Breakthrough Britain

Locked Up Potential

A strategy for reforming prisons and rehabilitating prisoners






A Policy Report by the
Prison Reform Working Group

Chaired by Jonathan Aitken

March 2009

THE CENTRE FOR SOCIAL JUSTICE

About the Centre for Social Justice

The Centre for Social Justice aims to put social justice at the heart of British politics.

Our policy development is rooted in the wisdom of those working to tackle Britain's deepest social problems and the experience of those whose lives have been affected by poverty. Our working groups are non-partisan, comprising prominent academics, practitioners and policy makers who have expertise in the relevant fields. We consult nationally and internationally, especially with charities and social enterprises, who are the the champions of the welfare society.

In addition to policy development, the CSJ has built an alliance of poverty fighting organisations that reverse social breakdown and transform communities.

We believe that the surest way the Government can reverse social breakdown and poverty is to enable such individuals, communities and voluntary groups to help themselves.

The CSJ was founded by Iain Duncan Smith in 2004, as the fulfilment of a promise made to Janice Dobbie, whose son had recently died from a drug overdose just after he was released from prison.

Chairman: Rt Hon Iain Duncan Smith MP
Executive Director: Philippa Stroud

Breakthrough Britain: Locked Up Potential

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This report represents the views of the working group as a whole and does not reflect at every point the individual opinion of each and every working group member.

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Preface

Iain Duncan Smith

I established The Centre for Social Justice (CSJ) to find policy solutions for entrenched social breakdown in Britain. The CSJ champions the cause of people trapped in our disadvantaged communities, often forgotten by politicians. In our reports *Breakdown Britain* and *Breakthrough Britain* we identified five key pathways to poverty – family breakdown; economic dependency and worklessness; educational failure; addiction; and personal indebtedness. Our 190 recommendations to reverse this strangling cycle of dependency are based on the life-changing work of voluntary sector groups in our most broken communities.

I commissioned this Prison Reform Review because the criminal justice system, particularly our overflowing prison system, picks up the pieces of this breakdown on a daily basis. Each of the five pathways to poverty has fuelled an unprecedented prison population increase in the last decade: most of the 83,000 people in prison have a reading and writing ability of an eleven year old child; almost 70 per cent were workless prior to imprisonment; the majority are drug and alcohol abusers; a third have been in care; the vast majority have mental health problems and three-quarters of all young offenders are from lone parent families. Curing the social ills that start so many of our young on a path to criminality is the purpose of the CSJ and should be the purpose of the government.

Even when someone is sent to prison, the government fails in its mission to reduce crime because of the spectacular failure of prisons to rehabilitate offenders – work that should be the heartbeat of the system. That over two thirds of prisoners leave prison and return to a life of crime, only to find themselves back behind bars within two years, is unacceptable. Any business model with this Return on Investment would quickly find itself in liquidation. This expensive failure costs society at least £12 billion a year and leaves our streets in too many communities, no go areas.

Operationally our prison system is a familiar case of mass public investment devoid of a coherent strategy. The government's National Offender Management Service (NOMS), one of whose primary tasks was to cut the re-offending rate, has spent more than £18 billion since 2004, to little or no effect. The reoffending rate is still high at up to 75 per cent of young offenders returning to prison within two years.

The Government's response to this failure is to build a number of prisons, so large that they have called them Titans. There is no evidence that such massive prisons do anything but feed the problem of re-offending: the £1.3 billion earmarked for these will be wasted money, as all involved in the reform of the prison system say they are illogical.

While I am angered by government's mismanagement of our prisons, I am encouraged by the number of life-changing voluntary and community groups giving offenders a chance to change. These groups, led by passionate social entrepreneurs, are the flickering hope of many. I think of Beyond the Gate, freeing prisoners of alcohol addiction in South West England; Prison Advice and Care Trust, keeping families together during a sentence; and Toe by Toe, teaching other prisoners to read.

It is working with these voluntary sector organisations that has enabled the Prison Reform working group to make more than 70 recommendations for reform across almost every area of prison policy. These vital proposals stem not from pre-conceived ideology but from wide-ranging consultation with prison and rehabilitation experts, based on facts, and led by a working group brimming with experience. We held more than 60 hours of public hearings; received more than 50 written submissions; made numerous prison, project and conference visits; and undertook two international trips. My thanks to Jonathan Aitken and all the members of the team for all their hard and vital work.

The implementation of this strategy to reform our prisons and rehabilitate our prisoners becomes more important during a recession, not less. The cost of inaction, at least £12 billion a year, is grave. I call on the Government to listen, learn and act. There is no time to waste.

Rt Hon Iain Duncan Smith, MP
Chairman, Centre for Social Justice

Chairman's Foreword

It is an unusual but perhaps useful qualification for chairing this Review to have had both a bird's eye and a worm's eye view of the criminal justice system.

Serving an 18 month prison sentence was a steep learning curve. From its depths I saw good and bad sides of prison life in three different establishments – HMPs Belmarsh, Standford Hill and Elmley. Every day my main activity was reading and writing letters for my fellow prisoners. From that experience I developed an insider's understanding of what made many offenders tick and why such a high percentage of them were certain to return to jail.

Also at the worm's eye level I observed the pressures that prison managements and staff have to face. On the whole they coped decently but inadequately with a daily chaos of chronic overcrowding, endemic drug abuse, widespread mental illness, and volatile mood swings. Keeping establishments calm on such seas of trouble can be a tiring task. It is hardly surprising that today's prison officers have to concentrate on containment or warehousing – but precious little else. Under the present overloaded system the notion that they have time to give serious attention to the rehabilitation of offenders is a political myth belied by the facts and figures.

For all the aspirations and activities of the Ministry of Justice's (MOJ) new agency, the National Offender Management Service (NOMS) (a 2004 merger of the Prison and Probation services now employing over 70,000 staff), the principal crisis in our prisons remains the stubbornly high rate of re-offending. Approximately three quarters of young prisoners under 25 and two thirds of all adult prisoners are reconvicted within two years of their release. So our jails have become conveyor belts carrying the same repeat offenders in and out of custody over and over again.

Moreover in the current economic recession, which like all recessions will inevitably lead to more crime, more prisoners and more overcrowding in our jails, the problems described in these pages are certain to get worse.

So the biggest question our Review has attempted to answer is: Are there any realistic new policies, culture changes or initiatives that could take significant numbers of offenders off the prison conveyor belt and into rehabilitated and law abiding lives?

A separate Centre for Social Justice (CSJ) review on courts and sentencing policy will offer its own legal proposals in response to this crisis. Our brief is

to search for answers within the prison and offender management system. Here it also has been helpful to have had a bird's eye view of how Whitehall and Westminster tick. This has provided a perspective on which legislative and administrative changes could be acceptable to a new parliament and government following a general election.

In this context the viewpoint of a former Chief Secretary of the Treasury has been useful for I once wrestled in the EDX (Expenditure) committee of the cabinet with the small print of prison and probation service budgets. They have grown exponentially in the past 12 years. Today the annual public expenditure costs of running our prisons and managing offenders is over £5 billion. Of this NOMS/Her Majesty's Prison Service (HMPS) spends £4.7 billion with the remainder coming from other budgets such as the Department of Health (DoH) and the Department for Innovation, Universities and Skills (DIUS) which respectively provide prison health and education services. Dwarfing these sums are the annual costs of re-offending which have been conservatively estimated (in 2002) by the Social Exclusion Unit at £11 billion. The combination of these figures means that society is footing a yearly bill for criminal offenders of over £16 billion.

To this should be added the Treasury's agreed new special capital allocation to the Ministry of Justice of £2.3 billion for the Titan prison building programme. We recommend scrapping this, replacing the Titans with smaller and innovatively designed 'academy' prisons. Our Review has a special section on these radically different new training establishments which would have the additional advantage of being significantly cheaper to build. But on the Government's current spending plans, one way or another society is now paying over £18 billion for prisons, prisoners, offender management and re-offending costs.

Could this huge sum be spent more wisely with less waste and failure? Of course it could. Shortly before this Review went to press, *The Times* reported on its front page that the National Audit Office (NAO) had severely criticised the MOJ for allowing its prison IT project to overrun by £456 million.[1] But there was an even worse revelation buried away in the small print of the NAO's findings. This was the disclosure that the project had failed in its main objective. For the original purpose of this new IT system (known as NOMIS) had been to connect the Prison Service's records of offenders in prison with the probation service records of what happened to these offenders after they came out of prison. The failure of NOMIS to do this is painfully symptomatic of what is going wrong at the heart of the NOMS. Until we create a joined up system which connects what happens to men and women in prison with a continuous effort at community level to continue their rehabilitation after their release from prison, there will be no substantial reduction in re-offending.

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1 *The Times*, '£18 billion scandal as Whitehall's IT plans spin out of control', 2 February 2009

As this example of the expensive omission by NOMIS indicates, following the taxpayer's money trail to identify which forms of offender management work in a cost effective way may well be one of the most illuminating paths of future prison reform. But first the fundamental issues must be set in a framework of moral principle. This raises the question: what are prisons for?

I have not gone soft on crime because of being in prison. With more direct knowledge than most people, I am well aware that many of the 83,000 inmates locked up in our jails need to be there in order to fulfil two important objectives of imprisonment – the protection of the public and the punishment of law breakers. But, I also know that the third purpose of prison, the rehabilitation of prisoners, has slipped way too far down the criminal justice system's national priorities. This is partly because it is a complex task. Yet a reduction in re-offending is so much in the public interest that it deserves to be tackled with a new strategic agenda of plans and policies.

We have set out our agenda for reform in the following nine sections of this Review preceded by a summary of proposals. It will be seen that there are no instant solutions or quick fixes to the two linked crises in the prison system of re-offending and over-crowding. But there are tested themes and recurring recommendations which, when woven together in a holistic strategy, are likely to deliver the results of reducing the numbers in both these areas of crisis.

The major themes and recommendations that run through this Review include:

- Abolishing NOMS and devolving its centralised powers of commissioning and managing custody places and offender rehabilitation services down to a new network of Community Prison and Rehabilitation Trusts (CPRTs). These CPRTs will be the prison and offender management equivalent of local NHS Trusts.
- As a consequence of abolishing NOMS and establishing CPRTs, HMPS will be changed. While it will still be needed to centrally manage high security establishments, many of its powers will be devolved to CPRTs. The majority of HMPS staff will be employed by the trusts.
- Changing the ethos and training of prison service staff within these CPRTs so that their mission includes the community based rehabilitation of prisoners before and after their release.
- Building future prisons to a radically different, more purposeful design to end human warehousing.
- Expanding and encouraging the involvement of trained volunteers from the voluntary and community sector (VCS) so that they play a major role in the localised rehabilitation of prisoners.
- Ensuring that both volunteers and professionals working to rehabilitate prisoners give a far higher priority to helping them to find employment and accommodation after release.

- Launching a major expansion of local pre-release and post-release mentoring schemes led by volunteers trained to work particularly closely with young short sentence prisoners. This group at present gets the least support after release from NOMS.
- Radically changing the present policies and practices towards drug abuse and drug treatment in prisons, and also for prisoners released into the community with drug and alcohol problems.
- Providing specialised forms of rehabilitation and training for certain categories of offender including ex-servicemen prisoners, women prisoners, older prisoners, disabled prisoners and prisoners with mental health disorders – some of whom should be placed in supervised community homes for offenders, local half-way houses and training centres.
- Radically overhauling the present systems of work, training and education in prison so that many more inmates are better equipped for life and employment after release.
- Encouraging and expanding the role of the private sector in many aspects of prison building, prison management and offender rehabilitation on both sides of the prison wall.
- Encouraging prison workshop partnerships with commercial organisations and offering incentives to local employers in order to increase job opportunities for ex-prisoners.
- Enabling prisoners to earn rehabilitation by making reparation to their victims.
- Encouraging and expanding Restorative Justice Conferences in prison and in the community as a well tested method of rehabilitating offenders.
- Giving victims of crime a greater involvement in the criminal justice system through new local initiatives such as participating in Restorative Justice Conferences, as advisers to Community Prisons and Rehabilitation Trusts, and as advisers to local parole boards in CPRT areas.
- Legislating early in the next Parliament to put three major prison measures on the statute book. The Community Prisons and Rehabilitation Trust Act (superseding parts of the Prisons Act 1952), The Second Chance Act (a radical revision of the 1974 Rehabilitation of Offenders Act) and a new Restorative Justice Act. The Government should also utilise any existing Criminal Justice legislation in doing so, such as Section 34 of the Offender Management Act 2007 (section 2.8.3.3).

Two general questions will immediately arise in the minds of observers who have become accustomed to so much failure in prison policy during the last two decades: Are these proposals workable? Are they affordable?

The reason why we believe our Review's recommendations are likely to prove effective is because the eleven members of our working group committee putting these proposals forward are idealists without illusions, approaching the issues realistically on the basis of their own wide and varied experiences of the

prison world. Several members of our team have held management appointments with responsibility for offenders at levels such as prison governor, youth justice board chairman, probation service leaders and NOMS senior executives. Two have been involved in the private sector side of prisons and three have held senior management positions in voluntary sector rehabilitation organisations. Three of us have served prison sentences. In addition we have all had our own extensive professional or personal contacts with prisoners and ex-prisoners, often through voluntary work, charities, community organisations, faith based groups or private friendships. After listening to some 15 months worth of evidence hearings from experts, making many visits to prison establishments both domestic and international, and utilising our own experiences to the full, we think we know what might succeed in reducing the repeat offending rates and in easing the prison overcrowding crisis.

Is our agenda affordable? Most certainly it is if it results in making even a small dent in the 75 per cent rate of repeat offending by younger prisoners and the 62 per cent rate by all adult offenders. Taking the accepted figure from the Social Exclusion Unit in 2002 that the annual cost of re-offending is £11 billion (or well over £12 billion when adjusted for inflation), it can be seen that a mere ten per cent fall in repeat offending would save around £1.2 billion a year. We present other such encouraging figures throughout this report, as well as emphasising that all our proposals are at worst cost neutral over the period of a Parliament. However, the greatest gains from our recommendations are not solely to be measured in terms of public expenditure.

A sustained and successful drive to reduce re-offending by released prisoners would reduce their criminal behaviour and make local communities safer. It would also reduce the soul destroying human wastage that is the main consequence of the conveyor belt of crime and imprisonment. These goals are so much in the public interest in comparison to the present status quo of jails bursting at the seams, overflowing with drugs, and releasing prisoners certain to return to custody, that we hope our proposals will be acted upon by an incoming government.

There is nothing ideological about the strategy recommended in this report. It is rooted in the CSJ's idealism to fix or at least repair one of the saddest parts of broken Britain. In that context, as an individual response to the CSJ ideal, I end this foreword, as it began, on a personal note.

During my seven months as a prisoner I often wondered whether such a negative experience could ever be put to any positive purpose. Throughout the long hours of loneliness in a cell, my fretful mind kept asking if all that I was seeing and hearing might one day be used for helping others to avoid the misery of imprisonment. From those stirrings there gradually emerged a

desire, perhaps a passion, to change our prison system and to help rehabilitate offenders. So I am deeply grateful to Iain Duncan Smith and the CSJ for offering me the opportunity to chair this Review.

It is now for others to decide what to do with our proposals. What I am sure of is that without the implementation of a strategy along the lines we have recommended, Britain's prisons will slide further backwards into overcrowded sinks of repeat offending from which fewer and fewer released prisoners will have the chance of being rehabilitated to start law abiding lives. At such a crossroads of hope or despair, may this Review encourage new thinking and new ways forward in the reform of our prisons.

Jonathan Aitken
March 2009

Members of the Prison Reform Working Group

Jonathan Aitken (Chairman)
Jonathan Aitken is an author, broadcaster, ex-MP, ex-Minister and ex-Prisoner. He has written twelve books including the prize-winning biographies of President Richard Nixon and John Newton. He is a Director of Prison Fellowship International, President of Christian Solidarity Worldwide, and Vice President of the New Bridge Society. He is a regular visitor and speaker in prisons in the UK and in many countries of the world.

Professor Rod Morgan
Rod Morgan was Chairman of the Youth Justice Board between 2004 and 2007. He was previously HM Chief Inspector of Probation for England and Wales (2001-4) and before that Professor of Criminal Justice, Bristol University. He has returned, part-time, to the University of Bristol and is also Visiting Professor at Cardiff University and the London School of Economics. He is: a Ministry of Justice-appointed advisor to the five criminal justice inspectorates; actively involved with several voluntary sector organisations working with young people in trouble; and a prolific writer on criminal justice-related matters. He is co-editor of the principal texts in the field of criminology and probation work.

Brian Kingham
Brian Kingham is founder (1973) Chairman of Reliance Security Group. With over 12,000 employees Reliance is one of the UK's largest providers of facilities management, contract security, electronic surveillance, and business process outsourcing. He is the founder of a private group of companies in mechanical engineering services, a Member of the Court of Brunel University and business adviser to the community interest company Restorative Solutions, doing pioneering criminal justice work with young people. He is a former national chairman of the Smaller Businesses Association, a Member of the Cassells Independent

Committee of Inquiry into the Role and Responsibilities of the Police, member of the Advisory Board of the Institute of Criminal Justice Studies at Portsmouth University, member of the CBI Council, and Director of Crime Concern.

Trevor Philpott OBE

Trevor Philpott established C-FAR, a charity that helped young adult persistent male offenders stop committing crime. The project included intensive 12 week residential training courses and ongoing mentor support in the community. Despite reducing re-offending by 40 per cent, due to difficulties in securing on-going financial support, in 2005 C-FAR went into voluntary liquidation. Since then, Trevor and his colleagues have established the Life Change UK training programme 'Managing Challenging Behaviour'. Trevor is a former Royal Marine Officer. During his 34 year career he gained extensive experience in leadership, management and training, and was once responsible for Royal Marine recruit training.

Revd Paul Cowley

Paul Cowley is the Executive Director of Alpha for Prisons, Caring for Ex-Offenders and Alpha for Forces. Paul also heads up the various areas of Social Transformation that Holy Trinity Brompton is involved in, including The Regeneration Trust which works on The Worlds End estate in London. At the age of 15 he was expelled from school, lived on the streets for a short while and then moved into crime, culminating in a short prison sentence. Upon release, Paul joined the Army and served for 13 years. During this time he was involved in tours of Northern Ireland, the Falklands he also served in the Army physical Training Corp he left the Army as a Staff sergeant. Paul obtained a degree in Theology at Oak Hill theology college London, and was ordained into the Church of England in 2002.

Stuart Mitson

Stuart Mitson is a former public sector prison governor and private sector Prison Director with over 20 years combined experience. As director of business projects with a leading Operating company he has also worked in the UK and internationally, on prison design, construction and management projects. In 2005, he became an independent expert providing consultancy on prison design and operations. Stuart, who holds a masters degree in social science from Oxford University and a degree in Art and Design from HCA, London, now works through his own company, Mitson Consulting Ltd., providing integrated architectural and regimes solutions for the design of prisons and other custodial facilities.

Derek Sayer JP MA MBA FRICS MCI Arb

Derek Sayer is a Justice of the Peace, a Member of Lord Chancellor's Advisory Committee and Past Deputy Chairman of the Board of Visitors at Wormwood Scrubs. He was a Member of the Greater London Magistrates' Courts Association and a Non-Executive Director of Her Majesty's Court Service. He is a Fellow of The Royal Institution of Chartered Surveyors and a Past Chairman of The Chartered Institute of Arbitrators (London Branch). He is currently Chairman of a number of property and investment companies in the UK, mainland Europe and China. He has an MA in Criminology and an MBA from Westminster University. He is a City Liveryman.

Simon Edwards

Simon Edwards is a business and social entrepreneur. He has pioneered the use of mentoring as a key personal development tool. He served as a British Army officer, during which time he worked in UK Prisons devising contingency plans for a prison officers' strike; he has a background in management consultancy and business coaching culminating in the founding of a charity, *Believe*, to inspire change amongst the socially excluded, including young and adult offenders. He designed a number of programmes built around a framework of coaching and mentoring providing the opportunities that unleashed potential and changed lives. He is a passionate believer in the power of mentoring to draw out the best in individuals which has lead to his current role as CEO of *Mowgli*, a new international mentoring charity designed to alleviate poverty by encouraging entrepreneurship in the developing world.

Bernard Jenkin MP

Bernard Jenkin was first elected as an MP in 1992 for North Colchester (since re-named North Essex). He serves on the House of Commons Defence Committee. He also served ten years on the Opposition front bench as Shadow Transport Secretary (1998-2001); Shadow Defence Secretary (2001-3); and Shadow Regions Secretary (2003-5), when he masterminded the successful 'no' campaign against regional government in the North East. David Cameron appointed him Conservative Deputy Chairman for Candidates (2005-6), with the task of achieving a fairer balance of women and ethnic minority candidates. He also served under Frank Field's chairmanship on the Social Security Committee (1994-7). Before politics, Bernard worked for ten years in the motor industry and venture capital.

Christian Guy (Senior Researcher)
Christian Guy read Politics and International Relations at the University of Reading. Before joining the Centre for Social Justice he worked as a political Intern in East London and a Community Development worker for a partnership of local authorities, police, schools, voluntary sector organisations and residents in Surrey. He sits as a Governor at one of his local schools and maintains an involvement in wider community initiatives. He has developed a keen interest in criminal justice and prison reform.

Erwin James
Erwin James served 20 years of a life sentence before his release in August 2004. In prison James took a degree course with the Open University majoring in History and graduated in 1994. His first article for a national newspaper, *The Independent*, appeared in 1994. He won first prize in the annual Koestler Awards for prose in 1995. His first article in *The Guardian* appeared in 1998 and he began writing a regular column for the paper, the first of its kind in the history of British journalism, entitled *A Life Inside* in 2000. (A collection of his columns, *A Life Inside, A Prisoner's Notebook*, was published in 2003. A follow up, *The Home Stretch, From Prison to Parole*, was published in 2005.) Following his release from prison in 2004 James has become a trustee of the Prison Reform Trust, and a Patron of the charity CREATE. He is now a full-time freelance writer. He remains a Guardian columnist and contributor.

The Prison Reform working group would also like to thank and acknowledge the hard work of:

Mitch Egan CB (*working group member December 07–June 08*)
Mitch Egan started life as a teacher, but spent much of her working life in the Prison Service, joining as an officer in 1976. She worked in a variety of prison and headquarters roles, and took her first command in 1993 as Governor of Low Newton prison. She was promoted to Area Manager in 1998, and then joined NOMS in 2004 as one of the first Regional Offender Managers, commissioning services for offenders across the North East, a role she retired from in 2008. She is a Churchill Fellow of 1993, and spent her Fellowship working with the Polish Prison Service. She was awarded a CB in the 2006 Birthday Honours for services to Criminal Justice. She is a trustee for Kids VIP and a Fawcett Commissioner.

Ann Creighton (*Specialist contributor December 07–November 08*)
Ann Creighton worked as a civil servant, a teacher, and as a political agent before moving 20 years ago to the Voluntary and Community Sector. Ann recently retired after more than a decade as Director of Prisoners Education Trust which annually provides over 2,000 education and training courses for people in prison, mainly through distance learning. Ann maintains a continued interest in offender education as a trustee of two prison charities as well as a mentor to the director of a new one.

Members of our working group made a full and frank declaration of any conflicts of interest as appropriate during the Review.

Summary of Policy Propsals

The strategy that has formulated our Review has two principal objectives: the reduction of re-offending and the easing of prison overcrowding. These are our major recommendations:

LOCALISING THE LEADERSHIP AND MANAGEMENT OF OUR PRISON SYSTEM

1. NOMS has been a failure and should be abolished. Its centralised powers, as well as those exercised by HMPS, of commissioning and managing custody places and offender rehabilitation services, should be devolved to a new network of Community Prison and Rehabilitation Trusts (CPRTs). These new CPRTs would be the prison and offender management equivalent of local NHS Trusts (section 2.8.1).
2. As a result of abolishing NOMS and establishing a network of CPRTs, HMPS will be changed. The majority of HMPS staff will be employed by CPRTs. A scaled-down HMPS will maintain management and responsibility for high security establishments.
3. We believe that the most effective rehabilitation of released prisoners should be rooted in the local community. So CPRTs will cover a local geographical area and have a local board of management with both executive and non-executive directors and an independent chairman.
4. A CPRT should maintain a clear and localised link between imprisonment and rehabilitation. It will join up the custodial and community services in its area and be the decision making body on how to provide these services. No longer will the provision of custodial, probationary and rehabilitation services be dictated from a national or regional centre as now happens with NOMS.
5. A CPRT should work closely with local agencies in its area such as the Local Authorities; NHS trusts; Housing Associations; local employers and businesses; voluntary, community, and charitable organisations and the media. CPRTs will be required to publish annual performance reports with emphasis on prison security and prisoner re-offending.
6. We reject the Titans prison building project. Instead we recommend that all or part of the present government's £2.3 billion new build prison budget should be re-invested in much smaller community prisons and local Community Supervised Homes for Offenders (CSHOs) (section 3.7.2).

7. A CPRT will have the power to commission new build prisons. It will, through its Commissioning Sub-Committee, ensure there is strong involvement in these new build establishments from the private sector and voluntary and community sector organisations and with trained volunteers.

8. We recommend a radical and innovative new design for prisons. These new Mitson Academy Model Prisons (named after Stuart Mitson, a former prison governor and a member of our working group) have the rehabilitation of prisoners as their primary objective. Mitson Academy Prisons will have the additional advantages of being some 15 per cent cheaper in construction and energy consumption costs. They will deliver up to 20 per cent more regime hours of purposeful activity learning and training for their prisoners. This is described in detail in section 2.8.2.2.
9. We recommend new local parole boards, to be known as Community Supervision and Release Boards (CSRBs). They will take over from prison governors' responsibilities in CPRT areas for the present executive release initiatives. Instead of early release decisions being made by prison managements behind closed doors they will be made by accountable CSRBs which are knowledgeable about local rehabilitative and resettlement conditions (section 2.8.3.1).
10. We recommend that CPRTs should make use of the hitherto unused powers created by Section 34 of the Offender Management Act. These powers would allow, under stringent conditions, selected prisoners to be transferred to residential community based drug or alcohol centres, or training centres as *part of their custodial sentences* (section 2.8.3.3).
11. We make several recommendations for improving the training, management and leadership of prison officers. We also recommend improvements in the training of prison governors. We believe that managerial appointments in NOMS, and subsequently CPRTs, should be opened up to a wider field of outside applicants (section 2.8.4).

MORE RECOGNITION AND SUPPORT FOR VOLUNTARY AND COMMUNITY SECTOR ORGANISATIONS

12. We recommend a major expansion of the role of VCS groups in the rehabilitation of prisoners. We call for an urgent sea change of attitudes within NOMS, to be cemented in time by our proposed CPRTs, so that many more VCS organisations and their trained volunteers are encouraged and commissioned to work with prisoners and ex-prisoners on their rehabilitation into the community (section 2.8.5).
13. We recommend creating within the MOJ an office headed by a new National Commissioner of Voluntary and Community Groups. His or her

principal activity will be to increase the role of VCS groups by holding CPRTs to account for their commissioning levels, improve volunteer training, and to publicise opportunities for volunteers. The role of the National Commissioner is described in section 2.8.5.

14. We recommend the encouragement and expansion of prison volunteers from faith-based groups drawn from all faiths. We note that this is already the largest single source of prison volunteers (over 20,000) and cite examples of best practice among outstanding groups and community chaplaincies. The potential for increasing this pool of volunteers and improving their training is considerable (section 2.8.6).

EASING THE OVERCROWDING CRISIS

15. We make several recommendations designed to ease the severe prison overcrowding crisis. They include reinvesting all or part of the Titan's budget in smaller local prisons and Community Supervised Homes for Offenders (CSHOs) run by CPRTs. We recommend that certain categories of offenders should be considered particularly suitable for serving part of their sentences in CSHOs, among them women prisoners, elderly and disabled prisoners, prisoners with mental health disorders, Release on Temporary Licence (ROTL) prisoners and ex-Service prisoners (section 3.7.2).

16. We recommend devising more effective and more disciplined community sentences. Increasing the visibility and scope of these sentences to include reparation by the offender to the community as well as the punishment of the offender in the community would increase both judicial and public confidence in such non-custodial penalties. This would also reduce the number of less serious offenders being sent to prison (section 3.7.3).
17. We recommend that a greater proportion of foreign national prisoners should be transferred to their own countries, under agreements signed with the foreign governments concerned, so that they serve their sentences in their own domestic prisons rather than in UK jails (section 3.7.4).

IMPROVING MENTAL HEALTH CARE

18. We recommend that much greater attention and recognition should be paid to prisoners with mental health disorders. In particular we identify the need for earlier diversion and assessment of those whose mental conditions should never cause them to be 'dumped' in prison as a last resort. We make several recommendations such as better training of prison staff, better screening, and the involvement of CPRTs in ensuring early diversion of many mentally unwell prisoners away from prison to more appropriate facilities, including our recommended CSHOs (section 4.1.7).

TACKLING THE PRISON DRUGS TRADE AND TREATING ADDICTION

19. We make a number of important recommendations for reducing the flow of drugs into prisons and for a radical overhaul of prison drug treatment and rehabilitation programmes. Without these reforms (which should also prioritise alcohol abuse programmes) there will be no meaningful reduction in the rates of re-offending. Our recommendations include: a review of current drug testing methods which are easily evaded and fundamentally flawed; introducing compulsory drug testing on arrival in prison; installing new and strict anti-smuggling techniques; an analysis and review of the efficacy of many existing unevaluated intervention programmes; redressing the overall treatment balance to focus on abstinence instead of maintenance; piloting dedicated drugs judges to devise and oversee drug treatment plans and breaches of prison discipline; and improving the communication and coordination with community drug teams to develop effective support after release from prison (section 4.2.6).

GIVING HIGHER PRIORITY TO THE REHABILITATION OF PRISONERS WITH ALCOHOL ABUSE PROBLEMS

20. We recommend that alcohol abuse as a cause of re-offending should be put on the same level of priority as drug abuse and drug treatment by HMPS/NOMS and by the new CPRTs. We make appropriate policy recommendations in detail for achieving this objective (section 4.3.4).

BETTER SUPPORT FOR THE FAMILIES OF PRISONERS

21. We recommend that significantly more must be done to equip, support and empower families to play their important role in the rehabilitation of prisoners. We make appropriate policy recommendations which include improving information disclosure and sharing on a prisoner's reception into custody; modernising visit booking procedures; increasing the number of onsite visitor centres run by voluntary organisations; and providing more family and relationship education. We also emphasise the excellence of best practice in this area by VCS groups (section 5.9).

REFORMING OPPORTUNITIES FOR PRISONER PERSONAL DEVELOPMENT

22. We recommend there should be a continuing expansion of prison education and skills training. We make a number of detailed proposals including the encouragement of peer learning; the establishment of more effective performance and achievement targets; the expansion of the POLARIS IT system; improved teacher training; and the recognition of the need for more prisoners to be helped with their learning and communication difficulties including through the use of speech and language therapists (SLTs). We believe it should be compulsory for

illiterate and sub literate prisoners to learn basic reading and writing skills while in custody. We emphasise the importance of continuity of education and training on release from prison (section 6.1.5).

23. We have been impressed by the role that the arts (fine arts, drama and music in particular) can play in prisoner rehabilitation. We therefore recommend an expansion of the contribution made by voluntary groups to prisoner development in this field. We give several examples of exceptional practice which deserve greater recognition and more thorough evaluation (section 6.2).
24. We make several recommendations directed towards improving work for prisoners. We also recognise some excellent good practice in certain prisons usually involving partnerships between prison workshops and private sector companies. We make a number of specific recommendations which, on the basis of evidence given to our Review, we believe would double the number of 'real work' employment opportunities for prisoners in workshops to 20,000. We also make recommendations which we believe would raise the number of ROTL prisoners going out to work into actual or community day jobs to 2,000. All this would amount to a major change and improvement in the culture of prison work (section 6.3.3).

A NEW RECOGNITION AND ROLE FOR VICTIMS

25. We make a number of recommendations that would give victims a more important role in the criminal justice system and prisoners a proper awareness of the damage they do to the victims of their crimes. These recommendations include introducing Victim Impact Classes (VICs) as pioneered in some US states; compulsory financial reparations by prisoners to victims; and a major expansion of Restorative Justice (RJ) conferencing. We regard RJ as a well tested but surprisingly under-utilised method of prisoner rehabilitation. We recommend the creation of a national RJ agency and a new Act of Parliament, the Restorative Justice Act, to provide a legislative framework for RJ expansion (section 7.5.5).

STRENGTHENING SUPPORT FOR OFFENDERS LEAVING PRISON

26. We make a number of recommendations to help prisoners re-enter society and lead law abiding lives. To close or at least narrow what is called the 'prisoner finance gap' in the weeks after release we recommend making the Social Fund more accountable and allowing prisoners to apply for certain benefits such as Job Seekers Allowance (JSA), Employment and Support Allowance (ESA) and Housing Benefit (HB) from prison three weeks before their release date (section 8.6.1).
27. We recommend the establishment of new volunteer mentoring schemes for young short sentence prisoners. To promote this we propose that the MOJ should launch a £20 million kick start fund designed to encourage

CPRTs to establish local voluntary mentoring schemes targeting specifically 18–25 year old prisoners serving twelve months or less. At present this group receives no post release support from the probation service. We believe that such a fund, which could provide each probation area with around £400,000 to spend on pump-priming voluntary schemes, would prove highly cost effective in reducing re-offending among this group of young released prisoners (section 8.6.2).

28. We make several recommendations based-on improving the community resettlement arrangements for released prisoners particularly in the fields of housing and employment. These include developing consistency in the way local authorities support released prisoners and better resourcing of effective resettlement organisations to work with prisoners before and after their release (sections 8.6.3, 8.6.4 and 8.6.5).
29. We believe that there are at least five categories of prisoner who would respond well to improved arrangements for their rehabilitation within the community. At certain stages in their sentences selected prisoners from these categories should be moved from jail to Community Supervised Homes for Offenders (CSHOs) or to training centres. The five categories are: women prisoners; older and disabled prisoners; prisoners suffering from mental health disorders; prisoners working in the community under ROTL day release schemes; and ex-service prisoners.
30. We make detailed recommendations for new rehabilitation arrangements for all these categories of prisoner and highlight the significant public expenditure savings that would be made if these policies were implemented (section 8.6.6).
31. We pay special attention to the estimated 7,000 ex-service personnel in prison. We recommend that a pilot scheme based on the successful rehabilitation techniques used at the Military Corrective Training Centre (MCTC) in Colchester be initiated for some of these prisoners at MCTC itself and on selected sites within some CPRT areas (section 8.6.6.5).
32. We recommend that at least one CPRT should, as a pilot scheme, commission, and evaluate an Intermediate Training Centre (ITC), a new model for the rehabilitation of prisoners described in section 8.6.7.
33. We recommend that private sector employers who hire long and medium sentence prisoners after their release from jail should receive a £5,000 credit against their Employers National Insurance Contributions (NIC). This would encourage more employers to offer jobs to ex-prisoners (section 8.6.8).
34. We recommend a radical reform of the Rehabilitation of Offenders Act 1974. This 35 year old legislation should be replaced by new legislation titled *The Second Chance Act*. This should incorporate the most important

Prison Reform working group members are shown around MCTC Colchester by Lieutenant Colonel Richard Holroyd, then Commandant.

features of the United States Second Chance Act passed by Congress in 2007. It should also incorporate the main recommendations of the *Breaking the Circle* report – a constructive Home Office review of the Rehabilitation of Offenders Act 1974 which has never been implemented (section 8.6.9).

OUTLINING A NEW PROGRAMME FOR GOVERNMENT

35. In our final chapter, *A New Programme for Government*, we put forward a strategic programme of prison reform for an incoming government. This programme would amount to the first ever holistic approach to the two big crises of overcrowding and re-offending. Such a strategy will revolve around a devolution of powers of NOMS and HMPS to CPRTs. Delivering this will be the political equivalent of devolving the powers of the NHS to local NHS Trusts and hospitals.
36. We recommend three major pieces of new legislation (section 9.3):
    (a) The Community Prison and Rehabilitation Trust Act
    (b) The Second Chance Act (a radical reform of the Rehabilitation of Offenders Act 1974)
    (c) The Restorative Justice Act
37. We recommend that an incoming government should order the MOJ to cooperate with Her Majesty's Treasury on a joint action plan designed to review costs, reduce waste, update the annual costs of re-offending (last calculated at £11 billion a year in 2002) and introduce a system of financial incentives and rewards for CPRTs who reduce re-offending and so save public expenditure (section 9.4).
38. There are precedents for such arrangements between individual government departments and the Treasury, notably the MOD's Defence Costs Review of 1994. We conservatively estimate that over the period of a Parliament re-offending rates in CPRT areas could fall by at least 10 per cent generating a saving of over £1.2 billion a year, with the added and greater reward of making local communities safer.

Conclusion

Although the strategic policy proposals in this Review break new ground, they have frequently emerged from best practices which are already working well in isolated examples at prisons in Britain and oversees. This highlights a strange paradox. Throughout the prison world there are talented governors, exceptional prison officers, committed managers, dedicated volunteers and outstanding probation staff. Individually their work with offenders is often of the highest quality. Yet collectively the prison system as a whole is a failure. This is largely because there is no overall policy strategy. Our Review tackles the specific areas of detail where reform is needed to make a new strategy work. In a phrase this strategy is directed to the objective of 'joined up

rehabilitation'. It aims to provide the missing link between the rehabilitation of offenders during their imprisonment and the continuation of their rehabilitation in the community after their release. Creating that vital link is the way forward for reducing re-offending, for making prisons less overcrowded and more purposeful, and for improving the safety of ordinary people in their communities.

ONE
Introduction

In all of our troubled public sector, the prison system is in the greatest disarray and danger.

Lord Hurd, President, Prison Reform Trust (PRT)[1]

Prison is becoming a warehousing service in which people are stored in between their crimes.

Senior prison officer in evidence to the CSJ

1.1 What is the purpose of prison?

It is (currently) a factory farm attitude to imprisonment.

Cherie Booth QC, Human Rights seminar, 4 April 2008

Establishing a clear and consistent understanding of the purpose of prison is an essential first step before making claims about the successes or failures of the present system or before recommending reforms of it. Our Review believes that there has long been a 'definition vacuum' in the minds of both policy-makers and prison managements about what prison is for. This failure to grasp the *why* of prison has too often undermined the understanding and the implementation of *how* prisons should work.

We consider that many of the weaknesses outlined in this Review stem from the incapability of successive governments to provide a clear and comprehensive definition of the purpose of prison. Considerable confusion has been created by too many ad hoc responses to short term political and administrative pressures. There has been a muddle in the minds of ministers and Her Majesty's Prison Service (HMPS) managers about whether prisons should be focused on priorities such as 'getting tough' on crime; deterring criminals; imposing punishments; managing regimes; achieving targets; rehabilitating offenders; and making reparation or restoration to victims. Although such goals are not always incompatible they appear to be so as currently applied to the practical realities of the present system. In the absence of a clear definition of the purpose of prison, ministers and managers just muddle along, merely tinkering with the increasingly

1 Lord Hurd, House of Lords debate, 26 June 2008

unsatisfactory status quo. Such dysfunctionality, which has been caused at least in part by uncertainty of purpose, has led us to open the important chapter of our Review *Restructuring our prisons* with the words: 'Our Prisons are stuck in a time warp of administrative caution and political paralysis' (section 2.1).

We believe that prison has three principal purposes:

1. Prison is for protecting the public by removing from free society certain offenders who have been given custodial sentences because their crimes make them a danger to the community.
2. Prison is for the punishment of offenders who have been sentenced for their crimes after breaking the law in order to give justice to their victims.
3. Prison is for rehabilitation. Prison regimes should work towards a personal change in offenders' lives. It should prepare them for their release into the community as rehabilitated members of society.

This view, particularly that prison can be an effective environment for rehabilitation, is informed by our past prison experiences; by our evidence gathering work; by our instincts and by pioneers like Alexander Paterson, the social reformer and former Prison Commissioner. Alexander Paterson argued eloquently that offenders should be sent to prison *as* a punishment, not *for* punishment. He believed that the purpose of prison *management* should not be punitive. Instead, he argued, the loss of personal liberty is punishment enough and prison should therefore be a forum for rehabilitation.

This reinforces an important distinction between the purpose of sentencers – to punish those who have committed crime, and the purposes of prison managements – to carry out the sentence of the court and rehabilitate offenders.

We also consider the four tests by which prisons are assessed and inspected today, adopted by Her Majesty's Inspectorate of Prisons in 1999,[2] as of fundamental importance to policy-makers. According to these measurements, prisons should be institutions in which:

1. The weakest prisoners should feel safe.
2. Prisoners are treated with respect as individuals.
3. Prisoners are fully and purposefully occupied, and expected to improve themselves.
4. Prisoners are able to strengthen links with their families and prepare for release.

Our Review does not share the fatalistic outlook of some leading figures we have met who argue that containment, and containment alone, is the best prison can hope for and all it should aim for. We agree that public protection

2 Lord Ramsbotham, *Suicide is Everyone's Concern: A Thematic Review – Healthy Prisons*, London: HM Inspectorate of Prisons, 1999, p57

and internal prison security must underline every decision made at Ministerial, local community and individual prison level. But we also believe that prison presents society with a clear opportunity to change the attitudes and behaviour of prisoners. Their rehabilitation is not only in the interests of the ex-offenders but also in the interests of our society.

1.2 Picking up the pieces of social breakdown

Prisons and prison reform cannot and should not be classified solely as criminal justice issues. They also present a social justice concern and raise important questions of policy, expenditure and the quality of public administration by agencies and departments of government.

Half of all prisoners have no qualifications[3]

It is entirely appropriate that when a crime is committed it elicits a criminal justice response, and our Review states clearly from the outset that justice must be delivered for victims in all cases. For those who have committed very serious or serious and persistent offences, prison may be the necessary resort, the only appropriate institution for the delivery of justice, punishment and public protection. This Review is in no way 'soft' on crime nor does it make excuses for breaking the law. However, as one begins to look at the common social characteristics of those in prison, wider failings in our society stand out.

1.2.1 WHO GOES TO PRISON?

The Government holds outdated information about the social characteristics of prisoners. Some of the work commissioned by the Home Office and Social Exclusion Unit, which we reference below, is approaching a decade old. Nevertheless these figures show that the overwhelming majority of prisoners are the product of profound social breakdown. While there are notable exceptions, prisoners are far more likely than the general population to have lived in poverty, to come from broken families, to have considerable debt and to be experiencing an addiction. As Figure 1 overleaf demonstrates, almost half of the 83,000 people in prison in England and Wales ran away from home as a child and cannot read as well as an 11 year old. Almost 30 per cent have been through the care system and a similar proportion were homeless before entering prison.

> *What is true all over the world is that people in prison are not representative of society as a whole. They are disproportionately drawn from certain poor neighbourhoods where a range of social, health and community problems are centralised. This reflects in part the fact that people who are economically and socially marginalised are at greatest risk of being drawn into criminal behaviour…*
>
> Rob Allen, Director, International Centre for Prison Studies[4]

3 Social Exclusion Unit, *Reducing Re-offending by ex-prisoners,* London: Social Exclusion Unit, 2002, p18–21

4 Rob Allen and Baroness Vivien Stern (ed), *Justice Reinvestment – A new approach to Crime and Justice*, London: International Centre for Prison Studies 2007, p5

One needs look no further than the social consistency of our prison population to see that society is not only failing to support its most vulnerable families and children, it is in many cases moulding the criminals of the present and future.

Figure 1: Social profile of prisoners in England and Wales[5]

Characteristic	Prison population	General population
Ran away from home as a child	Males: 47 per cent Females: 50 per cent	11 per cent
Product of the care system	27 per cent	2 per cent
Regular truant from school	30 per cent	3 per cent
Excluded from school	Males: 49 per cent Females: 33 per cent	2 per cent
No qualifications	Males: 52 per cent Females: 71 per cent	15 per cent
Numeracy at or below level of 11 year old child	65 per cent	23 per cent
Reading ability at or below level of 11 year old child	48 per cent	21–23 per cent
Unemployed prior to imprisonment	67 per cent	5 per cent
Homeless prior to imprisonment	32 per cent	0.9 per cent
Two or more mental health disorders	Males: 72 per cent Females: 70 per cent	Males: 5 per cent Females: 2 per cent
Drug use in previous year	Males: 66 per cent Female 55 per cent	Males: 13 per cent Females: 8 per cent
Hazardous drinking	Males: 63 per cent Females: 39 per cent	Males: 38 per cent Females: 15 per cent

5 Social Exclusion Unit, *Reducing Re-offending by ex-prisoners*, London: Social Exclusion Unit, 2002, p5

1.2.2 REVERSING SOCIAL BREAKDOWN TO REDUCE CRIME

Our prisons are incarcerating many prisoners whose crimes were preventable, who did not or could not access community services designed to help them.

Approximately half the prisoners received into custody each year, for example, suffer drug addiction. Much of the crime perpetrated by these offenders could have been prevented by providing them with access to effective community-based treatment early on.

The same conclusion can be drawn in regard to those with other mental health needs, personal addictions, those who failed at school, those who experienced family breakdown or those in mounting debt.

If we want to reform our criminal justice system, and in particular reduce our prison population, then we must ensure that far more work is done to establish local services (particularly education, primary health care, addictions treatment and advice support services) that are accessible and effective for the members of the community most in need.

This is a fundamental point and one previously made by The Centre for Social Justice in its reports *Breakdown Britain* and *Breakthrough Britain*.[6] This Prison Reform Review therefore firstly endorses the recommendations contained within *Breakthrough Britain* calling for a social policy revolution. The implementation of the policies contained within it is crucial if we are to see a genuine reduction in crime and consequently in the demand for prison places. Prison must again become a last and final resort for our most serious offenders. It should not be used as a dumping ground for those who need help or therapeutic intervention. All too often it is just that.

Our proposals for prison reform will be at their most effective if the criminal justice system becomes less of an overcrowded sink which ends up being the last receptacle of the flotsam and jetsam of social breakdown.

1.3 The prison estate and current trends

1.3.1 PRISON CATEGORIES

There are 140 prisons in England and Wales.[7] The majority are managed by HMPS but 11 are prisons governed through private sector contracts. The Scottish and Northern Irish Executives hold responsibility for their own establishments. We include in this figure, and in our other prison population figures, young offenders and the youth custody estate unless stated. For further detailed analysis and policy recommendations we refer readers to the forthcoming Centre for Social Justice Youth Crime Review. The remit of our Review is mainly the adult custodial estate.

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6 The Centre for Social Justice, *Breakthrough Britain*, July 2007

7 Figure obtained from the Ministry of Justice, HMPS enquiries desk, 06/01/2009

Prisons are known as either 'open' or 'closed':

- ***Open prisons:*** There are 12 open prisons within the estate as well as a small number of open wings within certain male and female prisons. Significant freedom is given to prisoners in these institutions. This is characterised by lower levels of physical and procedural security within these establishments and opportunities to undertake daily work or skills training outside the prison in the community.
- ***Closed prisons:*** The majority of prisoners are held in closed prisons. There are no such freedoms and security is high.

There are three types of closed prison:

- ***Local prisons:*** Prisoners are sent to local prisons on remand or upon sentencing. Depending on length of sentence and other factors, prisoners may then be allocated to a training prison of appropriate security level.
- ***Training prisons:*** The majority of prisons are classed as training prisons. These hold prisoners moved from local prisons and from other training prisons as their sentence progresses.
- ***High security prisons:*** These are a special class of training prison which hold predominantly category B prisoners but also a proportion of category A prisoners in designated category A accommodation. There are eight such prisons in England and Wales.

1.3.2 A NATURAL VARIETY

The custodial estate is large and functionally, as well as geographically, diverse. Prisons are located in a variety of areas, ranging from the rural to the inner-city. Large Victorian prisons, some holding over 1000 prisoners, occupy the inner city areas and were designed using domineering architecture in order to send a message of deterrence to local people. Modern prisons are purely functional. Many of these are located on the outskirts of towns or cities.

HMP Highdown in Surrey

Commentators often over-generalise in their analysis of prisons and prison reform. It is easy to assume that one cause for concern indicates widespread anxiety or that because a particular prison is led by excellent officers, all are. Such generalisations are unhelpful and unfair to prison leaders and officers.

This Review recognises that as with Schools and Hospitals, there is often a natural variety of provision and quality within the prison estate. We have kept this in mind when presenting our analysis, argument and recommendations.

1.3.3 PRISONER CATEGORIES

Each adult prisoner is assigned a security category. This category is reviewed according to behaviour and perceived as an escape risk.

Categories of prisoner range from A to D as follows:[8]

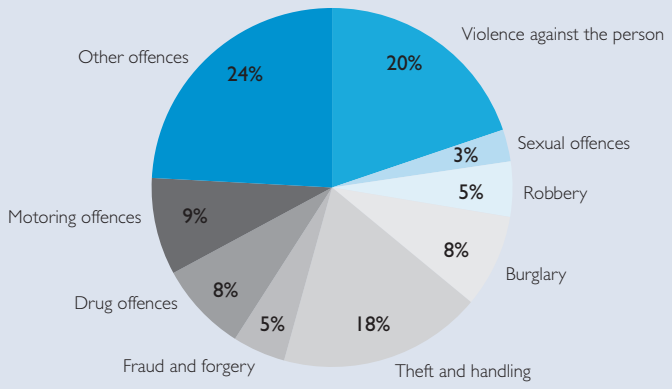
- ***Category A:*** Prisoners whose escape would be highly dangerous to the public or the police or the security of the state, no matter how unlikely that escape might be, and for whom the aim must be to make escape impossible.
- ***Category B:*** Prisoners for whom the very highest conditions of security are not necessary, but for whom escape must be made very difficult.
- ***Category C:*** Prisoners who cannot be trusted in open conditions, but who do not have the resources and will to make a determined escape attempt.
- ***Category D:*** Prisoners who can be reasonably trusted in open conditions.

