



# RSA

Action and Research Centre

Transition Spaces

## **A Matter of Conviction**

A blueprint for  
community-based  
rehabilitative prisons

*Rachel O'Brien and  
Jack Robson*

October 2016

---

The mission of the RSA (Royal Society for the encouragement of Arts, Manufactures and Commerce) is to enrich society through ideas and action. We believe that all human beings have creative capacities that, when understood and supported, can be mobilised to deliver a 21st century enlightenment. We work to bring about the conditions for this change, not just amongst our diverse Fellowship, but also in institutions and communities. By sharing powerful ideas and carrying out cutting-edge research, we build networks and opportunities for people to collaborate, creating fulfilling lives and a flourishing society.

Transition Spaces is a community interest company set up in 2015 to work with justice services to strengthen rehabilitative outcomes. Its focus is on co-design – incubating and facilitating practical change with staff and service users – and on bridging the gap between theory, evidence and practice.

For further information please visit: [www.thersa.org/action-and-research/rsa-projects/public-services-and-communities-folder/future-prison](http://www.thersa.org/action-and-research/rsa-projects/public-services-and-communities-folder/future-prison). Or contact Jack: [jack.robson@rsa.org.uk](mailto:jack.robson@rsa.org.uk)

---

# Contents

---

About Us	5
Foreword	7
Acknowledgements	9
Key Points	13
SECTION 1: THE CASE FOR CHANGE	
1. From Object to Citizens	19
2. Reducing Risk through Strengthening Rehabilitation	29
SECTION 2: THE CONTEXT OF CHANGE	
3. Where We Are Now	41
4. Justice Reform	49
5. Health and Wellbeing	57
6. A Time for Transformation	65
SECTION 3: A BLUEPRINT FOR COMMUNITY-BASED REHABILITATIVE PRISONS	
7. A New Model of Accountability	73
8. The Rehabilitative Workforce	89
9. The Role of Prisoners and Families	103
10. Education and Employment	111
SECTION 4: CONCLUSIONS	
11. A Policy Framework for Transformation	127
12. Afterword: A Matter of Conviction	133
Annex 1: The Future Prison Project	139

*“What comes to pass is due not so much to the initiative of the active few, as to the indifference, the absenteeism of the many.”*

*Antonio Gramsci, 1916.<sup>1</sup>*

1. Gramsci, A. (1977) *Selections from the Political Writings 1910-1920*. Lawrence and Wishart.

---

# About Us

---

## The project

In January 2016 the RSA and Transition Spaces embarked on the Future Prison project, which aimed within a year to explore how prisons in England and Wales could better support rehabilitation. The project builds on the RSA's prisons work since 2009, on wider expertise and on an initial scoping event, Advisory Group discussions, seminars and discussion papers. Our timetable required us to make decisions about what we would seek to address and further details about our thinking on this can be found at the end of this report (Annex 1 page 142). Having decided upon some principles of reform (see Key Points, page 12) and defined our scope, we structured the project around cross-cutting themes: risk and rehabilitation; leadership, autonomy and devolution; education and employment; health and wellbeing; the workforce; and prisoner and family participation. This final paper sets out: the case for change; the context of and opportunities for change; a blueprint for community-based rehabilitative prisons; and a framework for transformation.

## The authors

- Rachel O'Brien is a consultant specialising in prisons. She is a founder of Transition Spaces, author of *The Learning Prison* (RSA 2010), *Transitions* (RSA 2011), co-author, with Roland Karthaus, of *Building a Rehabilitation Culture* (RSA 2014), and is commissioning editor of *The RSA Journal*.<sup>2</sup> Rachel has 30 years of experience working with charities, think tanks and government.
- Jack Robson is a researcher in the Public Services and Communities team at the RSA. He has worked on its Connected Communities programme, with a focus on the role of networks in supporting positive change and on services that work with people who misuse alcohol and drugs. Jack has an MA in Social Policy.
- 'Mike' is currently working and studying while in prison. Having spent some time in a secure unit as a teenager, he was found guilty of murder under the joint enterprise legal doctrine that imputes criminal liability to the participants in a crime. He has been spent 11 years in prison and is due for release next year. Details have been changed to protect his identity, that of his victims, co-defendants and their families.

2. O'Brien, R. (2010) *The Learning Prison*; O'Brien R. (2011) *Transitions*; O'Brien, R. and Karthaus, R. (2014) *Building a Rehabilitation Culture*. All RSA.



## The Future Prison Advisory Group

- **Brodie Clark** has had extensive public sector experience with 32 years in the prison service and nine years in the UK Border Agency.
- **Dame Sally Coates** chaired the recent review of prison education, commissioned by the Ministry of Justice. She is a former head teacher and is the Director of Academies South for United Learning.
- **Michael Corrigan** co-founded the Prosper 4 Group, a social enterprise specialising in finding employment for people while still in custody and after release. He spent two years in prison.
- **Lady Edwina Grosvenor** is a prison philanthropist, founding investor and trustee of the Clink Restaurant chain and the founder of One Small Thing, run by the Centre for Crime and Justice Studies.
- **Nick Hardwick** is Professor of Criminal Justice at Royal Holloway University of London and Chair of the Parole Board. Between 2010 and 2016 he was the Chief Inspector of Prisons.
- **Hugh Lenon** has spent 30 years in the commercial sector and is now Chairman of an investment business, Phoenix Equity Partners. He is a trustee of Prisoners' Education Trust and other not-for-profit entities.
- **Tony Margetts** worked for Humberside Probation Service before becoming the commissioner of drug and alcohol services for the East Riding of Yorkshire in 2003. He has worked with the RSA Transitions project since 2012.
- **Anthony Painter** leads the RSA's Action and Research Centre. He previously directed the Independent Review of the Police Federation and has worked with a range of major organisations on institutional reform.
- **John Podmore** (Chair) is an international criminal justice consultant, former governor and author, including *Out of Sight, Out of Mind: Why Britain's Prisons are Failing*.<sup>3</sup> John has worked with the RSA on prisons since 2009.
- **Matthias Stausberg** is an adviser to Sir Richard Branson and the Virgin Group where he leads advocacy and engagement on a broad portfolio of global affairs, from drug policy and prison reform, to wildlife conservation and human rights.
- **James Timpson** is the Chief Executive of Timpson Limited, a family retail business based in Manchester, which employs 3,500 colleagues, 400 of whom have served time in prison. He is Chair of the Prison Reform Trust.
- **Paul Tye** worked in substance misuse services for a decade and on the RSA's Transitions project. He has served a total of five years in prison since he was in his 20s.

3. Podmore, J. (2012) *Out of Sight, Out of Mind: Why Britain's Prisons are Failing*. London: Biteback Publishing.

---

# Foreword

---

I am proud to write the foreword to this excellent report by Rachel O'Brien of Transition Spaces and the RSA's own Jack Robson. It is an urgent, important and cogent piece of work, which makes real the possibility of redefining prisons and wider services to drive rehabilitation so that they work for those in the system (governors, prisoners, staff) and for wider society.

As well as building on several years of RSA research on prisons, education and rehabilitation, this report applies key ideas central to the RSA's way of thinking about social progress.

First, the values underpinning our approach combine our commitment to social inclusion with our belief in the potential of people, individually and collectively, to solve their own problems and develop their own solutions if given the right support. We call this potential the Power to Create.

Second, the report emphasises the need to address the causes of social problems – primarily, in this case reoffending and social exclusion of former prisoners – rather than simply the symptoms.

Together these two principles contribute to the concept of 'social productivity', which previous RSA reports have defined as the degree to which policy interventions tap into and enhance the aspirations and voluntary efforts of citizens themselves.

Third, in reconceptualising prisons as institutions embedded in, and significantly reliant upon, local relationships with other institutions, groups and people, the report seeks both to foster deeper, mission-driven, collaboration between parts of the public sector and to blur the boundary between the state and civil society. We see both collaboration and the combined mobilisation and public and community assets as critical to achieving significant and sustainable change.

Fourth, the report's focus on prisons as institutions and its emphasis on the need for a whole institution approach to change, strongly led by governors, speaks to the RSA's broader interest in institutions; what makes them as they are and what enables them to achieve a new and better equilibrium of effectiveness. Borrowing the phrase from the social innovator Charles Leadbeater, how can more institutions – even ones facing the profound challenges of our prison system - become 'creative communities with a cause', an ideal combining the right kind of leadership, a shared commitment to social impact and maximising the scope for innovation and agency?

Finally, the RSA only embarks on major research and development projects when we are satisfied that the project is based on a credible theory of change. As this report underlines we have worked hard to get the key factors for change aligned: the many years of work that have gone

into this project, the close relationship we have with government policy makers, the networks we have built of innovative leaders and practitioners within the prison service, the partnerships we have developed with other reformers and innovators working to improve outcomes, and the reach we have into wider communities, not least through our Fellowship. Together these factors convince us that we have the capacity to achieve change in a system that has in the past – often for entirely understandable reasons – been resistant to reform.

In short, we would not be embarking on the next stages of this work were we not confident that – with the support for government and our partners inside and outside the service – we can contribute to significant progress in a system that badly needs it.

As well as thanking Rachel and Jack I would like to thank the advisory group and the project's funders. Finally, I want to underline the RSA's enthusiasm for this vital work. Our recent research on prison reform now stretches back through six years and four major reports. It is our intention that this commitment and innovation continues long into the future.

**Matthew Taylor**  
Chief Executive, RSA

*October 2016*



---

# Acknowledgements

---

The contents of this report have been enriched by the people who helped us to navigate the rapidly shifting policy landscape of 2016, as well as those who have worked with us over some years. We are indebted to our Advisory Group for their time and collective wisdom and to our funders for their generosity. Our Chair, John Podmore, has kept us on track and has been an invaluable friend to the RSA's prison work.

This report highlights the pressures facing prisons and we are grateful to all those who have experience of working in the service and took the time to share their experiences and insights: Tim Allen, Governor, HMP Durham; Carl Bailey, Head of Residence and Services, HMP Risley; Ian Bickers, Executive Governor, HMP Wandsworth; Ian Blakeman, Executive Governor, HMP Holme House and HMP Kirklevington; Steve Garvie, Head of Reducing Reoffending, HMP Norwich, HMP Norwich; Andrea Lee, Deputy Governor, HMP Wealstun; Nick Pascoe, Executive Governor, HMP Coldingley and HMP Highdown; Jerry Petherick, G4S's Managing Director for UK Custodial and Detention Services; Neil Richards, Executive Governor, HMP Ranby; Pia Sinha, Governor, HMP Risley; Ed Tullett, former Governor, HMP Brixton; and Shaun Williamson, Head of Reducing Reoffending, HMP Full Sutton.

This report has been much improved by those who commented on drafts and shared ideas: Richard Barnes and Pete Brown for their thoughts on integration; Ed Cornmell for teaching us what moral leadership looks like; Laura Edgworth for her incisive feedback about courts and community; Matt John for his understanding about the role that prisoners can play in driving change; Roland Karthaus for his thinking on prison design and build; Karl Lenton, Claire Shepherd and Richard Rowley for their help on the relationship between innovation and systems; Kevin Lockyer, Alan Reiss and Robbie Walker-Brown for their advice on devolution and the potential role of Police and Crime Commissioners (PCCs); Dr David Maguire for his inspiration on practice development; Dave Nicholson, Cliff Mills and their colleagues for their advice on alternative models of provision; John Patience on rehabilitation in practice; Natasha Porter for stepping in at the last minute and helping us to think about skills; John Rennie and Janet Hawken for their help with editing and proofing; retired Judge John Samuels QC for his contribution on the potential for expanding the role of sentencers; and Ralph Valerio for his input on workforce development.

We would like to thank all those organisations and projects who provided practice case studies: Jose Aguiar, Catch 22, Changing Tunes, Coaching Inside and Out, Debating Matters, the Institute of Ideas, One Small Thing, Public Health England, RApT, the Royal College of Psychiatrists, Safe Innovations, Spark Inside and User Voice. We are

grateful to Sally Taylor and Sarah Grainger-Jones at the Koestler Trust and to the artists who produced some of the images included here.

While our work is independent of government, we have sought to ensure that it is informed by policy concerns and have engaged with the National Offender Management Service (NOMS) and Ministry of Justice (MoJ). We would like to thank the former Lord Chancellor and Secretary of State for Justice, Michael Gove MP, who forced the rehabilitation genie once more out of the bottle and his successor, Liz Truss MP, for her commitment to reform. The project has benefited from the optimism and intelligence of Pamela Dow, the sage advice of Marcus Bell, and the input of Ruth Hudson, Lucy Jones, Guy Opperman MP and Becky Wyse.

Finally, none of the RSA's work on prisons would have been possible without three groups of people. First, those at the RSA, past and present, who have invested their time and efforts: Nina Bolognesi, Steve Broome, Paul Duffy, Tom Harrison, Alex Lucas, Kenny McCarthy, Chandni Patel, Matthew Taylor and Esther Theodore. Second, the RSA Fellowship, in particular, Phil Emery, who has championed this work amongst Fellows and more widely. Third, all those people who worked with us while they were in prison, in particular: Akhtar, Henry, Junior, Martin, Muktar, the two Pauls, Rick, Ronnie, Tam, Tom and 'Mike' who revisited difficult times and shares his story. They taught us more than they accept and we hope that we have done them justice.

## Mike

---

### Part 1/8

I was brought up in the north east of England. My earliest memories are about the close bond I had with my mum and I was also close to my older brother, Dean. Mum and dad split up because he was cheating but he always made a lot of effort to take us out and gave us money. But it was mum who did all the real work. She worked so hard to get us everything and always made sure we were dressed in nice clothes and even drove us to a school in the next area because it was better. Mum taught me so much. To be caring for people, loving and warm and to have manners. I had the best grandmas you could have wished for: my mum's mum, Betty, and my dad's mum, Mary. My sister and I went to Betty's a lot and she cooked set meals for each day. On Saturdays, it was homemade chips, peas and fish cakes and when we left we would get money for sweets and grandad would then drop us off. Mary lived further away but we still went to see her most weekends.

When I was in my early 'teens, I was very ill and was in and out of hospital for months. I missed a lot of school. I received some one-to-one teaching at the hospital and at home when I was in a wheelchair. But even so, when I went back at school, I was behind. I had loved PE before the accident but because of having been ill, I didn't get involved anymore.

When it was time for secondary, I was put in one of the classes for those who got lower scores or who were naughty. I was in with the bad kids and there was not much learning going on. I had begun to hate school and the teachers never really tried hard to teach you. Although there were a few good ones, most would be just happy if the class didn't kick off. It was about this time that I started to really look up to people and think that one day I would be like them. Most were really big players in my area who would be pulling up in the latest cars, designer clothes and had nice jewellery. They had people's respect and I liked that idea.



---

# Key Points

---

## **A Matter of Conviction: A Blueprint for Community-Based Rehabilitative Prisons**

In January 2016, the RSA and Transition Spaces embarked on the Future Prison project, which set out to explore how prisons in England and Wales could better support rehabilitation. This final report sets out a blueprint for a community-based rehabilitative prison and a policy framework to support such models.

- The annual cost of reoffending to the taxpayer in England and Wales is estimated to be between £9.5 and £13bn.
- Around 70,000 people left prison in England and Wales in 2015.
- The number of adults who took their own lives in prison in the 12 months prior to June 2016, was 28 percent higher than the previous year.
- The number of officer grade staff working in prisons fell by 28 percent between 2010 and 2016.
- Within one year of release, 46 percent of adults are reconvicted. This rises to 60 percent for those serving sentences of less than 12 months.

### **Conclusions**

- The potential impact that prisons could have on reducing reoffending and community safety has been undermined by a lack of consistent political leadership and clear purpose.
- This has led to reactive policy, episodic change, an over-centralised system which has disempowered the workforce and undermined public confidence.
- The government's commitment to prison reform is welcome and must be underpinned by a long-term vision of reform capable of securing cross-party consensus and mobilising public support.

## Recommendations

### **The Ministry of Justice should publish a 2017-2020 National Rehabilitation Strategy.**

This should focus on reducing risk and strengthening rehabilitation, prioritise integration between prisons and probation and have the explicit support of other departments, including the Treasury, the Department of Health, the Home Office, the Department for Communities and Local Government and the Department for Work and Pensions. The strategy should seek to drive long-term system change and prioritise the following 10 key changes.

1. *Create a Rehabilitation Requirement.* The government's white paper should include a rehabilitation requirement for prisons and probation. This should be a legal duty and require prisons and probation to track individual and institutional progress in relation to rehabilitation.
2. *Return frontline staffing to 2010 levels.* As a foundation of reform, additional investment is urgently needed to reduce security and safety risks and to protect prisoners and frontline workers.
3. *A 2020 Rehabilitative Workforce Plan.* Linked to new recruitment, this should develop a new training offer, skills strategy and career paths for prison officers and focus on developing a rehabilitative workforce with transferable skills across prisons and probation.
4. *A Centre of Prisons Excellence.* Delivered through an ambitious model for the current training centre, Newbold Revel, this should learn from the College of Policing and consideration should be given to a centre working across prisons and probation.
5. *An arms-length, more independent NOMS.* NOMS should become a smaller arms-length function with greater independence from the Ministry of Justice. The local prison board could include representation from a major employer in the area, health providers and commissioners, prisoners' families, the local authority economic development lead, a housing provider, NGO consortia, Community Rehabilitation Companies (CRCs), the local FE and university, the National Probation Service (NPS), the area criminal justice board lead and a member of the prison's rehabilitative council.
6. *An enhanced and more Integrated Prison and Probation Inspection Regime.* This should include making the prisons inspectorate compliant with the obligations from OPCAT (Optional Protocol to the Convention against Torture), which should be put on a statutory footing. The inspectorates should develop consistency on assessing rehabilitative outcomes such as education, employment and family relationships and introduce outcomes on leadership and management. *A review of Independent Monitoring Boards* should be undertaken to



explore the potential of developing their role to track inspection recommendations.

7. *Creation of Local Prison Boards.* In developing greater autonomy, stability and ensuring safety and risk are managed, the National Offender Management Service (NOMS) should hand over prison funding to local boards and prison governors with some key obligations that ensure that the national resilience work and population flow is mandated. Local prison boards would oversee long-term strategy and should aim to increase governors' tenure as appropriate. Such a move would retain the national prison service but enable greater local control, including the development of special purpose vehicles to drive innovation, integration and secure additional funding from private/corporate/charitable partnerships. The local prison board could include representation from a major employer in the area, health providers and commissioners, prisoners' families, the local authority economic development lead, a housing provider, NGO consortia CRCs, the local FE and university, the CRC and NPS and area criminal justice board lead and a member of the prison's rehabilitative council.
8. *New devolved powers for governors and PCCs.* In giving governors greater freedoms and introducing more local autonomy, the government should adopt a *staged process of devolution* with a focus on expanding the remit of Police and Crime Commissioners and ensuring that scrutiny arrangements are in place to take on wider responsibilities and risk. In the interim, Regional Hubs would be responsible for developing Regional Rehabilitation Strategies 2017-2020 in line with the national strategy and vision of the new Rehabilitation Requirement.
9. *Integration of Health Services.* In addition to involving Public Health England and the NHS in developing more devolved arrangements, the government should ensure that Joint Strategic Needs Assessments (JSNA) provide clear statutory guidance on people on licence in the community, and those in custody, and that Health and Wellbeing Boards be instructed to include prisoner populations explicitly in their priorities.
10. *Designing in Rehabilitation.* The government's prison building programme should be informed by first principles and by evidence of what supports rehabilitation, including size, locality, available networks and employment.

*A Matter of Conviction* argues that this model will ultimately serve to create a self-improving, more cost effective and innovative system.

## Mike

---

### Part 2/8

My mum's best friend was in a relationship with somebody who was powerful. She would fall out with him and would come to my mum's house. He didn't like that and would send his henchmen around to fetch her. One day, he sent one of these horrible guys around and he threatened to beat my mum up. There was nothing I could do to protect my mum if he had actually decided to do it. I wanted to make sure that never happened again. If you were a big name, people would not mess around with your family.

I wanted a motorbike but my mum said they were too dangerous. I went on about it so she compromised and said I could have a quad bike. One day, I was out on my quad with my dad. The police pulled up and asked whether we had the paperwork for the quad and my dad told them it was at home. They said they would have to take the quad to the station. My dad asked whether they could take us down and let someone bring the paperwork but the police said they were going off shift so did not have the time to wait. They took the quad and said that when we brought in the paperwork they would give it back. When we went down to pick it up the officer said he'd seen it but that now no one could find it and that it must have been stolen from the police station. They told us that the only way to get compensation was to take them to court but this would cost money that my mum didn't have. I never really liked the police after that. I thought you needed respect so that bad things didn't happen to you.

At 13 or 14 there was not much to do in our area. The youth centre was good but it was only open once a week. My mum bought me another quad for about my fourteenth birthday and I would go on the fields where there would be other people on bikes and we would race each other. I have always loved nice cars. When we were teenagers, my friends and I learnt to drive. We would all put in to buy cheap cars for £50 to £100 and say that we were going to camp out and would drive around at night near whoever's house we were staying at.

---

# SECTION 1: THE CASE FOR CHANGE

---



*Alice In Wonderland*  
Ashworth High Secure Hospital

766

Image courtesy of the Koestler Trust



---

# 1. From Objects To Citizens

---

*“While it is tempting to make a causal link between increased incarceration and deterrence, the reality is more complex”*

According to the International Centre for Prison Studies (ICPS), for every 694 citizens of the world, one is in prison.<sup>4</sup> If we factor in countries where official figures are not available, the world’s prison population stands at over 11 million.<sup>5</sup> These headline figures disguise some fundamental issues about imprisonment. Most notably, that levels of incarceration in each nation or worldwide do not neatly or necessarily reflect changes in wider population size, levels of criminality or prisons’ effectiveness in reducing crime (indeed, prisons are not always crime-free places).

In the jurisdictions that we focus on – England and Wales – the prison population more than doubled between 1993 and 2016, from just below 42,000 to 85,754 people in prison in the first week of October 2016; up nearly 800 from the month before.<sup>6</sup> Over 95 percent of those inside are male.<sup>7</sup> Over this same period, the overall population of these nations rose by around 11 percent<sup>8</sup> and according to the latest Crime Survey for England and Wales, incidents of crime in 2016 are at their lowest since the survey began in 1981.<sup>9</sup> While it is tempting to make a causal link between increased incarceration and deterrence, the reality is more complex.

In the late 1990s, a review of the relationship between incarceration and crime levels estimated that the 22 percent increase in the prison population in England and Wales between 1997 and 2002 had contributed to a 5 percent reduction in crime during a period when overall crime fell by 30 percent.<sup>10</sup> The review’s author, Lord Carter, concluded that increasing incarceration would not further reduce crime. More recently, a National Audit Office study published in 2010 found there is no consistent correlation between prison numbers and levels of crime.<sup>11</sup> These statistics

4. World Prison Brief (2016) International Centre for Prison Studies (ICPS). Available at: <http://www.prisonstudies.org/world-prison-brief>

5. Ibid.

6. MoJ (2016) *The Story of the Prison Population 1993-2016, England and Wales*. Available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/541667/prison-population-story-1993-2016.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/541667/prison-population-story-1993-2016.pdf)

7. MoJ (2016) *Population and Capacity Briefing, Friday 7 October 2016*. Available at: <https://www.gov.uk/government/statistics/prison-population-figures-2016>

8. ONS (2016) *Population Estimates*. Available at: <https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates>

9. CSEW (2016) *Crime Survey for England and Wales 2016*. Available at: <http://www.crimesurvey.co.uk/SurveyResults.html>

10. Carter, P. (2003) *Managing Offenders, Reducing Crime: a new approach*. Strategy Unit.

11. National Audit Office (2010) *Managing offenders on short custodial sentences*. The Stationery Office.

*“Like many clichés,  
the prison reformers’  
favourite trope – that  
we can judge a nation’s  
character by its prisons  
– has some truth to it”*

raise important questions about what prisons are for, what drives numbers up and down and the impact of this.

These headline statistics also tell us nothing about the degree of churn, the criminogenic effects of prison and multiple convictions, the number of victims that result from repeat offending or the multiple needs (or capabilities) amongst populations.<sup>12</sup> In 2015, around 70,000 people were released from prison in England and Wales.<sup>13</sup> Around a quarter of the overall prison population will have been in care as a child, at least one in three will have a mental or physical disability, and half will have the literacy levels of an 11-year-old.<sup>14</sup> Or to put it another way, most people leave prison, and on average, 190 people do so every day in England and Wales combined and many will have (unmet) multiple needs. The prospects of these individuals will impact on communities now and in the future and will be shaped by what happens inside, including the levels of overcrowding and safety.<sup>15</sup>

### **A national barometer?**

The implications of all this are twofold and have helped to frame this report. First, it underlines the crucial role that political leadership has to play in setting the terms and tone of debate around crime and punishment. National prison population numbers reflect a complex set of factors that may (or may not) include crime levels and general population trends, but are likely also to include shifts in sentencing (that can reflect the political, media and public mood, as much as any change in policy), in prejudice, economics and culture. Legal systems may seek to bring evidence, objectivity and rationality to the criminal justice process. But implementation of the law depends on the nature of our rulers, and on fallible, subjective human beings; the law can be subjected to bias, set aside or used as an instrument of overbearing states. National trends in prison populations, conditions and approaches speak to hierarchies of power and inequities amongst populations and the extent to which those who fall foul of the law are perceived and treated as citizens before, during and after incarceration.

Second, it suggests that, like many clichés, the prison reformers’ favourite trope – *that we can judge a nation’s character by its prisons* – has some truth to it. The lines most frequently cited come from the work of two men, both of whom had spent time in prison: Fyodor Dostoyevsky and Winston Churchill. They are worth revisiting because they not only give credence to the argument that those with direct experience of prison often become the most persuasive advocates of change, but also because

12. Vieraitis, L., Kovandzic, T. and Marvell, T. 2007 The Criminogenic Effects of Imprisonment: Evidence from the State Panel Data, 1974-2002. *Criminology and Public Policy*, Vol. 6, Issue 3. Wiley.

13. MoJ (2015) *Offender management statistics bulletin, England and Wales, Quarterly October to December 2015, Annual January to December 2015*. Available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/519437/offender-management-statistics-quarterly-bulletin-oct-dec-2015.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/519437/offender-management-statistics-quarterly-bulletin-oct-dec-2015.pdf)

14. Prison Reform Trust (2016) *Bromley Briefing*. Available at: <http://www.prisonreformtrust.org.uk/Portals/0/Documents/Bromley%20Briefings/summer%202016%20briefing.pdf>.

15. Pritikin, M. (2008) Is Prison Increasing Crime?. *Wisconsin Law Review*, Vol. 2008, No.6, p. 1049; Whittier Law School Research Paper No. 09-03. Available at: <http://ssrn.com/abstract=1357743>



each gives distinct insights into notions of citizenship, the role of the state and our own responsibilities in relation to prisons, all central themes of this work.

In his largely autobiographical 1862 novel, *The House of the Dead*, Dostoyevsky portrays life inside a Siberian prison: the cruelty of the guards, the apparent brutality and ease with which some men's crimes were committed, and the decency, vulnerability and goodness of people in the mix.<sup>16</sup> The narrator asserts that: "The degree of civilisation in a society can be judged by entering its prisons." Dostoyevsky understood the extent to which the injustices and social norms of the outside world were reflected in the incarcerated, as well as how imprisonment could shape pathologies and lead people to self-destruction, suicide, madness and violence. His is not so much a call to action as an expression of deep empathy arising from an acknowledgement that imprisonment is, for some citizens, an almost inevitable side effect of wider societal failures. As such we all share some responsibility.

This was the challenge that Winston Churchill identified in his now famous speech to the House of Commons, made during his short spell as Home Secretary in 1910 - 11 (and quoted here). Churchill's name looms large in prison reform for a number of reasons. Not just because of his oratorical power, or because he embarked on an ambitious programme to reform the English prison system, or because he reminds us that prison reform is not the preoccupation of either the left or right of politics (too often it is neither). It is also because of his argument that the gravity of responsibility given to the state in removing people's liberty needs to be matched with equal gravity in its supporting their return to full citizenship. We argue that a test of our civility is not only the extent to which governments and the agencies of civil society take up that challenge, but also the extent to which we, the public, give our consent and even participate in that task.

None of this requires us to surrender justice being served; indeed, Dostoyevsky and others have articulated how, for those who have committed the most heinous crimes, prison can signify the opportunity to address their conscience and restart their lives. Neither do we need to have bleeding liberal hearts or to rely on blind faith. Rather, we need to engage in a more pragmatic, evidence-based discussion about the cost-effectiveness of our current approach and what state we want people to be in when they rejoin their, and our, communities. We need to be more honest about the extent to which the nature of our prisons, and those who reside in them, act as barometers against which to judge some aspects of our national character, from levels of inequality (there is a correlation between the most unequal societies and high levels of imprisonment), to particular forms of exclusion and discrimination.

This is as important, as it is obvious, as it is neglected. When crime and punishment are articulated, the incarcerated tend to be cast as critically and inherently different from 'us'. Yet, the line between many of those who end up inside and the rest of us is etched more by the brute luck of birth and circumstance than innate moral character. As Dr David Maguire's study on masculinity and prison suggests, it may

*"A calm and dispassionate recognition of the rights of the accused against the state, and even of convicted criminals against the state, a constant heart-searching by all charged with the duty of punishment, a desire and eagerness to rehabilitate in the world of industry all those who have paid their dues in the hard coinage of punishment, tireless efforts towards the discovery of curative and regenerating processes, and an unfaltering faith that there is a treasure, if you can only find it, in the heart of every man. These are the symbols which in the treatment of crime and criminals mark and measure the stored-up strength of a nation, and are the sign and proof of the living virtue in it."*

Winston Churchill,  
1910

16. Dostoyevsky, F. (1862) *The House of the Dead*. Vremya.

be the invisibility and different trajectories of the lives of others that make prisons so hard for us to understand.<sup>17</sup> Despite, or maybe because of, our fears about crime, this makes it easier to treat prisoners as ‘non-citizens’, prisons as a residual public service (unlike schools or hospitals) and incarceration as an end to a process. As the former prison governor and author John Podmore claims, it allows us to place prisons out of sight and mind, without the public engagement that is needed to support progress.<sup>18</sup>

*“It may be the invisibility and different trajectories of the lives of others that make prisons so hard for us to understand”*

### **From objects, to subjects**

So, what then does the prison system in England and Wales tell us about our nations? The incarceration rate in these jurisdictions (148 citizens in every 100,000) is somewhere ‘mid-table’ globally but is higher than any other western European country; with Scotland just behind (143) and Northern Ireland lower (87).<sup>19</sup> Ratings like this tell us a bit about our contemporary responses to crime and use of prisons but less about what has shaped these. History – even when crude and potted, as it inevitably is here – can provide insights as to what may be possible in the future.

For example, the rise in prison populations may not always be the result of an increasingly punitive judicial system. While, incarceration numbers soared in England during the 1700s, this was partly due to population growth (from around 5 million in 1700, to around 9 million 100 years later) and the increasing reluctance of juries to sentence people to death for petty crimes. The pressures on the prison system, combined with commercial interests, and a growing distaste for widespread use of capital punishment, drove the rise in transportation of people found guilty of crimes to Australia and North America, with hundreds of thousands of people shipped to Britain’s colonies between the latter half of the 18th century, gradually coming to an end from the 1840s onwards.<sup>20</sup> During this period, while concerns were raised about the conditions of prisons and ‘convict ships’, prisoners were treated as ‘objects’ without legal rights. While transportation was considered to be preferable to life imprisonment at home, and to the death penalty, prisoners became goods to be traded within a lucrative market that sold people into indentured servitude.

As the prison service evolved, alongside the wider judicial system – influenced by the abolition of the slavery movement – this conception of the ‘rightless’ object changed and increasingly the subjecthood of those in custody became a public concern. This shift was partly driven by Enlightenment values and reformers such as Jeremy Bentham and John Howard who emphasised the need to design a penal system that would make punishment more useful, edifying the prisoner while simultaneously repairing the damage inflicted upon society.<sup>21</sup> Nearly 240 years ago, in 1777, John Howard published his influential book on prison conditions;<sup>22</sup>

17. Maguire, D. *Troubled Spaces*. Forthcoming. See *RSA Journal* Issue 2, 2016 “Troubled Spaces” for summary of some arguments.

18. Podmore, J. (2012) *op. cit.*

19. World Prison Brief (2016) *op. cit.*

20. Beattie, J. (1986) *Crime and the Courts in England 1660-1800*. Princeton: New Jersey.

21. Bentham, J. (1798) *Proposal for a New and Less Expensive mode of Employing and Reforming Convicts*. Held at University of Central London Special Collection.

