

‘REHABILITATION REVOLUTION’ REVIEW

INITIAL COMMENT FROM THE PRISON REFORM TRUST

The Prison Reform Trust welcomes this timely review which we anticipate will address, on the one hand, sentence management and sentence progression, and, on the other, inter-agency response to resettlement needs including those of vulnerable groups in the justice system. The importance of social and financial inclusion, and the scope for former offenders to act as responsible citizens, should be guiding principles for this review.

At this stage we would like to draw your attention to pieces of work that the Prison Reform Trust (PRT) has conducted, or been involved with, that could help shape the government’s ambitions for a ‘rehabilitation revolution’. We outline some general areas relating to rehabilitation, and the involvement of the voluntary sector, that the government could focus on as part of its plans. Opportunities to dismantle existing barriers to successful resettlement are highlighted. Where possible we have identified possibilities for cost-saving and scope for justice re-investment.

The second part of this submission focuses on the rehabilitation of particular groups within the justice system. Many of these consist of vulnerable people and implications for compliance with the Disability Discrimination Act and equalities legislation are highlighted. Links are provided to the Prison Reform Trust website for ease of access to each publication. Hard copies will also be submitted.

Section one: overview

1. Reducing prison numbers and overcrowding

An overstretched, overcrowded criminal justice system is self-evidently less effective at rehabilitation than one whose resources are designed to match demand. In recent years the number of prisoners, and those subject to supervision in the community, have increased considerably. Net-widening has involved both harsher sentencing and people being dealt with through the criminal courts who would have been dealt with either informally, or through community-based treatment and welfare agencies, in previous years. The aim now must be to join up justice and social policies and work across government to achieve reform. The recommendations in this paper will only be achievable if the criminal justice system is restricted to instances where it is absolutely required and if its resources are carefully targeted.

The success of the sentencing review in reducing needless imprisonment, so that custody is reserved only for the most serious offenders, will therefore be of critical importance to achieving the government’s ambitions for a ‘rehabilitation revolution’. A reduction in any needless use of custodial remand and imprisonment for technical breach of license would free up resources and enable staff to focus on the resettlement needs of those serving sentences for serious offences. Short-term imprisonment has a higher rate of reoffending than community penalties, if people are really going to be rehabilitated community punishments should be used wherever possible. Closing the revolving door on ineffective, expensive short prison sentences (see National Audit Office (2010), [Managing offenders on short custodial sentences](#), NAO) and persistent re-offending will be a priority.

Overcrowding means prisoners are more likely to be further from home. One in eight men and one in five women in custody are being held over 100 miles away from their local area; for young people distances can be even greater. As well as the obvious difficulties for family support and contact, this also means resettlement is far more difficult as local community

services are unable to provide services to someone far away. For instance, someone needing drug support can be seen prior to release by a drug worker from their community if they are held locally. The same is true for alcohol services, benefits, housing, social care, mental health, mentoring services, chaplaincy support, education, training placements and targeted local support offered by small voluntary sector organisations. Economies of scale and ever-larger institutions run counter to the proven importance of closeness-to-home, local initiatives and a sense of place.

2. Sentence management

Whether serving a custodial sentence or a community sentence, everyone should have a sentence plan devised with an offender manager during a process in which they have participated. This plan, understood and agreed to by the offender, should be subject to regular review. This approach would save time and money. Too often people who have been through the justice system report a number of delays, dealing with many different members of probation and prison staff, a process at best partially understood, and a series of assessments that often lead nowhere.

More effective personal officer schemes would also help in the long-term rehabilitation of offenders. The principle of 'dynamic security' is that information is collected by officers who know the prisoners they are caring for and are aware of their associations, needs and behaviour patterns. HMIP's annual report for 2008/09 found just one effective personal officer scheme among all the prisons they inspected over the year.

Finally, more needs to be done to reduce the high turnover of prison governors which contributes to instability and short-termism in the running of the prison regime. The average tenure for governing governors in an establishment is 2.4 years. A 'rehabilitation revolution' requires consistent management and leadership and a far greater emphasis on sentence management and thorough preparation for release.