1.3.4 THE PRISON POPULATION

Population breakdowns

The current prison population in England and Wales, updated and published monthly, is 82,487. More than 125,000 people were received into prison establishments in 2007 (latest figures available), slightly below the average of 130,000 since 1997.[10] Figures 2–4 give the breakdown of the prison population by offence type and sentence duration for 2007 as well as sentence duration breakdown for the latest population figures, released in January 2009.

Figure 2: Receptions into custody (immediate custodial sentences) by offence[11]



8 Her Majesty's Prison Service, PSO 0900 *Categorisation and Allocation*, July 2000
9 Ministry of Justice, *Population in Custody*, January 2009
10 Ministry of Justice, *National Offender Management Caseload Statistics 2007*, London: Ministry of Justice, 2008, p53
11 Ibid, p56

Figure 3: Prison population January 2009 by sentence duration[12]

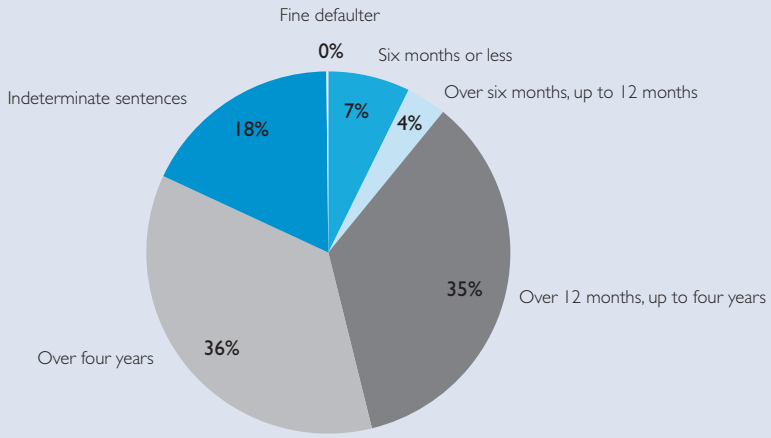
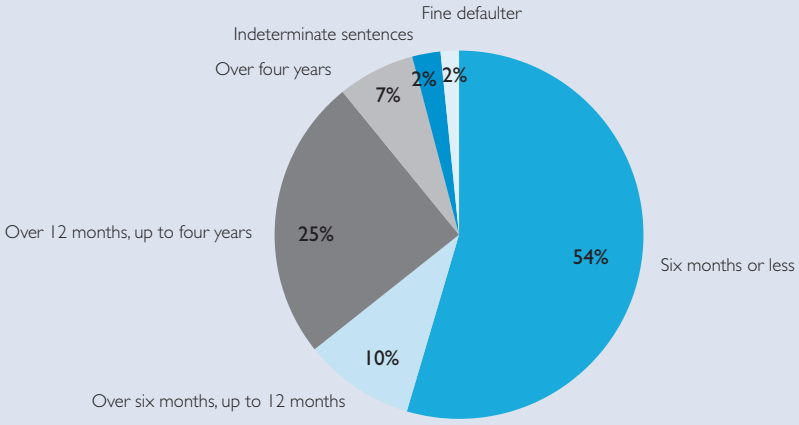


Figure 4: First receptions into custody of sentenced prisoners by sentence duration 2007[13]



These figures show that although short sentence prisoners are a minority of the total number of prisoners in custody at any one time, they do create and fuel the high turnover within the estate, which is so draining on the resources of prison staff. Of the 65,000 adult prisoners discharged from determinate sentences in 2007, half had been serving sentences of six months or less, the average being only three months.[14] Offenders discharged from determinate sentences had spent an average of 10 months in custody.[15]

12 Ministry of Justice, *Population in Custody*, January 2009

13 Ministry of Justice, *Offender Management Caseload Statistics 2007*, London: Ministry of Justice Statistics Bulletin, 30 October 2008, p53

14 Ministry of Justice, *Offender Management Caseload Statistics 2007*, London: Ministry of Justice, 2008, p148

15 Ibid

An ageing population

There are considerably more sentenced prisoners aged 40 and over in custody now than 10 years ago. As Figure 5 demonstrates the number of prisoners aged 60 and over has more than doubled during this period. There are also twice as many prisoners aged 40–49 and 50–59 than in 1997.

Figure 5: Number of sentenced adult prisoners by age group[16]

Age group (years)	Number of prisoners in 1997	Number of prisoners in 2007
18–20	5,257	6,638
21–24	9,062	10,339
25–29	10,619	12,327
30–39	13,428	17,635
40–49	5,467	10,717
50–59	2,462	4,034
60 and over	837	2,027

The ageing of the prison population and the creation of a geriatric category of prisoner is fuelled by the increasing length of sentences passed by the courts and an increasing number of indeterminate sentences, particularly life sentences.

1.3.5 THE USE OF PRISON IN ENGLAND AND WALES

According to the Ministry of Justice (MOJ) England and Wales has the second highest prison population rate in Western Europe: 149 per 100,000 people.[17] This is second only to Luxembourg (155) and notably higher than Germany, France, Turkey, Slovakia and Romania. The EU–15 average is 102 per 100,000 people.[18] England and Wales does however imprison considerably fewer people per head of population than the United States of America (762 per 100,000) and Russia (613 per 100,000).[19]

It is claimed that the planned prison capacity expansion (section 3.6) will increase the prison population rate to 177 per 100,000 people.[20]

16 Ibid, p89
17 Ibid, p84
18 The Prison Policy Group, *Building More Prisons? Or is there a better way?*, June 2008, p15
19 Ministry of Justice, *Offender Management Caseload Statistics 2007*, London: Ministry of Justice, 2008, p112
20 The Prison Policy Group, *Building More Prisons? Or is there a better way?*, June 2008, p15

Figure 6: Selection of international prison population rates[21]

Country	Population rate per 100,000
United States of America	762
Russia	613
England and Wales	149
Spain	148
Australia	130
France	95
Germany	92
Sweden	74
Norway	69
Denmark	62

The high prison population rate can, however, mask the reality that most people who commit a crime do not face a court hearing, and of those who do, most are not sentenced to custody. MOJ 2007 sentencing statistics demonstrate that, of the 10.1 million crimes recorded by the latest British Crime Survey 2007/08, only approximately 5 million were recorded by the police in the same period. Of the 1,415,000 offenders sentenced by all the Magistrates and Crown Courts in 2007 after proceedings, 95,000 were sentenced to custody.[22] These figures show therefore that prison is used, when compared to the amount of crime committed rather than per head of population in England and Wales, relatively rarely.

Sentencing statistics also show that while custody is used more now that it was 10 years ago, an immediate prison sentence still remains a relatively rare disposal in comparison to the number of cases heard in court. The overwhelming majority of disposals given by Magistrates and Crown Courts are fines, accounting for between 68–75 per cent of all disposals each year between 1995 and 2007. Immediate custodial sentences were given to seven per cent of all offenders in 2007, a proportion that has not fluctuated by more than one per cent since 1997.[23]

It is striking to note our comparably high prison population rate but doing so without recognising other comparisons such as use of imprisonment in relation to the level of crime in England and Wales is naive and unhelpful.

21 Ministry of Justice, *Offender Management Caseload Statistics 2007*, London: Ministry of Justice, 2008, p112

22 Ministry of Justice, *Sentencing Statistics, 2007 – England and Wales*, London: Ministry of Justice, 2007, p2

23 Ibid, p16

1.4 The cost of re-offending

One of the common measurements by which the effectiveness of prison should be gauged is the re-offending rate for England and Wales, published by the MOJ. Current figures reveal that prison is undeniably failing to turn lives around or often even to challenge prisoners to consider such change. Approximately 50 per cent of prisoners are re-convicted within a year of release; for those released who have served less than 12 months this figure rises to approximately 60 per cent.[25] Furthermore, 62 per cent of all male prisoners and 60 per cent of females are re-convicted within two years of their release.[26] While figures suggest there has been a minor decrease in re-offending in the last two years, it should be noted that because a considerable amount of crime goes unreported and undetected, rates of *actual* re-offending are likely to be higher than figures suggest. As the report notes, current government re-offending analysis uses re-conviction data, not re-offence data. Not only that, but the reported re-conviction data relate only to the period of *two years* after release. Re-convictions which fall outside that arbitrary period are simply not counted and, by default, are subsumed within the number that we assume to be cases of successful rehabilitation.

Crime by ex-prisoners costs society at least **£11 billion** annually[24]

There is a significant financial implication for the taxpayer of such a stark failure. Crime committed by ex-prisoners is estimated to cost society £11 billion a year.[28] This figure, given by government in 2002, is by now likely to have increased further due to the increased prison population, the expanding drugs trade, technological advances in crime and mass family breakdown in our communities. Since the inception of NOMS in 2004 therefore it can be assumed that the cost of recidivism to society is in excess of £45 billion. Added to this financial figure is the regular yet unquantifiable emotional strain and fear of crime experienced by victims and communities. In section 9.4.1.2 we recommend that an updated figure for the cost of re-offending is calculated to take such factors into account. This contemporary figure should inform government decisions in terms of cost-benefit analysis for future investments. We would now estimate the annual cost of re-offending to be well in excess of £12 billion.

Only 12 per cent of people we polled said prisons were currently effective at rehabilitating people. **78 per cent** said they were not very effective, or not effective at **all**[27]

24 Social Exclusion Unit, *Reducing Re-offending by ex-prisoners*, London: Social Exclusion Unit, 2002, p5

25 Ministry of Justice, *Re-offending of Adults: results from the 2006 cohort*, London: The Stationery Office, 2008

26 Hansard, House of Commons written answers, 16 December 2008

27 The Centre for Social Justice, YouGov Polling, 19 January 2009

28 Social Exclusion Unit, *Reducing Re-offending by ex-prisoners*, London: Social Exclusion Unit, 2002, p5

The same 2002 report calculated that a re-offending prisoner was likely to be responsible for crime costing the criminal justice system an average of £65,000, prolific re-offenders significantly more still.[29] When we consider that a third of adult prisoners have 15 or more previous cautions or convictions, the true scale and cost of re-offending should begin to dawn on the British public (section 3.2.2).

Former prisoners who re-offend have already been subject to significant public financial investment. The average annual direct resource cost of custody per prisoner is £39,000,[30] equivalent to more than £100 a night. This frequently-cited government figure does not however include expenditure on prison based education and healthcare, resourced from respective government departments. Presenting the annual cost of imprisonment as an average however can often mask the true cost of imprisonment in certain establishments. Imprisoning someone for 12 months at HMP Holloway (a Women's prison) costs more than £53,000 a year, HMP Whitemoor (A Dispersal Prison)[31] £66,224 a year and HMP Belmarsh £42,323 a year. Prisoners moved into open conditions are much less expensive to imprison: the annual imprisonment expenditure figure for HMP Ford for example is just less than £15,000 per prisoner. Figures for the youth custody estate are considerably higher (we refer readers to the forthcoming CSJ Youth Crime report). We also note that overall spending on prisons since 1997 has increased in real terms by over 25 per cent and spending on probation since 2001 by 39 per cent.[32]

1.5 The policy-making context

1.5.1 AN INTERNATIONAL FRAMEWORK

Two key international conventions on imprisonment set the basic standards of incarceration: the *Standard Minimum Rules for the Treatment of Prisoners (SMRTP)* and *Basic Principles for the Treatment of Prisoners (BPTP)*. These agreements outline key principles for incarceration and offender management.

SMRTP, adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1955, outlines specific requirements for imprisonment ranging from gender segregation to the need for natural light in cells to allow reading and work to be undertaken.

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29 Social Exclusion Unit, Reducing Re-offending by ex-prisoners, London: Social Exclusion Unit, 2002, p5

30 Hansard, House of Commons written answers, 25 November 2008 – this figure does not include expenditure on health and education, met by Department of Health, via local PCTs and the Department for Innovation, Universities and Skills respectively

31 A First Stage Prison for life sentenced prisoners

32 Home Office, *A Five Year Plan for Protecting the Public and Reducing Re-offending*, London: Home Office, 2006, p31

BPTP, adopted by the General Assembly in 1990, is broader and reinforces the principles of basic human rights for prisoners. Its declarations range from the prohibition of discrimination on the grounds of race, sex or religion to the requirement that prisoners have a right to access employment and educational provision for personal development.

1.5.2 THE DOMESTIC FRAMEWORK

Recent historical context

Significant penal developments emerged throughout the 20th Century. For the purpose of a concise context however we choose to highlight the most recent events which have shaped our nation's attitude to imprisonment and the contemporary prison system.

The 1990s began with a landmark prison report from Lord Woolf, in response to riots and security breaches at HMP Manchester, also known as the 'Strangeways riots'. Lord Woolf's report on the future of prisons was themed on three key issues: security, control and justice. He directed the Prison Service toward more humanity and fairness as well as calling for more efficient partnership working within the Criminal Justice System. Woolf was proposing a new balance within prisons between control and rehabilitation, in order to develop safer, more efficient regimes.

Lord Woolf's opinion was that 'a just prison could not be a place that makes offenders worse, but, rather, one that encourages self-respect and a sense of personal responsibility.'[33] He believed that security had to be tightened but that prisons had to become community focused and personally purposeful once again.

As well as a declaration from the Home Secretary in 1993 that 'Prison works,'[34] the tragic murder of two year old James Bulger, by two truanting 10 year old boys put crime, justice and punishment back on the front page. The British public was shocked and angry. The murder sparked a political battle of 'tough talking' that continues to this day, which neither of the two main parties was prepared to avoid. Lord Ramsbotham summarises the past 15 years as follows:

> *…over the last 15 years the penal system has become increasingly politicised, with political parties vying with each other, in what is described as penal populism, to appear toughest on crime. The obscene competition has been described as an arms race in which neither is prepared to give way in case it results in electoral catastrophe.*[35]

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33 David Scott, The changing face of the English prison: a critical review of the aims of imprisonment, p58–59, in Jewkes (ed), *Handbook on Prisons*, Cullompton: Willan Publishing, 2007

34 Michael Howard, speech to the Conservative Party conference, 1993, [http://www.michaelhowardmp.com/speeches/criminaljustice101007.htm [accessed 06/02/09].

35 Lord Ramsbotham, House of Lords debate, 26 June 2008

Several high-profile escapes, as well as significant government reports during the 1990s ensured that 'securing prisoners' custody became the core business of the Prison Service and the bedrock of penal regimes'.[36]

During the 1990s the government also began to contract the management, and later the design, construction, management and financing (DCMF) of new prisons to private sector companies. There are currently 11 privately managed prisons across the estate. Some observers remain unhappy that 'for profit' organisations are running custodial establishments (section 2.5). Others argue that private prisons have introduced many much needed improvements, innovations and changes of culture into the monolithic state system.

The prison population has risen dramatically since the 1990s. In 1992 the population was just less than 45,000. In July 2008 it reached 83,000 the first time (Figure 9).

New Labour: change but very little impact

A sweeping re-organisation of offender management reinforced the aim of the incoming New Labour government to focus on rehabilitation in prison once again.

One cannot accuse the present government of legislative apathy. Since taking office in 1997 it is estimated that this government has introduced over 3,600 new offences of which more than 1,000 are imprisonable.[37] It has also, in part, restructured the Criminal Justice System.

In 2001 the Halliday Report recommended sentencing changes for England and Wales, leading in part to criminal justice system reform through the Criminal Justice Act 2003.[38] A key feature of the Act, the progressive Custody Plus provision, remains indefinitely shelved due to lack of resources.

In 2002 the Prime Minister commissioned his Social Exclusion Unit to conduct a comprehensive social audit and analysis of the prison population. It overtly linked crime to social breakdown and argued that in order to reduce re-offending a broader perspective about the drivers of crime should be adopted. The report, entitled *Reducing re-offending by ex-prisoners* was widely welcomed.

The positive responses to the report, to the statement of intent and recommendations it offered were then lost in the wash of Whitehall negotiations. A member of the Social Exclusion Unit team, Julian Corner, is scathing of the wasted opportunity that ensued:

> *If the SEU report taught us anything, it was that many prisoners are drawn from the most disadvantaged and excluded parts of society, and inclusion policies and joined-up delivery are needed to keep them from re-offending. In 2002, this analysis was apparently a consensus view across*

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36 Scott D, 'The changing face of the English prison: a critical review of the aims of imprisonment,' p63, in Jewkes (ed), *Handbook on Prisons*, Cullompton: Willan Publishing, 2007

37 *The Daily Telegraph*, 'Why is Labour so keen to imprison us?', 5 January 2009

38 Halliday J, *Making Punishments Work: A Review of the Sentencing Framework for England & Wales*, London: Home Office, 2001

> *the Government. The premise was that seven government departments would go on to forge a united front against reoffending, and prison would only be used as a last resort. What actually happened was that they cherry-picked the most politically acceptable and convenient actions, and rubbished the rest – namely, the social inclusion measures.*[39]
>
> Julian Corner, co-author of the Social Exclusion Unit report

In 2003 the first of two reviews conducted by Lord Carter was published.[40] The majority of Lord Carter's report discussed sentencing but emanating from the report was the proposal for more comprehensive offender management to be delivered through a National Offender Management Service (NOMS).

The establishment of NOMS was embraced as a determination to focus, in partnership, on a reduction in re-offending and crime. If, as Carter stipulated, the prison population could be controlled, then there was confidence that this would be possible. See section 2.2 for further analysis of NOMS.

Co-author of the 2002 Social Exclusion Unit report and then Chief Executive of Revolving Doors Agency, Julian Corner, met with our working group in June 2008 to discuss the use of prison and mental health care

In 2004 the criminal justice reform continued. The *Reducing Re-offending National Action Plan* was published as a belated policy response to the Social Exclusion Unit report. It was widely criticised as being vague and non-committal. It contained very little substance or detailed proposals for change. NOMS has been much criticised for its costly ineffectiveness.

The second landmark review led by Lord Carter was published in December 2007.[41] Among other recommendations the review proposed a significant expansion of the prison estate due to existing pressures and projected population increases. Most notable perhaps was the highly controversial recommendation for the development of Titan prisons, since adopted and pursued by government, representing a marked shift in political rhetoric and prison design. The government initially cited superior economies of scale, the urgency of overcrowding and availability of land for its determination to pursue Titan prisons in the face of hostile and near unanimous opposition. It now also claims that the scale of Titan prisons will provide opportunities that smaller prisons do not. This claim is widely disputed.

Members of the present government have made numerous speeches, commissioned many reports and published a significant number of proposals. Despite such early promise it has failed to steer a genuinely new course.

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39 Julian Corner, *Inaction Plan*, featured in Nacro, Safer Society No. 22, 2004, http://www.nacro.org.uk/safersociety/ss22inactionplanBackArticle.htm [accessed 06/02/09].

40 Lord Carter of Coles, *Managing Offenders, Reducing Crime: A new approach*, London: The Stationery Office, 2003

41 Lord Carter of Coles, *Review of Prisons, Securing the future: proposals for the efficient and sustainable use of custody in England and Wales*, London: The Stationery Office, December 2007

1.6 More of the same is not an option

This Review aims to provide a variety of new answers to old questions. For too long committees and reports, as well as the politicians who are given them, have sought to tinker with bits and pieces of the system when strategic reform has been required. As many have noted, there has never been a coherent strategy for holistic prison reform.

But more of the same has only delivered more of the same. This is no longer an option. With exceptions aside, failing community services and interventions, predictable and indecent overcrowding and inadequate rehabilitation result in the extremely high cost of re-offending by ex-prisoners, conservatively estimated in 2002 at £11 billion per annum.

A strategic new approach to imprisonment and rehabilitation is required if prison is to become more effective in reducing re-offending, easing overcrowding and putting many more ex-prisoners on the path to law abiding lives. Such a new strategy is the purpose of the recommendations in our Review.

TWO
Restructuring our prisons

2.1 Administrative caution and political paralysis

Our prisons are stuck in a time warp of administrative caution and political paralysis. The most discernible changes in recent years have been political confusions caused by the revolving door of ministerial reshuffles, and administrative retreats from good practice caused by the pressures of overcrowding.

Since 1996 the governance of prisons has passed through the hands of eight Prison Ministers, six Home Secretaries, and the new MOJ headed by the Lord Chancellor. Their different approaches have sometimes been contradictory. Three years ago Charles Clarke called for new community prisons. John Reid cancelled this policy while declaring his department not fit for purpose. Jack Straw in a policy-makers imitation of the *Pushmi-pullyu*[1] has announced the building of three Titans to incarcerate 7,500 extra prisoners while overseeing the End of Custody Licence (ECL), which since its inception has handed almost 50,000 prisoners unmerited early releases (section 3.4.2).

There have been **eight** prison ministers in ten years

Understandably confused by the lack of consistent policies from its Ministers, HMPS and its senior officials have become increasingly averse to innovation and change within the administration of our prisons. This institutionalised immobility has stifled many good governors from taking local initiatives within their establishments that could reduce re-offending. The pressures of overcrowding on the ground and over-caution at the top have combined to fossilise a failing system that is crying out for reform. The government's principal policy in response to this failure has been the creation of NOMS.

2.2 The National Offender Management Service (NOMS)

NOMS, an amalgamation of the headquarters of HMPS and the National Probation Service (NPS) in response to Lord Carter's criticism in 2003 of ineffective policy making silos within the Home Office,[2] is an executive agency

1 A two headed creature in the menagerie of the Doctor Dolittle children's books by Hugh L Lofting. The Pushmi-pullyu faced both ways, pulling and pushing in opposite directions.

2 Lord Carter of Coles, *Managing Offenders, Reducing Crime: A new approach*, London: The Stationery Office, 2003

NOMS manages an annual budget of over **£4.7 billion**

of the MOJ. It is charged with overseeing offender management and reducing re-offending. The service has been subject to numerous amendments and remoulding attempts amid frequent speculation, almost from its inception, that it will be scrapped.

NOMS is devolved to 9 regions across England and Wales. Each of the regions is led by a Director of Offender Manager (DOM).

NOMS has an annual resource budget of over £4.5 billion increasing by more than a billion since 2004/05, including Prisons and Probation,[3] and manages a workforce of approximately 70,000 people. It works with over 200,000 offenders at any one time,[4] of whom approximately 120,000 are serving sentences in the community and the rest (over 80,000 at any one time) are in prison.

Figure 7 outlines NOMS expenditure since its inception in 2004. Taken collectively, spending exceeds £18 billion since 2004.

Figure 7: Total NOMS expenditure since its inception[5]

Year	Resource expenditure	Separate capital expenditure
2004/05	£3,680 billion	£403 million
2005/06	£4,034 billion	£354 million
2006/07	£4,358 billion	£400 million
2007/08	£4,722 billion	£577 million

The *National Reducing Re-offending Delivery Plan*[6] published by NOMS identifies seven pathways for the reduction of re-offending and gives NOMS its overarching purpose. These pathways target better support for prisoners in the following areas:

- Accommodation;
- Education, training and employment;
- Health;
- Drugs and Alcohol;
- Finance, benefit and debt;
- Children and Families;
- Attitudes, thinking and behaviour.

Annual performance targets are set for each pathway and services, in and out of prison, are commissioned regionally to meet the relevant targets.

3 NOMS costs, *Briefing for Staff and Stakeholders*, NOMS Communication Unit, December 2007
4 NOMS, *The National Offender Management Service, What is it all about?*, London: NOMS, 2005
5 Hansard, House of Commons written answers, 11 December, 2008
6 NOMS, *National Reducing Re-offending Delivery Plan*, London: NOMS, 2005

2.2.1 IMPROVED OFFENDER MANAGEMENT?

God knows where all the money has gone.

Whitehall source, The Times, 28 September 2007[7]

NOMS stands for Nightmare on Marsham Street.

Voluntary sector Chief Executive in evidence to the CSJ

NOMS means Nothing of Much Significance.

Former prisoner in evidence to the CSJ

In this analysis we do not criticise the many hard-working people within the nine regions, who try to produce a service worthy of the financial investment made. Our criticisms and recommendations relate more to those who commissioned the project and who have consistently poured public money into it.

The establishment of NOMS in 2004 to deliver end to end offender management was widely welcomed in theory. There was broad principled support for the attempt to increase effective collaboration between Home Office teams working to reduce crime by offenders and ex-offenders.

Four years later however there is strong consensus from the high number of practitioners, prison reformers, volunteers and academics we have met with that it has wasted far too much public money with far too few achievements or progress. One clear example of this wastage is the catastrophic failure of NOMIS (National Offender Management Information System) which according to the criticisms expressed by the National Audit Office has cost over £720 million without delivering most of the computer services it set out to achieve.

Lord Ramsbotham and Patrick Barbour present the findings of their report which was highly critical of NOMS

There has also been an upward drift of grades, salaries and numbers of appointments to regional and national offices of NOMS. The MOJ is currently advertising for a Director of Operations at NOMS at a starting salary of £130,000.

There has been recent media and Parliamentary criticism of the MOJ for spending over £130 million on refurbishing its departmental building, Queen Anne's Gate Tower, at a cost of £915 per square foot. This is around 18 times more than a standard refurbishment would cost in the private sector.[8]

Many leading figures argue that NOMS was hastily designed with little genuine consultation and that it offers national and regional bureaucracy where local knowledge and flexible solutions would work far more effectively.

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7 *The Times*, 'Offender scheme axed early as Justice Ministry tries to save reputation', 28 September 2007

8 *Daily Telegraph*, '£130 million refurbishments bill for Jack Straw's new offices', 13/12/2008

It has also failed to make a significant impact on re-offending rates and thus serve the public, relative to its annual budget and expenditure.

A recent report authored by Lord Ramsbotham, the Politics and Economics Research Trust and the TaxPayers' Alliance,[9] argued forcefully that NOMS has been a serious waste of public money. The report called for the scrapping of NOMS through ground-level pilots in which new local structures in offender and prison management would be explored and properly evaluated.

Furthermore, in *The Times* article of 28/09/07 cited above, remarks about NOMS were offered by two senior offender management professionals, discussing its rumoured scrapping:

> *(NOMS)…was flawed from the outset. There was no consultation with either the public or Parliament. NOMS became expensive, bureaucratic, and added nothing to the front line.*
>
> Harry Fletcher, Assistant General Secretary National Association of Probation Officers (NAPO)

> *If, as we sincerely hope, this report spells the demise of NOMS we will see the end of what has become a wasteful additional tier of bureaucracy. The Prison Service has struggled, largely successfully, over recent years to cope with growing numbers and tight budgets. We believe that the probation service has been undermined by the NOMS experiment. Without NOMS we can together deliver to a much higher standard.*
>
> Charles Bushell, general secretary of the Prison Governors' Association,

The evidence given to this Review, our widespread consultations and the extensive public criticism reported in the media suggests that NOMS is a vortex of confusion and disappointment within the Criminal Justice System. Information on the results and performance of NOMS is hard to come by. Its work has never been evaluated. Its role as a commissioning body has fallen far below expectations. The Probation Service has suffered from destabilisation and loss of confidence as a result of being subsumed into NOMS. The Prison Service has handled its merger with NOMS by remaining stubbornly independent from its nominal new partner. Looking at NOMS from the outside and asking the question, 'What has the new agency achieved with its increased remit and its annual budget of £4.7 billion?' the answer is uncertain.

So for all the resources and energy invested into NOMS, we believe that it has achieved far too little. In the opinion of many prison and probation professionals working in or with NOMS on the ground, the agency's large budget could have been far more effectively utilised in the rehabilitation of

9 Lord Ramsbotham, Patrick Barbour and Corin Taylor, *HMPS is failing – a new approach is urgently needed*, London: The Taxpayers' Alliance, 2008

prisoners and the prevention of re-offending. We have therefore concluded that NOMS should be abolished to make way for a new and effective community based and localised approach to the reduction of re-offending.

2.3 Her Majesty's Prison Service (HMPS)

Our Review pays tribute to the good work of many men and women in the Prison Service. Without the dedicated effort of managers and staff prisons would not function.

The overwhelming majority of prison officers are doing all they can, often at a personal cost to themselves and their families, to attempt to offer an effective prison system in very difficult and challenging environments.

We do not set out to criticise prison officers given the national system within which they work. Our Review will recommend radical changes in the structure of the prison system. These changes will include an improvement of HMPS at management level, a strengthening of the training and professional status of prison officers, and a far more localised and community focused prison system.

HMPS employs over **52,000** staff

It has an annual budget of around **£2.3 billion**

2.3.1 CHALLENGES FOR THE 21ST CENTURY PRISON SERVICE

2.3.1.1 Prison design: an outdated model

With little exception, there has been no significant change to prison design in England and Wales since the building of HMP Pentonville in 1840-1842. Pentonville, hailed as the 'Model Prison', was a revolution in its time and expressly intended to form the pattern for all future county jails.

Prisoner accommodation comprised five prison wings radiating from a central rotunda (the 'panopticon' design) and each wing contained 100-plus individual cells arranged on three levels in high galleried halls. Exercise yards were provided adjacent to the living accommodation and there were separate workshop buildings where prisoners engaged in compulsory manual labour, such as 'oakum picking' or, in some cases, the treadmill. This model was adopted as standard design, not only here where a further 54 prisons were built over a six year period, but throughout the British Empire.

The Victorians were keen pioneers and builders of institutions – hospitals, schools, asylums and the workhouse as well as prisons. But while other institutions and their regimes have since been modernised or removed, prison design has departed little from its Victorian roots, other than superficially and cosmetically.

This is all the more curious when one considers how much the penal system and the purposes of imprisonment have changed since Victorian times. The Victorian model used architecture designed for the infliction of painful labour, for the furtherance of the 'separate system' and the 'silent system' and for the detention of convicts sentenced for transportation. Although none of these

original purposes survives, today's prisons are still built with the same huge galleried halls where prisoners are housed 'on the landings' and exercised in adjacent yards. Such buildings are devoid of any identity or purpose, save to warehouse human beings. Other buildings, where structured recreation, education, work, training and other kinds of positive regime activity take place, are detached and distanced from the real heart of the prison. It should be no surprise that our prisons struggle to deliver their very laudable purposes within this model.

Prison officers in France train for a minimum of **eight months**

Prison officers in Singapore train for around **nine months**

Correctional Officers in the United States of America can train for up to **two years**, combining academy study and apprenticeship work

Within the environment inherent in these prison buildings, the Prison Service has spent many billions of pounds and expended its effort on delivering vastly improved prison regimes as well as sophisticated and costly interventions. These have included education programmes; offending behaviour programmes; life and employment skills; constructive leisure activities; addiction treatments; anger management treatments; parenting courses; restorative justice programmes; and improved healthcare.

Despite such significant financial investment, staff efforts and some clear regime improvements, prison seems as ineffective as it ever was in changing lives and reducing recidivism. As long as reliable figures have been available, overall recidivism (conventionally measured as the percentage of offenders who are convicted again within two years of completing a prison sentence) has been approximately 65–70 per cent. This was the rate 40 years ago and it is the rate today. All the while the prison population continues its annual relentless increase.

In light of these failings, a new model for prison design is urgently required. We believe it is essential that all new prisons are built to a design more conducive to rehabilitation and personal change (section 1.8.2.2).

2.3.1.2 Inadequate prison officer training

> *We do not appropriately equip our officers and governors. The Prison Service is generally an unskilled, under-prepared workforce. There is a crisis of confidence and literacy across our prison officer population, many actually can't read well and harbour resentment that the prisoners are getting help and they are not.*
>
> A former prison governor in evidence to the CSJ

> *In eight weeks you can only learn about the mechanics of imprisonment and how to maintain security. You can't really learn about the complexities of prisoners, how to relate to them and about your role in effective rehabilitation.*
>
> Senior prison officer in evidence to the CSJ

Prison officer training is short. New recruits train for only eight weeks before beginning in one of the most challenging careers. A 12 month probationary period follows the initial eight weeks training.

The current POELT (Prison Officer Entry Level Training) Foundation training course was introduced in 2005. POELT covers both theoretical and practical aspects of the prison officer role as well as prison system management.

In comparison to the training undertaken by police officers eight weeks is very brief. New police recruits undergo up to two years basic training covering a range of associated subjects. Police Officers graduate prepared for the range of challenges they will meet in the job.

Similarly, new Fire Fighters undergo significant early basic training. They participate in an intensive four month course and experience personal and professional development whilst in post.

The role of the prison officer and the demands of the job have changed dramatically during the last 30 years. We have been told that the training and support for officers has not kept appropriate pace. This is a major challenge that the service must now meet.

2.3.1.3 Overall Prison Service ethos: Warehousers or leaders of men?

A number of serving, as well as former prisoners, prison officers and practitioners have informed our Review that the Prison Service now often chooses to, or has to limit its focus to that of basic containment and control.

Due to the increased population pressure on the estate, the revolving prison door, the increase in addiction within prison and in those who have diagnosable or suspected mental health disorders, prison officers are too often warehousers. Rather than play an essential role in prisoner rehabilitation, as many officers would like, they spend the majority of their working days simply moving and managing prisoners. Rarely do prison officers have time to build relationships with prisoners, let alone guide them towards law abiding lives. The 'Personal Officer' scheme which is supposedly directed to individual prisoner rehabilitation is more honoured in the breach than in the observance due to the pressures of overcrowding.

Only **eight per cent** of ex-prisoners we polled said their fellow inmates respected the prison governor[10]

This criticism is of course not applicable to every prison or prison officer. During our Review we have met with exceptional men and women who would like to give much more of their time to the personal rehabilitation of prisoners. We have also met prison governors who believe passionately in a rehabilitative role for prison. However they are the exceptions to the general situation on the ground which is that the Prison Service has become a warehousing service – and precious little else.

10 The Centre for Social Justice, YouGov polling, 19 June 2008

Some containment is essential. One important aim of the Prison Service is public protection, achieved by maintaining a secure institution. But a balance must be found to ensure that public protection does not move from the paramount to the exclusive role, as it recently has threatened to.

2.3.1.4 Low morale and staff sickness

> *…we have seen staff who are increasingly frustrated at the gap between what is expected and what is deliverable.*[11]
>
> HMCIP

Our Review has heard evidence suggesting that staff morale in the Prison Service is particularly low at this time. We acknowledge that this assertion cannot be made for every prison as we visited establishments where staff morale was high.

However despite the clear improvement in physical prison conditions with the ending of unacceptable practices, such as slopping out, in recent years, there remain many serious problems. Low staff morale and difficult industrial relations are two areas of trouble. Many prison officers feel they are not regarded as professional public servants. They are under-recognised, rarely thanked and complain of being disconnected from decision making by the national management of HMPS and by Ministers.

"Prison officers' leader claims jail is too cushy."

The Independent, 25 April 2008

"Prison officers launch industrial action over pay."

The Guardian, 7 May 2008

The faults here are not one-sided. The prison officers Association (POA) has many weaknesses. Some of its branches give the self-caricaturing impression of being the last refuge of 'I'm all right Jack' trade unionism. But whatever the rights and wrongs of the arguments, many prison officers have been, and remain, openly dissatisfied in the service and with their terms of employment.

One indication of this is that sick leave rates for prison officers are way above the national public and private sector average.

In 2006/07 the average annual number of days lost to sickness absence per employee by HMPS was 11.6, in 2007/08 it was 11.7[12] at an estimated cost of £76 million and £78 million respectively. In recent years the national average for the public sector has been 8.0 days and for the private sector 6.9 days.[13]

2.3.1.5 Prisoner to prison officer ratio

The prisoner to prison officer ratio has remained at 2.8–2.9 prisoners per officer since 2004:

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11 Dame Anne Owers, *06/07, HM Chief Inspector of Prisons for England and Wales, Annual Report*, London: HM Inspectorate of Prisons, January 2008, p6

12 Hansard, House of Commons written answers, 16 December 2008

13 Health and Safety Executive, *Survey of Workplace Absence Sickness and Health*, London: Health and Safety Executive, 2005

Figure 8: Prison officer to prisoner ratios[14]

Year	Prison officers	Prisoners	Prisoners per officer
1997	23,058	56,671	2.4
2002	23,324	67,633	2.7
2008	28,062	80,676	2.9

That there has been no improvement of this ratio to meet the demands of an increasingly complex role for prison officers has heaped more pressure on an already overstretched workforce.

As the service seeks to increase officer numbers in light of the planned estate capacity expansion, a looming budget cut is a cause for apprehension to many already working within the system.

2.3.1.6 Budget cuts

HMPS will be making a three per cent budget cut year on year 2008/09, 2009/10 and 2010/11. Consequently there has been a shortening of the prison working week. Many prison regimes are already shut down between Friday lunchtime and Monday morning, bar very restricted association time. In other prisons the core day will also be shortened between Monday and Friday. It has also been reported that 3,000 jobs will be cut in the Prison Service.[15]

"You can't demand more of the system and more from the staff working within it at the same time as making cuts. The prison population is rocketing but we are losing resources and investment. It doesn't add up."

A Senior prison officer in evidence to the CSJ

"This will reduce prisoners' time out of cell in many prisons – a strategy fraught with risk in relation to order and control, as well as effective offender management."

HMCIP[16]

Occasionally savings can increase the efficiency of an organisation. But in view of the projected rise of the prison population and the ongoing failure of rehabilitative interventions, the public expenditure savings are a cause for

14 Hansard, House of Commons written answers, 13 May 2008

15 *Daily Telegraph*, '£130 million refurbishments bill for Jack Straw's new offices', 13/12/2008

16 Dame Anne Owers, 06/07, *HM Chief Inspector of Prisons for England and Wales*, Annual Report, London: HM Inspectorate of Prisons, January 2008, p6

concern amongst the workforce and the Inspectorate. So far as we can discover, no senior management thinking is being directed within NOMS/HMPS to structural changes which might tackle the crises of prison overcrowding and high re-offending rates while at the same time offer better opportunities and job satisfaction to prison staff at no extra cost to the public purse. These objectives are not incompatible.

2.4 National Probation Service (NPS)

The NPS works with approximately 200,000 adult offenders at any one time. It employs 20,000 staff. 70 per cent of the offenders the NPS works with are subject to community sentences, the remaining 30 per cent are pre or post custodial cases.

NPS in London alone:

- Each week, **400** people are released from prison into London communities
- **5,000** prisoners are serving under 12 months – these will have no support from NPS on release
- **74 per cent** of this group will re-offend within two years[17]

The NPS manages prisoners released on licence who have been sentenced to 12 months or more. The NPS does not supervise those who served less than 12 months released on licence. A new sentence, Custody Plus, was introduced in 2003 to support offenders on sentences of less than 12 months. The sentence has not been implemented for want of resources, a decision supported by HM Chief Inspector of Probation Andrew Bridges:

> *The Government was right to postpone the introduction of 'Custody plus' (statutory supervision after release of those serving shorter sentences) because of the capacity problem, but even so demands are continuing to increase faster than resources.*

The NPS is a recent creation. Though the probation service celebrated its centenary in 2008, it comprised, until 2001, local, more-or-less autonomous probation services led by local Chief Probation Officers, accountable to local Probation Committees, whose work was only lightly overseen by a division within the Home Office.[18] In 2001 the then 54 local probation services were

17 National Probation Service London, *London Probation Strategic Plan 2008–2011*, London: London Probation, p3

18 Morgan R, 'Probation, governance and accountability' in Gelsthorpe L. and Morgan R. (eds), *Handbook of Probation*, Cullompton: Willan, 2007

absorbed into a national service, led by a National Director within a National Probation Directorate (NPD) within the Home Office. This re-organisation involved considerable change, not least because the 54 areas were reduced by amalgamation to the same 42 administrative areas to which the police, the courts and the CPS were now subject. Further upheaval was caused when the NPD was used to drive through a top-down cultural and working methods change programme (this included, for example, the introduction and setting of targets for the delivery of cognitive offender behavioural programmes accredited at the centre). The standing of local chief officers was effectively reduced: their professional association (ACOP) was abolished and their public voice greatly diminished. Public criticism of the direction of travel came almost entirely now from the National Association of Probation Officers whose members gradually became a minority of staff employed in the NPS: probation service officers and administrative staff now outnumber them.

Leadership in the Probation Service has been whittled away by the embryonic central NOMS administration

No sooner had the NPS begun to settle to the new national structure all the cards were effectively thrown into the air at the end of 2003 with publication of the Carter Report.[19] Despite the fact that the Carter Report contained no more than a brief sketch plan of what its recommended NOMS might comprise, the Government announced that it would implement the proposal without having worked out any of the operational detail. There followed three more years of further uncertainty for the Probation Service which, unlike the Prison Service, was subjected to early extensive change. The National Director departed and the NPD was gradually whittled away as an embryonic central NOMS administration was formed. The NPS now suffers a distinct lack of leadership both locally and centrally.

London's Chief Probation Officer David Scott met with our Review working group to discuss the work of the Service in England and Wales

Most of the Carter Report, ironically, was concerned not with the NOMS proposal but with the issue of sentencing drift, effectively endorsing the stated opinion of Rod Morgan, then HM Chief Inspector of Probation, that a high proportion of offenders on the probation caseload did not require probation service attentions and would in previous years not have had them: they would instead have received discharges or fines, or if sentenced to what is now termed unpaid work (then 'community service') without their needing to be supervised by the Probation Service.[20] Reversing or stabilising

19 Lord Carter of Coles, *Managing Offenders, Reducing Crime: A new approach*, London: The Stationery Office, 2003

20 Morgan R, 'Thinking about the demand for probation services', *Probation Journal*, 5: pp7–19, 2003; see also Mair G and Canton R, 'Sentencing, community and the role of the Probation Service' in Gelsthorpe L and Morgan R. (eds) *Handbook of Probation*, Cullompton: Willan, 2007

sentencing drift was, Lord Carter maintained, a precondition for the successful implementation of the NOMS proposal. The Chief Inspector maintained that ridding the service of approximately one third of its growing, 'silted up', caseload was necessary if the service was more effectively to supervise medium and high risk offenders from whom the public had a right to expect better protection by means of closer supervision. However, whereas preparations for NOMS went ahead, no effective action was taken to address sentencing drift, with the consequence that the prison population further increased and probation caseloads continued to grow with ever more intensive levels of intervention.

Despite a good deal of rhetoric about partnerships with the voluntary sector, the evidence suggests that this did not increase after the millennium. On the contrary. Whereas the probation service owed its origins to volunteers, use by the Service of volunteers – either directly recruited or used under the aegis of voluntary sector partners – had largely withered on the vine. There is a disturbing juxtaposition between the claim repeatedly made by the NPD after 2001 that the NPS is the most professional probation service in Europe, yet the fact that the NPS now works with so few volunteers (by contrast, for example, with the Scandinavian probation tradition, where volunteers undertake most of the supervision) and is part of a system that generates what is proportionately the highest prison population in Western Europe. Our judgement is that these facts do not simply co-exist, but rather point to a disconnection between our penal system and civil society.

2.5 The private sector

Private sector organisations began to manage prisons during the 1990s. Currently 11 of the 140 prisons in England and Wales are under private sector management. These establishments are subject to the same inspection routine as prisons managed by HMPS.

2.5.1 TENSIONS REMAIN

For some people working within prisons, private sector prison management presents a moral problem. Those who disagree that profit-making organisations should run prisons often argue that:

- The responsibility for preventing crime and delivering justice should rest directly and solely with government.
- It is morally wrong to make profit from criminal behaviour.
- Rehabilitation is not a commercial aim and as such businesses have an interest in maintaining a high demand for places.

There are others however who do not share such concerns, citing the following reasons:

- The state still retains overall responsibility for prison leadership and management.
- The sole focus should be effective offender rehabilitation. The offender cannot choose which prison he/she is sent to so it should not matter which sector provides the management and core services.
- All prisons, including state managed prisons, are already heavily reliant upon the private sector in the provision of such services as electricity, heating, catering and court transfers.
- The private sector has a natural instinct for innovation and flexibility.

2.5.2 OUR POSITION

> *Can you imagine a high street where Marks & Spencer was the only provider? It would be unnatural for a sole provider in such a situation to offer real quality and choice, and quite apart from anything else, how could it be measured? The public freely accepts this. Why should it be so difficult to get this point across in relation to public services?*
>
> A private sector representative in evidence to the CSJ

Our Review supports the successful, innovative private sector management of prisons. We consider diversity in management a healthy development for the rehabilitation of offenders and recognise the potential of the private sector in many cases, when given an opportunity, to drive up standards and practice.

We are equally clear however that government must retain overall authority and accountability for public protection, reducing crime and managing offenders. Government must thoroughly scrutinise any organisation carrying out the delivery of such important work on its behalf.

> "We remain suspicious of the private sector. They are still the new kids on the block."
>
> *Voluntary sector Chief Executive in evidence to the CSJ*

2.5.3 PRIVATE SECTOR PRISON COMMISSIONING

The process by which government procures new prison establishments in England and Wales is a lengthy, tortuous and costly journey for both customer and would-be providers. It is balanced in favour of preserving the monopoly. Procedures are strictly regulated by UK government policy on achieving value for money as well as EU Procurement Directives.

Competitions for the design, construction, management and financing prisons (DCMF projects) come under the heading of 'Complex Procurement' which, since January 2006, have followed an even more complex tendering process than previously, known as Competitive Dialogue.

Intention to hold a competitive tendering exercise is published in the Official Journal of the European Union (OJEU) and potential bidders must

satisfy a pre-qualification test to establish their credentials and, at the discretion of the Contracting Authority, to limit the field.

Short-listed bidders then receive an 'Invitation To Participate in Dialogue' (ITPD) which is a very detailed statement of the customer's requirements and an indication of the proposed stages and content of the dialogue phase. During Dialogue, bidders prepare and present proposals and solutions to the Contracting Authority. At subsequent stages of dialogue, bidders' technical proposals are refined and contractual and financial aspects clarified. In the final phase of dialogue a fully developed and priced draft bid, based on an agreed contractual position is submitted in order that the Contracting Authority may assess the likelihood that final bids will be compliant and acceptable. After that, final bids are submitted and there is no further negotiation (dialogue).

> "I have found the private sector far more capable of flexibility and innovation."
>
> *Rehabilitation project manager in evidence to the CSJ*

The cost to bidders of mounting a respectable bid for a prison DCMF contract is very considerable, generally put at £1million or more including legal fees and design costs.

In respect of the nine prison DCMF competitions during recent years, the same four qualifying bidders have competed and each has won a slice of the market, though not in equal proportion. Only occasionally has a new bidder come to the competition and competed (unsuccessfully) with the 'big four'. The Authority has expressed concern at the lack of new entrants to the market and concern that there might be a lack of competitiveness. However, the situation should cause no surprise. It is not a small matter for a company to put £1million at risk in unrecoverable bid costs. There is little enough incentive to attempt one to enter the market. Having tried once unsuccessfully, who would be foolhardy enough to try a second time, or a third?

In the latest DCMF competition for two new prisons, two new bidders competed. In both cases their proposals were rejected at the earliest stage.

Although the Contracting Authority, on these grounds, continues to worry about the competitiveness of bidding amongst the same four consortia, there is no evidence to suggest that competitions are not fiercely fought. On the contrary, the effect of competitiveness is plain to see and of some concern, because although, technically, there is discretion to do otherwise in certain circumstances, every prison DCMF or management only competition has resulted in award of the contract to the lowest bidder. Thus, when the three unsuccessful bidders come to the next competition their win strategy has to include driving down price and it is difficult to accept that this does not have an adverse affect on quality with each successive competition.

Our Review questions the wisdom of continuing to use a procurement vehicle that is excessively bureaucratic and geared to driving down price (and, inevitably, quality) time, in a sector as high risk as Prisons.

2.6 The Voluntary and Community Sector (VCS)

Breakthrough Britain's final volume argued passionately that the VCS is currently under-utilised in government efforts to reverse social breakdown. It argued that policy makers should act in response to the ever growing portfolio of innovative projects across the country helping to keep families together, improve opportunities for young people failing at school or supporting people locked in addiction or severe debt.

The report called for VCS funding reforms, the strengthening of its independence, fairer opportunities for smaller charities and for the encouragement of increased public charitable giving.

Our Review holds in high regard the men and women of the countless effective charities across the country and endorses the VCS recommendations in *Breakthrough Britain*.

We will make several further comments in regard to the VCS and prison reform.

2.6.1 PIONEERING REHABILITATION

We have listened to many excellent VCS organisations working in prisons. Many of these charities are delivering relevant rehabilitation and changing lives. The positive impact of volunteers, if adequately trained, financially supported and effectively managed, is considerable.

Charities and volunteers often offer an expertise and passion that statutory agencies cannot. This expertise and passion is usually rooted in personal experience and empathy.

These qualities lead to increased public trust that criminal behaviour can be reversed. They also increase the confidence of prisoners and their families, who trust charities and volunteers much more readily than they trust statutory agencies. In drug rehabilitation for example, it is the former addict working for a charity who can provide life-changing inspiration to a prisoner locked in addiction. It is the volunteering mother working in a visitor centre, who has experienced the imprisonment of her son, who can bring comfort to a family visiting a relative in prison for the first time.