22. Howard, J. (1777) *The State of Prisons in England and Wales*. Cambridge University Press.

*“With this came a shift from a local to a national service”*

this was followed by Elizabeth Fry’s work on tackling the appalling conditions that female prisoners and their children suffered and the foundation, in 1817, of the Association for the Reformation of the Female Prisoners in Newgate (which evolved into a national group pushing for legislative change).<sup>23</sup> Fry and Howard’s focus on prisons becoming institutions of reform (rather than punishment) were not reflected in legislation until the latter half of the 19th century. However, the late 18th century did see changes that reflected this greater emphasis on subjecthood, including some minimum conditions, more focus on the role of work and the introduction of state funding for jailers (which removed some of the more exploitative practices, such as charging prisoners to have their shackles unlocked) and the development of an inspection regime.

### **From local to central control**

With this came a shift from a local to a national service. In 1871, Sir Edmund Du Cane, secured the lengthy title of Chairman of the Board of Directors of Convict Prisons, Surveyor-General of Prisons, and Inspector-General of Military Prisons. Two years earlier he had spoken at the RSA and written a paper for its journal, making the case for directing prison labour towards national infrastructure projects.<sup>24</sup> Du Cane’s argument – that central government should command such steps – spoke to his most notable influence, felt in the Prisons Acts of 1865 and 1878. These effectively saw the end of hundreds of private prisons locally administered by Justices of the Peace, and the introduction of a centralised and more unified system. Du Cane argued that the increased mobility of people (particularly poor people) – and therefore crime – made prisons, which had been paid for largely by local government, a national issue and that centralisation would reduce the tax burden. Du Cane’s approach was harsh. He believed in the redemptive and deterrent power of monotonous hard labour and in keeping prisoners isolated and silent. The intention of the 1865 Act was not to try to reform prisoners but “hard labour, hard fare and a hard board”.<sup>25</sup>

Du Cane’s approach came under attack not just from reformers but also from those who were concerned that the regime was failing to reduce crime (the reoffending rate was around 78 percent) and was even increasing criminality. Mounting and vocal concern resulted in the setting up of the Gladstone Committee in 1895, which in some important ways provided the cornerstone for the policy framework that still exists in England and Wales today. The resulting legislation – the Prisons Act 1898 – introduced the categorisation of prisoners according to gender, age and individual needs, the abolition of hard labour and Du Cane’s separation and silence, alongside increased provision of educational and medical facilities and – importantly – aftercare services, including mission homes for those leaving prison.

Since the 1880s, a fledgling probation service had begun to develop, assisted by legislation that allowed courts to appoint missionaries to

23. Fry, K. (1974) *Memoir of the Life of Elizabeth Fry*. Montclair.

24. Du Cane, E.F. (1871) On the utilisation of prison labour. *The RSA Journal*. Vol. 19, No. 965. Available at: <http://www.jstor.org/stable/41323995>

25. Gray, D. (2016) *Crime, Policing and Punishment in England, 1660-1914*. Bloomsbury.

individuals on release, following practice developed first in London. Missionaries were given official status as officers of the court in 1907 by further changes to the law that allowed courts to hand down conditional sentences supervised by a probation officer, making way for the creation of the National Association of Probation Officers within a few years. History is not a linear process of progression and our attempt at setting out selected key changes does not do justice to the setbacks, complexities or the key characters involved. For example, the locally run prisons that preceded the Prison Act of 1865, while unregulated and often appalling in conditions, were arguably more ‘community-based’, if not in the way we envisage. While borstals now tend to be perceived as typifying the harsh end of penal policy, their establishment in 1901 was the first time custodial institutions were tasked with the training of young offenders. This progressive approach underpins our prison system today.

However, two other trends occurred, which have undermined progress. First, the rise in the prison population, which rapidly increased from 14,708 people in 1945, to 48,500 people in 1989<sup>26</sup> and, having gone down briefly, again increased sharply from the early 1990s onwards. Second, the prison system, having become the responsibility of the Home Office in 1963, became more centralised and dominated by a quasi-military culture, focusing less on education and training and more on containment, both of people and costs. These trends were exacerbated by the outcome of the 1966 Mountbatten Report, commissioned in response to high profile escapes, which included new categorisations of prisoners (A, B, C and D), according to risk, and the development of categories of prisons holding each group. Traditionally the majority of prison officers were recruited from the military services and this helped to develop a paramilitary culture in many prisons. In 1970, 80 percent of the staff at HMP Strangeways had military experience. In the same year 95 percent of senior officers and 65 percent of prison officers at HMP Albany had worked in the armed services.<sup>27</sup>

This combination of centralisation and efficiency measures, alongside increased numbers and categorisation, drove a culture that applied similar enforcement, discipline, surveillance and control priorities and approaches, regardless of the nature of individual prisons and their populations. The pressures facing those in the system were brought into sharp relief by the prison riots of the 1980s and came to a head when prisoners took over HMP Strangeways in 1990, sparking disorder in prisons across the UK. The resulting inquiry by Lord Justice Woolf and Sir Steven Tumim highlighted the acute problems in some prisons, including overcrowding, poor conditions, bad management and a deep sense of injustice amongst many prisoners.<sup>28</sup>

The Woolf inquiry led to the Criminal Justice Act 1991, which sought to end overcrowding by encouraging the use of community sentences and the introduction of early release mechanisms for those on parole. The Act was passed in September 1992 and the prison population fell from

26. Berman, G. (2013) *Prison Population Statistics*. Parliament.

27. Fitzgerald, M. & Sim, J. (1979) *British Prisons*. Blackwells.

28. Woolf, H. (1991) *The Woolf Report: Summary of the Main Findings and Recommendations of the Inquiry into Prison Disturbances*. The Prison Reform Trust.

45,835 to 40,606 within three months.<sup>29</sup> Numbers rose throughout the 1990s as another change in policy direction – driven by the ‘prison works’ approach of the then Home Secretary, Michael Howard – which saw no mention of rehabilitation.

### **A citizenship approach**

In this section we have outlined some of the historical factors that have shaped the penal systems of England and Wales. We have tried to show that changing levels of incarceration are not simply driven by ‘what works’, crime levels or broader population trends but by political leadership and public attitudes. Broadly speaking, between the late 18th century and the mid-to-late 20th century, the system in England and Wales shifted from one based on treating prisoners as rightless objects, to treating people as largely passive subjects with needs and limited rights, and then – *to some extent* – to a model that recognises prisoners as citizens, with values and capabilities that could and should be nourished. These shifts have not been consistent or smooth and have been accompanied by large increases in the prison population and short-term political expediency, which have stalled progress. Our point here is not to disparage any particular political party (since the early 1990s, the prison population has risen under both Labour and Conservative governments) but to frame some of the challenges that any contemporary reform agenda needs to address.

*“This combination of centralisation and efficiency measures, alongside increased numbers and categorisation, drove a culture that applied similar enforcement, discipline, surveillance and control priorities and approaches, regardless of the nature of individual prisons and their populations”*

We argue that the prison system in England and Wales, and its potential impact on reducing reoffending and community safety, has been undermined by a lack of consistent political leadership and clear purpose. This has led to reactive policy, episodic change, an over-centralised system, a disempowered workforce and lack of public understanding and confidence about what prisons are for and their impacts. Reform has been too dependent on heroic individuals, exceptionalism and emotive arguments, as opposed to normative approaches, political consensus, public engagement and solid evidence.

The closed nature of prisons, the actions of those who fill them and the language and rituals of the justice system, serve to place prisons outside of our daily experiences and defined by headline and fiction-fuelled imaginations that place prisoners as ‘other’; a dangerous, homogenous group of people that are not just not with us but not of us. The reality is that most prisoners are inside because of non-violent offences (71 percent of men and 81 percent of women)<sup>30</sup> and many have persistent drug and alcohol problems. Representing a diverse (if disproportionate) demographic, there are people within our prisons from all areas, classes, ages, races, abilities and genders. The vast majority will be released, many will have children and a majority will spend short (often, repeated) spells inside. How they fare on release, and their future risk to their wider communities, will of course depend on the choices they make but these choices are often constrained and success

29. Taylor, R. (2011) Why Has Prison Emerged as a Prominent Form of Punishment for Most Crime and what are its Functions in Relation to Wider Society? *Internet Journal of Criminology* accessed at [http://www.internetjournalofcriminology.com/Taylor\\_Prison\\_and\\_its\\_Functions\\_IJC\\_August\\_2011.pdf](http://www.internetjournalofcriminology.com/Taylor_Prison_and_its_Functions_IJC_August_2011.pdf)

30. Prison Reform Trust (2016) op. cit.



*“The prison system in England and Wales, and its potential impact on reducing reoffending and community safety, has been undermined by a lack of consistent political leadership and clear purpose”*

in desisting from crime will depend on what happens before, during and after custody.

As Fergus McNeil has argued, effective resettlement does not only involve preparing prisoners for release but also means preparing communities to accept them back and support them in having a ‘soft landing’ as they try to rebuild their lives.<sup>31</sup>

People seek out what Erich Fromm called ‘ligatures’, connections to others. We would argue that a focus on citizenship stresses the role that communities can play in determining which connections people leaving prisons can access.<sup>32</sup>

## Conclusion

As the current reform agenda develops it needs to be approached as a long-term strategy based on:

- An understanding of the importance of political leadership and narrative in shaping what happens to people who enter the criminal justice system and public attitudes.
- The development of a compelling and consistent vision, capable of mobilising cross party and wider public support.
- A focus on citizenship that stresses that those who go to prison are members of our wider communities and will return, that aims to support active citizenship when that happens and that suggests that we all have a role to play.

In the next section we argue that at the heart of this vision should be a relentless drive to reduce risk through strengthening rehabilitation.

31. Included the ESRC’s Discovering Desistance shared learning page: <http://blogs.iriss.org.uk/discoveringdesistance/author/fergusmcneill/page/2/>

32. Fromm, E. (1941) *Escape from Freedom*. Farrar & Rinehart.



## Mike

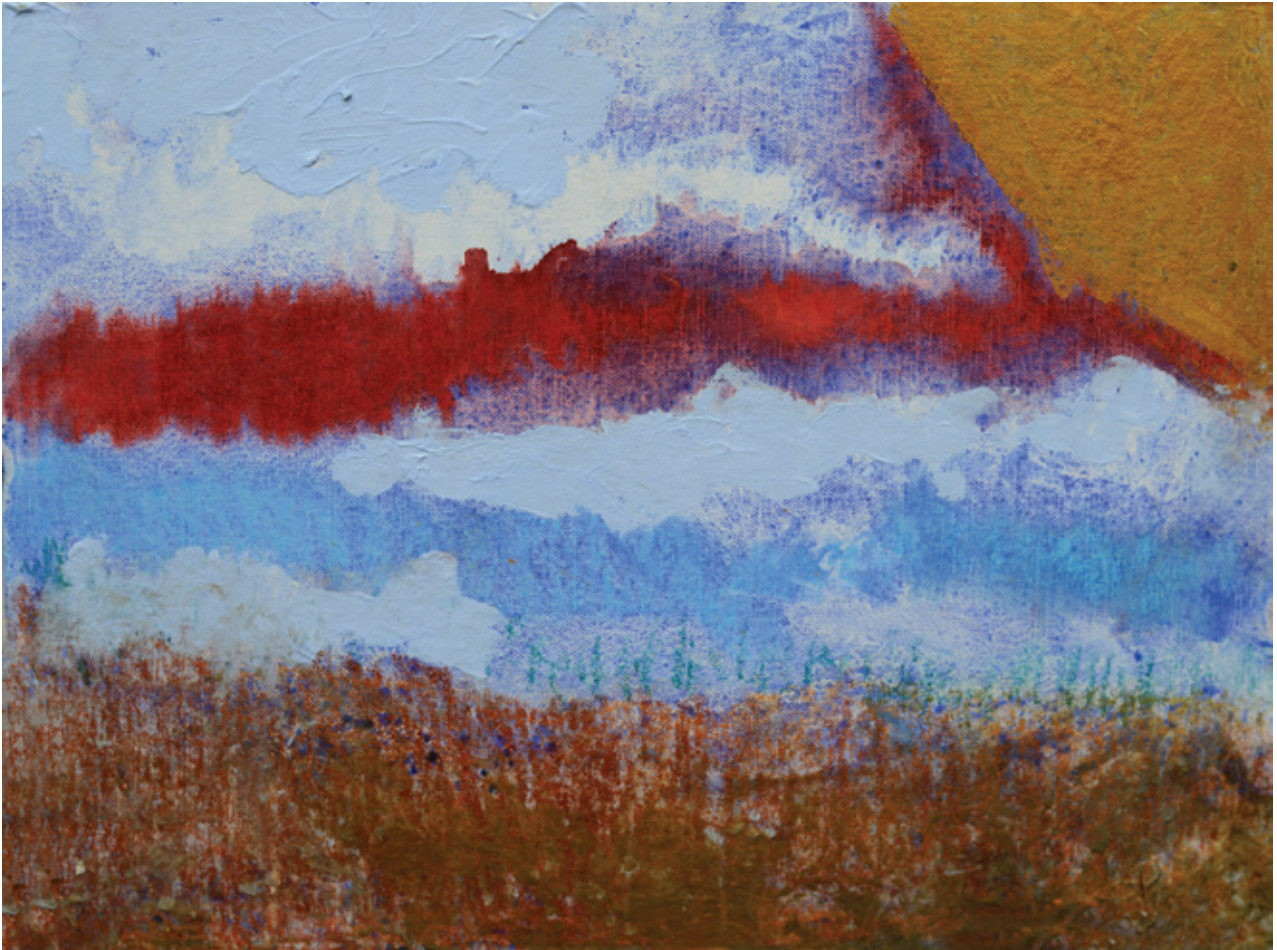
---

### Part 3/8

I started hanging around the shops, parks and pubs with the 'olders', the name we gave to the lads a few years older than us who had something about them. I looked up to them and they always seemed to take a liking to me, which was good in some ways but not in others. They were maybe 18 and we were four or five years younger. They would take me for a drive in the cars they had nicked. I loved it. It made me want what they had. You could tell they didn't really like it but they didn't have the bottle to say anything. I think they were a bit jealous of other people with nice cars.

This bond with people who were respected always seemed to happen. The problem was that I only had the pocket money I got every Friday and that was when all of us from school would go out to a party. One day, I spoke to a person I had a lot of respect for and said that I needed to start making money. He said he would drop something to me and, when I got rid of it, I should come back to him and we would go from there. Now, I always had money in my pocket. From the age of 15, I had some of the best clothes and definitely had the best dress sense. Looking back, I can see this got me a lot of attention but also attracted a lot of 'haters'.

The reality was that the lads that took me off in cars were horrible. They were bullies and would stab you in the back when they had a chance. They would steal from people (when they knew there would be no repercussions). Nobody really liked them but found it was better to be OK with them rather than have them as enemies. I'm not implying that I was an angel because I wasn't, but I never took it to anybody that didn't deserve it. I didn't bully people, was caring, stuck up for others and would never turn on one of my own. I even tried to steer young people in the right direction, when I saw they looked up to me. I have got a good heart and I never intended to hurt anybody.



*Purple Rain*  
Arbury Court (secure mental health unit)  
4635  
Image courtesy of the Koestler Trust

---

## 2. Reducing Risk through Strengthening Rehabilitation

---

In this section we argue that a central focus on rehabilitation is not inconsistent with effectively managing safety and security, but these processes need to be more nuanced, less complex and better aligned with delivering the longer-term goal of reducing people's risk inside prison and beyond. Political leaders have 'talked up' rehabilitation in the past; the extent to which it is emphasised tends to flow in times of austerity and ebb as a result of particular events.

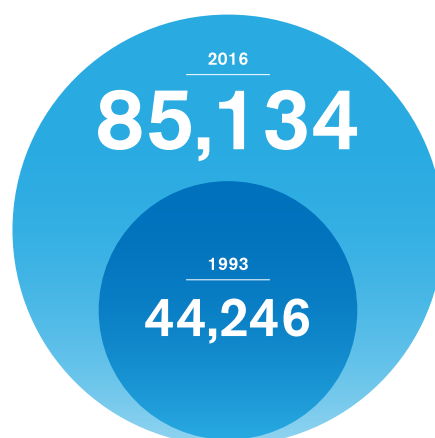
Like schools, prisons have their 'three Rs': reoffending, resettlement and rehabilitation. These terms get used loosely as if they are one and the same. They are not and their relationship to one another is not straightforward. Reductions in reoffending rates are hard to attribute; they could be a sign of effective work done by prisons, partner agencies and the individuals involved. They may also be the result of changes in police action. Likewise, increases in reoffending may be the result of particular local or national trends such as shifts in drug use. People can be catapulted back into their communities with interventions simply having been 'tick boxed' with little impact on their ability to resettle; partly because many were not 'settled' before and have unmet multiple needs. Partly because the resettlement offer is frequently inadequate and falls short of what good governors and those working with people in custody would wish to see: people's return to the community as active citizens capable of playing a full and positive part in the stuff of a good life. The attraction of these first two Rs is that they seem to be easily understood and, with some difficulty, measured. Reoffending rates provide attractive hard data. Resettlement work can be measured by outcomes but is too often assessed – and funded – by outputs, which tell us little about what has been achieved.

Rehabilitation can seem more nebulous. Strictly speaking it means returning something to its original state, which in terms of the issue at hand falls short of what prisons and its partner agencies are being asked to do. If people's lives are chaotic, amoral and miserable before prison, we need a higher goal; one that prisons cannot deliver alone or in the current context. Rehabilitation is often described by people as a profound change in themselves, their self-efficacy, hope, sense of purpose, resilience and thinking, but achieving it may require micro-steps and relapse along the way. It is likely to require a shift in the

attitudes of the individual and responses to that individual and in his or her access to employment, housing and support networks.

---

## Prison population figures 1993 – 2016



*“No amount of personal change can secure desistance if change is not recognised by the community (‘social rehabilitation’), by the law and by the state (‘judicial rehabilitation’). Without these forms of informal and formal recognition, legitimate opportunities (for example, participation in the labour market or in social life) will not become available and return to offending may be made more likely.”*

McNeill,  
*Three Aspects  
of Desistance,*  
May 2014

### Desistance

Theories of desistance in relation to crime have developed rapidly over the last decade or so and have helped to shape interventions and wider policy. Crudely put, desistance can be defined by the cessation of offending behaviour. Studies have increasingly come to think of this as a process that involves a shift towards compliance with the law and social norms. Shadd Maruna and Stephen Farrall make the distinction between primary desistance (a shift in behaviour) and secondary desistance (a change in identity) and argue that the latter is necessary for long-term sustained progress.<sup>33</sup> Fergus McNeill has argued that shifts in belonging to a (moral) community also matters and that long-term change requires not just a change in how one sees oneself but how one is seen by others.<sup>34</sup> McNeill stresses the relational aspect of desistance, the importance of social capital and the need for these factors to be considered alongside programmes that seek to address individual behaviour. He argues that restorative justice approaches have a contribution to make in enabling people to make amends and to strengthen people’s sense of belonging. And that, more generally, the language of criminal justice matters and should focus more on citizenship, solidarity and integration.

### Wellbeing

“Recent research has shown that it is possible to collect meaningful and reliable data on subjective wellbeing ... National statistical offices should incorporate questions on subjective wellbeing in their standard surveys to capture people’s life evaluations, hedonic experiences and life

33. Maruna, S. and Farrall, S. (2004) Desistance From Crime: A Theoretical Reformulation. *Kölner Zeitschrift für Soziologie und Sozialpsychologie*, 43: 171–194

34. McNeill, F. (2014) *Punishment as Rehabilitation*, pp. 4195–4206 in G. Bruinsma and D. Weisburd (eds.) *Encyclopedia of Criminology and Criminal Justice*, DOI 10.1007/978-1-4614-5690-2.s Springer Science and Business Media.

priorities.”<sup>35</sup> This was the starting point of the 2009 Commission on the Measurement of Economic Performance and Social Progress, chaired by Joseph Stiglitz, Amartya Sen, and Jean-Paul Fitoussi. The commission argued that, in assessing the success of economies and distinct policies, policy makers needed additional statistical data to gauge social progress, beyond gross domestic product (GDP), the traditional measurement of economic functioning. Their rationale – now commonly accepted and used, including by the OECD – was that economic progress measured in terms of growth did not tell us enough either about impact (for example, about things like inequality or people affected by air-pollution) or about the subjective aspect of people’s lives that determines their capabilities to thrive.<sup>36</sup> This work has been influential and has informed two World Happiness Reports.<sup>37</sup>

It is important to note that wellbeing is distinguished from happiness in important ways. Whereas happiness is seen to be more about momentary joy, wellbeing measurements are focused more on people’s broader sense of how they are able to function in life. The models that have developed have distinguished between the external and internal drivers of wellbeing. They stress that its sources often lie outside the market, for example, in families, communities and connections, and in people’s immediate or wider environment. In making its case for wellbeing measurements nef (the New Economics Foundation), which launched its National Accounts of Wellbeing in 2009), argues that they:

- Can be used at different levels, from national policy to local projects.
- Are able to provide information that goes beyond what has gone wrong in people’s lives and capture more about what makes their lives go well.
- Can help identify the potential ‘assets’ in people’s lives, the things, internal and external, that can enable and empower them to make positive changes.
- Move beyond purely economic needs to identify individuals’ emotional and social needs.<sup>38</sup>

The Commission on Wellbeing and Policy commissioned by the Legatum Institute and chaired by Lord O’Donnell, reviewed the strengths and weaknesses of wellbeing measurements in relation to policy. They concluded that one of the weaknesses of the current system of monetary cost benefit analysis, which policy makers traditionally favour, is that it struggles to measure goods and services that do not have a market value and/or where prices do not reflect how people value those things. The commission cited justice services as a key example, alongside social care and health, where wellbeing measurements should be embraced.

35. Stiglitz, J. E., Sen. A. and Fitoussi, J. P. (2009) *Report by the Commission on the Measurement of Economic Performance and Social Progress*. Paris.

36. Ibid.

37. For more information, see: <http://worldhappiness.report>

38. Nef (2009) *National accounts of wellbeing: bringing real wealth onto the balance sheet*. Available at: <http://www.nationalaccountsofwellbeing.org/public-data/files/national-accounts-of-well-being-report.pdf>



*“A ‘rehabilitative culture’ cannot be measured effectively through dry processes, but through assessing the different components that support progress: staff and prisoner relationships, levels of responsibility and trust, people’s ability to make choices and to access supportive networks”*

## Measuring quality of life

Since 2000 the Cambridge Prisons Research Centre (PRC) at the Institute of Criminology at the University of Cambridge has been developing its Measuring Quality of Prison Life (MQPL) and Staff Quality of Life (SQL) surveys with the prison service.<sup>39</sup> Since 2007, these surveys have formed part of the routine performance and audit measurement of prisons in England and Wales. The original aim was to measure the effectiveness of the National Offender Management Service’s (NOMS) ‘decency agenda’ (which emerged in 2000-2001) and moral performance by evaluating the treatment of prisoners through qualitative survey work. The research has two main approaches. The first concentrates on the strengths of the prison as an institution focusing on what people felt should be the ‘key dimensions of prison life’, in terms of relationships, personal development, order and organisation. The second approach involves detailed quality of life surveys for prisoners and staff.

Over time, this work has led not only to reliable and comparable data, allowing comparisons and progress to be mapped, but also revealed considerable consensus about the most important dimensions of prison life including: respect, humanity, staff-prisoner relationships, trust, wellbeing, safety, order and the use of authority by staff. The MQPL and SQL surveys allow for specific changes to policy to be measured in terms of their impact on people’s subjective feelings about the prison they work or live in, including safety and fairness. The work has also provided a common language and approach and enabled prison leaders to focus on culture change.

As the leading criminologist, Alison Liebling, who has pioneered this work with her colleagues, has suggested, a ‘rehabilitative culture’ cannot be measured effectively through dry processes, but through assessing the different components that support progress: staff and prisoner relationships, levels of responsibility and trust, people’s ability to make choices and to access supportive networks. We suggest that the success of MQPL and SQL as a way of measuring more subjective and nuanced aspects of prison life and in driving change, supports the case for asking prisons to measure both individual progress in relation to rehabilitation and institutional ‘levels’ of rehabilitative culture.

## The role of networks

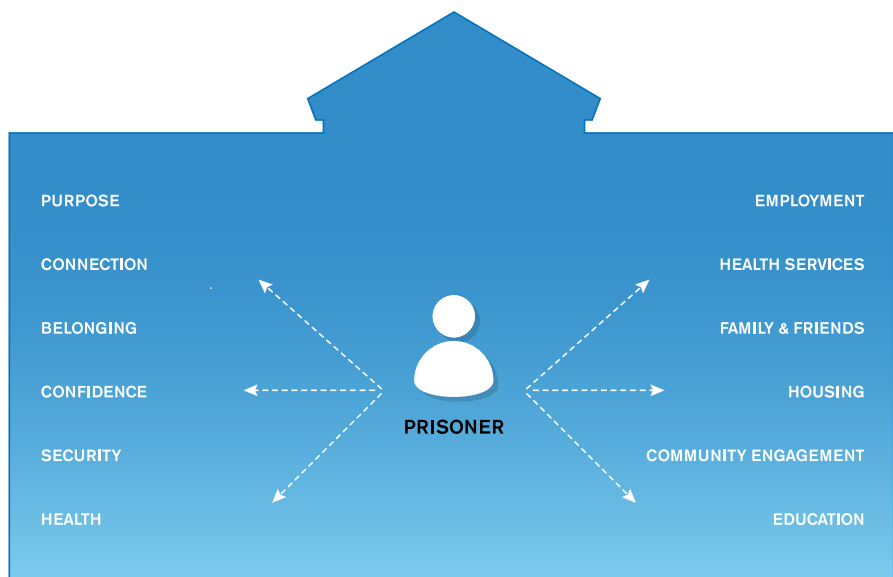
The drivers behind reoffending are complex, the solutions hard to locate and the cost of trying, substantial. As well as a criminal record, many prisoners have few (life and work) skills and face problems accessing employment because of this. For many, drug and alcohol habits, and/or behavioural and mental health problems persist, despite interventions.

39. For more information, see: <https://www.cam.ac.uk/research/impact/measuring-the-quality-of-prison-life>



---

## Rehabilitation Capital and Culture



The RSA's Connected Communities programme explores practical 'social network' approaches to social and economic challenges, with a focus on how disadvantaged or marginalised groups might become more resilient and begin to identify and co-design their own solutions. The programme's work with people who misuse drugs and alcohol (who often present many of the same needs and characteristics as those in prison, in addition to problems around substance misuse) is useful in its development of the concept of 'recovery capital'. This refers to the "breadth and depth of internal and external resources that can be drawn upon to initiate and sustain recovery from substance misuse". The RSA's work drew on the concept of recovery capital developed by Cloud and Granfield in 2009 that posited four components to it:

- *Social capital* is defined as the sum of resources that each person has as a result of their relationships, and includes both support from and obligations to groups to which they belong; thus, family membership provides support but will also entail commitments and obligations to other family members.
- *Physical capital* is defined in terms of tangible assets such as property and money that may increase recovery options (for example, being able to move away from existing friends/networks or to afford an expensive detox service).
- *Human capital* includes skills, positive health, aspirations and hopes, and personal resources that will enable the individual to prosper. Traditionally, high educational attainment and high intelligence have been regarded as key aspects of human capital, and will help with some of the problem solving that is required for recovery.

- *Cultural capital* includes the values, beliefs and attitudes that link to social conformity and the ability to fit into dominant social behaviours.<sup>40</sup>

*“There remains a significant gap in understanding and operationalising the role that prisoners’ networks – good and bad, formal and informal – have in strengthening levels of individual ‘rehabilitation capital’ before and on release”*

Using some of the insights from this work, the RSA’s Transitions project undertook a range of workshops and survey work with staff and prisoners. They were asked to identify the factors that made the most difference to progress (with prisoners this was in relation to their custodial and post-release journey, whereas with staff the focus was on their role in supporting others). What was striking was the commonality of responses across the two groups. Both cited the importance of internal resources (for example, self-efficacy, confidence, resilience, and a sense of purpose) as well as external resources (for example, access to agencies, relationships with employers, community understanding and support).<sup>41</sup> When asked what they most wanted on release many prisoners talked about “being part of community” and “going back to society”; aspiring to a sense of inclusion and belonging that many had not experienced before coming to prison. Staff wanted to know more about what happens to people when they left; as they pointed out, bad news appeared back at the prison gate, whereas positive outcomes were rarely known about. They identified this as being both bad for morale but also a wasted opportunity to provide hope and role models.

### **Relationships as assets**

In this section we have outlined some of the theory and evidence that suggests that we can both measure wellbeing and argue that many of the established components of this are very similar to rehabilitation. We have shared just some of the research that shows that, in general, our connections to other people, the context and nature of these relationships, and the extent to which we have networks of support matter greatly in shaping our behaviour, life chances and wellbeing. These insights are going some way to shaping the way public services are being designed, including the prison service. For example, the importance of strong and positive family relationships in motivating prisoners when inside and resettling on release is widely evidenced and acknowledged. Likewise, the existing NOMS pathways do go some way to recognising the internal as well as external resources needed.<sup>42</sup>

In thinking about the role of relationships in supporting prisoners’ progress, we argue that we need to both broaden the spectrum in understanding the range of relationships that can help or hinder individual rehabilitation and place greater emphasis on how these connections are dependent on each other and can be protected or created inside. We contend that there remains a significant gap in understanding and operationalising the role that prisoners’ networks – good and bad, formal and informal – have in strengthening levels of individual

40. Cloud, W. and Granfield, W. (2009) Conceptualising recovery capital: Expansion of a theoretical construct. *Substance Use and Misuse*. 42, 12/13, 1971-1986

41. O’ Brien, R. & Karthaus, R. (2013) op. cit.

42. NOMS pathways include: accommodation and support; education; training and employment; health and substance misuse; finance and debt; children and families; and attitudes and behaviour.

‘rehabilitation capital’ before and on release. The range of things – personal, social, community and cultural – that will make people not just less likely to not commit crime, but also to forge new identities and increase their chances of belonging within the wider community.

### **A community-based approach**

We conclude that there are very similar arguments to be made in relation to prisons. Many establishments face similar issues to prisoners: undervalued as a potential asset to their wider communities, isolated from the networks of support they need to make a difference; cut off from some of the resources, direct and indirect, they need to thrive and poorly understood and supported by the wider community. Yet, improving rehabilitative outcomes does not just reduce reoffending but also unemployment, dependence on welfare and wider impacts on families and neighbourhoods. Rehabilitation then both *requires and drives* local buy-in; it both serves and needs the local community.

### **Conclusion**

The government's reform strategy should include:

- A national policy framework to drive the reduction of risk through strengthening rehabilitative outcomes.
- Setting clear minimum standards and fewer simpler performance measures, streamlining NOMS' central function and devolving governance arrangements.
- Outcomes that draw on and adapt established wellbeing measures and stress prisoner and staff access to the networks, which they need to change/make a difference.
- Prisons being required to measure both individual progress in relation to rehabilitation, and the strength of the rehabilitative culture of their establishments. Such an approach should be integrated with probation services.
- The development of community-based rehabilitative prisons, which focus on a more ‘porous’ approach, challenging the perception that prison is the end of a process and encouraging greater engagement from local authorities, communities and employers.

We argue that these conclusions are consistent with the government's emerging reform agenda. In the next section we outline the changes made already and some of the wider policy contexts within which this is taking place. This includes current arrangements for probation and health services who are key partners to prisons, and critical to developing a more integrated and effective approach.

# Case Studies

## Spark Inside

Spark Inside uses professional life coaching to facilitate a more productive, fulfilling and rehabilitative culture throughout the criminal justice system.

In 2016, Spark Inside piloted 'The Process' in HMP Pentonville, a Category B/C local male prison in London. The work took place in the prison's largest wing, G Wing, which at the time was holding around 370 people. Using techniques from systems coaching, two workshops involving 50 people (a mix of prisoners and prison officers), allowed participants to reframe previous discussions about deep-rooted challenges and tensions, to uncover the root cause of the issue and develop solutions. The aim was to facilitate sustained, progressive cultural change through encouraging improvements in pro-social relationships, communication, empathy, positive perception and behaviour.

The Process resulted in more positive relationships between prisoners and prison officers, with the latter showing higher levels of empathy towards those in their care. The number of positive entries on prisoners' Incentives and Earned Privileges (IEP) records increased by 81 percent and all participants interviewed after recommended The Process.

Source: [www.sparkinside.org](http://www.sparkinside.org)

## HMP Pentonville/University of Westminster

Inspired by the Learning Together programme, set up by the University of Cambridge, prisoners from HMP Pentonville and students from the University of Westminster come together to study an 8 week course in criminology.

Those who set up the project wanted to be able to offer real progression with prison education. This initiative offers a challenging and interesting course to those prisoners who have already completed many of the usual training opportunities that prisons routinely provide. The project also provides a unique opportunity to University of Westminster students and aims to help build bridges with the outside world and ensure that a local prison is more a part of its community.