3. Sentence progression towards rehabilitation

The higher the category of prison, the more expensive it is per individual prisoner. Despite this many prisoners with categorisation decisions that have said they can be moved to a lower category are left waiting for a transfer. This is due to difficulties with finding spaces, processing the administration and most particularly with organising the transport to transfer someone. The transfer system should be reviewed to enable prisoners to move through the system and down to an appropriate category quickly, when they have earned this and already been suitably risk assessed.

The system for assessing people for offending behaviour courses and placing them on waiting lists needs streamlining. Assessments for the same course should not need to be repeated at different prisons. The waiting list for courses should be centralised so that prisons can see which prisons have available courses or shorter waiting lists before transferring prisoners.

As a matter of urgency, the coalition government should address the contradiction created by the last government between sentencing policy and research evidence about reducing reoffending. The Social Exclusion Unit (2002) report, [Reducing re-offending by ex-prisoners](#), established the importance of a multi-dimensional approach, which tackles problems of homelessness, unemployment, family relationships, physical and mental health, drug and alcohol dependency, finances and debt, and education and training – as well as attitudes. Any of these dimensions can have a decisive impact on whether someone re-offends and the greatest risks come when risk factors are combined. The indeterminate

sentence for public protection (IPP) ignores all of this and attaches risk of re-offending to a single intervention (offending behaviour courses) which has had mixed results in evaluations. It is clear that offending behaviour programmes cannot meet the expectations placed on them to reduce re-offending, and can be scaled back at significant savings.

4. Citizenship and volunteering

Encouraging active citizenship, including involvement in prisoners' councils and opportunities for wider participation in the democratic process, can play an important part in the process of offenders' successful rehabilitation. Opportunities for people to make a constructive contribution while in custody are essential for ensuring decent treatment and are often an encouragement to turn away from a life of crime.

The Prison Reform Trust has just completed a survey of prisons across the estate to establish the scope for volunteering and active citizenship, key elements of the 'Big Society' (see Prison Reform Trust (2010 forthcoming), *Prisoners as active citizens*). Schemes such as the Listeners, trained by local Samaritans, enable people in prison to respond to others in distress. Far more emphasis could, and should, be placed on taking responsibility and helping others whilst in custody, at least to counter the dependency and 'learned helplessness' that institutions foster, and at most to enable people to develop empathy and to do things for themselves, and to do good.

The Prison Reform Trust would like to see a prisoners' council created in every establishment as an effective way of encouraging prisoners' responsibility and autonomy and promoting more stable prison regimes. Our report [*Having their say – the work of prisoners' councils*](#) (2004) outlines the benefits of prisoners councils for people in prison and the effective running of establishments.

As part of the commitment to a 'rehabilitation revolution' Britain's unlawful and outdated blanket ban on sentenced prisoners voting should be overturned as a matter of urgency. Our briefing [*Barred from voting: the right to vote for sentenced prisoners*](#) (2010), highlights the benefits of prisoners voting for promoting responsible and active citizenship. Voting in local and national elections is seen as an ordinary part of resettlement by the Prison Governors' Association.

5. Restorative justice

As part of its 'Out of Trouble' programme, supported by the Diana Princess of Wales Memorial Fund, the Prison Reform Trust has published a report, [*Making amends: restorative youth justice in Northern Ireland*](#) (2009), on the success of restorative justice with under 18 year olds in Northern Ireland. This is a well evaluated, integrated model of reparation and rehabilitation in the community with high levels of victim satisfaction.

Restorative justice is guided by the expectation that offenders will demonstrate responsibility by efforts to make amends for the harm caused by the crime. The scope for expanding restorative justice in prisons, as well as in the community, encompasses two strands. First, prisons can do far more to facilitate restorative work with crime victims. Currently, only about one per cent of victims of adult offenders have a chance of benefitting from restorative justice. Programmes such as SORI in HMP Cardiff facilitate dialogue between victims and prisoners so they can learn more about the impact of crime. Victim-offender mediation is more ad hoc, but when led by an experienced mediator can help the victim to resolve enduring problems arising from their victimisation.