Throughout our report we highlight a number of pioneering projects, inside and outside the prison walls that are leading the way in reversing criminal behaviour.

Over **900 voluntary sector organisations** are responsible for more than **2000 projects** that provide services to offenders[21]

One such effective charity that we choose to highlight here however, providing many hours of voluntary service in prison, is the New Bridge Foundation:

21 www.clinks.org [accessed 09/07/08].

The New Bridge Foundation

The New Bridge Foundation has been working with prisoners for more than 50 years. Through its work the Foundation aims to prevent further crime in society by ex-offenders.

Over 200 volunteers work for New Bridge in over 100 prisons helping over 450 prisoners.

In 2007 New Bridge volunteers donated over **8,700 hours.**

Befriending

New Bridge volunteers write to and visit prisoners throughout the course of their sentence. Every attempt is made to maintain contact even if that prisoner is subject to movement around the prison estate.

Resettlement

The 'Learning Shop' is aimed at equipping vulnerable women prisoners in computer skills and education. External evaluations show that this service is making a big difference to prisoners.

Other resettlement work includes the provision of Housing Advice and personal mentoring.

Family Matters

Is an accredited parenting and relationships course designed specifically for offenders.

In 1990 New Bridge also launched the national monthly newspaper 'Inside Time'. This is well read by the prison population and achieves high journalistic standards as well as providing invaluable public service.

Our role at New Bridge is frequently to reach out to prisoners that others have ignored. I am very proud that our befrienders give fresh hope and confidence to so many isolated prisoners, many of whom have lost all contact with the outside world.

Chris Thomas, Chief Executive

2.6.2 DEVELOPING CONSISTENCY

Leaders within the VCS as well as individual volunteers have told us that their experiences of Prison Service engagement and accessibility vary from establishment to establishment, budget to budget and governor to governor.

We also note however that an inconsistency is reported by governors and prison staff in their experience of the voluntary sector. Without adequate training or management, volunteers can be a hindrance instead of a help.

2.7 Executive Release from prison

THE CASE FOR THE CURRENT EXECUTIVE RELEASE SCHEMES

Most prisoners are subject to some sort of discretionary release arrangement. The general rule is that the longer their sentences, the more serious and/or prolific their offending, the higher the risk they present of re-offending and causing harm on release, the greater the measure of discretion exercised over when they are released.

At one end of the scale are those prisoners subject to life or public protection sentences whose release is determined by the Parole Board. Following procedures that incorporate increasingly stringent legal procedures to safeguard both the public and potential individual victims' interest and the human rights of prisoners, the Parole Board may not release these indeterminate sentence prisoners unless the Board is satisfied that the risk of future harm has been reduced to an acceptable level. In a limited number of cases this means that some prisoners will never be released.

Parole is based on the proposition that prisoners should not continue to be held in custody if the interests of justice have been met and rehabilitation achieved

At the other end of the scale are prisoners serving sentences of four weeks to four years (there is no executive release discretion for prisoners serving sentences of less than four weeks on the grounds that there is insufficient time to collect the evidence that would permit a reasoned decision), who are automatically released at the half way point of their determinate sentences. Such prisoners may (with several important eligibility exceptions) be released 18 days earlier on the recently introduced End of Custody Licence (ECL) scheme or between two weeks and four and a half months earlier, depending on their length of sentence, on the more longstanding Home Detention Curfew (HDC) scheme. Prisoners serving determinate sentences of four years or more and not subject to public protection provisions are automatically released at the halfway point subject to supervision licence which could result in their recall for breach of licence.

The idea of release on parole and the establishment of the Parole Board originated in the proposition that prisoners should not continue to be held in custody if the interests of justice had been met and rehabilitation achieved. In recent times the assessment and prevention of risk has become a more dominant factor and for offenders sentenced since 2005 the work of the Parole Board has been restricted (other than their involvement in the recall of prisoners in breach of their licence provisions) to prisoners serving indeterminate sentences where risk is assumed to be a major consideration. By contrast the introduction of the HDC and ECL schemes for short and medium length sentence prisoners was prompted by expedience and the need to control the size of the burgeoning prison population. This is not to say, however, that the ECL and HDC executive release schemes do not have rehabilitative value. On the contrary. The evidence suggests that the use of these schemes has generally been successful, providing rehabilitative and resettlement opportunity, very seldom endangering public safety and significantly reducing the prison population and costs.

However it would strengthen public confidence in the current executive release schemes if they could be authorised not by prison managers alone, often operating on the basis of numbers game expediency, but by an extension of the parole board system operating for reasons of principle and rehabilitative purpose with a local or community focus.

2.8 Policy recommendations

Our priorities

To restructure our prisons we consider the highest priorities to be:

1. Creating a clearer link between imprisonment and rehabilitation;
2. Recognising that the most effective rehabilitation is local;
3. Encouraging local community involvement in our prisons and in the rehabilitation of prisoners.

2.8.1 COMMUNITY PRISON AND REHABILITATION TRUSTS (CPRTS)

To achieve these three objectives we recommend the creation of Community Prison and Rehabilitation Trusts (CPRTs). These should be rolled out nationally by a new Act of Parliament with the option to introduce the first CPRTs in suggested pilot areas (section 9.3.1). CPRTs should replace the regional and over-bureaucratic structure of NOMS.

63 per cent of people we polled agreed somewhat, or strongly, that prisons should be more accountable to their local communities[22]

This devolution of power will not stop all re-offending but for the reasons outlined in our Review it is likely to prevent a considerable amount of re-offending in each CPRT area. Collaborative prevention of re-offending by ex-prisoners as a strategy of teamwork in a local community with the wholehearted involvement of prison staff, the police, the probation service, the local authorities, the local NHS trusts and authorities, voluntary agencies and charities, local employers, local volunteers and the local media – this is our CPRT vision.

The details of our CPRT proposal are as follows:

(a) A CPRT should cover a clear local geographical area in which it has the responsibility for providing sufficient custodial places to meet the needs of local courts. A CPRT should have the responsibility for commissioning and managing adequate rehabilitation services in its area for prisoners and released prisoners.

(b) A CPRT's board of management should include the following directors, some of them non-executive:
   - A Chairman, appointed by the Secretary of State for Justice, with an extensive record of personal leadership, vision and innovation;
   - The governing governor or Director of each prison within the CPRT area;
   - Seconded Probation Officers responsible for managing custodial offender caseloads;
   - A representative of the local Independent Monitoring Board(s) (IMBs);

22 The Centre for Social Justice, YouGov polling, 19 January 2009

- A representative from the local Crime and Disorder Reduction Partnership(s) (CDRP) who will engage appropriate officers of the Local Authority as required;
- Relevant representatives from the local Primary Care Trust (PCT) and mental health professionals;
- Relevant prison education managers;
- A representative from the local Drugs Action Team (DAT);
- Representatives of the voluntary and community sector;
- Representatives from the local Learning and Skills Council (LSC) with responsibility for prison education and training;
- Representatives from the local business community;
- A representative from local CPRT Halfway Housing provision
- A Director of Work, Training and Employment from the private sector with special responsibility for establishing links with local commercial organisations willing to play their part in reducing re-offending by released prisoners;
- A local sentencing magistrate and judge;
- A carefully selected ex-prisoner to sit as a special rehabilitation adviser;
- A representative local Councillor of each political party.

(c) Each CPRT should appoint a Commissioning Board responsible for commissioning sufficient custodial places and associated community-based supervision and resettlement services as the CPRT has determined should be provided. On conflict of interest grounds it will not be appropriate, either generally or in particular decision making cases, for managers of potential providers of services (for example, prison governors, chief probation officers or executives or voluntary sector agencies) to be members of the Commissioning Board. In order to ensure that expertise and experience of providing such services lies within the Commissioning Board it may be necessary to seek it from other parts of the country or persons who have such experience by virtue of having previously managed such services.

(d) A CPRT should have its own budget, allocated by the MOJ and HM Treasury, commensurate with the numbers of offenders and prisoners being generated in its area. There will be complexities in these budget calculations due to the mobility of some prisoners but a CPRT must fulfil its duty to the local community. It is anticipated that each CPRT would be responsible for an area that generates not less than 1500–2000 prisoners.

(e) A CPRT's budget, which will in effect be its local allocation of the present NOMS budget, should cover services beyond the costs of the prisons in the area it serves. These services should include 'throughcare', resettlement, drug treatment, health provision, supervision on licence, parole assessment and rehabilitation programmes. In short all the services that should be provided to 'released offenders' by the Probation Service and by

the Voluntary sector should come under the authority of the local CPRT. Present responsibilities for health care and education commissioning should remain with the Department of Health and the Department for Innovation, Universities and Skills respectively.

(f) A CPRT should join up the custodial and community services in its area and be the decision making body on how to provide or commission the services required. This proposal is in stark contrast to the practises of NOMS. No longer will the provision of custodial and offender rehabilitation services be dictated from a national or regional centre. Decisions on how best to provide these services will be made by the CPRT in accordance with local needs and circumstances.

(g) Our recommendations for greater localism in the delivery and management of prison and rehabilitation services would compliment the cultural and structural proposals made by the CSJ Policing Review, with only minor amendment. Subject to some consideration, we believe the government will be well able to legislate for the broad and necessary changes both Reviews advocate.

(h) A CPRT should have the power to commission new build prisons in its area either from HMPS or from a private sector operating company. In both cases the management of the prison should be accountable to the CPRT, as will be the case for existing prisons in the CPRT area.

(i) A CPRT will be less bureaucratic, more direct in its decision making process and more rooted in the needs of its local community than NOMS has been. It should simplify as well as accelerate the award of contracts to voluntary and private sector providers, and be prepared to fund them on a longer term basis.

(j) A CPRT should be held accountable by the Secretary of State for Justice for custodial and post release services in its area. CPRTs and local prisons must be required to publish annual performance reports. These reports should be collated together in the form of league tables and published with a commentary from the MOJ. CPRTs should implement recommendations from both Her Majesty's Chief Inspector of Prisons and Probation, as well as cooperate with other guidelines for best practice. However, a CPRT should exercise flexibility in its interconnected roles as a supervisor, commissioning and providing authority in order to fulfil its primary duty of protecting its own community and reducing re-offending.

(k) A CPRT should be represented by its Chairman on its Local Criminal Justice Board(s) to coordinate services; work closely with the local agencies and authorities in its area; with local employers and business; with local NHS Trusts; with local Housing Associations; with local voluntary bodies or charities; and with the local media. As the repetition of the word 'local' suggests, a CPRT needs to be well rooted in its community in order to provide the most effective services on both sides of the prison walls.

(l) It should be noted that the principles behind our specific proposals for a nationwide network of CPRTs are in harmony with much expert opinion and recently published writings which favour greater localism and community involvement in the punishment and rehabilitation of offenders.

(m) In particular we would cite the Localism consultation paper from the *Commission on English Prison's Today*[23] which argued for increased local ownership and involvement within the Criminal Justice System; the 2008 *Youth Crime Action Plan*[24] which argued that Local Authorities should lead on the provision of education and training for young offenders in custody; the *Policing Green Paper*[25] which recommended more local involvement in setting the neighbourhood policing agenda; Rethinking Crime and Punishment[26] which conducted and recommended successful local alternatives to custody; *Prisons with a Purpose*[27] which recommended that each prison and prison governor should be held accountable for local re-offending rates and the ongoing review of the *House of Commons Justice Select Committee*,[28] furthering the justice reinvestment debate initiated by the Million Dollar Blocks scheme in the United States of America. We are encouraged by the general flow of this expert opinion. We believe that with the right leadership and support for both local and national government the concept of locally based CPRTs would soon take root and prove successful in reducing re-offending and making communities safer.

(n) The public expenditure implications of CPRTs should be broadly neutral. There would be some savings by cutting out the national and regional headquarter bureaucracy at NOMS and HMPS.

(o) CPRTs should be able to generate some private funding in their own areas from local charities, local businesses with corporate and social responsibilities, individual donors and community groups such as Rotary Clubs. Many of these may be willing to play their part in local schemes and projects aimed at reducing re-offending.

(p) CPRTs are important to establish because the policy error in 2004 was joining up the penal services of prisons and probation within a highly centralised national framework. We believe that the localised devolved structure we are proposing is infinitely preferable for the numerous reasons cited in earlier paragraphs. But we do also believe that one part of the vision that lay behind the creation of NOMS – joining up community and custody based services – was the right approach. So if our proposals

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23 Commission on English Prisons Today, *Localism – a consultation paper*, London: The Howard League for Penal Reform, 2008

24 HM Government, *Youth Crime Action Plan 2008*, London: HM Government, 2008

25 Home Office, *From the Neighbourhood to the National: Policing Our Communities Together*, London: Home Office, 2008

26 Esmee Fairbairn Foundation, *Rethinking Crime and Punishment*, London: Esmee Fairbairn Foundation, 2008

27 The Conservative Party, *Prisons with a Purpose*, London: The Conservative Party, 2008

28 http://www.parliament.uk/parliamentary_committees/justice.cfm

for restoring to local senior managers control over the provision of penal services finds general favour, then it is a natural next step (even though it is outside the scope of our Review) for the provision of all community based offender services also to be devolved to CPRTs.

2.8.1.1 Transition from Her Majesty's Prison Service and the National Probation Service to CPRTs

It is recognised that there will have to be a period of transition as CPRTs largely replace HMPS and NOMS. Prison officers will be TUPE'd across (with full protection of pension rights and other conditions of employment) from HMPS to employment with the CPRTs.

However there will still be a need for a core HMPS to run certain national resources such as high security establishments for Category A prisoners and for other high risk or special categories such as sex offenders.

There will continue to be a need for the National Probation Service, working in its local probation areas, whose staff will continue to supervise offenders serving community sentences. We recommend however that each CPRT, in partnership with its local probation area(s), seconds an appropriate number of officers to specialise in the management of offenders serving prison sentences.

In their work, as it was before the creation of NOMS, Probation Officers should be rooted within the community, closely liaising with new CPRTs.

2.8.2 NEW BUILD PRISONS WITHIN CPRTS

2.8.2.1 Commissioning and management

As stated later in this report (section 3.7.1) we recommend that the existing new build prison programme, including the Titans building project (a total of £2.3 billion), should be reinvested in much smaller community prisons and Community Supervised Homes for Offenders (CSHOs) commissioned by CPRTs.

The commissioning process of new build prisons by CPRTs should be far simpler and swifter than the present excessively bureaucratic commissioning process operated by the Contracts and Commissioning Unit of NOMS. This unit is widely perceived to be unfairly biased in favour of the four existing, well established, multi-national consortia and against any new, innovative, more locally based private sector bidders. It issues hugely complicated specification documents running to over 1500 pages in length. It has been known to arbitrarily cancel bids under political pressures from the prison officers Association or Ministers after hundreds of thousands of pounds have been spent by organisations on bid preparations. It imposes harsh penalty clauses on private sector bidders and operators which are not imposed on public sector prison operators. And in respect of 'management only' contracts, NOMS sits in the conflicting position of being both a competitor of private sector operators and the judge and enforcer of contracts for the operating of prisons. This is wrong.

Under our proposals there will be a level playing field in contracts for the building and operating of new prisons. When it comes to the award of management contracts to operate these prisons we recommend that CPRTs should be willing to favour innovative consortia which include a strong involvement by the VCS and its trained volunteers.

2.8.2.2 A new design for prisons

Our Review is confident, based on our discussions and visits, that it is possible to rehabilitate many prisoners through well evaluated programmes and better leadership. We highlight some of these programmes and make over 80 recommendations for reducing re-offending in this report. But here we make one of our core foundational recommendations: a new design for prisons.

The ingredients for a new model

A new model of prison design should in no way compromise security, public safety and personal decency. To be effective, it must also create a different environment, in which prisoners have far greater opportunity and incentive to engage with the regime at a deeper, more meaningful level and resist the destructive, negative culture in prison. It should be a place of positive personal change.

The Mitson Academy Model (named after its designer Stuart Mitson a Member of this Review's working group and a former prison governor – see biographical notes) we recommend recognises why prison design must change and sets out our plans to make prison a positive, reforming experience for more people.

The institutionalised failure of rehabilitation: restructuring prison facilities

As we have noted a very high proportion of prisoners have an extensive history of social exclusion, physical violence, anti-social and gang behaviour. Many are a product of material and emotional deprivation; broken families; disjointed and failed education; a lack of motivation, opportunity, experience and achievement in work; failed and abusive relationships; and chronic physical and mental health problems. Frequently, they abuse drugs and/or alcohol as a coping mechanism and they turn to gang culture for protection and identity.

Rehabilitation involves breaking the powerful grip of this background and changing the way prisoners think and act (and the way they are pressured by peers to think and act). If we accept that this is the context which surrounds all prison activity, then we can understand that activities designed for prisoner rehabilitation are rather like periodic doses of medicine delivered in the hope that sufficient 'good effect' will be absorbed to inoculate against previous bad experiences and prevailing bad influences. In most cases the impact of them is insufficient and too easily reversed by influences at work when a prisoner returns to his wing or house block. By way of contrast, our recommended model creates opportunity to influence the total experience of prison life in the wings as well as in structured activities.

In traditional prison design there is strict demarcation between prisoner living accommodation, where association and domestic activity takes place and the buildings and facilities which are used for 'purposeful activity' or rehabilitation. For supposed security reasons, these facilities are located in separate 'security zones' of the prison. This means that moving prisoners from residential wings to activities and from one activity to another, several times a day, is a major and time-consuming event, the effects of which:

(a) Emphasise disconnection between the 'real life' on the wings and the influence of structured activity;
(b) Reduce the time available for participating in the more constructive part of prison life;
(b) Create frustration and friction between officers and other specialist prison staff.

Emphatic physical separation of the two key elements of prison life also divides the staff effort. Regime staff, the majority of whom are not trained prison officers, engage with prisoners in sessions of purposeful activity during the core day. When activity sessions are over, prisoners leave their activity behind and return to the residential wings which are the domain of the discipline staff. There is great symbolism in closing down and locking up the activity facilities as well as the distance imposed between them and life on the prison wings.

In these high, echoing halls with their galleried landings, activity is unstructured, peer influence is at a maximum, contact with staff is optional and staffing levels reduced to a minimum. It is here where taxing, bullying and drug dealing occur, where debts are settled, where intimidation takes place, where despair sets in, and where the culture of the gang and the street asserts itself. It is here that all the negative and harmful effects of today's prison culture flourish and effectively undo the good that dedicated staff and excellent interventions would otherwise achieve.

The Mitson Academy Model

Our recommended model is an original concept designed by a member of our working committee, Stuart Mitson,[29] based on actual experience and observation of how prisoners and staff reacted so positively to working in a wing that was reserved exclusively for those on full-time education. We calculate it to be in the region of 15 per cent cheaper in construction costs and energy consumption, and capable of delivering up to 20 per cent more regime hours for no higher operating cost than a standard prison.

Appendix Two demonstrates how using the academy concept can save on building and energy costs by making better use of the atrium space in residential buildings and reducing the number of entrance foyers, corridors,

29 Stuart Mitson is the director of Mitson Consulting Ltd

offices, staff rooms, toilets and other facilities when two buildings are combined into one.

The key concept behind the new design solution is combining, under one roof, prison living accommodation (a prison wing or unit) with a regime activity building or service function to create a different, purposeful, safer type of living environment which can be aptly called a residential 'academy', 'school' or 'college'. The immediate effect is that purposeful activity and learning become a more continuous experience for prisoners from unlock to lock-up and an entirely new kind of prison architecture is created that is no longer a 'human warehouse'. Appendix Two illustrates what this architecture looks like using the examples of a Catering Academy and a Sporting Academy. The imaginative integration of residential accommodation and catering facilities de-institutionalises this prison building creating a lighter, more open environment which is observable, controllable, purposeful and engaging.

Another principle of the model is that all facilities and buildings should be used to their fullest potential for regime delivery. For example, when the prison kitchen is set at the heart of a 'Catering Academy' it automatically increases the number of hours it operates, the number of prisoners who can work and train in it and the range of functions it performs in addition to daily feeding the prison population.

Prisoner movement

The amalgamation of each residential wing with a major regime and learning activity reduces the requirement for 'mass movements' (traditionally four times during the core day and, on a lesser scale, twice during the evening) because the majority of prisoners will be engaged in one of the range of activities delivered within their specialist Academy. Such smaller ad hoc group movements as are necessary (to attend Library, Visits, Gym, Healthcare and Multi-faith Centre) will not exceed what would take place in a traditional build in addition to 'mass movement'.

An improved environment and an end of the Human Warehouse effect

The new design creates an exciting, more engaging environment for prisoners and staff which eliminates the negative 'human warehouse' effect of standard prison design. This in itself is a challenge to traditional, negative, violent prison behaviour and addresses the issue of managing the most challenging, reluctant offenders because the regime is more engaging, immediate and responsive to individual need. The built environment will also appear more open, brighter and de-institutionalised and will be visibly better staffed and controlled, therefore safer.

Access to regime activity with greater control and containment

There is easier, safer, controlled access to a core regime activity for all, at all times from unlock to lock-up. This makes extension of the working day and flexibility of working hours instantly and easily achievable. Although in reality

there is reduced prisoner circulation and more actual containment in this model, easier and more flexible access to activity and a higher level of engagement with the activity will generate a perception of greater freedom and self-direction for prisoners.

Integrated, supported, informed staff working groups

Discipline staff and specialists will mutually benefit from working together in an academy setting. The amalgamation of living accommodation with regime activity automatically brings residential (discipline) staff together in one place with PE, workshop, catering, education, health and other specialist regimes staff. The latter groups especially can feel isolated and vulnerable where they often work with significant numbers of prisoners out of sight of any supporting discipline staff.

In this model, the balance of control will clearly be with well supported staff who will be more confident in their dealings with prisoners. Specialist (non-discipline) staff will be more integrated and as well informed as discipline staff because being part of a single, co-located academy team will ensure better communication. In the conventional setting, it is often the case that daily security and handover briefings are delivered to wing discipline staff but not routinely conveyed to regimes staff who operate in a different location yet may have more exposure to prisoners.

Improved learning environment with greater prisoner commitment and engagement

Belonging to an 'academy' rather than an impersonal prison wing will mean opportunity for prisoners to identify with 'their' purposeful activity at a deeper, more personal level. They will engage with that activity in a more flexible, individual way. In the academy setting, improvement in numeracy and literacy, development of social skills, training for work, cognitive-behavioural change etc, will be centred on and rooted in the core activity, be it catering, sport, education, performing arts, etc. Prisoners will discover their own most effective learning style with structured guidance from staff who will share their interest in the academy's specialism.

The academy model will achieve a higher level of prisoner engagement and identification with positive activity than the traditional build where separate blocks of buildings separate constructive activities from the negative 'other life' which prisoners experience/impose on traditional prison wings

Personal Officer work, improved, accurate assessments and timely interventions

Wing staff (Personal Officers) will spend more time constructively with prisoners which will build better prisoner-staff relationships, aid accurate, meaningful risk assessment and deliver better intelligence-based security. Prisoners will be

available to staff (and vice versa), more of the time, a constant problem for personal officers in a traditional regime. Prisoners will also be more 'contained' and more visible to staff for more of the day. Those who are unable or disinclined to co-operate with the regime will be more speedily identified and their problems and/or behaviours identified, challenged and assisted, as appropriate, at an early stage. In this model, discipline staff and regime specialists are able to work together in mutual support and to engage with prisoners at a more interesting and meaningful level. This will enhance their role and improve their work experience which shall also be within a more agreeable physical environment – factors that are key to safety, stability and good occupational health.

Identity, respect, belonging, safety, decency and behaviour

In the academy prison, prisoners will experience a very different sense of identity based on a more positive self-image than that of just 'being a prisoner'. We emphasise the very positive psychological effect of prisoners being able to say they are from the Sports Academy, the Business School, the Catering College, etc., rather than from A wing, B wing or C wing. The former conveys a positive image, a sense of purpose and the possibility of achievement; the latter only reinforces low status and lack of worth. We believe that a positive image, a reason for focus, and a sense of identity and self worth within an improved de-institutionalised environment will reduce incidents of self-harm, bullying and gang behaviour, lessen reliance on substance misuse and generate an overall healthier community environment where prisoners will have respect for themselves and each other.

Community input

A final important component of the Mitson Academy Model is that every residential academy, school, or college within the prison is sponsored by a related community-based education, business, service or voluntary organisation. This secures and sustains an appropriate high level of community involvement, enables appropriate local steering and ensures relevance. Prisoners will feel less alienated, less disconnected from mainstream society, because of each academy's direct support from local community based sponsor organisations which, amongst other things, signals the possibilities to engage in work, to continue learning and to pursue development and change opportunities in the community after release.

Taking this model forward

We recommend that our proposals for the necessary planned prison estate expansion, through five local community prisons of approximately 600 prisoners each, should be designed and built based on this innovative model. After five years of managing these new design prisons we recommend that the five selected CPRTs undertake a joint comprehensive and public evaluation of the effectiveness of the model.

If, as we expect, the model is proven more efficient, cost-effective and reduces re-offending of released prisoners, the MOJ should identify any traditional model prisons suitable for modification to the new academy model. The MOJ should also identify new sites for prison builds based on the academy model. In conjunction with planning these modifications and new build prisons, the MOJ should identify and sell off the most outdated and ineffective Victorian model prisons.

We believe that our recommendations for new prison design, as well as far more effective, evidence-based rehabilitation within the existing prison estate, will achieve a gradual reduction in the prison population within five years creating capacity to do so.

2.8.2.3 Establishing a Intermediate Training Centre pilot study

Our Review recommends that a selected CPRT should establish a pilot project which builds and assesses the Intermediate Training Centre (ITC) model we outline in section 8.6.7. We believe that the ITC model, built into an offenders' custodial sentence or used as an alternative to custody in certain cases, could significantly reduce re-offending.

2.8.3 EXECUTIVE RELEASE: THE PAROLE BOARD – NATIONAL AND LOCAL REMITS

We see no case for altering the current Parole Board remit. The Board should continue to provide the national executive release mechanism for public protection and life sentence prisoners presenting serious risks.

We recommend, however, that there be radical change in the arrangements for the early release of all other determinate sentence prisoners. We recommend that there be established in each of the geographical regions in which prisons are in future administered (which, given our proposals in section 1.8.1, will always mean a CPRT area), a Community Supervision and Release Board (CSRB) – in effect a local parole board.

2.8.3.1 The Community Supervision and Release Board (CSRB) – a new local parole board

Each CSRB will determine which determinate sentence prisoners not subject to public protection provisions should be released earlier than their automatic release dates and under what conditions. CSRBs should take over from prison managers' responsibility for making current ECL and HDC decisions. In the longer term, consideration should be given to extending the HDC scheme to prisoners serving sentences of four years or more.

The case for having CSRBs parallels that for having CPRTs. Conditional discretionary early release decisions are best made by persons familiar with local conditions, not just in prisons proximate to the communities from which offenders have come and to which most will shortly return but also familiar with the resettlement difficulties and opportunities in the communities to

which prisoners will return. It is not desirable, therefore, that ECL and HDC decisions be made by prison staff alone. Such decisions should be made corporately and accountably by local boards incorporating local community knowledge and expertise.

Current ECL and HDC decisions are made behind closed doors by persons who, by definition, are prey to considerable prison managerial pressures and who may know little about the environments to which the prisoners they release will return. CSRBs will be more capable of making balanced judgements better informed about rehabilitative and resettlement considerations which should be the principal rationale for all early release decisions where serious public protection concerns are not at issue.

CSRB membership should be determined by the CPRT or, pending the establishment of a CPRT, by a panel representing senior members of the penal services (probation and prison), the police and the judiciary locally. Each CSRB should comprise a balance of members from the prison and probation services together with representatives of, or knowledgeable about, those key services (housing, education and training, housing, family counselling, drugs and alcohol support services, etc), both statutory and voluntary, which are vital for positive resettlement.

The appointment and operation of CSRBs should involve the minimum of bureaucracy. Panels should be supplied with detailed release plans which, ideally will have been drawn up by prisoners assisted by mentors and/or case officers, and where statutory supervision is applicable, verified by probation supervisors. The requirements or conditions which CSRBs can attach to early release should initially be the same as those currently in place for the ECL and HDC schemes. When the operation of CSRBs has bedded down, the criteria for early release of all determinate sentence prisoners serving less than four years should be reviewed and consideration given to extending early release to prisoners serving determinate sentences of four years or more.

2.8.3.2 Electronic Monitoring (EM) and Executive Release prisoners

The case for EM of executive release prisoners in certain categories, often known as 'the tag', is stronger than some selective media reporting has suggested. Inevitably a number of EM prisoners do re-offend during the period when they are on the tag and this brings the argument a bad name. But the main EM scheme known as Home Detention Curfew (HDC) which usually puts a prisoner (those serving between three months and four years are eligible for HDC consideration) on 7pm–7am curfew after release, has a fair success rate, remains a constricting punishment, and can act as a useful bridge between imprisonment and freedom.

One member of our working group, who was released on a tag 60 days before his sentence of imprisonment came to an end, came out of a prison which for at least two years had a 96 per cent success rate in terms of its HDC 'curfewees' not re-offending while on the tag.

So we recommend that the new CSRBs should continue to use EM as a continuing form of both punishment and surveillance for a number of selected prisoners.

2.8.3.3 What is a prison? The case for innovation using Section 34 of the Offender Management Act 2007

The more devolved administration of custody management which we are recommending (the CPRTs and CSRBs) prompts a more subtle question: What is a prison and what accommodation arrangements should count as the custodial part of a sentence?

This is a complex legal and policy issue which there is not space to discuss in detail here. Suffice it to say that there are open prisons providing the very minimum security for prisoners whose offending behaviour poses no risk to the public, who have earned the trust of the prison authorities, whose escape would not prejudice public safety or who have previously presented a risk and need now to prove themselves capable of exercising personal responsibility preparatory to release. There are pre-release prison hostels which in recent history have been provided both within and without prison walls. The prison legislation gives the Secretary of State powers, which over the years he has exercised by issuing a complex array of instructions, allowing prisoners pre-release home leaves and escorted or unescorted town visits. The Offender Management Act 2007 s.34 empowers the Secretary of State to designate accommodation other than that provided in a secure children's home (SCH), Secure Training Centre (STC) or Young Offenders Institution (YOI) – all of which are traditional, relatively high security custodial establishments – as accommodation in which a Detention and Training Order custodial sentence might be served.

This latter provision, which remains unimplemented, serves to remind us that there is nothing immutable about what might count as part of a prison sentence. We could be much more innovative and imaginative about the management of prison sentences. Prisoners might, for example, be electronically tagged and, subject to their agreement to abide by stringent conditions, be placed in residential, community-based drug or alcohol treatment centres *as part of their custodial sentence*. Young prisoners might, using the Offender Management Act 2007 powers, be placed in a boarding school or residential training centre as part of their sentence. Adult prisoners might, by agreement, serve part of their sentence in supervised accommodation while learning a trade or pursuing further education. The proposals in this Review for innovative Secure Community Homes for Offenders (CSHOs) would work well in this context.

We recognise that if too large a gap is opened up between the length of custodial sentences announced in court and that part of sentences served in whatever counts as custody, there is a risk, particularly when serious further offences are committed, of public confidence being undermined in sentencing in particular and the criminal justice system generally. Such loss of confidence

typically results in calls for 'truth in sentencing', an insistence that the sentence announced in court be the sentence served, with little or no executive discretion for early release. Either that or sentencers discounting the exercise of early release discretion by ratcheting up sentence lengths. These are real dangers best avoided by ensuring that executive release decision making is sound, well-informed and prompted by arrangements that maximise positive rehabilitation and resettlement opportunity while minimising the risk of any harm to the public. The real truth about sentencing is that there is no fixed, agreed relationship between offenders' just deserts and their punishment by imprisonment. Nor is there a clear relationship between sentence lengths and the incidence of crime. Sentence lengths have drifted upwards over the years and we have become increasingly risk averse and unimaginative about what constitutes custody and making prisoners genuinely responsible for their actions.[30] The application of modern technology, combined with devolved decision making, could, we believe, lead to a prison system which would be both less costly to run and result in less re-offending.

2.8.4 IMPROVING LEADERSHIP, MANAGEMENT AND PRISON OFFICER TRAINING

2.8.4.1 New leadership and management

We have heard many complaints that strong leadership and innovative management in NOMS and HMPS is too often stifled by the centralised bureaucracy of the present system. There is said to be a *Cleland House mindset* (deriving from the name of HMPS headquarters building) which is extremely conformist, risk averse, introverted and reluctant to introduce changes or improvements to the status quo.

Although we have been impressed by some outstanding prison governors, they are increasingly rare in today's monolithic system. We believe that the culture of prison leadership would be improved by the introduction of new blood at management level.

Strong and innovative leadership is stifled by the centralised bureaucracy of the present system

We recommend when the present Director General of NOM/HMPS retires, his position should be far more widely advertised than previously so that his successor can be chosen from the best available management talent from either the public, private or VCS.

Following this example we recommend that certain other senior positions at the highest levels of NOMS/HMPS be opened by advertising and improved selection procedures to the best available talent, including the present NOMS/HMPS management but not excluding candidates from other management careers and walks of life. We also recommend that appointments to the post of the governing Governor in

30 We would commend, for example the 2001 report, *The Responsible Prisoner*, of Stephen Pryor, then a prison governor, which discusses what responsibility might and should mean practically in a penal context.

certain prisons should be widely advertised and open to both internal and external candidates.

We believe that the rehabilitation of prisoners and the management of prisons is a vocation well suited to those who have wide experience of life and the management of human resources. It may also be well suited to those who are seeking second or third careers after working successfully in industry, in other government agencies, in the armed forces, in the police or in the private sector.

To encourage such second or third career applicants we recommend that the MOJ should bring back a direct entry scheme for bringing new blood into prison and offender management. There used to be a Prison Service scheme which required direct entry Assistant Governors to take up a governor grade training post after spending only a few weeks on the wings as uniformed prison officers. This scheme was dropped under union pressures. This was a mistake.

Award-winning prison reformer Derek Julian made the case for improved leadership and a change of Prison Service ethos

During our research we met one highly qualified potential prison governor who had, in his army career, commanded the MCTC at Colchester. He had been interested in a second career in HMPS but was deterred from it after being informed he would have to spend one year on the wings as a uniformed prison officer before he could be considered for promotion to the management rank of a governor grade in HMPS under the existing accelerated promotion scheme.

Such shortsightedness is all too characteristic of the present leadership of NOMS/HMPS which has been openly dismissive about the contribution private sector managers could make to the prison estate.

So whether it is through the appointment system of the present MOJ/NOMS/HMPS hierarchy or whether it is through the new mechanisms of CPRTs proposed in this Review, we strongly recommend that careers in the management of prisons and the rehabilitation of offenders should be opened to outside talent.

2.8.4.2 Improvements in management training for Governors

Governors are currently moved between posts too quickly. The present average tenure of 21 months is far too short

We have heard evidence suggesting that Governors are moved around establishments far too quickly and with too little refresher course training between appointments. The average length of tenure for a governing Governor is now just one year and nine months.[31] This is far too short. To introduce and establish changes in a prison regime requires a tenure period of at least three to four years.

We believe that there needs to be less of a revolving door approach to senior managers, more secondments, and more cross-fertilisation with other senior managers from both the public and private sector.

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31 Hansard, House of Commons written answers, 19 January 2004

Only one prison Governor has ever attended a senior officers course at the Royal College of Defence Studies (RCDS). More candidates from the higher ranks of NOMS and HMPS should go to RCDS which encourages course participants from other appropriate managements.

We welcome the recent recruitment to NOMS from the private sector of a Director of National Procurement. We argue for more such appointments from the private sector to senior positions within NOMS/HMPS, and in time CPRTs, and for careers in NOMS to be opened up to more outside interest.

Governors are currently moved between posts too quickly. The present average tenure of 21 months is far too short

2.8.4.3 Prison officer training

We are very concerned about the lack of focus given to staff training by NOMS/HMPS for prison officers. Our concern was shared by many who gave evidence to us, including the leader of the POA, Colin Moses.

We recommend that the basic eight week POELT training course should be extended to at least 12 weeks. The 12 month probationary period which includes on-the-job training should be extended to 18 months. Even these extended training periods would be shorter than the equivalents for prison officers in many other countries and shorter than training periods for Police Officers and Fire Fighters in the UK.

Prison Officers Association National Chairman Colin Moses giving evidence to the CSJ

The training of prison officers should be intensified and directed towards greater all round professionalism. At present the ethos of a prison officer's training is not up to the standards of a profession. This must change.

Because of the pressures of overcrowding, the training as well as the work of prison officers, has become more limited. They are trained to be warehousers, turnkeys, operators of the gate office and general handlers of the daily demands of prison life. But prisoner rehabilitation has slipped from the agenda of most prison officers who are neither trained for, not have time for, such work.

Prison officers are not trained for liaison work with the communities in which their prisons are located. They are an introverted workforce. They often interface poorly with other agencies such as the Police, the Probation Service, Healthcare professionals, the local Job Centres and the Local Authorities. This introverted approach would have to change with the introduction of our Review's call for CPRTs and a number of consequences which would flow from this reform.

We also recommend that carefully selected former prisoners should play a more significant role in prison officer training and on-going professional development. As we highlight in relation to a variety of areas, we consider former prisoners a rich resource for strategic reform and in leading rehabilitation. We note that they are disappointingly under-utilised across the estate, and the wider criminal justice system.

During the 18 month probationary period of a prison officer's training, some of the training would be directed by the CPRT with an emphasis on training for liaising with the local community organisations on prisoner rehabilitation and on post-release care.

We recommend developing more comprehensive, lengthier initial prison officer training

Management training would have to improve also so that all management grades, including Governors, could rise to the new challenges of working with CPRTs.

On senior appointments we recommend that prison Governors should stay in their posts, particularly the post of governing Governor, for three to four years. At present Governors occupy their positions for an average of 21 months. This is too brief a period. The entire Prison Service suffers from short termism and finger-in-the-dyke management. These are the consequences of overcrowding and national bureaucracy. We believe that our CPRT reforms will bring more focused management together with a longer term sense of community-centred commitment and vision to prisons and the rehabilitation of prisoners.

2.8.5 The Voluntary and Community Sector

The contribution of the Voluntary and Community Sector (VCS) towards the regime in prisons and to the pre-release and post-rehabilitation of prisoners is a seriously undervalued and under-utilised national asset.

We have become aware of more than 100 VCS organisations and charitable bodies who already do effective rehabilitation work with prisoners and ex-prisoners. Some of them are partly financed by government funding. Most are largely or wholly dependent on their own fundraising.

Almost all these VCS groups say that they could do more to rehabilitate prisons and ex-prisoners with far better communication with, and far more helpful attitudes from, the middle managers of NOMS and HMPS as well as prison managements. We hear that there is at present an anti-VCS culture from many of these managers.

The voluntary and community sector should be utilised far more effectively in prisoner rehabilitation

Some members of our working group attended a NOMS consultation conference with VCS organisations in February 2008. It was apparent from the conference discussions that the so-called *NOMS Third Sector Action Plan* out for consultation was not a plan at all. It consisted of 20 pages of Whitehall waffle whose clichés could have come from the script of 'Yes Minister'. The majority of the VCS organisations attending the conference complained of the failure of NOMS communications; of the lack of goodwill and cooperation towards VCS groups; of the tendency for centralised 'take it or leave it' diktats from NOMS officials; and of a general approach by NOMS officials to disparage or at best be condescending towards VCS volunteers.

We recommend a major shake-up and attitude change within NOMS so that VCS organisations are encouraged to make their full contribution to the rehabilitation of prisoners at the highest possible level of activity.

The anti-VCS culture is restricting the work of effective organisations in prisons

Prisons are rightly concerned with the quality of delivery of interventions. However, their defensiveness and suspicion of 'outsiders' often means that they make unreasonable and petty demands. We have been made aware of such behaviour towards a small charity, who wish to remain anonymous, delivering demonstrably effective rehabilitation work, which has been routinely blocked during the last two years by a mixture of bureaucracy, caution and intransigence.

The quality standards, encapsulated in a Prison Service Order (No. 4350) appear to be straightforward and reasonable. However, these have been interpreted by prison psychologists in such a way that the standard has inflated until, even for the simplest activity, they demand rigorous psychological justifications. Failure to meet these standards (variously interpreted by different prison areas) can lead to unreasonable accusations of being unsafe and unfit – very serious criticisms in the Prison Service's lexicon.

We believe that our central recommendation to devolve many of the present activities of NOMS and HMPS to local CPRTs will result in an enlarged role in the rehabilitation of prisoners within the community by the VCS. Such an enlargement should be an essential part of the remit of every CPRT. The local rehabilitation of offenders will be greatly strengthened by the participation of local VCS groups. We believe that VCS groups are well placed to run many of the proposed Community Supervised Homes for Offenders (CSHOs) recommended later in this report (section 8.6.6). Sometimes these CSHOs will be fully funded from CPRT budgets, sometimes they may be partly or even wholly funded by private charitable finance.

There are many important roles to be played by VCS groups in the rehabilitation of prisoners in addition to running CSHOs. They include pre-release and post-release mentoring (section 8.6.2); befriending, counselling on a wide range of issues including the rebuilding of family relationships (section 5.8); the treatment of drug and alcohol abuse (section 4.2.3); pioneering and leading education, training and overall personal development (Chapter 6) and advising on post-release priorities such as accommodation and employment (sections 8.4 and 8.5). In all these areas CPRTs need to be encouraged to make full use of VCS groups in rehabilitation activity.

To develop the fullest possible participation of the VCS within CPRT areas we recommend that a minimum percentage of CPRT budgets should be required to be spent in commissioning or pump priming VCS groups.

We also recommend that within the MOJ there should be an office headed by a National Commissioner of Voluntary and Community groups. This National Commissioner should encourage the use of VCS groups within CPRTs and have specific powers, outlined by our recommended CPRT Act of Parliament, to hold CPRTs to account in this regard, on behalf of the Secretary of State. Such powers should include the ability to impose on CPRTs a minimum VCS commissioning quota – ensuring that a designated proportion of rehabilitative prison and community work should be led by

local VCS organisations. The National Commissioner should have a small budget to do this work (perhaps £25 million) which could be enhanced by matching contributions from charitable and private funding. By the National Commissioner's leadership, encouragement and fund raising at both local and national level, the profile and activity of the VCS in the rehabilitation of offenders could be raised, better coordinated and significantly increased.

2.8.5.1 Communication and volunteer training

One of the key roles of the National Commissioner would be to improve communications to and from VCS organisations, particularly with commissioning bodies and prison management. Also there needs to be much greater national awareness of how members of the public can volunteer to train and work for the rehabilitation of prisoners.

The National Commissioner would also have a role in encouraging VCS organisations to improve their training of volunteers and to aspire to high standards of commitment and professionalism. We have sympathy for the views of some Prison Service managers who complain that a few VCS volunteers are insufficiently trained and disciplined in their approach to rehabilitation work with prisoners.

At present there is too much mutual frustration between VCS organisations and the managerial 'establishment' of NOMS/HMPS. It would be the task of the National Commissioner to ease those frustrations and to bring about a massively increased participation of VCS volunteers and organisations in the rehabilitation of prisoners.

2.8.6 THE ROLE OF FAITH-BASED ORGANISATIONS WITHIN THE VCS

> *If you didn't exist, you'd have to be invented.*
>
> Edward Garnier QC MP, addressing the Prison Ministry Conference, 7 November 2008

Breakthrough Britain highlighted the life-changing work being led by more than 22,000 faith-based organisations in England and Wales.[32] The report noted widespread discrimination against faith-based organisations from local authorities and agencies in commissioning practices and general approaches. In response, its faith sector recommendations included: calling on government to create a level playing field by legislating against commissioning discrimination on grounds of religious character or affiliation; modernising state funding practices; and developing a Governance Standard to which faith-based organisations seeking public funding must adhere. We endorse these recommendations for reform. We make further observations and proposals specific to the work of faith-based organisations in prison below.

2.8.6.1 Expanding a significant resource

The work of faith-based organisations and groups is a vital part of the VCS's role in the rehabilitation of offenders. We estimate that there are at least 20,000

32 The Centre for Social Justice, *Breakthrough Britain*, July 2007

dedicated volunteers whose inspiration for their rehabilitative work among prisoners and ex-prisoners is derived from their spiritual faith. One recent study based on limited returns from two thirds of prisons showed that there existed a core group of over 6,000 faith-based volunteers who regularly contributed 16,300 hours of work in prisons every month.[33] If the wider group of occasional faith-based helpers working with prisoners and ex-prisoners were to be counted, these figures would treble or quadruple. So there is a huge potential here for sourcing volunteers. Their committed idealism should be encouraged and put to the most effective use by local community expansion within a CPRT area. Caring for and showing an interest in prisoners is itself a valuable contribution to rehabilitation. Faith based volunteers should also receive training in important offender rehabilitation services such as mentoring.

Gift boxes are sent to prisoners by the Muslim Youth Helpline during the month of Ramadan

While HMPS must itself be a secular authority, it should maintain not just a level playing field but an open door to trained volunteers of sincerity and integrity who are willing to help with the rehabilitation of prisoners. These volunteers may include rehabilitated ex-offenders from faith backgrounds as they are often the most effective communicators with prisoners and ex-prisoners.

There have been unhappy instances in recent years of prison governors (sometimes in direct contradiction of the policies of their predecessors) denying access to faith-based groups. The closure of the Kainos programme at HMP The Verne in 2001 (although it was reprieved and restored following media and Parliamentary complaints) and of the Inner-Change programme at HMP Dartmoor in 2005 are two examples of misguided decisions by governors.

It is well understood that any faith-based organisation which seeks to encourage political extremism or to proselytise in ways that create trouble within a prison should be excluded on grounds of security. But such activities normally form no part of the agendas of moderate Islam, mainstream Christianity or most other faiths. As one recent study has stated 'explicit proselytising is rare'.[34]

There can be many arguments about the theological aspects of faith. But if the consequences of faith are to bring increasing numbers of sincere volunteers into the work of rehabilitating offenders on both sides of the prison walls, then the authorities should encourage, not obstruct, the use of such volunteers. It needs to be recognised that faith-based or faith-inspired organisations are already by far the biggest single source of volunteers in the rehabilitation of offenders. Prison managers should welcome this and encourage the growth in faith-based volunteers. In the past there has been too much obstructionism towards them from some Governors on grounds of political correctness, personal hostility to faith (or to certain faiths) and fear of religious extremism. The latter is an occasional problem which is too easily exaggerated.

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33 Recent study carried out by Clinks and the Centre for Crime and Justice Studies for HMPS Chaplaincy. Cited in NOMS Consultation, *Believing We Can*, 2007, p12

34 Lorke, Lukka and A Soteri-Procter, *Faith and voluntary action: community values and resources*, Institute for Volunteering Research, 2003, cited in NOMS Consultation, *Believing We Can,* London: NOMS, 2007, p16–17

2.8.6.2 Good practice from faith-based organisations

In this section we summarise in boxes examples of good practice by faith-based groups with long experience in the rehabilitation of prisoners.

Community Chaplaincies

Community Chaplaincy teams are becoming a quiet success story in various areas of the country in their work to rehabilitate released prisoners. We note three examples, as cited by NOMS in its recent consultation document:

1. West Yorkshire Community Chaplaincy Project (WYCCP)

WYCCP, employing two Community Chaplains and recruiting half of its volunteers from faith communities in the area, has successfully built relationships and partnerships which embrace the diversity of the region. WYCCP works with Christian, Muslim, Hindu and Sikh faith communities in local towns and has developed good working relationships with local faith, and multi-faith forums.

2. Swansea Community Chaplaincy Project (SCCP)

SCCP allocates Community Chaplains as mentors whose tasks include accompanying released prisoners to the benefits office, helping them to find employment and stimulating changes in the attitudes, thinking and behaviour of ex-offenders by providing support, care and attention they might not otherwise receive.

3. Feltham Community Chaplaincy Trust (FCCT)

FCCT operates a multi-faith project out of HMP and YOI Feltham which in the last three years has recruited 80 volunteers who work with offenders on both sides of the gate. So far FCCT has worked with 51 young men of whom 38 have been released. Of these 38 only eleven have re-offended and five of those had chosen not to be matched with a mentor.

Basic Caring Communities (BaCC)[35]

BaCC is a community care prisoner rehabilitation project operating in South London pioneered by PACT (Prison Advice and Care Trust) in collaboration with HMP Wandsworth.

So far 30 volunteers, with an average age of 40 have been recruited from local Catholic, Anglican, Methodist and Pentecostal churches. They receive training in offender support and make a commitment to work with the project for four to six months. Every day one or two volunteers make contact with the ex-prisoner they are helping. This contact may be a phone call, a meeting, or an agreed task such as accompanying the ex-prisoner to the Job Centre or Social Services. In addition once a week each ex-prisoner meets with a group of BaCC volunteers who offer listening, advice and support.

The candidates who receive this community care are identified by the prison Chaplaincy team at HMP Wandsworth. They are described as low risk offenders seeking to give up crime who are in need of care and support and who want to join the scheme.

The BaCC project is supported by local parishes and the St Vincent de Paul Society. It intends to expand to other areas of London.

35 *The Tablet*, 15 November 2008

Inner Change

Inner Change is an initiative which runs a full time regime of faith-based mentoring and life coaching in five American prison units. It continues to mentor all released prisoners who have completed an Inner Change programme for two years after their release. The programme has had remarkable success in reducing re-offending rates down to levels between 7 and 25 per cent. These results have been independently verified by statistical analysis carried out by the University of Pennsylvania.

