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Transforming Rehabilitation during a penal crisis: a case study of *Through the Gate* services in a Resettlement Prison in England and Wales

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Abstract

In 2013 the UK government published plans to radically reform resettlement provision for released prisoners via a *Through the Gate* scheme to be introduced as part of its *Transforming Rehabilitation* agenda. Under the scheme 70 of the 123 prisons in England and Wales were re-designated ‘resettlement prisons’ and tasked with establishing an integrated approach to service delivery, seamlessly extending rehabilitative support from custody into the community. This article utilises a case study of one resettlement prison to critically consider the implementation of these new arrangements. Drawing on insights by prisoners, prison staff and other key stakeholders it argues that instead of enhancing resettlement *Through the Gate* is actually enhancing *resentment* with Transforming Rehabilitation appearing to accentuate, rather than mediate, long-standing operational concerns within the prison system. The paper argues that unless there is a significant renewal of the structures, processes and mechanisms of administering support for addressing the rehabilitative needs of prisoners the current operational flaws within *Through the Gate* provision risk deepening the sense of a penal crisis.

Keywords

Resettlement; Rehabilitation; Reform; Through the Gate; Transforming Rehabilitation; Prisons; Penal Crisis

Introduction

The *Transforming Rehabilitation* (TR) agenda, the details of which were published by the Ministry of Justice on 19th September 2013, represented a far-reaching reform programme to the structures and processes of the management and supervision of (ex) offenders. There were two clearly stated drivers behind the changes. First, that supervision should be extended to the extra 45,000 prisoners in England and Wales released from short-term prison sentences of less than 12 months who were not routinely provided with post-sentence support and supervision. In an attempt to address the 60 per cent reoffending rate amongst this group (Ministry of Justice, 2013), TR enacted an additional 12-month period of mandatory supervision for all those released from prison having been sentenced to more than one day in custody. Second, that opening up the market of rehabilitation providers to partners from the private, voluntary and social sectors would not only introduce private sector investment into this extension of supervision but would also enable more flexible and innovative forms of service delivery. To facilitate this TR restructured the organizational management and supervision of offenders in the community, replacing the 35 English and Welsh public sector Probation Trusts with a smaller National Probation Service (NPS) responsible for the supervision of high-risk offenders and 21 newly created Community Rehabilitation Companiesⁱ (CRCs) responsible for the supervision of medium and low-risk offenders. The CRC contracts are managed by the National Offender Management Service (NOMS) on a ‘fee-for-service’ basis with the CRCs receiving additional incentive payments after two years dependent on decreases in recidivismⁱⁱ.

The extension of services for short-term prisoners received universal backing given that post-release support for adult short-term prisoners had long been criticised as minimalist and non-mandatory with acknowledged deficiencies in service provision (Burke, 2016). Simultaneously, however, the scope of the TR reforms and the speed

with which they were implemented drew considerable disapproval with critics pointing to the untested nature of the specific mechanisms and organisational arrangements employed (Senior, 2013).

Whilst the bulk of the TR reforms concerned the new arrangements for the management and supervision of offenders in the community, a strong emphasis was also placed on the restructuring of the prison estate via a network of 70 ‘resettlement prisons’ which would deliver *Through the Gate* service provision. Prisoners serving 12 months or less would serve the entirety of their sentence in a designated resettlement prison whilst those serving longer sentences would be moved to their localⁱⁱⁱ resettlement prison at least three months before the end of their time in custody. At the beginning of their sentence, each prisoner would be twice screened to identify their resettlement needs and whilst work could be undertaken throughout their sentence there would be exit velocity in the final twelve-weeks with specific support provided around employment, accommodation, finance and debt issues. On release individuals would receive a tailored package of supervision allowing rehabilitative support to extend from custody into the community.

The management and provision of *Through the Gate* services for short-term prisoners form part of the contractual obligations of the CRCs^{iv}. CRCs are newly mandated to manage resettlement service provision *within* the prison for all prisoners (regardless of whether these are NPS or CRC cases) as well as supervising individuals (designated as CRC cases) on release. In practice, this sees CRCs undertake a screening of all new prisoners within 5-days of their custodial sentence beginning, devising and managing a resettlement plan for the duration of their sentence and then drafting a pre-release planning and resettlement plan when that individual enters the final 12-weeks of their sentence. Throughout this process the prison based CRC staff communicate with the external CRC/NPS responsible officer to allow for joined up working and to ensure a ‘seamless service’ (Halliday, 2001; Carter, 2003) from custody into the community, bringing together what has often appeared to be a set of disconnected interventions (Lockyer and Hays, 2016).

Through the Gate commenced on 1 May 2015 and this article presents the initial findings of a longitudinal study of service provision within one of the newly designated resettlement prisons. The research documents the views and experiences of a series of individuals and organisations caught up in the grip of the profound changes taking place as a new emphasis on resettlement was advocated and new providers/partners assumed new and/or increased roles in delivering services. Within the case study prison *Through the Gate* arrangements are delivered by a national charity who are a partner of the CRC owners and provide their services on a sub-contractual basis as part of the supply chain. The charity has a long-standing presence within the prison but their work was previously limited to providing support and advice with accommodation rather than the broader contractual responsibilities of the CRCs. In essence, the contracted provider has responsibility for delivering resettlement services ‘to the gate’ with follow up support and supervision provided by the responsible officer in the community who is employed directly by the CRC owners/NPS.