The second strand open to further development is the use of restorative practices in the management of prisons. A few prisons have experimented with mediation as a response to racist incidents, or restorative conferences following fights between prisoners. But these initiatives have not had a widespread influence on the way prisons are run. This needs to change. Restorative practices have proven benefits in resolving conflicts, restoring victims and raising the awareness of offenders of the full consequences of their actions. Thus, challenges which are central to running prisons - working through conflicts, addressing harm, and fostering personal responsibility – should be tackled using restorative practices. (See Newell T & Edgar K (2006), *Restorative Justice in Prison: A guide to making it happen*, Waterside Press.)

6. Resettlement

Prisons do not have the resources or expertise to provide resettlement services without significant support and input from community services. Resettlement should not be seen purely as a prison, or as a staff, responsibility. Consideration needs to be given to ways to incentivise local authorities to take the lead in managing resettlement and to build on the success of existing police- and probation-led schemes.

The cost of high reconviction rates following a custodial sentence is not sustainable. Mentoring schemes, where people are met at the gate, show good results. The Prison Reform Trust is currently working with the LSE on an initiative, supported by CLINKS, to explore the particular resettlement needs of black and minority ethnic offenders. A related programme, supported by the Pilgrim Trust, to profile good practice in resettlement has recently started.

There is much to learn from schemes to support and monitor those who have committed serious offences on their return to the community. The exceptional work of trained volunteers and the Lucy Faithful Foundation is one such. The success of Circles of Support and Accountability (see 'Circles of support and accountability' in APPPAG (2010), [Too many prisoners: the All-Party Parliamentary Penal Affairs Group January 2008 – March 2010](#), Prison Reform Trust, pp.89-94) is testimony to what can be achieved to enable people who have committed sexual offences not to offend again.

7. Contact with family and friends

Research indicates that maintaining family contact can reduce the likelihood of reoffending by 39%. In recent years the numbers of prison visits from families has fallen despite an increasing prison population and up to 45% of people in prison lose contact with their families during imprisonment. The Prison Reform Trust's work on first night centres in prisons (see Jacobson, J, Edgar, K & Loukes, N (2007), [There when you need them most: PACT's first night in custody service](#), Prison Reform Trust) showed that newly sentenced or remanded prisoners are more concerned about their family and community links than their own welfare in prison.

Families are often a vital resource for prisons in supporting successful resettlement. Family work is relatively inexpensive and provides huge returns. To support the rehabilitate revolution, we recommend:

- Extended and more regular family visits
- Partnerships with voluntary sector organisations to provide services for families
- Family involvement in offending reduction work.

Work done by the Ormiston Trust in Norwich, the Chelmsford visitor's centre with its impressive local support, POPS in the North West and PACT all provide good, well

evaluated models that increase levels of family support, aid resettlement and can be seen to reduce costs of further offending.

For a breakdown of changes needed in policy and practice see the Prison Reform Trust, Action for Prisoners' Families, CLINKS and PACT (2007), [*The children & families of prisoners: recommendations for government*](#)

8. Housing and employment

An estimated 30% of people released from prison will have nowhere to live. Yet safe, stable housing is one of the bedrocks of successful rehabilitation and, according to the Social Exclusion Unit and the Home Office Niven and Stewart study, can reduce reoffending by over 20%. Housing advice and practical help, together with an expansion in supported and halfway housing, should be a priority for the 'rehabilitation revolution'. Successful schemes run by Nacro and St Giles Trust train prisoners to be peer advisers in housing advice. These schemes can be rolled out in many other areas of work - this enables prisoners to improve skills and knowledge and other prisoners to access the services they need.

Training and employment reduce the risk of re-offending. The CBI supports its members in a 'second chance' initiative to employ former offenders. Apprenticeships organised by the National Grid and a number of other companies have high success rates. It makes sense to amend the Rehabilitation of Offenders Act and to incentivise employers, including local authorities, to take on former offenders as employees. The Ministry of Justice found in its follow up study of resettlement (2008) that prisoners who have problems with both employment and accommodation on release from prison had a reoffending rate of 74% during the year after custody, compared to 43% for those with no problems.