The first Inner Change unit opened in 1997 in Sugarland Penitentiary near Houston, Texas. It was started as collaboration between the State Department of Corrections and Prison Fellowship US, a Christian ministry, headed by Charles W Colson.

Originally greeted with much media scepticism in the headlines such as 'Bible Boot Camp', the Houston Inner Change project has in the last 12 years mentored over 800 prisoners during and after their sentences. The repeat offending rate of those released is seven per cent.

An Inner Change project was launched at HMP Dartmoor in 2005 but was closed after eight months largely because of personal hostility to the project from a new Governor and lack of support from the national prison chaplaincy office. Prison Fellowship (England and Wales) hopes to relaunch another Inner Change project in the future.

Caring for Ex-Offenders (CFEO)

CFEO is a national charity, founded in 2002 with direct encouragement from the then Prison Minister Paul Boateng MP, which today provides holistic care and rehabilitation services to more than 700 released prisoners a year.

CFEO operates through chaplaincy teams, trained volunteers and a network of churches all over the UK.

In prison CFEO volunteers make mentoring visits, work with inmates families and offer secular and spiritual courses which include release planning and addiction recovery programmes.

Outside prison, CFEO's volunteers meet released prisoners at the gate and guide them by mentoring through their personal needs such as accommodation, debt, health, family relationships, training, employment and re-entering the community. Persuading ex-prisoners to continue with an abstinence-based drugs and alcohol recovery programme is a central part of CFEOs work.

CFEO is an empowering and enabling organisation which trains volunteers, cooperates closely with its network of churches and with the help of prison chaplains provides the vital link between prisoners and after care services in the community. It has a budget of between £150,000 and £200,000 a year.

CFEO is the largest umbrella organisation in the UK providing training and cooperation between charities, churches and programmes for the care for ex-offenders. It grew out of Prison Alpha – Holy Trinity Brompton's Alpha course for prisoners. The annual CFEO conference in London has become the single most important focal point for many spiritual and secular organisations working in the rehabilitation of ex-offenders. Over 500 delegates from a wide variety of professional and VCS groups attended the 2008 conference.

The Executive Director of CFEO is the Rev Paul Cowley, himself an ex-offender, who is a member of The Centre for Social Justice's Prison Reform committee. His future hopes include setting up a call centre for ex-offenders and steadily increasing both the number of CFEO trained volunteers and the number of released prisoners helped by CFEO.

The Muslim Youth Helpline

Behind Bars campaign

The Muslim Youth Helpline (MYH) is concerned about the disproportionate number of young Muslims in British prisons. Muslim prisoners account for approximately 11 per cent of the prison population, nearly four times the figure they represent in the wider community.

In response, MYH has re-launched its award-winning prison campaign, currently in its third year, to help identify support services available for current and ex-offenders. The MYH Prison Campaign reaches out to Muslim youth in prison during the month of Ramadan. It helps them feel less isolated from the wider community. MYH also encourages the Muslim community to engage with offenders to break the taboo that often marginalises them on release and contributes to their re-offending.

This year, MYH will be giving gifts to 3,000 Muslims in over 60 prisons across the UK over Eid, the annual festival that marks the end of Ramadan, the month of fasting. Each prisoner is sent a gift box containing:

- A message of support from members of the Muslim community;
- MYH freepost envelopes and pens;
- Eid card (including an extra card which they can send to their own family and loved ones);
- A copy of a Quran with translation;
- Star cakes and sweets;
- Poster of Islamic words of comfort;
- Life Journal.

The MYH is leading life-changing work for Muslim prisoners around the country:

In the past I would have loved and appreciated knowing such an organisation as yours, instead left to my own devices I gradually slipped…I was just another name and number forgotten in many respects, then suddenly out of the blue comes a present from a stranger.

A Muslim prisoner commenting on the project

It's amazing knowing there are Muslim brothers and sisters who don't judge us.

A young offender who had received a gift box

A MYH volunteer remarked that:

The Prison Campaign is a truly inspirational project and one that really hits home. I hope the campaign manages to give young Muslims in prison a much needed sense of belonging within the wider Muslim community.

The Mothers' Union

The Mothers' Union (MU), a Christian organisation which supports family life, sends over 1,000 regular volunteers into 90 prisons.

The MU volunteers are particularly active in 18 Women's Prisons where they organise childcare, parenting, fellowship and listening groups.

At HMP New Hall in Wakefield MU volunteers have recently opened a new visitor's centre – one of several around the country which are staffed by MU members. In four establishments clustered around HMP Hewell in Worcestershire, the MU branch has developed a programme *Family Time* which enables prisoners, their partners and children to meet and inter-react with each other in a more informal and natural situation than is possible in a normal visits hall.

MU members are also regular visitors to over 70 men's prisons 'Our volunteers are often there to take a breath of the local community into the prison', says the MU's Action Outreach organiser Jane Groves, 'we try to help families sustain and develop their relationships while separated by imprisonment.'

All MU volunteers are asked to read the organisation's *Best Practices Guide to Prison Visiting* and are offered access to training. Often working through Prison Chaplaincies, Community Chaplaincies and in collaborative partnerships with other organisations, the MU is one of the largest sources of experienced volunteers.

One of the MU's strengths in this field is that its members are encouraged to support the organisation's prison outreach programmes which are advertised on the website and in MU publications. The familiar question, 'How do we volunteer to help prisoners?' too often goes unanswered but in the MU (which has 97,000 members) it is well answered and well known. This perhaps explains the encouragingly large number of MU prison volunteers.

2.8.6.3 Using public money for faith-based groups

Pump priming the work of faith-based organisations in prisoner rehabilitation.
Two case studies:[36]

(a) A cost effective success
(b) A wasteful failure

(a) *The London Faith Alliance* – a cost effective success

In 2006/07 the London Faith Alliance received a grant of £24,000 from the Government Office for London for resettling offenders and re-intergrating them into their local communities. With these funds 19 projects were run by Christian and Muslim groups and by wider faith groups in local London communities. 200 organisations and 3,000 offenders were involved. 18 of the projects were completed. The outcomes from the 18 completed projects were:

- Over 30 offenders were re-housed;
- 45 offenders learned new skills;
- 65 offenders received mentoring or counselling;

36 NOMS Consultation, *Believing We Can*, London: NOMS, 2007, p3 and 15

- 31 offenders entered paid or voluntary employment;
- 11 ex-offenders enrolled in educational courses;
- The average cost of the scheme per offender was £7.69.

We conclude that small grants can be cost effective and successfully utilised by faith-based voluntary groups to do excellent work at local level in the rehabilitation of offenders.

(b) *The Faith Communities Capacity Building Fund* – a wasteful failure in rehabilitating offenders

Between 2006/08 the government invested £13.8 million in the work of faith communities through the Faith Communities Capacity Building Fund (FCCBF). Some of this money was intended to be used in working to rehabilitate offenders.

In reality FCCBF funded only a very small number of faith-based organisations working with offenders. Details are so scant and sparse that they indicate almost total failure. 'The fund has not been able to reach its target for supporting organisations delivering services in this area' says the official report. The failure was blamed on the slow progress of commissioning criminal justice VCS organisations.

We conclude that if the government is going to hand out substantial amounts of public money to faith-based groups working with offenders there must be proper accountability and properly targeted projects. The FCCBF funding was a wasteful failure so far as working with offenders is concerned.

The best faith-based volunteers, and secular volunteers also, are those willing to work on both sides of the prison walls in local communities in order to offer continuity of care in the rehabilitation of prisoners and ex-prisoners. This was recognised by the Government through Baroness Scotland's 2005 initiative in launching the Faith and Voluntary Sector Alliance, and in the 2007 NOMS consultation document, *Believing We Can*. That document stated that:

Volunteers at the Muslim Youth Helpline prepare gift boxes to send to prisoners

Faith-based organisations are…gateways to the tremendous energy and commitment of their members with access to a large body of motivated volunteers working in prisons.[37]

We agree with this statement, although its positive tone is not always matched by the attitudes of NOMS/HMPS staff on the ground.

The challenge for the future is how best to put to good use an even larger and better trained number of faith-based volunteers. We recommend:

(a) Improving communications at local level;
(b) Improving the initial training of volunteers;
(c) Better coordination between faith-based groups;

37 NOMS Consultation, *Believing We Can*, London: NOMS, 2007, p12

(d) An expansion of community chaplaincies;
(e) An outward looking attitude by prison chaplaincy teams in seeking cooperation with local churches, mosques, temples and parishes;
(f) Eliminating negative attitudes to faith-based groups by NOMS/HMPS staff; and the general encouragement of faith-based prisoner rehabilitation groups by CPRTs.

Although faith-based groups have their setbacks and disappointments, and can be frustratingly un-worldly in their failure to collect independently authenticated statistics, the future role of these groups in the community based rehabilitation of prisoners is an area of great potential for the future.

2.8.6.4 Prison Chaplaincies

Some prisoners decide to change the direction of their lives and stop re-offending as a result of spiritual courses and experiences while in prison. We have heard evidence to this effect during the course of our Review from prisoners and ex-prisoners. Whatever views members of our committee may hold about faith or particular faiths, we respect the work of chaplaincies and of faith-based groups who are invited into prisons to offer spiritual advice, counselling and mentoring to prisoners.

We have already made specific faith group policy recommendations based on the outstanding contribution faith-based groups make to the practical rehabilitation of prisoners and the large numbers of volunteers who are prepared to do this work in prison and the community. We hope that this life-changing work will continue to grow.

We also note that under the Prisons Act 1952 every prison is required to have a chaplain. We have heard however that too many prison managements tend to marginalise the spiritual work of chaplains and overload the chaplaincy office with purely secular duties such as arranging and monitoring international telephone calls. We recommend that such secularisation of a prison chaplaincy should be forbidden and that chaplains of all faiths and denominations should be encouraged in their core spiritual responsibilities.

THREE
Easing the overcrowding crisis

By far the greatest problem facing our penal system in England and Wales is the suffocating effect of massive overcrowding. It debilitates regimes and cripples the efficiency of efforts to reduce re-offending.

Mark Leech, Editor of the Prisons Handbook, in evidence to the CSJ

3.1 The scale of overcrowding

HMCIP Dame Anne Owers noted this in regard to the current overcrowding crisis in last year's annual Inspectorate report:

During the reporting year, the prison population went from one all-time high to another, staving off disaster only by a series of short term, often expensive, emergency measures, together with the crisis management skills of those working within the prison system.[1]

Prison overcrowding in England and Wales is the impediment to effective Prison Service decision making and prisoner rehabilitation. It all too often reduces prisons to basic warehouses and prevents staff from investing in offenders.

There are currently 82,487 people in prison in England and Wales.[2] Record numbers have been recorded in recent months, in July 2008 the population moved above 83,000. It has been rising sharply during the last 15 years, increasing by more than 20,000.

As the prison population increased there was a failure of policy makers to suitably prepare for the impending overcrowding crisis. HMCIP notes:

…That crisis (overcrowding) was predicted and predictable: fuelled by legislation and policies which ignored consequences, cost or effectiveness, together with an absence of coherent strategic direction.[3]

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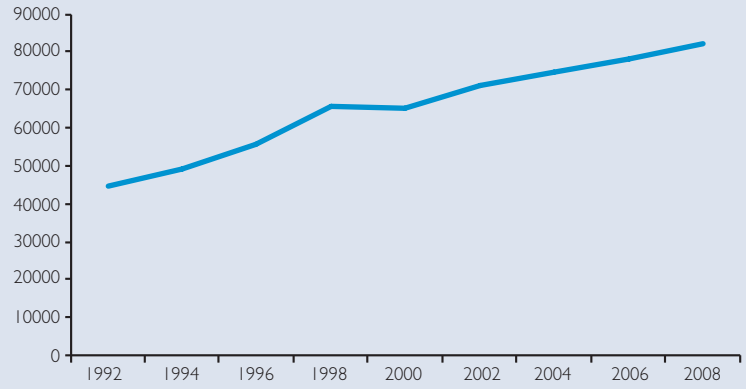
1 Dame Anne Owers, *06/07 HM Chief Inspector of Prisons for England and Wales, Annual Report*, London: HM Inspectorate of Prisons, January 2008, p5

2 Ministry of Justice, *Population in Custody*, January 2009

3 Dame Anne Owers, *06/07, HM Chief Inspector of Prisons for England and Wales, Annual Report*, London: HM Inspectorate of Prisons, January 2008, p6

Figure 9: Average prison population in England and Wales 1992–2008[4]



The estate is now at bursting point. Overcrowding is the operational norm for nearly all of our prisons. The prison system as a whole has been overcrowded each year since 1994 and the average number of people held two to a cell certified for one in 2006/7 was 17,974, up from 9,498 in 1996/7.[5]

Figure 10 highlights the scale of the overcrowding problem confronting the prison estate:

Figure 10: Average monthly number of prisoners in crowded cell accommodation[6]

As long as such extreme levels of overcrowding persist, the prison system will continue to risk being unsafe and fail to reach the basic standards of decency.

4 Hansard, House of Commons written answers, 1 July 2008
5 Hansard, House of Commons written answers, 28 March 2007
6 Hansard, House of Commons written answers, 20 February 2007

3.2 The causes of overcrowding

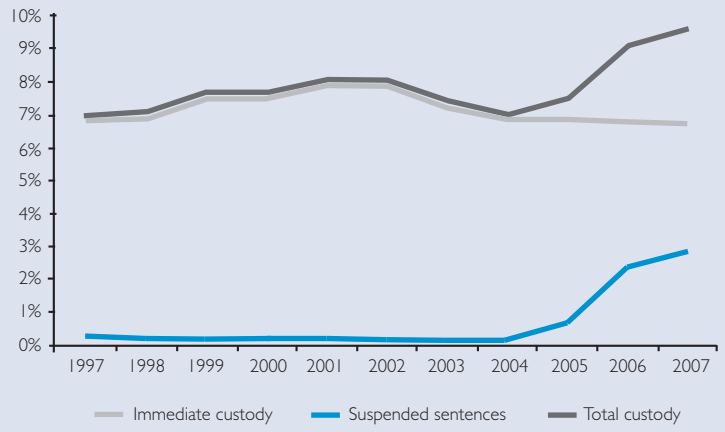
3.2.1 THE USE OF CUSTODY

More custodial sentences

As we note below tougher, lengthier sentences are a major driver of the high prison population increase and the resulting overcrowding crisis around the estate. A second important factor is the increase in the number of offenders sentenced to custody.

The table below, published by the MOJ in the most recent *Sentencing Statistics 2007*[7] demonstrates that there has been an increase in the custody rate since 1997.

Figure 11: Custody rates for all offences, all courts 1997–2007



In 2007 almost 136,000 people were given a custodial sentence (immediate and suspended). This is the highest number of people in a decade and 40 per cent more than were sentenced in 1997.[8]

The judiciary's use of suspended sentences is also on the increase. In 2007 more than 40,700 people were given a suspended sentence, up by more than 20 per cent (7,200) on 2006 and from only 3,500 in 1997.[9] The use of immediate custody has varied through the last decade. In 2007 95,206 people were sentenced to immediate custody, more than the 93,841 in 1997 but considerably less than the decade's peak of 111,607 in 2002.

Lengthier custodial sentences

Another major cause of prison overcrowding has been the increase in immediate custodial sentence lengths handed down by the judiciary, particularly from the Magistrates' Courts.

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7 Ministry of Justice, *Sentencing Statistics 2007*, London: Ministry of Justice, p19

8 Ibid

9 The number of offenders given suspended sentences increased significantly in 2005 with the introduction of of the Suspended Sentence Order.

In 1997 the average length of sentence handed down by a Magistrates' Court for robbery was 3.7 months, it is now 8.4. Other offences such as burglary, violence against the person and motoring offences have increased by approximately one month during the last decade. In the Crown Courts immediate custodial sentence lengths for burglary have increased by more than three months and drug offences by five months. Certain other offences in the Crown Court, such as criminal damage and robbery however, have witnessed a decrease in average sentence length which will have acted as a balance to some extent.

We therefore conclude that more people are being sent to prison, and for longer, than they were a decade ago. The effects of this are visible in prison population figures, as well as in the overcrowded daily reality many prisoners face.

3.2.2 THE IMPOTENCE OF CRIMINAL JUSTICE INTERVENTIONS BEFORE PRISON

The following table demonstrates that the wider criminal justice system is failing to deter or rehabilitate less serious criminal behaviour effectively, if at all. The figures show that a high number of people sent to prison have previously been cautioned or convicted of many other offences. Just less than one third of all sentenced adult prisoners[10] have 15 or more cautions or convictions.

Figure 12: The offending history (previous cautions or convictions) of sentenced prisoners (as a percentage)[11]

Classification of prisoner	3–6	7–10	11–14	15 or more
Young adults (18–20)	26	20	14	15
Adults (21 and over)	16	14	12	32

3.2.3 INDETERMINATE SENTENCES: IMPRISONMENT FOR PUBLIC PROTECTION (IPP)

During the last three and half years the IPP sentence, introduced by Criminal Justice Act 2003 and implemented in April 2005, has been a significant cause of stagnation and overcrowding across the prison estate. It was designed to be used in only the most serious cases. Prisoners serving IPP sentences have no automatic right to be released. Instead they service a minimum tariff stipulated by the Court then must demonstrate to the Parole Board, through accessing and completing rehabilitative programmes, that they have sufficiently changed and should qualify for release.

10 Considered as aged 21 and over.

11 Ministry of Justice, *Offender Management Caseload Statistics 2007,* London: Ministry of Justice, 2008

Operational difficulties have riddled the IPP sentence since its inception. It has been used far too easily and regularly. Since implementation in 2005 more than 3,700 prisoners have been given an IPP sentence.[12] Also, although designed for the most serious cases, the average IPP tariff was found in a recent study to be a relatively brief 2.97 years.[13]

Harry Quinton OBE, President of the Foundation Training Company

The management of IPPs sentences has also been severely hindered by prison overcrowding and the subsequent churn across the estate. Such conditions have prevented many prisoners from accessing or completing the relevant rehabilitation courses. Consequently many prisoners are detained well beyond their minimum tariff and unable to apply for release. To date 47 prisoners serving an IPP sentence have been released[14] but figures also show that more than 750 prisoners are being held past their specified minimum tariff date.[15] The IPP sentence created a vicious circle of overcrowding. Or a 'perfect storm' as a recent report from HM Chief Inspectors of Prisons and Probation has argued.[16]

Recognising these failures, the Government made changes to IPP sentencing conditions in the Criminal Justice and Immigration Bill 2008, attempting to decrease the number of offenders given the sentence and to improve its management. These changes will need time to take effect before being judged on their success or failure but one thing is clear: IPPs have been a clear case of mismanagement and punitive policy making.

> *It is good that action has now been taken, both legislatively and operationally, to manage the crisis this (IPP sentence) has created…However, the crisis has a long tail: there are thousands of prisoners already in the system who, together with the prison and probation services, will feel its consequences for a long time to come.*[17]

3.2.4 FOREIGN NATIONAL PRISONERS

As of December 2008 11,283 foreign nationals were held in England and Wales.[18] This represents a 144 per cent increase since 1997.[19]

Consequently, more than 13 per cent of the prison population, including over 600 people detained under the Immigration Act 1971 in three immigration removal centres, are non-UK passport holders, and, we believe, in selected cases (excluding those detained under the Immigration Act 1971)

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12 Hansard, House of Commons written answers, 20 January 2009
13 Ibid
14 Ibid
15 Hansard, House of Commons written answers, 26 June 2008
16 HM Chief Inspector of Prisons and HM Chief Inspector of Probation, *The Indeterminate Sentence for Public Protection: a thematic review*, London: HM Chief Inspectors of Prison and Probation, September 2008, p3
17 Ibid, p4
18 Ministry of Justice, *Population in Custody*, December 2008
19 Ministry of Justice, *Offender Management Caseload Statistics 2007*, London: Ministry of Justice, 2008

could be offered the opportunity for transfer to custody in their registered country for reasons of mutual benefit.

Such a level of detainment, and its resulting significant expenditure, is clearly a cause of prison overcrowding. While we recognise the importance for certain foreign national prisoners to remain in custody in England and Wales, for purposes of justice and national security, as well as other complexities such as alternative inhumane conditions of imprisonment in their country of origin, we believe exploration should be made for a number of transfers,

During the latest inspection year HMCIP found that translation services remain inadequately utilised in many prisons, rendering life for foreign nationals who cannot speak the English language extremely isolated. Inspection surveys also found that foreign national prisoners report worse experiences of prison: they often feel less safe and they consider themselves subject to unfair treatment with regards to prison incentive schemes.[20]

Perhaps most concerning of all is that a quarter (17) of the 68 self-inflicted deaths reported during HMCIP's inspection year, were foreign national prisoners.

From our Review's discussions, including a meeting with Migration Watch, and the evidence presented in key publications such as HMCIP's annual report, we believe that a considerable number of foreign national prisoners may indeed welcome the opportunity of transfer to custody in their home country.

3.2.5 THE REMAND POPULATION

Another pressure on the prison estate is the significant number of prisoners held on remand. Remand prisoners are a heavy drain on daily resources and focus.

Almost 80,000 prisoners were received on remand in custody in 2007[21] and just over 15 per cent of prisoners are on remand at any one time. In January 2009, the latest figures available, this equated to 12,908 prisoners.[22]

Prisoners held on remand are either 'untried' or 'convicted unsentenced'. Latest figures show that the number of untried prisoners in custody was a significant 8,341. Those awaiting sentencing totalled 4,567.[24]

Approximately **70 per cent** of the 1,100 prisoners in HMP Pentonville are on remand[23]

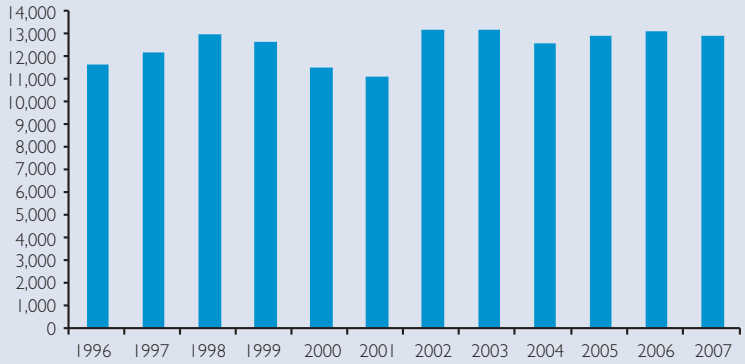
Recent figures showed that on average only half of the prisoners remanded in custody receive a custodial sentence.[25] This suggests that far too many prisoners are being held in custody unnecessarily. While recognising that public protection should be given the highest priority by the courts it is clear from the figures quoted that the balance between suspects remanded on bail and suspects remanded in custody is too

20 Dame Anne Owers, *HM Chief Inspector of Prisons for England and Wales, Annual Report 07/08*, London: HM Inspectorate of Prisons, January 2008, p39–40
21 Ibid,
22 Ministry of Justice, *Population in Custody*, January 2009
23 Information gathered during a visit to HMP Pentonville, 13 October 2008
24 Ministry of Justice, *Population in Custody*, January 2009
25 Home Office, *Offender Management Caseload Statistics 2005*, London: Home Office, 2006

heavily weighted towards custodial remands. Studies have also found that a significant proportion of offenders held on remand in custody have been in custody before.[26]

The total number of prisoners held on remand has remained relatively stable, but significant, during the last decade as Figure 13 demonstrates.

Figure 13: Number of prisoners on remand 1996–2007[27]



3.3 The effects of overcrowding

Overcrowding is severely disrupting the quality of care and provision within prison. Our Review considers the reduction of overcrowding as essential if any reforms are to be implemented, let alone effective.

Many of our discussions with prison professionals during the Review have illustrated to us the damage overcrowding does to daily prison life. All too often prisoners leave custody in the morning to attend a court hearing but are unable to return to that same prison in the evening because it has filled up to capacity during the day. This erratic separation of prisoners from their cells and their personal belongings causes much difficulty and disorientation, particularly when it reoccurs as a knock-on process so that a prisoner is irrationally moved around three or four jails in a week. As we note later such disruption frequently causes the loss of personal records and progress made on rehabilitation programmes. This is a most unfortunate consequence of the overcrowding crisis.

As long as thousands of prisoners continue to be moved around the estate frantically each week to create room for new arrivals and spread the geographical burden for the Prison Service, Prison Service leaders will continue to operate in crisis management mode.

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26 Nacro, Prisoner Resettlement Surveys, unpublished, 2000, cited in Prison Reform Trust, *Bromley Briefing*, London: Prison Reform Trust, December 2007

27 Ministry of Justice, *Offender Management Caseload Statistics 2007*, London: Ministry of Justice, 2008, p2

Prison staff, services and volunteers must be let free in order to get on with the job of managing safe custody and successful rehabilitation.

We move to highlight how overcrowding is impacting negatively on almost every aspect of the prison routine.

3.4 Emergency measures

The present government has introduced two main emergency measures to attempt to ease the population pressures. These are Operation Safeguard (the use of expensive police cell accommodation) and the End of Custody Licence (ECL).

3.4.1 OPERATION SAFEGUARD

The estimated cost of detaining a prisoner under Operation Safeguard is £385 per night,[28] almost £300 more expensive than average prison costs. The invoice total from police stations for the implementation of Operation Safeguard in 2007–08 alone was £53 million.[29]

It has been reported however that court cells, also used occasionally to alleviate overcrowding, can cost as much as £1,800 a night – more than a night in a deluxe suite at the Ritz Hotel, London.[30]

As well as expensive, HMCIP reports that Operation Safeguard is also, at times, failing to meet even basic standards of decency:

> *In one local prison, we found that one in five newly-arrived prisoners had spent time in police cells before getting a prison place. They reported problems with access to showers, bedding and food and a lack of activity and exercise.*[31]

3.4.2 END OF CUSTODY LICENCE

ECL, implemented since June 2007, is a scheme that releases prisoners serving sentences of between 4 weeks and 4 years, 18 days early to ease prison cell overcrowding. ECL prisoners are subject to recall if they are reported to have misbehaved after release.

Almost 50,000 prisoners have been released early under the ECL scheme. Almost 9,000 were serving sentences of between 12 months and four years and just less than 10,000 prisoners released under ECL were serving time for 'Violence against the person'.[32] All beneficiaries of the ECL scheme have done nothing to earn or merit their early releases. ECL is a device of administrative convenience to provide a temporary 'quick fix' solution to the overcrowding crisis.

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28 Hansard, House of Commons written answers, 25 June 2007

29 Hansard, House of Commons written answers, 23 June 2008

30 *The Independent* 'One night in the court cells costs as much as a Ritz suite', 14 May 2007

31 Dame Anne Owers, *06/07, HM Chief Inspector of Prisons for England and Wales, Annual Report*, London: HM Inspectorate of Prisons, January 2008, p25

32 Ministry of Justice, *End of Custody Licence release and recalls statistics*, January 2009. Violence against the person excludes serious violent offences such as murder, manslaughter, wounding with intent to commit Grievous Bodily Harm.

3.5 Population projections

The prison population in England and Wales will continue to rise over the next decade according to figures released by the MOJ.

The latest figures provide flexible prison population projections to 2015, based on three scenarios (High, Medium and Low). Latest projections find that the population could exceed 95,000 by 2015 and at its lowest, would be no less than current custody figures. Population projections fluctuate however as MOJ figures released six months before these predicted that the prison population could exceed 100,000 by 2015. They offer no hope of a significant reduction in the number of people ending up in prison instead plotting a course for more of the same.

Figure 14: MOJ prison population predictions 2010–2014[33]

Year	High	Medium	Low
2010	88,100	86,400	84,400
2012	92,100	88,700	85,000
2014	94,200	89,000	83,600

3.6 Prison estate expansion

20,000 extra prison places have been allocated by the present government to combat overcrowding and the building programme is underway. Under these plans estate capacity will reach 96,000 by 2014.[34] The most recent announcement, of an extra 10,500 on top of the existing 9,500 planned places will cost at least £2.3 billion.[35]

An extract from Louis Blom-Cooper – The Penalty of Imprisonment

On taking up office as Secretary of State for Justice on that very day in June, Jack Straw publicly declared that he could not (and would not try to) buy his way out of the crisis in the prison system; that meant impliedly a halt to the building of new prisons, and expectantly, a move towards dismantling some of the antiquated prison estate. Yet within five months, Mr Straw had accepted the proposal from Lord carter of Coles that a new 'titan' prison (prospectively no fewer than three titans) would be built, each housing 2,500 prisoners.[36]

33 Ministry of Justice, *Prison Population Projections 2008 – 2015,* Ministry of Justice Statistics Bulletin, London: Ministry of Justice, 2008

34 Ministry of Justice Statistical Bulletin: *Prison Population Projections 2007-2014*, August 2007

35 The overall cost of the programme has been a point of confusion. Initial announcements quoted the allocation at around half of the £2.3 billion now ring fenced.

36 Blom-Cooper L, *The Penalty of Imprisonment: Why 60% of the Prison Population shouldn't be there*, London: Continuum, 2008, p109

Within the planned estate expansion is a proposal to build three so-called 'Titan Prisons'. These gigantic prisons would house 2,500 prisoners each, in clusters of 500.

The new building programme also includes the conversion of a military site into a Category C prison, the conversion of an open prison to a closed prison and a feasibility study for a prison ship.

A new prison place costs between **£108,000** and **£219,000**[37]

This programme continues the mass estate expansion of previous decades. Between 1980 and 2006 25 new prisons were built in England and Wales, providing over 14,000 new places. It was one of the largest recorded programmes of prison building.

Many people now accept that a temporary expansion of the estate is necessary in order to implement any intended reforms. Our main contention with the planned estate expansion is the controversial plan for Titan prisons, and their escalating costs.

3.6.1 LARGE PRISONS V SMALL PRISONS

Large, so-called Titan prisons have been vehemently criticised by Parliamentarians, prison reformers and penal experts from conception:

> *The move to so-called Titan prisons…goes against all that is known about the need to make prisons as rehabilitative as possible and to hold prisoners near their homes so they can maintain contact with their families.*
>
> A report by10 senior members of both Houses of Parliament[38]

> *There is evidence, here and overseas, that giant institutions do not work.*
>
> Juliet Lyon, Director, PRT

The Prison Reform Trust, in its comprehensive briefing *Titan Prisons: a gigantic mistake*,[39] draws together opposition to the Titans from HMCIP, The Prison Governors' Association, Prison Officers' Association, HM Chief Inspector of Probation, the Independent Prison Monitoring Board National Council, representatives of each of the three main political parities and the Criminal Justice Alliance.

Others we consulted with also agreed that Titan prisons will offer almost no scope for effective rehabilitation of offenders.

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37 Lord Carter of Coles, Review of Prisons, *Securing the future: proposals for the efficient and sustainable use of custody in England and Wales*, December 2007, p20

38 Prison Policy Group: John Austin MP, Andrew Dismore MP, Lord Dubs, David Howarth MP, Lord Hurd of Westwell, Fiona Mactaggart MP, Humfrey Malins MP, Lord Ramsbotham, Baroness Stern, Baroness Williams of Crosby, *Building more prisons? Or is there a better way?*, June 2008

39 Prison Reform Trust, *Titan Prisons: a gigantic mistake*, London: Prison Reform Trust, 2008

Clive Martin, Director of voluntary sector umbrella body organisation Clinks, offers this concise critique of the model:

52 per cent of people we polled said government should build small, community prisons. Only 32 per cent supported prisons of 2,500 inmates[40]

> *The resettlement issues that will arise out of building Titan jails – including such basic things as location and distance from inmates' home area, whom the jails hold, and what they seek to achieve – have undergone little or no discussion. They will be built miles from the services that prisoners need to access upon release, and the prisoners in them (like the prisoners in most jails) will have to rely on redundant communication methods that will make services even more difficult to access…It is hard to believe that if we, as a society, really took the National Offender Management System's aim of rehabilitation seriously we would still build such prisons…*[41]

We hope government will instead consider a previous Home Secretary's enthusiasm for small, community-rooted prisons:

> *We should aim to provide good local community prisons which allow individuals to maintain family and community ties and have the ability to provide excellent support and interventions…I see these prisons becoming far more engaged with their local communities and better at building relationships with a wide variety of other organisations.*
>
> Charles Clarke, then Home Secretary, addressing the Prison Reform Trust in 2005

Charles Clarke's determination to develop local, community rooted prisons was welcomed and it remains puzzling to many observers that such a constructive policy has not been pursued by this government to date.

One only has to look at the latest Inspectorate report to see that smaller prisons are far more desirable and are proven to work better. HMCIP notes:

> *Evidence shows that small prisons perform better than large ones. This year's inspections show that large prisons are more likely to be unsafe and to need to rely more on force. More in-depth research…shows that taking into account other variables, size is the most influential predictor of performance against the tests of safety and respect and overall that resettlement is best provided in prisons close to home. These findings should underpin planning for the future of the prison estate. They*

40 The Centre for Social Justice, YouGov polling, 19 January 2009

41 Rob Allen (ed), *Advancing opportunity: routes in and out of criminal justice*, London: The Smith Institute, 2008, p93

reinforce concerns about the proposed huge Titan prisons and support the approach taken in the Corston report for smaller custodial settings where needed.[42]

The PRT briefing noted above, Titan Prisons: a gigantic mistake, also cites powerful survey evidence as to the superiority of smaller prisons over larger prisons. Using unpublished Inspectorate data the PRT found that of the 154 prisons surveyed during 2006/07, large institutions were significantly less effective at 'meeting prisoners needs and creating a healthy prison environment'.[43]

In two-thirds of the factors compared (102 out of 154) smaller prisons scored significantly better than large ones. In 38 of the 102 areas, the disparity exceeded ten percentage points. For 19 of the 24 factors concerning safety, small local prisons scored significantly better. For resettlement, small locals were better for 18 out of 28 compared and were worse for only one.[44]

In March 2008, amidst growing unrest about the Titan plans, BBC Radio 4 broadcast a documentary investigating prison overcrowding in England and Wales, which included interviews with senior staff members at Europe's largest prison, Fleury-Merogis in France, holding 3,600 prisoners.[45] Although holding 1,000 more prisoners than the proposed Titans, its senior staff warned the British government to think again in its pursuit of large jails as extracts from the transcript highlight. The documentary also revealed that the French government has abandoned large scale prisons, committing instead to building small institutions, of between 600–700 inmates each:

***…DANNY SHAW** (BBC Presenter): You wouldn't expect the French Prison Service to admit that Fleury-Merogis is failing. But none of the twenty-two new prisons they're building to tackle their own overcrowding crisis is on the same scale. Julien Morel d'Arleux is a spokesman for the director. The prison building programme: how big are the prisons that you're going to build? How many prisoners will they hold?*
***MOREL D'ARLEUX:** They will hold between six and seven hundred inmates. That's the average size of a prison in France now.*
***DANNY SHAW:** Why was it decided to build prisons with a capacity of seven hundred prisoners, instead of very, very big prisons of one thousand, two thousand, three thousand?*

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42 Dame Anne Owers, *07/08, HM Chief Inspector of Prisons for England and Wales*, Annual Report, London: HM Inspectorate of Prisons, January 2009, p7
43 Prison Reform Trust, *Titan Prisons: a gigantic mistake*, London: Prison Reform Trust, 2008, p8-9
44 Ibid
45 BBC Radio 4, *File on 4: Will bigger jails solve the prisons crisis?*,18 March 2008

MOREL D'ARLEUX: *Well we have very few prisons of one thousand inmates, only for the big cities. And what the Government wants in France since more than fifteen years is to build the prison nearby the cities so that we can maintain the relationship between the inmates and the relatives and the family, so that's why six or seven hundred inmates is the maximum we have…*

…DANNY SHAW: *If you had a visit from the Prisons Minister, the Director General of the Prison Service for England and Wales, about building a big new prison, what advice would you give them? Would you say – do it, or don't do it?*

PUEYO *(former Governor Fleury-Merogis): I think prison establishments are better and more adapted to our mission if they are of a medium size – say six hundred inmates. That's my recommendation…*

Koper Community Prison, Slovenia

The Centre for Social Justice Prison Reform Review made a working visit to Slovenia to make assessment of its approach to the rehabilitation of offenders in custody.

During their time in Slovenia the Review members made a visit to the community prison in Koper, which currently holds 130 prisoners and employs 68 staff. The prison, built next to a major shopping area at cost of Eur 8.1 million, holds both remand and convicted prisoners. The regime and environment clearly seeks positive personal change.

Koper Community Prison, Slovenia

Following motivation and assessment work through the support of local employers and Social Service agencies, 47 prisoners live in semi-open conditions, undertaking work in the community on a daily basis. After demonstrating a desire to rehabilitate, others are also given the opportunity to join their peers and to participate in similar schemes.

Being rooted in the community, visiting arrangements and maintaining family relationships are much easier. Weekly group meetings are held between prisoners and specialist staff, monthly meetings between prisoners and the senior management team (including the Director). All such meetings enhance communication, understanding and relationships within the prison. Knowing all the prisoners within his care, the Director of the prison considers these meetings a critical element of his responsibility as Director. Prison officer training lasts for 6 months in Slovenia and all staff readily acknowledged their important role in leading prisoners toward personal change. Re-offending rates are currently measured at approximately 40 per cent within two years of release. This is a considerable improvement on re-offending rates of over 60 per cent for adult prisoners and 75 per cent for younger prisoners in England and Wales.

The Redece Institution for the Re-education of Offenders, Slovenia

The Redece Institution for the Re-education of Offenders, which takes referrals from the courts, deals with offenders aged 14–23 years old. Although a secure facility, the ethos of the institution is one of correction and rehabilitation. Programmes run by the management develop an offenders' academic, life, health, social, communication and vocational skills. The management at Redece also ensures that offenders forge strong links with the local community they will re-enter.

Key principles to learn from Slovenia:

- Slovenia's prison regimes are rooted in the belief that public safety is paramount but that personal change is possible.
- Prison officers demonstrated tough but compassionate and personable leadership. Staff training is comprehensive and holistic.
- Genuinely tailored sentence planning took offenders through relevant and evidence-based rehabilitation.
- Effective avenues of communication exist between prison leaders and inmates.
- Strong emphasis is placed on maintaining family relationships.
- Prison work is purposeful and local businesses actively seek to employ ex-prisoners.
- The prison environment is clean and therefore respected.
- Smaller prisons are more conducive to management and rehabilitation.

Working group member Trevor Philpott meeting young offenders in a workshop at the Redece Institution, Slovenia

3.7 Policy recommendations

3.7.1 REINVESTING THE TITANS BUDGET

Based on the rationale in section 1.6.1 we recommend that the Titan prison programme should be scrapped immediately. The MOJ plans to publish the results of its Departmental consultation by the end of the financial year 2008/09 and public opposition to the plans, as we have noted, has been unrelenting. The land site searches currently underway should instead be urgently re-directed to identify suitable locations for our proposed new academy community prisons. Time is of the essence as construction on the first of the Titan sites would be due to commence two years before it goes operational (Its planned operational date is 2012). Two further Titans are projected to go operational in 2014. Although normal pre-planning discussions, public planning consultation and the procurement process are yet to begin, we are fast approaching a point of no return on these illogical warehouses.

The £1.3 billion of public expenditure saved by cancelling the plans for Titans, as well as the remaining £1 billion allocated to future expansion of the prison estate (a total of £2.3 billion), should be reinvested in the Community Prison and Rehabilitation Trust (CPRT) programme whose highlights are:

1. A national roll out of CPRTs, including a CPRT for Wales (section 2.8.1).
2. Five selected CPRTs should have a new build community prison with a maximum limit of 600 inmates. These will be innovative in design with special emphasis on rehabilitation and training both sides of the prison walls (section 2.8.2).
3. Because of the special problems of prison overcrowding in London at least two new community prisons should be built to serve the capital. One in East London and one in South London. The Mayor of London in cooperation with the Secretary of State for Justice should form CPRT areas in the boroughs adjoining these new prisons.
4. Each CPRT should buy or rent a small network of supervised Half way Houses known as Community Supervised Homes for Offenders (CSHOs). At different levels of security and supervision these CSHOs could accommodate recently released prisoners, and in carefully selected cases, prisoners who have reached a certain stage in their sentences such as their FLED dates (Facility License Eligibility Dates). Priority could also be given to transferring into CSHOs for the latter part of their sentences (a) women prisoners (section 8.6.6.1); (b) elderly and disabled prisoners (section 8.6.6.2); (c) prisoners suffering from a less severe mental health disorder (section 8.6.6.3); or (d) ex-service prisoners (section 8.6.6.5). These CSHOs might have as few as two or as many as twelve residents. They should be supervised by well-trained resident managers under the direction of the local CPRT and Probation Service. Trained volunteers could have an important role to play in managing and supporting these CSHOs, as well as helping to rehabilitate their residents. It is anticipated that the cost of housing an offender in a CSHO would be substantially less than the present official annual figure of £39,000 to keep a prisoner in jail.

3.7.2 SPECIAL CATEGORIES OF PRISONERS

As envisaged in the previous paragraph, there are certain categories of prisoner for whom, after careful selection, it might be appropriate to serve part of their sentence in Community Supervised Homes for Offenders (CSHOs) or under other appropriate accommodation conditions that would be outside the confines of a prison. The selectivity of appropriate prisoners and the decisions to release them should be taken by our proposed Community Supervision and Release Boards (CSRBs), informed by prison managements and the judiciary.

It would be essential that these alternative forms of custodial accommodation should involve no extra risk to the public, provide a disciplined regime and other rehabilitative programmes that are likely to reduce the rate of re-offending.

These categories of offenders who could be eligible for the CSHO type of supervised community accommodation and special regimes are:

(a) Women prisoners;
(b) Older and disabled prisoners;
(c) Prisoners suffering from less severe mental health disorders;
(d) Prisoners already eligible for day release who work in the community from resettlement prisons and Category D prisons under ROTL (Release On Temporary Licence);
(e) Ex-service prisoners.

In section 8.6.6 we explain in greater detail why it could be appropriate to take selected prisoners in these categories out of prison and put them into community supervised accommodation and on special rehabilitation programmes within the community. If this were done, even on a modest scale, it could make a significant contribution to reducing prison overcrowding, reducing prison budget costs and reducing re-offending. The number of prisoners in the above five categories exceeds 20,000, so even if only between 10 and 20 per cent of them were selected by CPRTs to serve part of their sentences in the ways our proposed reforms recommend, the present overcrowding crisis would be considerably eased.

3.7.3 DEVELOPING EFFECTIVE COMMUNITY SENTENCES

There are far too many people in prison who have an extensive offending history, as we have noted. It is our Review's firm belief that if effective, early non-custodial criminal justice interventions were more effective in rehabilitating offenders, the prison population would be reduced significantly.

More effective community sentences that rehabilitate offenders and reduce re-offending would also win much needed judicial confidence. The custodial sentencing drift which has occurred partly because of a current lack of judicial confidence in community sentences would therefore also end.

We refer to the CSJ's Courts and Sentencing review for further recommendation as to how this might be achieved.

3.7.4 TRANSFERRING SELECTED FOREIGN NATIONAL PRISONERS

We recommend that the government explores a scheme to transfer selected foreign nationals to their registered country of origin to ease prison

overcrowding. The government, in securing an agreement of transfer with a prisoners' registered country of origin, should pay a fee to that country (equivalent to half the projected public expenditure of their continued imprisonment in England and Wales) as an incentive. While complexities exist in the cases of certain prisoners, such as those who have fled persecution in their home country or who pose a threat to our national security, we believe such a policy could have four important advantages:

(a) Prison overcrowding could be alleviated.
(b) Public imprisonment expenditure would be saved in the long term, even with our proposed fee payment clause.
(c) Many foreign national prisoners would welcome such a transfer for the reasons outlined.
(d) Many foreign governments are likely to be supportive of a fee payment arrangement as many foreign jurisdictions might be expected to have lower imprisonment costs than England and Wales.

3.7.5 IN SUMMARY

The present overcrowding crisis in our prisons could be substantially reduced by the combination of measures recommended by this Review which include:

(a) The scrapping of the Titan prison building programme and its reinvestment in new build community-based 'academy' commissioned by CPRTs.
(b) The introduction of CPRTs to provide localised management of prisons and the rehabilitation of offenders within the community.
(c) The buying or renting in each CPRT area of small half-way houses or CSHOs which could give priority to accommodating selected women prisoners, elderly prisoners and prisoners suffering from less severe mental health disorders for the latter part of their sentences.
(d) The developing of confidence in earlier criminal justice interventions by devising effective community sentences.
(e) Exploring the feasibility of a foreign national prisoner transfer scheme.

FOUR
Mental health and substance abuse

4.1 Mental health

Too many people with mental health disorders are in prison without adequate support or medical help.

A former prisoner in evidence to the CSJ

Fred said to me, 'The voices, the police, they are in my head.' I was the prison hospital orderly and Fred had been brought in for observation. I made him some tea and helped him into a cell. In the morning I heard a yell from the officer who unlocked Fred's door. When I got there, I saw that on one wall Fred had written, 'FRED IS DEAD,' in his own blood. There was a note on the table and a pool of blood under his bed. Fred was under the blankets, just his head showing. His eyes were closed. The paramedics arrived in time to save him and he was sent to a secure hospital. When he returned three months later he was placed back on 'normal location,' in a cell on the main wing. He looked well. He smiled a lot. But soon he was looking distressed again. An officer told me to get a hospital cell ready for him. 'He's going down hill again,' he said. But it was too little too late. The morning he was supposed to come over they found Fred hanging from the bars of his cell window. This time he really was dead. It was just one of many incidents that brought home to me how inappropriate prison life is for those who are mentally unwell.

Erwin James, CSJ Prison Reform working group member

4.1.1 A DECENCY ISSUE

Meeting the medical needs of prisoners is as important in the quest for decency and care as inspirational training and leadership are for the personal rehabilitation agenda. Many prisoners are homeless prior to imprisonment and have experienced a patchy, inadequate history of medical care. Prison should begin to put this right.

Research shows that more than half the people sent to prison are not registered with a General Practitioner (GP)[1] and as we have previously noted, government figures suggest that 32 per cent are homeless prior to sentencing (section 1.2.1). Consider these problems alongside the high level of substance abuse, addiction and self-harm amongst prisoners and it becomes clear that many have comprehensively failed to access the community healthcare services that the majority of us use with relative ease.

The provision of accessible and effective healthcare is therefore as essential in prison as it is in the community if holistic personal rehabilitation is to be sought.

4.1.2 DIVERSION AND LIAISON SCHEMES

> *A magistrate from the same area told me of a woman she had seen during a visit to the same prison who was curled up on the floor refusing to speak or move. She had been remanded in custody because she had no fixed address. She had made no plea and was awaiting psychiatric reports before her case could proceed. This same woman appeared before the magistrates' bench the following week. She was still unable to communicate and had a large dressing on her neck where she had tried to cut her throat. The bench was told that no psychiatric bed was available for her and no report had yet been obtained. Without a plea the case could not proceed and the bench felt that they had no alternative but to remand her back into custody. Some time later, the magistrate discovered that, despite reports from two psychiatrists, the woman remained in prison because there was no hospital bed available.*
>
> *Baroness Jean Corston*[2]

During our research and evidence gathering members of this Review were both encouraged and then discouraged to hear about the current state of the diversion and liaison schemes across the country. While technically our remit is prison reform, we could not address mental health without making several comments about the schemes that were drawn to our attention.

The premise of the diversion and liaison schemes – that offenders with severe mental health needs should be subject to assessment and then, if appropriate, diverted into secure healthcare rather than dumped in prison, is one of good logic which we support. Such a diversion does not mean a case is discontinued or that justice cannot be done. But while punishment must be the initial consequence of crime and public protection must be the framework in which all decisions are made, it is wrong that those with severe mental health

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1 Social Exclusion Unit, *Reducing Re-offending by ex-prisoners*, London: Social Exclusion Unit, 2002, p7

2 Baroness Jean Corston, *A review of women with particular vulnerabilities in the Criminal Justice System*, London: Home Office, 2007, p74

disorders are sent into a prison system unfit for appropriate treatment and rehabilitation.

Diversion and liaison schemes were established in England and Wales through a pilot in 1989, and sporadically rolled out through the early 1990s, to divert those who are identified, assessed and diagnosed as mentally unwell away from the criminal justice system toward secure healthcare facilities. Where schemes operate they usually operate in Magistrates' Courts and police stations, although there is no obligation to employ such psychiatric teams.

There is both international and domestic evidence supporting diversion schemes and demonstrating that they can be effective in reducing re-offending and protecting the public.[3] The most recent Home Office report (see the forthcoming CSJ Courts and Sentencing report for detailed analysis of this evidence) found that two-year re-offending rates for court schemes were reduced by approximately half in comparison to average prison and community sentence rates. The report also found that immediate public safety was put at no greater risk through diversion schemes.[4] It is therefore disappointing to learn that such schemes, despite public pressure and examples of good practice, remain largely patchy, under resourced and as a result often unutilised.