This paper identifies the emergent challenges raised through the implementation of *Through the Gate*. In doing so it contends that the evident blockages, problems and weaknesses are prompted by two interlinking factors: firstly, the fundamental issues associated with the contractual responsibilities and management of TR; secondly, that enacting such a radical departure from established practice during a time of turbulence within the prison estate is fraught with difficulties. The paper concludes that the combination of TR’s systematic failings and the current ‘penal crisis’ is resulting in *Through the Gate* achieving the inverse of its aims by enhancing *resentment* rather than resettlement.

Methodology

This article presents the initial findings of a longitudinal study at one of the newly designated resettlement prisons; a category B^v prison that holds approximately 1250 male prisoners. The planned fieldwork stretches over an 18-month period (January 2016-July 2017) and comprises of three 6-month phases of activity. Within each phase of activity the research team conduct observational fieldwork and conduct interviews

and focus groups with sample groups of prison and CRC staff, stakeholders from partner organisations and prisoners. A feature of the project design is to identify 'tracker' cohorts of both prisoners and staff to follow throughout the phases of activity to capture, respectively, experiences of passing through new models of provision and of implementing change. At the end of each phase the research team facilitate a research planning event to discuss the emerging themes and these help inform briefing reports that are disseminated amongst partners to provide a stimulus for collective learning and to ultimately feed into the on-going delivery of resettlement services.

The data presented in this paper was collated during phase-one of the research which took place between January-June 2016. It comprises nineteen interviews with professionals involved in the management/delivery of resettlement services; five focus groups with a total of twenty-three prisoners (who were a mixture of NPS/CRC cases, all of whom were serving sentences of 12 months or under and who had entered the final 12-weeks of their sentence); and three tracker cases of prisoners (all of whom were designated CRC cases serving sentences of 12 months or under with each of these interviewed once as they entered the final 12-weeks of their sentence and once during the final two weeks prior to release). Both the focus group and tracker participants were drawn at random from automatically generated lists of all prisoners who were either within the final 12-weeks of their sentence (focus groups) or were due to enter the final 12-weeks of their sentence (tracker cases). Ethical approval to facilitate the research was granted by the National Offender Management National Research Committee.

Implementing Through the Gate: Staff perspectives

It is possible to group the reflections held by workers in the prison on implementing Through the Gate provision around two themes; firstly a concern with the management and ownership of the reform agenda, and secondly, concerns around the structures and processes required to deliver services. Collectively there was a predominant sense of support for the elevation of attention to resettlement principles but this enthusiasm was tempered somewhat by the realities of operating within the fraught climate change was being introduced into. The implementation of *Through the Gate* did not occur within a vacuum; on a national level, TR reforms were marked by a frenetic pace of change as

the government sought to enact its legislative provisions before an impending general election (Merrick, 2016). CRCs commenced their operations in July 2014, following a competitive bidding process the new owners didn't assume full control until early 2015, leaving two months until May to establish and embed sub-contracted and commissioned services for engaging service users. The short lead-in period coupled with the time taken for the terrain of the post-TR local criminal justice landscape to settle proved challenging as new and modified relationships between partners needed to be quickly established and professional boundaries rapidly drawn. Concurrently, the evolution of new occupational and organisational working cultures in an increasingly diverse sector added to the complexity of enacting the required changes (Deering and Feilzer, 2015, Robinson et al., 2016).

The very real challenges of managing resources during a period of austerity and high levels of incarceration added to the complexity of the situation. Recent dramatic reductions in financial and human resources means there are 6,000 less prisoner officer posts in England and Wales compared with 2010 (Burgon, 2016) and this has coincided with the emergence of psychoactive substance use (Ralphs et al., 2017) and an upsurge in violence which led the Chief Inspector of Prisons to recently describe them as 'unacceptably violent and dangerous places' (HMIP, 2016:8). Indeed, for some prisoners in this study violence was an accepted part of prison life:

I've been slashed, stabbed, I've had hot water threw over me and everything, but I'm still standing here going strong, it doesn't really threaten me. I'm that used to it now. It's just basically normal for me really, isn't it? (Prisoner)

The professionals within the prison identified a prevailing climate of the fear of threatened and actual violence as necessitating a predominant focus on security considerations. This, coupled with the cited diminishing of human and financial resources, was seen as compromising the resettlement ambitions of the prison. Regular violent incidents and staff shortages meant lockdowns (whereby all prisoners are locked in their cells for lengthy periods with no movements allowed) were used to manage potentially dangerous situations. This made it difficult to provide sustained, ordered

and seamless resettlement provision whilst in turn acting as a catalyst for increasing resentment among the prisoners (who were unable to access services), partner agencies (who were unable to access prisoners and therefore provide services with regularity) and partners (with different, and sometimes competing, working cultures/priorities);

At the moment we need to put our resources in place to unlock the lads. If you don't unlock the prisoners then my function doesn't work. XXXX's function doesn't work and the CRCs don't work because ultimately the priority is we have got to unlock them. Then we are moving outwards, we have unlocked them now what can we do? (Prison Staff)

The leadership required to navigate through these challenges and maintain the focus on resettlement was something a number of professionals felt was lacking and that without the impetus provided by a clear sense of direction progress was hindered. Some prison staff talked about not knowing 'who steers the ship' and of being confused in terms of accountability when 'all the targets sit with the CRC yet it comes under the umbrella *Reducing Reoffending*' (Prison Staff). Annison et al. (2015) highlight the importance of multi-agency partners developing a 'brand' to bring a coherence to operational partnership arrangements. Here though, the efforts to forge a shared sense of ownership was seen as being thwarted by the lack of clarity over the form the TR reforms took and the poor way they were communicated to staff:

Transforming Rehabilitation was thrust upon us, but I don't think prisons are set up for it. A lot of the work should be done by the CRC and we all accept and acknowledge that. The problem is the CRC don't know what they are doing. The CRC are not in a position to deliver what they want to because they are still learning even though we are 12 months into it (Prison Staff).