9. Financial inclusion

Supported by Friends Provident Foundation, the Prison Reform Trust is currently working with UNLOCK, the national association of reformed offenders, to explore the impact of a criminal conviction and prison sentence on access to financial services. The findings of our report *Double Punishment* (September 2010, forthcoming) suggest that the financial exclusion faced by offenders is a major barrier to rehabilitation and will need to be addressed as part of the 'rehabilitation revolution'.

The main areas covered by the report are offenders' access to banking, insurance, credit, identity verification and financial advice. It also addresses prisoners' pay, inadequacy of the discharge grant, problems with debt and money management and prisoners' experience of the Rehabilitation of Offenders Act. The report calls for the development of a national framework for tackling the financial problems faced by offenders, and makes a number of specific recommendations for improving offenders access to financial services and advice. These will involve the active engagement of financial services and the DWP as well as those in the justice sector.

10. Reform of the Rehabilitation of Offenders Act

In its current form the Rehabilitation of Offenders Act (1974) is a significant barrier to the prospect of a 'rehabilitation revolution'. A reformed system, along the lines proposed by Lord Dholakia in his private members bill presented to the All Party Parliamentary Penal Affairs Group in January 2010 (see 'The case for the rehabilitation of offenders (amendment) bill' in APPAG (2010), [*Too many prisoners: the All-Party Parliamentary Penal Affairs Group January 2008 – March 2010*](#), Prison Reform Trust, pp.85-88), would greatly reduce the

scope for unfair discrimination against ex-offenders in the job market and promote their successful reintegration into the community. Proposed changes include:

- Replacing the current rehabilitation periods with “buffer periods” which would begin after the sentence (including any post-release supervision) was completed. The buffer periods would be four years for custodial sentences of four years or more; two years for custodial sentences of under four years; and one year for non-custodial sentences. These periods would apply to all offences except those which resulted in a life sentence.
- Sentencing courts would have discretion not to apply these provisions in any case where the sentencer decided that there was a particular risk.
- The new provisions would not apply to jobs in sensitive occupations, for which applicants would still have to declare their full criminal record.

Earlier ‘Breaking the Circle’ proposals introduced by the Home Office were well supported and offered the important opportunity for children and young people who had committed non-violent offences to wipe the slate clean. An unspent conviction, particularly for the young, is a huge barrier to employment.

Section two: groups within the justice system

1. People with learning disabilities

Between five and ten percent of the offender population has a learning disability. However, few criminal justice programmes and activities, for example offending behaviour and substance misuse programmes, and community sentence requirements are accessible, or are adapted, for offenders with learning disabilities. Consequently little, if any, effective rehabilitation work is undertaken with this group. (See for example R (Gill) v Secretary of State for Justice 2010 EWHC 364 9 Admin).

There is no routine screening to identify people with learning disabilities at any point in the criminal justice system. A screening questionnaire, the LDSQ, has recently been successfully piloted by Offender Health at three prisons. This could be made available for use at the point of arrest, for example to inform the decision to charge, prosecute or divert away from the criminal justice system, and to inform the courts.

For rehabilitation activities to be effective they need to be accessible and appropriate. In addition to adapted programmes that address particular concerns, such as offending behaviour and substance misuse, offenders with learning disabilities are likely to need relatively low levels of support over sustained periods. Such support would reinforce programme messages concerning risky or offending behaviour and, at the same time, could provide ‘daily living’ support to encourage responsible citizenship, for example help with budgeting and ‘appropriate’ friendship networks.

Contact with the criminal justice system provides the opportunity to create tailor made packages of support in collaboration with local services, such as community learning disability services, and local authority social services and housing support. Such support is especially important as people with learning disabilities prepare to leave prison.

This kind of low level, relatively low cost support has the potential to ‘revolutionise’ rehabilitation for offenders with learning disabilities, and in most cases would provide a realistic community alternative to a custodial sentence. An example of a model that could be used/adapted is that provided by the KeyRing Living Support Network.