The following six key barriers currently preventing effective diversion and liaison schemes have been drawn to the attention of our Review:

- Every diversion and liaison scheme operates differently, often to the detriment of the service. This results in a national inconsistency which hinders the delivery of decent care. There is also a vacuum of government leadership. The government has failed to establish a clear blue-print for the schemes and what standards show be adopted.
- Diversion scheme staffing levels vary enormously. A 2005 survey by Nacro found many schemes reported decreasing staff capacity. One third of the schemes Nacro surveyed had only one member of staff.[5] Furthermore, many schemes now employ only nurses, removing the role of mental health specialists. This severely restricts the capacity of schemes to meet demands of supply.
- Many diversion schemes do not cover both police stations and courts in their area.
- Many diversion schemes work independently of other relevant agencies. Only 2 of the 23 Primary Care Trusts (PCTs) surveyed by HMCIP in 2007 knew about their local diversion schemes.[6]

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3 The Centre for Public Innovation, *Review into the current practice of court liaison and diversion schemes*, London: The Centre for Public Innovation, 2005

4 James D et al, *Outcome of psychiatric admission through the courts*, London: Home Office, 2002, p51 and p58

5 Nacro, *Findings of the 2004 survey of Court Diversion/Criminal Justice Mental Health Liaison Schemes for mentally disordered offenders in England and Wales*, London: Nacro, 2005, p5

6 HM Inspectorate of Prisons, *The Mental Health of Prisoners – a thematic review of the care and support of prisoners with mental health needs*, London: HM Inspectorate of Prisons, 2007, p107

- The lack of available NHS beds discourages diversion from the criminal justice system. This inability to provide alternatives to sentence planners and the judiciary when needed result in a failure to divert offenders. This inadequacy of alternative accommodation leads to cases such as the one highlighted by Baroness Corston above.
- Secure mental health care provided by the independent sector is too often neglected by policy-makers. An organisation we took evidence from, *Partnerships in Care (PiC)*, informed us that there are as many as 1000 independent sector secure accommodation beds sitting unused across England and Wales. PiC argued that this underutilisation of facilities is the result of a failure to consider the independent sector during capacity planning work for diversion schemes. This contributes, it claims, to an inaccurate impression presented to the judiciary that there is an overall shortage of available beds across England and Wales, which in turn increases the use of prison in such cases.

4.1.3 THE PREVALENCE OF MENTAL HEALTH PROBLEMS IN PRISON

> *…prison has become, to far too large an extent, the default setting for those with a wide range of mental and emotional disorders, which may themselves only be part of a spectrum of disadvantage.*
>
> HMCIP [7]

The seminal work on the level of mental health need in prison remains a report conducted 10 years ago by Singleton et al (see Figure 15). Although it is an ageing study, and the prison population has increased by almost 20,000 since its publication, its results remain the context within which our analysis must begin. We therefore highlight some of its findings below and as we do so, also note our disappointment that no further research has been undertaken to update this work.

Working group member Simon Edwards listening to evidence about the state of mental healthcare in prisons

As the table demonstrates, mental health problems are common characteristics of the prison population at a level far above that which we find amongst the general population. We note that the majority of prisoners suffer from problems such as personality and neurotic disorders, in the form of anxiety and depression, rather than the more severe cases of psychosis which are stereotypically attributed to the prison population.

7 Ibid, p7

Figure 15: Prevalence of mental health disorders in the prison population[8]

Mental health condition	Prevalence in prison	General population
Schizophrenia and delusional disorder	8 per cent	0.5 per cent
Personality disorder	66 per cent	5.3 per cent
Neurotic disorder	45 per cent	13.8 per cent

4.1.4 MENTAL HEALTH CARE IN PRISON

In 2006 the full responsibility for prison based health care, including mental health provision, was transferred to the Department of Health in an attempt to achieve equivalence with existing community care. Rightly, coterminous service structures were considered essential for consistency of support to those returning to society from prison. Most people we have met with welcomed this transfer and remain in support of it. We agree and see no reason for changing this arrangement because health care commissioning should be led by expertise. We recommend that local health commissioners should work with CPRTs to delivered effective joined up strategic planning and care.

Mental health care in prison expanded to include specialist mental health in-reach teams, building on standard primary health services, such as GPs and Nurses.

Established to treat prisoners with severe mental health needs (now expanded to include all mental health needs), specialist in-reach teams are commissioned by their local Primary Care Trust (PCT) and should comprise a range of professionals including psychiatrists, mental health nurses and social workers. Their work should include leading cognitive behavioural treatment courses, and other such specialist medical intervention, raising awareness amongst prison staff and working closely where appropriate with other prison based healthcare professionals.

The primary health care teams comprise mainly general nurses and GPs. These teams provide service for all medical needs within prison as would a community surgery.[9] Until recently these primary teams were the only way by

8 Durcan, G, *From the Inside – Experiences of prison mental health care*, London: Sainsbury Centre for Mental Health, 2008, p13 citing Singleton et al, *Psychiatric Morbidity among Prisoners in England and Wales*, London: Office of National Statistics, 1998 and Singleton et al, *Psychiatric Morbidity among Adults living in Private Households 2000*, London: Office of National Statistics, 2001

9 Much of the physical primary healthcare in prisons is of good quality as prison can offer such assistance as regular and controlled diet, comprehensive monitory and supervision as well as the opportunity for regular physical exercise – see for example Sainsbury Centre for Mental Health, Policy Paper 7, *Getting the basics right: developing a primary care mental health service in prisons*, London: Sainsbury Centre for Mental Health, 2007, p5.

which prisoners with non-severe mental health conditions, such as depression and anxiety, could seek help.

4.1.4.1 Meeting the need?

An array of existing comment and analysis, backed by our own evidence gathering process has found that the outlook for mental healthcare across the criminal justice system, in particular our prisons, is on the whole gloomy. It is obvious that the prison system, especially in its present overcrowded state, is far from the ideal environment in which severe mental health conditions should be treated. It is also clear that less serious, yet often damaging mental health disorders are inadequately dealt with in prison.

Many mental health in-reach teams are heavily overburdened

Many Mental health in-reach teams, although a relatively recent introduction across the prison estate, are already heavily overburdened in several damaging ways:

- The introduction of in-reach teams was welcomed but ultimately undermined by a lack of national guidance and support. As a result, we have heard that in-reach teams differ in their role, scope and practice from prison to prison. Rather than fostering innovation and flexibility as can sometimes occur when free from central control, this has more often led to inconsistency and confusion for PCTs, team staff and prisoners alike.
- In-reach teams are not present or involved in initial prisoner screening on reception into custody. They are therefore relying on the referral of prison health care staff to uncover serious and complex mental health needs.
- Overcrowding is seriously hampering the provision of prison mental health care. Not only is the increasing population in custody putting inadequately resourced teams under greater strain, but it is also disrupting programmes of care. The mass movement of prisoners is an administrative drain on healthcare teams, with multiple assessments often being carried on individual prisoners due to a lack of protocol in transferring records. Research shows that medical records often fail to accompany prisoners as they are moved around the estate.[10]
- A lack of clarity has been followed by a failure to properly resource teams. It is estimated by the Sainsbury Centre for Mental Health that to suitably serve a men's Category B prison of 550 inmates, 11 full-time specialist in-reach team members would be required.[11] We know however that the average in-reach team size is only four per prison (over 350 staff

10 Durcan, G, *From the Inside – Experiences of prison mental health care*, London: Sainsbury Centre for Mental Health, 2008, p51

11 Boardman, J and Parsonage, M, *Delivering the Government's Mental Health Policies: Services, staffing and costs,* London: Sainsbury Centre for Mental Health, 2007

are employed in over 100 prisons).[12] Furthermore, many of these teams are comprised solely of nurses rather than the intended range of specialist professionals required for comprehensive and effective treatment:

Four out of five mental health in-reach teams felt that they were unable to respond adequately to the range of need. Many more prisoners required specialised primary mental healthcare, which was rarely in evidence… [13]

HMCIP

Primary health care teams are also burdened in several ways:

- Until recently Primary teams were working with all cases of non-severe mental health disorders, which as we have noted represent the majority of mental health cases in prison. We have heard that treatment for conditions such as depression and anxiety was largely clinical and inadequate, where therapeutic support and counselling should be available.
- Many prisoners do not trust their GP enough to seek help, particularly help with such a stigmatised issue as mental health.
- GPs, when in a prison, are often overburdened with appointments and therefore need to restrict consultation time to just a few minutes. They also admit to lacking sufficient mental health training.[14]

4.1.5 COLLABORATIVE WORKING

Our informal mental health discussions during the Review, with prisoners and practitioners, as well as the evidence presented by reports mentioned throughout this chapter all-too often highlight the 'silo-natured' working practices of prison substance abuse teams and mental health care professionals.

Several contemporary and thorough reports demonstrate a clear link between mental health and substance abuse. A thematic review conducted by Her Majesty's Prisons Inspectorate included a survey of prisoners engaged with mental health in-reach teams in which 70 per cent admitted to misuse of substances.[15] A similar set of interviews with prisoners conducted for the Sainsbury Centre for Mental Health found at least 80 of the 98 prisoners consulted presented with a history of substance abuse.[16]

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12 Brooker et al, *Short Changed – Spending on Prison Mental Health Care*, London: Sainsbury Centre for Mental Health, 2008

13 Dame Anne Owers, *06/07, HM Chief Inspector of Prisons for England and Wales, Annual Report*, London: HM Inspectorate of Prisons, January 2008, p34

14 Sainsbury Centre for Mental Health, Policy Paper 7, *Getting the basics right: developing a primary care mental health service in prisons*, London: Sainsbury Centre for Mental Health, 2007, p5

15 Inspectorate of Prisons, *The Mental Health of Prisoners – a thematic review of the care and support of prisoners with mental health needs,* London: HM Inspectorate of Prisons, 2007, p11

16 Durcan, G, *From the Inside – Experiences of prison mental health care*, London: Sainsbury Centre for Mental Health, 2008, p32

Anecdotal evidence we have received suggests that mental health disorders and substance abuse can interact in different ways. Disorders can develop through the abuse of substances as well as during prison addictions treatment and withdrawal programmes through such conditions as depression or anxiety. Addictions can originate from a period of mental illness and isolation.

Despite the obvious links between mental health and substance abuse we have found, during our interviews and prison visits, that the relevant professionals rarely communicate or work together to compliment programmes of intervention. Backing up this assessment are pieces of anecdotal evidence collated by other reviews.

> *Staff engaged in substance misuse work with prisoners could usually identify a proportion of their clients with marked mental health problems. But they were usually unclear as to what, if any, mental health treatment they were receiving. Mental health practitioners likewise had limited knowledge about the involvement of substance misuse workers with individual prisoners.*
>
> Graham Durcan, Sainsbury Centre for Mental Health[17]

4.1.6 CONTINUITY OF CARE

The provision of decent and effective prison based mental health care can be, and often is, undone when an offender is released back into the community. Our anecdotal evidence gathered during this Review has backed up previously noted research which found that 50 per cent of prisoners are not registered with a GP or a healthcare practice prior to imprisonment. We also hear that on occasion prisoners registered prior to sentencing can find their community surgery reluctant to continue registration during a period of imprisonment or indeed when the patient is released back into the community.

As a result, prisoners who may have accessed custodial mental health treatment, and for the first time begun to deal with a disorder, often slide back into the reclusive and isolationist lifestyle which came naturally to them prior to imprisonment. In doing so they will almost certainly again tread on the pathway to criminal behaviour and re-conviction.

We must ensure therefore as well as establishing an adequate and effective system for prisoners with mental health needs during their sentence, that targeted assistance is given to prisoners with mental health needs as they plan for their resettlement. Not just for the sake of decency but also for the safety of the community to which they will return.

17 Ibid, p43

4.1.7 MENTAL HEALTH POLICY RECOMMENDATIONS

4.1.7.1 Early and appropriate diversion

Prisons should not be used as dumping grounds for the mentally ill, as many currently are. The best way to prevent this is by the earliest possible interventions at police stations and at preliminary court hearings which result in the diversion of those with severe mental health problems into high quality medical treatment and where appropriate into secure NHS accommodation.

Police Officers, Probation Officers and the judiciary often suspect that an offender is suffering from severe mental health problems but have no means of speedily accessing trained NHS staff who could make the necessary mental health assessment of an offender and start the diversion process into treatment and secure accommodation. As we noted in section 1.1.2, while there are examples of good practice in diversion schemes around the country, notably in Liverpool where at the Community Mental Health Team (CMHT) liaises closely at magistrates' court level to make sure that seriously mentally ill offenders are diverted away from prison when appropriate at an early stage, these examples are all too rare.

74 per cent of people we polled supported more use of secure mental health care instead of prison for offenders with diagnosed disorders[18]

We therefore recommend that all CMHTs reach or move toward the high standards of mental health assessment and intervention active in Liverpool. This means that consistency must be developed across schemes through better resourcing, organisation and collaboration between key agencies.

To achieve this improved collaboration we also recommend that independent sector providers of secure mental health care should be far more involved in capacity planning. We believe that such providers may have a crucial role to play in easing the existing burden on diversion schemes, as well as make a significant contribution to future partnerships and diversion scheme planning. The current situation, where up to 1000 beds sit unused, is a tremendous waste of resources and missed opportunity.

> *Partnerships in Care have more than 20 years experience of providing secure psychiatric beds to NHS commissioners and we have grown our business from 50 to more than 1000 beds. We are certain that a more strategic engagement with all independent sector providers would produce better integrated services for the benefits of patients, society and the exchequer.*
>
> Peter Handy, Director of PiC, in evidence to the CSJ

Our reform proposals for CPRTs should make early diversions of mentally ill offenders a swifter and more effective process at a local level. We recommend that

18 The Centre for Social Justice, YouGov polling, 19 January 2009

each CPRT should have a representative of the local NHS mental health team on its board of management, as well as a strategic representative of the local Primary Care Trust(s), reporting on the status and effectiveness of such diversion schemes. At appropriate stages, a representative(s) from local independent sector mental health care providers should be invited for strategy and resource planning.

We refer to the forthcoming CSJ Courts and Sentencing review for further specific diversion scheme recommendations.

4.1.7.2 Government recognition

The magnitude of the problem of prison being used as a dumping ground for the severely mentally ill needs to be given a higher level of attention by government, parliament, the media and local communities. We recommend that urgent attention is paid to recent comments by HMCIP and other publications, including the comprehensive and progressive thematic review which we have previously cited, which have recently expressed concern at the increasing level of mental health need in prison and the dearth of provision to meet the need adequately.

4.1.7.3 Contemporary information

We recommend a new and urgent review of the mental health needs of prisoners. The only substantial research available (quoted in this report and in almost every other) is approaching 10 years old. During the last 10 years the prison population has risen by nearly 20,000 and mental health awareness has improved dramatically. It is therefore essential that policy makers have a contemporary and accurate picture of the scale of the problem they face. We expect the publication of such analysis to assist in initiating the action recommended above. For it is evident from Inspectorate reports, surveys and our own evidence gathering, that the prevalence of mental health disorders in prison has increased significantly during the past decade.

4.1.7.4 Prisoner screening on arrival

It is essential that action is taken to improve prisoner pathways into mental health care. We therefore recommend more comprehensive mental health screening of newly arrived prisoners on reception from the courts as part of the general prison induction procedure. This screening should be carried out within 24 hours of arrival by prison health care nurses who have at least been trained in basic mental health diagnosis and care. The screening should be undertaken accompanied by any relevant medical notes and social reports provided by Court diversion and probation staff respectively (in the cases where assessment was made but custody proceeded with).

The challenges of mass churn on the estate must also be better dealt with. We recommend that complete individual medical records, including treatment history and ongoing arrangements, must accompany prisoners as hard-copy as they are transferred as well as be sent electronically to the receiving prison healthcare team within 24 hours of the transfer.

4.1.7.5 Better training

Previously cited research demonstrating a lack of adequate mental health training for nurses and GPs is deeply concerning to our Review. We therefore recommend urgent, targeted and specialist training in this field for all prison primary healthcare teams, with specific focus on nurses and visiting GPs.

We also recommend better training for prison officers, particularly those based on the prison wings, who have a crucial role to play in identifying prisoners who display mental health disorder symptoms and then in referring cases to primary healthcare teams or specialist mental health in-reach teams.

4.1.7.6 Collaborative working

We recommend a comprehensive and urgent review of working practices and the feasibility of increased collaboration between mental healthcare professionals, primary health care teams and substance misuse teams in prison.

In particular this review should consider the viability of developing one prison based multi-disciplinary team with responsibility for mental health and addictions diagnosis; mental and primary health care; as well as commissioned substance abuse work, through a pooled resource budget. We believe it to be achievable and highly worthwhile.

4.1.7.7 Community Supervised Homes for Offenders (CSHOs)

As we state in greater detail in section 8.6.6, we recommend the establishment of new CSHOs. These homes will provide a local facility for the transfer of appropriate prisoners who fall within certain categories during a sentence to supervised accommodation in the community.

Those CSHOs designated for prisoners with less severe mental health disorders, will have close links to local primary care and mental health professionals, and will assist prisoners as they begin to resettle back into the community.

4.1.7.8 Continuity of care

As we have previously noted the continuity of care between a prison and the community is a significant problem in attempting to support offenders with mental health disorders in their resettlement.

We therefore recommend that local community healthcare practices should be required, where there are no unreasonable consequences or disproportionate drain on the management of the medical practice, to provisionally register serving prisoners (assuming supporting medical documentation can be submitted with the help of prison mental healthcare teams) in the final month of their sentence. Upon registration an initial appointment for the ex-prisoner with the relevant healthcare professional should be booked for as close to their nominated release date as possible. This will help prisoners with no registered medical practice to continue in their mental health treatment. Prison primary health teams should assume the responsibility for this provisional registration and appointment booking.

4.1.7.9 In summary

As mental health awareness has increased during recent years so has the wealth of comment, analysis and policy recommendations. Our recommendations have primarily been informed by our evidence gathering but also follow on from some of the key work already in the public domain.

Our recommendations go with the flow of, and largely agree with, the work of many recent high-profile reports such as the Prison Inspectorate Teams' thematic review *The Mental Health of Prisoners, A thematic review of the care and support of prisoners with mental health needs*,[19] the All-Party Parliamentary Group on Prison Health's report *The Mental Health Problem in UK HM Prisons*, much of the work of the Sainsbury Centre for Mental Health as well as the Prison Reform Trust.

The weight of evidence and the commonality of recommendations made by many groups are such that government must now act to improve radically the inadequate and antiquated approach of the criminal justice system to people with mental health problems. But more than this, government must first invest in community provision and diversion to ensure that our criminal justice system becomes a last resort, not the default destination for people with such need. In this regard we await the findings of Lord Bradley's review of mental health care in prisons, commissioned by the Secretary of State for Justice.

4.2 Drugs in prison

4.2.1 PRISONS ARE RIFE WITH DRUGS

> *It is not easy to calculate with any precision the amount of drugs getting into prisons.*
>
> Government-commissioned report, Disrupting the supply of illicit drugs into prisons[20]

In our meetings with prison professionals and prison volunteers as well as prisoners and their families, we have heard consistently that drugs flow like a river through our prison system. Our informal discussions during several prison visits have substantiated this conclusion. While, as the Government admits, it is difficult to calculate with any precision the amount of drugs in prison, we estimate many establishments are rife with addictive substances and many prisoners regularly abuse.

In some jails it has become desperate enough for prisoners seeking to be free of addiction that some have considered, and in one high profile case even attempted to escape. In 2007 a serving prisoner and former heroin

19 HM Inspectorate of Prisons, *The Mental Health of Prisoners – a thematic review of the care and support of prisoners with mental health needs*, London: HM Inspectorate of Prisons, 2007

20 Blakey, *Disrupting the supply of illicit drugs into prisons – a report for the Director General of the National Offender Management Service*, 2008, p7

addict absconded from HMP Leyhill prison in order to escape the drugs that flowed so freely inside. He claimed that getting back to the community was his only hope of staying clean:

'Former addict fled open prison to escape the drugs'
Daily Mail, 16 August 2007

A recovering heroin addict walked out of an open prison to escape the culture of drug-taking among inmates. Shaun Melfah claimed he was so worried he might succumb to the temptation of freely available drugs that he decided to leave halfway through his sentence.
Police found the burglar living at his home address five days later. He was returned to a higher security jail to serve the rest of his sentence…

It is estimated by the former Head of Drugs Treatment Policy at NOMS, Huseyin Djemil, that the prison drugs trade is worth £100 million a year.[21]

4.2.1.1 A range of official estimates

There is a wide section of the custodial population whose offences are drug-related. In addition to those sentenced for drug offences, it is widely acknowledged that acquisitive crimes such as burglary, shoplifting, vehicle crime and general theft are often linked to drug abuse. In 2003 a Home Office report found that more than half of all prisoners reported committing offences linked to their drug addiction, citing the need for money to fuel their habit as the most common incentive.[23]

"One in five men who report using mainstream drugs, first used them in prison."
Rt Hon David Hanson MP, Minister of State for Justice

Many prisoners also actually freely report using drugs in custody. In 2006 40 per cent of prisoners admitted using drugs at least once while in their *current* prison, with 10 per cent reporting use within the last month.[24] A preceding Home Office study reported that 75 per cent of those interviewed admitted taking drugs while in prison.[25] We consider this the most reliable and realistic figure.

Official government estimates conclude that 55 per cent of prisoners received into custody each year are Problematic Drug Users (PDUs) – equating to approximately 70,000 people, or 39,000 people in prison at any one time (the equivalent of 1/6 of all PDUs in England).[26]

21 BBC News, 'Prison Drugs Trade worth £100 million a year' http://news.bbc.co.uk/1/hi/uk/7339876.stm
22 Hansard, House of Commons written answers, 14 November 2007
23 Ramsay, M (ed), *Prisoners' drug use and treatment: seven studies*, London: Home Office, 2003
24 Home Office, *Freedom Of Information Release 4631*, 6 December 2006
25 Edgar and O'Donnell, *Mandatory Drug Testing in Prisons*, RDS Study 189, London: Home Office, 1998, p7
26 Home Office, *Freedom Of Information Release 4631*, 6 December 2006

4.2.2 SMUGGLING AND DETECTION

4.2.2.1 Smuggling

> *…a considerable amount of the class A drugs which find their way into Britain's prisons are not smuggled in by prisoners or their families.*
>
> A serving prisoner in written evidence to the CSJ

> *Some officers didn't want to bother because they knew that within a few months those prisoners wanting help would be back inside again for new offences.*
>
> A former prisoner in written evidence to the CSJ

55 per cent of ex-prisoners we polled said that prison officers did not do all they could to prevent drugs entering prisons[28]

Our discussions about drug use in prison supported the claims made in a report written by Huseyin Djemil, published by the Centre for Policy Studies,[27] which argued that much more could and should be done to prevent the smuggling and trading which sustains it.

Djemil notes five common methods used to smuggle drugs into prison. These are widely recognised routes and we found no one who could disagree with them:

- Drugs thrown over the prison wall and collected by prisoners;
- Drugs carried in through visits (domestic and official);
- Drugs in prisoners' post;
- Drugs coming in from those returning from court;
- Drugs entering with the assistance of corrupt prison staff – a 'major trafficking route' according to Djemil.

These smuggling routes are facilitated by techniques such as these, which we have been made aware of:

- Drugs concealed in prisoners anuses and other bodily orifices;
- Drugs passed in farewell kisses with visiting girlfriends or partners;
- Drugs concealed in prisoners' handed-in property;
- Drugs coming in with deliveries to the prison.

In prison parlance these various methods are often known as '*Bottling it*'; '*Gumming it*' and '*Parcelling it*'.

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27 Djemil H, *Inside Out: How to get drugs out of prisons*, London: Centre for Policy Studies, 2008
28 The Centre for Social Justice, YouGov polling, June 2008

Australia's Entry Bubble System

A new approach, led by the Australian Prison Service, directs visitors, staff or prisoners through an entry bubble which closes briefly. The bubble contains detectors able to collect, analyse, and identify drug residues on the subject's body or clothing. Unlike other sampling methods, the system uses a stream of air that can dislodge small particles as an aerosol as well as helping body heat to volatilse traces of material for detection. The unit is a single device incorporating the analysing unit with the sampling device so that the result is instantaneous. The process is, speedier, less intrusive and more efficient in use of manpower.

4.2.2.2 Detection

The chief means by which HMPS detect drug abuse in prison remains Mandatory Drug Testing (MDTs). (The other main ways by which drug use is detected are the healthcare screening on reception and self-reporting on the wing.) According to HMPS MDTs attempt to do three things:

1. Act as a deterrence to drug taking (because there are penalties for testing positive);
2. Supply information on drug taking in prisons;
3. Identify prisoners in need of treatment.

> "A lot of people in prison take drugs."
>
> *Serving prisoner*

Surprisingly however, given the reported high level of drug abuse in prison we have encountered and noted above, MDT results for 2007/08 found that only nine per cent of prisoners tested positive for drug use.[29] We consider this a ludicrously low figure. It clearly does not take into account the numerous ways used by prisoners to avoid positive MDTs such as 'flushing it' (drinking large quantities of water) and 'switching' (changing urine samples).

One of the key conclusions of a Home Office report published in 2005, to investigate the effectiveness of MDTs, was that:

> *MDTs generally underestimate the level of drug misuse as reported by prisoners.*[30]

The former Head of Drugs Treatment policy at NOMS argues that MDTS are unreliable for several key reasons:[31]

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29 Her Majesty's Prison Service, *Annual Report and Accounts 2007–2008*, London: Her Majesty's Prison Service, 2008, p17

30 Singleton et al, *The impact and effectiveness of Mandatory Drug Testing in prisons*, Findings 223, London: Home Office, 2005, p1. HM Chief Inspector of prisons also makes this point. In the Annual report 2006/07, tests often failed to distinguish between different wings (for example low use in some wings could disguise heavy use elsewhere), tests were also not taken at weekends (a peak time for substance abuse in prison due to lack of activity) and failed to include refusals or failures to supply as well as positive tests for Subutex (a long acting opiate used to treat narcotic dependence).

31 Djemil H, *Inside Out: How to get drugs out of prisons*, London: Centre for Policy Studies, 2008

- Tests are via urine sample only.[32]
- The prisoner may not be observed whilst giving their sample as it would amount to 'inhuman or degrading treatment', allowing switches to occur.
- Tests are officially random but the regimes are often predictable. Not enough weekend or variable timed testing takes place.
- Tests can encourage use of harder drugs as traces of cannabis remain in the body for longer (up to 28 days) than opiates (up to three days).

Further criticism of MDTs is made in HMCIP's latest annual inspection report:

> *In local and high security prisons, inspection surveys showed that over a third of prisoners reported that it was easy to access drugs in prison – and in some it was nearer a half. Random mandatory drug testing can only provide an indication of use, and, as last year, some prisons were found to manipulate these figures by excluding those prisoners who were subject to suspicion or frequent tests because they were considered most likely to use drugs. Other prisons did not disaggregate test results, disguising heavy usage in some areas.*[33]

MDTs clearly do not provide an accurate assessment as to the current level of drug use across the estate, nor do they sufficiently deter the flourishing trade within it. We could find no-one connected to the prison system, offender or officer, who believes that less than 10 per cent of prisoners take drugs while serving their sentences. Furthermore, prison managements have no incentive to discover and report the real level of drug abuse. A high level of drug use is counted as failure on the part of prison management.

The recent Blakey Report, commissioned by government and entitled *Disrupting the supply of illicit drugs into prisons*, (we note the lack of ambition even in the title, 'disrupting' not 'ending' the supply), made ten recommendations as to how to tackle trafficking.

These recommendations included appointing a senior Governor to lead a drug strategy for each prison, refining the Home Office good practice guide, reviewing establishment search tactics and 'working with others'.[34]

The government has since accepted all ten recommendations and is committed to implementing them.

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32 HMPS remains the only criminal justice or health system in the United Kingdom that still relies on urine sampling, rather than mouth swabs.

33 Dame Anne Owers, 07/08, HM Chief Inspector of Prisons for England and Wales, Annual Report, London: HM Inspectorate of Prisons, January 2009, p32

34 David Blakey, Disrupting the supply of illicit drugs into prisons – a report for the Director General of the National Offender Management Service, 2008

4.2.3 TREATMENT PROGRAMMES

> *Many factors…are linked to prisoners use of drugs, such as…boredom, availability of drugs, repeated imprisonment and the inappropriateness of stimulants in a custodial setting.*
>
> Singleton et al, Home Office commissioned study[35]

Our Review recognises that HMPS and prison based substance abuse workers encounter a difficult and complex range of needs across the custodial estate. Offenders in custody present with low, medium and high levels of misuse. We also recognise that what prison can achieve with offenders on short sentences is often more restricted than with those on longer sentences. It is therefore acknowledged that there is no magic bullet solution or holistic programme which would free all prisoners from drug abuse. Nevertheless, through consultation with professionals, former as well as serving prisoners and the Voluntary and Community Sector, we do conclude that certain reforms are needed to prison drug treatment in order to tackle the high-levels of addiction and abuse which fuels so much crime.

NOMS does not collate centrally the number of individual prisoners accessing drug interventions. Instead it records the number of interventions delivered across the estate each year. As previously noted the commissioning responsibility for the delivery of prison based healthcare was transferred to local PCTs in 2006. The range of interventions, and the number delivered (an individual prisoner may have accessed more than one intervention) in 2007/08 is as follows:

Figure 16: Prison based drug interventions and number delivered 2007/08[36]

Type of intervention	Number of interventions delivered 07/08
Detoxification programmes (*including alcohol detoxification*)	46,291
CARATs (*Counselling, Assessment, Referral, Advice and Throughcare service*)	65,823
Maintenance prescribing	12,518
Intensive drug rehabilitation programmes (starts)	11,319
Total	135,951

35 Singleton and et al, *The impact and effectiveness of Mandatory Drugs Tests in prison*, London: Home Office, 2005, p3

36 Hansard, House of Commons written answers, 11 December 2008

All prisoners in England and Wales have access to some form of clinical intervention such as detoxification programme or maintenance prescription. More than 57,000 such interventions were delivered last year. CARAT workers operate in all prisons and are normally a range of drugs agency workers, prison officers and healthcare professionals. CARAT workers act as keyworkers for prisoners who have been identified as having a drug problem. They coordinate a plan of programmes and interventions that prisoners can access. More than 65,000 CARAT interventions were delivered in 2007/08. Intensive drug rehabilitation programmes include Short Duration Programmes (SDPs) established for those on short sentences, the 12 step course, P-ASRO (Prison-Addressing Substance Related Offending), FOCUS, STOP and Therapeutic Communities. Currently 114 drug rehabilitation programmes run in 99 prisons.[37]

Addaction Chief Executive Deborah Cameron giving evidence to the Prison Reform working group

From these figures it is clear that the proportion of prisoners engaging in any form of intensive drug rehabilitation programme compared to the estimated number of people entering prison with a drug problem, is very small, (particularly when considering the above figures denote the number of interventions delivered, not the number of prisoners treated). Only 11,000 of the 135,000 interventions delivered in 2007/08 were intensive drug rehabilitation programmes. Furthermore, as we shall note shortly, only a small proportion of these 11,000 interventions were delivered using evidence-based, effective abstinence programmes.

The new Integrated Drugs Treatment System (IDTS) has also only been partially rolled out due to significant funding cuts. 50 of the 53 prisons (53 of 140 prisons) with IDTS across England and Wales were assessed as fully operational by November 2008.[38] The IDTS is designed to coordinate and deliver drug treatment more effectively in prison, as well as improve links with community care in preparation for release.

4.2.3.1 The drugs budget

£79.8 million was provided for custodial drug treatment throughout 2007/08. This equates to approximately 2.8 per cent of the total Prison Service allocation (excluding expenditure on custodial healthcare and education).[39] The annual prison healthcare budget of £196 million,[40] managed by the Department of Health, can also include some expenditure on drug treatment. A further £24.4 million has been allocated jointly by DoH and MOJ to continue the roll out of IDTS this financial year.

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37 Hansard, House of Commons written answers, 18 December 2008

38 Hansard, House of Commons written answers, 16 December 2008

39 Hansard, House of Commons written answers, 27 March 2008 and Hansard, House of Commons written answers, 21 June 2007

40 Hansard, House of Commons written answers, 18 February 2008

From these figures we estimate that the combined total spending by the MOJ and the DoH is currently in excess of £100 million a year.

4.2.4 ANALYSIS OF THE INTERVENTIONS

4.2.4.1 Demand outweighs supply

In 2007 *Breakthrough Britain* highlighted the inadequate scale and ineffective nature of support for prisoners with a drug problem. We highlight several observations made by The Centre for Social Justice here which are still applicable, as well as more recent analysis of prison treatment and interventions.

The high level of custodial drug abuse means that the demand for prison drug treatment far outweighs provision. The number of prisoners accessing intensive drug treatment and rehabilitation is small – the number of accessing proven programmes fewer still. As we noted above, of the 135,000 interventions delivered in 2007/08, only 11,000 were intensive treatment initiatives. Furthermore, HMPS performance target data for 2007/08 found that only 7,412 prisoners completed drug treatment programmes during that time period (almost 1,000 more than the target they had set for the year).

88 per cent of people we polled said that 'getting offenders off drugs' should be the overall aim of prison drug treatment. **Only 7 per cent** said 'safe maintenance of the habit using a prescribed substitute' should be the goal[41]

It is perplexing to this Review that of the reported high number of prisoners entering custody with a drug problem, particularly the high number classed as a PDU, only 11,000 intensive interventions were delivered and only 7,412 prisoners completed a drug treatment programme.

4.2.4.2 Wasted opportunities

As well as criticising the inadequate level of provision of prison drug treatment, *Breakthrough Britain* also noted concern at the current balance between maintenance prescription and abstinence-based treatment within the new IDTS and general prison interventions. We agree with the assessment it made.

Much too often prisoners' addictions are maintained by the Prison Service with no aspiration or attempt to get them off drugs, using evidence-based programmes. We recognise that prescribed substances such as methadone or Subutex can offer an effective temporary option in harm reduction and for stabilising certain drug users. However, they should be used only as a stepping stone to abstinence in preparation for or conjunction with effective abstinence-based programmes. Maintenance of a habit or an addiction should not be the long term aim of drug treatment.

41 The Centre for Social Justice, YouGov polling, 19 January 2009

Our Review is concerned by recurring examples heard during our consultation about this imbalance, as well as by letters such as this one outlining the obsession with maintenance, published below in *Inside Time*:

Are substitute drugs given out too easily in prisons?

A number of inmates here with no history of heroin use or any need for such a drug are given daily doses of Subutex and methadone. This results in people walking around like dribbling wrecks, vomiting in hallways and making living conditions almost unbearable for those of us who are not taking advantage of North Sea Camps' willing access in dispersing such drugs like candy. Eight out of ten of these prisoners are due to this prisons' answer to a quiet life – issue Subutex and methadone willingly!

William Scrimshire, inmate of HMP North Sea Camp
Letter published in Inside Time, March 2008

As a result of this imbalance we note that very few prisoners have access to the proven, evidence-based 12 step programme led by the Rehabilitation of Addicted Prisoners' Trust (RAPt) or to Therapeutic Communities. Figures for 2006/07 show that of approximately 11,100 intensive interventions delivered that year, only 930 were 12 step interventions and only 300 were Therapeutic Community interventions.[42]

While we acknowledge that entry requirements and programme duration for such interventions can eliminate some short term prisoners, we remain surprised that the overwhelming majority of prisoners have no opportunity to access the two most successful and evaluated drug treatment programmes.

4.2.4.3 What works?

The UK Drug Policy Commission's recent report[43] gathered evidence and research undertaken about prison-based drug treatment in recent years. One of its main conclusions about prison-based drug treatment, in addition to finding that services frequently fall short of minimum standards, was that actually very little is known about the efficacy of certain interventions.

This is also a conclusion made by PricewaterhouseCoopers (PwC) in a recent report evaluating prison drug treatment funding, commissioned by the government.[44] One of the conclusions from the PwC report was that more evaluation about prison-based care and treatment is required, particularly in reference to short term interventions. It found little evidence demonstrating the efficacy of interventions such as the SDP or P-ASRO programme. Instead, it

42 UKDPC, *Reducing Drug use, Reducing Re-offending*, London: UKDPC, 2008 and Home Office, *Freedom Of Information Release 4631*, 6 December 2006

43 Ibid, p39–43

44 PricewaterhouseCoopers, *Review of Prison-Based Drug Treatment Funding*, London: PricewaterhouseCoopers, 2007

found more supportive evidence about the efficacy of the longer-term abstinence programmes, such as the 12 step programme and therapeutic communities, even though it recognised some questions remain about research quality. The report also found that performance management targets have resulted in a general focus on quantity over quality of prison-based interventions.

AVE Fenix Prison Drug Rehabilitation Programme

Mexico and Belize

One of the world's most successful prison rehabilitation programmes is the AVE Fenix Project which has been running for several years in Chihuaha Prison, Mexico, Cuernavaca Morelios prison, Mexico and Belize City Prison, Belize.

The course consists in each of these jails of taking 50 prisoners nearing the end of their sentences into an isolation wing for twelve weeks where they go through a disciplined regime of abstinence, physical exercise, life coaching and emotional and spiritual counselling. The prisoners on the course are not allowed visitors for the first six weeks and the last three weeks of the twelve week course.

They are then released from prison into half way house accommodation where they are trained in simple employment trades or disciplines such as baking bread, cleaning, working in kitchens etc. At the end of the eighteen weeks they have completed the entire course and are free.

The training and tuition costs of the course are US$1,300 per prisoner although the state prison system continues to meet their food and accommodation costs.

The re-offending rates for prisoners on these courses are 13 per cent from those released from Chihuaha prison. 14 per cent from Belize prison and four per cent from Cuernavaca prison. Both the Mexican and Belize prison authorities praise and pay for these courses which were devised by Raymundo Leal.

One international observer Mr Ron Nikkel, President of Prison Fellowship International has written 'without doubt the AVE Fenix programme is one of the most effective and innovative rehabilitation programmes I have ever seen during my work with NGOs in more than 110 countries. It is a model rehabilitation programme with great potential for use in other nations'.[45]

Our Review has been impressed by the concept, management and outcomes of the therapeutic communities run by Phoenix Futures, as well as by the evidence received from RAPt about the state of drug treatment across the estate and its 12 step programme in England and Wales.

The RAPt 12 step programme: abstinence-based provision

The 12 step programme, run by the (RAPt) in nine prisons and by other providers in only five others, is based on the 12 step *Minnesota Model*. It remains the only programme to have been verifiably evaluated for its impact on reducing drug use and tackling re-offending.[46]

45 Letter received from Ron Nikkel, President of Prison Fellowship International, December 2008

46 Ramsey (ed), *Prisoners' drug use and treatment: seven studies*, Findings 186, London: Home Office, 2003 citing Player and Martin, 1996; Martin and Player, 2000; Liriano, 2002

Gail Jones, RAPt Head of Services, discusses the highly effective 12 Step programme with the working group

At the heart of the 12 step programme is the belief that addiction can be overcome and that those in recovery from it should play a key part in working with those locked in it. Regularly 50 per cent of the counsellors on the programme are in recovery in order to offer hope to those beginning on the journey.

Research studies have found that drug usage is cut significantly by the RAPt 12 step programme and that reconviction rates are significantly lower. One such study found that only 20 per cent of graduates and 39 per cent of non graduates were reconvicted within one year of release.[47]

Very few prisoners have the opportunity to do the 12 step course which is not available in 90 per cent of prisons.

The RAPt 12 step in action: freeing prisoners from addiction

Charlie is a 22 year old single male, he is a former heroin, cannabis, amphetamine, ecstasy and alcohol user. His father left the family when he was three years old. He was repeatedly sexually abused by a neighbour from the age of eight to 11 years old. He was badly bullied at school for many years from the age of nine, which was when he began to regularly use cannabis. At aged 10 he began to steal money from his mum and grandfather. At aged 11, he was drinking alcohol. At age 13 he began using heroin. By the age of 14, Charlie's mother was no longer able to cope with his behaviour, so she sent him away to a Children's home. He remained there until the age of 17. He loathed his time there. His crime and drug using continued to escalate. His addiction became more acute, and he progressed to using highly addictive stimulants.

Charlie began the RAPt programme shortly after his move to HMP XXX. He successfully completed the programme and has remained free from all drugs and alcohol since, the longest period since Charlie was 9 years old.

4.2.4.4 Post release: prison and community coordination

Our Review has consistently heard that current levels of coordination and communication between prison drug workers and community support services are inadequate, at best patchy. Not enough preparation is undertaken by those responsible for prison drug treatments to ensure that released prisoners are connected to effective abstinence programmes and support groups on release.

The **RAPt 12 step** is proven to reduce drug use and cut re-offending

We have also noted the recurring problem of specific release days for prisoners with a drug problem. Too often those who are in need of immediate care and support to prevent a relapse are released at the end of the week (Friday), unable to access services which close over the weekend. Instead of spending their discharge grants wisely, in consultation

47 Ramsey (ed), *Prisoners' drug use and treatment: seven studies*, Findings 186, London: Home Office, 2003, p3, citing Martin and Player, *Drug Treatment in Prison: an evaluation of the RAPt treatment programme*, Winchester: Waterside Press, 2000

with such services, many prisoners released on a Friday will purchase drugs and any progress they had made in custody will be almost immediately undone.

This was a theme of the evidence we took from drugs charity Addaction, which conducted a comprehensive survey of all its service teams in preparation for giving evidence to our Review:

> *The long-standing and easily remedied 'Friday syndrome' still persists. Too many prisoners are released when support services are unmanned or shut. This leaves prisoners alone or isolated on release and using what money they have to buy drugs instead of meeting their basic needs.*
>
> Briefing sent by Addaction to the CSJ in support of Chief Executive Deborah Cameron's evidence session

A visit to Jebb Avenue, Brixton

At about 7:30am on any weekday morning a visit to Jebb Avenue in Brixton reveals why so much of the present drugs policy in our prisons is a waste of effort and public expenditure.

Having been told about the scene described in the following paragraphs by a former governor of HMP Brixton, I went to see it for myself. If anything, the former governor had understated the problem.

Every day, HMP Brixton releases a certain number of prisoners who have reached the end of their sentences. Many of them have been through expensive drug detox and drug treatment programmes of the kind described in section 1.2.3. The released men come through the prison gate and walk into Jebb Avenue. Some of them look pleased to be free but more look confused at regaining their freedom.

A few are met at the gate by friends, family members, or representatives of VCS groups. But the majority of those released just drift away from the gate looking lonely and disorientated. No doubt a fair number of them are full of good intentions about going straight and staying clean from drugs. But the chances of them staying on the path of rehabilitation decline sharply before they have left Jebb Avenue. For at the other end of this Brixton road waiting to greet the men emerging from prison are – guess who? – the local neighbourhood drug dealers. These predators are welcoming, friendly, and eager to strike a deal with their new (sometimes old) customers. Within minutes conversations are taking place, money is changing hands, drugs have been traded and more ex-prisoners have jumped back on the conveyor belt of drug abuse and a return journey to prison. The 'Jebb Avenue syndrome' is repeated daily in and around our prisons across the country. It is sad for the individuals and bad for society. It will only be stopped when we have a determined policy of 'joined up rehabilitation', linking together treatments or courses in prison with continuous and careful mentoring after release from prison.

Jonathan Aitken

4.2.5 ALTERNATIVES TO PRISON-BASED TREATMENT

The Matrix Knowledge Group recently made assessment of the economic case for and against prison.[48] In relation to drug-addicted offenders it found that those who receive (non-custodial) residential drug treatment are 43 per cent less likely to re-offend than those given just a prison sentence. This was a 13 per cent

48 Matrix Knowledge Group, *The economic case for and against prison*, London: Matrix Knowledge Group, 2007, p7–10

improvement on those receiving prison based drug treatment, who were 30 per cent less likely to re-offend than those receiving just a prison sentence.

Although the report estimated the annual average cost of prison at £23,585 per prisoner, lower than the official government figure of £39,000, the costs of its assessed interventions make for interesting comparison.

Figure 17 outlines average costs for three broad types of drug treatment. Community based Residential drug treatment (a 13 per cent improvement in re-offending rates on prison drug treatment), was found to be significantly less expensive.

Figure 17: Cost outline by Matrix Knowledge Group for a selection of interventions

Intervention	Estimated average cost per person per annum
Residential drug treatment	£5,229
Intensive community-based surveillance with drug treatment	£8,604
Prison with drug treatment	£28,690

The Matrix Report also calculated the long term saving to the taxpayer, in terms of the model of intervention and the likelihood of re-offending, of using community based residential drug treatment rather than prison where appropriate (we reiterate however that prison must always be used as a response to certain offences). It calculated both the direct saving and the saving including fewer victim costs over time:

Figure 18: Economic savings to the taxpayer in two key treatment alternatives using the Matrix Report recommended interventions instead of prison[49]

Intervention	Saving to the taxpayer	Saving to the taxpayer plus the saving from fewer victim costs
Residential drug treatment	£88,469	£202,775
Intensive community-based surveillance with drug treatment	£41,342	£61,387

49 Ibid, p7

4.2.5.1 Residential drug treatment: The Nehemiah Project

Our Review has been impressed with the award-winning work of the Nehemiah Project. The project, running residential facilities and prison programmes in London, is changing lives and reducing re-offending.

The Nehemiah Project

The Nehemiah project has over 16 years experience working with men broken by addiction. The project, through a nine bed rehabilitation house, seeks to ensure that every man has a tailored programme of support lasting between 6–12 months and that their progress is regularly monitored by an individual key worker.

Nehemiah also has a move-on home which gives graduates of the rehabilitation programme a safe place to stay whilst they work to get back into employment and rebuild their relationships.

The fundamental aim of the Nehemiah project, above all others, is to work to keep men out of prison.

94 per cent of the men who have graduated from Nehemiah's residential rehabilitation programme have remained out of prison. Since 2001, 72 per cent of their residential rehabilitation graduates have remained free from addiction. 94 per cent of Nehemiah residential graduates who were offenders have not re-offended in the same period.

4.2.6 POLICY RECOMMENDATIONS

Without reform of drug detection, drug treatment and drug rehabilitation programmes (with the same applying to alcohol abuse programmes) there will be no meaningful reduction in the rates of re-offending.

As we have stated our prisons are awash with drugs. Smuggling is rife and the official statistics, from such interventions as MDTs, are at best misleading, at worst just the tip of a vastly underestimated problem.

Our recommendations therefore cover:

- More effective utilisation of supervised community residential drug treatment;
- Compulsory drug testing on arrival in prison;
- Improved smuggling prevention;
- A review of MDTs;
- An evaluation and review of existing drugs treatment interventions and expenditure;
- Redressing the balance of existing drug treatment towards abstinence programmes;
- Increasing the number of drug free wings in prisons;
- Piloting drugs courts within prison;
- Careful selectivity of offenders recommended for improved drug programmes on both sides of the prison wall;
- Improving communication and continuity of care after release for prisoners and ex-prisoners who have a drug problem.

4.2.6.1 More effective utilisation of supervised community residential drug treatment

While the remit of our Review is prison reform, we have been encouraged by visits to residential models of community care and abstinence rehabilitation led by organisations such as the Nehemiah Project. We call upon the government to explore the feasibility of making more use of such supervised facilities for addicted offenders and as a destination for appropriate prison leavers. We believe our proposed Community Supervised Homes for Offenders (CSHOs) model would enable the exploration of such diversion of appropriate offenders, or the transfer of appropriate prison leavers.

4.2.6.2 Compulsory drug testing on arrival in prison

At present there is no compulsory drug testing of prisoners on arrival in prison. We consider this to be a very serious and damaging omission. Although arriving prisoners are asked to disclose whether they are drug users or addicts, their answers are often untruthful. As a result, prison managements have no initial reliable data from which they can know the extent of the drug problem in their establishments. This makes it virtually impossible to form a pro-active drug treatment strategy as many prisoners who need to undergo detoxification or be put on an abstinence programme slip through the earliest possible net of detection.

We find it anomalous that compulsory powers exist for the mandatory drug testing of those who are arrested yet no such powers exist for those who are sent to prison. We believe it would strengthen the detection and treatment of drug using prisoners if all incoming prisoners were tested for drugs on first admission to prison from the courts, and on transfer from one prison to another, based on the findings and recommended methodology of our proposed review of MDTs (section 1.2.6.4). We recommend that this compulsory drug testing should be introduced as an important first step in the eradication of drug misuse in prisons.

4.2.6.3 Improved smuggling prevention

> *Combating the illegal supply of drugs in prisons is a challenge which will never be met unless real effort, will and resources are invested in tackling the problem.*
>
> *Addaction, in evidence to the CSJ*

It is our view that the overcrowding crisis and related factors have caused the Prison Service to abdicate from much of its moral responsibility and physical determination to prevent the flow of drugs into our prisons. The daily warehousing of prisoners in establishments full to bursting point leaves the Prison Service neither the time nor the will to pursue an aggressive drugs detection and prevention policy of the kind that operates in many prisons

abroad (including in the USA, Singapore and parts of Australia and New Zealand) and keeps many of their establishments relatively free of drugs.

We received very disappointing evidence from many prison professionals to the effect that it would be 'impossible' to achieve drug free prisons in the UK. We consider this a defeatist attitude which will change nothing. We instead begin our recommendations by calling for an explicit, targeted effort to introduce effective anti-smuggling measures to end the constant flow of drugs entering prison. The government must show stronger leadership by setting its aim as high as possible in the fight against drugs.

We therefore recommend a pilot study measuring the effectiveness of installing mobile phone 'jammers' in selected prisons that block transmission of incoming and outgoing mobile phone communication. The technology is available and could well save significant money in the long term.