The absence of clear ownership and drive for engineering change manifested itself into feelings of antipathy relating to; what TR fundamentally represented (an unwelcome extension of criminal justice privatisation); its design (a policy/process conceptualised by administrators with little understanding of either how a prison works in practice or

the current lack of resources/operational difficulties they are faced with); and its management (rushed lead-in time, ill-considered structure of working practices, lack of steer and ownership). The most critical viewed *Through the Gate* as a masquerade (e.g., the prison is touted as a resettlement prison but doesn't operate as one in reality as alongside local short-term prisoners it holds long-term prisoners and those from outside of the local area) or a political 'box ticking' exercise (meaning that TR was about quantifying work undertaken not about improving the quality of this and that resultantly 'nothing has changed' or that service provision had even 'regressed');

The top and bottom of it is that it's just exactly the same as it's always been. As far as I can tell, nothing has changed. (Contracted Provider)

For the contracted provider the general air of cynicism added another layer to an already difficult transition period. Staff reported how challenging they found the changing demands in the nature of their work (from accommodation specialists to managing resettlement) and how more could have been achieved by both their own organization and the owners of the CRC to embed them and their role, strategically and in practice terms. The failure to sufficiently embed the provider - one of the key ambitions of the reform programme in delivering new and innovative provision - was interpreted by some as a failure to re-conceptualise resettlement such that an offender's path through the criminal justice system is seen as a resettlement *journey*. For example;

I don't think necessarily that prisoners see their journey as one whole road towards resettlement. I think they see it on a day-to-day basis, getting by and trying to adjust to changes, whatever change that that would be that week. (Community Provider).

For TR to have a real impact and for the prison to become a resettlement prison in reality not just in name, staff felt stronger leadership was required. This would require attention to a specific resettlement pathway which could involve a dedicated resettlement wing or resettlement centre (allowing more focused and tailored resettlement supervision, planning and partnership working) and/or resettlement boards

(allowing all agencies to feed into each individual's resettlement journey). The enduring challenges of operating with diminishing resources and a perceived lack of buy-in to *Through the Gate* from senior management in the prison meant some were sceptical about how much progress could be made. However, the recent announcement (in February 2017) by the Secretary of State for Justice that The Prisons and Court Bill will enshrine in law that a key duty of the prison is to reform and rehabilitate inmates should stimulate institutional arrangements (RSA, 2016, Stone, 2017).

The renewal of partnership arrangements was not just viewed as important in the shaping of organisational identities under the new arrangements but concerns were also raised regarding the adequacy and integrity of current service provision. That is, the mechanics of the operations within the prison at the start of the process, the level of communication once the engagement has commenced, and then through to the in-community support beyond the prison. The contracted provider identified a lack of access to inmates and appropriate facilities (in particular problems with prison staff opening cells and having to interview inmates on the wings meaning that potentially sensitive and confidential issues were discussed in a public environment); a shortage of IT equipment (meaning that they had to rotate computer time and did not have real-time access to relevant information); and an inability to deliver resettlement services (due to inmates being locked down/unable to move/denied access to inmates by prison staff). These operational concerns added to evident blurred boundaries and anxieties around the duplication of working reported through the fieldwork. The lack of clarity over boundaries of responsibility and joint working arrangements led to confusion (over who was doing what with whom), confrontation (regarding contractual obligations) and competition (with individual agencies fighting for a piece of the pie);

I don't know who's in this jail, so I don't know who's working with each offender. And the agencies that are in the jail are bringing other agencies in. And I don't know who they are, and none of them are telling us what they're doing with that person. And then none of it's going on the plan... Somewhere that needs to be managed. (Contracted Provider).

I think there are so many agencies and organisations who have got their own agendas on things. They've got their own targets; they've got their own funding issues. They've got their own bids and outcomes and everything else they want to secure. (Contracted Provider).

There was a considerable amount of duplication of work evident. Many of the organisations working in the prison undertook their own assessments and kept their own records which were not accessible to others. A much cited example being the initial information gathering and referral process on induction into the prison. Here, the prison is tasked, within 72 hours of the prisoner's reception into custody, with beginning the *Through the Gate* process by using part one of a new Basic Custody Screening Tool (BCST) to identify their individual resettlement needs. Following this, the CRC complete part two of the BCST setting out how they will meet the resettlement needs identified in the initial BCST and formulate an individual resettlement plan that must be completed within five working days of reception. In reality, prisoners often completed both parts of the BCST in quick succession (sometimes immediately one after the other meaning that the CRC regularly had no sight of the original BCST) whilst simultaneously being asked similar sets of questions by multiple providers (healthcare, drug support, employment and training). Some of the workers interviewed felt that this undermined their ability to address resettlement issues as inmates became fatigued and disengaged;

Why ask the same questions to the same man over and over again? The lads are just like, "Ah, another assessment." My fear is that some would probably say to us by the time XXXX comes and we have just got this assessment to do they will probably say, "Do you know what Miss, I am alright". (Prison staff)

The recent joint inspection report into *Through the Gate* Resettlement Services for short-term prisoners uncovered similar weaknesses in the assessment processes. What resettlement planning did occur was often found to be undertaken in a mainly superficial manner with less than 40 per cent of needs adequately described and as a result the initial screening formed an inadequate basis for devising meaningful

planning. In too many cases, resettlement planning consisted of no more than referrals to other agencies, recorded as completed once the email had been sent (CJJI, 2016). The inspectors concluded that; ‘The fact that two different members of staff, one from the prison and one from the CRC, were involved in the process was unhelpful’ (CJJI, 2016:18).

