual and transgender (LGBT) prisoners, including the particular needs of trans prisoners?
- What more should a reformed prison system be doing to address its wider equality duties?

A new role for the voluntary sector as a key strategic and delivery partner?

- How could governors more routinely harness the potential of voluntary sector organisations and other non CJS community organisations to help support desistance?
- What should the voluntary sector reasonably expect and ask of the governors of the six 'reform prisons' in terms of strategic partnership working?

- What would 'good' early engagement with voluntary sector and other community partners look like in the new build prisons?
- What would be the necessary pre-conditions for truly effective involvement of the voluntary sector as the reforms progress, particularly for smaller organisations?
- What commissioning and procurement processes would help or hinder a desistance-based approach to prison rehabilitation?

Prison reform strategies elsewhere in the UK

- In England and Wales, how could the proposals for the six 'reform prisons' best interact with a desistance model of rehabilitation to deliver improved outcomes?
- How might desistance principles inform the design of the nine new prisons – both the buildings and the regimes?
- How could existing prisons better facilitate a desistance-based approach?

'Normalising' the prison environment: future design

- Within a more devolved system, what might a 'community prison' look like, with greater local involvement, accountability and follow-up?
- Is a 'partnership hub' or 'community space' a good way to enable community in-reach and access to a range of services and supports, including those provided by voluntary sector organisations?
- How could NOMS call on the expertise of prisoners and their families to involve them in good prison design?
- How could these principles be applied in existing prisons to improve prisoners' rehabilitation opportunities more evenly across the estate?

'Good', or 'good enough'?

- Alongside the modelling of 'good' rehabilitation in the reform and new prisons, what should 'good enough' look like in the remaining estate?

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