We recommend an increase in the use of sniffer dogs to screen visitors and prisoners as well as the full installation of soft netting over vulnerable internal prison yards and open areas to prevent parcels being thrown over walls and collected.

We recommend the contracting out of drug searching and detection services to companies using the latest technologies. These technologies should include the Entry Bubble model which we observed in Australia previously noted. We recommend a particular concentration of such resources in prisons which are installing specialist drug free wings.

4.2.6.4 A review of Mandatory Drug Tests (MDTs)

The MDT system has many failings, not least its deeply flawed results which suggest that only nine per cent of prisoners take drugs.

We have heard much anecdotal evidence to suggest that many prison drug users switch their habit away from cannabis and into harder drugs as a result of MDTs. This is because MDTs can only detect heroin, crack cocaine and other opiates for up to three days after use whereas cannabis is detectable by MDTs for 28 days.

Prisoners are often adept at avoiding positive MDT results by techniques such as 'flushing' (drinking large quantities of water before a test) and 'switching' (changing urine samples). Many institutions other than prisons now operate quicker and more accurate drug testing methods than the urine sampling of MDTs. We are aware that alternative drugs testing technologies include taking hair samples, mouth swabs and blood tests and we believe it is possible to find newer less invasive methods that are widely suitable for use in prisons.

We recommend an independent scientific, medical and administrative review of the MDT system. We believe that a more accurate, more cost effective and less avoidable system of drug testing should be operated in our prisons. These tests should be taken more frequently and randomly, particularly on the drug free wings that we propose should be expanded. The establishment of a

rigorous, reliable and respected drug testing regime using the latest technologies using saliva samples, or other non-invasive tests would act as a deterrent to many prisoners who feel they can side step the present testing regime.

4.2.6.5 An evaluation and review of existing drugs treatment interventions and expenditure

It is clear from the volume of evidence we and other reviews have cited that many existing intensive prison drug treatment programmes lack comprehensive evaluation.

It is particularly important that such evaluation includes assessment of the Short Duration Programme (SDP) and P-ASRO (Prison-Addressing Substance Related Offending). We recognise that short sentence prisoners present a unique challenge in regards to drug treatment and that the SDP is an attempt to meet this challenge. But it is vitally important, given the high level of churn and re-offending caused by short sentence prisoners, that effective provision is put in place for their drug rehabilitation.

Such evaluation should be undertaken urgently to ensure that future public money is spent wisely and effectively on treatments that are proven to work.

Annual public spending on drug treatments for prisoners, at least £100 million a year, should be reviewed and the budget re-allocated on completion of the treatment evaluation we recommend. A great deal of money is clearly being wasted at present. There should be a major shift from drug maintenance treatments to abstinence-based treatments which are evidence based and more cost effective. There should be greater selectivity of prisoners receiving drug treatment. It should be recognised that most drug treatment expenditure will be wasted unless there is a continuous after care support mechanism in the community for released prisoners with drug problems. We are in no doubt that the present annual expenditure of £100 million could be spent far more effectively.

4.2.6.6 Redressing the treatment balance

We have been increasingly convinced that large sums of public money are being wasted on prison drug treatments which do not work. The notable reasons for the wastage are that:

- Very few drug using prisoners are asked whether they want to give up. They should be. For unless there is some evidence of an individuals' intention and will to stop using, huge amounts of resources will go on being wasted by the present universality of programmes and treatments by sentence planning requirements. Selectivity must be introduced (section 1.2.6.8).
- Far too many prisoners are prescribed methadone or Subutex as to maintain their drug abuse problems under the IDTS in prison, which only

maintains dependence on drugs. The mass expansion of IDTS and the increased methadone prescribing contained within it has failed to help prisoners move away from drugs, although we recognise that methadone can play a part in the initial treatment of persistent and heavy drug users in prison.

- Far too few prisoners are encouraged to go on abstinence programmes which are cost effective in the long-term; explicitly aim to get people off drugs; and are proven to have far better results in keeping prisoners off drugs and away from crime after their release.
- Not enough encouragement or incentives are given to prisoners who volunteer to cooperate with the Voluntary Drug Testing (VDT) regime.

In the light of these failings in the present prison drug treatment regime our main recommendation is that there is a radical shift in the balance of effort and resources away from maintenance prescribing and towards abstinence programmes.

Moving towards abstinence: the 12 Step and therapeutic communities

We recommend that there should be a determined expansion of the existing dedicated abstinence programmes, the 12 step programme and therapeutic communities (currently running in less than 15 prisons) to every prison in England and Wales. In doing so we refer to the calculations made in *Breakthrough Britain*, estimating that a budget of between £30 million would be sufficient to deliver a tenfold increase of 'dedicated wing' 12 step programmes across the prison estate.[50]

This rebalancing and expansion of these abstinence programmes could easily by funded from the existing NOMS and Department of Health budget allocations. Significant sums of money could be saved by our proposed switch from expensive maintenance prescription to the highly cost effective abstinence programmes.

Our CPRT proposals will make it much easier to establish a direct connection between abstinence programmes and other drug treatment schemes on both sides of the prison walls. We recommend that every CPRT area, like every prison, must ensure that it runs an abstinence based drug treatment programme within the local community which reaches out to prisoners from the time of their release onwards.

Drug free prison wings

We recommend that the number of drug free wings should be increased and properly evaluated. Self-policing, group self-motivation and support group meetings will be an important part of the wing regime. So will a highly

50 The Centre for Social Justice, *Breakthrough Britain – Volume Four, Addictions*, 2007, p465

intensified programme of extra drug testing, surveillance and increased vigilance by prison staff. All visitors to drug free wings will be more heavily screened and searched. The purpose of drug free wings is to prepare drug free prisoners for release into pre-planned continuing rehabilitation and treatment in the community. CPRTs will have a key role in establishing and maintaining these drug free wings and in running the post-release programmes which will enable ex-offenders who have been drug users to stay clean.

4.2.6.7 Piloting Dedicated Prison Drug Courts

We have been impressed by the ethos and effectiveness of Dedicated Drugs Courts. Members of our working group sat in on hearings at the West London Drugs Court and held highly-informative conversations with the judges there. We also considered international research presented by the Washington State Institute for Public Policy (WSIPP) (see box below). The most impressive feature of the new Dedicated Drugs Courts is that they often motivate offenders to take greater responsibility for their addiction and instil a continuity of judicial care into the offender's life, making re-offending and reconviction less likely.

Adult Drugs Courts – supporting international evidence

Research from The Washington State Institute for Public Policy (WSIPP), United States[51]

In response to a projected prison population increase of 20 per cent by 2019 in Washington State, the Legislature commissioned WSIPP to research and report on the efficacy and public expenditure implications of certain prison and community rehabilitation programmes. This research would inform the Legislature's strategic planning and public financial investment. During its work WSIPP evaluated existing research studies and conducted robust cost-benefit analysis for a variety of rehabilitative options.

The study found that Adult Drug Courts can reduce re-offending and generate significant public expenditure savings. The report concluded that the courts can produce an eight per cent reduction in crime outcomes.

WSIPP's cost-benefit analysis also revealed potential financial savings to society. By calculating the financial implications for victims and taxpayers that Adult Drugs Courts produced, as well as by factoring the upfront cost of the intervention itself, an overall long-term cost-benefit assessment was made. Calculations concluded that per participant, over a life-time, financial savings of $4,767 could be generated by the model.

We believe that the same judicial combination of specialised care, control, continuity, discipline and oversight would work well on both sides of the prison walls and give good opportunities for reducing re-offending among prisoners and ex-prisoners with drug abuse problems.

There are now Dedicated Drugs Courts in London, Leeds, Salford, Barnsley, Bristol and Cardiff. We recommend that the Judges for these drugs courts should be allocated a number of sitting days in the prisons closest to their courts as a pilot scheme. They should hear internal drug offence cases of serving prisoners, currently adjudicated by prison governors. These specialist

51 Aos, Miller and Drake, *Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs, and Crime Rates*, Olympia: Washington State Institute for Public Policy, 2006

Judges should, on a pilot basis, be given the powers under the governing Governor to punish substance abuse breaches of prison discipline; vary the conditions of a prison sentence; monitor treatment progress; and authorise, in consultation with the local Community Supervision and Release Board (CSRB) and governing Governor, the transfer of selected prisoners to secure community residential facilities.

These prison drugs courts would be an experimental pilot scheme and must be subject to important comprehensive evaluation. We believe however they could help to reduce re-offending in the CPRT area in which the specialist District Judges operate.

Jonathan Aitken and Professor Rod Morgan made a visit to District Judge Justin Philips (pictured) at the West London Drugs Court

In this context it should also be noted that a present prison weaknesses is that custody has become the safest place to use drugs because of the lack of consequences. Drugs charity Addaction informed us that while possession of heroin in the community attracts a significant penalty, possession in custody does not:

> *When you are already in prison, it attracts something like 28 days. So what when you are already serving years? A year ago everyone who failed an MDT was given 28 days by an outside adjudicator (judge). Now their sentence is invariably suspended.*
>
> Addaction Prison Reform briefing sent to the CSJ

4.2.6.8 Selectivity of prisoners recommended for drug treatment programmes

> *Drug treatment in prison does not take into account the needs of the client. No one ever asks 'Do you want to give up?' Attending a drug treatment programme is a condition of their Offender Assessment System (OASys) sentence planning, so prisoners are coerced into treatment or they attend treatment as a means of getting out of jail early (gaining HDC, Parole etc). This takes resources away from where they could be used to best effect.*
>
> Addaction drugs worker in evidence to the CSJ

Broaden performance management targets

The Prison Service's fixation on numerical targets results in many prisoners receiving drug treatment interventions, many of which as we have noted are poorly evaluated, even though they have no intention or inclination to stop taking drugs. This is a waste of time, effort and public money.

In the light of this we recommend that such short-term performance management targets for drug treatment should be broadened to focus on developing the quality of programmes and treatment outcomes, rather than the processes and level of prisoner engagement.

Voluntary engagement from prisoners

We also recommend that the principle focus of drug rehabilitation programmes should be concentrated on those prisoners who have demonstrated willingness to be changed by rehabilitation.

We were impressed on a visit to HMP Brixton in December 2008 to learn that 483 of the 800 inmates were cooperating with Voluntary Drug Tests (VDTs). The officers running the VDT scheme in Brixton told us that when modest incentives were offered to former drug users – such as the issuing of certificates to those who had achieved five successive negative VDTs – then the chances of a prisoner staying clean increased.

These same officers said that if it could be possible to introduce small financial incentives for prisoners who established a record of testing negative on their VDTs (such as a £5 phone card after five negative tests) the numbers of those staying clean for long periods would be likely to increase. Unfortunately this imaginative legislation was vetoed by senior officials at HMPS Headquarters.

We recommend that in selected prisons a scheme of small financial incentives for clean VDTs should be piloted. We believe that in many areas local charities and support groups (such as rotary clubs or churches) might be willing to fund the cost of such incentives. Alternatively the cost to public funds would be small. For example if 500 prisoners a year established six months of clean VDT results this would cost £2,500 in a prison in phone care incentives.

4.2.6.9 Improving communications and continuity of care after release

The importance of good communications and information sharing between drug teams and services on both sides of the prison gate must be emphasised and prioritised. We hear that there are frequent coordination failures between prison staff and CARAT teams on vital matters such as preparation for release dates. There are also failures by the CARAT teams to keep fully informed about community based services led by Drug Action Team (DATs).

We were impressed by the services offered to released prisoners by the charity Addaction in Newcastle and Manchester. The Addaction centres in these cities work closely with drug misusing ex-prisoners to ensure that they receive the right treatment and support in other areas of their often chaotic lives such as housing, debt advice, employment and family relationships.

At present continuity of treatment and after care provision for release prisoners with drug problems is a post code lottery. In some areas of the country this after care is effectively non-existent. In other areas it is a good service.

We recommend that every new CPRT has a formal in-reach service, led by the local DAT, which will provide the vital link of continuity between community-based drug treatment services and in-prison drug services. In a CPRT area where this service is working well, prison in-reach workers will make sure that every prisoner with drug problems has an effective care plan and support arrangement in place before his or her release.

Under our Review's CPRT proposals a representative of the local DAT should sit on the CPRT board of management and have an influential voice in the allocation of resources for drug treatments.

We also recommend that prisoners with a known substance abuse problem should be released between Monday and Thursday. This should be done to counteract the persistent, unnecessary and hindering 'Friday syndrome' which we have noted.

4.3 Alcohol in prison

4.3.1 A PROBLEM FOR SOCIETY

Alcohol abuse is damaging people in society and people in prison.

There were more than 8,700 recorded alcohol-related deaths in 2007, a reduction on the previous year but double the number in 1991.[52] Alcohol misuse is estimated to cost the health service between £1.4 and £1.7 billion a year: in 2006/07, there were 207,788 hospital admissions in England with a primary or secondary diagnosis specifically related to alcohol, more than double the 93,459 in 1995/96.[53] Broader costs of alcohol abuse, including its impact on the criminal justice system, are estimated to be between £18–20 billion a year.[54]

A quarter of hospital admissions are alcohol related

As drugs fuel acquisitive crime in England and Wales, alcohol fuels violent crime. It is linked to 45 per cent of cases of violent crime, including in almost 60 per cent of cases of stranger violence and more than 60 per cent of cases resulting in minor injuries.[55]

As a consequence of high levels of alcohol fuelled crime, our prisons are incarcerating binge drinkers and alcoholics whose crimes were alcohol related.

4.3.2 A PROBLEM IN PRISON

Prisoners often have, or develop, dependencies on alcohol. 65 per cent of sentenced male prisoners and 40 per cent of sentenced female prisoners had a hazardous drinking problem just prior to entering prison. Of these, half have a severe alcohol dependency.[56]

4.3.2.1 Alcohol production in prison

Recent surveys in four male and female prisons show that over the space of only two or three years the number of prisoners admitting to an alcohol problem had risen three or four fold. In two of those prisons this was the

52 The Office for National Statistics, *Alcohol Deaths – Rates stabilise in the UK*, 27 January 2009, http://www.statistics.gov.uk/cci/nugget.asp?id=1091 [accessed 18/02/09].

53 The NHS Information Centre, *Statistics on Alcohol 2008*, The NHS Information Centre, p2

54 Home Office, *Departmental Report 2007*, London: Home Office, May 2007, p27

55 Home Office, *Crime in England and Wales 2007/08*, London: Home Office, 2008, p76

56 Office of National Statistics, *Substance Misuse amongst prisoners*, London: Office of National Statistics, 1999

case for nearly half the prisoners. It is remarkable that there has been so little investment in alcohol services, either in the prisons or in the community.

HMCIP[57]

Alcohol consumption in prison is not a modern problem, nor is its production, but it has however for too long been neglected. To a large extent alcohol in prison, and its impact, has not been taken seriously enough by prison leaders.

An informal survey of 30 prisoners engaged in alcohol courses conducted by a prison volunteer for this Review found unanimously that it remained 'very easy' to obtain, make or consume 'Hooch' (alcohol) regularly in prison. We note that although mass prison production is almost impossible due to its visibility, it can be made on a scale large enough to cause damage and fuel addiction.

> "There are no specific accredited alcohol treatment programmes with ring-fenced funding in prisons in England and Wales."
>
> *Prison Reform Trust*[58]

A prisoner, who represents many thousands of others attempting to deal with alcohol addiction in prison told our Review that:

It's been difficult as every prison I've been in, in the last three years, someone I socialise with is always making it.

A serving prisoner in evidence to the CSJ

Websites now offer a step-by-step guide to production. Internet search engines instantly provide recipes, tips and ideas for production.

The amateur nature of prison production also increases the vulnerability of those who consume it. Much of the Hooch made is unsafe:

It's dangerous to drink it, because you don't know how strong it is.

A serving prisoner in evidence to the CSJ

Some people make Hooch in prison, they are fools to say the least. That stuff nearly killed me on two occasions. I've lost five mates because of it.

A serving prisoner in evidence to the CSJ

4.3.3 AN ALCOHOL STRATEGY?

I walked out of someone's cell carrying a mug full of the stuff. I walked straight into a screw, spilt it all. He didn't say anything.

A serving prisoner in evidence to the CSJ

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57 Dame Anne Owers, *06/07 HM Chief Inspector of Prisons for England and Wales*, Annual Report, London: HM Inspectorate of Prisons, January 2008, p6

58 Prison Reform Trust, *Bromley Briefing – June 2008*, London: Prison Reform Trust

In its report on Addictions in *Breakthrough Britain*, The Centre for Social Justice was highly critical of government policy in response to the growing costs, both financial and health-related, of alcohol abuse in Britain:

> *By contrast with its highly interventionist approach to drugs policy, the government's approach to the 'alcohol problem' has been remarkably laissez faire. Whilst willing to legislate on alcohol to liberalise licensing laws, it has given no signal that it views alcohol as a potentially dangerous commodity. From a public health perspective this is disturbing: under the Labour Government we have seen increasing levels of harm due to alcohol, and a growing culture of drinking especially amongst young people. Yet there has been no equivalent government spend on, or policy commitment to, either the treatment of alcohol dependency or to the control of its harms.*[59]

At both governmental and individual prison level, alcohol is not taken seriously enough. For too long alcohol abuse in prison has, as in wider society, been dismissed as unimportant and even comical. The HMPS Alcohol Strategy published in December 2004 is widely acknowledged to be insufficient and ineffective. Since publication it has been under-resourced and badly coordinated. In its *Breakthrough Britain* report The Centre for Social Justice concluded that:

> *The 2004 Alcohol Strategy is completely inadequate; its total lack of earmarked funding or resources has left prisoners with an alcohol addiction effectively excluded from treatment.*[60]

Dame Anne Owers was equally forthright in her analysis of prison provision and attitudes towards alcohol within last year's annual Inspectorate report:

> *There were still no earmarked services for alcohol. Some CARAT teams did work with primary alcohol users, and a few had a dedicated alcohol worker – but there was no consistency of service or support throughout the prison estate. Most prisons were developing a local alcohol strategy, despite the absence of dedicated funding, but strategies were often oriented towards testing, rather than treatment. We came across only one example of an integrated alcohol strategy, developed in partnership with the community, which was on the Isle of Wight.*[61]

HMCIP found that where alcohol strategies do exist, they focus on the detection of the problem rather than treatment of the problem. An effective

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59 The Centre for Social Justice, *Breakthrough Britain*, July 2007

60 Ibid

61 Dame Anne Owers, *06/07 HM Chief Inspector of Prisons for England and Wales, Annual Report*, London: HM Inspectorate of Prisons, January 2008, p37

balance in the allocation of sparse resources must be met. Testing is vital in the battle against alcohol in prison, but not to the detriment of effective treatment.

There is a tremendous inconsistency of alcohol treatment across the prison estate. Beyond the clinical alcohol detoxification available in all local and remand prisons, it is difficult for prisoners to access effective courses of intervention. Only 67 per cent of prisons run Alcoholics Anonymous (AA) groups, one offers a 12 step programme,[62] a 90 minute alcohol awareness session forms part of the new IDTS roll out (to 50 prisons) and if a prisoners' alcohol abuse is related to wider substance abuse then some drug treatment interventions may be accessible. While our Review welcomes the recent piloting of a new intensive Cognitive Behavioural Alcohol programme in four prisons, we consider the ongoing patchiness of alcohol treatment highly inadequate.

However, we have encountered a few encouraging examples of unsung local voluntary sector organisations running programmes in this field. One such example is a small but effective family-led charity called 'Beyond the Gate' working to support those with alcohol problems. The project leader is reimbursed only for her petrol costs by HMPS, ensuring that she must receive pension credits to cover living costs.

Beyond the gate – the You Decide course

Beyond the gate is a family led organisation delivering back-to-back alcohol intervention courses in four prisons across South West England. The eight week course, You Decide, is in process of accreditation and independent evaluation. It has been written by a former teacher impacted by alcohol abuse, who is now living on pension credits to facilitate the work of the organisation. The course uses cognitive and dramatic therapy to help prisoners break free of alcohol addiction and abuse.

On completion of the course a prisoner is offered an opportunity to return as a mentor working with a new group of prisoners in future You Decide sessions. Beyond the Gate also provides post release mentoring to help graduates find accommodation and employment as well as performing a play in prisons in partnership with Exeter University Drama Department. They are restricted only by very limited support and resources.

The story of a recent You Decide graduate

Tom is 25 and will shortly complete his fifth prison sentence. Before adult prison he spent time in Pupil Referral Units and Young Offender Institutions. For the last two years he has utilised his time in prison by gaining qualifications, working for Information and Guidance, volunteering as a Toe by Toe mentor (see section 6.1.3.1) with prisoners who cannot read and working as a 'Listener' through the successful and effective Samaritans scheme.

Beyond the Gate has found him housing with a local Housing Association. He will also be Beyond the Gate's first ex-offender to work in local schools delivering a preventative programme about 'high risk behaviour'.

62 Figures taken from Hansard, House of Commons written answers, 11 December 2008

4.3.4 POLICY RECOMMENDATIONS

4.3.4.1 A higher priority in prisons

Alcohol abuse is one of the most significant causes of crime yet rehabilitative work among prisoners with alcoholic tendencies is one of the lowest priorities of NOMS/HMPS.

We recommend that far higher degree of priority and emphasis should be urgently given to a rehabilitation strategy for the 65 per cent of male prisoners and 40 per cent of female prisoners who admit to hazardous drinking prior to imprisonment.

Expenditure on alcohol specific interventions, such as AA groups and successful pilots should be rebalanced to provide necessary treatment for the many prisoners with an alcohol problem.

We also recommend that the pilot courses currently running be properly resourced and immediately rolled out to all prisons if they prove to be effective in evaluation. These courses should recognise and meet the needs of both alcoholics and poly-users (alcohol and drug abuse) as we have heard anecdotally that such use is neglected, and on the rapid increase in many prisons.

All this must be led in the context of a new, wider recognition at government level of the dangers of alcohol and Britain's thriving 'binge' drinking culture. Policy-makers must take alcohol abuse more seriously. For unless it is tackled, along with the culture in which it thrives, prison will continue to pick up the pieces of damaged lives, young and old.

4.3.4.2 Alcohol production in prison

We recommend that more attention be given to ending the production of alcohol in prison. We understand that much of the production is small-scale and ultimately proves relatively harmless to those who consume it, but we have also heard that for prisoners locked in alcohol abuse, its production and sale can be extremely unhelpful.

Each prison Governor should therefore ensure that more attention is given to prisoners suspected of alcohol production. Prison officers on the wing should be more diligent and better supported in carrying out random cell inspections for suspected, or reported, alcohol production and trade.

4.3.4.3 Enabling voluntary and community sector organisations

As with many areas of prison rehabilitation, the care of prisoners and former prisoners battling against alcohol abuse is vocational work well suited to local VCS organisations. Therefore, as well as local branches of AA, small specialist community charities such as Beyond the Gate should be resourced adequately and urgently by improved financial assistance, beyond petrol expenses, as they work and travel to provide in-prison support. Under our proposed CPRT reforms far greater priority will be given at a local level to prisoners and ex-prisoners whose abstinence from alcohol could be a crucial factor in preventing their repeat offending.

4.3.4.4 Continuation of care

We recommend that CPRTs, replacing NOMS, should ensure there is effective communication and connection links between support in the community and offenders who have attended such groups while in prison. Too often we hear about prisoners who have made significant progress in dealing with their alcohol addiction only for it to be undone within just a few days, sometimes hours, of release.

4.3.4.5 In summary

We recommend a major overhaul of the policies and practices towards drug and alcohol abuse in prison. The priorities should be:

- More effective utilisation of supervised community residential drug treatment;
- Compulsory drug testing of all prisoners on admission to a prison;
- A far more determined effort to prevent drugs coming into prison and the introduction of improved anti-smuggling practices including better detection methods and the use of new technology;
- A review of the MDT system and the introduction of better drug testing technologies to replace urine testing;
- A thorough evaluation and review of existing intensive drug treatment interventions, particularly those aimed at short sentence prisoners, and drug treatment expenditure;
- A cultural and policy change in drug treatment of prisoners away from drug substitutes such as methadone and Subutex and towards a much heavier concentration on abstinence regimes such as the RAPt and Pheonix 12 step programmes and therapeutic communities as well as drug free wings;
- The introduction of Dedicated Drugs Courts and their Judges into prisons on a pilot or trial basis;
- A careful selectivity of prisoners recommended for drug treatment programmes; an encouragement of the Voluntary Drug Testing scheme and an ending of the present universality of treatment encouraged by the Offender Assessment System (OASys) and other sentence plan requirements;
- Improving the communications between prison staff, CARAT teams and community services (the object of better communication and information would be to ensure that every prisoner with drug or alcohol problems has effective care plan and support arrangements in place before release);
- Putting alcohol abuse as a cause of re-offending on the same level of priority as drug abuse and drug treatment by HMPS/NOMS and the new CPRTs.

FIVE
Supporting families

A stable family relationship is one of the most important factors for a prisoner in terms of where they go and what they do when they walk out of a prison gate. The support of a family offers a prisoner hope for a better life after a sentence, and the prospect of a home, and this in turn provides a significantly better chance of getting and keeping a job. It is therefore in all our best interests as a society to ensure that prisoners and their families maintain contact during a prison sentences, and that we invest in developing their parenting and relationship skills.

Andy Keen-Downs, Director, Prison Advice and Care Trust (PACT) in evidence to the CSJ

5.1 The family

Both *Breakdown Britain* and *Breakthrough Britain* detailed the extent to which, despite so clearly enriching society, the concept of family is under attack and in decline in Britain. The increase in family breakdown has far reaching consequences. *Breakdown Britain* estimated costs to the taxpayer of well over £20 billion per annum;[1] we know that 15 per cent of babies are now born without a resident father;[2] and that 70 per cent of those in Young Offenders Institutions are from lone parent families.[3] In *Breakthrough Britain* The Centre for Social Justice (CSJ) also highlighted how the current government presides over a tax and benefits system that encourages couples to live separately by offering them more money if they do so.[4]

The CSJ made crucial recommendations to strengthen families because it concluded that the erosion of family was central to the increase in social breakdown. The recommendations we make at the end of this chapter aim to

1 The Centre for Social Justice, *Breakdown Britain, Fractured Families*, December 2006, p68
2 Kiernan and Smith, *Unmarried parenthood: new insights from the Millennium Cohort Study Population Trends*, 114, London: Office of Population, Censuses and Surveys, 2003, pp26–33
3 Youth Justice Board, *Annual Review 2001/2002 – Building on Success,* London: Youth Justice Board, 2002
4 The Centre for Social Justice, *Breakthrough Britain Volume 1: Family Breakdown*, July 2007

support the families of prisoners and to reduce re-offending. We also hope they will further those made in *Breakthrough Britain* and help to reverse the decline of our most important institution.

5.2 Overlooked and ignored

> *The moment they sent my son to prison was the moment they sent our whole family to prison…something needs to be there for the family, we are as important as the prisoner, but we are often left to do the sentence on our own.*
>
> A mother giving evidence to the CSJ

Approximately 160,000 children experience the imprisonment of a parent a year. This is approximately two and a half times the number of children in care. Within five years it is estimated by the Government that this number could increase to 200,000.[6] The number of children who suffer the imprisonment of a parent in a year is now comparable to the number of children who experience the divorce of a parent.[7] Too often however, children in the former group suffer in silence.

Seven per cent of all primary school aged children will see a parent imprisoned during their school years[5]

There are, as with many areas of intervention identified within our report, notable examples of good practice across the prison estate in supporting families. Visits to HMP Pentonville and HMP Belmarsh uncovered pioneering partnership between HMPS and the voluntary sector which we highlight in this chapter.

Notwithstanding these there is still much more work to be done. A recently published government report, *Children of Offenders review*,[8] makes the stark admission that children of prisoners were treated as an 'invisible group'. The report stated that:

- There is no transparent, shared, robust data on this group. **We do not know who is a child of a prisoner**, where they live or which services they are currently accessing.
- Local authorities have no picture of the current demand for support, **prisons do not know which prisoners have children**, and we do not know how many children are in care as a result of imprisonment.
- Where information is collected, it is patchy and not systemically shared.

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5 HM Government, *Every Child Matters – Green Paper,* London: The Stationery Office, 2003, p43

6 Department for Children Schools and Families and Ministry of Justice, *Children of Offenders Review*, London: Department for Children Schools and Families, 2007, p7

7 Action for Prisoners' Families, PACT, PRT, Clinks, *Parliamentary Briefing – The children and families of prisoners: recommendations for government*, 2007, p1

8 Department for Children Schools and Families and Ministry of Justice, C*hildren of Offenders Review*, London: Department for Children Schools and Families, 2007

- Every school in the survey reported that they **'ought'** or **'need'** to know which children had a parent in prison.

5.3 Supporting families to reduce re-offending

We do not approach the subject of supporting the families of prisoners with naïve sentimentality. Some families encourage law breaking. In other cases criminal behaviour may have been influenced, at least in part, by the breakdown of relationships. There are prisoners who may never have known life within a family unit. But for many other prisoners, a desire to be reunited with their spouses and children in a law abiding family relationship is one of the strongest influences towards rehabilitation.

Michael Schluter and Martyn Eden met with the CSJ to call for more emphasis on core relationships in rehabilitation

Evidence shows that if prisoners receive visits from their family they can be twice as likely to gain employment on release and three times more likely to have accommodation arranged as those who do not receive any visits.[9]

Recent evidence published by the MOJ further supports this. In October 2008 the MOJ found that prisoners who received visits from a partner or family member were significantly less likely to re-offend. This particular study found that the re-offending odds were up to 39 per cent higher for prisoners who had not received any visits.[10]

Providing support for families of prisoners is not just a matter of decency. It can be an essential ingredient in reducing re-offending and protecting communities.

Nearly **40 per cent** of ex-prisoners we polled said visitors found it **'fairly difficult' or 'very difficult' to organise visits**[11]

5.4 A child's perspective

> *The children of prisoners are forgotten but they are just as much the victim of a parents' crime as the person who was stolen from, burgled or supplied drugs to.*
>
> A parent in prison[12]

Children face hard realities when visiting a parent in prison

The CSJ recently published two landmark reports, one in partnership with The Smith Institute written by Iain Duncan Smith MP and Graham Allen MP, regarding the

9 Niven and Duncan Stewart, *Resettlement outcomes on release from prison 2003*, London: Home Office, 2005 pp1–5

10 Ministry of Justice, Research Summary 5, Factors linked to re-offending, 2008, p6

11 The Centre for Social Justice, YouGov polling, June 2008

12 Speaking on PACT's recent promotional video

importance of the early years and effective, targeted early intervention during childhood.[13] Both reports presented irrefutable evidence, including international neuroscientific work, which found that failure to intervene early in the lives of our most vulnerable children stunts their brain development; renders them far more likely to fail at school and in social relationships; and increases their risks of developing patterns of criminal behaviour. The reports concluded that it is possible to accurately predict at three years old a person's likely outcomes at 26 years old and makes several vital recommendations for change. We believe that policy-makers should put these calls to action at the forefront of their minds as they consider supporting the families, and importantly children, of prisoners.

For experiencing the imprisonment of a parent, justly or unjustly, is always damaging for children in some regard. Whether by saying goodbye in court before sentencing, visiting prison for the first time, witnessing the increased pressure on their other parent or entering the care system, the imprisonment of a parent often has a deeply significant and negative impact on children.

Studies have found that the increase in emotional strain on children with a parent in prison mean that they have a risk three times higher than that of their peers of developing mental health problems and engaging in anti-social behaviour.[14] The Social Exclusion Taskforce also found that such an experience was particularly damaging for boys with a parent in prison. It cited research which found that 65 per cent of boys with a convicted parent will themselves go on to offend in later life, thus increasing the likelihood of future crime in our communities.[15]

5.5 Existing support for families of prisoners

Visits and Children's visits are a lifeline. Prisoners held on remand are permitted up to three visits a week and convicted prisoners a visit approximately every two weeks.

We have heard that prison Governors receive no specific funding to meet the costs of family support work, parenting or relationship courses, providing family visitor centres, supervised play areas or resettlement support for families. Any family provision must come from a Governor's already stretched and shrinking general prison budget.

Visiting Orders (VOs) are the means by which family and others can arrange to visit a prisoner. They are given to a prisoner soon after reception

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13 The Centre for Social Justice, *The Next Generation – a policy report from the Early Years Commission*, September 2008 and The Centre for Social Justice & The Smith Institute, *Early Intervention: Good Parents' Great Kids, Better Citizens*, September 2008

14 Murray J, Research on the effects of parental imprisonment on children, section of SCIE report written by Joseph Murray, not published – cited in Department for Children Schools and Families and Ministry of Justice, *Children of Offenders Review*, London: Department for Children Schools and Families, 2007, p5

15 Cabinet Office Social Exclusion Taskforce, *Reaching Out – Progress on Social Exclusion*, London: Cabinet Office, 2005, p7

into custody and are sent by the prisoner to invite someone to visit. Close relatives are then able to apply for assistance in financing their prison visits through the Assisted Prison Visits scheme (APV). This support is only available to those with qualifying incomes[16] however and we have heard that despite some excellent literature published by VCS organisations such as *Action for Prisoners' Families* and *PACT*, many families remain unaware that such support is available for them.

Working group visit to HMP Pentonville Visitor Centre, from l-r is Andy Keen-Downs (Chief Executive PACT), Nick Walmsley (Deputy Head of Prisoner Care HMP Pentonville) and prison officer Dave Munday

5.6 Prison facilities

HMPS expects that visitors should have somewhere to wait before a visit, access to a toilet, and access to some form of refreshment facility. Many prisons go beyond these basic expectations but in some cases these waiting areas range from mock bus shelters to 'portakabins' outside the prison gate. These make-shift facilities only add to the nervousness and isolation family members, and general prison visitors, experience.

PACT at HMP Pentonville

The PACT Visitor Centre at HMP Pentonville is offering a lifeline to families who arrive, often apprehensive and discouraged, to visit relatives in prison. This is one of 11 such centres managed by PACT around the prison estate.

The team of trained volunteers at HMP Pentonville provide information, advice and guidance to family members arriving for a visit.

Alongside the dedicated work of PACT staff at HMP Pentonville is the valuable support of enthusiastic prison staff. The excellent attitude of many prison staff, evident during our visit, ensures that the daunting experience of entering prison is more positive than it would otherwise be for family members.

PACT forecasts that in 2008/09 more than 110,000 people, on over 75,000 prison visits, will make use of the Visitor Centre. Furthermore, over 10,000 children a year make free use of PACT's well-stocked and supervised play area within the prison visits hall.

Cost benefit analysis demonstrates that it costs less than £1 for every person who PACT support through the process of the visit and slightly over £1 for every prisoner visited. That £1 makes a great difference.

Supporting family relationships is essential to reducing re-offending. More positive partnership with the voluntary sector like we have here will help us make a real difference.

Nick Walmsley Deputy Head of Prisoner Care, HMP Pentonville in evidence to the CSJ

16 http://www.hmprisonservice.gov.uk/adviceandsupport/keepingintouch/assistscheme/ [accessed 19/05/2008]. Qualifying incomes defined as follows: people receiving Income Support, Income-Based Job Seeker's Allowance, Child Tax Credit or Working Tax Credit with Child Tax Credit or Working Tax Credit with a disability element (in all cases annual income as shown on the award notice must not exceed £16,642), Pension Credit, help with healthcare costs because you have been awarded a HC2 or HC3 certificate.

Over 50 per cent of friends and family relatives of ex-prisoners we polled said they **did not feel supported** by the Prison Service during the period of sentence[17]

However, due to the key work of voluntary sector charities such as PACT, Visitor Centres have been set up and run independently onsite in some prisons. These are well-equipped and furnished, offering visiting family members the opportunity to be given support, information about prison and about prison visiting.

Prisoners meet visitors in the visit hall. Although in some prisons children's play areas are managed by volunteers and prisoner artwork brightens the walls, many visit halls can be basic, bare and chaotic places. Many do not offer sufficient levels of comfort for families to interact as normally as possible with each other.

5.7 The impact of prison overcrowding on family relationships

> *…My wife and I took the view from the outset that as well as a parental and moral duty to visit and keep in contact with him, if [our son] were to have any hope of rehabilitation ensuring that there is never ever a repeat of this situation, we believed regular contact would help in this, in that he must see some hope for the future, and a belief in self-worth.*
>
> *Despite the fact that we are both retired and live in Yorkshire we visited him on average once every two weeks whilst he was in HMP 'X' (over 200 miles away), however three months ago he was transferred to HMP 'X' (over 280 miles away), which in short makes any regular visits nearly impossible. I would add that we have contacted all the relevant authorities and organisations with results ranging from no reply to 'very little we can do'. Furthermore my son has been advised by a member of the prison staff that the prison authorities take a 'dim view' of this type of interference…*
>
> A written submission to the CSJ from parents of prisoner from Yorkshire

This account sent to us by two parents trying to support their son represents thousands of others. The 'churn' of prisoners is disrupting the attempts of many families to visit and play their part in rehabilitation.

As thousands of prisoners are moved around the estate, families encounter great difficulty in keeping informed and in contact. Even when families have been able to locate a prisoner, booking a visit can present a huge challenge:

> *It took me 16 days to find my son in the system. When you are desperate to speak with your son who has been sent to prison 16 days feels like a*

17 Ibid

lifetime. I had promised to contact him straight away but he was moved without notice. By the time I spoke to him he thought I had disowned him or forgotten to call.

A mother of a recent prisoner in evidence to the CSJ

I had to call 120 times before I got through to someone at the prison and could book a visit.

A father of a serving prisoner speaking at the Agenda for Action parliamentary briefing

In 2000, as the prison population was rapidly increasing, a report by criminal justice charity Nacro found that 43 per cent of sentenced prisoners and 48 per cent of remand prisoners lost contact with their families after entering prison.[18] As the population and estate churn have increased, it is likely these percentages have also.

Another implication of mass overcrowding is the distance many prisoners are held from their registered home address, making it very expensive and challenging for those planning to visit with any regularity. Latest figures show that the average distance from home for male prisoners is 49 miles, for women prisoners 55 miles. Around 11,000 prisoners are located over 100 miles from home.[20]

Nearly **50 per cent of friends and family relatives of ex-prisoners** we polled said there was not enough recognition given to such relationships during preparation for release and resettlement[19]

There is a real difficulty in maintaining family ties if the prison you're in is far from your family home.

A former prisoner in evidence to the CSJ

Even if close relatives qualify for APV, traveling a distance of over 100 miles, even over 50 miles with any regularity (and with children) is a significant challenge at an already deeply stressful time.

5.8 Voluntary and community sector support

The role of well equipped, motivated and high quality voluntary sector organisations is particularly pertinent in supporting families of prisoners.

Below we highlight a further three examples of innovation in this field through the excellent work of Pecan, Safe Ground and Time for Families.

18 The Centre for Social Justice, YouGov polling, June 2008

19 Nacro, *The forgotten majority*, London: Nacro, 2000

20 Hansard, House of Commons written answers, 31 January 2008, (Distance from home is calculated using either home address, which is held for approximately 45 per cent of prisoners, or where no home address is listed the committal court used a proxy)

Pecan Family Support Workers

When Mary first called Pecan, she was clearly distressed about her husband's imprisonment. Although Mary's partner had already served part of his sentence, she had received little support, was feeling isolated and was suffering from depression, triggered mainly by her partner's imprisonment and the sudden death of a close relative. Mary had been given one of Pecan's leaflets at the prison visitors' centre when Pecan staff were there, but had not wanted to talk about her situation at that time.

Once Mary had called Pecan and was able to share more of her situation, Pecan's Family Support Workers were able to arrange an initial meeting where they listened to Mary and could put in place some support for her. Mary is not only finding her partner's imprisonment difficult, but because of the nature of the offence, many of Mary's friends and family members are no longer wanting contact with her which is impacting further on her loneliness and isolation.

Mary's needs are multiple and complex. This made it even more necessary for Pecan staff to prioritise Mary's needs. This helped to relieve some of the pressure which Mary was experiencing. In some cases (such as debt and advice on her partner's sentence), where specialist help was needed, Pecan were able to refer Mary to other agencies with whom they have an established working relationship. They also were able to meet with a member of the prison's resettlement team, on Mary's behalf and with her permission, to establish the areas where her partner would receive help.

Pecan members of staff continue to meet with Mary on a regular basis and will do until such time as Mary feels sufficiently empowered to tackle situations which she may face. Mary has been put in touch with a group of prisoners' relatives who meet regularly. Mary still remains vulnerable, as she is only at the beginning of a long journey, but she has already made a lot of progress in a short space of time. Recently, when one of Pecan's family support workers phoned Mary, she was doing some housework, which Mary had previously been concerned about because she had lost motivation to do these everyday tasks.

Time for Families – Building Stronger Families

Time for Families, a charity working in prisons for more than four years, has delivered its six day Building Stronger Families course to over 1,000 people in six prisons.

The course works with prisoners and their partners to address issues such as communication, parenting skills, money, living together and avoiding re-offending. It proves popular with both prisoners and staff.

A personal story of Time for Families in action

John and Rebecca were finding life extremely difficult. John, remanded in prison for 12 months, found prison very hard. He shut down emotionally. He missed the birth of his daughter. Rebecca had post-natal depression after having the baby and had three other children to cope with. They were both unable to communicate their feelings to each other resulting in doubts and suspicions on both sides. When they started the Building Stronger Families course their relationship was at breaking point.

However the course immediately gave them an opportunity to share their feelings and to release some of the unspoken tension between them with the help of the course facilitator. Their relationship flourished during the course and a great weight was lifted. After completion of the course they came back to help deliver the teaching to new couples, their relationship saved and immeasurably strengthened.

John was found not guilty when his case came to court. Time for Families remains in contact with John and Rebecca. Their relationship has gone from strength to strength. Two years on John has found employment, they have another baby and they are engaged and plan to be married soon.

Safeground are educating prisoners and saving families (photo Warwick Sweeney)

Safe Ground

A Prison Reform Review visit to HMP Belmarsh, to see the family and relationship work of Safe Ground, helped to illustrate the importance of such provision. We attended a graduation ceremony in which 15 prisoners performed a version of Oscar Wilde's *The Selfish Giant* for family members, and spoke about what they had learned on the *Family Man* course.

Safe Ground, leading the *Family Man* and *Fathers Inside* courses in over 23 prisons in England and Wales, has worked with more than 1,800 prisoners since 2002. The *Family Man* course we visited challenges male prisoners to think more about their family, teaches them new parenting and relationship skills and helps them prepare for engaging again in full-time family life on their release from prison.

The courses Safe Ground leads, in partnership with other VSC organisations, have been proven to make a significant difference and improvement to prisoner attitudes and behaviour. We can support this independent evaluation with a piece of anecdotal evidence. During our visit the graduation ceremony was interrupted by a participating prisoner who proposed to his girlfriend, speaking about how the course had challenged him about commitment and what matters in life. (Thankfully she said yes!)

The work of Safe Ground, lead by Antonia Rubenstein, is assisting families damaged by the crime of a member and the resulting prison sentence. In doing so this work is helping to strengthen society and reduce re-offending.

Safe Ground has produced a very good course. I recommend it to everyone, especially those who tend to cut themselves off in prison.

Family Man graduate

5.9 Policy recommendations

While noting examples of good practice, we believe that significantly more must be done to equip, support and empower families to play their important role in the rehabilitation of prisoners. Many relationships breakdown under the strain of a custodial sentence and as noted, 160,000 children (and increasing) a year experience the imprisonment of a parent.

We hold that family relationships, where they can be encouraged and nurtured, should take their place as a key pillar in the attempt to enable successful resettlement of those leaving prison back into the community, and therefore reduce existing high-levels of re-offending.

Many small yet significant changes could be introduced to improve circumstances for family members of prisoners.

We acknowledge the excellent parliamentary briefing, the Agenda for Action, produced by Action for Prisoners Families, PACT, Clinks and the PRT.

Many of our proposals support those made by this widely-welcomed, pioneering document.

Our proposals aim to reverse the inconsistency across the prison estate and through them we hope to share the good practice we have encountered. We consider the local CPRT structure proposed in section 2.8.1 as a new opportunity to ensure this will happen.

5.9.1 ON ARRIVAL IN PRISON

- On arrival into custody every prisoner should be required to disclose essential family information to the prison officer conducting the initial welfare assessment. This disclosure should be verbal to ensure there is no disadvantage for prisoners unable to read or write. This information must then be recorded and shared via the channel of communication recommended below. The current situation, which results in prison managements being without knowledge as to which prisoners have children, is undesirable. Prisoners must be encouraged to disclose information about their dependents in the best interests of the children.
- On reception into custody an information sharing channel should be opened between the prison and the local authority of residence for the children of the prisoner, in order for the appropriate and necessary support mechanisms to be triggered. Family information disclosed during the initial prisoner assessment on arrival at the prison should be passed by the prison welfare officer to an agreed local authority Children's Services officer. Of particular importance is the need for schools to be made aware of any children who experience the imprisonment of a parent or guardian. This new information sharing is essential in view of the urgent need to develop effective early intervention and support for our most vulnerable children in their earliest years. This information channel should also incorporate local authority Council Tax and Benefit workers. Information sent via this channel must be updated to accommodate the tremendous level of daily churn across the prison estate. Data collected should be transparent and shared between relevant agencies where helpful.
- An informal, family-friendly pack should be sent to an identified family member of each new prisoner detailing relevant prison information and notice of HMPS support schemes, particularly the APV Scheme. Updated prison information should be sent immediately if a prisoner is moved in order to prevent loss of contact or confusion about location.

5.9.2 MAINTAINING CONTACT

- The innovative and simple *My Visit* booklet, launched recently in partnership between HMP Wormwood Scrubs and PACT, should be made available to every prisoners' family, triggered by the disclosure of family information during the initial welfare assessment of a prisoner on arrival into custody.

- The visit booking process should be modernised across the prison estate. In every prison it should be possible for a family member to apply for a new visit in person at the end of a current visit, as well as via a new secure online facility which should be established. Telephone booking lines for visitors should be properly managed and regularly monitored, which we have heard currently is often not the case.
- Every prison should have a clean and welcoming visitor centre in the immediate locality to help families prepare for their often daunting prison visiting experience. Where possible these centres should be managed by the voluntary and community sector aiming for the high standards of the Visitor centre at HMP Pentonville mentioned in section 5.6. These centres are a lifeline for parents and children. They are also highly beneficial to prison staff.
- Our Review has heard, and common sense would suggest, that telephone calls to family members can be extremely helpful in maintaining family relationships and encouraging prisoners to work hard in their rehabilitation. A telephone 'Favourites' scheme should be established by British Telecom which allows regular outgoing calls made to one identified family telephone number, to be charged in line with standard local tariffs rather than the existing expensive rates.
- An additional family or children's visit should be allocated each month for prisoners who demonstrate a genuine interest in maintaining strong family ties through regular and positive letter writing, telephone calls or participation in relationship and parenting education such as the course profiled above at HMP Belmarsh.

Only **8 per cent** of people we polled said that enough importance was given to close relationships in planning for resettlement[21]

5.9.3 RELATIONSHIP EDUCATION

Our Review is supportive of family and relationship educational courses in prison. Such courses should be made available in every prison if a demand exists. Experienced voluntary sector organisations such as Safeground and Time for Families should be encouraged and helped to lead such courses.

5.9.4 THE ROLE OF COMMUNITY PRISON AND REHABILITATION TRUSTS (CPRTS)

Family support for prisoners should be one of the priorities of CPRTs, not least in the interests of preventing re-offending. One member of the board of a CPRT should have responsibility for the needs of prisoners' families within a

21 The Centre for Social Justice, YouGov polling, 19 June 2008

CPRT area tasked with the encouragement of best practice in providing adequate facilities and services for prisoners' families.

5.9.5 THE ROLE OF INDEPENDENT MONITORING BOARDS (IMBS)

Prison IMBs have a potentially important role to play in persuading prison managements to achieve good practice in the provision of facilities and services for prisoners' families. In particular IMBs should monitor visitor centres and the arrangements for booking visits. An email address for booking visits on line should be available at every prison and IMBs should press prison managements for such a service to be competently run by the Visits Office of each establishment.

5.9.6 IN SUMMARY

Prisoners' families can play a key part in preventing re-offending by released prisoners. This should be better recognised. Links between prisoners and their families should be facilitated and encouraged by prison managements and CPRTs. Prison managements should give higher priority than many do at present to providing good quality Visitor Centres and visits booking arrangements. This is an ideal area for close cooperation between prison managements and VCS organisations.

SIX

Personal development through education, training, work and other opportunities in prison

Prison disables us.

A serving prisoner in written evidence to the CSJ

This Review advocates that personal change or rehabilitation should be the third fundamental aspiration of the prison system, after the protection of the public and the punishment of law breakers.

44 per cent of ex-prisoners we polled said prison was **'boring';** **29 per cent** said 'easy' and only **15 per cent** said it was 'busy'[1]

Personal change can occur in a number of ways and there is some admirable work in progress on the rehabilitation of individual prisoners across the prison estate. Much of it is led by the voluntary sector. This Review has already offered examples of outstanding work with addicted prisoners and the families of prisoners. However much of this achievement may be wasted by repeat offending unless there is a more concerted effort to connect prison based rehabilitation work with individual prisoners to post-release programmes for them in the community.

It is not feasible in our Review to consider all methods used to achieve personal development. Instead we give priority to considering how the traditional efforts to educate and equip prisoners with new practical skills through education, training and work could be improved.