A review of this scheme highlighted the benefits of providing a challenging course, one that is the same as done by university students, and not tailored specifically to the prison environment. It has helped the inside students to feel more included in wider society, to aspire to greater things when they are released and "to conceive of themselves as part of the general public".

## Coaching Inside and Out

Coaching Inside and Out (CIAO) provides life coaching to challenge prisoners' assumptions and unlock their potential with techniques used by business leaders. It aims to help them realise their strengths and improve their own and others' lives.

CIAO has coached over 650 male and female clients with convictions in the community and in HMPs Styal, Kirkham and Drake Hall since 2011. Clients have reduced the harm they do to others and themselves, including stopping using illegal drugs and antidepressants. They've also achieved educational goals, secured jobs and set up businesses inside and out.

The coaching is challenging and explores questions including:

**Who are you?** Exploring this increases motivation and sense of direction: "*It enables me to tap into my own resources and build on my strengths.*" Different perspectives help people manage emotions and reduce violence and impulsiveness.

**What do you want to change?** Coaches question, rather than tell, and it gives the power to the client as they are the expert in their own lives. Working as equals makes this a very different experience to most criminal justice interventions.

**How are you holding yourself back?** Coaches can go far beyond goal-setting to break patterns and overturn assumptions that stop people changing what they want.

In Manchester Metropolitan University's 2013 evaluation of CIAO, 94 percent of interviewees reported coaching's positive impact in making the best of their time inside, planning for release and living safely in their communities. Senior prison staff report coaching contributes to other initiatives' effectiveness and clients involve themselves more constructively in the prison community. A book by the charity's MD, *Coaching Behind Bars*, was published in 2015.

CIAO supports and encourages others to provide coaching too, as well as using the wisdom of people who've been through the criminal justice system within the charity and supporting them to become coaches themselves.

## Changing Tunes (London and South East)

Changing Tunes (London & South East) is a newly registered charity using music teaching, rehearsing, recording, performance, improvisation and composition to aid the rehabilitation of prisoners. The common purpose of making music creates an environment for prisoners to improve self-esteem and learn how to build healthy relationships. A critical success factor is the continuity of working with people after release to make music and offer practical help.

Evaluation of the project demonstrated considerable changes in participants' lives at the level of self-identity. Often angry and isolated, participants arrived at the projects with a limited and *limiting* sense of their own possibilities. They found that the involvement in the music charity helped to 'wake something up' inside of them and show them new possibilities for their lives. These changing self-perceptions led to a sense of agency and control, and a vision with hope for their future.

Evaluation findings suggested that part of this transformation was a *direct* product of musical training as a medium for self-discovery and self-expression. In particular, music's power as a memory aid appeared to benefit the important journey of 'coming to grips' with one's past, and this biographical reconstruction has been found to be crucial in the process of desistance from crime. The more prominent finding involved factors that were only *indirectly* related to musical training. Most participants argued that the key to the success of Changing Tunes was through the relationships they formed with their mentors and also with other members of the group within the sessions. The "through-the-gate" nature of these relationships made them especially powerful in the lives of the participants interviewed.

## Mike

---

### Part 4/8

The 'olders' would nick brand new high-performance sports cars. I was 15 when they pulled up in an expensive car and said I could have it for a cheap price. I couldn't resist. I had the bug and I wouldn't get in a car unless it was new. We bought a four by four off them and took it off road. Somebody saw us and reported it. What we didn't know was that before we got it, the lads had used it to commit a crime. When the police came to get us, there were about eight cars, a helicopter and dogs. After the chase, I got arrested for the first time and at court I received a three-year driving ban and a supervision order with a tag for about three months.

After this, I started to settle down. I spent more time with my girlfriend and stopped hanging around. After a friend of mine had just bought a new car, he said I could take it for a few days and I did. This time I ended up getting caught driving while banned by the police.

I got locked up in a secure unit for six months. This made me want to change my ways and, when I got out, I went back to school and they put me in a special class twice a week for a few hours. For the first time in my life, I wanted to learn properly but because I had missed so much work, I was not put in for GCSEs. I complained and so they sent me to college instead. I loved it and had some great times there and met some great people. Now 15, going on 16, I worked hard and the teachers were great. I learnt so much in such a short period of time and have nothing but good memories of college.

I passed my FA Level 1 football coach badge, some NVQs, and gained some invaluable work experience as an electrician. At the end of the term, I was put forward for student of the year. I didn't win but it was so nice to be put in that category and I won for my class. My whole family were there to see me collect my award and this gave me a real sense of achievement.

I really did not want to leave college. I was doing well with my life and staying out of trouble. I now knew what I wanted to do and that included settling down with a good girl. I had some qualifications, had met some good people and went out into the world feeling confident that I could do so much with what I had learnt. I wanted to be an electrician and started looking for apprenticeships and found one in electrical engineering. I passed the two tests needed, was put forward for interview and was offered one of the 10 places available. I had been working for about six months when the company started to struggle to get work as they had lost a few big contracts. This meant I was just sweeping up and the pay was really bad. So, I started looking for other apprenticeships. I was really determined to make something of myself. My mum and I had done a lot of things on our own to try and get me back on track.

---

# SECTION 2: THE CONTEXT OF CHANGE

---





*Moving On*  
HM Prison Isle of Wight (Albany)

4858

Image courtesy of the Koestler Trust

---

## 3. Where We Are Now

---

*“The number of staff employed in the public prison estate has fallen by 30 percent in the last five years”*

There are 117 prisons in England and Wales. Eight are high-security and 88 are resettlement prisons. Prisoners are subject to risk categories and the risk they post is constantly reviewed and may change over time. Collectively, the aim of these establishments is to:

- Take responsibility for fulfilling the custodial sentences handed out by the court.
- Protect the public by keeping people in a secure environment while working to reduce their risk.
- Provide an decent, humane and secure environment.

Prisons are charged with protecting the public by holding people away from their communities and in terms of security, the prison service scores well on that aspect, which the public relates to most readily: escape. Absconds from open prisons are relatively rare and reducing despite some high-profile cases. But the current level of reoffending, and the costs of this to the taxpayer, suggests that the current arrangements could do more to protect the public and deliver value for money in the long-term. The cost of crime committed by people recently released from prison is estimated to be around £9.5 billion and £13 billion a year.<sup>43</sup>

### Costs and human costs

In 2015, the average cost of each prisoner was over £33,000 and the total expenditure on prisons and probation in England and Wales in excess of £2.8bn.<sup>44</sup> As a result of the cuts since 2010 onwards, these figures have gone down slightly with most of these savings coming from driving down costs through cutting back on staff. There are now fewer staff looking after more prisoners. The number of staff employed in the public prison estate has fallen by 30 percent in the last five years, with over 7,000 fewer officer grade staff looking after nearly 1,200 more prisoners.

We have argued that if the reform agenda is to garner public support, a more honest debate is needed about the nature of risk, and the important role that consent plays in prisons functioning day-to-day. The reductions in frontline staffing, combined with an overcrowded system and particular trends (such as the presence of new psychoactive substances in many prisons), is currently stretching that consent to its limits with devastating consequences.

43. National Audit Office (2010) Managing offenders on short custodial sentences, London: The Stationery Office. Available at: <https://www.nao.org.uk/wp-content/uploads/2010/03/0910431.pdf>

44. MoJ (2015) Costs per place and costs per prisoner: National Offender Management Service Annual Report and Accounts 2014-15 Management Information Addendum.

- There were 22,195 assaults in the 12 months to June 2016, a 31 percent increase on the previous 12 months. This included 5,423 assaults on staff, an increase of 40 percent. Serious assaults in prison have risen by over a third (35 percent) in the last year.
- The number of people committing suicide while in prison has reached an all time high. There were 105 self-inflicted deaths in the 12 months to June 2016, representing an increase of 28 percent compared to the 12 months before. In the second quarter of 2016 alone there were 31 self-inflicted deaths, the highest ever level in a single quarter.
- Rates of self-harm are at the highest level ever recorded. There were 32,313 self-harm incidents in 2015, a nearly 40 percent rise in just two years.<sup>45</sup>

Numerous Her Majesty’s Inspectorate of Prisons (HMIP) reports have shown that too many of our prisons are not able to meet their other aim, that of providing a decent and secure environment, or undertake the kind of work needed to change people’s behaviour as prisoners spend more time in their cells.

## Security, risk and rehabilitation

### Categories of Prison

- A. Prisoners that would pose the most threat to the public, the police or national security should they escape. Security conditions in category A prisons are designed to make escape impossible for these prisoners.
- B. Prisoners do not need to be held in the highest security conditions but, for category B prisoners, the potential for escape should be made very difficult.
- C. Prisoners cannot be trusted in open conditions but are considered to be prisoners who are unlikely to make a determined escape attempt.
- D. Prisoners can be trusted in open conditions. Unsentenced prisoners or those on remand awaiting trial, are generally housed in category B accommodation unless provisionally classified as category A.

Fear of risk and efficiency measures have served to create a highly centralised system. In trying to meet their objectives, prisons are subject to a large number of rules, regulations and guidelines. These are outlined in Prison Service Instructions (PSIs), which cover a wider range of information and rules, from ongoing issues around security, licence conditions, the use of prisons’ libraries, first aid and emerging new challenges. The government is in the process of cutting back on the number of PSIs and this is welcome.

While each prison is different, much of the security and risk management policy will be national. At the moment, too many people categorised as low risk are managed as if they are high risk; while high-security prisons quite rightly look and feel very different from category

45. MoJ (2016) *Safety in Custody: Statistics Bulletin England and Wales, Deaths in prison custody to June 2016 Assaults and Self-harm to March 2016*. Available at: <https://www.gov.uk/government/statistics/safety-in-custody-quarterly-update-to-june-2016>

C and D prisons, too many prisons in this part of the estate are subject to an overly uniform and inflexible approach. This impacts on their ability to motivate prisoners and develop rehabilitative approaches, and ultimately this impacts on public safety. For example, in category C prisons, striving to achieve your category D status can be a massive incentive for prisoners. At HMP Humber, a small category D unit within the prison, where prisoners could cook together, budget, apply to work outside and have greater choice and responsibility, served as a key ‘step up’ point for prisoners, as well as an important chance to prepare for eventual release. However, if achieving category D status does not come with greater freedoms and choice, particularly for those serving mid- to longer sentences, it can serve to send the opposite message; that however hard people strive to change, this will not be recognised.

### **Release on temporary licence**

A good example of the perverse effects of risk management from the centre is the Release on Temporary Licence (ROTL) process and the changes that have taken place since 2013. As a result of high-profile cases where people absconded while on ROTL and reoffended, a review of procedure was instituted for granting these. This resulted in an increase in the stringency of ROTLs and aimed to ensure they were granted with greater consistency across the prison estate. This was despite, according to the MoJ in 2012 less than 1 percent of releases on temporary licence failing and, of these, only six involving an arrestable offence. This is the equivalent of five arrests per 100,000 releases.<sup>46</sup> Rather than tackle what seems to have been a practice failure, the government responded with a wholesale policy change that significantly reduced the system’s opportunities to reward and rehabilitate prisoners.

ROTL allows prisoners to work outside of prisons to help them to develop experience of employment in accordance with their sentence plan. As a recent HMIP highlighted, a well-managed ROTL process can form an important part of people’s journey back to their community and access to skills and employment.

**HMIP (2016) Annual Report 2015-2016.**

MoJ analysis shows that the use of ROTL fell by 41 percent between summer 2013, when the review was announced, and April-June 2015. Employers also raised with us issues around ROTL salaries. The Prison Reform Trust and Clinks surveyed 39 organisations that aim to link people subject to ROTL to employment and training opportunities. It found that nearly two-thirds had seen a decrease in ROTL and that decisions were also taking much longer. As one member of staff we spoke to put it: “I deal with ROTL and home detention curfew (HDC) issues

46. MoJ (2012) *Statistical Notice: Releases on temporary licence, 2012*. Available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/287786/rotl-statistics-2012.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/287786/rotl-statistics-2012.pdf)



every day and in doing so the greatest restriction is the ‘blame culture’ that still exists. Everyone that I sign off or don’t sign off has the element of ‘what if this goes wrong’ and will I lose my job if it does? To aid prisoners being released on productive ROTL and early on HDC, there would need to be a ‘group buy in’ sharing risks.”

Prisons can be dangerous places and there will always be a need to set some constraints to autonomy at the centre. But in defining where these lines are drawn, a key consideration should be where governors and staff are best placed to make decisions, particularly when it comes to risk. ROTL is a good example where local discretion makes sense; its use will never be entirely risk free but a governor should be empowered – and held accountable – to make decisions based on knowledge of the individuals and employers involved, taking into consideration the risks of *not using* ROTL on prison culture, people’s motivations and longer-term prospects.

So, while the prison system does well in terms of its security role, if set against shorter-term narrow measures, a more balanced evaluation would need to weigh up short-term and longer-term risks and benefits. With reoffending rates stubbornly static at around 50 percent for those leaving prison (and higher for those people serving short sentences), simply ‘doing more of the same’ (with less resource) is unlikely to see these figures shift.

### **A new approach to reducing risk**

New approaches are needed and this will require the government and others to engage the public without pitting concerns about public safety and security against rehabilitation aspirations; as these examples demonstrate, the day-to-day reality is more complex and the reform agenda needs to make way for a more balanced and intelligence-led approach to security. This is much easier said than done. Prison policy often gets buffeted in the winds of media, scandal and fear; with little short-term political capital to be gained by improving prison policy, an unsympathetic client group and a largely invisible and undervalued workforce. The lure of piecemeal change and risk-aversion is tempting, even where a system may be broken.

Political leadership in this respect is particularly important given the degree of consensus, not least amongst many governors, staff, prisoners and some within NOMS, that excessive bureaucracy and opaque and complex measurements have arisen in part from successive ministers’ demand for control and short-term reactive decision-making. Historically, this top down, stop-start approach rattles through the system, encouraging reactive approaches rather than system change. This discourages innovation, disempowers staff and governors (who have limited control over budgets, staffing, commissioning or how they run their prisons) and leaves many of the organisations willing to participate (and fund work) out in the cold.

On the one hand, governors wade through bureaucracy and work ‘upwards’ to a wide range of centralised processes and indicators, while on the other, they are not effectively held accountable for the rehabilitative outcomes that most seek to achieve but which depend upon an ‘outwards’ approach focused on integration of probation services and relationships at a local level. This undermines the quality of the work of providers and

*“This top down, stop-start approach rattles through the system, encouraging reactive approaches rather than system change”*

partners who work within prisons, who regularly blame constant change, lack of clear purpose and strategy when they deliver poor outcomes and/or poor evidence of impact. This fragmented market lacks accountability and errs, at times, towards a well-meaning but parasitical relationship with prisons. The result is over complexity on process and lack of depth in content.

In our discussions we have been struck by the passionate commitment of prison staff who want to make a difference to people’s lives, the moral leadership and calm authority of some governors and the willingness of many prisoners to participate in positive change that delivers better outcomes. While some governors excel, set out their own vision for their establishment and work well in partnership with others both inside and outside, this can be despite rather than because of the approach from the centre. Faced with day-to-day challenges, others ape the centre and seek to motivate staff and those in their care, without a long-term vision or clear strategy for delivery.

### **Tackling capacity and capability**

When entering Downing Street, the new Prime Minister Theresa May made it clear that the government would not “entrench the advantages of the fortunate few, we will do everything we can to help anybody, whatever your background, to go as far as your talents will take you”. Prison reform fits well within the government’s life chances agenda, not just in giving those who leave prison a greater possibility for work, resettlement and active citizenship, but in making the case that for many prison is partly a consequence of failed education, poverty and exclusion.

The government’s emphasis on learning, skills and rehabilitation speaks well to this agenda; the majority of people in prison come from the country’s most deprived neighbourhoods, many have been in care, and have had disrupted schooling, on top of some of the other vulnerabilities highlighted here. Its recent decision to move prison education into the MoJ is a welcome recognition of the importance of learning in prison and the role that prison education can have in improving people’s life chances – and those of their families – on release. As we cover later, the commissioning of education through the Offenders’ Learning and Skills Service (OLASS) has not delivered value for money and has often struggled to create the quality, flexibility or relevance needed. A more community-based approach to prison should enable governors to commission learning and skills locally, shaping their curricula to the needs of those in their care.

However, these changes need to be rooted in action to tackle the acute problems outlined above. Within the prison system and beyond, there is now widespread agreement that reductions in staffing have resulted in a system that is seeing many prisons functioning in a permanent state of near crisis and that this has contributed to the rise in suicide, assaults and self-harm; all of which are now increasing at a faster rate. There is no ‘do nothing’ option and without more staff, these current challenges will continue. Some have argued that in this context wider prison reform is at best a pipedream and at worse, a tragic distraction. So, should the government ‘simply’ focus on making prisons safer, reducing the numbers in custody and reversing the cuts to the number of frontline staff? Yes and

no. These changes are urgent and *necessary*. But they are not *sufficient* if the government is to succeed in its intention of creating a modern service that does more to reduce risk. Safety is critical but needs to be seen as a constraint to meeting the overall purpose of the service, not as an objective in itself.

*“There is no ‘do nothing’ option and without more staff, these current challenges will continue”*

### Conclusion

- The government needs to address staffing as part of a strategy that addresses capacity and capabilities. An injection of new staff allows for rethinking what it is we want them to do, how they are trained and to what end.
- As well as returning staff to 2010 levels, there is a need for investment in a skills development strategy that builds on the current reform agenda in relation to education.

In the next section we argue that despite these immediate challenges, the time is right for embarking on an ambitious programme of reform and outline some of the policy changes in play in the UK and elsewhere. We also set out some of the challenges facing health and probation services, arguing that these must be addressed if the government is to develop an integrated approach to risk and rehabilitation.



## Mike

---

### Part 5/8

I was waiting to start another apprenticeship when the crime that I went to prison for occurred. I won't go into the details here for the sake of the victim's family and my own. There was a fight and I got involved. The next day, the police arrived and I was charged with murder. At court, at one point, the jury asked for more information about joint enterprise and then found me guilty on these grounds. The police, who had been investigating the case for a year, came round to my mum's after and said I should not have been found guilty of murder.

At the start of my sentence, my attitude to towards prison officers reflected my sense of injustice. If they showed me respect, I would do the same with them. There were a lot of officers in juvenile prison whose attitude was terrible. At that time of my life, I was not willing to take it and I gave out as much I got. One thing you soon learn in prison is that if you show any weakness or don't stand up for yourself, it is ruthless. I had to hold my own; I had just been given a long sentence and I was not going to do it being walked all over. In the early stage of my sentence, I got into fights. When you are young you have so much energy. All you want to do is to go to the gym as there is nowhere else to burn that energy in prison.

The education staff were really helpful. To me, this is key to people wanting to learn and can make the environment so much better. There was one teacher that asked me what I wanted to do with my life. I told her that I wanted to run my own businesses so she suggested that I do an Open University course.

I was moved to a Young Offenders' Institution (YOI) when I turned 18. This was a bit more chilled than the secure unit. When I was transferred, I was on the lifers' wing and the staff were especially trained for this, which made a big difference. They understood that not every day would be a good one and that when you are younger, you don't handle them very well at times. For example, phone calls could set you off. When you ring home and your mum is crying and you can't be there to support her. It is one of the worst feelings you could ever have. And then you are banged up all night and all you want to do is to be there for her and you can't talk to her to see if she OK. You can't sleep because she is on your mind.

When I turned 19, it all began to really sink in. I started to change bit-by-bit. I began to come to terms with getting a long sentence. This was about the time I created my first leaflet for the youth offending team with the purpose of stopping young kids having the same thing happen to them. From then on, I would dedicate my time and volunteered to help whenever possible. It felt so rewarding knowing that I could be stopping someone creating another victim and getting a life sentence.



*Lifeboat House on Southend Beach*  
HM Prison Barlinnie

5049

Image courtesy of the Koestler Trust

---

## 4. Justice Reform

---

*“Giving governors’ greater autonomy, linked to a clear centrally defined purpose and less cumbersome central processes will empower them to innovate and help to forge stronger local relationships”*

Given the brittle nature of public and media discussion about prisons, it took political courage to place prison reform at the heart of the Queen’s Speech in May 2016. The government identified the prison system as a public service in need of radical change. With reoffending rates stubbornly high it was right to ask how policy changes could create prisons better able to support progress. The proposals were hailed as the most radical programme of prison reform for a generation and many, including employers and providers working with prisons, welcomed the emphasis on long-term change, and the role of communities and wider stakeholders in driving change.

### **Reform prisons**

Since June, there have been changes in ministerial responsibilities in the fall out of the EU referendum result, including within the MoJ. This paper is published as the new government confirmed its commitment to ‘sweeping’ reform including plans for a white paper. This is welcome. While the political climate has changed in the short term, the reform agenda stems from a longer-term recognition that there is a need to reduce the ‘command and control’ nature of the prison service, which alongside probation services, is overseen by NOMS, an executive agency sponsored by the MoJ. This is not just a technical or managerial issue but speaks to the growing evidence from other public services of the impact of over-centralisation and the benefits of more community-based approaches.<sup>47</sup> Although there have been some changes in emphasis since the summer, three central themes seem to be consistent: the need to improve safety, the need for a central focus on rehabilitation and the need to give prison governors greater freedoms to make decisions locally. These elements go hand in hand. As we have argued bringing greater stability and increasing safety should provide a foundation for wider reform. Giving governors’ greater autonomy, linked to a clear centrally defined purpose and less cumbersome central processes will empower them to innovate and help to forge stronger local relationships and partnerships that boost rehabilitative outcomes and reduce risk.

Central to reform is the creation of six ‘reform prisons’ led by four executive governors, who have been given greater freedoms in relation to budgets, staffing and in testing new approaches. These began working to their new status in July 2016. The idea is that these establishments will act as pioneers of wider reform, testing how local autonomy

47. Commission on 2020 Public Services (2010) *From Social Security to Social Productivity: A vision for 2020 public services*. RSA. Available at: <http://www.2020publicservicetrust.org/publications/index.html>

*“There is a real danger the Ministry of Justice has bitten off more than it can chew. It set out with some fervour a programme of reforms not just to rehabilitation but also to the courts and prison systems. Ambition is one thing but, as our Committee continues to document across government, delivering positive results for taxpayers and society in general is quite another. ‘Revolution’ is a potent word the Government may regret using to describe its reforms to rehabilitation. After two years these are far from complete and there remain serious risks to achieving the performance levels expected by the end of 2017.”*

*Meg Hillier MP, Chair, Public Accounts Committee, September 2016*

and accountability could better support rehabilitation in advance of legislation and expanding this model to other prisons. As originally conceived, this would make way for some prisons at the lower end of risk to be established as independent legal entities with local boards. The aim was to enable prisons to enter into contracts, generate and retain income, increase local partnerships, and adapt to the changing needs of their populations and local circumstances. We argue that while there is a place for new legal entities, this is more likely to emerge through greater localism in the longer term. Most of the aims of reform can be achieved without this but require a clear focus on leadership, accountability and ensuring that governors and staff have both the capacity and new capabilities for this new world.

## **Transforming Rehabilitation**

The direction of the prison reform agenda cannot be addressed in isolation from the Transforming Rehabilitation agenda and the new structure for probation services in England and Wales, announced in 2013 and implemented in early 2015. This included the public sector National Probation Service (NPS) dealing with high-risk prisoners, and largely-private Community Rehabilitation Companies (CRCs), divided into 21 contracts and responsible for medium- to low-risk prisoners. CRCs now have responsibility for supervising people who have served short prison sentences (under 12 months) on release. The redesigned services were expected to meet targets by April 2017 (with CRCs operating on a payment by results basis). However, several reviews have concluded that as yet the data is not available to be able to judge how the new providers are performing.<sup>48</sup>

In September 2016, the Public Accounts Committee concluded that more than two years since these changes started, implementation was “far from complete”.<sup>49</sup> In particular it highlighted:

- Continuing problems with ICT and data.
- Some providers struggling with lower than anticipated caseloads.
- A rise in recalls and lack of clarity on whether the extension of licence to those on short term sentences was working.
- A wide variation in quality and a lack of continuity between prisons and the community.
- Barriers to innovation and a lack of sharing of what works.

While data on reoffending will not be compiled until next year, the changes seem to be beset by two related challenges. First is that there has been a significant increase in ‘recalls’ where individuals return to prison due to failing to meet the requirements of their licence.<sup>50</sup> In June 1995, only around 150 people in prison were ‘recalled’ prisoners. Since

48. NAO (2016) *Transforming Rehabilitation*. Available at: <https://www.nao.org.uk/wp-content/uploads/2016/04/Transforming-rehabilitation.pdf>

49. House of Commons (2016) *Transforming Rehabilitation*. Seventeenth Report of Session 2016-17. House of Commons Committee of Public Accounts, 23 September. Available at: <https://www.publications.parliament.uk/pa/cm201617/cmselect/cmpublicacc/484/484.pdf>

50. MoJ (2016) *Story of the Prison Population: 1993-2016, England and Wales*. Available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/541667/prison-population-story-1993-2016.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/541667/prison-population-story-1993-2016.pdf)



*“The Transforming Rehabilitation agenda is failing to live up to its name and the need for a more integrated and locally sensitive approach”*

then, the number of recalled prisoners in the overall prison population has dramatically increased; reaching 6,600 as at June 2016 (albeit with a dip between 2009 and 2014). While some of this rise may be a result of increased numbers of people on licence (due to the expansion of supervision of those serving short sentences), a rise of 15 percent between 2015-2016 suggests a deeper problem and risks seeing increased periods of incarceration.<sup>51</sup>

Second, according to some of those involved in this project, the through the gate element of the contracts does not seem to be defined or in place in all areas. There was also some concern that the through the gate support needed by NPS was very distinct and needed a higher level of consistency. In its assessment of the new arrangements, Her Majesty’s Inspectorate of Probation concluded that: “Some of the new services that were proposed in the bids for contracts had promise, but had not been implemented. The provision that we saw was some distance from the original vision of a seamless service from the beginning to end of the sentence. We found little evidence of the anticipated creativity or innovation in the new services being delivered by the CRCs.”<sup>52</sup> Once more it concluded that:

- The absence of common targets between the CRCs and NPS meant there could not be a whole system approach.
- That the needs of individual prisoners were not being met and objectives and plans were not involving clients.
- That preparation for release was weak and that some CRCs were reporting difficulties recruiting organisations to become part of their supply chain; and that none of the CRCs could provide evidence of outcomes.

The report recommended reviewing whether payment by results was having the impact it was designed for, and the contractual arrangements for through the gate services. It concluded that the MoJ should seek to adopt a whole system approach with common resettlement targets for prisons, CRCs and the NPS.<sup>53</sup> Meanwhile, in its *State of the Sector, 2016* report, Clinks concludes that the financial situation for many not-for-profit organisations providing such services has become tougher.<sup>54</sup> Together these issues suggest that the Transforming Rehabilitation agenda is failing to live up to its name and the need for a more integrated and locally sensitive approach. The NPS has become more centralised since the changes were made, with limited autonomy or discretion. In theory the CRCs should be more locally adaptable through the 21 contract areas. However, some of the feedback from prisons and others during this project suggested that this is sometimes hidebound by the operating models of some of the larger providers who have multiple contracts.

51. Ibid.

52. HMIP (2016) *An Inspection of Through the Gate Resettlement Services for Short-Term Prisoners*. Available at: <http://www.justiceinspectorates.gov.uk/cjji/inspections/throughthegate2016>

53. Ibid.

54. Clinks (2016) *The State of the Sector*. Available at: [http://www.clinks.org/sites/default/files/basic/files-downloads/clinks\\_state-of-the-sector-2016\\_final.pdf](http://www.clinks.org/sites/default/files/basic/files-downloads/clinks_state-of-the-sector-2016_final.pdf)

*“In general people believe strongly in punishment and public protection, but not to the exclusion of rehabilitation and reform and that reparation is highly valued”*

## **Problem solving courts**

Another aspect of the reform agenda was the development of problem solving courts aimed at reducing reoffending and bringing down costs. It is unclear whether the government has cooled in its enthusiasm for innovation in this area and some delay, at least, is now expected. With examples trailed in the UK and relatively established in the US, Canada and New Zealand, problem solving courts work in different ways but broadly give the judiciary a much more hands on and sustained role in overseeing people’s sentence, interventions and behaviour.<sup>55</sup> Some of the evidence on outcomes – in terms of the reduction in costs, the number of people going to prison and reoffending – is impressive.<sup>56</sup> It is not difficult to see their potential for driving integrated approaches to sentencing and interventions that prevent reoffending.

In his paper produced for this project, retired Judge John Samuels QC argues that sentencers’ intentions are not always served well as people in custody struggle to access the things they need to in order to comply.<sup>57</sup> He proposes the expansion of existing innovative court schemes drawing on best models. This would include careful recruitment of a range of “the judicial officers” able to perform the functions required of regular supervision of a problem-solving court, including meeting with all relevant agencies and ensuring that sentences are based on the range of information needed to decide on the best way forward. Samuels argues that the government should explore the role that sentencers could play in supervising people in custody, engaging prisoners in their original sentence intentions.<sup>58</sup> Such approaches could play an important role in local justice strategies and devolved models of provision.

## **Restorative Justice**

Since 2014, the majority of victims’ services have been commissioned by Police and Crime Commissioners (PCCs), having been mainly provided for nationally prior to this. The framework for victim support stresses the need to measure success by the extent to which victims of crime are able to cope and recover, rather than outputs. It identified eight categories of need including shelter and accommodation, social support and mental and physical health. PCCs receive a grant from the MoJ but it is up to PCCs to decide how they provide those services. PCCs then publish their own victims’ strategies, many of which have an element of restorative justice.

2012 research by Transform Justice showed that being a victim of crime does not generally lead people to become more punitive and that the overall the attitudes of victims are not significantly different from those of the wider public. Although most feel that the criminal justice system did not treat them fairly the survey showed that in general people believe strongly in punishment and public protection, but

55. Ward, J. (2014) *Are problem-solving courts the way forward for justice?* The Howard League for Penal Reform. Available at: [http://howardleague.org/wp-content/uploads/2016/04/HLWP\\_2\\_2014.pdf](http://howardleague.org/wp-content/uploads/2016/04/HLWP_2_2014.pdf)

56. Hoyle, C. (2012) *Victims, the Criminal Process and Restorative Justice* and M. Maguire et al., (eds.) *The Oxford Handbook of Criminology* (5 th Edition). Oxford: Oxford University Press.

57. Samuels, J. (2016) forthcoming. RSA.

58. Samuels, J. (2016) op. cit.



not to the exclusion of rehabilitation and reform and that reparation is highly valued.<sup>59</sup>

“Restorative Justice (RJ) has meant different things to different people; however, one thing has remained clear: for some victims of crime, RJ can provide a sense of empowerment and help them to restore themselves to the position they were in before the crime took place.”

**Helen Newlove, Victims’ Commissioner, 2016**

Despite this, many victims had not heard about restorative justice projects in their area. In March 2016, research done by the office of the Victim’s Commissioner concluded that despite good practice frameworks for restorative justice work, the quality of provision was inconsistent and concludes that unless greater general priority is given to the needs of victims, this would be unlikely to change. In developing more integrated and local arrangements, careful consideration would need to be given to the role of victims and prisoners as well as wider reparation and restorative justice approaches.

### **Rehabilitating prison design**

Alongside reform prisons, there are other changes being made to the prison estate. For example, NOMS is working on a reconfiguration of the prison population with the aim of ensuring that establishments have more coherent populations and less churn and will therefore be better placed to meet the needs of those in their care. Some of the oldest prisons in England and Wales are to be sold and a number of new establishments built. The newest prison in England and Wales – HMP Berwyn – is adopting positive approaches to design, recruitment and culture change. However, now the largest prison in the UK, it is in an area of low economic activity and will mean many families having to travel considerable distances. The evidence suggests that smaller, more modern prisons in general are better.<sup>60</sup>

It is beyond the scope of this project to address design and build issues in any detail. However, they do raise important questions about central commissioning processes and how these may need to change if the core purpose of prisons is to be reducing risk through rehabilitation and if greater devolution of decision-making is to be embraced. The RSA’s experience of working with HMP Humber, where 45 acres of prison land originally used for positive activities with prisoners has remained unused for over 10 years, was instructive and highlighted the need for estates decisions to be informed by central purpose.<sup>61</sup> Currently, the Treasury has control over capital spending and questions around scale and location

59. Victim Support and Make Justice Work. Out in the Open. Available at: <https://www.victimsupport.org.uk/sites/default/files/Out%20in%20the%20open%20-%20what%20victims%20really%20think%20about%20community%20sentencing.pdf>

60. Prison Reform Trust (2008) *Titan Prisons: A gigantic mistake*. Available at: <http://www.prisonreformtrust.org.uk/Portals/0/Documents/Titan%20prisons%20-%20a%20gigantic%20mistake.pdf>

61. O’Brien, R. and Karthaus, R. (2004) *Building a Rehabilitation Culture: Masterplan*. RSA.

dominate considerations about where prisons should be built; in terms of construction (or capital) costs larger establishments built on existing MoJ land or new land with low value are attractive.