The importance of early contact with prisoners during their sentence to begin to develop trusting relationships with workers in increasing the effectiveness of the transition from custody to the community is well established (Malloch et al., 2013). In the case study area staff recognised the significance of this initial engagement activity but expressed concerns that the TR reforms (in their current state of development) were working against improved working practice. For example, if the contracted provider completed the BCST2 and all referrals then stemmed from this, it would mean that other agencies would not have to speak directly to inmates until they received a referral. Such a proposal however, in the current climate of separate contracts, funding, blurred lines and differential targets was seen as difficult to implement as all agencies would have to trust the contracted provider to make the referrals – it is arguable whether they would be willing to do this, not because the contracted provider was necessarily seen as unreliable, but because other agencies did not fully understand the contracted providers new role and continued to identify them first and foremost as accommodation providers. Nonetheless, there is an argument for the BCST to be replaced by a single rehabilitation plan that would; ‘place the individual at the centre of a holistic set of relationships, interventions and activities, paced to reflect their sentence length and representing their individual desistance pathway’ (Frazer, 2016:28).

The capacity of current provision to deliver on TR’s objective of providing new, innovative and holistic support through the prison gate – often through voluntary and third sector partners – was a concern for many. Evidence to the House of Commons Committee of Public Accounts concluded that the pace of change has been slow, and that there has been reduced investment by the CRCs in services delivered by voluntary sector organisations, as a result of less than expected revenues^{vi}. This has meant that the reforms; ‘have not succeeded in creating a diverse supply chain, and that poor

quality communication with the voluntary sector is damaging relations and impeding service improvement' (2016:13). Some organisations, mainly those delivering smaller-scale locally based services were also experiencing reductions in their existing funding schemes and it this was perceived to be the result of independent charitable trusts and foundations being reluctant to be seen to be subsidising public services or private companies (Track TR, 2016). In the short term at least the new arrangements appear then to have led in some cases to an upheaval in terms of service provision as existing providers were replaced by new providers as part of the contractual package arrangements. Understandably, it is taking time for new providers to develop their services and recruit skilled staff to deliver them. This has created gaps in provision and perhaps an unexpected expectation that the appropriate support services will be available on release (Burke, 2016). This was echoed in the views of the key stakeholders in our research who generally believed that in reality the notion of a seamless transition from prison to the community remained somewhat aspirational and that considerable work was required to achieve this, as the following response reflects;

It [the resettlement prison model] speaks more about the future, probably, than what is reality at the moment. It speaks about the prison having better links with the community, better links with agencies, it's all working outside the wall, inside the wall. So all the things we believe that should have been there, perhaps, is trying to say: yes, at last, yes, these things should be more effective, that we join with the community outside, this community inside, and that we work through the wall. (Prison Staff)

The on-going re-configuring of partnership arrangements that linked prison based providers with community based Responsible Officers were identified as taking time to bed in and seen as a key disconnect in the fluid transition of service users at that point. Aside from the shared use of the online Offender Assessment System (OASys), communication channels with community-based staff needed to be enhanced to more fully realise the ambitions of integrated working within and between CRC partner agencies;

This morning, I just went to the probation officer in the local area to tell him that I've got accommodation for his client out next Wednesday. He didn't know his client was out next Wednesday because he's had no communication from the prison, other than from me. Something's missing there, isn't it? (Contracted Provider).

That, I feel, is a fundamental flaw in our contract. There is no continuity. We send out our resettlement plans initially to all the OM's, all the offender managers. The responses we get back are few and far between, to the point where... It's a founded assumption that the majority of them just aren't read. They're not even acknowledged, let alone whether anybody has done it. (Contracted Provider).

Prison-based CRC staff did not routinely have access to the information systems used by staff in the community and as a result it could be difficult to establish even fundamental information such as who is the responsible officer. Consequently, the contracted providers in our study were not seen (by either themselves or other agencies) as part of the CRC. This perceived breakdown of the integrated model appeared to inform the perception among prison and partner staff alike that custody and services in the community operated as separate entities;

We don't have Through the Gate do we? We're To the Gate and then beyond that, the CRC are supposed to pick it up aren't they? (Contracted Provider).

Everything is custody based. We are struggling. There are loads of services out there. But there is no Through the Gate attached to this TR contract contractually (Contracted Provider).

Conversely, as the recent joint inspection noted, CRC staff in the community who were responsible for the cases often felt they were left to pick up the pieces after *Through the Gate* services had failed. They often did not have confidence in the reliability of information from the prison based contracted providers, they were unsure about the range of services provided in the prison, and so did not make requests for services to

be delivered (CJJI, 2016). Moreover, as we have noted, the situation was compounded by the fact that the community based CRC/NPS were having to respond to the new *Through the Gate* arrangements at the same time that they were coping with a radical internal reorganisation following the ‘organisational bifurcation’ of probation (Burke and Collett, 2016). Cumulatively these concerns meant that despite professional’s enthusiasm for the concept of through the gate provision there was a great deal of scepticism about the scope to deliver meaningful and sustainable impact under current conditions.