We also recommend (section 2.8.2.2) that when new prisons are built, they should be designed according to the Mitson Academy Model, where a new prison architecture has been developed so that education, training, work and opportunity for personal development is automatically delivered in a more engaging, intense, extended, holistic regime experience. As we explain in some of the following paragraphs, there are pockets of good practice across the

1 The Centre for Social Justice, YouGov polling, June 2008

prison estate. But these examples are seldom, if ever, sufficient to deliver widespread reform. In our existing prisons we need a culture change as well as improved practices.

6.1 Prison education and training

> *What left such a deep impression following my own prison sentence was the terrible waste: both of money but most importantly, the lives of individuals. There was very little effective vocational or academic training undertaken…this resulted in an atmosphere of despair and hopelessness within both the inmate community as well as amongst the uniformed and civilian staff.*
>
> A former prisoner in evidence to the CSJ

6.1.1 THE EDUCATIONAL FAILURE OF MANY PRISONERS

It is important, when considering prison education and training, to recognise and understand that the overwhelming majority of prisoners have a background of educational failure.

Statistical analysis on the educational ability of prisoners is out of date. Most research cited is approaching a decade old and no up to date research has been conducted to update the following frequently used figures. As we have previously noted (see Figure 1), approximately half of the people in prison lack basic literacy skills. Many prisoners can barely read and many more struggle in numeracy and writing. We also noted that 90 per cent of male prisoners and 85 per cent of female prisoners left school aged 15 or 16. This compares to only 32 per cent of the general population. The result is that 50 per cent of male and 70 per cent of female prisoners have no educational qualifications.

As with all prison statistics there are notable exceptions, but increasingly many prisoners, for a number of reasons including truancy, drug abuse and family breakdown, have rejected the model of education and learning offered to them as a young person.

Our evidence hearings, visits and submissions have shown us that as a consequence of their educational failure, many prisoners arrive in custody embarrassed, even bitter, about their personal ability and the prospect of participating in prison education.

Changing the culture of prison education is therefore a major challenge if this problem of prisoner antipathy towards educational discipline is to be overcome. Fresh consideration must be given as to how to achieve genuine engagement and personal improvement from prisoners in view of the poor educational backgrounds many come from. Too often prisoners make a

disengaged journey through courses they do not understand, dislocated by movement between prisons, delivered in classrooms with lesson models similar to those they once rejected. For many prisoners, prison education is an embarrassment, irrelevant and to be avoided at any cost.

6.1.2 WHY EDUCATION AND TRAINING MATTERS

Evidence has shown however that *if* prisoners engage with education and training, it *can* play an important role in positive personal development and overall rehabilitation.

Studies indicate that prisoners who do not take part in any education or training during their sentence are up to three times more likely to be reconvicted on release.[2] Given the level of educational failure of prisoners, as noted the average prisoner has a reading and numeracy age of 11 years old, even basic skills learning can make a difference. For some prisoners participation in basic skills learning has the potential to reduce the chances of re-offending by as much as 12 per cent.[3] Those without basic skills who reject all opportunities for education and training in prison are almost certain to re-offend. As one recent prisoner has written:

> *How can a released prisoner earn an honest living if he cannot even read the labels and shelf numbers in a warehouse?*[4]

Education can reduce re-offending and generate significant financial savings

Research from The Washington State Institute for Public Policy (WSIPP), United States[5]

As part of its remit to report to the Washington State Legislature on the efficacy and public expenditure implications of certain prison and community rehabilitation programmes, WSIPP made an evaluation of Adult Drug Courts. In doing so WSIPP evaluated existing research studies and conducted robust cost-benefit analysis.

WSIPP found that general and vocational prison education can reduce re-offending and generate significant public expenditure savings. The report concluded that effective general education in prison can result in a seven per cent reduction in crime outcomes, vocational education nine per cent.

A cost-benefit analysis of general and vocational prison education interventions revealed further its potential efficacy. The report found that by calculating the financial implications for victims and taxpayers that each intervention produced, as well as by factoring the upfront cost of the intervention itself, an overall long-term cost-benefit assessment could be made. WSIPP concluded that per participant, over a life-time, financial savings of $10,669 could be expected by delivering effective general prison education. The level of savings increased to $13,738 per participant of vocational prison educational.

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2 Social Exclusion Unit, *Reducing re-offending by ex-prisoners*, London: Social Exclusion Unit, 2002, p44

3 Ibid

4 Jonathan Aitken, *Porridge and Passion*, Continuum International Publishing Ltd, 2005

5 Aos, Miller and Drake, *Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs, and Crime Rates*, Olympia: Washington State Institute for Public Policy, 2006

For all the challenges, persuading sub-literate prisoners to learn new skills – even the most disaffected and disengaged men and women, has a significant potential to reduce re-offending. If modelled well and led by inspiring teachers, education and training can play an important role in offering prisoners new interests, aims and purposes, thus changing their lives away from the familiar pattern of repeat offending.

6.1.3 LEARNING AND DEVELOPMENT IN PRISON

> *Unfortunately education is still often seen as a 'soft touch' by many prison officers and staff.*
>
> A serving prisoner in evidence to the CSJ

Overall responsibility for commissioning education and training in prison belongs to the Department for Innovation, Universities and Skills (DIUS).

DIUS co-ordinates the strategy, development and delivery of prison education in partnership with Learning and Skills Councils (LSC).[7] After piloting an Offender Learning and Skills Service (OLASS) in three regions it was rolled out to all LSCs in 2006.

OLASS, led by LSCs aims to raise the quality of education and training provision for all offenders, whether serving custodial or community sentences by developing consistency in a core curriculum.

82 per cent of ex-prisoners we polled said they spent l**ess than 10 hours** a week in some form of education[6]

Through OLASS LSCs commission Further Education (FE) Colleges to deliver offender learning. This provision is subject to the same external audit and inspection as mainstream educational establishments. We recommend that such arrangements remain but call on local education managers to work closely with our proposed CPRTs in planning and performance assessment. In time a feasibility study should be undertaken to investigate whether CPRTs should assume overall education management responsibility. We would welcome such a move in principle.

A generic national curriculum led by FE tutors runs for prisoners covering basic skills, life & social skills training and IT courses. The voluntary and community sector is also leading a great deal of prison education and training work.

6.1.3.1 Educational courses offered to prisoners by the voluntary and community sector

We are aware of the growing contribution to prisoner development made by educational courses offered by external organisations from the VCS. We

6 The Centre for Social Justice, YouGov polling, June 2008

7 The forthcoming planned abolition of the LSC by 2010 however will shift responsibility for offender education to the Skills Funding Agency (SFA) but it is expected that it will perform a similar functioning manner.

recommend that every effort should be made to expand this activity by VCS organisations and charities.

In particular we would highlight the success of The Shannon Trust in delivering basic skills learning and Prisoners' Education Trust (PET) in its funding of distance learning.

The Shannon Trust

Basic literacy skills: the success of Toe by Toe

Engaging with illiterate and sub-literate prisoners in order to teach them basic reading and writing skills is a vocation well suited to volunteer teachers.

One of the great success stories in this field is the pioneering work of The Shannon Trust in its *Toe By Toe* reading programme. This is a scheme by which older (usually) prisoners help their fellow inmates to learn to read.

We would like to see an expansion of *Toe By Toe* and its wholehearted encouragement by the Prison Service. One feature of such encouragement would be allowing more ex-offenders to come back into prison as approved teaching volunteers. Evidence suggests that the rapport between ex-offenders and prisoners can be particularly useful in the teaching of basic literacy skills. We also believe that there is a large potential pool of voluntary teachers and retired teachers who would be willing to offer a few hours a week of teaching to prisoners on a one-to-one basis.

Prison managements currently make it as difficult as possible for ex-prisoners to come back into jails as educational teachers

Unfortunately, the opportunities for this voluntary teaching work are little known and inadequately publicised. This is partly due to the notorious reluctance of prison management and prison education departments to communicate with their local community to recruit volunteer teachers and to utilise the teaching skills of ex-offenders who have already shown some talent for teaching in a prison through schemes such as *Toe by Toe*.

If there is going to be an expansion of teaching by volunteers in prisons, prison managements and prison education departments must become far more proactive in advertising for, and making it simpler for, good quality teaching volunteers to come forward for this important work to improve basic literacy among prisoners. At present, prison managements make it as difficult as possible for ex-prisoners to come back into jails as educational teachers. This discrimination should end unless there are bona fide security grounds (such as escape plots) for excluding ex-prisoners. At present some good and willing teaching volunteers are denied access to prisons on the basis of the whims of prison officers instead of any serious or sustainable grounds of objection.

The encouragement of local teaching volunteers is a particularly appropriate activity by the CPRTs recommend by this Review.

Prisoners' Education Trust

Enabling distance learning

PET is a charity which last year funded over 2,300 distance learning courses for prisoners at a cost of £645,000. 797 of these awards were for Open University courses. The remaining 1,518 covered a wide range of vocational, academic and creative courses.

PET gave awards to 96 per cent of prisoner applicants for OU courses but could meet only 75 per cent of corresponding demand for other distance learning courses.

In its annual report PET states that the present demand for these courses is understated because of communications failures within prison education departments. 'Distance learning appears not to have been encouraged as we believe it should' says the report.

By contrast PET's surveys based on replies to 406 questionnaires suggest a high level of prisoner satisfaction, bordering on delight with the courses. 83 per cent of respondents said they were 'very much enjoying' their course, 89 per cent said the course was meeting their expectations, 83 per cent said they were 'very satisfied' with their courses and 99.8 per cent said they were learning something useful.

The PET courses answer an important need in the fields of prisoner education, prisoner self-esteem and prisoner preparation for employment. It should be noted that two thirds of those doing the courses left full time education at or before 16 years of age. Almost half of them were studying vocational courses such as carpentry, plumbing, computer design and forklift truck driving. PET states in its annual report:

> *Often our courses are awarded to difficult to reach learners who were alienated by their experiences at school. It is especially heartening to see how they blossom once they have the opportunity to re-engage and discover that learning and achieving are possible and rewarding.*

6.1.4 ANALYSIS OF PRISON EDUCATION AND TRAINING

6.1.4.1 Improvements made but serious criticisms stand

In her latest annual inspection report HMCIP acknowledged that 'there has, over recent years, been a steady improvement in the quality of what is provided, as measured by the education inspectors'. Dame Anne Owers goes on to report that while most prisons achieved at least a satisfactory grade, a quarter were still assessed as inadequate overall (remarkably this is a significant improvement on recent years).[8] Most other commentators also acknowledge that there have been some improvements in recent years. In the

8 Dame Anne Owers, 06/07, HM Chief Inspector of Prisons for England and Wales, Annual Report, London: HM Inspectorate of Prisons, January 2008, p45

more successful prisons, particularly in the successful training prisons, there is a range of full and part-time programmes, evening classes and opportunities for peer assisted learning which were not in place several years ago. A visit to HMP The Mount demonstrated to our Review that good models of practice exist using such opportunities as Computer Technician courses and Bricklaying workshops.

Despite an improvement HMCIP noted that:

Jonathan Aitken chaired the morning session of the London Offenders Summit, leading discussions on prison education and training (photo Chris Lord)

> *…inspections still found considerable deficits in the quantity of activity available. There are still structural and practical obstacles in the way of delivering what prisons should do, and what prisoners need.*[9]

Underachievement and inconsistencies in education and training are particularly acute in training prisons, where provision should instead be at its strongest:

> *Only one training prison inspected this year was assessed as performing well in activity, while eight were performing reasonably well, four insufficiently well and three poorly. Too often there were insufficient activity places, poor quality of work and a lack of accredited training. Even when activities were available, inspections often found weak allocation arrangements and poor linkage between sentence planning, resettlement needs and education, training and work opportunities.*[10]

Deficiencies remain in both the quantity and quality of prison education. Further recent assessment has been published by the Public Accounts Committee (PAC).[11] The PAC strongly condemned the new framework of offender learning, making particular reference to several serious inadequacies.

Noted in the report is the general failure of current systems to engage with the most vulnerable, under skilled prisoners. A survey conducted by the National Audit Office,[12] cited in the PAC report, found that only a quarter of prisoners had been subject to initial assessment. It also found that a third of prisoner learning plans were inadequate and did not specify which courses the prisoners should enrol on. The report also uncovered a serious gap in the provision for prisoners serving short sentences.

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9 Dame Anne Owers, 07/08 *HM Chief Inspector of Prisons for England and Wales, Annual Report*, London: HM Inspectorate of Prisons, January 2009, p45

10 Ibid, p45–46

11 House of Commons Committee of Pubic Accounts, *Meeting Needs? The Offenders' Learning and Skills Service*, London: The Stationery Office, 2008

12 National Audit Office, *Meeting Needs? The Offenders' Learning and Skills Service*, London: The Stationery Office, 2008

We note the following areas of concern as identified by our Review's evidence gathering process, many of which compliment the analysis made by the PAC.

6.1.4.2 Government spending has tripled since 2001

The following table demonstrates that government spending on education and training in prison has almost tripled since 2001.[13]

Figure 19: Prison expenditure on education and training 2001–2007

Year	Total spend (£ millions)
2001–02	57
2002–03	73
2003–04	116
2004–05	126
2005–06	151
2006–07	156

Our evidence gathering leads us to note that although government has significantly increased its investment in prison education, caution needs to be applied when judging the results of the welcome increase in expenditure. Experts we have met are concerned that many prison establishments exaggerate the degree of their educational success as we note below.

As with all prison work, prisoners are paid to engage in education to offer them an incentive to improve. The average pay received by prisoners per week for engaging in prison-based education is £9.08.[14] However this is a prison wage below the pay awarded to wing cleaners and toilet cleaners (usually around £11 a week) and less than half the wages earned by many prisoners working in industrial or textile workshops. So there is a financial disincentive at present in educational wages which discourages many prisoners from taking the courses available.

6.1.4.3 Overestimating success

> *…(last year) there was insufficient purposeful activity in adult male closed prisons…this year none of them, not even the training prisons, were assessed as performing well…*[15]
>
> HMCIP

13 Hansard, House of Commons written answers, 31 March 2008

14 Hansard, House of Commons written answers, 18 December 2007

15 Dame Anne Owers, 06/07 *HM Chief Inspector of Prisons for England and Wales, Annual Report*, London: HM Inspectorate of Prisons, January 2008, p30

Measuring the quantity of prison education should only form part of any overall assessment. It is also vital to assess the quality of provision on offer, which we address later in this section. For often to deliver improvements in an area it is not a case of needing more provision, but needing more effective provision. We urge policy-makers to keep this in mind. Members of our Review have noted the government's recurring tendency to simply present the number of hours prisoners are engaged in 'purposeful activity' a week as evidence of its success. This tends to discard the need to demonstrate quality improvements.

Ministry of Justice figures claim that on average prisoners engage in 7.7 hours of education and 12.5 hours of work activity each week. Other purposeful activity including preparation for release or behavioural therapy increases this to 25 hours.[16]

Unsurprisingly however HMCIP found that these government figures were not consistent from prison to prison and in some cases, they were inexcusably manipulated to mask the true reality:

> *…we continue to find prisons overestimating the amount of activity and time out of cell available to prisoners – sometimes due to averages that disguised the reality for many prisoners; at other times by producing figures that were frankly incredible.*[17]

The report goes on to highlight two examples of this:

> *Prison C recorded 10 hours time out of cell for each prisoner on a weekday. This was a gross exaggeration: for example, counting 1.75 hours out of cell for each prisoner at mealtimes, when in fact each had a maximum of 15 minutes out.*

> *Prison E recorded an average of 8.5 hours out of cell. In fact, around half the prisoners were unemployed and could spend 22 hours a day in their cells.*[18]

The Home Affairs Select Committee in 2005 uncovered further doubt over the validity of purposeful activity figures.

During the 'Prison Diary Project' prisoners were asked to complete a daily purposeful activity diary. Results were as follows:

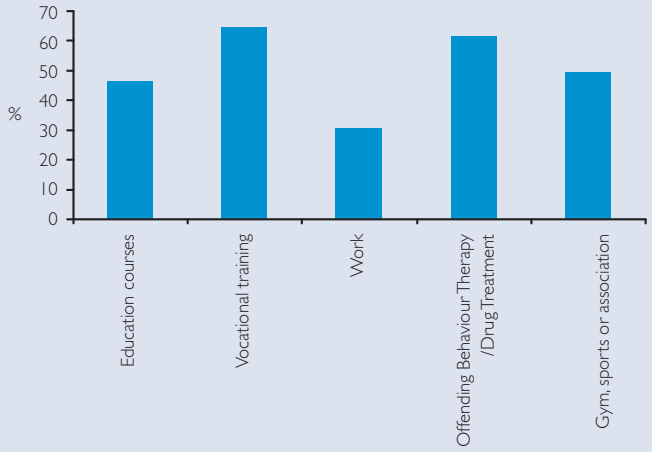
61 per cent of ex-prisoners we polled said they were **not given an opportunity to learn relevant skills**

16 Hansard, House of Commons oral answers, 29 April 2008

17 Dame Anne Owers, 06/07 *HM Chief Inspector of Prisons for England and Wales, Annual Report,* London: HM Inspectorate of Prisons, January 2008, p31

18 Ibid

Figure 20: Proportion of prisoners spending no time during the week engaging in the category of purposeful activity[19]



In many cases reliable evaluation of prisoner participation in education and training is not being offered. We agree with both HMCIP and the Home Affairs Select Committee that the Prison Service's figures on purposeful activity completely lack credibility.

6.1.4.4 Short-term prisoners

Our discussions with education professionals and practitioners during our evidence gathering process have shed light on the unique challenges presented to education and training departments by prisoners on short sentences, namely those serving 12 months or less. These concerns have been noted by other recent prison education reports.[20] These challenges, of what is realistically achievable in only a few months, are similar to the challenges identified in our sections on substance abuse (4.2 and 4.3).

We note Ofsted's generally positive assessment of educational provision for short-term prisoners published in January 2009.[21] This report made some encouraging conclusions which suggest that prison managements are finally beginning to develop effective tailored interventions for those in custody for only a few months.

We do note however, from the content of our discussions and visits as well as other recent reports, several areas of concern about the state of current interventions for this group of prisoner. We have heard that there remains widespread inconsistency, particularly

19 Home Affairs Select Committee, *Rehabilitation of Prisoners*, First report of session 2004–5, London: The Stationery Office, 2005, p20

20 Including the Public Accounts Committee report cited earlier

21 Ofsted, *Learning and Skills for Offenders serving short custodial sentences*, London: Ofsted, 2009

in the undertaking and quality of individual initial needs assessments, as well as in the variety of programmes offered, which results in many short sentence prisoners failing to access any effective education and training whatsoever. Therefore, many short term prisoners, a cohort with stubbornly high rates of re-offending, are often released having received no effective intervention in developing their educational ability or local employment prospects. This fuels re-offending.

6.1.4.5 Measuring achievement

> *It takes hard work and determination for some of these guys to achieve anything educationally. For the whole of their lives many have avoided learning. Prison targets should recognise this achievement which would in turn encourage providers to work alongside those who are challenging but who also most need the help.*
>
> A former prisoner in evidence to the CSJ

Many reformers during our Review's evidence gathering discussions and through published reports have criticised prison education targets for failing to recognise prisoner achievement and the 'value added' progress prisoners make.[22] This is a view shared by the House of Commons Education and Skills Committee:

> *Key Performance Targets have distorted the provision of education and training within prisons leading to prisoners taking classes which maybe completely inappropriate for their needs. What is needed is a system of delivery whereby prison education is assessed against its stated purpose.*
>
> House of Commons Education and Skills Select Committee, 2005[23]

As long as education performance management targets continue to predominantly measure the annual number of course completions and qualifications gained, education providers will be subtly steered towards basic skills for all and to working with the most capable prisoners who are likely to pass exams and gain qualifications. Based on evidence taken by this Review and reports published by others, present targets do not acknowledge achievement, only attainment.

NOMS targets which measure whether a prisoner has education, training or employment arranged on the day of release are a move in the right direction and begin to move away from delivering universal basic skills provision, but ultimately remain short-sighted in providing analysis of what works.

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22 HMCIP and others have called for greater recognition of 'value added' development. See House of Commons Education and Skills Committee, *Prison Education*, Seventh report, London: The Stationery Office, 2005

23 House of Commons Education and Skills Committee, *Prison Education*, Seventh report, London: The Stationery Office, 2005

6.1.4.6 Outdated I.T software and practices

Most prison education departments offer IT and computer training courses. They are almost invariably oversubscribed by inmates who often have to wait weeks, sometimes months, to join the courses whether for beginners or for those with intermediate and advanced skills.

Education departments often suffer from having to use outdated computers and software systems. There are usually many restrictions on the way in which computers may be used by prisoners. Not only are they prohibited by the Prison Service rules from sending and receiving emails: they are usually prevented from doing any kind of online work such as 'googling' or accessing informative websites.

We welcome the development and piloting of POLARIS (Programme for Offender Learning and Resettlement Information Services) in certain prisons in an attempt to modernise practices. The recognition that offender learning and services have been for too long uncoordinated and inconsistent is an important one. POLARIS, if well-designed and thoroughly evaluated, should provide a secure network for prisoners to access helpful services such as distance learning and live employment searches.

6.1.4.7 Teacher training

This Review has taken evidence which suggests that although the majority of teachers working in prisons are well-motivated in their efforts to facilitate personal change through education, too many unfortunately lack the necessary training, skills base and understanding to work effectively within a prison environment. Some of these teachers are under-paid earning as little as £7.50 per hour. Others suffer from low morale and lack of commitment.

Through no fault of their own many teachers are not equipped to respond to what they encounter on a daily basis in prison. This Review has also heard that teachers frequently spend the majority of their time trying to control the behaviour of prisoners and create respect for what they are doing, rather than delivering effective learning.

Teachers and training providers also often lack adequate support from stretched prison officers, resulting in prisoners being late for lessons or failing to attend at all.

> *You don't know which prisoner is going to turn up from one day to the next.*
>
> Senior prison education officer in evidence to the CSJ

It should be noted that the practical difficulties that teachers experience in the prison setting on a day to day basis, be it non-attendance, lack of respect or behaviour problems, are substantially mitigated in our proposed 'academy model' prison (2.8.2.2).

6.1.4.8 The impact of prison overcrowding

> *Prisoners are frequently transferred regardless of the educational or training course they are taking…this is often soul-destroying for the prisoner who may have needed much persuasion to begin the course and deeply frustrating for the teacher.*
>
> A former Chief Executive of an offender education charity in evidence to the CSJ

Educational courses are subject to regular and often fatal disruption due to the churn around the estate in order to cope with overcrowding problems. Being sent to another prison mid-course, just as its content is beginning to make sense, or losing trust built with a prisoner, who is then moved to another prison for churn reasons, is demoralising both for prisoners and teachers.

Recent, and in some cases positive efforts to modernise opportunities for prisoners through vocational courses and relevant skills in local prisons were particularly hampered last year by the mass movement of offenders. HMCIP writes:

> *It was less surprising to find local prisons, with their increasingly transient populations, still struggling to deliver enough activity. …[P]risons which had tried to shift activity towards vocational training, for example construction courses, were considerably frustrated by the rapid movement of prisoners due to population pressure, so that prisoners were unable to stay long enough to complete courses.*[24]

Too often, as a result of mass movement and poor record transfers, prisoners arrive in a prison with no documented skills assessment, progress or plan for future learning, even though they have completed these processes in their first prison. The Prison Service often fails to assist prisoners in this regard. The result of this failure means that many prisoners have to undergo new, repetitive and wasteful assessments. Trials of a new transfer system by the LSC are underway and, depending on success, are to be rolled out mid year 2009.

6.1.4.9 Learning Difficulties

Evidence suggests that there has been an increase in the number of people received into prison with learning difficulties. It is already a significant challenge for the youth justice system, particularly the youth custody estate, and it is beginning to impact on the adult prison estate as young offenders move to the adult justice system.

The precise number of prisoners with learning difficulties is a disputed point. It is estimated however that between 20–30 per cent of offenders have difficulties that interfere with their ability to deal with the Criminal Justice System.[25] Recent

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24 Dame Anne Owers, 06/07 *HM Chief Inspector of Prisons for England and Wales, Annual Report*, London: HM Inspectorate of Prisons, January 2008, p31

studies found that within a prison population of over 80,000, as many as 5000 people would be classified as having learning disabilities and approximately 19,000 as being learning disabled or close to it.[26]

Research published by The Dyslexia Institute, carried out in 2005, supports this assessment. It found that 20 per cent of the prison population has a type of 'hidden disability' which impacts negatively on their attempted participation in education and work activities.[27]

It is disappointing therefore to note that there is no specific programme or education provision in place for those prisoners identified as having learning difficulties.[28]

The Prison Reform Trust (PRT) has recently led an excellent review of learning difficulties in the criminal justice system. This review, *No One Knows*, has made insightful recommendations as to how prisoners with such difficulties should be better supported through screening and diagnostic assessments, the introduction of national standards of care as well as comprehensive staff training and a call for improved information sharing between government departments. We support many of the report's recommendations.

6.1.4.10 Communication difficulties: Speech and Language Therapists (SLTs)

> *One third of children with communication problems will go on to develop mental illness if untreated, with resulting criminal involvement in over half of cases.*
>
> Royal College of Speech and Language Therapists (RCSLT)[29]

During our Review and within the context of our consideration of learning difficulties, the Royal College of Speech and Language Therapists (RCSLT) has drawn to our attention the pivotal importance and possible scale of communication difficulties experienced by many in prison. In doing so the Royal College also highlighted the often undervalued work of SLTs in responding to this need.

> *I have to admit that in all the years I have been looking at prisons and the treatment of offenders, I have never found anything so capable of doing so much for so many people at so little cost as the work that speech and language therapists carry out.*
>
> Lord Ramsbotham[30]

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25 Talbot J, *Prisoners' Voices – No One Knows*, Prison Reform Trust, 2007, p1

26 Mottram, HMP *Liverpool, Styal and Hindley Study Report*, Liverpool: University of Liverpool, 2007 and Mottram and Lancaster, *HMPS Liverpool, Styal and Hindley YOI: Preliminary Results*, Cumbria and Lancashire: NHS Specialised Services Commissioning Team, 2006, cited in Talbot, *No One Knows*, London: Prison Reform Trust, 2007

27 Rack J, *The Incidence of Hidden Disabilities in the Prison Population*, Egham: Dyslexia Institute, 2005, p2

28 Hansard, House of Commons written answers, 22 May 2008

29 Royal College of Speech and Language Therapists, *Meeting the speech language and communication needs of vulnerable young people – model of service delivery for those at risk of offending and re-offending*

30 Lord Ramsbotham, House of Lords debate, 27 October 2006

A recent study by Professor Karen Bryan found that a high proportion of young offenders, around 60 per cent in one particular Young Offenders Institution, experienced communication difficulties.[31] Furthermore, the RCSLT has argued that as many as two-thirds of offenders are unable to access the educational provision within prison because of high levels of language, literacy and social difficulties.[32] The frustration this causes can lead to poor anger management and very disruptive behaviour.

> "Speech and language therapy enables us to address concerns…that in the past have been masked because a lad was simply badly behaved."
>
> *Former governor, HM YOI Werrington*

SLTs lead assessment, diagnosis and treatment of such communication difficulties. They work through one-to-one or group therapy programmes. They can also lead training to support and increase awareness and capability of officers.

A study by the Learning and Skills Research Centre found that the work of SLTs has the potential to reduce re-offending by up to 50 per cent. It found that within the sample group receiving assistance from SLTs the re-conviction rate within a year was 21 per cent compared to the national average of 41 per cent in 2001.[33]

Roger had a complex communication disorder which significantly impacted on his life in prison, in particular on his ability to engage in rehabilitation

Roger's history

Roger is 28 years old. He was seen for an initial Speech and Language assessment in November 2007 having been referred by a prison doctor. The referral was for a stammer he had had since early childhood with no previous speech and language therapy.

Roger reported a high level of anxiety relating to his stammer, which led to avoidance. The most serious consequence of this was that Roger avoided attending classes and groups, both educational and therapeutic, which he was obliged to attend in order to progress towards release. These required the individual to take part in discussions and to be video recorded.

Roger avoided talking to prison officers if other people were present which was often misconstrued as rudeness. His other coping strategy was to try and force the words out, this was perceived as aggressive both by officers and other prisoners and he had received warnings about his behaviour. He became frustrated and angry when he stammered, which in turn exacerbated the problem.

31 Cited in Royal College of Speech and Language Therapists, *Speaking Out: young offenders with communication difficulties*, London: Royal College of Speech and Language Therapists, 2007

32 Royal College of Speech and Language Therapists, *Speaking out: young offenders with communication difficulties*, London: Royal College of Speech and Language Therapists, March 2007

33 Learning and Skills Research Centre, *Developing Oral Communication and Productive Thinking Skills in HM Prisons*, Learning and Skills Research Centre, 2006

The role of the Speech and Language Therapist

An SLT observed primarily repetitions of sounds and words, occasional blocking of sounds and increased rate of speech. Roger self reported disordered breathing patterns.

The SLT noted poor listening skills and turn taking, and higher level language difficulties with a tendency to monopolise the conversation using long, rambling, repetitive sentences. His eye contact was poor, and the SLT thought it likely that there were problems with comprehension of language at a higher level.

It was evident that the communication disorder was complex. The SLT diagnosed that higher level language and pragmatic language difficulties which affect interaction were having as great an impact on his communication as the stammer, but were less likely to be understood. They would also impact on his ability to follow a therapy programme on his own. In addition the fact that he became very angry when he stammered, would make it difficult for him to use some of the strategies that would help him to control the stammer. He was motivated to change and to be seen for therapy, however it was concluded that this would be unsuccessful without support from within the prison to carry out the therapy programme.

The aims of speech and language therapy were:

- To provide information for staff on the nature of his communication difficulties and their effects;
- To provide simple strategies for staff on ways to help;
- To emphasise the need for support (from staff) if the speech and language therapy is to be effective;
- To undertake a short course of therapy with someone to work with Roger between sessions;
- To recommend a case conference to discuss the issues related to attendance at the classes.

Action was taken

Information and strategies have been provided for all those who work with Roger.

A disability officer was allocated to work with the SLT. She attended therapy sessions and was given a programme of work to follow. This did not happen as frequently as intended. There have been only three sessions of therapy following the assessment with the disability officer working with the Roger between the sessions.

There has been a case conference, which enabled the SLT to explain Roger's communication difficulties and their impact, in particular in taking part in the group sessions. It also enabled the SLT to gain an understanding of the programmes and their compulsory nature. There were particular aspects of SLT using a cognitive approach to address the stammer that a psychologist would be able to carry out, which the SLT was able to discuss with the psychologist. A joint plan was made, although its success depended in part on resources.

Outcomes

- The disability officer has gained a good understanding of the nature of the communication problems and has been able to explain these to other staff.
- The involvement of a speech and language therapist provided an assessment of his communication disorder, an explanation of the disorder and its impact, and strategies to help.
- Discussion with others working with him helped to identify a plan to make progress whilst taking into account the effects of the disorder.
- Roger made significant progress with the pragmatic skills with improved listening, turn taking and eye contact and less repetition of information.
- There are also ongoing discussions as to whether adjustments can be made to the programmes he must follow because of his disability.

6.1.5 POLICY RECOMMENDATIONS

There should be a steady expansion of prison education and skills training, based on our following policy recommendations, as research shows it to be an important tool in rehabilitating prisoners and reducing re-offending.

Despite today's financial climate it is hoped that the growth of government expenditure (which is still equivalent to only three per cent of the total NOMS budget) on prison education will be maintained.

6.1.5.1 Improving tailored support for short sentence prisoners

While noting the recent positive assessment by Ofsted in this area, we agree with the PAC that prison education delivery partners should develop and improve evidence-based, intensive programmes for prisoners serving sentences of 12 months or less.[34] Many such prisoners are currently falling through the rehabilitation net. They are in need of targeted intervention.

This will require improved initial needs assessments as well as comprehensive evaluation of existing education and training programmes to ensure that those designing a new course know what is effective and what is not. Such programmes should be tailored to meet both the needs of sub-literate and advanced prisoners. Programmes should concentrate on cultivating a prisoner's ambition and employability, signposting them to further training in the community or helping them to secure opportunities for local employment. Consistency of quality must also be developed across the estate by the inspection and monitoring of CPRT leadership in this area.

These short sentence programmes should be designed and delivered in collaboration with local adult education providers, employers and the VCS.

6.1.5.2 Recognising and measuring achievement

Each new CPRT should devise its own set of prison education performance management targets. These targets should be established in consultation with leading local prison education commissioners and providers. New targets should encourage flexibility, individual prisoner needs and ability as well as long-term thinking.

The Education and Skills Committee recommended that 'value added' targets would be a much more effective way of monitoring a prisoner's specific learning journey during their sentence.[35] We agree that this approach would help to ensure that education provision is more focused on the needs of the individual. We recommend that targets should include a measurement of prisoner achievement as well attainment, encouraging providers to work with sub-literate prisoners who can improve, as well as the more able prisoners who are likely to gain qualifications and tick the performance target boxes.

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34 House of Commons Committee of Pubic Accounts, *Meeting Needs? The Offenders' Learning and Skills Service*, London: The Stationery Office, 2008

35 House of Commons Education and Skills Committee, *Prison Education*, Seventh report, London: The Stationery Office, 2005

As we have noted, the prison population contains many people from hard to reach groups who require extra attention. Toe by Toe is an innovative non target-based programme that helps dramatically improve a prisoners reading ability. While prison education departments often support Toe by Toe, they remain bound by government targets to achieve exam passes. As such, the scheme has been purposely designed to make minimal demands on education departments. Once established, all administration is done by prisoners themselves, with prison officers needing to only monitor the process loosely. Its success is underpinned by the fact that learning does not take place in a traditional environment, instead prisoners are able to work at their own pace and gain self-confidence in parallel. We recommend that increased merit should be given for the improvement of offender's soft skills and basic capabilities.

We also recommend that all prison courses, whether basic skills or vocational, should be credit-based. This would encourage 'bite-sized' learning at a pace that is most effective for the individual learner. Banked 'credit' should be transferable to other prisons if a prisoner is moved or for further study on release.

6.1.5.3 Improved teaching training and on-going support

We recognise that prison teachers work in difficult and unpredictable environments. We commend their motivation for doing so. Our evidence gathering, as well as other published research, however has found that many are ill-equipped and inadequately supported for such a task. We recommend that training courses should be devised for, and delivered to, teachers before they undertake prison work. This training should include sessions on working within basic prison processes, maintaining class control and working with prisoners with learning difficulties, anger management issues and minor mental health disorders.

On-going support and best practice sharing should also be improved across the custodial estate to ensure that standards are driven up.

6.1.5.4 Encouraging peer learning and community volunteers

Every encouragement should be given to educational activities by prisoners who are themselves qualified to teach other prisoners. The Shannon Trust's successful Toe by Toe reading programme (section 6.1.3.1) and the St Giles Trust's Peer Advice Project (section 8.4.1.3) are excellent models which should be expanded. One of the key advantages of the recommended new 'academy model' prisons (section 2.8.2.2) is the way in which peer learning and peer support are naturally facilitated.

82 per cent of people we polled agreed that reformed ex-prisoners had a unique role to play in helping serving prisoners rehabilitate[36]

36 The Centre for Social Justice, YouGov polling, 19 January 2009

Because prisoners often engage more easily with other prisoners and with ex-offenders, the Prison Service should facilitate the work of prisoners and ex-prisoners in a teaching role. At present it is rare to give prisoners the responsibility of teaching other prisoners. Also the Prison Service often makes it impossible for ex-offenders to come back into prisons in responsible roles for which they are well qualified.

They make it almost impossible for us to get back in.

A former prisoner in evidence to the CSJ

If the expansion of prisoner education which we recommend is to take place, it can only be achieved with the help of increased participation by the VCS. We therefore recommend a far more proactive role by prison education departments, prison managements, and by both DIUS and LSCs to encourage suitable teaching volunteers to come forward from local communities to help with the teaching and skills training of prisoners. Our Review's proposed reforms for CPRTs will make this encouragement of local teaching volunteers easier to implement at community level.

Projects such as Brixton Prison Radio, who interviewed Jonathan Aitken during a Review visit to the prison, are a tremendous resource for peer learning

6.1.5.5 I.T. and computer training

In view of the outdated practices and software in this area we broadly welcome the development and piloting of a system such as POLARIS.

We recommend that each new CPRT should, on completion of successful and thorough evaluation of the POLARIS pilots, install the system. There should be on-going monitoring and assessment as to its effectiveness, ensuring that it does not become outdated and ineffectual.

The risks of allowing prisoners limited and secure access to the internet are far outweighed by the gains to those prisoners who wish to use computers for educational, self-improvement and personal development purposes. We also recommend that for limited periods of the day prisoners who have earned improved categorisation and enhanced status should be able to send an email, and read replies, to and from at least one member of their family (with the appropriate message screening and safeguard technology in use).

Any prison or CPRT area can easily utilise blocking mechanisms, used also by schools across the country, to control access and prevent the use of undesirable websites. Subject to such essential restrictions we believe that prisoners should be encouraged to communicate with their families, with government agencies, community organisations and with educational bodies. The modernisation of prison facilities will also be highly beneficial for prisoners who want to engage in further education and long-distance learning.

We recommend that within a CPRT area, volunteers could be recruited to give computer classes or one-on-one lessons. Local charities could help fund better computer equipment for prisons or get second hand computers and software donated by local businesses.

In short there is great scope for using IT systems, computer usage and computer training in the rehabilitation of prisoners and the reduction of re-offending.

6.1.5.6 Education wages

We recommend that the prison wages for those doing educational courses should at least be set on the same level as prison employment such as wing cleaning and toilet cleaning wages. There should be no financial discrimination against prisoners on educational courses.

6.1.5.7 Learning and communication difficulties

Learning difficulties

The criminal justice system has not kept pace with the increased understanding of learning difficulties. Prison provision is particularly inadequate. We broadly endorse the recommendations published to date by the PRT's *No One Knows* review. We consider the recommendations for diversion schemes, improved initial custodial assessment and prison staff training to be of particular urgent importance.

Communication difficulties

We have been impressed by recent endeavours to raise awareness of learning and communication difficulties in prison, as well as by evidence submitted to our Review, of the Royal College of Speech and Language Therapists.

We have previously noted a study (section 6.1.4.10), published by the Learning and Skills Research Centre, which found that SLTs can have a significant impact in reducing re-offending, by perhaps up to 50 per cent in certain cases. We have received other anecdotal evidence during consultation to suggest that these results are not anomalous. We have also been made aware of the role SLTs could play in training and equipping prison staff in the diagnosis of communication and behavioural difficulties within custody. While we understand that alone SLTs may not reduce re-offending, we firmly believe that they could be far better utilised within rehabilitation efforts.

In light of this evidence, we recommend that the LSC should find room in its £156 million annual prison budget for the employment of more SLTs as their work appears to be one of the most cost-effective methods of reducing re-offending in certain categories of prisoner.

We also recommend that CPRTs, through prison education departments and in partnership with PCTs, should encourage local trained volunteer SLTs to offer an hour or two of their time to work with appropriate prisoners. These volunteers could be recently retired or part-time SLTs.

These recommendations will only prove effective however if prison managements fully resource the work of SLTs and if prison programmes can be adapted to engage offenders with learning and communication difficulties.

The apparent effectiveness of SLTs in reducing re-offending deserves much more widespread attention and publicity for it is a little known area of expertise even among prison professionals. We hope that under our proposed reforms for CPRTs the key role that could be played by SLTs as part of the effort to reduce re-offending will become better recognised and acted upon in CPRT areas.

6.1.5.8 Continuity of education and training on release from prison

As well as the new 'academy model' prisons which will have a direct 'sponsor' link to educational and other relevant outside bodies, the new local structure of CPRTs that we propose in our Review should strive to forge closer links with local FE colleges to enable a continuity of learning on release. The first few weeks after release are the most crucial for reducing re-offending. Ex-prisoners need support and encouragement to ensure that the education and training progress they have made is not undone on release.

While we appreciate that community enrolment on courses can only take place at certain times of the year, newly released offenders should be offered tutoring with supervised internet-based learning until they are able to enrol. This could be led by retired and serving teachers working as volunteers, recruited and well trained by CPRTs. Local FE colleges and other providers such as LearnDirect should be well positioned to offer support and guidance to those who wish to continue learning.

The VCS also has a significant role in this. Organisations such as The Foundation Training Company (FTC) (section 8.5.2.2) work within prisons and out in the community delivering programmes which reduce re-offending. These courses provide information, advice and guidance, liaison with community based agencies and training packages offering realistic opportunities on release.

6.1.5.9 Education, skills training and sentencing

We believe it should be compulsory for illiterate and sub-literate prisoners to learn basic reading and writing skills while in prison. There are already many examples of good practice in such teaching across the estate although on a voluntary basis.

Although sentencing policy is not part of our Review, we have noted that it is the policy of the official opposition to introduce Minimum and Maximum sentences for convicted prisoners and to introduce the concept of 'earned release'. We support more extensive use of 'earned release'. In doing so we draw on recent international evidence (see box overleaf). If this policy is

implemented, many prisoners will want to earn their minimum sentences by acquiring basic literacy skills and other educational qualifications without the element of direct compulsion. We recommend that our proposed Community Supervision and Release Boards (CSRBs) should work to ensure that improved literacy skills and overall educational development forms a bigger part of any parole decision.

Earned Release – international evidence

Research from The Washington State Institute for Public Policy (WSIPP), United States[37]

The Washington State Institute for Public Policy (WSIPP), directed by the Washington State Legislature, has evaluated the efficacy of recently passed legislation which increased the use of earned release from prison. Its findings demonstrate that the concept of increasing earned release, in this case through new legislation, is highly beneficial and progressive.

WSIPP's research indicated a significant decrease in recidivism for non-violent crimes – 39 per cent, and no statistical effect on violent criminal recidivism.

Cost-benefit analysis calculations found that significant public expenditure savings can be made by increasing the use of earned release. In the specific case of the new Bill passed in Washington State, offenders were spending on average 63 fewer days in prison at an average cost saving of $6,155 per person. Furthermore, the estimated reduction in crime generated by earned release generated savings of $4,588 per person – resulting in overall benefits of $10,743 per offender.

We also note however that as a last resort a compulsory requirement for the learning of basic literacy skills may be appropriate for some prisoners.

6.1.5.10 Changing the culture

All of the above recommendations amount to a culture change of prison education and skills training as this work is substantially expanded with the help of both professionals and volunteer teachers and instructors. The engagement of local communities in this work as part of our CPRT reforms and in the opportunities available in the new 'academy model' prisons, is a vital ingredient in achieving this culture change. It cannot be emphasised too strongly that one of the keys to reducing re-offending is an improvement and expansion of prison education and skills training.

6.2 Prisoner development through the arts

> *No amount of tabloid indignation can change this truth: entertainment and arts projects in jails are good for all of us.*
>
> Libby Purves, *The Times*, 2 March 2009

37 Drake and Barnoski, *Increasing Earned Release From Prison: Impacts of 2003 Law on Recidivism and Criminal Justice Costs*, Olympia: Washington State Institute for Public Policy, 2008

One of the most encouraging and inspiring new fields of prisoner rehabilitation is the growth of individual involvement in the arts. We estimate that at least 10 per cent of the prison population (over 8,000 prisoners) are engaged in some form of artistic endeavour thanks to charities, competitions, performances and prison art departments. This activity, which covers a wide artistic range including theatre, music, dance, needlework, sculpture, painting and creative writing, has the potential to change individual lives.

West Side Story in HMP Wandsworth

Theatre company Pimlico Opera recently presented a production of West Side Story in HMP Wandsworth – performed by a cast of prisoners and their officers. It was an overwhelming success, leading to energetic acclaim from journalists and family members. Such productions serve a terrific purpose as *Times* Journalist Libby Purves, an audience member on opening night, wrote: [38]

> *I am not sentimental about prisoners: many of them deserve (and need for our sakes) to be inside. But jails are full of emotionally disconnected people, angry and unhappy but without words to defuse it, and often without any vision of the beauties that transform sorrow. A reason for supporting creativity in prison – visual arts, comedy, drama, writing, music – is because the arts offer routes for that expression and vision.*

We agree entirely with this view.

Our Review has become aware of prisoners whose attitudes have altered, whose self-esteem has been raised and whose potential has been developed by artistic achievement. We believe that there is considerable scope for reducing the chances of some prisoners re-offending as a result of their engagement with the arts while in custody. It is a field in which community organisations and arts charities have an exceptionally important role to play. However, it is equally important that these arts organisations should have their work evaluated in order to provide information on the personal, behavioural, and attitude changes of prisoners whose lives are developed with the help of arts organisations.

6.2.1 A DIVERSITY OF PROVISION

There are at least 50 arts organisations involved in prison work. One of the most effective is the Koestler Trust which organises an annual series of awards and an exhibition. Around 5,000 prisoners each year submit individual or group entries for the awards in one or another of the many categories.

The keen competition among so many prisoners to win Koestler Awards is a tribute to the arts classes in prison education departments. In addition to their work, there are several new performing arts charities on the prison scene.

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38 *The Times*, 'What's wrong with a bit of drama in C Wing?', 2 March 2009,

Among the drama and theatre workshop production companies we highlight the achievements of Geese Theatre Company, London Shakespeare Workout, Clean Break, Synergy, Tipp (Theatre in prison and probation centres), Escape Artists, Drama Workshops, Restorative Arts UK, Odd Theatre Company and Only Connect, which is featured in the box below. Organisations such as Safeground and Beyond the Gate, featured in this report, also utilise arts and drama in their work with prisoners.

Only Connect

Only Connect is a resettlement charity working with prisoners and ex-offenders to prevent crime and restore lives through theatre productions and positive community rehabilitation.

In the past two years *Only Connect* has staged three theatre productions with prisoners as cast and crew in HMPs Wormwood Scrubs, Pentonville and Holloway. It has also staged three productions (including Every Which Way an acclaimed play about Knife Crime) in the *Only Connect* theatre in Central London.

The founders of the charity are Emma and Danny Kruger. Emma is a trained drama teacher with a degree from Manchester University and 11 years of teaching in London schools. Danny was formerly special adviser to David Cameron MP and chief leader writer at the *Daily Telegraph*.

The name of the charity is derived from E.M Forster's line: 'Only connect prose and the passion and both will be exalted.'

In an eloquent description of Only Connect's mission, Danny Kruger says:

The 'passion' of theatre work establishes a relationship, builds up trust, and opens the heart so the 'prose' can get in. This is the difficult, often boring, always challenging business of life: training and employment, accommodation, financial management; the vital order of things which 'passionless' agencies struggle to make interesting to people with creative imaginations, short attention spans, and a history of disappointment in their dealings with officialdom.

For most of our members theatre is the means, not the end: we don't try to guide them into careers as actors. But we want to do more than simply neutralise criminals. The prospect of going straight, for a prolific offender, can seem a descent from someone to no one, from an identity to a nullity. Our members are the charismatics, the natural leaders with the authority and wit to command attention. Indeed, acting ability chimes sweetly with the qualities of leadership. So the ultimate intended outcome of our work is the creation of a body of crimefighters – former offenders equipped and inspired to lead young people off the road that leads to prison.[39]

On the musical front Pimilico Opera, Gamelan in prison, Music In Prisons and Jail Guitar Doors are all leading good work. Dance United (see box opposite) is pioneering dance teaching and performance projects which aim to build prisoners confidence, team work and sense of community. For prisoners of a more sedentary disposition there are workshops for writers sponsored by the Writers in Prison Network while Fine Cell Work (see box opposite) has a 12 year

39 *The Spectator*, 15/04/2008

record of training prisoners to do top quality needlework in their cells. There are many small arts organisations doing excellent work with inmates in local prisons which have not yet received the recognition they deserve. The same goes for individual prisons some of which have given art a high priority. One of these is HMP Pentonville whose visits hall, visited by a working group member during our Review, was transformed by prisoner art work from dour drabness to a contemporary art gallery type space filled with murals and paintings by inmates.

Dance United

Dance United is a charity founded in 2000 which works with women prisoners and young offenders. It has pioneered forms of contemporary dance teaching and choreography which demand teamwork, technical ability, commitment, problem solving, reflection and emotional trust. Prison dancers have been able to learn these skills without understanding what these words mean.

Initial studies suggest that the rate of re-offending among offenders who complete Dance's 12 week academy programme is 50 per cent compared to the anticipated repeat offending rate for such a group of 77 per cent.

Based in London and Bradford, Dance United has an ambitious programme of expansion including a co-production with Sadler's Wells Lives Transfored Through Dance, which will be staged in 2009.

Importantly, they recently commissioned and published an evaluation from the University of Manchester.[40] The evaluation cited very positive conclusions including evidence which found that programme participants were less likely to re-offend as well as have increased rates of transfer in further education, training and employment.

Fine Cell Work (FCW)[41]

FCW trains prisoners to do top quality needlework and hand craft stitching in their cells. This 12 year old charity works with over 300 inmates (80 per cent of them men) at any one time. It is supported by private donations and by some 70 volunteers. They go into prisons to teach; they help with sales events and they send prisoners parcels of wool and thread.

Sales of FCW's hand stitched cushions, rugs, quilts, tablecloths and specially commissioned products total around £170,000 a year, earning their stitchers extra collective prison wages of over £50,000 a year.