Emerging work in this area is exploring the associated wider costs of prisons operation over the lifespan of buildings (revenue), when re-offending is taken into account.<sup>62</sup> This will consider prisons as places of work, the relationship between staff and those in custody and their families, and explore the role that greater engagement in design and build could play in creating architecture that supports rehabilitation. Recent work on this area recommends that more be done with design to incorporate the knowledge-base around behaviour change, desistance and rehabilitation. This makes specific recommendations around wellbeing, the quality of internal and external environments and the use of ‘step-up’ approaches where design and build can incentivise progress.<sup>63</sup> Evidence of what works is important, but in an under-researched area such as prison design, simplistic approaches to evidenced-based decision making can undermine progress. A more iterative, incremental design process that learns from itself and is informed by evidence would enable the building of new prisons that positively support rehabilitation.

### **Education and youth justice**

As part of its reform agenda, the government commissioned two key reviews; one, undertaken by Charlie Taylor, was on the future of the youth estate. Publication of this has been postponed. The interim proposals very much echo what we are arguing here in relation to the adult estate; a central focus on learning, skills and behavioural change (and employment in our case); smaller units, with greater autonomy in decision-making, budgets and responsibility given to local areas. The reduction in the number of young people coming into the youth justice system since 2010/11 and the 57 percent fewer under 18s in custody, suggests there are lessons to be learnt from the youth estate.<sup>64</sup> The second review commissioned was that of prison education undertaken by Dame Sally Coates and published in July 2016. We have covered this extensively later in this report, with particular focus on the implications for governor autonomy, more locally based curriculum development and the prison workforce.

*“Education in prison should give individuals the skills they need to unlock their potential, gain employment, and become assets to their communities. It is one of the pillars of effective rehabilitation. Education should build social capital and improve the well-being of prisoners during their sentences.”*

*Unlocking Potential  
A review of education  
in prison.  
(2016)*

62. Karthaus, R. (forthcoming)

63. Gleeds (2016) *Rehabilitation by Design: Influencing Change in Prisoner Behaviour*.

64. Youth Justice Board and MoJ (2016) Youth Justice Statistics 2014/15 England and Wales. Statistics bulletin.

## Mike

---

### Part 6/8

When I turned 21, it was time to go adult prison and I was ready for it. When I got to the adult prison, it was the best I had been in so far. Family days were great. They even had a bouncy castle, which my little sister, Chantelle, could play on and we went to the staff mess and had good food. Everyone loved it and my family said that for them, it was five hours where they felt I was not in prison. I could see the happiness on their faces. The little things in prison can mean so much.

In B-cat prisons you are surrounded by a lot of serious people as everyone is serving a long-time. Normally the staff know this and they speak to you with respect. It was while I was in a B-cat that I did my first big offending behaviour course, a thinking skills programme. I learnt so much. I got great reports and I remember thinking that they should teach this in schools. Along with others, I ran a campaign to stand for the prison council and we won by a big margin. This showed me that with time and effort, there was a lot we could achieve and we changed a lot in the prison for the better.

I was sad to leave the B-cat system because, amongst prisoners, there is a view that C-cats are not as good. People sometimes do things that they know will result in them losing their C-cat status, just so they don't have to move. Some just refuse to go. In a B-cat you are surrounded by people who generally don't act stupidly or walk round like they are 10 men, because other people won't have it. Everyday in a C-cat, people will shout out of the windows; people with attitudes just coming in off the streets who don't care because they have only got six months to go, so if they have a fight its nothing to them. You could leave your door open all day in some B-cats and no one would touch a thing, but you wouldn't try that in a C-cat.

When I got to C-cat, I was doubled up straight away, which I didn't like. I had one person in reception with me that had a 12-week sentence and would serve six. He was going on about how he could not wait to get out. And there is me thinking, listen mate, I've done nine years and you are moaning about six weeks. It was mad on the induction wing. You would have someone at your door asking for a burn every minute. You would tell them you don't smoke but they would still come back. I hated it. The staff were horrible and made up a lot of things. I wanted to get out of there as soon as possible but it took just over a year as they tried to block my move.

I wanted to move to one prison but was told this was not close enough to home for resettlement. But then I got moved to another that was further away. But the atmosphere and the staff were much better and as soon as I got there, I was told about an employer who was taking people on to work inside. I applied and got a position. This was the best job I have come across whilst in prison as you were actually working for a real company. First, they put you on a training programme and then you start working. I worked really hard and did really well. I was promoted, which was such a privilege. I felt proud of myself. I was given so much trust whilst gaining skills through the training. Alongside my work, I completed an IT qualification and customer service Level 2. Sadly, the project closed.





*Flo Jo*  
HM Prison Lancaster Farms

5334

Image courtesy of the Koestler Trust

---

## 5. Health and Wellbeing

---

*“In law, prisoners should be able to access the same healthcare as people living at home and should experience a seamless service when being released”*

Some of the most vulnerable in our society end up in prison, which is disproportionately filled with those who suffer from mental health issues. 25 percent of women and 15 percent of men in prison report symptoms in line with psychosis compared to 4 percent for the general population. One in four prisoners identify as suffering from both anxiety and depression and 46 percent of female prisoners and 21 percent of male prisoners have attempted suicide at some point compared to 6 percent of the general population.<sup>65</sup>

**Prison Reform Trust (2015) op. cit.**

Prisons are not healthy places. Their populations are more likely than the general population to have poor health before they come into custody, as well as poor diets, mental health problems and substance misuse issues.<sup>66</sup> This is particularly true of those who tend to return to prison again and again; for this reason, health provision available in both custodial settings and when people are released needs to be reconsidered as does the relationship between the two. In law, prisoners should be able to access the same healthcare as people living at home and should experience a seamless service when being released. The commissioning arrangements that seek to achieve these goals are complex and in a state of flux following recent NHS reforms but need to be considered in relation to both greater prison autonomy and potential devolved models.

In 2012 the Health and Social Care Act introduced new duties for NHS England to commission certain services, rather than clinical commissioning groups (CCGs). These include prisoners and children in secure centres amongst others.<sup>67</sup> From April 2013, NHS England became responsible for commissioning all prison health services (with the exception of emergency care, ambulance and out-of-hours services), including for young offender institutions. Overall contracting intentions and joint working agreements are agreed through a partnership agreement between NHS England, the NOMS and Public Health England (PHE).

65. Prison Reform Trust (2015) op. cit.

66. Prison Reform Trust (2015) *Bromley Briefings Prison Factfile*, Autumn 2015. Available at: <http://www.prisonreformtrust.org.uk/Portals/0/Documents/Bromley%20Briefings/Factfile%20Autumn%202015.pdf>

67. For more information, see: <https://www.gov.uk/government/publications/health-and-social-care-act-2012-fact-sheets>

*“Prison governors need to have a much greater involvement in deciding what type of drug services should be commissioned in their prison”*

Those on licence in the community are generally expected to access the same healthcare services as the rest of the local population. From April 2013 CCGs have been responsible for commissioning the majority of these services (including mental health services) with local authorities responsible for commissioning public health services, including drug and alcohol services. Health and Wellbeing Boards develop Joint Strategic Needs Assessments (JSNAs) to inform Health and Wellbeing Strategies, which in turn inform local commissioning of services.

The NHS is the lead agency rolling out the Liaison and Diversion initiative, which aims to identify, assess and refer people with mental health, learning disability, substance misuse and vulnerabilities when they first come into contact with the criminal justice system. The scheme aims to provide information to the police and the courts so that they are able to make informed decisions about charging, sentencing and post-sentencing services. More challengingly, it aims to divert people within and beyond the justice system, so, for example, to treatment programmes where needed.

In 2015 a report by the Prison and Probation Ombudsman on deaths in custody by prisoners with mental health needs found a serious lack of joined-up care between primary health care, substance misuse services and mental health in-reach.<sup>68</sup> Leaving aside the rights and wrongs of locking up people with mental illness, prison still should be an opportunity to try and deal with many of these issues. Unfortunately, there is significant evidence that prison can do more harm than good.<sup>69</sup>

### **Fragmentation of commissioning**

In spite of all its difficulties, moving responsibility for prison health provision to the NHS has improved services in prisons and few people would seek a return to the old Prison Health Service. However, the NHS does not have a responsibility for reducing reoffending, or improving prison security and regimes, despite many aspects of prison health provision being central to the achievement of these objectives.

There is a real risk therefore that, while the commissioning focus of NHS England is on providing high quality and integrated healthcare in prisons, less attention and resource is focused on activities that improve prison conditions, or reduce reoffending. This risk is most evident with drug and alcohol treatment and recovery services. For example, there is an inherent tension between managing the health service in a way that reduces problems for the regime and enhancing long-term rehabilitation. There is good evidence, for example, that continuing prisoners’ methadone prescriptions during a short sentence and ensuring continuity on release reduces reoffending, but this presents difficulties for prison health services.<sup>70</sup>

68. Prisons and Probation Ombudsman (2015) *Annual Report 2014-15*. Available at: <https://www.gov.uk/government/publications/prisons-and-probation-ombudsman-annual-report-2014-to-2015>

69. Prison Reform Trust (2009) *Prisons can seriously damage your mental health*. Available at: <http://www.prisonreformtrust.org.uk/uploads/documents/Mentalhealthsmall.pdf>

70. Wright, N. et al (2014) The safe implementation of a prison-based methadone programme: 7 year time-series analysis of primary care prescribing data. *BMC Family Practice*. And Bicknell, M. et al (2011) Safer Prescribing in Prisons. RCGP and RPS. Available at: <http://www.rpharms.com/news-story-downloads/prescribinginprison.pdf>



The last few years have seen improvements in the integration and quality of clinical care, but there has been little attention to expanding activities (such as recovery wings) that seek to manage and undermine the illicit market in prisons, and those interventions that seek to reduce reoffending have actually been reduced during this period. To redress this balance, prison governors need to have a much greater involvement in deciding what type of drug services should be commissioned in their prison, ensuring that regime management and reducing reoffending objectives are not forgotten.

Similarly, services for those in the community are commissioned by local authorities, overseen by Health and Wellbeing Boards, which do not have targets strongly related to offending. Their focus, understandably, is reducing morbidity and preventing ill health, and many have no particular reason to focus on reoffending outcomes and have consequently cut criminal justice services since 2013. PCCs may also fund drug and alcohol services (and did inherit Home Office funding for this purpose) but they have not always been effective at influencing the commissioning of drug services and some have cut their support. The situation is generally worse when it comes to alcohol services.

### **Illegal drugs and new psychoactive substances**

According to the centrally collated results of mandatory drug testing, the figures on illegal drug use in prisons are going down.<sup>71</sup> Yet, it is palpably clear this is not the case. In the general population we have seen falling levels of illicit drug use from 12 percent of adults reporting using an illicit drug in the previous year in 2003-4 to 8-9 percent in the 2014-15 British Crime Survey.<sup>72</sup> Despite this fall there has been a huge rise in the use of novel psychoactive substances in custody. This has posed particular challenges for prisons with seizures in prisons increasing every year since 2010 with a marked increase in 2014. Nick Hardwick, then HM Chief Inspector of Prisons, stated in September 2015 that two-thirds of prisons reported having a “significant issue” with NPS in 2014-15 compared to one-third in 2013-14.<sup>73</sup> This places a burden on resources, increases the need to restrain and control long-term aggressive and challenging behaviour and serves to increase the levels of debt, violence and bullying in prisons.<sup>74</sup>

Responding to this issue is a massive challenge for the government and the prison service and there is no quick remedy. We would argue that the slow response to the issue has been partly to do with the centralised nature of the service and its slowness to respond. But as recent work by User Voice has shown there is a need to address demand as well as supply;

71. The Centre for Social Justice (2015) *Drugs in Prison*. Available at: [http://www.centreforsocialjustice.org.uk/UserStorage/pdf/Pdf%20reports/CSJJ3090\\_Drugs\\_in\\_Prison.pdf](http://www.centreforsocialjustice.org.uk/UserStorage/pdf/Pdf%20reports/CSJJ3090_Drugs_in_Prison.pdf)

72. ONS (2015) Crime in England and Wales: Year ending 2014 - 15. Available at: <http://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/crimeinenglandandwales/2015-07-16>

73. HMIP (2015) News release: *Substance misuse in prisons – new psychoactive substances the most serious threat to safety*. Available at: <https://www.justiceinspectorates.gov.uk/hmiprison/media/press-releases/2015/12/substance-misuse-in-prisons-new-psychoactive-substances-the-most-serious-threat-to-safety/>

74. HMIP (2015) *Annual Report 2014-2015*. Available at: <https://www.justiceinspectorates.gov.uk/hmiprison/inspections/annual-report-2014-15/>

“Understanding the prevalence of mental-ill health and the needs of the prison population is key to ensuring that prisons can carry out their duty of care and to rehabilitate”

with fewer staff in prisons, and less activities in many, isolation and boredom drives at least part the use of novel psychoactive substances.<sup>75</sup> Prisons have always had a high proportion of drug and alcohol users among their population and have tended to prioritise tackling the behaviour outside that led to people coming to prison, rather than addressing drug use in the prison itself. In general this is regarded as a supply reduction challenge, addressed through security measures and mandatory drug testing.

### Mental health

Understanding the prevalence of mental-ill health and the needs of the prison population is key to ensuring that prisons can carry out their duty of care and to rehabilitate. There are huge disparities of mental health between the prison population and those in the general population as shown by the table below.<sup>76</sup>

**Figure 1: Comparison of the prevalence of mental health issues across the prison population and the general population**

	Prisoners	General Population
Schizophrenia and delusional disorder	8%	0.5%
Personality disorder	66%	5.3%
Neurotic disorder (e.g. depression)	45%	13.8%
Drug dependency	45%	5.2%
Alcohol dependency	30%	11.5%
Source	Singleton et al 1998	Singleton et al 2001

Source: Prisons and Probation Ombudsman (2016) *Prisoner Mental Health*.

The knowledge that prisons confine some of society’s most vulnerable people should inform the way they are run. Prison should be somewhere that helps people deal with their mental health issues but many would argue that being locked up in a cell for vast swathes of the day and the damage that prison can do to family relations, housing and employment is more likely to exacerbate existing conditions, an issue previously explored by the Prison Reform Trust.<sup>77</sup>

75. User Voice (2016) *Spice: The Bird Killer*. Available at: <http://www.uservoice.org/wp-content/uploads/2016/05/User-Voice-Spice-The-Bird-Killer-Report-Low-Res.pdf>

76. Prisons and Probation Ombudsman (2016) *Prisoner Mental Health*. Available at: <http://www.ppo.gov.uk/wp-content/uploads/2016/01/PPO-thematic-prisoners-mental-health-web-final.pdf>

77. Prison Reform Trust (1999) *Prisons can seriously damage your mental health*. Available at: <http://www.prisonreformtrust.org.uk/uploads/documents/Mentalhealthsmall.pdf>

A thematic review from the Prisons and Probation Ombudsman this year looked at the mental health of prisoners in England and Wales.<sup>78</sup> This report emphasised the importance of identifying mental health issues and highlighted a particular need for prison staff to be able to recognise the major symptoms. Staff training, something we focus on in this report, is crucial in this regard and we echo the recommendation for mandatory mental health awareness training for all prison staff. Such approaches should draw on the work done in the UK and elsewhere on trauma awareness and by the Counselling in Prisons Network, which sets out a five-year strategy for an integrated and coordinated approach, to address the psychological, emotional and therapeutic needs of prisoners, much of which remains hidden.<sup>79</sup>

### **The healthier prison**

A successful community-based rehabilitative prison would need to embrace a broad definition of wellbeing. Localising decision-making of the type we suggest here would not necessarily prevent prisons being caught out by drug trends in the future, as it has been by the rapid increase of novel psychoactive substances. However, we would argue that a central focus on rehabilitation and wellbeing – coupled with a more community-based approach and local management – should allow for a swifter and more integrated health-based (as opposed to punitive) response, both within the establishment and in partnership with drug and alcohol services and families in the community.

### **Conclusions**

The government's reform strategy should include:

- A key driver for NHS England is 'empowering patients and communities'; this needs to include prisoners and be based on an understanding that while they should receive equivalent healthcare to those in the community, there are differences. We suggest that JSNA needs to have clear statutory guidance on provision and that Health and Wellbeing Boards be required to explicitly include prisoners in their guidelines.
- We also recommend that CCGs should take the lead role in commissioning services for prisoners and that this would help to bring prisoners' health into mainstream provision and have a normative effect.

A community-based rehabilitative approach that integrates health services into senior management strategy, prison boards and regional governance would recognise the importance of positive engagement with health by the prison management. In the next section we set out in some detail what this may look like and suggest that regional rehabilitation hubs and/or PCCs could have an important role to play in integrating commissioning and having an oversight on disinvestment in key services, including health and substance misuse services that have an impact on community safety.

78. Prisons and Probation Ombudsman (2016) op. cit.

79. Jones, P. (2010) *Promoting Excellence in Therapy in Prisons*. CPN.



## Mike

---

### Part 7/8

Luckily, another prisoner told me about a peer scheme that he was involved in. From then on, all I wanted to do was to be involved. I had to go for a proper structured interview, which was done by the person leading the scheme and another prisoner. I received a letter saying I had a position on the team, which was such an achievement as this involved a lot of responsibility and trust. We learnt a lot; we gathered for group discussions to set the agenda and cover issues before we met with the Governor. This meant we were professional and had clear tasks and roles. Because the scheme was new, there were a lot of challenges but we never gave up and kept moving forward.

While I was working on this, I had to work on my parole paperwork. Everybody recommended that I be moved to a D-cat but because of changes in national policy, which cut the funding to lifers going for D-cat, my family had to pay around a thousand pounds and this took me 10 months over my expected parole date. It was stressful. When you are waiting for parole, people try to test you, as they know you have your parole coming up and think you can't do anything. It was the longest 10 months of my sentence, it was horrible and everyone around me could tell. On the day of my parole, I started off really calm. But when I got in the parole room my heart started beating really fast. The people on the board helped me to relax and were really good and it went well.

After a tense wait of about 10 days I got my answer back granting me progression to open prison. You hear the horror stories of people when they don't get on with their probation officers. I am so grateful that I did. This is so important when you are a lifer as you have contact with them for a very long time.

When you have done 10 years and two months, waiting to be moved to a D-cat can feel like a lifetime. When it came to me getting transferred my transport was cancelled. It was not a priority move and I was going to have to wait until another space became available and this could be ages. A prison officer, a really good man, released one of his members of staff to take me down in the car, which he did not have to do.



*Thunder Mountain*  
HM Prison Lewes

5545

Image courtesy of the Koestler Trust



---

## 6. A Time for Transformation

---

*“There are wider economic and social reasons that provide the right conditions for the government to be brave in its vision of reform”*

We stated at the beginning of this report that prison reform can never be wholly about prisons. Prison is only part of people’s journey through the justice system and an integrated approach is needed. This section outlines some of the policy innovations being implemented or proposed and some of the challenges currently facing justice services, in particular the new arrangements for probation. Here we conclude that these warrant being considered together, particularly if the government is to improve the life chances of those who go to prison and if we are to move nearer to a ‘whole system’ approach to risk and rehabilitation. We conclude that there are wider economic and social reasons that provide the right conditions for the government to be brave in its vision of reform.

The MoJ has projected a rise in the prison population (assuming its ‘central scenario’) to 90,200 by 2020 with a worst-case scenario putting the figure at almost 100,000.<sup>80</sup> The government has already announced plans for new prisons to accommodate this rise. This will mean that in the 30 years to 2020, the number of people in prison in England and Wales will have increased by 55,000 people (a rise of over 120 percent). The experience of other countries suggests that there is a wider recognition that simply sending people to prison without effective interventions drives up costs and fails ultimately to deliver greater community safety.

In the US – which imprisons 25 percent of the world’s prison population (despite only comprising 5 percent of the global population) – liberals and conservatives have united (for different reasons) around changes to sentencing policy, the development of problem-solving courts and the reduction in the use of solitary confinement. America has a very long way to go and penal policy faces an uncertain future, but the government has removed the ‘three strikes’, which saw many, mainly poor black and Hispanic Americans, serving mandatory life sentences for relatively minor offences. It has also allowed some 6,000 people to challenge their sentences by retroactively applying a 2010 bill that leveled the penalties for crack and powder cocaine and empowered judges to use more discretion by abandoning mandatory sentencing guidelines. Emboldened by the civil rights movement, mounting disgust at the racial bias of the system, and the sheer costs of incarceration, Washington recently also announced a reversal in its policy on private prisons. Citing

80. MoJ (2014) *Prison Population Projections, 2014-2020, England and Wales*. Available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/380586/prison-population-projections-2014-2020.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/380586/prison-population-projections-2014-2020.pdf)

evidence that in general they do not perform as well as the state sector, the Deputy Attorney General Sally Yates announced their eventual phasing out. This represents a huge step given that 15 percent of prisoners in the US reside in private jails.

If the American experience seems to suggest a tipping point, where a number of issues come together to drive reform, and secure a measure of public support in doing so, what is happening in Scandinavia and the Netherlands suggests a different apex has been reached. This summer the government in the Netherlands announced that it was to close 19 prisons.<sup>81</sup> In the past decade, the number of Swedish prisoners has dropped from 5,722 to 4,500 (out of a population of 9.5 million) allowing the government to close a number of prisons. The decline in prison numbers has been linked to the amount of post-release support provided by Sweden's state-run probation service and the 4,500 volunteer lay supervisors who support people in the community subject to supervision orders.<sup>82</sup>

The government could look closer to home when looking for inspiration. In Scotland, plans to build a prison holding over 220 women have been scrapped by the Scottish Justice Secretary Michael Matheson, and replaced by proposals to build a new prison for 80 women alongside five small regional units, offering help with drugs, alcohol, domestic abuse and mental health. The Scottish government has also announced that it is to replace short-term custodial sentences with community alternatives and fines. The Corston report of 2007 recommended a similar approach in England and Wales and its implementation is well overdue.<sup>83</sup>

Meanwhile, in Northern Ireland, Belfast's young offender institution HMP Hydebank Wood has undergone major changes in recent years. The redesigned and rebranded Hydebank Wood College has capacity for around 300 young male students between the ages of 18 and 21, focuses on education and skills and has further plans to develop the site to support this and bring in the community.

### **An integrated approach**

We would argue that the government's reform agenda should take heart from the shifts in policy in the US as well as what seem to be the long-term gains of a more 'rehabilitative' approach taken in Scandinavia and the Netherlands as well as reform closer to home. The latest estimates from the Crime Survey for England and Wales (CSEW) show a 6 percent fall in the number of incidents against adults for the survey year ending March 2016 (6.3 million, compared with 6.8 million in the previous survey year). This represents the lowest crime level since 1981.<sup>84</sup> Polling by IPSOS Mori

81. Boztas, S. (2016) Netherlands doesn't have enough criminals to fill its prisons as crime to drop. *The Telegraph*, 22 March. Available at: <http://www.telegraph.co.uk/news/worldnews/europe/netherlands/12201375/Netherlands-doesnt-have-enough-criminals-to-fill-its-prisons-as-crime-to-drop.html>

82. Prison Reform Trust (2014) Article: *How Sweden is closing prisons and reducing the prison population*. Available at: <http://www.prisonreformtrust.org.uk/PressPolicy/News/vw/1/ItemID/251>

83. Corston, J. (2007) *The Corston Report: A report by Baroness Jean Corston of a Review of Women with Particular Vulnerabilities in the Criminal Justice system*. Home Office.

84. ONS (2016) *Crime in England and Wales: year ending Mar 2016*. Available at: <http://www.crimesurvey.co.uk/SurveyResults.html>

*“Access to accommodation is a major barrier to resettlement and people leaving prison are more likely to end up homeless and/or living in hostel conditions that are likely to make desistance more difficult”*

shows that concern about crime is also in decline. Whereas from late 1997 to 2007 crime grew as a concern to the public, since the financial crash of 2008 crime has continued to fall as a concern, most recently reaching its lowest level since March 1991.<sup>85</sup> This provides an opportunity, to develop a more sensible debate about what we want from prisons and wider justice services.

We believe that the model of community-based rehabilitative prison we set in the next section would both help to tackle some of the through the gate and integration issues raised here and which impact on CRCs and their clients in particular. The governance arrangements we suggest would bring CRCs and the NPS closer to the governance and strategic management of prisons, alongside other key players including employers, housing and learning providers and PCCs. This would enable needs assessment across people’s journey inside, enable better preparation for release and encourage shared commissioning and evaluation methods. For example, access to accommodation is a major barrier to resettlement and people leaving prison are more likely to end up homeless and/or living in hostel conditions that are likely to make desistance more difficult.<sup>86</sup> Developing local boards and regional governance arrangements that involve local providers of services – including housing – would provide a way of assessing demand, supply and gaps in services, and joint working to identify how these challenges can be tackled at the local level.

## Conclusion

- The government should respond to the challenges facing the NPS, CRCs and prisons by enabling local governance arrangements that encourage joint working and consistent impact measurements.
- This needs to be backed by a national strategy that drives integration through changes to the prison and inspection regime and core outcome measures linked to rehabilitation.

In the next section of this report we have addressed issues around health provision in some detail. We go on to set out a blueprint for a community-based rehabilitative prison and then set out what this national strategy might include.

85. Ipsos MORI (2016) March 2016 Issues Index. Available at: <https://www.ipsos-mori.com/researchpublications/researcharchive/3715/Economist-Ipsos-MORI-March-2016-Issues-Index.aspx>

86. Kimmitt, E. et al (2012) *Out for Good: taking responsibility for resettlement*. Available at: <http://www.prisonreformtrust.org.uk/Portals/0/Documents/OutforGood.pdf>

# Case Studies

## The Quality Network for Prison Mental Health Services

The Quality Network for Prison Mental Health Services (QNPMHS), a programme organised by the Royal College of Psychiatrists' Centre for Quality Improvement, was established in 2015 following the publication of specialist standards for prison mental health. It has member services across the UK and Ireland, in adult male and female prisons, and young offender institutions. The Network is governed by a group of professionals who represent key interests and areas of expertise, and by service-users who have experience of using mental health services. Its purpose is to improve the quality of mental health care by supporting and engaging individuals and services as part of an annual review cycle, which informs wider reporting on prison settings and enables services to benchmark their practices against others.

As part of this cycle, services reflect on their own practices and provide evidence against nationally agreed standards. Each service is expected to distribute surveys to their staff, prison staff and their patients in order to gain feedback. This is followed by a peer-review visit whereby colleagues from other similar services review their practices using the evidence provided. The information collected is collated into a review summary, which identifies areas of achievement and challenge and makes recommendations for the future. Services are required to produce an action plan setting out how they plan to make improvements for the next cycle. An annual report and forum publishes the aggregated data from the Network, identifying the key findings and themes. This also presents services with the opportunity to learn and share best practice with their colleagues. Further benefits to being involved in the Network include access to regular events, workshops and training, a regular dedicated newsletter and a dedicated email discussion group.

18 prison mental health teams participated in the pilot year of the Network, fully engaging in a process of quality improvement. The first annual report, published in September 2016, summarises the key findings from this initial phase. The report is presented by theme and highlights the main areas of strength and weakness across the Network, whilst also celebrating individual services for demonstrating best practice in a particular area. The report makes a series of recommendations based on the findings and is structured in a way in order to be helpful for both member and non-member services. 42 prison mental health services are participating in the second year of the Network and the programme of work is in continual development to maximise the opportunities for quality improvement within this field.

Source: [www.qnpmhs.co.uk](http://www.qnpmhs.co.uk)

## Physical Health Checks Programme

Cardiovascular disease is the leading cause of death among people in prisons, many of whom have undiagnosed and untreated risk factors for heart disease and have higher rates of smoking and hazardous alcohol use. To prevent chronic disease, there is a need to ensure that healthier lifestyles commenced in prison are supported on release back to the community and to ensure more consistency in the quality of services provided across the prison estate. This will require better working with primary care and supporting care pathways from custody to the community. NHS England, PHE and NOMS are working together to improve continuity of care which will be greatly enhanced by the new Health & Justice Information Service (HJIS) which has been commissioned by NHS England and should be deployed in prisons from October this year.

Work streams are being implemented to directly tackle health inequalities and improve the health of people in prisons. These include: the roll-out of a smoke-free prison programme and the implementation of routine physical health checks; national screening programmes and Blood Borne Virus (BBV) opt out to ensure early detection and treatment of disease.

In 2015 work began to extend the NHS Health Checks programme to people in prison but modifying it to take account both of the custodial setting and the lower age groups affected by disease in prison populations compared to the wider community. The Physical Health Check in Prisons Programme will be rolled out to those aged 35 -74 with a period of incarceration of two years or more. Work is underway with local providers to improve both the rates of delivery and the quality of the health check in prison.

In order for this work to succeed, prisons themselves needs to adopt a whole prison approach to healthcare so that every opportunity is used to improve the health of prisoners and ensure access is not inhibited by prison regime. The overall prison environment needs to be healthy and this needs to be reflected in food options available, opportunities to do exercise and adequate provision of programmes to promote weight loss for those who are overweight.

Source: [www.gov.uk/government/organisations/public-health-england](http://www.gov.uk/government/organisations/public-health-england)

## RAPt

RAPt is a national charity providing a wide range of rehabilitation and recovery services for offenders and those struggling with drug or alcohol problems. They currently run services in 21 prisons.

A key objective of RAPt's work is to help prisoners use their time in prison to move away from a lifestyle involving crime and addiction. They call this a process of recovery. There are different pathways to recovery, but the main pathway explored by RAPt has involved participation in an intensive, structured 12 step programme in prison, followed by professional aftercare support, and engagement in mutual aid networks.

At their peak in 2013, 1,200 prisoners per year were commencing RAPt intensive programmes in prisons. The average completion rate across 14 programmes at that time was 73 percent - to complete a programme, participants needed to engage in daily group and individual therapy, and demonstrate abstinence and no infringements of prison rules, over a 20 week period.

In 2014, RAPt published peer reviewed research showing that programme completers reoffended in the first year after release at a rate 17 percent below non-completers, and 18 percent below a matched comparison group that had received less intensive interventions [Kopak, Dean, Proctor, Miller & Hoffman, 2014].

Source: [www.rapt.org.uk](http://www.rapt.org.uk)



## Mike

---

### Part 8/8

When I got to what will be my final prison the staff were polite and helpful. They took me to my room and asked somebody to show me around. The cooking facilities were like good a normal kitchen with a fridge and freezer to keep your food in. I had been in prison nearly 11 years and had never been a place as good as this. For my resettlement, I don't think it could be much better. They seem to be miles ahead of all the other D-cats and this should be the model for D-cats nationwide.

The little things mean a lot. For example, the manager of the unit came over to meet two of us who arrived the same day. He asked us our names and introduced himself, found out what we were currently doing and wanted to do in terms of work and learning and told us about how things worked. The next day he called us down and asked if we would help him clean up a section next outside and while we were doing this, he talked to us like we were normal, like there was no divide, him an officer and us cons. That makes you feel normal. That approach costs nothing but is not done often enough.

When I had my first visit here it was the best in all the years I have been inside. The officers made my family feel so welcome and relaxed. I have learnt how to cook whilst in prison and they told my family how good was at it. I could cook for them and sit down and eat with them. I can't describe how much something like that means or how it feels after all these years.

Now I am here, I know I can finally move on with the next chapter in my life and reintegrate back into the community. This place offers the best resettlement links you can get and equips you to plan for the future. The only thing that held me back were the lay down rules which meant I had to do a year before I could spend a day with my family. Two years ago I would have been able to do that after three months.

I spoke to the manager and the governor about the work I had done on the peer-to-peer scheme. A meeting was arranged, which led to me getting involved in this project. With a member of staff, I was allowed to attend a meeting in London to talk about the future of prisons. It was inspiring. You could see everyone wanted things to change and really felt passionate about what they was saying. I learnt so much about the different people – including big companies – that want to help people live a straight life.

---

SECTION 3:  
A BLUEPRINT FOR THE  
COMMUNITY-BASED  
REHABILITATIVE  
PRISON

---



*High Force*  
HM Prison Full Sutton

5603

Image courtesy of the Koestler Trust

---

# 7. A New Model of Accountability

---

We have sought to be both ambitious and practical in our thinking but not stand back from imagining a different future and a new ‘normal’ for prisons, probation services and for those who live and work in prisons and their communities. In our new normal the future prison would be a safe and secure environment for staff and prisoners. But, as one reform prison executive governor put it, they would also be vibrant places of learning and development where people want to work and not just aspire to make a difference but are empowered and able to do so. Being a prison officer would be a career of choice for a wider range of people and enable career development and transferable skills across a wider rehabilitative workforce. Being a prison governor would involve being a convener of ideas and good practice, able to empower and motivate staff and prisoners. Supported by a clear national policy vision, a local board and regional commissioners, he – and increasingly, she – would be empowered and held accountable for making decisions locally about how budgets are spent, what partnerships work best and how staff are deployed.