Experiencing *Through the Gate*: Prisoners’ perspectives

The perspectives of inmates who had engaged with resettlement provision can be grouped around a number of themes that emphasise the significant challenges facing the delivery of the *Through the Gate* provision, in the short and longer term. Given concerns raised by staff regarding the disjointed nature of the current systems, it is perhaps hardly surprising that the prisoner samples in our study reported having limited knowledge about resettlement provision. None of those inmates who participated in the research (n = 26) could identify which agency was responsible for their resettlement nor could they name a specific individual who they were working with to prepare for release. The majority stated that they could not recall having any discussions about their resettlement, were not aware of having a resettlement plan and lacked an understanding of their release (including their Home Detention Curfew/licence conditions and whether they would be released under the supervision of the NPS or CRC). Whilst it may well be that in some cases these services were offered, the fact that they were not acknowledged or valued by those prisoners interviewed is perhaps indicative of a wider malaise in their attitudes towards the resettlement process.

Similar to the joint inspection report finding that; ‘Prisoners did not feel they had any real involvement in the planning for their release’ (CJJI, 2016:36) many in our sample claimed to have had minimal communication/contact with service providers. They were often unable to describe the role played by different agencies, were largely unsure of what services are available to them, with some who had tried to seek support

complaining of difficulty in accessing services. In one respect these concerns are the consequence of systematic flaws that mean service users aren't being appropriately identified and managed. However the commentaries offered by this group of prisoners indicate a much deeper level of cynicism for the prospects of engineering a climate accommodating to rehabilitation;

If they can't let you out for an hour's association a day-right, because there's not enough screws in this prison, how on earth can they provide an infrastructure that's going to help you on the outside? (Prisoner).

At a more mundane level the quote here captures the sense of fatalism and resentment among some prisoners regarding the ability of the system to respond to their complex resettlement needs. On a routine day-to-day basis this resentment can be reinforced by the words and actions of prison staff who, in the prisoners' assessment, were struggling with the tensions of operating within turbulent processes of change. Liebling et al. (2010) have demonstrated how powerful a role prison staff can play in reducing and mediating the harms of imprisonment (as well as building trust and encouraging engagement in treatment and interventions). Here, the perceived failings of officers to engage positively around the resettlement work - whether that be through resource shortages or a general apathy towards rehabilitation services - was shaping inmate's frustrations with the availability and quality of provision. For others though the reported resentment hinted at deeper concerns around the changed internal climate and the sense of powerlessness they felt:

I've been in and out of this place in the 80s, 90s and early 2000s and they had a routine going and it's totally changed. I'm going back when they didn't even have toilets in the cells and things like that and it was a better routine because you knew you were getting your afternoon association. You knew when you were getting fed. You knew when you were going to work and it was all set. Now it's like, "right lads, bang up". The next thing, they don't even tell you there's no work and you're like, "well why aren't we in work?" (Prisoner).

It is imperative that prisoners receive appropriate personal support and access to services in order for them to feel as though they are being treated as individuals, as opposed to units to be managed (Grimshaw and Fraser, 2004; Edgar and Newell, 2006). For many interviewed in our study, prison was a dehumanizing experience that was at times, threatening, unresponsive and ultimately disempowering. As such it merely further served to compound their existing sense of marginalization and cynicism towards the agencies of the state:

But I just feel like I'm a piece of human livestock, every day I do in prison I feel less human because I feel like a piece of cattle (Prisoner).

These feelings were articulated by inmates with different degrees of frustration/anger/acceptance as they adapted to; 'the amorphous, monotonous, endless nature of temporality in prison' (Jewkes, 2012:48). Some men felt that they were 'lost' in the prison because of such issues, whilst others responded by developing coping mechanisms which were not always necessarily conducive to resettlement. As one prisoner claimed; 'All prison does to me is.... I've just pressed pause....so when I go out I press play. It continues'. This form of 'behavioural deep freeze' (Zamble and Porporino, 1988) might be an understandable form of psychological adaptation to a hostile prison environment but it is unlikely to enhance resettlement prospects.

Beyond the obvious practical challenges of resourcing provision to deliver resettlement services there are evident longer-term challenges here that TR reforms need to navigate. Contemporary rehabilitative practices tend to place an emphasis on the acceptance of personal responsibility and so alongside preparing for release prisoners are expected to address their offending behaviour and tackle their addictions (Crewe, 2009). As such they are increasingly viewed as entrepreneurs of their own personal development (Crewe, 2007). Whilst individual prisoners should undoubtedly have agency and responsibility in their resettlement journey it is important that this is supported by the necessary relationships and networks both within the prison and the community. Prisoners tend to be drawn from the most economically and socially disadvantaged in

society and all too often imprisonment merely serves to compound their disadvantage on release (SEU, 2002). A recent report from the Work and Pensions Committee (2016) found that released prisoners face a 'cliff edge' drop off in support offered to help them re-enter normal life and find work, and that even while in prison, education and employment support are fragmented and good practice is 'patchy and inconsistent'. As Maguire and Raynor (2016: 12) note;

The idea of giving prisoners more responsibility and 'ownership' of their plans for rehabilitation is clearly a positive one, but the reality is that, without assistance, many would be unable to progress their plans either because of lack of capacity or motivation, or because they are unable to overcome the many barriers that face inmates in attempting to access facilities and services.