For further information see Talbot, J (2008), [Prisoners voices: experiences of the criminal justice system by prisoners with learning disabilities and difficulties – report and final recommendations](#), Prison Reform Trust.

2. Mental health needs

In today's system, therapeutic interests of meeting offenders' needs for mental health care and/or support with learning disabilities compete with risk-averse interests in labelling them dangerous, excluding them from the community, and using custody until professionals are convinced they are safe to release. Current arrangements do not provide a healthy balance between therapeutic interests and public protection. Dr David James' study of a court diversion process found that it provided good outcomes for the person's mental health problems and reduced the rates of reoffending among those who were diverted away from criminal justice (see James, D et al (2002), [Outcome of psychiatric admission through courts](#), RDS Occasional Paper No, 79, Home Office).

Despite the fact that people respond better to mental health care in the community, and the clear evidence that increased use of diversion away from prison would be in the public interest, the over-use of prison for people with common mental illness continues unabated. The system is out of balance: it prioritises risk so that large numbers of vulnerable people are being defined – unnecessarily – as dangerous. It is also out of balance in that there is a lack of care, therapy and support that people need in the community in order to maintain their mental health and stop offending. Attempts to implement the Bradley reforms will be strengthened if they can balance (and moderate) these two interests.

A focus on diversion into appropriate treatment should be a priority in the 'rehabilitation revolution'. The imprisonment of people who are mentally ill is a matter of public concern (see the National Federation of Women's Institutes' [Care Not Custody](#) campaign). Meanwhile the engagement of voluntary organisations, such as Mind and Rethink, to help to create a bridge towards release is to be encouraged. The lack of equality of opportunity when it comes to preparation for release of people with mental health needs or a learning disability is a breach of the Disability Discrimination Act.

For further information see Edgar, K & Rickford, D (2009), [Too little too late: an independent review of unmet mental health needs in prison](#), Prison Reform Trust.

3. Foreign national prisoners

Foreign national prisoners are currently 13% of the prison population. The sentences for drug importation are disproportionately long and, unlike other sentences, do not qualify for mitigation. In addition, sentences for passport offences have become longer. The rationale given for increasing the length of these sentences was to act as a deterrent but there is no evidence that this is effective. Numbers of foreign national prisoners continue to grow.

People found to be coerced or trafficked into importing drugs or employment in illegal activities should be treated appropriately. Some will qualify for protection and resettlement in the UK. Others found guilty of these activities should be repatriated to a prison in their own country. Those already in prison should have their sentences reviewed for conditional early release and, where appropriate, deportation. It is regrettable that the overarching emphasis on deportation has eclipsed the need to treat people as individuals, to ensure they have the information and advice they need and can understand, and to pay proper attention to resettlement needs, here or abroad. (See Bhui, HS (2004), [Going the distance: developing effective policy and practice with foreign national prisoners](#), Prison Reform Trust.)

4. Women

The challenge now is to develop and sustain the growing network of women's centres across England and Wales. These are proving to be an effective and economical way to respond to, and reduce offending by, women (see [Vulnerable women in the justice system: women's centres and the Corston agenda](#), meeting of the All-Party Parliamentary Penal Affairs Group, 22 June 2010). They have attracted considerable public support (see Smart Justice (2007), [Public say: stop locking up so many women](#), Smart Justice/Prison Reform Trust).

Unlike prison, these centres require women to take responsibility for their lives and their children, find safe housing, beat addictions, gain skills and employment and get out of debt. This model, recommended by the Corston review, is particularly appropriate for women offenders but arguably applicable to other vulnerable groups.

Most women serve very short sentences. In 2009, 61% were sentenced to custody for six months or less. Furthermore, over half of women entering custody each year do so on remand. These women spend an average of four to six weeks in prison and nearly 60% do not go on to receive a custodial sentence (see Prison Reform Trust (2010), [Women in prison: August 2010](#), Prison Reform Trust). The women's remand population could be reduced significantly by improved bail support, halfway housing and the provision of mental health diversion and liaison schemes at police stations and courts (see Edgar, K (2004), [Lacking conviction: the rise of the women's remand population](#), Prison Reform Trust).