In our new normal people would still not want to go to prison and less would. But they would also be less fearful about leaving, supported through the gate and enabled to develop their skills and networks before leaving custody. They would be more confident that if they were prepared to work, engage, cooperate and plan, they would be given a voice, a role and the support needed to become active citizens. They and their families would be co-designers and deliverers of services, active participants in their own journeys and in the lives of others. And the community and employers, more familiar, confident and engaged in prisons, would be less willing to write prisoners off, would contribute to their sense of belonging and identity. When things go wrong, as they would, our future prison would be held accountable but be able to draw on local knowledge, and its local board and networks in responding. If this sounds idealistic, then it is an ideal shared with very many of those we have worked with. And, as one of the governors we worked with stressed, given the difficulties that prisons face, unless we change people’s mindset, and aspire to systemic and cultural change we risk fatalism and defensiveness.

In this section we try to ground this aspiration in proposals for a new governance and accountability framework that would support that systemic and cultural change over time. We also share some of the insights and ideas that participants in the Future Prison project suggested in relation to workforce reform, the role of prisoners, families, employment and education, and how greater autonomy could shape these. We are

acutely aware that much of this would not be easy, that much of what we propose raises as many questions as it answers and that some changes are dependent on others. So for example, in our emphasis on the role of PCCs in creating a more devolved system, we are aware that the current arrangements for scrutiny would need to be revisited. Likewise, giving greater to autonomy to governors and accountability to local boards without creating a clear purpose and strategy, owned and driven by the MoJ, would create new risks. In our critique of the politicisation of prison policy, we are aware that there is a risk that local politics could shape the decision-making of PCCs in ways that may not support rehabilitation. This risk will be exacerbated without a strong central message from central government and in the absence of a clear performance framework. Even with this, consideration should be given to the role of Police and Crime Panels in holding PCCs to account. However, as we have argued, there are risks involved in not tackling both the immediate safety issues facing prisons and the underlying structures that do not currently sufficiently reduce risk or support rehabilitation.

## Governance

### Reform Prisons

- Nick Pascoe, executive governor, HMP Coldingley, a male Category C training prison and HMP High Down, a male local Category B prison, both in Surrey.
- Ian Blakeman, executive governor of HMP Holme House, a male local Category B prison in Stockton-on- Tees and HMP Kirklevington Grange, a male Category D open and resettlement prison in county Durham.
- Neil Richards, executive governor of HMP Ranby, a male Category C working prison in Nottinghamshire.
- Ian Bickers, executive governor of HMP Wandsworth, a local male prison in London and expected to become a remand prison.

The reform prisons are pioneering greater autonomy and already there are significant signs of a different culture and approach emerging. Some have already begun to recruit differently and set up new local structures of support in relation to education and employment. The higher profile of HMP Wandsworth, which is sharing ideas and developments through social media, and the Teesside reform prisons, which have developed their own vision and film to share with others, signals a significant shift in culture and engagement. Throughout this project, it has become clear that many staff, senior managers and governors beyond reform prisons have embraced this agenda and have begun to think about how they can prepare to be the ‘next generation’ of pioneers.

We are clear that some of the approaches we set out here are radically different from current arrangements and could not happen overnight. That said some of what is suggested is already happening. For example, HMP Full Sutton is already developing a prison-wide service user strategy and many establishments have a strong focus on enterprise and



community engagement. We are aware that there is a tension between focusing on local freedoms and the risk of arguing for another ‘one size fits all system’. This is not our intention; the proposals here seek to provide ideas for reform based on current developments, existing practice and the discussions we have had with practitioners and commissioners over the last few months.

## **NOMS**

NOMS responsibilities currently include:

- The running of prison and probation services.
- The rehabilitation services for prisoners leaving prison.
- Making sure support is available to stop people offending again.
- Contract-managing private sector prisons.
- Services such as the Prisoner Escort Service and electronic tagging.

Public sector prisons in England and Wales are managed by Her Majesty’s Prison Service (HMPS), which is a part of the NOMS, which is an executive function of the MoJ. The day-to-day running of 14 prisons has been contracted out to private companies. The NOMS board is responsible for strategy, finance, risk assessment and performance management.

PSI system, which NOMS is currently simplifying, generates mandatory and guidance instructions to prisons and their managers on a wide range of issues. Picking one at random – the PSI regarding early days in custody – is instructive. At 25 pages long, it sets out in detail the procedure for receiving a prisoner into custody, what information should be given out, the risk assessments needed and so on. Prisons will get hundreds of PSIs and Prison Service Orders in a year. The prison service is measured against a number of key performance indicators that include:

- Escapes
- Serious assaults
- Drug testing
- Purposeful activity
- Self-inflicted deaths/suicides
- Overcrowding
- Offending behaviour
- Staff sickness
- Race equality
- Education
- Resettlement

Governors’ line management sits with their Deputy Director of Custody (DDCs) who cover the following areas: North East and Yorkshire; East; North West; Kent, Sussex and Essex; The Midlands; South West and the IRCs; London and Thames Valley; Wales; Young people; Women; and High Security.. DDCs will measure performance

against these nationally set performance indicators. In terms of the management of staff, NOMS has a national performance management policy underpinned by a number of principles, most of which focus on Civil Service values, continuous assessment and fairness. This sets out in some detail the aims of yearly reviews, mid-year reviews, performance ratings, consistency checks and so on.

*“The inspectorates work together to produce joint reports, are well respected, and prison governors, probation leaders and ministers really care about their findings”*

### **Inspection and evaluation**

Prisons in England and Wales are inspected by HMIP, with education provision inspected by Ofsted, working with HMIP. The role of the Inspectorate is to provide independent scrutiny of the conditions for and treatment of prisoners and other detainees, promoting the concept of ‘healthy establishments’ in which staff work effectively to support prisoners and detainees to reduce reoffending and achieve positive outcomes for those detained and for the public. HM Chief Inspector of Prisons is appointed by and reports directly to the Justice Secretary.

Inspections are carried out against published inspection criteria known as Expectations. These comprise four broad areas under which more specific issues will be explored:

- Safety.
- Respect.
- Purposeful activity.
- Resettlement.

The Inspectorate’s expectations (mainly) set out outcomes to be achieved based on human rights standards rather than processes to be followed. These outcomes are based on international standards interpreted in the UK context. This includes the recently revised United Nations standard minimum rules for the treatment of those held in prisons (Nelson Mandela rules). These set out the minimum rights and standards that should be afforded to those in the care of the state and over a range of issues, including: hygiene; the provision of nutritious food; sleeping arrangements (stipulating that only one person should be housed in each cell); access to and provision of healthcare; the use of solitary confinement, and so on.

Outcomes are underpinned by a series of indicators and it is up to prisons to demonstrate that they have achieved the outcome in other ways. HMIP can carry out announced and unannounced inspections, and the time lapse between inspections can vary, but is not normally less than once every three years. Inspections will result in one of four grades: good, reasonably good, not sufficiently good and poor, and prisons will receive a report setting out the HMIP findings, highlighting areas needing improvement and specific recommendations.

HMIP works with the probation inspectorate, which also reports to the secretary of state for justice. They assess the effectiveness of work done with people served by probation services, including the NPS and CRCs. Both inspectorates provide advice on good practice to ministers, officials, managers and practitioners, and both do thematic as well as specific institutional reports. The inspectorates work together to produce joint reports, are well respected, and prison governors, probation leaders

and ministers really care about their findings. They produce public documents, regularly covered in the media, and a poor inspection can result in governors being moved as a result.

## The Prisons and Probation Ombudsman (PPO)

*“The current system combines over control with a lack of accountability and transparency”*

The Prisons and Probation Ombudsman (PPO) carries out independent investigations into deaths and complaints in custody. The detailed role and responsibilities of the PPO are set out in its office's Terms of Reference. The PPO has two main duties:

- To investigate complaints made by prisoners, young people in detention (prisons and secure training centres), offenders under probation supervision and immigration detainees.
- To investigate deaths of prisoners, young people in detention, approved premises' residents and immigration detainees due to any cause, including any apparent suicides and natural causes.

The purpose of these investigations is to understand what happened, to correct injustices and to identify learning for the organisations whose actions the PPO oversees so that the PPO makes a significant contribution to safer, fairer custody and offender supervision.

Source: Prisons and Probation Ombudsman

The PPO also reports directly to the Justice Secretary and is wholly independent of prisons and probation services as well as NOMS. However, in the PPO's annual report of 2015-16, Nigel Newcomen, the current ombudsman repeated his belief in “the need to reinforce my office's actual and visible independence” through giving the PPO a statutory footing.<sup>87</sup> Later in this section, we argue for similar changes to be made to the prisons' inspectorate and believe such changes would reduce risk in relation to gifting governors greater autonomy.

## Independent Monitoring Boards

Inside every prison there will also be an Independent Monitoring Board (IMB). IMBs are made up of a group of unpaid members of the public charged with working a few days a month, and monitor the day-to-day life in their local prison, ensuring that proper standards of care and decency are maintained. In addition, the MQPL and SQL work developed by the University of Cambridge referenced earlier in this report is used across the UK and internationally as a way to measure prison performance.

## Governance 2020

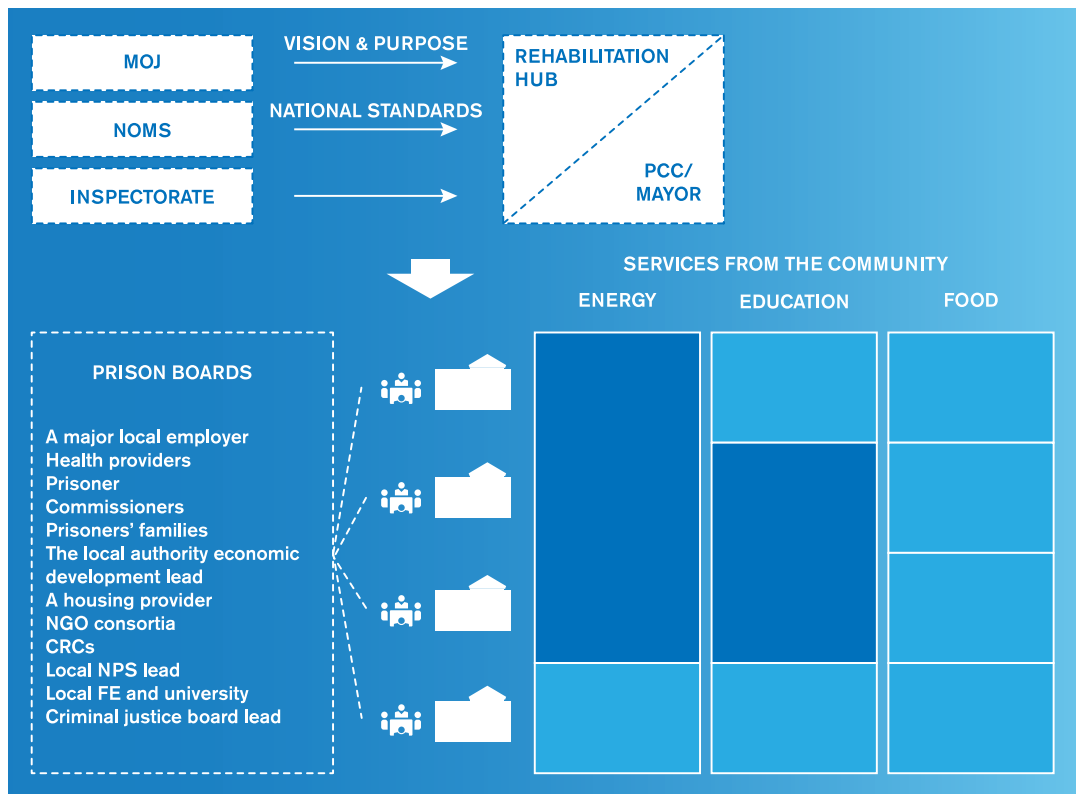
We have rehearsed in some detail some of the challenges of the current highly centralised approach to governance and we recognise that there are advantages as well as disadvantages to this. Governors, for example,

87. PPO (2015) Annual Report 2015 - 16. Available at: [http://www.ppo.gov.uk/wp-content/uploads/2016/09/PPO\\_Annual-Report-201516\\_WEB\\_Final.pdf](http://www.ppo.gov.uk/wp-content/uploads/2016/09/PPO_Annual-Report-201516_WEB_Final.pdf)

talked to us about having ‘cover’ from the centre (as well as expressing their frustrations on aspects like procurement and commissioning). Greater localism should encourage diversity of provision and new approaches but this needs to be within a clear framework of purpose and performance to ensure that diversity is not simply about inconsistency. Everyone who has been engaged in this project recognised the need for the MoJ to own and set clear direction and overall strategy and for the need to maintain some of the national ‘machinery’ currently run by NOMS to, for example, manage population flow and set minimum standards. We have not attempted to make detailed recommendations about the particular safety and security functions that would be ‘held’ centrally and what would be devolved, as we believe this has to be a process of wider engagement and consultation (and we believe a lot of work has been done by NOMS on this issue). However, we conclude that the current system combines over control with a lack of accountability and transparency.

So, for example while the inspection regime provides essential insights into how prisons are functioning and drives change in relation to key outcomes, it is not clear that the current NOMS performance indicators provide the right drivers for change or a way of identifying good (or failing) governors to anyone outside the system (and some of those within it). In addition, the rapid churn of governors (as well as ministers) coupled with very linear governance (in a system where people know each other well) serves to drive episodic, rather than strategic change and some degree of nepotism. Here we suggest a more local and horizontal set of arrangements, starting with the development of local prison boards.

### A phased model of devolution



*“This model should borrow from examples of school governing bodies that are responsible for working with the school to ensure that it delivers a good quality education”*

## Local prison boards

We propose that each prison develop a local prison board. Overseen by the board and its chair, each prison would manage its own budgets and be free to either independently or as a group purchase key goods and services locally, including for example repairs, food, energy, an employer, a provider of apprenticeships and skills training linked to post-custody employment. Governors would be free to work independently or as part of a cluster when it came to commissioning but the central driver of rehabilitation should help to ensure commissioning approaches that focus on wider value and outcomes.

The governor and senior management team would still run the prison. The local prison board could include representation from a major employer in the area, health providers and commissioners, prisoners’ families, the local authority economic development lead, a housing provider, NGO consortia CRCs, the local FE and university, the CRC and NPS and area criminal justice board lead and a member of the prison’s rehabilitative council. In order to ensure some independence, boards would aim for half of their members to be non-executive directors and half trustees with no commercial interest in the prison. Ideally, the board would work to five-year plans and the assumption would be that governors stay at each prison for longer than they do now but this would be a decision made by the board and governor according to need. Such an approach would still allow the governor to lead and to set the direction of travel but within a much wider framework and more locally based context.

This model should borrow from examples of school governing bodies that are responsible for working with the school to ensure that it delivers a good quality education. Together with the headteacher, who is responsible for day-to-day management, they set the school’s aims and policies, and are responsible for:

- Ensuring clarity of vision, ethos and strategic direction.
- Holding the headteacher to account for the educational performance of the school and its pupils, and the performance management of staff.
- Overseeing the financial performance of the school and making sure its money is well spent.

They also carry out a number of other important duties, which include:

- Determining how the school’s budget is spent.
- Appointing and dismissing staff.
- Hearing appeals and grievances.
- Forming policy on the school’s curriculum and collective worship.
- Setting standards for pupils’ behaviour and discipline.
- Making sure school buildings are welcoming and safe.
- Setting and monitoring the school’s aims and policies.

Local prison boards would need to develop their own models supported by a new proposed Centre of Prisons Excellence (see below) and would work to a MoJ National Rehabilitation Strategy (see below)



that would drive rehabilitative outcomes and would be under a legal duty to measure individuals' and institutional progression on an annual basis (see below). In the medium term, the governor – alongside his or her DDC – would also sit on a regional rehabilitation hub (see below). In the long term DDCs would be phased out and in some areas Rehabilitation Hubs would come under the PCC, who would become the commissioner of prison and probation services.

Such an approach would encourage a more strategic, integrated and long-term model and bring a greater degree of transparency. The local prison board could set a population maximum and would have access to central funding from the new arms length NOMS, if numbers needed to exceed this. It would be subject to a streamlined set of targets, which set minimum standards of security and decency. With wider autonomy, the board would remain part of the prison service, at least in the medium term, and would receive central grant funding from the centre against a core offer and expectations. Other funding would come from locally devolved sources and increased freedom to raise income and reinvest savings. This allows for strategic partnerships at the prison board level, with governors free to make decisions about senior management needs and deployment of staff.

### **Special purpose vehicles**

Such an approach allows for local sustainable innovation that is simply not possible now. So for example, prisons and their boards could set up special purpose vehicles that bring together rehabilitative services in the area. This would allow funds to be raised and reinvested in rehabilitative enterprises and programmes, including site-based projects along the lines of the RSA's Transitions model<sup>88</sup> that seek to smooth the journey from custody to community and allow for the pooling of resources and co-location of resettlement services. This model would be of particular relevance for those establishments with MoJ land assets but could also be used as vehicle for off-site partnerships that drive integrated working. Such approaches maintain prisons within a national system but would allow for a range of different models to develop alongside these. This approach lends itself to supporting prisoners' employment post-release and provides a 'transition' space where both former prisoners and category Ds could work under ROTL arrangements.

Each prison would develop its own vision and plans in this respect and learn from and build on existing practice in relation to employment bureaux, social enterprises, community transport projects and the like. In the long term such a model would enable prisons to specialise according to the local market and the needs of their population. For example, in areas where there are particular gaps in the skills market, strategic partnerships may allow for the development of enterprises, skills and learning that have wider benefit but immediate value in that locality. The point being that by taking a place based approach, and devolving decisions downwards, local boards can take a much longer term, shared and ambitious view about what prisons' place could be in relation to the local community and economy.

88. O'Brien, R. (2011) *op. cit.*

Such an approach would drive innovation and result in new models to develop in response to local need and appetite. For example, the RSA's work at HMP Humber and employers and providers involved in the future prisons project suggest a space and appetite for enterprise and employment centres. These would work with prisons, the Department for Work and Pensions, Local Enterprise Partnerships (LEPs) local employers and economic development teams within local authorities and focus on start-ups, enterprise development and business planning, job placement and support for freelancers and sole traders.

### **Cities and Local Government Devolution Bill**

- In November 2015, the first devolution deal was made between the government and Greater Manchester. Sheffield, Leeds and Cornwall followed. Other areas securing devolution include:
- East Anglia
- Greater Lincolnshire
- Liverpool City Region
- London
- North East Combined Authority
- Tees Valley
- West of England
- West Midlands Combined Authority
- West Yorkshire Combined Authority

### **Devolution**

Here we propose a phased devolution strategy with Regional Rehabilitation Hubs, developed in the interim within the current structures in play, including Criminal Justice Boards. These typically include representatives from the PCC (under which they sit), health and substance misuse commissioners, prison governors, CRCs and the NPS. The best of these already serve to integrate prison and probation services and develop local and regional data that can drive services and identify local trends. However, we consider how the changing governance landscape, including the Cities and Local Government Devolution Act 2016, could lead to a new governance and funding model for prisons in the longer term.

The Act is designed to devolve more power from central to local government by introducing directly elected mayors to combined local authorities in England and Wales with greater decision-making powers in relation to housing, transport, planning and policing. As more areas develop devolution deals it is unlikely that this will provide the only model; some areas have already agreed to retain their PCC alongside a mayor and the future is likely to be characterised by a mixture of settlements. Over the months that we have been working on this project, we have found much greater interest in the prisons agenda amongst some PCCs, many of whom have shifted their focus since they were set up, from one almost entirely on policing, to one which takes a broader approach to community safety.

The devolution agenda is centred on the argument that places are different and that locally elected bodies, in many instances, can more

effectively spend money than national bodies. It also argues that the local devolution of power can better enable closer working between agencies that ultimately have the same aim. It can help to activate communities at a local level that are affected by decisions, which, through devolution, are immediately made more relevant and less distant. The idea is that by pushing decisions down to the regional or local level, public services would be better placed to respond to local need and forge stronger relationships with the communities they serve.

As we have seen, the prison service has, for many years, been tightly controlled by central NOMS. While there are benefits to this approach in terms of economies of scale, the negatives are considerable. In individual institutions, governors have almost no autonomy when it comes to hiring staff, commissioning providers of education or drug services, and the food they serve. In some prisons there remains a disconnect between governors and the work that is carried out by the newly rearranged probation service. In addition to the challenges that this creates in terms of holding governors to account for the performance of their prisons, it has weakened local democracy in the criminal justice setting, further removing prisons from the thoughts of the communities they serve.

### **Police and Crime Commissioners**

Devolving parts of the prison service to local areas is not without significant challenges, but there are already structures in place that could see the devolution of prison budgets to locally accountable bodies. PCCs, for example, could reasonably take on this role as individuals who already have a remit to make communities safer by cutting crime. The best way to do this is through rehabilitation and prevention.

The well-rehearsed arguments for the introduction of PCCs centre on the belief that they enhance the democratic process and increase accountability of the police. In some areas, and backed by the 2015 Queen's Speech, which announced that directly elected mayors could undertake the functions of PCCs, it would be the mayor who would take on this responsibility. In London, the roles of police commissioner and mayor are already combined and Greater Manchester is following suit. While the relatively low turnouts in many of the PCC elections may not have silenced those who doubted the need for PCCs, we believe that there is a strong argument to be made for at least some prisons to have more local accountability. With this existing model in place, this is the easiest and most effective way of achieving this goal.

Citizens want to feel, and more importantly, to be safe. A simple but not entirely effective solution to this is to catch those who commit crimes (locally) and hand them over to a national organisation – HM Courts & Tribunals Service (HMCTS) and NOMS – that will deal with them either through community sentences, fines, or often through incarceration. The considerable financial costs of putting people in prison are so far removed from the average citizen that this is rarely a factor for local or national policy makers. The indirect costs such as the likelihood of rehabilitation, the damage that prison can do to individuals and families, and the impact it realistically has on creating safer communities are almost never a factor.

The current structures that are in place with regards to the criminal justice system and rehabilitation are not adequate, and indeed prevent

joined-up working between the multiple agencies. The probation service, the prison service, PCCs, Clinical Commissioning Groups, and the courts under HMCTS are all divided up into separate regions with separate layers of accountability. Bringing these agencies under a more locally controlled authority, such as PCCs, would incentivise a justice system to enhance rehabilitation in prisons and in communities and also place a greater emphasis on prevention, as the costs of dealing with the aftermath of crime are seen at a more local and micro level. With a remit that compels PCCs to work across agencies which deal with crime and rehabilitation, the PCCs already have significant convening powers that could encourage more effective working between those agencies that are responsible for rehabilitation: for example, the CRCs, employment agencies, housing associations and drug and alcohol services.

Here we draw on work already done by Policy Exchange, who in their report *Power Down*, outline the current powers of PCCs to:

- Decide on the budget for the force and set the police precept.
- Appoint the chief constable.
- Hold the chief constable to account for the performance of the force and behaviour of its police officers.
- Remove the chief constable subject to due process.

A new range of powers for PCCs could see them:

- Decide on the budget for the police and justice board and set the rehabilitation precept.
- Appoint governors.
- Hold the governing governors to account for the performance of the prison and the behaviour of the workforce.
- Remove the governing governor subject to due process.

Source: Chambers, M. et al (2013) *Power Down*. Policy Exchange.

It seems sensible, given the number of prisons under the jurisdiction of some PCCs – Matthew Ellis, the PCC for Staffordshire has eight prisons within his region, whereas Martin Surl, the PCC for Gloucestershire has no prisons in his area and therefore no capacity – that in many areas, PCCs would seek to work together to bring in this rehabilitative function. Norfolk and Suffolk, for example, have been mentioned as prime contenders for a joint policing and crime deal, with the two PCCs being accountable to the electorate and in control of the funding and performance of the six prisons in the two PCC areas.<sup>89</sup> This is also on trend with other devolution deals that have seen local authorities come together to negotiate with central government, such as the proposed East Anglia Combined Authority and the West of England Combined Authority.

89. Chambers, M. et al (2013) *Power Down: A plan for a cheaper, more effective justice system*. Policy Exchange. Available at: <https://policyexchange.org.uk/publication/power-down-a-plan-for-a-cheaper-more-effective-justice-system/>

PCCs already have the requisite convening powers. Off the back of almost four years of working, these relationships, priorities and strategies for policing and crime have been built up, even in those areas where the existing PCC has recently been replaced. The structures and the democratic accountabilities for a widening of the local justice remit are already there, but the powers are not yet.

As we have argued, a prison service – as well as CRCs and the NPS – is more obviously rooted in a given place and has the potential to devolve some of the politics of prison, in particular the sensitivity about setting population reduction targets and changing sentencing, and to drive better preventative approaches. Having fewer people in prison saves taxpayers money and a focus on prevention and rehabilitation makes communities safer at the same time. A scenario where communities are struggling to cope with local demand for prison places will give PCCs an incentive and an opportunity to work more closely with sentencers and probation to reduce prison numbers. Prevention is a much better method of keeping communities safe in the long-term and the PCCs, alongside local authorities, will be empowered and incentivised to ensure that this happens in a more effective manner.

In terms of funding such a model, the report from Policy Exchange suggested expanding the police precept to become a police and justice precept.<sup>90</sup> “Government might, in the long term, look to expand the remit of the Police Precept, so that it becomes a Police and Justice Precept, offering local areas the flexibility to invest in new services or expand specific elements of criminal justice.” A large proportion of the money that funds prisons will still come from central government as is the case with the police, but the money will be in local hands and savings can be freed up to be spent on other vital services that contribute to prevention and rehabilitation. To enable smaller, community-based prisons for males in England and Wales there will have to be a reconfiguring of the male estate. Working with the existing estate, and getting the right number of prison places in the right areas, will take time and require fairly complex funding changes. Where possible, and desirable, prisoners should be kept close to home, but if the money and accountability for these types of prisons is local then it is important that those inside are too, in order for prisons to fully benefit from the effects of devolution.

There are certainly areas, especially rural ones, where this change of governance may be very difficult and where the current NOMS infrastructure, namely prison buildings, will not be adequate to satisfy the local need. The process of devolving power should be staggered and led by those local authorities or combined authorities that feel they are capable and want to take on this role. Over time we would hope that this approach could lead to many prisons closing down, but it may also require smaller prisons to be built in certain areas to compensate for decades-old policies of clustering prisons in areas far from communities, such as those on the Isle of Sheppey and the Isle of Wight.

In this model we still anticipate the need for nationally run high-security prisons. There are currently eight high-security prisons serving England and Wales and these should be administered by NOMS centrally,

90. Ibid.

bearing in mind the needs of prisoners and their families to be as close as possible to each other. These prisons hold people who are a significant threat and face very different challenges of security, risk and rehabilitation than more local prisons that hold people on shorter sentences, or those coming to the end of their sentence. It would be important, in this system, that the courts remain separate from the PCCs in order to avoid a situation where individuals receive either harsher or lighter sentences as a result of ideological or funding reasons. The incentives of cost saving should drive a focus towards rehabilitation and prevention, and in the short term may be a much needed spur towards reducing the number of prisoners on indeterminate sentences and those waiting to be heard by the parole board.

This system could also produce the effect of better accountability over sentencing policy for the courts and central government. Evidence suggests that short custodial sentences of less than a year – a huge proportion of those meted out – are much less effective in preventing crime than, for example, community sentences or long term sentences for more serious offences.<sup>91</sup> From a local level, PCCs could more effectively lobby these bodies to put a case for rethinking sentencing practice, which could in turn reduce the prison population.

We have focused largely on prisons here but would argue that in undertaking the probation review, the government should consider whether similar arrangements should be made in relation to CRCs and the NPS. Their presence on local prison boards and accountability to Rehabilitation Hubs in the medium term, and PCCs in the longer term, would be consistent with a shared duty to rehabilitate (see below), a more integrated inspection regime (see below), and a fairer accountability system that recognised the various contributors to rehabilitative outcomes and their co-dependency.

## **Inspection 2020**

In relation to prisons in particular, it is essential that the human rights and basic protections framework of the prisons inspectorate is protected and that it remains outcome focused. We recommend that the prisons inspectorate be required to be compliant with the obligations from OPCAT (Optional Protocol to the Convention against Torture), which should be put on a statutory footing. The UK's National Preventive Mechanism (NPM), was set up to ensure regular visits to places of detention in order to prevent torture and other ill-treatment, as required by OPCAT and is made up of 20 statutory bodies that independently monitor places of detention. As part of enhancing the inspection regime, we support those who have called for an independent chair of the NPM to be appointed.<sup>92</sup> Strengthening the HMIP in this way – alongside the Prisons and Probation Ombudsman – would give greater assurance that basic standards would be met alongside greater autonomy. Particularly in high-risk environments like prisons, the ability to scrutinise and report

91. MoJ (2013) *Compendium of re-offending statistics and analysis*. Available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/278133/compendium-reoffending-stats-2013.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/278133/compendium-reoffending-stats-2013.pdf)

92. NPM (2015) *Monitoring places of detention. Sixth Annual Report of the United Kingdom's National Preventive Mechanism 1 April 2014 – 31 March 2015*.



publicly on what is happening is an essential safeguard that makes autonomy possible.

The Inspectorates should both be maintained but there is a need for more integrated inspection measurements. The aim should be to drive greater integration in relation to key rehabilitative outcomes, such as education and employment, that need to travel through the gate. So for example, we would recommend that the prisons inspectorate develop an additional – or cross cutting – expectation around moral leadership and good governance.

One of the problems identified by the inspectorates is the fact that currently NOMS can choose to ignore many of its findings. Our model for community-based rehabilitative prisons would place the onus on local prison boards to track progress against not just the main inspection findings but broader and smaller recommendations. One role for IMBs, which currently each do their own annual reports, could be to provide a mechanism for tracking progress inside on an annual basis and ensuring that new issues are highlighted. This should provide a much more adaptive process that can better manage long-term major challenges alongside emergent issues. This needs careful consideration in relation to the role of local prison boards. The IMB is currently involved in a consultation regarding governance and role; if possible, these deliberations should consider how IMBs would function alongside local boards, their role in relation to the prisons inspectorate and within the wider community.

## **NOMS 2020**

Within this framework, we propose that NOMS needs to be more independent from the MoJ and propose that it becomes an arm's length function under a Director of National Prison and Probation. The current NOMS function is weighted heavily towards prisons in its thinking, focus and expertise. While highly security and risk focused, a new arms length NOMS should seek to develop a better balance in relation to probation as well as draw on wider expertise in its logistic, security and rehabilitative functions. This would be a smaller, resilience-based body, responsible for setting out simpler, clearer and fewer commissioning intentions and targets prioritising rehabilitation. Wider responsibility for training, research and evidence would sit with the new Centre of Prisons Excellence proposed below.

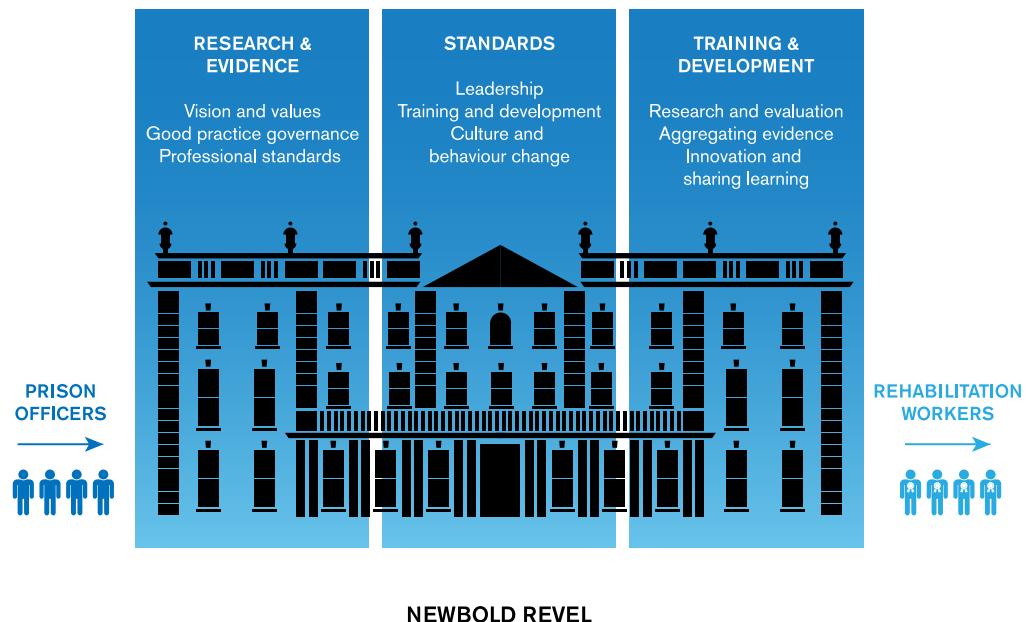
Given that the devolved model would require both a staged process and a range of different arrangements, we suggest that the role of DDCs (not including the high-security role, which would sit under the new streamlined MoJ department), be eventually phased out in line with the recommendations we have made in relation to PCCs. It is possible that a broader regional role could be needed that focuses much more on horizontal learning between establishments. However, this proposal should be considered alongside the proposal for the Centre of Prisons Excellence, which would drive research outside the MoJ structure. In the interim, DDCs – or regional rehabilitation coordinators – would work within the kinds of boundaries suggested above, without a need to focus on management and auditing (which would be done through local prison boards) and more on collating evidence, evaluation of outcomes, collaboration and knowledge transfer.