Prisoners are not an homogenous group, nor are their experiences of imprisonment uniform (Liebling and Arnold 2004, Van Ginneken 2015) and so a 'one size fits all' approach is unlikely to be sufficiently responsive to their needs nor equip them with the capacities and motivations to desist from reoffending on their release. Many of the prisoners in our study both saw great value in the use of individual mentoring schemes (as did staff) but didn't believe that they were being utilised. This is consistent with the report of the joint inspection team who found that only 12 (3 men, 9 women) of the 61 cases inspected had a mentor allocated to them (CJJI, 2016:32). A recent report (RSA, 2016:108) found that such schemes have institutional benefits in terms of increasing support capacity and identifying issues that staff might miss as well as benefiting the individual resulting in increased confidence and feelings of responsibility and empowerment. However, the report also identified a range of challenges involved in the delivery of such provision that meant that the role of the mentor was not well integrated into sentence planning and post release supervision.

Based on the strongly expressed views of our prisoner sample there is a fundamental challenge to combat attitudes towards post-release supervision that see the extension of the license period for short-term sentenced offenders not as an opportunity to provide additional support, but as the antithesis of this. There was a belief that the licence and role of Probation (probation was still used as a generic label for both the NPS and CRC

with none of the prisoner sample distinguishing between the two or able when prompted to identify which organisation would manage their supervision in the community) represented an attempt to extend the policing of offenders, not to provide resettlement support to them. As one prisoner complained; ‘that’s made me angrier than anything. Because it’s like, I’ve done my time. You’ve done your tag, right, but they’re still going to keep checking up on you’. The perceived high number of recalls in the prison was cited as evidence of this. Indeed, one of the most prominent themes amongst the prisoners interviewed was their anxiety over adhering to the conditions of their licence with a number of individuals stating that they would comply with probation but avoid asking for any help as this would complicate the reporting process - this was regarded as a pragmatic approach to adhering to licence conditions, avoiding recall and therefore continuing their resettlement journey. This form of ‘short-term requirement compliance’ (Bottoms, 2001; Robinson and McNeill, 2008) to supervision is unlikely to enhance desistance in the longer-term. Indeed, it is questionable as to whether it is even a realistic objective in the short-term either given the 15 per cent increase in prison recalls during 2015-2016 for those failing to meet their licence requirements (Ministry of Justice 2016b).

‘Probation’ was perceived by many of those prisoners interviewed in our study to be more interested in monitoring and surveillance than wanting to provide support and assistance. This is a concern given that one of the main justifications for the creation of the CRCs was that freed from high risk public protection cases they would have the potential to undertake more rehabilitative work. Moreover, one of the key findings from the literature on the processes of desistance is that it can be; ‘provoked by someone believing in the offender; someone who perhaps carries hope and keeps it alive when the offender cannot do it for him or herself’ (McNeill et al., 2011:4). This was reflected in the following response from one of the prisoners interviewed in our study:

If you want to stop people going out and reoffending then change it when they come in. Give them a bit of hope, so when they go out, they know they’re not going to fucking go back to their old ways (Prisoner).

However, the Joint Inspection found that; ‘many responsible officers conveyed a lack of hope and an almost fatalistic acceptance of the likelihood of failure’ (CJJI, 2016:7). This sense of fatalism was also reflected in the negative attitudes held by some of those prisoners interviewed regarding the motivations of those responsible for their supervision and a belief that they were being set up to fail in the community;

I’ve learnt not to ask probation for fuck all, nothing. If you go to probation and say, “I need to speak to the job centre person” or something like that, then they send you an appointment to see the job centre person and if you don’t go to that appointment you’re going back to jail. So just don’t ask them for anything and just go once a week because that’s all what it is basically. (Prisoner)

Conclusion: *Too little, too late?*

The findings presented here, alongside those of the recent joint inspection (CJJI, 2016) suggest that there is still some considerable way to go to achieve the ‘seamless’ resettlement processes that the architects of TR, and other recent reforms, have aspired to. The practice issues raised in this article could be discounted as merely being the inevitable consequences of the early stages of implementing a new system of service delivery on the scale required. We would suggest though that they point to structural weaknesses in the new arrangements and that there are fundamental problems with the public/private sub-contracting model that is causing resentment and frustration, both among those tasked with implementing it and those it is intended to support. Providing a universal resettlement service to all prisoners may be a laudable objective but its efficacy is questionable if the rudimentary nature of the interactions means that although everyone is assessed, in reality no-one is assessed in a meaningful way. Sentence planning should be a central component of imprisonment but it becomes nothing more than a superficial tick-box exercise if it is not matched by meaningful support in the community. As Crewe contends, the legitimacy of the system is undermined; ‘if it appears to operate for its own sake while ignoring real needs, or if it pursues targets as ends in themselves’ (2007: 225).