For those, comparatively few, women whose offending is so serious that there is no alternative but to impose a custodial sentence, intensive rehabilitation is required. As a tiny minority of prison leavers, women are subject to greater prejudice and more blocks to successful resettlement than men and will need particular support to gain access to health and social services and housing and employment opportunities.

5. Children and young people

There is a welcome downward trend in the use of custody for under 18 year olds. Arguably imprisonment before the age of 21 is one of the surest ways to grow the adult prison population of the future. As part of the Out of Trouble programme the Prison Reform Trust recently published a report on successful alternatives to custody for the young, including those that presented the fiscal case for this approach (Allen, R & Solomon, E (2009), [Out of trouble: reducing child imprisonment in England and Wales – lessons from abroad](#), Prison Reform Trust).

Public opinion polls show strong support for better parental supervision, enabling young people to break addictions to drugs and binge drinking and, for those who need it, gain access to mental health care (see Prison Reform Trust/SmartJustice (2008), [Criminal damage: why we should lock up fewer children](#), Prison Reform Trust). Our forthcoming report, *Punishing disadvantage* (Sep 2010), will reveal, from a uniquely comprehensive perspective, the difficult backgrounds of children in custody and the repeat, frequently petty, offending that lead to their incarceration. The report will point to more effective ways of enabling under 18 year olds to get, and stay, out of trouble.

The number of young people serving short sentences, and the over use of imprisonment for breach and remand, must be addressed as part of the commitment to a 'rehabilitation revolution'. In 2008, of the 5,290 15–17 year olds who entered prison under sentence, more than half (2,563) were to serve sentences up to and including six months. At April 2010, 27% of the juvenile custody population was locked up on remand, a far higher proportion than in

the adult estate. Furthermore, two thirds of children who are subject to custodial remand are either acquitted or given a community sentence. At any one time, at least half the convicted children in custody have committed non-violent offences, with more under 18 year olds imprisoned for breach than for burglary. In 2008-09, 22% of 12 year olds and more than a quarter of 13 year olds in custody were imprisoned for breach of a statutory order (see Gibbs, P & Hickson, S (2009), [Out of trouble: children: innocent until proven guilty](#), Prison Reform Trust).

To intervene in a cycle of inter-generational crime, more attention should be given to responding to the needs of young parents. Young offenders are more likely than other teenagers to become early parents. Many young men in this situation want to be the good dad they never had. Education for fatherhood programmes are well evaluated but patchy. There is scope for organisations such as YMCA and Relate to make an impact here and forge links with normative, rather than justice-based, activities in the community. (See Sherlock, J (2004), [Young parents: from custody to community](#), Prison Reform Trust.)

6. Older people

The numbers of older people (50 and over) in prison has reached one in 11 of the population, with men over 60 the fastest growing age group in custody. Resettlement work is geared at younger people. Older people leaving prison usually require specialist resettlement support looking at pension entitlement, appropriate activities and sometimes adapted or supported accommodation.

People with disabilities routinely report worse experiences than other prisoners in response to 130 out of 190 areas looked at by the Prisons Inspectorate. It is rare to find any form of needs analysis or systematic consultation with prisoners who have disabilities. This needs to take place routinely if sentence and resettlement plans are going to be appropriate and effective.

Prison staff should be able to access information about all health care provision across the prison estate, accommodation for people with social care or mobility needs and how accessible each establishment is. This will enable prisons to make suitable transfer requests for people with long-term health conditions or disabilities.

Some of the more vulnerable people leaving prison would have an entitlement to community care support from social services. Referrals are not routinely made and assessments carried out in prison extremely rarely. Over 90% of prison staff responding to a PRT survey said that social services had no involvement in their prisons. Timely support and interventions from social services for prisoners would ensure cost savings – both for the social services in the areas prisoners are released back in to.

For further information see Braggins, J & Cooney, F (2010), [Doing time: good practice with older people in prison – the views of prison staff](#), Prison Reform Trust and Offender Health and Prison Reform Trust (2009), [Information book for prisoners with a disability](#)

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