Our proposals for community-based rehabilitative prisons are based on the aim of developing a much more integrated approach between probation services and prisons as well as enabling prisons to forge stronger relationships with their communities. The risk of increasing governor accountability for rehabilitative outcomes without addressing the probation question as we propose, is unfairness and inconsistency. In securing these outcomes prisons are dependent on many others, not least CRCs and the National Probation Service. Devolving responsibility to PPCs, and setting up new prison boards that include CRCs and the NPS, should go some way to dealing with this issue and should allow for more integrated local impact measurements. This integration between CRCs, the NPS and prisons needs to be reflected throughout the system, including within the inspection regime.

In the final section of this report we conclude with a proposed policy framework that would be needed to ensure it fits together, is driven by central MoJ vision, purpose and performance measures. But many of the challenges facing our prisons are also about the structures, processes and cultures that have developed inside, partly as a result of their closed nature, their quasi-military history and the centralisation we have discussed. Having set out our proposals for governance, the next section moves ‘inside’ and explores what some of this could mean in terms of the role and skills of governors, the leadership qualities needed, and the wider implications of what we have argued in relation to risk and rehabilitation for the workforce, education and employment, and for prisoners and families.

---

### A Centre of Prisons Excellence







*Liminal Spaces 1, 2 & 3*  
St Nicholas Hospital

6157

Image courtesy of the Koestler Trust

---

# 8. The Rehabilitative Workforce

---

The skills and capabilities needed by governors are outlined on the NOMS website and the application process is as follows:

- Excellent spoken and written communication.
- Strong leadership and management skills.
- Resilience and compassion.
- Genuine interest in the legal justice system and the welfare of prisoners.
- The ability to cope with pressure and stressful situations.
- The ability to enforce rules and regulations.
- Confidence and self-motivation.
- Good decision-making skills.
- Ability to work effectively with people from all walks of life.
- Can stay calm under intense pressure.
- Meet targets.
- Manage budgets.

The duties of a governor vary according to the size and type of prison, but include:

- Overseeing the development of the prison to meet government targets.
- Supervising security.
- Working with other professionals, such as medical staff and social workers.
- Making inspections.
- Managing the prison budget and other resources.
- Carrying out disciplinary procedures.

Other areas of work can include training prison officers, taking part in parole board meetings, and chairing prisoner admission panels and inmate release boards. Some governors also work in the national headquarters, or within prison service colleges.

Each prison has several 'governors' but one 'governing governor' (still referred to in many prisons as the No 1 Governor). Typically each prison will have a senior management team that includes:

- Deputy Governor.
- Head of Residence (responsible for the operation of wings).

- Head of Reducing Reoffending.
- Head of Offender Management Unit (which works with probation on sentence management and reducing risk).
- Head of Security.
- Head of Business Operations (responsible for administration and contracts).
- Head of Safer Custody (responsible for health services and prisoner welfare).

The people in these roles are often changed frequently and there is not specific ownership of one area; this has been highlighted as a problem by many of those we have spoken to. This militates against people developing specialist skills, and while it can create strong generic operational understanding of the prison, tends to undermine longer-term commitment to the specific role.

The graduate programme has changed the profile of governors, with more people joining the scheme direct from university and from other professions. Up until 1982, the male prison estate was staffed almost exclusively by men; although there has been an increase in the number of women governors, senior managers and women, 70 percent of senior management roles are still occupied by men.<sup>93</sup>

### Partners

Partners in prisons will typically include:

- A primary healthcare provider.
- A substance misuse service.
- A learning and skills provider (with individual prisons working with the Prison Education Trust on higher qualifications).
- The National Probation Service (responsible for higher risk people or certain groups who have committed more serious offences).
- A community rehabilitation company (CRC) and partners covering resettlement work, (responsible for middle- to low-risk prisoners).
- A literacy programme (usually Turning Pages).
- A Listener Scheme (confidential support and advice provided through the Samaritans working with those in custody).
- A careers advice service such as the National Careers Service.
- An employment service such as Job Centre Plus.
- A family support service such as PACT.

### Training

Greater autonomy – backed with a clear national agenda on rehabilitation outcomes – could embolden governors to both ask partners more in terms of evidence and quality, but also to ‘give’ more in terms of strategic input and engagement. These kinds of shifts are going to require new ways of working. Not all governors or senior managers will have had the

<sup>93</sup>. For more information, see: <https://nationalcareersservice.direct.gov.uk/advice/planning/jobprofiles/Pages/prisongovernor.aspx>



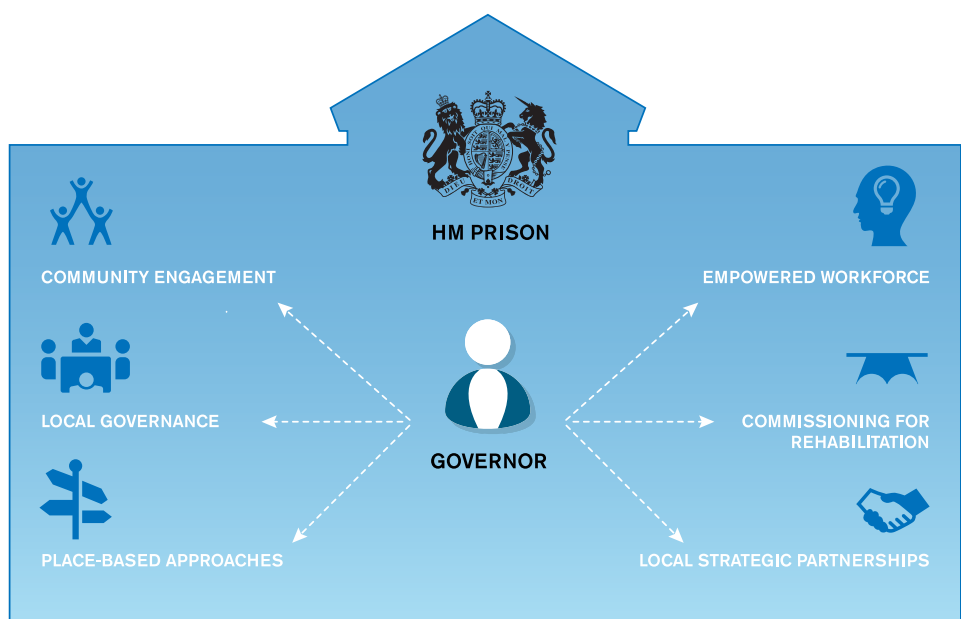
opportunity to develop these kinds of skills. If you have come through the ranks, you cannot be considered to become a governor unless you reach what is now Operational Manager level. At the same time, it is very difficult for officers on the operational side of prisons to develop the kind of strategic skills needed to become a governor. Companies that run private prisons set their own entry requirements and recruitment methods. In the public sector, the NOMS graduate programme includes:

- 10 weeks basic training including (the same as all prisoner officers) prison service values and responsibilities; skills such as using handcuffs, basic control and restraint techniques, and how to carry out searches.
- 12-18 months focused on effective management. This includes placements in different types of prisons and taking on the role of custodial manager, with a group of staff to manage. Trainees then move into a middle-management, governor-grade role as an operational manager, heading up an entire area of a prison.

The service uses the Civil Service competency framework, which sets out indicators of behaviour to provide a clear and consistent sense of what is expected from individuals. This includes an emphasis on being able to see the big picture, collaboration and communication. Rates of pay vary depending on the size and type of prison and the experience and responsibility of the post holder, but start at around £60,000 and rise depending on the establishment. Given the responsibilities that a governor holds we would propose that local prison boards be able to offer higher salaries when appropriate.

---

### The community-based rehabilitative prison





Governors typically move every two years. We propose that longer tenures be encouraged alongside greater focus on career planning and leadership skills. This could allow for governors to take a ‘sabbatical’ approach, where in return for staying within one prison for longer, bringing much needed stability, they would be able to work within alternative contexts between governing posts. In addition, there is a need to expand the number of people who can serve as governing governors. Further thought needs to be given to this if governor churn is to decline; this should include a drive to recruit new governors from outside the prison service, and to develop a clearer pathway for people to rise through ranks gaining strategic experience and learning as they progress.

## **Leadership 2020**

This report focused on the challenges facing prisons and all of our recommendations are about driving up performance. There may be much here that good governors are already doing in one shape or form. We have seen governors who have embraced their wider role within the community and examples of extremely positive community engagement. Despite the heavily centralised nature of the prison system, there are inspiring examples of established good practice within the system and excellent examples of prison leadership. But, as one senior manager noted, when asked to advise others on how they can follow suit, his response has often been “to do first and ask for permission later”. The current reform agenda has the potential to drive this sense of permission. Much of this is about instilling confidence in governors that their political leaders will respond consistently, appropriately and robustly when things go wrong. In our discussions with governors about skills development, the overall focus tended to be on the workforce, rather than on senior management team and governor. The current training and development programme for governors is fairly comprehensive.

In our discussions about the implications of autonomy, and a more devolved model of provision, governors and others identified a few key areas where they felt there was a need for development including amongst the senior managers. The consensus was that governors needed to be more outward and downward-facing leaders, focused on long-term strategy, improving relationships inside and out, enabling innovation and ensuring outcome-based assessment of value for money. In supporting this a few particular skills issues were identified:

- *Moral leadership.* Extensive research has been done by Alison Lieblich and her colleagues at the University of Cambridge on the role of the prison officer and moral leadership. This emphasises the importance of having leaders and a workforce that know and understand the concerns of the people who reside there and – within constraints – seek to empower the population they serve. This is critical. At the moment what governors’ lack in freedom and power to influence how they run their prisons, they make up for in relation to the hierarchical nature of prison life; the command and control culture can still be found unchecked. Moral leadership then should be about appropriate use of authority in general and the empowerment of staff.

- *Commissioning for rehabilitation.* If more commissioning is to be handed down to governors, there will be a need for some to be able to access commissioning skills with a particular focus on rehabilitative outcomes.
- *Impact and evidence.* Greater autonomy and local commissioning is going to require prisons to rely more on local evidence and impact. While this will not require governors and senior managers to suddenly become researchers, there is a need to build confidence in making demands of partners and providers of services in relation to outcomes.
- *Business development and enterprise.* There was widespread agreement that one of the main opportunities provided by greater autonomy, particularly if linked to the ability to raise funds, was to be able to enter into different kinds of partnerships and to explore the potential of setting up new special purpose vehicles.
- *Stakeholder engagement and communications.* This area was identified for two reasons. First, many prisons are very poor at communications both inside and out. This can have a profound impact on the culture inside. This in part is as a result of the top-down nature of the prison system; prisons are awash with information but much of this is handed down from above in the form of PSIs and other instructions. The second challenge posed by a more outward-facing place-based approach was the need for prison leaders to be able to map their stakeholders, find effective ways of communicating with those outside, and enable communities to engage with them. We argue that an emphasis on co-design skills would help to support staff, prisoner and community engagement.
- *Understanding rehabilitation.* While many governors talk about rehabilitation, the reality is that much of the focus is on resettlement and actions that support good prisoners, rather than active citizenship. There was some appetite to enable prison leaders, as well as the wider workforce, to gain learning and skills around the theory and practice related to desistance, social capital and network theory.

We recommend that the government support the setting up of a new centre of excellence and standards. Delivered through a more ambitious model for Newbold Revel, Centre of Prisons Excellence would be more akin to the College of Policing, which has a mandate to set standards in professional development, including codes of practice and regulations, to ensure consistency across forces in England and Wales. It has a training, development, skills and qualification role that places a much greater focus on knowledge, evidence, commissioning research and setting up regional networks. In light of our recommendations for greater integration of prisons and probation at the regional hub/PC level and across the inspectorates, consideration should be given to whether a combined Centre of Prisons Excellence and Centre for Prisons and Probation Excellence should be developed, working with the existing Probation Institute.

The government has identified a role for a new network to drive reform and innovation in the prison system and has proposed setting up a ‘second chance’ or ‘prison reform network’. The idea for this was to provide a time bound, independent network that would act as a broker, facilitator and incubator, working with prisons and their partners. We would suggest that in designing such an exercise consideration could be given to working with Newbold Revel and governors and to exploring what the policing model could bring to the prison reform agenda and boosting the development opportunities for prison leaders and the wider workforce.

### **The Strategic Management Team**

Much greater focus is needed to develop the capabilities and opportunities for development at senior manager level and to enable managers to have greater ownership, expertise and continuity of role. Governors should be able to appoint people from outside the prison service and, where particular competencies are needed, to pay more. Particular gaps were identified around:

- *Partnership and Development.* Business and enterprise skills focused on raising money and delivering strategic outcomes linked to rehabilitation, and with a focus on enterprise development, employer engagement, sourcing additional partners and funds.
- *Communications and stakeholder engagement.* With a particular focus on developing communicative cultures inside and connecting with external audiences, including the local media. Co-design and service user engagement, with an emphasis on being able to develop homegrown innovations that involve staff and change culture rather than outsourcing.
- *Research and evidence:* We have recommended that the government introduce a duty to rehabilitate (see below). This will need to be owned by the senior management team
- *Finance:* With budgets devolved locally, responsibility for finance and funding oversight would need to be covered the senior management team with support from the local board and with particular emphasis on governance and compliance.

### **The prison workforce**

#### **Pay**

The national starting salary for prison officers in the public sector is £18,720 (inclusive of base pay and 17 percent addition for unsocial hours working) for working a 37-hour week.

Many prison staff are passionate about the role that prison can play in changing people’s lives. However, the service has struggled in recent years to recruit in many areas. The changes made through the benchmarking process and change to through the gate provision have not been welcomed

by many, with some feeling the outcome has been a deskilling of the prison officer role and that a squeeze on middle grades in the context of a complex and demanding population.

There is some sensitivity around the potential growing skills deficit as people have left the service (with 3,710 leavers between June 2014 and June 2015, 1,500 of whom resigned and over 500 of whom were dismissed). Not all of these will be frontline staff. The acute pressure that prison staff are under has driven up sickness levels, and dissatisfaction with where they work has resulted in more people leaving the service. The average number of working days lost due to staff sickness in 2011-12 was 9.8 days, this increased to 10.5 days in 2012-13. This compares with an estimated 9.7 days for NHS workers in England and 8.7 days in the public sector as a whole.<sup>94</sup>

There is a significant gender difference amongst the total NOMS workforce: whereas most (nearly three quarters) of NPS staff are female, women make up under 40 percent of the public sector prison workforce and HQ staff combined.<sup>95</sup> Ethnicity is a self-declared question on monitoring forms. It is therefore impossible to give an accurate account of the ethnic make up of NOMS' staff. This said, in the 12 months ending 30 June 2015, 6 percent of those staff who left NOMS and who had declared their ethnicity were black or ethnic minority.<sup>96</sup> Likewise, disability is also a self-declared, non-compulsory field; amongst the recruits who declared their disability status 3 percent had declared a disability.<sup>97</sup>

#### **POELT Content**

- Purpose of the Prison Service/Role of a Prison Officer/Professionals Attitudes.
- Interpersonal Skills.
- All aspects of Security and Searching.
- Understanding Self Harm.
- Diversity.
- Violence Reduction.
- Substance Misuse.
- Radio.
- Interviewing and Report Writing.
- Placing a Prisoner on Report.
- Adjudications.
- Escorts.
- Restraints.
- Heartstart.
- Public Protection.

94. Department of Health (2013) Table C4, Annual Report and Accounts 2012-13, London: The Stationery Office

95. Ibid

96. Ibid.

97. Ibid.

## **Prison Officer Entry Level Training**

Over the last 20 years, the Prison Officer Entry Level Training (POELT) for prison officers has been cut back and the Prison Officers' Association (POA) maintains that this is inadequate in light of fact that the role itself has changed markedly over the years, arguing that the needs of the service have become more complex. The aim of POELT is to provide new prison officers with the core skills and the knowledge they need to begin their prison service careers. The training is shared between home establishments and a training venue, which may be PSC Newbold Revel or one of 15 local training centres. The course is intended to provide training in core subjects at foundation level.

As well as basic entry-level requirements, there is a list of the preferred personal qualities, which include communication skills, understanding, assertiveness and integrity. A new officer is expected to complete the CCNVQ Level 3 within one year and is assessed against National Occupational Standards, which provide underpinning knowledge towards their Custodial Care NVQ Level 3. Other skills highlighted include a good level of maths and report-writing skills, for which there is an online entry test. Prospective staff will also need to take a fitness test, an eyesight test and a general health check. Employment history is asked for and a background check is carried out.

## **The Rehabilitative Workforce 2020**

The debate about reform can become stymied by a Catch 22-style discussion about numbers, capacity, purpose and capabilities that goes something like this: the prison service does not have enough staff on the ground to support a steady state, let alone transformation; the prison workforce does not currently have the capabilities to support significant reforms; and governors are struggling to retain and recruit staff; talk of transformation is wild fancy. This kind of fatalism does not recognise either the desire for change or take a long-term view. The majority of staff desperately want to make a difference; many are critical of the training provided and would welcome the chance to develop new skills. For example, a common issue raised was the prevalence of prisoners with mental health problems: while wing officers are often in the frontline when things go wrong – including when people self-harm or take their own lives – they do not receive training in mental health. Positive work is already developing in relation to trauma awareness and this needs to be built on to ensure all staff have at the very least mental health awareness. Nor does it appreciate the kinds of changes that autonomy will bring; with less handed down by the centre, reform governors are already having to empower staff to help design new processes and approaches.

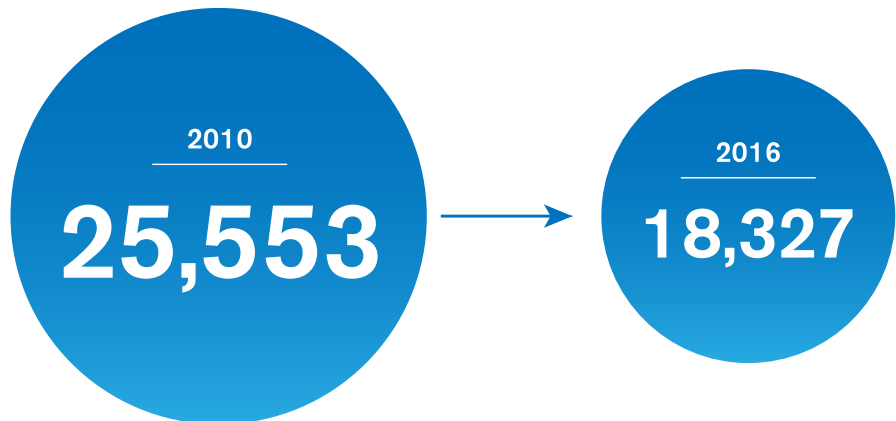
The autonomy agenda suggests we need to go beyond staffing numbers and empower staff as well as governors. There is, we believe, an opportunity for a significant rethink of the recruitment, training and development offered to the core prison workforce. This would build on the proposals and some of the changes already being made in light of the Coates review. Although starting off with a relatively modest number of graduates and an aim of covering 5-10 percent of the workforce, the Unlocked scheme should in time have a multiplier effect and help to develop the next generation of prison leaders. But a much more profound change is needed alongside this.

As the government focuses more on rehabilitation, unless the skills gap is addressed, we will be setting staff and governors up to fail. If we want rehabilitative prisons we need to provide staff with the access to the kinds of skills needed to support this. This should not however halt progress or simply drive more outsourcing, leaving wing officers in particular increasingly feeling like the job has been diminished and leading to them describing themselves as ‘turnkeys’. The current state of play can be divisive, with prison staff feeling deskilled, and innovation and rehabilitation outsourced to a range of different players.

Developing a clearer idea of what a rehabilitative workforce would look like, and the skills, capabilities and ways of working that this may entail, should be very challenging to those providers who have made substantial amounts of money on poor quality services or unproven outcomes. It could help to drive homegrown innovation within prisons, greater job satisfaction and more transferable skills. In the meantime, the reform agenda coupled with the changes already made to probation services and the creation of new community rehabilitation companies, provides an opportunity to explore what a broader rehabilitative workforce may look like. This could have the potential to break down some of the barriers that exist between different staff working within prisons, including those working with different sectors on individual projects.

---

#### Officer grade staff 2010 – 2016





## Conditions of success

Before we address the training and development issues in more detail, it is worth stating the obvious. However many skills and competencies frontline staff are able to develop, they do not work in a vacuum. The prison system does face specific challenges, but in driving workforce reform there is a need to beware of 'exceptionalism' and draw on good practice and reform in other sectors and public services. In many ways what is needed is completely standard in many large organisations:

- *A shared vision:* Our political leaders and governor leadership will be critical in this respect. Success will depend upon convincing staff and changing a culture that has been dominated by very hierarchical management styles. Flowing from the government's central vision, strategies are needed that enable the workforce to develop a vision for their own establishment, working with senior managers, external agencies and prisoners. The evidence suggests that best functioning organisations are those with the weakest division between the 'them' – management – and the 'us', frontline staff (and in the case of prisons the division between staff and prisoners). This is a challenge in the prison context where the system is built on the necessary authority of one group over another, but where good governors have found developing a shared account, even community, can inculcate joint working and cooperation. Such an approach should seek not just to develop an overall long-term vision and strategy for delivery, but to ensure that this is co-designed, well understood, consistently communicated and that people understand the role that they play – wherever they work – in supporting a rehabilitative culture and outcomes.
- *Access to resources:* This is not simply about money or staff numbers but about being able to access the networks, intelligence and relationships required to do their jobs. The rehabilitative prison would be more outward facing and dependent on local relationships.
- *Progression:* One of the bizarre characteristics of prison staffing is the constant change in people's roles with little sense of where their capabilities and aspirations lie. While the future prison officer role will continue to have a significant generic component, skills audits, pay structures and grading needs to encourage the development of specific skills that support rehabilitation that builds on people's existing strengths and ambitions. So for example, if they have a particular interest in developing their skills as an educator, the development of Unlocked should help progression. The current banding system is being reviewed and should aim to broaden this approach to other areas such as employment, behavioural programmes, resettlement or community engagement. This is not to argue that staff can simply choose their route and demand progression; rather that prison leaders need career pathways that incentivise development, not just promotion.

This will require a strategy that includes:

- *Addressing some of the anomalies* within the prison estate where some prisons are struggling more than others in terms of recruitment and retention.
- *Reviewing the training* of prison officers and investing in a 2020 Rehabilitative Workforce Skills Strategy that draws on the best models elsewhere, and with a central focus on the skills needed to support rehabilitation and a more community-based approach.
- *Tackling recruitment, selection and retention* issues through addressing the regional disparities that persist, and enabling governors to have discretion over pay and performance within their budgets.
- *Developing a more flexible career plan* approach that can reward prison officers for specific skills not just band hierarchy. This should include exploring the development of ‘a rehabilitative’ workforce with a focus on more transferable skills and greater movement between prisons and probation services.

The aim should be not just to fill staffing gaps in the short-term but also to develop the prison officer role as a career of choice for those who want to make a difference to the lives of those inside. Such an approach needs to be driven by purpose. A central focus on community-based rehabilitative prison implies a deeper focus on skills linked to understanding the people in prison, behavioural change, community engagement, strategy and innovation. Such an approach will require new funding to be invested. However, some of the changes to central NOMS proposed above would make savings and allow funding to be redirected to the frontline.

Making comparisons to other countries is always problematic given the differences in overall approaches to criminal justice policy, populations and public spending. However, while Sweden and Norway are frequently highlighted as models of good practice, the differences between the two countries in relation to their strategies for professionalising prison officer roles gives some insights, which could inform a new strategy for developing the prison workforce in England and Wales.<sup>98</sup>

The Norwegian approach has some fundamental differences to our approach; this includes a higher entry requirement and more extensive training, which requires all prison officers to undergo a two-year training programme followed by a one-year placement in prison. At the beginning of 2012 this became accredited as a university college education. The education of new POs is organised by KRUS (Correctional Service of Norway Staff Academy). This is responsible for all education (including further education and competence development of experienced prison officers and staff in the probation service) and research funded and commissioned by the state and the different prison authorities. The aim is to secure: “a teaching and research staff on the same qualitative

98. Bruhn, A. & Nylander, P. A. (2013) Professionalization of prison officers in Sweden and Norway: Two routes, two different goals? ISEG.

level as other comparable institutions of professional education”. In 2013 KRUS moved from reporting to the Minister of Justice to having greater independence, and reporting to Norway’s new Directorate of Norwegian Correctional Service. The model in Sweden, which has also undergone a professionalisation strategy over the last decades, has recently been shortened to 20 weeks and includes seven general requirements that include:

- A humane outlook on people.
- Mental stability.
- Empathetic capacity.
- Cooperation ability.
- Adaptability.
- Stress tolerance.

The Swedish model of training sits within the Swedish equivalent of NOMS and enjoys less independence than its Norwegian counterpart. The independence of the Norwegian approach and its success, has it seems protected it from scaling back, whereas in Sweden the university element of prison officer training has been cut back.

We do not here attempt to define the exact model needed. However, we do recommend that our proposals for developing a Centre of Prisons Excellence (including a research and evidence function) would go some way to creating that independence, and would ensure that academic work, and evidence of what works, would be brought closer to practice development and the creation of a workforce better equipped to respond to the needs of the prison population. The development of a 2020 Rehabilitative Workforce Skills Strategy should build on the Unlocked programme, and on the work already in progress by Newbold Revel and the POA, on developing an apprenticeship model for prison officers with the aim of making progression easier from operational into strategic roles, and in specialising in particular areas of reform. In addition the design and development of such a strategy would need to engage with probation and prison staff, prisoners and those on licence in the community with the aim of delivering substantial changes between now and 2020.







*Childhood Memories, London CRC  
Probation Service Monument Trust*

7973

Image courtesy of the Koestler Trust

---

# 9. The Role of Prisoners and Families

---

Throughout this project there emerged a consensus that there have been positive developments in peer schemes within prisons and a wider acceptance of the value that prisoners – and those who have experience of prison – have to play in improving prisons and in creating more rehabilitative cultures. In our discussion of workforce issues, much of the content focused on seeing prisoners as a critical part of the prison workforce and as an asset that we could do more to untap.

In 2010, the final report of the RSA's Commission on 2020 Public Services argued that better public services require deeper engagement with their end users, and with the wider community within which they operate. This is based on evidence that achieving high-quality, responsive public services requires communities to “play their part” and services to empower service users in seeking to address their needs. Service user and community participation is now widely used within public services, and methods vary in both quality and approach, including the extent to which they are seen as a core part of design and delivery. For example, some NHS Foundation Trusts have been effective in boosting the role of patients and the wider community in the commissioning cycle and publishing evidence of feedback from these groups.<sup>99</sup>

This emphasis on empowerment and participation still presents particular challenges for the criminal justice system: where choice is constrained (people do not choose which court they will come before or where they will serve their sentence); where service users are varied and diffuse (from local communities, to victims and their families as well as those who fall foul of the law); and where the empowerment of service users can be seen as controversial. Behind much of the language of ‘user engagement’, ‘public participation’ and ‘active citizenship’ is more than jargon and specific practical strategies of action: these agendas are, in their different ways, informing the design, delivery and regulatory frameworks of public services. A useful – and much quoted – model is Sherry Arnstein's Ladder of Citizen Participation developed in the late 1960s, which sets out a spectrum of approaches.

The ladder provides a useful tool to think about the different ‘rungs’ of participation. Here we focus on the role of ‘co-design’ or ‘co-production’

99. NHS England (2013) Transforming Participation in Health and Care: ‘The NHS belongs to us all’. Available at: <https://www.england.nhs.uk/wp-content/uploads/2013/09/trans-part-hc-guid1.pdf>



where services are designed and delivered in partnership with people; approaches that sit at the higher end of the ladder. However, types of participation do not always reflect a hierarchy; good practice stresses the need to be on the right rung for the right task. This is important for when we come to think more about engaging those in custody and its purpose. When is there a need for a basic exchange of information, and when is service user or community feedback being sought? When is there a need for a deeper level of involvement and what or whose agenda is being served? What is clear – particularly in the context of prison – is the need for clarity and honesty about the purpose of engagement from the outset. The most effective strategies are likely to be decided at a local level and designed to meet the specific needs of establishments. However, there are models from which to learn and a role for policy in encouraging such approaches in principle, without being prescriptive on approach.

“The central problem in thinking about trust is that it can be misplaced: the trustworthy may be mistrusted, and the untrustworthy may be trusted...When we refuse to trust the trustworthy we incur needless worry and cost in trying to check them out and hold them to account, while those who find their trustworthiness wrongly questioned may feel undermined, even insulted, and ultimately less inclined to be trustworthy... the central practical aim in placing and refusing trust is to do so well, that is to align the placing of trust with trustworthiness.”

**Baroness O’Neill, 2009**

Done well, greater service user involvement can not only rebalance the relationship between practitioners and clients but can also enable national and regional commissioners to contract with more confidence, secure feedback and generate ideas that can increase capacity. Done poorly, it can backfire, increase frustration and give ammunition to those who would rather not see those in custody be given a voice, let alone a larger role in driving change.

Our starting point is that effective engagement and participation are not ‘nice to have’ elements of culture in and around prisons, but can play a critical role in increasing levels of trust, in managing risk and supporting rehabilitation, and that the steady increase of initiatives based on peer-to-peer support, consultative forums and service user feedback should evolve to be core business for future prisons. Our second assumption is that effective participation in services – and the responsibilities that this implies – is generally good for us; that their benefits do not only arise through the social outcomes achieved but also through the *process of participation* itself. So effective engagement with people in custody and their families can serve to not only support rehabilitation through improving feedback and service design but, done well, can be rehabilitative in their approach, design and delivery.

The behaviours that we tend to hone when taking part in deliberations – in whatever context and however frustrating – are valuable life skills: of individual responsibility and team work, of listening and understanding the perspective of others, of communication and reasoned argument, in balancing our ideals and immediate desires with compromises for the

longer-term greater good. These skills are exactly the types of skills that can often be found wanting among the prison population and which correlate strongly with those ‘soft’ or life skills that employers say they value and which are important for making our way in the world.

### **Intelligent trust**

Prisons are communities. They provide healthcare, education, accommodation, food and a range of other services on a 24/7 basis. Like all communities, they stand or fall on the nature of the relationships within these, the levels of trust between human beings and the extent to which people – staff, prisoners and visitors – feel safe and secure. They benefit from having leaders that know and understand the concerns of the people who reside there and – within constraints – seek to empower the population they seek to serve. These issues are relevant to all prisons, including those that hold the most dangerous and disturbed people. In her work on the high-security estate, Professor Alison Liebling uses Onora O’Neill’s concept of *intelligent trust* to understand what drives radicalisation within prison. She concludes that people’s sense of the levels of intelligent trust flowing within a prison can have major consequences for staff and prisoners.<sup>100</sup> This concept is useful in thinking about prison culture, the amount and quality of time that staff and prisoners spend together, and how risk is managed. It has particular relevance to service user engagement.

The concept of intelligent trust and the role of peer groups speaks to one of the main complaints made by prisoners: the perception of fairness and procedural justice. Crudely put, people will accept decisions that do not go their way more readily if they understand the reason behind a decision. One of the themes raised by staff and prisoners throughout our work is the blanket reason for things not happening, or not being able to be tried because of security. A more nuanced approach to security and risk would tackle some of this, and active peer engagement can help as prisoners get to understand why decisions are made, and share this.

### **Peers in prison**

What was striking about the discussions we have had over the last few months is the consensus around the need to see prisoners and their families as assets, and the extent to which they were seen as potentially an additional part of the workforce within the prison.

There has been a substantial increase in peer schemes within criminal justice settings over the last decade, and they are now commonly used in prisons in England and Wales.<sup>101</sup> Work by Leeds Beckett University reviewed existing schemes in relation to health. It provides a useful outline of some of the generic existing peer-led interventions and includes:

- *Peer education.* Communication, education, and skills development with the aim of increasing knowledge, awareness and supporting behaviour change.

100. Liebling, A., Arnold, H. and Straub, C. (2011) An exploration of staff-prisoner relationships at HMP Whitemoor: 12 years on. MoJ.