Despite the commitment and enthusiasm of those workers involved in the resettlement task, it was also hard to escape the fact that such work was being undertaken in an environment that was in essence the antithesis of rehabilitation and that in reality our prisons have become more places of '*dehabilitation*' (Scott, 2016). Our concern is that the current situation is not only making effective resettlement provision extremely difficult to deliver but is frustrating staff and increasing prisoner disengagement and resentment. Rebranding penal institutions as 'resettlement' or 'reform' prisons will do little, or nothing, to address the fundamental problems that have been a feature of our prisons over many years. As Maguire and Raynor (2016:16) note;

It is important that the notion of a rehabilitative prison does not obscure the basic fact that, however well trained and caring the staff may be, prisons are not benign institutions. Inmates are there against their will, cut off from normal life, and housed with large numbers of other offenders – all of which are significant obstacles to rehabilitation. While it is obviously right to attempt to create as positive an atmosphere as possible for the people who are there, it is arguably even more important to pursue policies aimed at greatly reducing the use of imprisonment

Recent policies in England and Wales may have compounded the situation leading to increased numbers incarcerated, shrinking resources, inadequate provision, and an over-reliance on contractual targets that have in reality hindered rather than facilitated successful resettlement outcomes. However, as Sim (2016) has noted, the current discord in the prison system is underpinned by a range of factors that pre-date recent policy developments. As the findings from our research suggest, attempting to transform rehabilitation through the introduction of new *Through the Gate* arrangements without fundamentally transforming conditions across the prison establishment and the sentencing inflation that has fueled the numbers contained within it is almost inevitably doomed to fail – a classic case of '*putting the cart before the horse*' perhaps? Recent announcements surrounding the recruitment of additional prison staff and improvements to security appear at best limited to stabilizing the situation until longer-term changes take effect^{vii}. Similarly, calls to review the current contractual requirements in order to provide increased funding to greater incentivise the CRCs (CJJI, 2016:9) do not go far enough in our opinion and only serve to further

embed the link between punishment, social control, and corporate profits (Gottschalk, 2014). There are indications that there has been a reduction in performance and detrimental impact on staff morale, within both the CRCs and NPS, following the dissolution of the former Probation Trusts (Kirton and Guillaume, 2015, HMI Probation, 2014, 2015a, 2015b, 2016). Extending the scope of private enterprise to address problems created by the break-up of the public probation service therefore appears counter-intuitive to say the least. Ultimately, attempting to address these issues in isolation without a longer-term vision to address the penal crisis within the prison system in England and Wales, and the cultural factors that underpin it, is also unlikely to bring about significant and lasting change.

References

- Annison, H., Bradford, B. and Grant, E. (2015) 'Theorizing the role of 'the brand' in criminal justice: The case of Integrated Offender Management' *Criminology and Criminal Justice* Vol. 15(4) 387-406
- Bottoms, A. (2001) Compliance with community penalties, in Bottoms, A., Gelsthorpe, L. and Rex, S. (eds) *Community Penalties: Change and Challenges*. 59-83 Cullompton: Willan.
- Burgon, R. (2016) The Conservatives get it wrong on prisons-again. *Prospect*. <http://www.prospectmagazine.co.uk/politics/the-conservatives-get-it-wrong-on-prisons-again-liz-truss-white-paper>. (accessed 11 January 2017).
- Burke, L. (2016) The resettlement road map. *Probation Journal*. Vol. 63(1) 3-8.
- Burke, L. and Collett, S. (2016) Transforming Rehabilitation: Organizational bifurcation and the end of probation as we know it?, *Probation Journal* 63(2) 120-135.
- Carter, P. (2003) *Managing Offenders, Reducing Crime*. London: strategy Unit.

- Crewe, B. (2007) Power, Adaptation and Resistance in a Late-Modern Men's Prison. *British Journal of Criminology*. 47(2). 256-275.
- Crewe, B. (2009) *The Prisoner Society: Power, Adaptation and Social Life in an English Prison*. Oxford: Oxford University Press.
- CJJI (Criminal Justice Joint Inspection) (2016). *An Inspection of Through the Gate Resettlement Services for Short-Term Prisoners*. London: HM Inspectorate of Probation and HM Inspectorate of Prisons.
- Deering, J and Feilzer, M. (2015) *Privatising Probation: Is Transforming Rehabilitation the End of the Probation Ideal?* Bristol: Policy Press.
- Edgar, K. and Newell, T. (2006) *Restorative Justice in Prisons: A guide to making it happen*. Winchester: Waterside Press.
- Frazer, L. (2016) *The rehabilitative prison: What does 'good' look like*. London: Clinks.
- Gottschalk, M. (2014) *Caught: The Prison State and the Lockdown of American Politics*. NJ: Princeton University Press.
- Grimshaw, R. and Fraser, P. (2004). Prisoner resettlement and accommodation: challenges for the new corrections. *Criminal Justice Matters*. 56(1). 18-43.
- Halliday, J. (2001) *Making Punishments Work: Report of a Review of the Sentencing Framework for England and Wales*. London: HMSO.
- House of Commons Committee of Public Accounts (2016) *Transforming Rehabilitation: Seventeenth Report of Session 2016-17*. HC 484. London: House of Commons.
- HMI Prisons (2016) *HM Chief Inspector of Prisons for England and Wales Annual Report 2015-2016*. H.C. 471. London: Her Majesty's Inspectorate of Prisons.
- HMI Probation (2014) *Transforming Rehabilitation: Early Implementation April 2014 – September 2014*, Manchester: HMIP.

HMI Probation (2015a) *Transforming Rehabilitation: Early Implementation 2 - May 2015*, Manchester: HMIP.

HMI Probation (2015b) *Transforming Rehabilitation: Early Implementation 3, November 2015*, Manchester: HMIP.

HMI Probation (2016) *Transforming Rehabilitation: Early Implementation 4 – January 2016*, Manchester: HMIP.

Jewkes, Y. (2012) Identity and adaptation in prison in Crewe, B. and Bennett, J. (eds) *The Prisoner*. Oxon: Routledge.

Kirton, G. and Guillaume, C. (2015) *Employment Relations and Working Conditions in Probation after Transforming Rehabilitation*. London: Napo.