101. South, J. et al. (2015) Peers in Prison Settings: Research Briefing. Leeds Beckett University. Available at: [http://www.leedsbeckett.ac.uk/files/PiPs\\_Research\\_Briefing.pdf](http://www.leedsbeckett.ac.uk/files/PiPs_Research_Briefing.pdf)

- *Peer support.* Support provided and received by prisoners. Prison peer support workers provide either social or emotional support or practical assistance to other prisoners on a one-to-one basis or through informal social networks.
- *Listeners.* A suicide prevention scheme, where prisoners provide confidential emotional support to fellow prisoners who are experiencing distress. Listeners are selected, trained and supported by the Samaritans and the scheme operates across most prisons in England and Wales.
- *Insiders.* Volunteer peer support workers who provide reassurance, information and practical assistance to new prisoners on arrival in prison.
- *Peer mentoring.* Prison peer mentoring involves prisoners or ex-prisoners working one-to-one with prisoners to develop supportive relationships and act as role models.
- *Health trainers.* Prison health trainers work with fellow prisoners around healthy lifestyles and mental health issues.
- *Peer advisors.* Provide housing and/or welfare benefits advice to other prisoners, particularly new prisoners and those planning for resettlement.
- *Others include:* Peer training (violence reduction); Peer outreach (harm reduction); Peer counsellors (substance misuse); Peer observers (suicide prevention).

The St Giles Trust offers prisoners and those in the community the opportunity to become professionally trained and progress into employment, whilst also supporting others to move their lives forward. It provides training towards the Level 3 Advice and Guidance qualification.

User Voice is a service-user led charity that facilitates elected prison councils with the aim of creating a consultative structure involving staff and prisoners. Training is offered to Level 1 in Service User Representation.

Wayfinders, used in HMP Wakefield, includes two types of wing representatives intended to assist prisoners with managing programmes and sentence progression (Wayfinders) and prison routine, developing relationships and wellbeing (Enablers)

In addition, many prisons include a prisoner council or forum, which focuses on creating a structure for feeding back issues to management. The evidence base on these kinds of interventions is growing but there remains a need for more hard headed and independent research that matches that done by those, including many involved in this project, who are advocate its use. The purpose of this work should be specific to the requirements of each establishment and staff and prisoners' needs. A critical factor to come out of the consultation was to understand that people saw rehabilitation and progress towards active citizenship as something that could be supported, even for those who would spend a long time inside or who may never leave. So, for example, as well as the 'traditional' peer schemes outlined there are other related initiatives, which, while supporting resettlement, seek to cultivate better relationships and thinking skills through coaching, debating forums and so on. For

example, the Humber Pilots was developed as a way of combining consultation with peer provision. The approach taken at HMP Humber was to create a co-designed and co-delivered programme that would provide residents and staff with an opportunity to innovate, input into strategy and develop problem solving and collaborative skills. It also aimed to create a structure inside that would make it easier to ‘bring in’ external agencies to add value. So for example, the group was able to meet with restorative justice practitioners and developed ideas for a new parenting module linked to learning and skills.

While engagement on resettlement issues is vital, in the context of a closed and secure environment, opportunities to ‘connect’ with matters of civic society and the outside world are also essential. Giving people the opportunity to develop knowledge and thinking skills does not only help to prepare them for release but also brings meaning, purpose and interaction to their time inside. There is a need to be able to distinguish specifically what works to support rehabilitation, as well as what benefits prisons and makes life in custody better, easier and safer for all.

## Challenges

Some generic challenges facing some prison peer schemes are:

- Lack of integration and buy in from both staff and residents.
- A focus on creating ‘good prisoners’ rather than individual progression, rehabilitation or active citizenship.
- Low reach and/or participation of the hardest to reach.
- A range of peer roles, often defined by different service providers, fragmented and unclear to service users, particularly new arrivals.
- Lack of crossover with sentence planning and learning progression (beyond L1/2 peer mentoring and some information advice and guidance).
- Dependence on short-term funding, external bodies and/or blessing of the governor (who may move) or a few people serving long sentences.
- Integration with peer/service user support post-custody.
- Weak (but growing) evidence of positive impacts for individuals, prison culture and post-release outcomes.

The work that has been done frequently comes to similar conclusions: that peer schemes – while not without risks – can bring institutional and individual benefits. These include:

- Increased confidence and feelings of responsibility and empowerment.
- Signaling that prisoners are valued within prison culture.
- The visibility of ambassadors and role models.
- Additional capacity. A way of identifying issues that staff and management may miss.<sup>102</sup>

102. Fletcher, D. & Batty, E. (2012) *Offender Peer Interventions: What do we know?* Sheffield Hallam. Available at: <https://www4.shu.ac.uk/research/cresr/sites/shu.ac.uk/files/offender-peer-interventions.pdf>

The fragmented nature of external provision – and of peer schemes (which can be a critical platform for progress) – can leave people feeling that they are not involved in this work in a meaningful way, or that they have been given the skills and ‘permission’ to engage and shape approaches to meet the establishment’s needs. In seeking to address these issues and some of the challenges set out above, we have been involved in the development of a whole community approach delivered through an overarching Service User Strategy, owned, co-designed and reviewed by staff and residents each year. We are testing whether a homegrown, design-to-fit model that builds in evaluation and meets the needs of the distinct population would better engage staff and enhance skills. Our aim is not to add further bureaucracy: the aim is to have one shared strategy that results in better coordination and integration of existing peer schemes, creates a clearer structure, with more visibility and reach, and that enables the governor and SMT to assess progress. While it is too early to tell whether this approach will make an impact, the RSA’s experience of working with services users in a range of different contexts, including in prisons and recovery services, has informed our thinking here. Each prison will want to develop approaches appropriate to their settings. The aim here is simply to argue that:

- Done well, co-designed approaches can be transformative and provide extremely useful feedback, ways of developing positive working relationships, consulting with people and engaging the hard to reach.
- Mainstreaming these in the form of prison-wide homegrown and delivered strategies sends a clear message to staff and prisoners of their importance, and allows for a ‘whole prison ‘approach’ where what works is defined by staff and prisoners, not external agencies.
- Embedding this form of participation allows for continuity, progression and skills development and, critically, an institutional memory that allows progress against rehabilitative outcomes to be measured year-on-year (we return to this later in our recommendations).

“It is widely accepted that good family contact has an important role to play, not only in supporting prisoners through their sentence, but in supporting their rehabilitation after release.”

**Life in Prison, HMIP August 2016**

## **Family Participation**

A key principle of prison reform – and one that many already support – is that the relatives of those who have committed crimes should not be treated as a guilty party, and that working to maintain family relationships and treating visitors with respect should be a priority for prisons. Family support can be critical to achieving rehabilitative outcomes, and children in particular should not be further punished for the actions of their parents.

A recent review of contact between families and prisoners undertaken by HMIP found some very good practice but a considerable amount of variation. The report recommends that:

- All prisons should have staff with a specific family support role and this should be overseen by a senior governor.
- The rollout of in-cell telephones to existing prisons should continue as resources permit and all new prisons should incorporate in-cell telephones.
- Prisoners should be allowed to receive incoming calls from their children or their carers on a risk-assessed basis.
- A pilot should be undertaken allowing risk-assessed and supervised prisoners to have family contact through social media and/or Skype. The findings should be evaluated and the results published.
- Restricted or limited family contact and/or support should not be used as a punishment for activities or behaviour unrelated to visits or family access.<sup>103</sup>

Most importantly, HMIP concluded that prisons should consult with visitors and develop a strategy to help prisoners maintain and enhance their support networks. We believe that in developing service user strategies for prisons, families should be included alongside prisoners. Such approaches would assist in undertaking the kinds of assessments we propose under a new duty to measure not just individual progression, but a rehabilitative culture within establishments.

103. HMIP (2016) Life in prison: Contact with families and friends. Available at: <http://www.justiceinspectorates.gov.uk/hmiprisoners/wp-content/uploads/sites/4/2016/08/Contact-with-families-and-friends-findings-paper-2016.pdf>





*Lion King*  
HM Prison Magilligan

7324

Image courtesy of the Koestler Trust

---

# 10. Education and Employment

---

OLASS was created in 2005 with the purpose of integrating prisoner education with mainstream academic and vocational provision. OLASS providers include the National Careers Service and learning providers such as Novus (formerly Manchester College) that historically secured the majority of contracts. The MoJ has recently announced that education funding will be transferred from the Department for Education to its department. Funding is devolved on a cluster basis and while each cluster will vary, each prison has a learning provider contracted to deliver basic skills in maths, English, information and communications technology (ICT), and tends to include vocational subjects such as customer service, catering and painting and decorating. Most prisons work with Turning Pages, a peer-to-peer literacy scheme run by the Shannon Trust, and will deliver some of their own courses. In general, statutory funding is only available up to level 2 NVQ. Further progression tends to be funded on a one-to-one basis through support available from charities such as the Prison Education Trust and the Longford Trust.

## **The Coates Review**

The vision for OLASS is that people, in prisons and supervised in the community, should have access to learning and skills, which enable them to gain the skills and qualifications they need to hold down a job and have a positive role in society. The recent review of prison education undertaken by Dame Sally Coates suggests that this vision is far from being realised. The review was highly critical of the current state of prison education concluding that, while there were pockets of good practice, the service seemed to have lost its focus on learning in its broadest sense; this included prisons' abilities to learn from each other and the development of a culture that saw learning as something that happened in a range of settings, not just in classrooms and as services provided by OLASS.

This conclusion chimes with the latest HMIP report which concluded that education in prison needed to be given a higher priority in response to 'dismal' learning outcomes noted by the inspectors.<sup>104</sup> The report states that purposeful activity, which includes work, training and education, had the worst outcomes in 10 years, and that purposeful activity was only good or very good in a quarter of prisons. The Coates review recommended a holistic approach to education including:

<sup>104</sup>. HMIP (2015) op. cit.

- Basic skills development in maths, English and ICT, through intensive courses, one-to-one support from other prisoners, or embedded in workshop or other work settings (eg kitchens and gardens).
- High-quality vocational training and employability skills that prepare individuals for jobs on release (eg through industrial work and training designed with and for employers).
- Personal and Social Development (PSD), including behaviour programmes, family and relationship learning, and practical skills (eg parenting, finance, and domestic management).
- Proper support for the needs of prisoners with Learning Difficulties and Disabilities (LDD).
- Provision of arts, music and sport activities.
- Enterprise and self-employment support and training.
- Self-directed study.
- Learning facilitated by ICT, including distance-learning that can support qualifications from entry level up to degree level.
- Advice and guidance that ensures individuals make informed choices about education and future employment and career options.
- ‘Through the gate’ support so that individuals can continue to progress through education, training and employment on release, and therefore avoid reoffending.

### **Unlocked Graduates**

A key development to come from the review is the Unlocked graduate scheme, which will create a route for the most talented graduates to enter the prison service and work closely with prisoners. Similar programmes in other public services – Teach First, Frontline, Police Now, and Think Ahead – have all been able to recruit talented graduates into the areas that need them the most, and have used their programmes to drive up those sectors as a whole.

Starting with 40-45 participants a year, Unlocked will target graduates who have excellent problem solving and interpersonal skills, as well as resilience and grit. After the two-year programme, participants may choose to continue working in the prison service and use their proven leadership skills to apply to join the governor graduate training route. There will also be routes for Unlocked ambassadors to move into other industries, in particular traditional graduate routes such as the civil service, consultancy, charities, law, and banking. The aim is to create a cohort of leaders with understanding of prison and prisoners, and of rehabilitation. Unlocked hopes that ambassadors will not only create new routes to employment for people leaving prison, but also that the status of the prison officer role will improve, and increasingly be perceived as requiring a highly skilled work force. The Unlocked approach is welcome but we argue that while this will play an important role in bringing new talent into the prison service and allowing some staff to ‘fast track’ their development, the challenge of workforce skills is a much deeper one.

The situation in relation to learning and skills is acute, given some of the issues we have outlined here in relation to staff shortages and skills. However, as was confirmed by our discussions with those working in

prisons, and by the RSA's work on prison learning in 2007,<sup>105</sup> these issues are not new. The quality, consistency and accessibility of prison education provision has for a long time been caught in a deadlock with providers arguing that they cannot access people, or the right people, to fill classrooms, and prison leaders are often unable to respond to these issues or shape contracts. And in 2011, the Department for Business, Innovation and Skills (BIS), along with the MoJ, published a review of prison learning.<sup>106</sup> This recommended a number of changes aimed at reducing re-offending, through a greater focus on skills development and routes to employment for learners in custody. The recommendations included:

- Making prisons places of work and industry with more people experiencing structured and disciplined working weeks.
- More relevant and focused vocational training taking place in the immediate 12-month period before release.
- A greater focus on the role of prison governors and prison Heads of Learning and Skills in planning curricula.
- Being able to meet local needs more effectively and understanding the local labour market into which prisoners are released.

This BIS review found many people in custody doing irrelevant qualifications and being required to repeat courses (to the benefit of providers and at a cost to the taxpayer), and raised concerns about governors' 'distance' and lack of input into what happens in classrooms.<sup>107</sup>

Much of the Coates review reflects challenges that were raised throughout our project, and is acknowledged in our discussion papers on education, employment and on workforce development.<sup>108</sup> In particular the review highlighted the need for greater investment in staff and the development of leadership skills that will promote learning, progression and education (of staff and those in custody). It recommended:

- Giving prison officers, alongside governors, senior leaders, teachers, instructors and peer mentors, professional development to support the delivery of high-quality education.
- Revising the funding mechanism for prison education so that governors and/or providers can design a curriculum that meets individual needs. This includes governors being able to use their education budgets to fund learning at Level 3 and above and using the planned investment in digital infrastructure to enable more flexible learning.
- A consistent and rigorous assessment mechanism to set a baseline against which to measure individuals' academic performance and screen for learning difficulties and/or

105. O'Brien, R. (2010) op cit.

106. BIS (2011) *Making Prisons Work: Skills for Rehabilitation*. Available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/230260/11-828-making-prisons-work-skills-for-rehabilitation.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/230260/11-828-making-prisons-work-skills-for-rehabilitation.pdf)

107. Ibid.

108. Coates, S. (2016) op cit.

disabilities, accompanied by a core set of educational performance measures used and monitored consistently by all prisons to drive continuous improvement.

- Personal Learning Plans for those in custody (provided in a consistent digital format that can follow people as they move through the system) that specifies the educational activity that should be undertaken during their sentence.
- Changes to the inspection regime, including Ofsted using the adult skills sector framework, and HMIP giving prisons an overall performance measure, with educational performance receiving a separate, distinct assessment, with overall performance unable to be more than one grade higher than that given for education provision.
- Reviewing security arrangements on the use of ICT in the prison estate, with governors enabled to develop an approach that allows people to have controlled access to the internet to support their studies and employment.
- Reviewing the roles and responsibilities of existing organisations supporting prisoners into employment. Alongside this the government should continue to develop an approach that encourages and supports employers to work in prisons and to employ prisoners on release.
- Giving governors freedom to design a framework of incentives that encourage attendance and progression.
- Every prison adopting a whole-prison approach to identifying, supporting and working with prisoners with Learning Difficulties and Disabilities (LDD).

## Employment

There is solid evidence and a wide degree of consensus about some of the key factors that support rehabilitation; in particular the importance of employment.<sup>109</sup> This includes a study by National Institute of Adult Continuing Education (NIACE) into interventions including basic education, vocational and apprenticeship training and industrial employment.<sup>110</sup> This suggested that in-prison educational and vocational interventions reduced offending compared with prison alone, and that the net benefit to the public sector ranged from £2,000 to £28,000 per prisoner. In 2013 the MoJ published an analysis that compares the re-offending rates for people who were in P45 employment in the year following their release from custody with a matched comparison group who were not.<sup>111</sup> While the MoJ is cautious in its conclusions, the data did show statistically significant results. These included:

<sup>109</sup>. MoJ (2013) *Transforming Rehabilitation: a summary of evidence on reducing reoffending*. Available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/243718/evidence-reduce-reoffending.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/243718/evidence-reduce-reoffending.pdf)

<sup>110</sup>. Matrix Knowledge Group (2009) *Lifelong Learning and Crime: An Analysis of the Cost-effectiveness of In-prison Educational and Vocational Interventions*. IFFL Public Value Paper 2. NIACE

<sup>111</sup>. MoJ (2013) *Analysis of the impact of employment on re-offending following release from custody, using Propensity Score Matching*. Available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/217412/impact-employment-reoffending.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/217412/impact-employment-reoffending.pdf)



- People who secured P45 employment at some point in the year after being released from custody were less likely to re-offend than otherwise similar profiles of people who did not get such employment.
- Amongst those who had served custodial sentences of less than one year, the one-year proven re-offending rate was 9 percent lower for those who found P45 employment. This reduced to 6 percent lower for those who had served sentences longer than a year.

Other factors directly associated with increased reporting of employment include:

- Participation in paid work in custody.
- Vocational training in custody.
- Accredited programmes to address offending behaviour and reduce drug or alcohol use in custody.
- Qualifications before custody. Prisoners who had reported holding school-level qualifications (GCSE and A-levels) were more likely to be in employment shortly after release (compared with those with no qualifications).
- Indirect factors associated with reduced likelihood of employment after release included: accommodation, disability, needing help with job-related skills and treatment/counselling.

Combined, these preventative factors are reflected in the seven pathways developed by NOMS to address these multiple needs that a prisoner may present with, and will need to prioritise before release. They are also reflected in the emphasis that commissioning has placed on employment as well as learning and skills within prison over the last few decades. This includes an emphasis on opportunities for paid work, vocational training, and accredited programmes while in prison. The effectiveness of this will determine the quality and purpose of people's time inside and their prospects for employment and progression on release. As the Coates review shows, despite some excellent practice, the current quality of provision is woefully lacking.

### **Post-custody employment**

A study by the Chartered Institute of Personnel and Development (CIPD) found that ex-prisoners are the most disadvantaged of all the labour market. In 2010 its work showed that only 12 percent of employers surveyed said that they had employed somebody with a criminal record in the past three years, and around one in five employers (19 percent) said they did exclude or were likely to exclude them from the recruitment process.<sup>112</sup> Working Links found similar (and conflicting) views amongst employers.<sup>113</sup> While 10 percent of the employers they contacted said they would not consider employing people with a record, and 18 percent said

112. CIPD (2010) *Labour Market Outlook*. Available at: <http://www.cipd.co.uk/NR/rdonlyres/E38D00D2-DE4A-4C61-A224-C5499455A322/0/5392LMOFocus.pdf>

113. Working Links (2010) *Prejudged: Tagged for life*. London.



they have actually employed someone they know to have convictions, this was in stark contrast to the positive impressions of those employers who are open to recruiting from this group.

Likewise, while many employers perceived ex-offenders as not having soft skills, such as honesty or reliability, these perceptions were in contrast to the actual experience of employers doing so. The type of offence committed is a significant factor in employer attitudes, with driving and alcohol convictions the only offences ignored by a significant majority of employers. Although this makes depressing reading, it looks like there may have been some shift in attitudes. Working Links 2005 work showed that more than one in three (37 percent) employers said that they deliberately exclude those with a criminal record when recruiting staff.<sup>114</sup>

Yet, work by the CIPD showed that of the 144 human resource professionals involved in its research who had knowingly employed people with criminal records, two-thirds stated that this has been a ‘positive’ experience and only eight have reported cases of reoffending.<sup>115</sup> There are now more high profile examples of employment initiatives and champions both inside and outside prison. In 2005 the MoJ set up the Corporate Alliance to engage employers on this issue.

### **The Rehabilitation of Offenders Act**

The Rehabilitation of Offenders Act 1974 was introduced to provide some form of legal protection to people with convictions and enables criminal convictions to become ‘spent’, or ignored, after a period of time. After this period, with certain exceptions, a person with a conviction is not normally obliged to mention it when applying for a job. The Act was reviewed in 2014 and the periods of time that convictions would take to be spent have been reduced. In theory, employers should not be able to turn someone down for a job because they have been convicted of an offence if the conviction or caution is spent, unless an exception applies. Applicants do not need to tell potential employers about spent convictions or cautions. However, if the job requires a criminal record check and this shows that someone is not suitable for a job because of a spent conviction or caution, the employer can withdraw an offer.

The 2014 changes to the Act were broadly welcomed. However, people with convictions – particularly those who have been in prison – still face a number of challenges. This includes the barriers facing those who have received a custodial sentence of more than four years; which while it is some indicator of the seriousness of offence, is not the same as an indicator of risk. In addition, there seems to be a growing number of exceptions with the criminal checks increasing from 1.3m a year in 2002 to 4.3m in 2011. Many employers routinely ask about criminal records, and many people with convictions are unaware that they do not need to disclose spent convictions, and worry about being seen to be anything less than honest in an application. Finally, people need to account for ‘missing’ periods of their life and, ironically, can find their time in prison is identified either through their CVs (a tell-tale sign can be a plethora of random Level 1s) and/or through web searches which throw up court cases.

<sup>114</sup>. Ibid.

<sup>115</sup>. CIPD (2010) *op. cit.*

## Current arrangements

Collectively this evidence shows how critical it is to get the employment offer right within custody. While there are exceptions, the prison system's performance on learning and skills is very weak. The evidence cited above also suggests that there is a need to find ways to bring employers closer to prisons and to shift people's attitudes to taking on those who have been inside, who face enormous barriers to securing work. We would argue that more should be done to connect these two elements, rather than see them as separate strands.

Prisons provide a range of employment opportunities. Some of these jobs may be 'core' prison work such as cleaning, catering and peer roles. Others will be delivered as contracts through One3One Solutions, a part of the Ministry of Justice, which according to its website has 450 different contracts within the estate. An issue that has been raised with us is the extent to which these contracts are able to provide 'real world' skills, and the tendency for too many contracts to involve very low skill activities that provide cheap labour but do not enhance employability. In addition, there was some concern about profits not being reinvested locally; if prisons are in need of low skilled work, and if they are given the freedoms to dedicate more resource to this, it is not clear what role One3One Solutions would play. Many governors already forge relationships with employers and there are good examples of partnership working (for example the work done by Timpson, the Clink and the likes of Summit Media, which until recently worked with HMP Humber and employs people on release).

The Rehabilitation Services Specification – Custody PSI for England applies to prisons, the NPS and CRCs and includes the following priorities:

- Align services with OLASS providers. Put in place local partnership working arrangements and determine what learning opportunities will be offered in each prison.
- Support initiatives to make prisons places of work and strengthen the focus on employability. Enhance access to mainstream learning and employment services for offenders on return to the community.
- Strengthen partnership working to ensure that offenders have access to support and services to both prepare for and enable access to employment.<sup>116</sup>

Each prison will measure how many people are in employment on a day-to-day and week-to-week basis; however these figures can be misleading as many people will take on roles but are unable to fulfil them due to regime restrictions and/or may be doing these a few hours a week. In addition, learning providers will measure qualifications attained. As the Coates review concluded data being collected does not do much to enlighten, and it is hard to assess whether people are doing the right qualifications for their needs (we have seen many highly able prisoners completing repeat Level 1 and 2 NVQs for example), or are engaged with work that is aligned with their aspirations or the needs of the economy

116. NOMS (2011) *Rehabilitation Services Specification – Custody*, PSI 04/2015 PI 01/2015.

and employers in their area. Most of what is currently measured is output not outcome focused and tells prison leaders and staff little or nothing about the longer-term impacts of their work.<sup>117</sup>

The 2014-15 HMIP annual report concluded, despite some prisons doing well, the overall picture of purposeful activity was a bleak one.<sup>118</sup> The percentage of prisons rated as ‘good’ or ‘reasonably good’ on resettlement declined from 68 percent in 2005-6 to 57 percent in 2014-15 (having increased to 85 percent in 2011-12). It concluded that: “Resettlement outcomes also slumped to their lowest level since we first began to record them and in only 45 percent of men’s prisons were outcomes reasonably good or good.” The percentage of prisons rated as ‘good’ or ‘reasonably good’ against the goal of providing purposeful activity has declined from 48 percent in 2005-6 to 36 percent in 2014-15 (having increased to 72 percent in 2011-12). HMIP found that purposeful activity outcomes were good or reasonably good in only one in four adult male prisons. It concluded that: “The core day was fatally undermined by staff shortages and this affected outcomes in all areas.”

## **Employment 2020**

We do not underestimate the resource challenges that the current system faces in relation to providing people with meaningful employment and skills development when they are in custody. However, as the HMIP 2014-15 annual report highlights, despite this some prisons were still managing to score better despite overcrowding and reductions in staff. While these very real resource challenges cannot be ignored, HMIP highlighted the lack of leadership and management of learning and skills in 74 percent of the prisons it had inspected. The report made a small number of substantial recommendations, including a major review of the offender management model to ensure a better match between its requirements and the resources and skills available in prisons to deliver it. In addition, it argued that further consultation needed to be done with employers to review the OLASS specification and to ensure that learning and skills contracts give greater emphasis to “a whole prison approach to the development of employability skills, and to provide for a greater range of attainment levels”.

We would argue that a more fundamental shift in thinking is needed if people are to reverse the trends of people spending more time locked in their cells, and that a mix of greater freedom from the centre and more autonomy at the local level can drive this change. One of the arguments for a locally based and locally accountable criminal justice system is the potential this has to better engage employers, and for governors to have the freedom to commission education and skills providers that fit their establishments’ populations and local economies. This would enable, for example, governors to work with employers on a local board to a long-term strategic plan, employ senior staff with business and enterprise experience, reward staff who have specific skills that support employment, and so on. More radically it could allow for specific skills

<sup>117</sup>. See, for example: O’Brien, R. and Karthaus, R. (2014) *Op cit* and Avery, A. (2014) *Transitions, offender skills and the Humber economy*. RSA.

<sup>118</sup>. HMIP (2015) *op. cit.*

priorities in some establishments. For example, in areas where there are particular dominant jobs markets<sup>119</sup> and skills deficits – in energy or food production for example – there is potential for prisons to enter into much more entrenched partnerships where employers work within the prison, providing in-house training linked to real jobs and qualifications on the outside. The current commissioning framework or leadership models (including over-dependence on a governor who may move) within prisons do not lend themselves to such arrangements.

The relationship between industry, business and prison is not uncontroversial. The American experience, which has resulted in a lot of low skilled, almost free labour, is exploitative. A prison system that has at its core a clear purpose of reducing reoffending through supporting rehabilitation would still need to set minimum standards and constraints around safety, security and decency but would critically be measuring employment programmes by their outcomes, not just numbers, and would require local boards to demonstrate this. At the moment many prisons ‘fly blind’ hoping that the schemes that they are involved with secure good outcomes but without the mechanisms to test this.

Our conception of the community-based rehabilitative prison would prioritise education and learning. As we have already argued this would be aided by including on local boards both further education and university partners and employers. This would allow for governance and strategy to place work and learning centre stage, and to develop criteria for commissioning and new projects, ensuring that they are outcome-focused, not exploitative, and are linked with generic employability and life skills as well as employment markets. We welcome the government’s proposal that prison governors will be able to commission education learning, and the movement of OLASS funding into the MoJ makes sense. In addition to this we would envisage the future prison taking the following steps:

- Ensure that local prison boards regularly review education and employment outcomes and develop a pipeline of progress that can identify the level of qualifications being attained, the employment status of those who leave, and mechanisms for planning further progression.
- Ensure that its senior management team includes people with expertise in education as well as business and enterprise. These would be specialist roles within the prison and would be responsible for – with the support of local prison boards – developing an employment and education strategy linked to sentence planning, a regular skills and aspirations audit amongst prisoners, and more detailed knowledge about workforce capabilities.
- Ensure that the employment and learning strategy is informed by employment trends both nationally and locally, including the role of freelance work, enterprise and social enterprise and further education.

<sup>119</sup> The Learning Together programme pioneered by the University of Cambridge is a good example of innovation, where graduates and students at HMP Grendon learn together over an eight-week period. <http://www.cctl.cam.ac.uk/case-studies/case-studies-about-lecture-practice/institute-criminology-learning-together-being>

- Seek to develop its own curriculum in partnership with local learning establishments, employers, local authority economic development teams and Local Enterprise Partnerships. The government should give tax breaks to those employers who take people leaving prison and on licence on for two years to incentive progress.
- Develop a ‘departure lounge’ employment bureau run by prisoners and staff inside, focused on preparing people for work, and on further training and skills and education. This would be linked to a local employers network that champions employment of people while inside and on release. It would include basic ‘surgery’ approaches such as work on CVs, dress code, benefits advice, financial management, interviewing techniques and coaching, alongside knowledge of local markets and linked to employment bureaux outside as well as CRCs and NPS.

Such approaches would need to be supported by technology that allows people to gain basic experience, but also by job search online and contact with employers before release. On the policy level, the government should give tax breaks to those employers who take people leaving prison and on licence on for two years to incentive progress. Within clear boundaries set by the centre, the ROTL process should emphasise local discretion and allow governors and staff to balance risk and rehabilitation using their knowledge of prisoners and employers in their area. ROTLs should be based on fair pay and an understanding of the flexibility required by employers.





# Case Studies

## One Small Thing

One Small Thing is an initiative set up by Lady Edwina Grosvenor which draws upon the work of Dr Stephanie Covington to make prisons 'trauma-informed'.

Prison officers and prison leaders from across NOMS received training to help them understand the impact of trauma on prisoners. The training focused on three core areas, the prison environment, the staffs' own experience of trauma, and the trauma that so many women in our prisons have faced. The project sought to demonstrate to those across the prison service that the past lives of prisoners has a dramatic impact on how they experience prison life and also on their chances of rehabilitation and improved health and wellbeing. The recognition of this should then inform any interactions or design that takes place in the prison setting. For a number of reasons, One Small Thing has focused primarily on the female prison estate. One is the practicality of working with a much smaller number of prisoners and prisons, but also the fact that trauma usually manifests differently in men and women.

During early 2015 the team visited all 12 female prisons across England and Wales and delivered a one-day training session to staff and prisoners. Many of those participating in the original groups are now facilitating trauma-informed sessions and training the next cohort of trainers. The reach of this practice has grown exponentially over a short period.

This project demonstrates how a small idea and willingness to change the system can have a big impact on the culture and outcomes of a complex system like the prison service. Since it began over 2,000 prison officers have received training in trauma-informed practice. HMP Drake Hall have sent their trainers across the prison estate to spread the practice. The curriculum devised by Dr Covington is now also a part of the Prison Officer Entry Level Training which is testament to the regard it has been held in across the service. Additionally, although the project was focused on the female estate, the model has started to be picked up by some of the male estate, and other organisations such as Surrey Police and Her Majesty's Inspectorate of Prisons will be taking it forward.

Source: [www.onesmallthing.org.uk](http://www.onesmallthing.org.uk)

## User Voice

User Voice Councils provide a platform for service users to have a voice. They have been developed for use within prisons and in the community for probation, youth offending teams and other related services. Their democratic processes enable voices to be heard and focus on collective challenges and solutions.

User Voice builds the structures that enable productive collaboration between service users and service providers and is able to do this because the work is led and delivered by ex-offenders, giving them the trust of, access to, and insight from people within the criminal justice system. The involvement of ex-offenders has many benefits, not least of which is the power of a narrative of success; working with ex-offenders can be a powerful way of motivating people who often have little self-belief that they can overcome the barriers they face.

The initial thoughts of the lead researcher have been identified as:

- Prisoner identities – “For many prisoners, the Council and participation in it assisted them in conceptualising a positive and productive identity with future-oriented aspirations.”
- Community – “By establishing a Council that allowed prisoners to be recognised through constructive dialogue, efforts centred on community betterment allowed a sense of collective responsibility to be developed. This created an environment of inclusion and purpose, and impacted on the wider prison culture.”
- Staff prisoner relationships – “were reformulated on increased levels of recognition and trust, and many developed long-term faith that these relations would continue to get better, aided by the collaborative work needed to sustain the Council.”
- Wellbeing – “The Council enabled prisoners to feel more secure and certain in an often unstable atmosphere, lessening tensions, anxiety, and increasing overall feelings of wellbeing.”

In line with this report’s recommendations, the User Voice team believe that councils only work if they have the support from the Governor, are properly resourced and are user-led.

Source: [www.uservice.org](http://www.uservice.org)

## Debating Matters Beyond Bars

Debating Matters Beyond Bars is based on the unique format of the Debating Matters school's competition, run by the Institute of Ideas, but tailored to a format that could work in a prison setting.

Debating Matters was commissioned by G4S at HMP Birmingham with the belief that prisoners could learn something by giving debating a go. Much of the ethos of Debating Matters as a school's debating competition was retained for Beyond Bars. The winners were decided based on content rather than style; expert judges quizzed and pushed the debaters to further substantiate their arguments; and prisoners were expected to prepare thoroughly in advance using bespoke Topic Guides. The competition was deliberately meant to be a challenge to prisoners and to push them to attempt things they never had before.