Leibling, A. & Arnold, H. (2004) *Prisons and their Moral Performance: A Study of Values, Quality and Prison Life*. Oxford: Clarendon Press.

Liebling, A., Price, D. and Shefer G. (2010) *The Prison Officer*. Oxon: Routledge.

Lockyer, K. and Hays, R. (2016) *Let's take these prison reforms to their logical conclusion*. *Prospect*. <http://www.prospectmagazine.co.uk/politics/prison-reform-rehabilitation-manchester-queens-speech>. (accessed 12 January 2017).

Maguire, M. and Raynor, P. (2016) Offender management in and after prison: The end of 'end-to-end'. *Criminology and Criminal Justice*. (advance publication on-line).

Malloch, M.S., McIvor, G., Schinkel, M. and Armstrong, S. (2013) *The Elements of Effective Through-Care Part 1: International Review*. SCCJR Report 03/2014. The Scottish Centre for Crime and Justice Research.

- McNeill, F., Anderson, K., Colvin, S., Overy, K., Sparks, R. and Tett, R. (2011) Kunstprojecten en What Works; een stimulans voor desistance (Trns. Inspiring Desistance? Arts projects and ‘what works?’). *Justitiele verkenningen*. Vol. 37(5): 80-101.
- Merrick, R. (2016) Privatisation of probation services branded a failure by two watchdog inspections. *The Guardian*. 4 October 2016.
- Ministry of Justice (2013) *Transforming Justice: A Revolution in the way we manage offenders*. London: HMSO.
- Ministry of Justice (2016) *Prison Safety and Reform*. Cm 9350. London: HMSO.
- Ministry of Justice (2016b) *Story of the prison population: 1993-2016., England and Wales*.
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/541667/prison-population-story-1993-2016.pdf. (accessed 12 January 2017).
- Ralphs, R, Williams, L, Askew, R and Norton, A. (2017) Adding Spice to the Porridge1: The development of a synthetic cannabinoid market in an English prison. *International Journal of Drug Policy*. DOI:
<http://dx.doi.org/10.1016/j.drugpo.2016.10.003>
- Robinson, G. and McNeill, F. (2008) Exploring the dynamics of compliance with community penalties. *Theoretical Criminology*. Vol. 12(4). 431-449.
- Robinson G, Burke L & Milling M (2016) Criminal Justice Identities in Transition: The case of Devolved Probation Services in England and Wales, *British Journal of Criminology*, 56 (1): 161-178
- RSA (2016) *A Matter of Conviction: A blue print for community-based rehabilitative prisons*. London: RSA Action and Research Centre.
- Scott, D. (2016) *Prisons; places of harm and dehabilitation*. openDemocracy.
<https://www.opendemocracy.net/openjustice/prisons-places-of-harm-and-dehabilitation> (accessed 12 January 2017).

- Senior, P. (2013) Editorial – Peering through the uncertainty. *British Journal of Community Justice*. Vol 11 (2/3). 1-9.
- Sim, J. (2016) ‘Letter to The Guardian’. *The Guardian*. Monday 19 December 2016.
- SEU (Social Exclusion Unit) (2002) *Reducing re-offending by ex-prisoners*. London: Office of the Deputy Prime Minister.
- Stone, J. (2017) Government to enshrine ministerial duty to rehabilitate prisoners into law for the first time. *The Independent*. 12 February.
- Track TR (2016) *Change and Challenges - The voluntary sector’s role in Transforming Rehabilitation*. London: Track TR (a partnership of Clinks, NCVO and TSRC).
- Van Ginneken, E. (2015) Doing Well or Just Doing Time? A Qualitative Study of Patterns of Psychological Adjustment in Prison. *The Howard Journal of Criminal Justice*. 54(4). 352-370.
- Work and Pensions Committee (2016) *Support for ex-offenders*. [www.parliament.uk
http://www.publications.parliament.uk/pa/cm201617/cmselect/cmworpen/58/5802.htm](http://www.parliament.uk/publications/parliament.uk/pa/cm201617/cmselect/cmworpen/58/5802.htm). . (accessed 12 January 2017).
- Zamble, E. and Porprino, F.J. (1988) *Coping, Behaviour, and Adaptation in Prison Inmates*. New York: Springer-Verlag.

ⁱ There are 21 CRCs areas in England and Wales managing those individuals assessed as being medium or low risk. With the exception of one contract package area all are in private ownership but remain accountable to the Ministry of Justice. High risk/public protection cases remain the responsibility of the public sector National Probation Service.

ⁱⁱ Reoffending data will not be available until late 2017.

ⁱⁱⁱ Local in this sense means the nearest prison to their intended release address depending on their categorization.

^{iv} The contract states that CRCs must; prepare a resettlement plan, within five working days of the screening being completed by prison staff; help prisoners to find accommodation; help prisoners retain employment held pre-custody and gain employment or training opportunities post-release; provide help with finance, benefits and debt; provide support for victims of domestic abuse and sex workers; undertake pre-release coordination

^v A Category B Local prison in England and Wales holds those awaiting sentence and those sentenced by the court. It is intended for those who do not require maximum security, but for whom escape would still pose a large risk to members of the community.

^{vi} CRC business volumes have been calculated as between 65 and 36% less than that modelled by the Ministry of Justice during the procurement process (National Audit Office 2016).

^{vii} The government in England and Wales has announced changes to the management of the prison system in its White Paper *Prison Safety and Reform* (Ministry of Justice 2016). It is proposed that Governors will have greater autonomy over their establishments and there will be closer monitoring of prison performance and education and investment in modern facilities.