Six teams of prisoners (36 individuals) were invited to compete with four teams knocked out before the Grand Final debating topics such as: 'We should permit the use of performance enhancing drugs in sport'; 'The television licence fee should be abolished'; and 'No prisoner should have the vote'. After a hard-fought intelligent debate in front of a crowd of HMP Birmingham inmates, staff, families, and invited guests, HMP Birmingham Library were crowned the inaugural winners of Debating Matters Beyond Bars.

The prisoners involved have informed the team that Beyond Bars has helped improve their confidence and their ability to speak in public. Prisoners have complimented how the project engaged them intellectually in a way they previously thought impossible whilst in prison. Prisoners appreciated the challenge of researching for the debates and learnt from the intensive preparation required. Overall, prisoners seemed to appreciate the honesty of the project; it was meant to be challenging and did not patronise them by being overly congratulatory.

HMP Birmingham staff were complimentary of the initiative. They saw Beyond Bars as a rewarding and useful educational experience for the prisoners. They noted a change in some of the prisoners who took part and commented on the gusto and hard work that the project inspired amongst the competitors. Some staff members remarked on an atmosphere of respect that the project had inspired within the wider prison. HMP Birmingham director, Peter Small summed it up best by saying: "Just sometimes you forget you are in a prison and Beyond Bars was one of these moments. This competition was a great experience for all concerned and turned out to be a real success. I am extremely grateful for this opportunity."

Source: [www.debatingmatters.com](http://www.debatingmatters.com)

---

# SECTION 4: CONCLUSIONS

---



*Jack Rabbit*  
Lewisham Probation Office

7241

Image courtesy of the Koestler Trust

---

# 11. A Policy Framework for Transformation

---

We have tried to make a distinction between what can be done locally and where national policy can play an enabling role. It is our firm belief that many governors and staff want change and will rise to the new challenges that come with greater local freedoms. We have also seen first hand the appetite of employers – including major players such as Timpson, Halfords and Virgin – to be part of the solution. Our experience in public engagement has shown that the closer people are to these issues, the more informed and engaged they become, the more they become agents of change. There is a growing appetite to work with reform rather than simply shout from the sidelines about what is not working; the government needs to exploit this goodwill and the resources and ideas it brings.

This report has set a blueprint for a community-based rehabilitative prison. Throughout we have signalled the need for political leadership in developing a new vision for the prison system and for driving reform that engages prisoners, staff, governors, justice agencies and the wider community. The government's prison reform agenda is beginning to do this. The new government has restated its commitment to sweeping prison reform and this is hugely welcome. In regaining ground and setting this agenda the government needs to shape a strategy that could truly transform the prison system and rehabilitation.

## Recommendations

### *National Rehabilitation Strategy 2017-2020*

The Ministry of Justice needs to develop a national rehabilitation strategy which sets out a compelling, clear and ambitious vision and a long-term strategy, focused on reducing risk by strengthening rehabilitation for those citizens in prison. The timetable for this should be 2017-2020 with key milestones identified and shared over this period. The development of this strategy should draw on the early experiences of the reform of prisons and wider consultation with prison staff, prisoners, CRCs, the NPS and wider service providers and should be designed to be:

- *Integrated:* To be effective and sustained, political risk needs to be shared across government; the National Rehabilitation Strategy should have the explicit support of other departments, in particular: Her Majesty's Treasury (focused around long-term financial gains, and new ways of measuring value); the Department of Health (on the role of health commissioning and



services); the Home Office (in relation to the role of PPCs and wider security concerns); the Department for Communities and Local Government (on the link to devolution, the role of local authorities and through the gate issues such as housing); and the Department for Work and Pensions (in relation to benefits and employment).

- **Sustainable and long-term:** Work to foster cross-party consensus based on a shared recognition that transformation requires shared and consistent political leadership capable of resisting making political capital when things go wrong.

### *A new Rehabilitation Requirement*

The government should *pass legislation that includes a rehabilitation requirement for prisons and probation*. Drawing on the NHS wellbeing duty in content and execution, this would include introducing a new duty to track individual and institutional progress in relation to rehabilitation. The government would not stipulate how this is done other than that it must be ‘effective’ and include annual feedback from citizens, including staff, service users and the wider community. Responsibility for undertaking this work would lie within the prison, working with external researchers, opening up the market for the kinds of models so effectively pioneered by the University of Cambridge. Progress would be overseen by the new local boards and would draw on local data generated by criminal justice boards and service providers, including reoffending data.

### *Address Capacity and Capabilities*

The government should resist calls to set aside reform until the acute problems facing some prisons are dealt with. Instead they should adopt a staged approach that addresses both *capacity and capabilities*. This includes:

- *Additional investment in frontline staff to reduce security and safety risks and protect public servants.* Taking head on the acute challenges facing the prison service *alongside* its transformation agenda, short-term capacity issues alongside long-term capability. This will require additional investment in the frontline (broadly speaking returning the level of staff to 2010 levels), and increasing the bottom rate of pay for prison officers.
- *A 2020 Rehabilitative Workforce Skills Strategy*, that develops a new training offer, skills strategy and career paths for prison officers. Consideration should be given to how this could work closely with probation services. In developing this the government should borrow from models elsewhere, including the Norwegian and Swedish models. This will require additional investment front-loaded to ensure that new staff coming in to meet the immediate need are involved in this process. It will also require the engagement of prison staff, the POA and Prison Governors Association (PGA) and would benefit from

developing on from models such as the apprenticeship approach being developed with Newbold Revel. The aim should be to create a more resilient and empowered workforce with more transferable skills, with deeper knowledge about behaviour change, the needs of the prison population and the policy context of delivery.

- *Centre of Prisons Excellence.* Workforce reform needs to be supported by a new centre of excellence and standards: delivered through an ambitious model for Newbold Revel – a Centre of Prisons Excellence – more akin to the College of Policing. Consideration should be given to whether a combined centre could work across prisons and probation.

### **Governance of Community-Based Rehabilitative Prisons**

In letting go of control from the centre, the government needs to set clear minimum standards. In giving governors greater autonomy, the MoJ would need to set clear minimum standards while giving governors control of their budgets, commissioning and staffing. This needs to underpin wider structural change.

- *An Arms Length more Independent NOMS.* Although additional funding will be needed, savings can be made by NOMS becoming a smaller arms length function with greater independence from the MoJ, and more balanced in relation to probation and prisons. This would be a smaller resilience-based function responsible for setting out simpler, clearer and fewer commissioning intentions, and with targets prioritising rehabilitation. This would oversee population management and the high-security estate, and address particular security issues and shocks to the system. CRC and NPS contracts should be devolved to sit within the new devolved arrangements we propose here. Wider responsibility for research and evidence would sit with the new Centre of Prisons Excellence. The role of DDCs would be phased out as devolved arrangements come into play, or changed to play a greater role in forging collaboration, learning and evidence.
- *An Enhanced and more Integrated Prison and Probation Inspection Regime* to support autonomy. This would include the prisons inspectorate being required to be compliant with the obligations from OPCAT, which should be put on a statutory footing. Alongside this the Prisons and Probation Ombudsman's role should be placed on a statutory footing and an independent chair appointed to lead the National Preventative Mechanism. While retaining the separate inspections, change is needed to drive greater integration between probation and prison services and rehabilitation. The prisons inspectorate should include a greater focus on leadership, management and a culture of rehabilitation. The current consultation on the governance and role of IMBs should explore the potential of developing their role to track inspection recommendations.

- *Local Prison Boards.* In developing greater autonomy, stability, and ensuring safety and risk are managed well, new local prison boards should be developed that oversee long-term strategy. In line with this local prison boards should aim to increase governors' tenure as appropriate and make arrangements for sabbaticals. The MoJ would hand over prison funding to local boards and governors, with some key obligations that ensure that the national resilience and population flow work is mandated. This allows for basic parameters to be set but for the remainder of the budget to be spent locally. This retains the national prison system, but would allow for boards to develop special purpose vehicles to drive innovation and integration, and secure additional funding from private/corporate/charitable partnerships.
- *Adopting a Staged Process of Devolution.* In changing the role of the centre and giving governors greater freedoms and introducing more local autonomy, the government should adopt a staged process of devolution with a focus on expanding the remit of Police and Crime Commissioners and ensuring that scrutiny arrangements are in place to take on wider responsibilities and risk. In the interim, Regional Hubs would be responsible for developing regional rehabilitation strategies in line with the national strategy and vision and the new Rehabilitation Requirement.

While in some areas PCCs already work well with prisons and wider justice services through criminal justice boards, there is a need for greater collaboration and accountability within this, so that for example, disinvestment in one area can be assessed in terms of its impact on crime and rehabilitation. PCCs, in their public facing and crime and policing role, should play a greater convening role in the short term, ensuring that in every PCC area there is a Regional Rehabilitation Hub to drive integration and performance. In the longer term PCCs or city mayors would share responsibility for the new duty we are proposing, and be responsible for commissioning prisons and working with local communities, in taking measures that focus on prevention, community alternatives to custody and innovations such as problem solving courts. These arrangements, like the current devolution deals, will need to vary and make sensible decisions regarding PCC boundaries and where prisons sit within these.

- *Integration of Health Services.* A key challenge within this is to ensure the integration of health services. In addition to involving Public Health England and the NHS in developing these proposals, the government should ensure that JSNA provide clear statutory guidance on people on licence in the community and those in custody, and that Health and Wellbeing Boards be instructed to include prisoner populations explicitly in their priorities. Commissioning of health services for prisoners should be moved to sit with Clinical Commissioning Groups.

Prisons are not just about policy and people; they are also about environments. In taking forward its building programme for new prisons the government needs to consider how design and build can support rehabilitation and how costs are approached with this in mind.

- *Designing in Rehabilitation.* The evidence shows that smaller, modern prisons work better. While a long term devolved system is likely to drive this agenda, in the shorter term the government's prison building programme should be informed by first principles and by evidence of what supports rehabilitation, including size, locality, available networks and employment. It should also ensure that build costs take wider outcomes into consideration, not just capital, and create a clear mechanism for the 'release' of MoJ land for rehabilitative uses, including through lease to third parties.

Combined, we believe this model will ultimately serve to create a self-improving innovative system. For as this project has shown, the best ideas tend not to arise from highly centralised command and control systems, but through the engagement of practitioners and services users and the development of coalitions that have a shared cause and expertise on what works on the ground.



---

## 12. Afterword: A Matter of Conviction

---

Perceptions of and confidence in public services matter; they shape the political capital available to political leaders, lending real or perceived legitimacy to policy and funding decisions. If this is true generally, it is particularly salient when it comes to crime, where the public conversation – and people’s perceptions – are shaped to a large extent by fiction, media coverage and heated political narrative. Within this mix, public understanding of the prison service is critical; based as it is on closed institutions, which serve us and our communities but lie beyond most of our direct experience. The 24/7-day of the prison – the residential workforce, behaviour programmes, workshops, the through the gate services, healthcare and chaplaincy – all of these things have a role to play in shaping prisoners’ journeys one way or another. Prisons are, of course, about punishment through loss of liberty and have a primary duty to provide decent, secure and safe custody. But they are charged with a wider role: part-school/college, part-hospital, part-social care, accommodation and advice provider.

This happens out of sight. Meanwhile, hardly a day passes without headlines warning us that prisons are in crisis/too easy, or expressing outrage at the latest ‘luxury’ available to prisoners or, most tragically, the rise in the number of prisoners who self-harm or take their lives. And as largely passive and disconnected onlookers, the public is invited to assess the strength of these arguments with little experience or knowledge about prisons, their residents, their workforce, or indeed, their purpose. Too often seen as the end of the process, rather than space for potential new beginnings, the debate gets stuck in a narrative about the nature of punishment that prisons should be, rather than how the service can best deliver in providing care, in supporting rehabilitation and increasing public safety.

A perverse outcome is that while public confidence in the efficacy of putting more people in prison is low, we fairly consistently tend to want to see tougher sentencing.<sup>120</sup> Inevitably, serious and violent crimes get more attention and help to frame people’s perceptions of risk and of prisoners. It is perhaps not surprising then that there is a disparity between people’s fear of being a victim of violent crime and their chances of being so. While policy support for the principle of rehabilitation ebbs and flows,

120. Hough, M. and Roberts, J. (1998) *Attitudes to punishment: findings from the British Crime Survey*. Home Office. Available at: <http://www.icpr.org.uk/media/10372/Attitudes%20to%20punishment,%20hors179.pdf>



we remain fairly consistently disconnected – and sometimes hostile – to the role that prisons can and should play in this process. In the current context of a high prison population and significant reductions in funding and staffing, the impact on prisoners and the workforce, and attempts to rehabilitate does not exercise the public as it should; this eases the pressure on our leaders to act.

A healthier public conversation about prisons would help but not on its own. Of course, informed citizens make space for better policy; opinions rooted in evidence and the day-to-day realities of custodial life for staff and prisoners would help. And there are signs of a shift in thinking internationally. But in trying to address policies that fall into what former Home Secretary Charles Clarke has called the “too difficult box”, we need to do much more than try to secure the ‘right’ headlines based on the ‘right’ evidence. Taken in isolation, such an approach could just as easily serve to feed polemic as each ‘side’ garners their truths and digs deeper into their own ditches.

One option could be to follow countries like Sweden, where individual politicians are constitutionally restricted from interfering with how prisons deliver services, and where government, not any one minister, defines overall goals, with parliament providing the legal framework and the funds needed.<sup>121</sup> This removes the temptation of ministers making decisions on the hoof as the result of the latest headline, and allows the prison and probation services more day-to-day autonomy to do what they think works. But even if this option did emerge (which seems unlikely in the UK context), it would remain the case that, like most conversations, the public one about prisons can be enriched by direct experience; we need to find ways of bringing the public ‘in’.

Much of the research done on changing attitudes to sentencing involves group exercises where people are asked about their views on appropriate sentencing. They are then furnished with case details and broader evidence. The outcome tends to be that people’s views shift to be much more in line with the current sentencing patterns.<sup>122</sup> But as recent work on attitudes commissioned by Transform Justice has shown, opinions can be elastic and contradictory.<sup>123</sup> This concludes that there remains a dominant belief – despite the evidence to the contrary – that severe punishment effectively reduces crime and increases public safety. The authors argue that those involved in reform need to consistently answer some key questions with empirically based arguments. Why do crime and justice issues matter to society? How does the system work and what is wrong with it? What needs to be done? One challenge of delivering deeper shifts in attitudes is to ensure that our views do not simply ‘snap back’ within a short period of time, or when faced with the latest high-profile

121. Swedish Ministry of Justice (2015) *The Swedish judicial system*. Available at: <http://www.government.se/contentassets/9ebbo750780245aeb6d5c13c1ff5cf64/the-swedish-judicial-system.pdf>

122. Hough, M. et al (2013) *Attitudes to Sentencing and Trust in Justice: Exploring Trends from the Crime Survey for England and Wales*. Ministry of Justice. Available at: [http://www.icpr.org.uk/media/34605/Attitudes%20to%20Sentencing%20and%20Trust%20in%20Justice%20\(web\).pdf](http://www.icpr.org.uk/media/34605/Attitudes%20to%20Sentencing%20and%20Trust%20in%20Justice%20(web).pdf)

123. O’Neil, M., Kendall-Taylor, N. and Volmert, A. (2016) *New Narratives: Changing the Frame on Crime and Justice*. FrameWorks Institute.

offence. Another is to ensure that ‘those involved in reform’ include a wider group of people, including those who live and work within prisons, victims of crime and their local communities. To strengthen a culture of rehabilitation, we need a consistent political vision and we need more people to be more directly engaged.

This is not just a vain hope but based on two things. First, the fact that even in better economic times, prisons cannot ‘do’ rehabilitation without buy-in from the community and employers, as well as statutory and voluntary services. As much as crime is a social problem, rehabilitation is dependent on prisoners and prisons being able to create the relationships, networks and assets – the culture inside and out – that support desistance from crime. The stigma of having been in prison – which shapes people’s chances of employment, acceptance and inclusion – is partly defined by how we understand prison and hugely defined by our assumptions about those who end up there. If we do not find ways to get a more granular knowledge of both (their needs as well as capabilities) and to untap these latent external resources, we will simply continue to ask prisons to do more with less (with all the implications this has on outcomes for the workforce, prisoners and communities).

Second, the experience of the RSA’s work and Transitions is far from unique in finding that when people do have direct contact with prisons and prisoners, many find their attitudes challenged and changed. Once more, further engagement can transform this into a deeper understanding and a willingness to play a bigger part. This project has again and again heard about the importance of voice; for prisoners, for staff and for prisons themselves, all of whom remain relatively unheard within the wider debate about criminal justice. This is in part about the culture inside, but is also about power and control and the top-down nature of policy, which leaves those on the frontline largely left out of the conversation about the future of the service at a critical time of its development.

The extent to which these voices are heard is in large part defined by the structural and cultural nature of the prison system. Our contention is that a significant gap remains in understanding the role that prisons and prisoners’ networks have towards their rehabilitation capital. As well as tight resources and sometimes poorly coordinated services, the particular challenges faced by many prisoners – a lack of positive networks and of disempowerment – are mirrored by the prison service. We have argued that the government’s reform agenda provides an opportunity for more devolved services that prioritise rehabilitation and community engagement.

While prisons are exceptional in nature, they are not as exceptional as sometimes argued; every organisation of this scale will face some of the challenges set out here and much of what we have argued draws on the experience of other public services and institutions. There are very many within the prison service – whatever function they work in and whoever employs them – who are passionate about the potential of prison to make a difference, and their role within this. But too often we again rely on exceptionalism; the heroic officer or governor who does not ask permission in trying to make a difference to others. We would argue that permission needs to be communicated by our political leaders to

all of those involved in prisons – including prisoners, their families and communities – in order that they can become the architects of reform.

In lean times we need more than ever to understand not just how to squeeze as much as possible out of the capital, human and community resources available, but to work differently. What we have set out here cannot happen without taking the long view or without greater political consensus about the need for and shape of reform required. It cannot depend on the heroic endeavour of exceptional people but requires more of us to rise to a challenge, where success will ultimately benefit us all. In untapping these resources, the government will need to be courageous in taking on those who believe that prisons should be harsher, bigger and cheaper and that prisoners no longer have the right to be considered as fellow citizens.

We began with a quote from Antonio Gramsci, an Italian political activist who was imprisoned by Mussolini, where he wrote his most famous works. One of his core beliefs was that the world could change as a result of redefining what was considered to be ‘common sense’ and that what was needed were more public voices to emerge from schools, from communities – from prisons even – to define the new normal. In creating a new common sense about prisons we all have a role to play. This means marshaling evidence in making powerful arguments about justice, about value for money and public safety. But ultimately, this will be a matter of will and conviction.

# Case Studies

## **seedS**

seedS is a portable, quick and easy to assemble architectural product and creates defined, private space in an otherwise open, busy and often loud prison environment. It is designed to be used anywhere in the prison and to make people feel safe and comfortable, enabling them – through multimedia facilities – to connect, communicate, and work in a controllable space.

The aim is to allow more prisoners to be seen in a working day, to ensure the setting is conducive to healing and change and to increase options on the way services can be delivered in these complex environments. It helps to facilitate other sessions within prisons where confidentiality and security are important such as listener/peer mentor sessions, resettlement and support services, offender management interviews, healthcare services and some educational services. It seeks to address the rising 'did not attend' (DNAs) figures, the limited space to deliver care and the lack of confidentiality on the wings when prisoners interact with staff. The project was led by SAFE Innovations, in conjunction with an NHS prisons healthcare provider (Leeds Community Healthcare NHS Trust), the governor of HMP Leeds and in consultation with the prison's Deputy Director of Custody and prisoner groups.

A feasibility study, led by Dr Jayne Crosse found that seedS would: bring care closer to prisoners; increase prisoner contacts; reduce costs to the prison and health services of cancelled clinics; improve and increase the range of therapeutic interventions on offer. A further evaluation will be completed once seedS has been piloted in different settings.

Source: [www.safeinnoff.com](http://www.safeinnoff.com)

### **Catch 22: Payment by Results (PbR) model at HMP Doncaster**

This programme provided end-to-end case management of those in prison and in the community for up to a year post-release. The PbR was a 4-year pathfinder, which up until September 2015 was delivered in partnership with Serco and took a one caseworker, one assessment, one relationship approach starting on the first day of custody. The approach was driven by case management and each person had an assessment resulting in a tailored support plan to address their needs, sequencing timely interventions through their journey in custody and in the community. The assessment was structured around 10 reoffending pathways: accommodation; education; training and employment; health and wellbeing; addiction; children and families; finance, benefit and debt; attitudes, thinking and behaviour; immigration and legal status; social capital and Veterans in Custody (VIC) eligibility. Support plans were reviewed frequently and adapted when appropriate. Six to eight weeks prior to release or sooner for short sentences, the assessment was handed over to a community-based caseworker at a tripartite meeting to ensure a thorough hand over was received. The caseworker then worked with the individual in the last few weeks of his or her sentence and in the community for up to 12 months.

In the first year, the pilot supported 4,801 people whilst in custody of which 1,335 of accessed through the gate interventions, attending a minimum of monthly appointments for the first four months post-release. Structured withdrawals took place where support needs had dissipated but with the option of re-engagement at any point during the 12-month period and a re-engagement policy to support those who had disengaged with the service.

The PbR target was a five percentage reduction in people being reconvicted for an offence or offences within one year of their discharge from custody, compared to the baseline year of 2009. The reconviction rate for the first cohort (October 2011 to September 2012) was 5.7 percentage points lower than the 2009 baseline year. Amongst those people who served less than 12 month sentences, the reconviction rate fell by over 8 percent (from 64.1 percent to 55.7 percent) compared to the 2009 baseline year.

Source: [www.catch-22.org.uk](http://www.catch-22.org.uk)

---

# Annex 1: The Future Prison Project

---

In January 2016, the RSA and Transition Spaces brought together over 50 experts offering a range of perspectives on prison policy and practice. The event took place within the long-term context of stubbornly static reoffending rates, more recent and mounting evidence of decreasing safety in many establishments, and an emerging government prison reform agenda that emphasised rehabilitation, learning and work supported by a less centralised approach. Participants included those who had experience of living or working with prisons as former or current prisoners, governors, staff and chief inspectors. It included charities, employers and businesses working with people in custody and post release, as well as health service providers and commissioners, educators and academics.

Attended by the then Lord Chancellor and Secretary of State for Justice, Michael Gove, the then Prisons Minister, Andrew Selous and officials from MoJ and NOMS, participants were asked to address how prisons in England and Wales could better support rehabilitation. In short, what could and should the future prison look like? The aim of the event and the project that it helped to scope, was to go beyond rehearsing the ‘what needs to change’ – the immediate and major challenges facing the service – and attempt to address ‘how it could be’. To this end, we set out to develop an ambitious and credible vision for the medium and long-term, while addressing some of the short-term measures needed for that transformation to occur.

## The work

The project speaks to the RSA’s core mission: to understand and develop policies, institutions and ways of working that untap the potential power of citizens to create their own solutions and bring about positive social change. The people who end up in prison are often those with the least capacity to live the lives they wish to or to contribute to the greater good. Increasing their ability and opportunities to do so is critical not just to their sense of citizenship and to the wellbeing of their families but also to increasing community safety and securing better value for money for the taxpayer. Embedded in this thinking is the central question of how public service leaders can be empowered and encouraged to innovate *with* their employees, communities and the people who use their services.

We have drawn upon the RSA’s research on drug and alcohol services, policing and devolution. Much of this explores the kinds of policy and leadership approaches needed to unlock individual, institutional and community potential to bring about positive change and, in particular,



to create public services capable of meeting the needs and demands of the 21st century. Our thinking is informed by the RSA's 2020 Commission of Public Services, which argued for more attention to be paid to demand management, preventative and innovative services, devolving decision-making and co-creating services with local people. It concluded that more public investment should be evaluated by tests linked to 'social productivity': the extent to which it builds individual and community engagement, resilience and reciprocity. This kind of approach is especially relevant to prisoners and prisons, which need to work with a range of agencies but frequently remain cut off from wider communities, and where impact measurements are often focused on narrow outputs, not outcomes or shared value.

This report builds on the RSA's prisons work over the last six years; in particular, over three years of action research undertaken with HMP Humber, a male resettlement prison in East Yorkshire, as part of the Transitions project. While there, we worked with the governor (who has since moved), his team and serving prisoners, undertaking a feasibility study for using unused land assets owned by the MoJ to create a 'rehabilitation hub' that would work from the 'outside-in', smoothing the journey from custody to community and enabling the prison to forge wider and deeper relationships with its community and economy. Our contention, then and now, is that improving rehabilitative outcomes is dependent on a range of relationships inside and out, and that an understanding of these networks needs to form a central part of a strategic, integrated and more 'porous' approach to prison and resettlement. We found significant appetite for this approach within the prison and amongst its stakeholders, including the 'host' local authority and the Police and Crime Commissioner's office, employers, resettlement services, and local people.

The Future Prison project set out to be as practical as possible; to this end, much of our thinking has been shaped by the experiences and insights of practitioners, providers, innovators and commissioners. In addition to the initial scoping event, the project has been steered by numerous Advisory Group discussions and informed by eight seminars and discussion papers. Our thinking has been informed by many working in this field and a wide range of expertise and research, including the examples of practice included here. We have drawn upon academic work on trust and leadership within prisons on desistance and wider scholarship on wellbeing and recovery capital.

### **'Mike'**

We have tried to go for depth, not breadth in including just one individual case study – 'Mike' – who, although not yet 30, has spent over 9 years inside in a range of different categories of prison, encountering good and bad practice, poor and excellent leadership. The words here were written by him and bring into sharp relief a common and reasonable claim made by many of those working in prison; namely that progress towards rehabilitation can only happen when people are 'ready' to change.

As Mike's story highlights and as has been repeatedly pointed out to us by both staff and those in custody, this requires two things to be in place. First, for prison officers to have access to the time, capabilities and types

of relationships that enable them not only to spot that ‘readiness’, or its emergence, but also to act upon this. Second, for greater recognition to be given to the vital role that prisoners can play in supporting others to progress and the positive ‘multiplier effect’ that effective peer schemes can have. There has been significant progress in this respect but as Mike’s story brings home, this needs to be seen not as a ‘nice to have’ but as an essential part of prisons’ structures and culture.

## Scope

In January 2016 and in the context of a fast-moving reform agenda, the project set out to deliver a report within the year. This required us to make decisions about what we would seek to address and what would be left out. In making these choices we considered where the project would best add value. For example, the evidence of the negative impact that reductions in the NOMS budget has had on frontline staff and prison safety is compelling. We felt we should address this alongside workforce development and we make specific recommendations that reflect this.

### Principles of reform

The RSA’s body of work on prisons shares underlying principles, namely, that there is a need for transformative and systemic reform and that this requires the following:

- Recognition that loss of liberty is punishment and that what follows should be driven by the aim of returning people to their community in a state and to conditions most likely to reduce risk and increase community safety.
- Courageous and strategic political leadership informed by evidence and articulated through a consistent and compelling narrative.
- Safety and security to be managed effectively by using not just the best technical tools and intelligence available but also through culture change that reduces risk through enabling rehabilitation.
- Policy and practice that drives deeper and wider integration of justice and resettlement services.
- Approaches to rehabilitation that create the conditions for positive relationships that support progress in custody and beyond.
- That prison leaders, staff and service users have access to the resources, opportunities and capabilities needed to fulfill their potential and strengthen rehabilitative cultures.

Arguments for reducing the prison population are equally convincing; in particular, there is growing consensus that short-term sentences often do more damage than good. But we have not addressed sentencing reform in any detail, considering that this would warrant a project in itself and that this issue is well covered by others. We do, however, argue that the community-based and more locally accountable approaches proposed here – including further innovation around ‘problem solving courts’ – have the potential to take some of the political sting out of the debate about population reduction targets in the shorter term and, in the long

term, could serve to reduce the use of custody and drive more integrated and preventative approaches.

Likewise, while we reference recent government proposals around extremism in prisons, we did not feel we could do this issue justice and do not address this issue in detail. We do believe that much of what we have to say about the importance of culture, relationships, purpose and activity, have a contribution to make in addressing some of the factors that influence people's sense of isolation, their behaviour and attitudes. Indeed, the challenge for work like this – in the context we face – is to understand the political drive to 'do something' in the short-term but to make the case for longer-term culture change.

### **HMP Wayland**

The prison is taking part in a government-funded programme aimed at improving outcomes by using technology throughout the prison. The prison's 'blended learning' strategy combines classroom-based work with educational content delivered through prison television accessed in most cells.

While we welcome the signs of a more ambitious and less risk-averse approach, we have not considered in any depth the role of technology in relation to prison security or rehabilitation. The work of Professor Cynthia McDougall at the University of York has shown that the use of technology can improve outcomes and prison life. We understand that much of the thinking about a broader technology strategy has been done within NOMS, including wider use of home detention curfews (HDCs) and electronic tagging. The use of technology is relevant to broader questions about the infrastructure and the build and design of new establishments; how these could look and feel and the extent to which design could be driven by first principles. We considered this area to be beyond our expertise and timetable but have highlighted some current thinking being undertaken by others.

The question of how we commission new prisons links to wider considerations about the relationship between prisons and communities, commissioning and outcomes and between short-term costs and wider shared value and impact. For example, to what extent could a more community-based rehabilitative approach – informed by evidence that shows that sustaining positive family relationships and having access to locally relevant work before leaving prison, improves employment and resettlement outcomes – inform how and where prisons are built and their scale? A recent paper exploring whether the relationship between the size and age of prisons and performance, concluded that: "Size, more than any other factor, still predicted prison performance and that larger prisons were assessed by HMI Prison inspectors as being less safe, less respectful and less able to engage prisoners in purposeful activity... Prisons built between 1939 and 1977, were more likely to be performing well, that is to receive a 'good' rating by HMIP Inspectors on indicators of safety, respect, purposeful activity, and resettlement."

We touch only indirectly on the wider factors shaping the prison population, including crime level and trends, shifts in demography and

issues around bias within the justice system. So, for example, we have not addressed here the issue of cyber crime, which presents a mounting challenge to the criminal justice system. Likewise, we have not delved into diversity and equality issues within the prison population in any detail. Our focus is on the adult male lower category prisons in England and Wales because:

- The Westminster government's remit covers these jurisdictions (responsibility in Northern Ireland and Scotland is devolved).
- The government's focus on greater autonomy seemed to be most relevant to those establishments from which the vast majority of people will be released.
- Over 95 percent of the prison population is male.
- Because reoffending levels are highest amongst a subset of younger men serving short custodial sentences in these establishments.

Our aspiration is that parts of this work have broader relevance to the high-security estate, to youth justice and to female prisons. Our omissions do not reflect the importance of these issues and we hope what is included helps to shape wider considerations.

#### **Cross-cutting themes**

- Risk and Rehabilitation
- Leadership, Autonomy and Devolution
- Education and Employment
- Health and Wellbeing
- The Workforce
- Prisoner and Family Participation

Having defined our scope, we structured the project around cross-cutting themes that we considered to be central to what was then an emerging prison reform agenda; in particular, its focus on the critical role of employment and education, on giving governors greater freedoms by adopting a less top-down and bureaucratic approach, coupled with more emphasis on the role of prisoners themselves, local accountability and on creating the conditions for rehabilitation.

Many of the same issues emerged from different discussions. For example, there was broad consensus about the need for greater focus on learning, employment and enterprise approaches informed by local as well as national markets and skills trends. This raised issues around leadership, institutional structures and networks, and workforce skills. Likewise, the role played by those in custody was generally seen as critically important to increasing prisons' capacities to reduce risk and support rehabilitation, but this implied a need for a more integrated approach within establishments and between them and their contractors, as well as having implications for the skills of the prison workforce. The issue of integration, within establishments and between prisons,

probation and wider resettlement services, was a constant theme, which we have tried to reflect in our conclusions.

As with any project of this breadth, there were some differences in emphasis amongst those who took part. This was welcome and has made our work more interesting to do and, we hope, more nuanced in its conclusions. We hope that all of those who took part see their views reflected here in some shape or form, however, this report is ultimately the responsibility of the RSA, Transition Spaces. Any errors in fact and judgment are those of its authors.

For further information please visit: [www.thersa.org/action-and-research/rsa-projects/public-services-and-communities-folder/future-prison](http://www.thersa.org/action-and-research/rsa-projects/public-services-and-communities-folder/future-prison). Or contact Jack: [jack.robson@rsa.org.uk](mailto:jack.robson@rsa.org.uk)





The RSA (Royal Society for the encouragement of Arts, Manufactures and Commerce) believes that everyone should have the freedom and power to turn their ideas into reality – we call this the Power to Create. Through our ideas, research and 27,000-strong Fellowship, we seek to realise a society where creative power is distributed, where concentrations of power are confronted, and where creative values are nurtured.



---

8 John Adam Street  
London WC2N 6EZ  
+44 (0)20 7930 5115

Registered as a charity  
in England and Wales  
no. 212424

Copyright © RSA 2016

[www.thersa.org](http://www.thersa.org)

---

ISBN 978-0-901469-92-2

Designed by Studio EMMI