'We estimate that five per cent of the prison population – that is 4,000 inmates – is capable of doing Fine Cell Work and would want to do it' says FCW organiser Katy Emck. 'That is a huge workforce with oceans of dead time and pent up energy which could be harnessed. We are rapidly becoming a social business for prisoners.'

6.2.2 POLICY RECOMMENDATIONS

As this short summary indicates much is happening in the world of prison arts. We recommend that this work is encouraged by prison managements, publicised by local and national media and supported by voluntary

40 Andrew Miles and Paul Strauss, *The Academy – A Report on Outcomes for Participants* (June 2006-2008), ESRC Centre for Research on Socio-cultural Change, Manchester: University of Manchester, 2008

41 Information from *Freeing spirit: prison and the arts,* PRT report No 73, London: Prison Reform Trust, 2008

organisations. We believe that our recommended appointment of National Commissioner for Voluntary and Community Groups (section 2.8.5) will help to raise the profile of arts in prison. It is also essential that each new 'academy model' prison will afford larger numbers of prisoners to develop social and personal skills within a Performing and Visual Arts Academies. We believe that CPRTs will increase the involvement of local arts organisations in community prisons and will create a link between arts activities in prisons and in local communities.

6.3 Prison work

Home Affairs Select Committee 2005[42]

[P]rison work has the potential to provide prisoners with the following:

- employment on release from prison;
- experience of work and the normal working day (a significant proportion of the prison population will never have been exposed to real work before: over two thirds of prisoners are unemployed before going to prison);
- a reduction in 'unstructured' time whilst in prison;
- for those on day release work programmes, interaction with members of the wider communit.

6.3.1 WORK IS UNKNOWN TERRITORY FOR MOST PRISONERS

Being in work is important and beneficial, in and out of prison, for a number of reasons. For those in society who are able to work it can improve self-worth, achievement, develop positive routine and offer personal purpose.

Many people in prison however have had very little experience of legitimate, positive employment. Figures show that approximately two in three prisoners are unemployed at the time of imprisonment and of those who did have a job, two in three lose it when entering custody. Surveys suggest one in seven prisoners have never had a job.[43]

Work in prison therefore presents an opportunity to put prisoners in a regular and disciplined working environment. Realistic prison work can, at its best, install self-respect and stability where there has in many cases previously been none.

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42 Home Affairs Select Committee, *Rehabilitation of Prisoners*, First report of session 2004–05, London: The Stationery Office, 2005, p49

43 Social Exclusion Unit, *Reducing re-offending by ex-prisoners*, London: Social Exclusion Unit, 2002, p53

The Home Affairs Select Committee report, as well as another significant piece of research,[44] has demonstrated that obtaining employment on release from prison *significantly reduces* the risk of re-offending. We consider finding employment on release from prison in Chapter 8.

6.3.2 WORK IN PRISON

Prisoners can engage in the following types of work:

- Production for the internal prison market (through workshops): including making clothing, repairing window frames and furniture;
- Maintenance of the prison estate such as cleaning toilets, undertaking kitchen duties, laundry work and acting as orderlies for prison departments;
- Production for external contractors (through contract services workshops): these external contracts include textile manufacturing, light engineering, preparing mail shots, assembling electrical components, making road signs;
- Land-based tasks: including animal husbandry, gardening and prison grounds work.

In 2003 the Prison Industries Review[45] criticised the lack of purpose and intent from HMPS toward prison work, as well as the lack of opportunities for prisoners to earn and engage in employment workshops. This criticism of the lack of opportunities in prison was pertinent in 2003 when the population was less than 75,000 and is even more pertinent now in view of a population increase of almost 10 per cent to over 83,000.

The increased population pressure has impacted negatively on prison work. As one long term prisoner notes in a submission he sent to our Review:

> *Providing accommodation for the massive increase in prison numbers over the last twenty years has swallowed up all budgets, and with little capital investment in skill building provision, work in prisons is destined to be on the whole meaningless and to a great extent, purposeless.*
>
> A former prisoner in evidence to the CSJ

Work opportunities are difficult to secure. There are only prison work places for around 32,000 prisoners in a population of over 83,000.[46]

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44 Home Office, *An evaluation of prison work and training*, London: Home Office, 1996

45 Prison Service, *Prison Industries: an internal review of the strategic oversight and management of public sector prison Industries in England and Wales*, London: Prison Service, 2003

46 Home Affairs Select Committee, *Rehabilitation of Prisoners*, First report of session 2004–05, London: The Stationery Office, 2005

HMP Latchmere House – successes and failures in a resettlement prison

HMP Latchmere House is regarded as the showpiece resettlement prison in England and Wales. Located in Richmond, Surrey, with excellent road, rail and underground connections to London and the large parts of the South East, it houses some 200 Category D prisoners all of whom are entitled under the Release On Temporary Licence (ROTL) scheme to go out to work on paid or community service jobs during the day.

Latchmere House, which is now under the governance of HMP Wormwood Scrubs, has strengths and weaknesses.

Its strengths include a track record of success in finding driving jobs for its prisoners with Transport for London and other employers who need drivers of buses and HGVs. It has a valuable database of charitable and community organisations willing to offer unpaid work to prisoners.

On the other hand HMP Latchmere has many weaknesses revealed to our Review by both former inmates and by employers of Latchmere prisoners:

Comments by ex-prisoners

The staff had no motivation to get anyone into gainful employment.

The Job Club was hopeless. It was understaffed (by only two prison officers trying to find jobs for 200 prisoners) and they had negative attitudes with correspondingly poor results.

If any employer offered a job interview at an appointment time of say 9:30am or 3:30pm the interview often had to be cancelled because it didn't suit the prison timetable. There was no flexibility.

In my 15 months at Latchmere only once did an employer (from the National Grid) come into the prison to offer advice in a talk to job seekers.

It was incredible how many faxes were lost or went missing.

Huge opportunities to find prisoners work in the construction industry were lost by negative attitudes and poor communications.

Comments by employers or community organisers about HMP Latchmere

From day-to-day you could never discover who was in charge. One prison officer never seemed to know what another had done or where a file was.

Faxes and telephone messages to the prison went ignored and unanswered for days.

There was no sense of our need for a quick response. They (prison staff) were slow and rather unhelpful.

It was terribly bureaucratic sort of place.

You could not send or receive an email from an inmate wanting a job here.

From the above comments it appears that HMP Latchmere is not doing a good job as a resettlement prison. Our recommendations about prison work in the community in section 6.3.3.3 would make a considerable improvement.

6.3.2.1 Prisoner pay

Prisoners are entitled to earn a small wage for their work. This acts as an incentive to engage in personal development. Most prisoners use their wages to buy goods from the prison canteen. A small number send their wages home to their families.

The average pay received by prisoners per week for work is **£9.60**[47]

Each prison has jurisdiction over prisoner pay, but minimum requirements are laid down by HMPS. Prisoners who are able to work and who are in work receive a minimum £4 per week. Those who are willing to work but are unable to, due to lack of opportunities or other impairments are paid minimum £2.50 per week. Those on long-term sick pay or in retirement receive £3.25.[48]

Prisoner pay was scheduled to rise modestly in early 2008 in an attempt to make work more realistic. This move was controversially shelved at the last minute by the Prime Minister who it is thought feared its political impact.

6.3.2.2 Private sector opportunities

This Review believes work in prison should be realistic and demanding. Too often we find it is not. It is has been regularly criticised by prisoners as menial, tedious and purposeless during our Review.

Jonathan Aitken and other speakers joined together for the Pecan WorkOut conference

In some cases this cannot be avoided because certain jobs on the prison estate must be carried out. Other work such as cleaning and cooking, although perhaps monotonous at times due to the scale of prison buildings and the number of prisoners, can begin to teach new skills and discipline as well as nurture healthy status and self-respect. Indeed, this is one of the most innovative aspects of the new 'academy model' prisons that we recommend. This new approach takes all the present and necessary service functions of a prison operation and turns them into exciting; engaging; and community-connected work, learning and personal-development opportunities for all prisoners.

In existing prisons, there has been widespread consensus from those we have met with to discuss prison work, that more opportunities for innovative and realistic work are not only needed but, with the right will, possible. This is particularly relevant to training prisons and for prisoners approaching the end of their sentence.

47 Hansard, House of Commons written answers, 18 December 2007

48 HMPS, Prison Service *Order 4460, Prisoners' pay*

We highlight two examples of encouraging public-private sector partnerships encountered during our Review. These projects transform prison work into a more realistic preparation for release.

The first, *Barbed*, a pilot project that demonstrated how prison work can provide a realistic forum for learning and gaining experience, as well as enabling prisoners to make a tangible contribution to society and the economy. Unfortunately it has since closed down in circumstances disputed between the organisation of *Barbed*, the Howard League for Penal Reform and the Prison Service. Each initially blamed the other for *Barbed*'s collapse. Since then, The Howard League's Director Frances Crook has written of how the inflexibility of prison culture rendered the enterprise unworkable:

> *We explained (to David Hanson, Minister of State) that the cut in hours made it impossible to compete. Two years ago we started at 30 hours a week but the prison cuts meant we lost about 8 hours per person. There was never any possibility of overtime or flexibility – if we need a few minutes to finish a piece of work, hard luck.*
>
> *The sudden and frequent lock downs meant we could not fulfil contracts. Ironically, at the very time that we were meeting with the Minister, the prison had a lock down and our prisoner/designers did not appear for work all afternoon. No warning, no explanation, no apology.*
>
> *The policies, attitudes and practices prevent any real activities going on in prisons. I have lobbied and cajoled and bullied, but the prisons are unmoveable and illogical. Unless something radical changes, the prisons will go on sucking thousands more men, women and children in and leaving them idle and purposeless for years on end. What a terrible waste of lives, money and effort. If anything is criminal, it is that.*
>
> Frances Crook, Director's Blog, 22 December 2008[49]

Barbed's closure demonstrates that prison culture, and its approach to facilitating work, must be radically overhauled.

The second example demonstrates how effective partnerships with external private sectors can work, and even offer prisoners the potential of continued employment on release.

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49 See http://www.howardleague.org/index.php?id=310 [accessed 19/02/09].

'Barbed' – a social enterprise

The Howard League for Penal Reform in partnership with HMP Coldingley

'Barbed' was a pioneering social enterprise run in HMP Coldingley, Surrey. It was a graphic design studio employing prisoners and producing work for organisations such as the Big Issue and RESET.

Prisoners working in the studio were given substantial technical training before moving into post. Further education and training was available as they prepared for their release. They were paid the minimum wage.

30 per cent of each prisoners wage was placed into a charitable fund supporting other prison projects, to replicate accommodation/food costs they would pay outside of prison. National Insurance was also deducted though tax is not currently payable (much to the dissatisfaction of many of the prisoners, who would have liked to contribute) as HMPS holds that prisoners may not be employed by outside organisations.[50] Through their wages prisoners also donate to Victim Support.

Remaining monies could be saved by prisoners or sent to families for support.

Although Barbed collapsed in disputed circumstances in December 2008 it was an interesting and worthwhile experiment in providing real work for prisoners. Both HMPS and HMRC placed unnecessary and bureaucratic obstacles in the way of the project which should be resolved in future schemes of this kind.

Timpson and A4e

Links with HMP's Blantyre House and East Sutton Park

A4e (the largest private provider of prison based learning and skills, operating in 32 prisons across the estate) linked up with high street retail chain Timpson during 2007, leading to a visit to HMP Blantyre House in Kent, where A4e delivers education and skills as part of its OLASS contract, funded through the Learning and Skills Council (LSC).

Timpson, which provides services ranging from shoe and watch repair to engraving, has actively sought to recruit former offenders for a number of years, and so the visit from Dennis Phillips (Regional People Support Advisor) and Chris Charlton (Kent Area Manager), was an opportunity to talk to a number of men interested in careers with Timpson.

As a result of the visit, interviews were set up for Chris, by Steve Harris, Blantyre's Community Engagement Manager, which resulted in two men being released on temporary licence (ROTL) and starting on Timpson's training programme. This then led to permanent employment being offered to both men.

Following this, a third prisoner was referred for an interview and began full time employment in early 2008.

Nearly a year on and the three are still employed by Timpson. One of the men, 'George', is due for parole very soon, and Timpson are helping him to find accommodation in order for George to continue getting his life back on track.

As a result of the work with Blantyre House and due to Steve Harris's link with East Sutton Park female prison, further partnership work was carried out resulting in one of the female prisoners securing employment via ROTL.

'Jennifer' is due for release in December and after working at a shop local to East Sutton Park whilst still in custody, Timpson are arranging for a transfer to her local shop in order for her to continue employment on release.

This is an innovative example of an employer looking to increase its recruitment pool, and playing a crucial role in helping to reduce the re-offending of these four former offenders by 100 per cent. In doing so, Timpson have also demonstrated a significant commitment to ensure sustainable employment, and, in the case of 'George', by also understanding that accommodation is another key Pathway in helping to reduce recidivism.

50 As a result of this The Howard League for Penal Reform has over £20,000 of returned prisoner tax contributions in a designated account, holding the money until resolution of this problem has been found.

6.3.3 POLICY RECOMMENDATIONS

6.3.3.1 A new priority

For a variety of reasons NOMS/HMPS national management has in recent years missed its target of providing four hours a day of 'purposeful activity' to each prisoner with individual establishments often providing bogus figures to conceal this failure (section 6.1.4.3).

Moreover there are only approximately 32,000 work places in total across the prison estate, for a population of over 83,000. We agree with the Home Affairs Select Report's conclusion in 2004/05 that this inadequate level of provision remains 'indefensible.'[51] The Home Affairs Select Committee also reached the gloomy conclusion that prison industries remain peripheral to the overall rehabilitation strategy.[52] Yet some prisons now have effective industrial units or workshops within them. These examples of good practice are exceptions which we have note in our recommendations.

We recommend that a much higher priority should be given by NOMS/HMPS to the provision of meaningful and purposeful work for prisoners as this can be one of the keys to preventing re-offending. This will require an energetic culture change in the ethos, leadership and attitude towards prison work by the Prison Service at local and national level with a strong involvement from the business, and wider public sector.

6.3.3.2 The private sector

Building on good practice

A vital ingredient in raising the priority level of prison work is to establish connections and partnerships with private sector companies, employers and training organisations willing to employ or train prisoners so that they are as well placed as possible to find employment in their local communities on release. Such connections are already being successful established in certain regions and prisons. This Review is aware of the work of Wessex Water in training prisoners in the South West for employment in the water industry; of the work by National Grid Transco in offering training and post release jobs to selected inmates in 25 prisons; of HMP Wandsworth's initiative in setting up a workshop to train prisoners in voice and data cabling in partnership with Bovis, Dixons, Cisco and Panduit; of the work in HMP Lindholme where an in-house bakery employs 84 prisoners, 64 of whom were awarded NVQ qualifications in 2006/07; and of HMP The Verne's scheme, in partnership with Rail Track for cutting and fitting rail lines. We are also aware of the encouraging work being done by the Corporate Alliance for Reducing Re-offending.

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51 Home Affairs Select Committee, *Rehabilitation of Prisoners*, First report of session 2004–05, London: The Stationery Office, 2005, p53

52 Ibid, p54

All these partnerships with the private sector are reducing re-offending, helping to get released prisoners into jobs and operating to the commercial advantage of the companies themselves. Our recommendation is that many more such schemes should be opened up throughout the prison estate and we make a number of proposals for this.

National leadership

Raising awareness of the potential for partnerships between commercial organisations and prison workers, trainees or workshops is an important first step at both national and local level. NOMS/HMPS should immediately appoint a Director of Work and Training to its central board of management with responsibility for developing links between prisons and the private sector. The post should be filled by an energetic and innovative business executive from outside the civil service. One of the key tasks of this National Director would be to take charge of a national marketing drive designed to create many more private sector prison partnerships across the prison estate.

Local leadership

Every CPRT should have on its board of management a locally based Director of Work, Training and Employment. This Director, who could well be non-executive with professional managers doing the daily work on the ground, should be tasked with developing links with local commercial organisations willing to provide training, in-prison work and employment opportunities for prisoners and ex-prisoners. This relationship is inherent in the notion of sponsorship as it would apply in the new 'academy model' prisons. Training and workshop activity should be relevant to the needs of the market in each CPRT area.

Under the leadership of a CPRT's Director of Work, Training and Employment some organisations will be found who will be willing to give contracts to prisoners or groups of prisoners for work carried out in prison workshops. Such direct contracts should be encouraged. So should private sector management of prison workshops or units within them.

Employment law

The present bureaucratic objections to direct prisoner contracts of employment or piece work (often along the lines of 'employment law might interfere with the right of governors to govern') should be over-ruled by Ministers. One simple expedient would be legislation that exempts prison work contracts from employment law.

Furthermore, the present refusal of HMRC to take Tax and National Insurance from prisoners earnings should be over-ruled by Ministers. There should be arrangements put in place by which prisoners earning commercial payments should contribute towards a fund for victims (as pioneered by *Barbed*, section 6.3.2.2), pay tax, support their families and be able to

accumulate savings and, very importantly, begin to pay off debt, especially rent arrears, which is a major impediment to securing accommodation upon release.

Doubling 'real work' opportunities

We believe that with energetic marketing at national and local levels there is great scope for increasing the number of prisoners doing commercial work for the external market. In 2006/07 10,834 prisoners were employed in workshops across the estate. On average approximately 4,000 work for contract services, producing goods and services for commercial organisations outside prison. Another 6,000 prisoners work to produce goods and services for the internal market of the Prison Service.[53] We support the work done by Mr Tim Jones (Chairman, Devon and Cornwall Business Council and unpaid special advisor to HMPS) in this field. In his evidence to our Review Mr Jones said there was a potential to double the number of prisoners doing real work in prison workshops to over 20,000. We recommend a drive towards achieving such a target figure. We also recommend that realistic output targets for prison workshops should be set and monitored at both CPRT and national level. It would be helpful if output targets from prison workshops could be included within the remit of the Prison Inspectorate.

Prison Work expert Tim Jones meeting with members of the Review

We believe it would be possible to double the number of 'real jobs' in our prisons within three years. This would require a drive into areas like training for NHS jobs, recycling contract work, forestry commission work and all work activities where there are skills shortages at local levels. There will be commercial rewards for private sector companies with such a strategy. But the greatest reward to the national interest would be that every year several thousand prisoners would be trained for work and well equipped, often for the first time in their lives, to secure jobs after their release. This would be a sure way to reduce re-offending.

Changing the culture

Although the potential for increasing work within prison lies with the expansion of the private sector – prison workshop partnership we believe that there should be an overhaul of the culture of prison work for those prisoners engaged in day to day duties such as cleaning, catering, being orderlies to prison departments and carrying out other, on the whole, menial tasks. A few of the 14,000 prisoners engaged in these duties work hard. Most do not. Their 'jobs' are often an exercise in make-believe work at levels of activity so low that

53 Prison Reform Trust, *Bromley Briefing* December 2008, London: Prison Reform Trust, 2008, p41

they are indistinguishable from inertia. It should be an important challenge to the CPRT boards of management to change this culture of 'non jobs' and make believe work into activities that are far more disciplined and purposeful.

6.3.3.3 Prison work in the community

Evidence from the United States

The Washington State Institute for Public Policy (WSIPP) concluded that employment and job training in the community can reduce recidivism and as a result, lead to a decrease in public expenditure.[54] Research led by WSIPP found that such programmes can cut crime outcomes by more than four per cent and save, over the long-term, up to $4,300 per participant – through the reduced cost of crime to victims and taxpayers.

At present around 1,500 prisoners go out to work in full time paid employment during the day.[55] This is under the Release on Temporary Licence (ROTL) scheme which, for security reasons, is operated on a very small scale across the prison estate but at a significant level in the Category D prisons known as Resettlement prisons. One of the most effective of these is widely agreed to be HMP Latchmere House. However our research has revealed many flaws in the operational effectiveness of HMP Latchmere which we have described in section 6.3.2. We believe that these weaknesses, which are likely to be common to all resettlement establishments, could be overcome by our recommendations as follows:

- Better motivation and training of prison officers posted to resettlement prisons;
- The contracting out of the Job Club in the prison to a private sector employment agency;
- A more cooperative attitude of prison officers towards job interview arrangements at times convenient to the employers rather than the prison staff.
- A pro-active attitude of resettlement prisons towards potential employers who should regularly be invited to give talks and conduct real and practice job interviews with prisoners;
- A positive and welcoming attitude towards useful ex-offenders who are willing to come and give talks or counselling sessions in prison on how to increase success in obtaining jobs and how to avoid the pitfalls and obstacles to employment;

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54 Aos, Miller and Drake, *Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs, and Crime Rates*, Olympia: Washington State Institute for Public Policy, 2006

55 HM Government, *Reducing Re-offending Through Skills and Employment*, London: The Stationery Office, 2005, p21

- The organisation of talks (whether by ex-offenders or specialist advisers with no previous records) on matters such as opening bank accounts, obtaining car insurance or passing qualifications;
- A special focus on jobs in the construction industry (which employs many ex-offenders) and on helping prisoners to qualify in prison for the CSCS Health and Safety Test (a written examination paper set by the construction industry);
- Allowing inmates in resettlement prisons to have supervised access to the internet and to email for the purposes of finding employment.

If all these reforms were introduced to resettlement prisons we estimate the number of prisoners going into jobs or full-time community work from their establishments under the ROLT scheme would rise from 1,500 to over 2,000.

6.3.3.4 In summary

A major change of the culture of prison work is needed. There are already some good foundations to build on. However the Prison Service itself lacks the will, the personnel and the expertise to develop strong links and partnerships with the private sector. So the only way cultural change will be brought about is if the Prison Service appoints outside business executives at national and local level to take charge of a marketing and implementation strategy aimed at enlarging the number of prison workshop private sector partnerships.

SEVEN

Prisoners and their victims

Hearing the victim's perspective can change your whole outlook.

Comments from a serving prisoner made during a CSJ prison visit

7.1 Prisoners and their victims

Prisoners are frequently in denial about the damage they have inflicted on the victims of their crimes. Victims are often dissatisfied with their own marginalisation by the police, the courts and the criminal justice system generally. Instead of being recognised as the central figures in a criminal drama that results in a prison sentence, victims tend to be treated as 'extras' who merely have walk-on parts that are peripheral to both the punishment and rehabilitation of offenders.

Our Review seeks to find ways of giving victims a much more important role and voice in the criminal justice system. This is partly in order to make communities safer, partly to satisfy the understandable desire of victims to see justice done, and partly to lessen the chances of criminals repeating their offending against other victims.

54 per cent of people we polled said that meetings between prisoners and their victims could reduce re-offending. **21 per cent** were unsure[1]

7.2 Making prisoners aware of their victims

Prisoners are notorious for being in denial about the emotional and physical harm they have inflicted on their victims. Burglars make claims like '*it's only a crime against property*' or 'no-one got hurt' or 'so what – the insurance companies pay up'.

Muggers say 'I only wanted her mobile'. Violent attackers pretend 'I can't remember a thing about the person who I hit' or 'I just blanked out' or 'the drink just got to me'. They are reluctant to face the reality that victims of crime

1 The Centre for Social Justice, YouGov polling, 19 January 2009

are frequently traumatised and can have their whole lives devastated by criminal behaviour.

Our Review believes that prisoners who are fairly but fully confronted with the damage they have done to their victims may be sufficiently shaken to change their attitudes, behaviour and patterns of re-offending. There is encouraging evidence to this effect from both international and UK research studies. We recommend four areas of reform:

- Introducing Victim Impact Classes and Tutorials into prison regimes;
- Requiring prisoners to pay a proportion of their earnings in jail directly to their victims or to general funds for victims;
- Encouraging prisoners to make reparations to their victims;
- Legislating to make Restorative Justice and Restorative Justice Conferencing (with victims as participants) and integral part of the Criminal Justice System both at national level and within every CPRT.

7.3 Victim Impact Classes (VICs)

VICs are educational programmes designed to teach prisoners about the human consequences of crime with particular emphasis on how victims and victims' families are affected. VICs have been tested in some US states including California and Iowa. Results from these tests appear to validate the importance of victim-centred educational programmes for offenders. One study, after pre- and post-test evaluations of VICs, showed that participants in them were far more likely than non-participants to make reparations to their victims and to show increased sensitivity to and understanding of the harmful impact of crime on victims.[2]

Another evidence-based study of two VIC programmes in Iowa by the University of New Haven reported, 'The project team is thrilled that the formal evaluation results confirm how important victim impact classes are for all offenders. Coupling victim awareness and personal accountability for the harm they have caused with improved offender competencies holds much promise for the future.'[3]

7.4 Compulsory financial reparations for victims

The idea of making prisoners pay part of their wages in jail to their victims was first recommended by Lord Woolf (then Master of the Rolls) in his 1991 report on the riots in HMP Strangeways.

'2 Stutz, Department of Corrections report, Washington DC, 1994, cited in 'Victim Impact Class' evaluation, http://www.courtinfo.ca.gov/programs/ccjp/documents/VictimImpactClass.pdf [accessed on 13/01/09}.

3 Gaboury and English, *Standardized Victim Impact Curriculum for Corrections Project*, unpublished 2007, cited in Iowa Department of Corrections Victim Advisory Council, *Victim Impact Classes and Evidence-Based Practices*, 2007, p5

In 1996 a private members bill introduced in the House of Commons by Hartley Booth MP, which created the legal structure for this process, was voted into law.

However, payments from prisoners' wages to victims, or a victims' fund, have never been made on the grounds that these wages are too low for this to be possible.

Although we agree that prisoners' wages have been kept artificially low for reasons of political and trades union pressure, we nevertheless believe that a start should be made in implementing this policy. We make specific recommendations in section 7.5.5.2.

The Victims' Surcharge (VS), introduced in 2004, has failed. The VS scheme was estimated to bring in £16 million a year for victims of crime. Instead it has brought in less than £2 million. Over 830,000 offenders have managed to escape paying the VS. Offenders sentenced to custody and community orders have been exempt from the scheme because the IT system is unable to process their details.[4]

The MOJ has been unable to explain this failure. Technological and IT difficulties have been mentioned in press reports. There were also failures to consult magistrates.

7.5 Restorative Justice (RJ) conferences

> *Restorative Conferencing – where offenders are brought face-to-face with their victims, often with family members, in a meeting run by a trained facilitator – is an innovation which can work particularly well in prison. Rigorous evidence from Home Office sponsored trials showed that offenders going through this process in prison re-offended one third less than those in a similar group who did not. And, even more importantly, crime victims who attended the meetings were generally highly supportive and glad they had done so. This is not an expensive thing to do once sound multi-agency processes are set up to do it: the study showed that for every pound spent, it saved another pound in CJS costs further down the line, and saved nine pounds in the reduced overall costs of crime to society.*
>
> Sir Charles Pollard, Associate Director Restorative Solutions and former Chief Constable of Thames Valley Police, in evidence to the CSJ

7.5.1 BUILDING ON THE POTENTIAL OF RESTORATIVE JUSTICE

We regard RJ conferencing schemes as an under-utilised tool for reducing re-offending by prisoners.

We were impressed by the evidence given to our Review by Sir Charles Pollard, Associate Director of *Restorative Solutions* and former Chief Constable

4 *Daily Telegraph*, '800,000 criminals evade new 'victims surcharge'', 6 December 2008

Jonathan Aitken and Derek Sayer discuss more support for the victims of prisoners

of Thames Valley Police, as well as others. We have also been impressed by the collation of recent academic research on RJ led by Professor Lawrence Sherman of Cambridge University and Dr Heather Strang of the Australian National University.[5] This Sherman and Strang study of some 400 cases of RJ conferences compared to an equivalent number of similar cases without them showed that RJ conferences reduced the frequency of recidivism by 27 per cent.[6]

We have also held detailed discussions within the United States with one of the pioneers of and leading expert on RJ in North America. He is Dr Dan Van Ness of Justice Fellowship. His research and practical experience confirms the broad message of the Sherman and Strang findings which have also been corroborated by a team from Sheffield University headed by Professor Joanna Shapland.

Restorative Solutions

Our Review received evidence from Sir Charles Pollard, Associate Director of Restorative Solutions (RS). Restorative Solutions, a Community Interest Company, is led by criminal justice experts and works with organisations, including criminal justice agencies, which deal with harm and conflict to promote restorative conferencing practices.

RS provides crucial consultation, planning, course facilitation and training for organisations seeking to develop RJ conferencing. It has helped to establish innovative RJ projects with young offenders, Neighbourhood Policing Teams and with pupils in Schools. RS firmly believes that RJ conferencing in prison could be highly effective in reducing re-offending.

Associate Director Sir Charles Pollard told the CSJ:

Restorative Solutions is a not-for-profit organisation that provides advice, support and training to police, prisons, probation and community groups who wish to take up Restorative Justice. Restorative Solutions regards restorative justice as a toolkit for helping front-line workers in a number of fields – it is a practical skill that can be trained at a very economic cost, without a surfeit of bureaucracy and theory, to Criminal Justice practitioners in courses as short as three days.

7.5.2 UNDER-UTILISED

Although RJ has been impressively researched and pockets of good practice exist in prison, such as the *Sycamore Tree* project led by Prison Fellowship (see below), it has been unimpressively presented, poorly understood and only sporadically implemented. Only one Probation area of the country (Thames Valley) has maintained a consistent policy of using RJ practices.

5 Esmee Fairbairn and The Smith Institute, *Restorative Justice: the evidence*, London: The Smith Institute, 2007

6 Joint press release – University of Cambridge and University of Sheffield, *Restorative justice reduces crime by 27%*, 1 July 2008

The reason why RJ has not caught on to the extent it deserves to have done is that RJ processes are still not understood well enough even among criminal justice practitioners. It is in fact a comparatively simple and cost effective operation to run an RJ conference. They normally last between one and three hours and can be particularly effective in prison settings. The main element in the proceeding is that offenders are required to listen while the victims describe the harm that their crimes have caused.

Restorative Justice in action:

The Sycamore Tree – Prison Fellowship

The CSJ took evidence from Prison Fellowship England and Wales, including discussions with Sycamore Tree Project Director Anne Mason and Chief Executive Stuart Read, during the course of our Prison Reform Review.

The impressive, independently evaluated, Sycamore Tree project is being led by Prison Fellowship in 34 prisons and Young Offender Institutions across England and Wales. A member of our working committee visited the project to observe a session in HMP Highpoint.

The RJ project consists of six weekly sessions, 2½ hours in length, working with prisoners on such issues as what RJ is; the impact and consequences of their crime on victims; apologising for crime committed; understanding reconciliation; developing an action plan; and making a symbolic act of reparation. During the programme surrogate victims meet with prisoners to discuss the impact crime has had on their lives.

Sheffield Hallam University led an independent evaluation of the Sycamore Tree project in 2005. It concluded that the project was reducing attitudes proven to be conducive to offending behaviour.

It's made me look at myself, what kind of person I am. I want to change.

A participating prisoner

I feel I have made a difference. I saw a glimmer of hope amongst those prisoners, and that made it worth it.

A Volunteer Victim

7.5.3 HOW RJ CONFERENCING WORKS

There are often frank exchanges between the victims and the perpetrators of crime. It is crucial to the success of these conferences that the offender, the victim and the other participants speak for themselves rather than through others.

It is generally acknowledged by those who have participated in RJ conferences (including one member of our CSJ working group, who saw his teenage daughter, a victim of a mobile phone mugging, confronting her attacker in an RJ conference) that these sessions have the potential to make a deep impact on an offender.

Many offenders in an RJ conference when confronted by the reality of the harm they have done to an individual victim, feel ashamed and express genuine remorse. Sometimes the offenders have described their face-to-face meetings with their victims as *traumatic* and *life changing*.

Prisoners often express dissatisfaction about the artificial and unconvincing nature of many of the prison based courses they are required to attend which

are intended to address their criminal activities. By contrast an RJ conference attended by real victims speaking directly to the criminals who have damaged them will usually not be the least artificial. An RJ conference can be a powerful experience which has a much better chance of changing prisoners' lives and preventing their re-offending.

From the point of view of victims of crime, there is clear evidence that they react positively towards RJ conferences. This is because victim participants in RJ often feel they have achieved 'closure' after expressing the hurt, anger and loss they have experienced in a way that is usually not possible through conventional processes of criminal justice.

A prisoner's story of how Restorative Justice conferencing changed his life:

By Peter Woolf, published in Rehabilitation of Addicted Prisoners Trust magazine

Desperate for money I burgled someone's house and I was arrested. Three months later I attended a Restorative Justice conference. Restorative Justice is about face to face meeting between the victim and the offender. I met two people whose houses I had burgled and they told me how they felt. I couldn't believe it! How their relationships with their wives and children had suffered because of the anger. One man – he was a heart and lung surgeon – he was telling me his life's work on his laptop had gone – he couldn't sleep – he had to move out of his home and still wasn't comfortable. But worst of all when he was operating he couldn't get me out of his head and it was affecting his work. Suddenly he burst into tears and for the first time in my life I felt someone else's pain. That was the breakthrough.

There was an Outcome Agreement. The police officer facilitating said, 'What would you like to see happen to Peter?' They said, 'We would like Peter to do alright, to address his addiction problems, and never do this again.'

I was dumbfounded and soon after joined the RAPt programme at Norwich prison.

Peter Woolf graduated from the RAPt programme at HMP Norwich in 2002. He now works as an associate trainer at Restorative Solutions and with Prolific and Priority Offenders in Barnet. His autobiography *Damage Done* will be published by Transworld later this year.

Professor Rod Morgan during a session on restorative justice in prisons

7.5.4 RESTORATIVE JUSTICE CONFERENCING AND SENTENCING

There are indicators that the judiciary may be willing to take RJ conferences into account when sentencing an offender. In R v Collins (Times Law Report, 14 April 2003) the Court of Appeal reduced a sentence for unlawful wounding and robbery from seven years to five years for an appellant who had taken part in an RJ conference. The Court of Appeal commented that RJ was 'by no means a soft option' and was designed to ensure effective sentencing for the better protection of the public. The court concluded, 'As it appeared to be going at least some way to achieving its purpose it should be encouraged.'

We welcome the exploration of RJ prior to sentencing and during a sentence review but also recognise that potential risks of insincerity and inconsistency (as RJ is dependent upon the willingness of the victim to participate) must be considered carefully.

We refer to the forthcoming Centre for Social Justice Courts and Sentencing review for further discussion about RJ practices and sentencing.

7.5.5 POLICY RECOMMENDATIONS

7.5.5.1 Victim Impact programmes

We recommend that VICs and their one-on-one equivalent Victim Awareness Tutorials (VATs) should be tested on a pilot basis in selected CPRT areas. These pilots should be comprehensively evaluated in terms of victim satisfaction, changes in prisoner attitudes and reduction in local re-offending rates.

7.5.5.2 Compulsory financial reparations for victims

The existing Victims' Surcharge scheme should be scrapped and replaced by a more effective system built around enforced Victims' Funds administered at local CPRT level.

We recommend that all weekly prison wages (which average approximately £9 per week but can rise as high as £50 per week on some contract work) should have 10 per cent deducted *at source*, to prevent it acting as a disincentive to work. This deduction should be directed to the Victims' Fund, or allocated to individual victims where feasible, to facilitate the Restorative Justice conferencing we advocate. Funds gathered should also be used to facilitate or establish local support work for victims.

Although these small deductions are more symbolic than substantial they establish the principle that prisoners should at least make a start in compensating their victims. The principle can be developed by the recommendations made in our Restorative Justice recommendations below.

7.5.5.3 Restorative Justice Conferencing

One way or another there is ample evidence to suggest that RJ can play a valuable role in both reducing re-offending and in enlarging public confidence in the criminal justice system. RJ can also make a particularly strong impact at local community level. In North America the success of RJ conferences has been notable for its effectiveness within communities. This suggests that if RJ was taken up and used as a widespread tool for preventing re-offending within CPRT areas recommended by this Review, this would be effective at local level.

In the light of impressive academic research and the evidence given to our Review we recommend:

- RJ conferencing should be expanded in both the youth justice system (see the forthcoming Centre for Social Justice Youth Crime review) and in the adult criminal justice system.

- The role of RJ conferencing within sentencing and possible sentence reduction should be explored, following the precedent set by the Court of Appeal (R v Collins 2003).
- Every CPRT should have a programme of RJ conferencing both inside prisons and in the community. RJ should be an important part of a CPRT's drive in a local area to reduce re-offending, address the needs of victims and increase confidence in the criminal justice system.
- All RJ conferencing should be organised in ways that manximise victim participation.
- All RJ conferences should offer the perpetrators of crimes the opportunity to express their regret for the harm caused and to make reparations, where appropriate, to the victim.
- A national RJ agency, along the lines of the Youth Justice Board, should be created in order to oversee arrangements for RJ, train RJ conference chairpersons, liaise with the judiciary where necessary, ensure quality control and encourage CPRTs to develop RJ conferencing both in prisons and in the community.
- A new Act of Parliament should be passed, the Restorative Justice Act, to provide a legislative framework for these recommendations and to establish the national RJ agency.
- All these RJ recommendations should be implemented in coordination with our other recommendations above calling for new Victim Impact Classes and Compulsory Financial reparations for victims. The objective of all these proposals is to reduce re-offending by making prisoners acutely aware of the harm they have caused to their victims while giving victims a far larger role and influence in the criminal justice system.
- Victims of crime should also be encouraged to play a prominent role in the new structure of CPRTs recommended by this Review. In particular victims should either advise or be represented on CPRT boards of management. Victims should also act as members of, or advisers to, the local parole boards recommended by 2.8.3.1 of our Review.

EIGHT
Leaving prison

Staying away from crime after prison is tough. It's about many things like housing, relationships and a job but it's also about skills and ability to take responsibility for your life.

A former prisoner in evidence to the CSJ

Preventing re-offending is about more than giving someone a roof over their head, it is about equipping people with life skills and helping them keep relationships. You could give someone Buckingham Palace and they'd still mess it up.

A former prisoner in evidence to the CSJ

Few prisons had a resettlement strategy that was coordinating work, was based upon prisoner needs and was fully delivered.

HMCIP[1]

8.1 Preparing to re-enter society

Policy makers and prison leaders should always keep at the forefront of their minds the need to assist prisoners in planning for their return to society when their sentence ends. It would be short-sighted to overlook the fact that the majority of prisoners will be released back into the community. Upon their release members of the public rightly expect former prisoners to be rehabilitated, or close to it, and equipped to make a positive contribution.

The Home Affairs Select Committee was unequivocal about the importance of preparing prisoners for release and resettlement in 2005:

The result of failure to provide an adequate level of support for prisoners preparing for release is the continuation of the cycle of re-offending.[2]

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1 Dame Anne Owers, *06/07 HM Chief Inspector of Prisons for England and Wales, Annual Report*, London: HM Inspectorate of Prisons, January 2008, p41

2 Home Affairs Select Committee, *Rehabilitation of Prisoners*, First report of session 2004–05, London: The Stationery Office, 2005, p106

The current high-level of re-offending by former prisoners is a clear indicator that prison is not only ineffective in dealing with drug and alcohol addiction, supporting families or overseeing personal rehabilitation, but that it is also failing to prepare prisoners for life outside the walls.

We have already made recommendations for how prison could be better structured, managed and designed. We have recommended how prison could better treat addiction, support families and oversee personal prisoner development. These have been offered in the broad aim of rehabilitating prisoners so that they will not re-offend when they are released.

In this chapter we concentrate on two of the three key areas for any prisoner seeking to resettle into the community and avoid re-offending after leaving prison:[3] Accommodation and Employment. We have already made recommendations for the third area of resettlement, maintaining and improving family relationships.

8.2 An immediate barrier: the prisoner finance gap

> *The finance gap remains a major problem for prisoners…offenders who have served a custodial sentence of at least 15 days are provided with a discharge grant upon release from prison but this grant does not go far.*[4]
>
> NOMS report

81 per cent of offenders go on to claim benefits upon their release

A resettlement issue which transcends both accommodation and employment is the 'prisoner finance gap'. This is the period of time between the release of a prisoner and their access to necessary benefits[5] or emergency finance.

More than 80 per cent of prisoners make an application to receive benefits upon their release[6] meaning that the finance gap is a considerable problem for the majority of the 65,000 prisoners released each year.[7]

Almost every sentenced prisoner is released with a discharge grant of £46 and a discharge form to assist them in their benefit applications. One of their first appointments should be a meeting with a local Jobcentre Plus advisor to make their claim.

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3 Public Accounts Committee, *Reducing Prisoner re-offending*, Fifty Third report, London: The Stationery Office, 2002, para 2

4 NOMS and the FSA, *Signposting Offenders to Financial Capability Training, Debt Advice and Financial Services*, London: NOMS, 2006, p32

5 Benefits not payable or suspended during custody include Incapacity Benefit, Job Seekers Allowance and Carer's Allowance. Those still payable include Disablement Benefit (payable on release and in arrears), Child Benefit and Guardian's Allowance. Housing Benefit and Council Tax Benefit may also be payable for the first 13 weeks of a custodial sentence – Child Poverty Action Group, *Welfare benefits and tax credits handbook 2007/08*, London: Child Poverty Action Group, 2007, p630

6 NOMS and the FSA, *Signposting Offenders to Financial Capability Training, Debt Advice and Financial Services*, p23

7 Ministry of Justice, *Offender Management Caseload Statistics 2007*, London: Ministry of Justice, 2008, p146

The ensuing wait, of sometimes between six and eight weeks, effectively ensures that securing rented accommodation (with deposits and rent usually payable in advance), furthering education and training initiated in prison or attending job interviews is nearly impossible without the support and generosity of friends and family, many of whom may have financial pressures of their own.

> *We worked with a man who had been released from prison and was caught shoplifting after six weeks because he was so hungry. He was still waiting for his benefits application to go through. He didn't want to steal but he was desperate. Fortunately in court the judge turned his anger on the benefits office and ordered them to sort it out within 48 hours. That did the trick and he received his money immediately. He is one of thousands.*
>
> A resettlement organisation in evidence to the CSJ

Ex-prisoners are also often eligible to apply for Crisis Loans and Community Care Grants. Evidence heard by our Review however, including the extract below, suggests that initial expense is still required in order to attend appointments and navigate the application process for these. We heard that Social Fund telephone lines are often poorly managed and that Social Fund guidelines can unfairly restrict ex-prisoners because of assumptions made about the adequacy of the discharge grant or stipulations about previous benefits assessments. Our conclusions are supported by a report published by Citizens Advice Bureau in 2007, entitled *Locked Out*.[8]

> *…the ex-offender would receive a grant to tide him over, as well as a travel warrant. Often discharged without anywhere to live, on contacting the Benefits Agency they would be told that they would receive some money in about five weeks if eligible. To chase up they would need to phone an 0845 telephone number and wait in a queue for up to 15 minutes at 30p a minute on a mobile phone. Benefits Agency staff were often discouraged from advising that Crisis Loans were available, and in any case this could not be assessed on the phone, but a visit in person to town X was required. It was not thought about that if they were short of money, how could they afford a train fare from X to X. One example was when someone got to his appointment with the Benefits Agency he was advised that he still owed money from years ago so was sent away empty handed, £10.50 down from travel costs.*
>
> A former Chief Executive of a resettlement charity in evidence to the CSJ

8 Citizens Advice, *Locked Out – CAB evidence on prisoners and ex-prisoners*, London: Citizens Advice, 2007

The Government claims to be working to prevent unnecessary delays in prisoners accessing financial assistance. We have heard however, on a consistent basis, that the finance gap remains an immediate and unconquerable hurdle encountered on release, signposting them back to desperate, sometimes criminal behaviour.

8.3 Pre- and post-release mentoring schemes

The value of providing targeted one-to-one support for people who face multiple barriers during a period of transition was highlight by The Centre for Social Justice in its landmark report on Economic Dependency and Worklessness.[9] One of the central recommendations of the report was that such people seeking work should receive personalised specialist support to get them into, and sustain, employment. We believe that mentoring, when done well by trained and experienced mentors, is also a tool of great potential effectiveness in the prevention of re-offending.

The increased rate of family breakdown and the fact that such a high proportion of serious offenders, particularly those in prison, are the product of fragmented and dysfunctional families as well as wider social breakdown, has made one-to-one mentoring schemes an appealing prospect. A high proportion of offenders face multiple personal problems yet often lack relationships with adults who are not in authority over them or who they feel they can trust. Many prisoners lack positive family support networks to which they can turn on release. This is the social gap that volunteer mentoring schemes aim to fill. They provide the individual offender with a supportive adult worker or volunteer who: is not in authority over them; befriends and acts as a confidante for them; establishes a long-term relationship with them; sees them on a regular basis; and assists them to solve the many day-to-day, practical problems which they typically face.

There has so far been little evaluation of mentoring schemes and what research has been undertaken has been limited and generated inconclusive or apparently disappointing findings.[10] This is not surprising. Mentoring arrangements take a variety of forms and limited data drawn from a variety of small-scale schemes generally fails to discriminate adequately between effective and ineffective practice. There is need for better targeted evaluation. However well founded mentoring schemes have demonstrated an ability of

9 The Centre for Social Justice, *Breakthrough Britain*, July 2007

10 Newburn T and Shiner S, 'Young People, Mentoring and Social Inclusion', *Youth Justice*, 6, 23, 2006; St James Roberts I, Greenlaw G, Simon A and Hury J *National Evaluation of Youth Mentoring Schemes 2001–2004*, London: Youth Justice Board, 2006; Jolliffe D. and Farrington D, *A rapid evidence assessment of the impact of mentoring on re-offending: a summary*, London: Home Office, RDS, 2007

mentors to: engage with offenders and earn their trust; effectively tackle unemployment and accommodation needs; and reduce the frequency and seriousness of re-offending.

> *The key to successful mentoring is to recruit, train and match mentors with mentees. Retired people are a great source of volunteers for mentoring. But it is important that the relationship between mentor and mentee is monitored and evaluated both quantatively and qualitatively.*
>
> Pat Nolan, President of Justice Fellowship USA in evidence to the CSJ

Good mentoring schemes stress the importance of:

- ***Matching***: Careful recruitment of experienced, stable and competent adults from a variety of backgrounds such that they can be matched with some of the characteristics of the offenders (for example sex, ethnicity, social background or interests).
- ***Professional training and support***: High quality training of mentors before they are allocated an offender and thereafter regular de-briefing by a back-up team on whom mentors can call for advice at any time once the mentoring has begun.
- ***Listening and planning***: Working with the offender to address the issues which the offender considers problematical i.e. the offender as the agent or subject rather as an object to be worked on.[11]
- ***Sharing:*** The ability of mentors to engage with the mentee in activities (leisure as well as practical problem solving, for example) in which they have a joint interest.
- ***Commitment***: The willingness and ability of mentors to give time regularly (once or more a week) to meet with or otherwise have contact (telephone or email) with mentees.
- ***Continuity***: Sustaining of longish term relationships (sometimes lasting several years) based on mutual trust and respect.

There is no programmatic blueprint for achieving these outcomes. Different mentoring schemes are able to achieve them in different ways. For example:

- ***Group support:*** Most schemes bring either or both their mentors and mentees together from time to time. Some do it regularly, others seldom.
- ***Activities:*** Some schemes organise group activities (sport, cooking clubs, vehicle maintenance, etc) in which their mentees are encouraged to take

11 The importance of offender 'agency' for desistence from crime is a key finding from the resettlement literature: see Shadd Maruna *Making Good: How ex-convicts reform and rebuild their lives*, Washington DC: American Psychological Association, 2000

part. Others do not, but encourage mentors to take up, with their mentees, opportunities to engage in activities provided by other agencies.

- ***Fees or expenses**:* A few schemes pay workers/volunteers sessional fees (and some employ full-time professional mentors – for which there may be a case for working with a minority of high risk or particularly difficult offenders), most do not.

There are a variety of 'through the gate' mentoring schemes the best of which have the following characteristics:

- ***Early intervention**:* Introducing mentors to prisoners early in their sentences so that regular contact and relationships are established well before release.
- ***Prisoner self-assessment**:* Mentors working with prisoners with a view to prisoners identifying the problems they will face on release so that a practical release plan is developed and begun to be implemented well in advance of their release.
- ***Sustainability:*** Continuation of mentoring support beyond the period of release on licence.

The latter point, namely that prisoners' needs and risks do not cease when their sentence is complete, is related to another major issue. Short-term prisoners have the highest re-offending and re-imprisonment rates because they often face the greatest resettlement difficulties. Yet historically short-term prisoners have been the least supported on release. It is with short-term prisoners that some of the greatest benefits from mentoring are likely to be reaped.

At any one time approximately 12 per cent of the sentenced prison population, or around 8,000 prisoners, are serving sentences of 12 months or less.[12] Around half of all released sentenced prisoners were serving sentences of six months or less in 2007.[13] The average for all such prisoners released that year was just 10 months.[14] They are the largest element in the churn and the most serial adult re-offenders in the conveyer belt of crime – yet extraordinary though it sounds this group today receives least monitoring by the professional probation service and least mentoring by VCS groups.

Below we note three promising mentoring schemes led by the Youth Justice Board (YJB) and the Prince's Trust for young offenders and by the New Hope Mentoring Project (NHMP). We have also been impressed by other projects such as the Pyramid mentoring project led by Nacro and Depaul Trust, providing in-reach, out-reach and community-based support for prisoners leaving custody.

12 Ministry of Justice, 'Population in Custody, October 2008', www.justice.gov.uk [accessed 10/03/09].
13 Ministry of Justice, *Offender Management Caseload Statistics 2007*, London: National Statistics, 2008, p148
14 Ibid

The Youth Justice Board mentoring scheme 'Resettlement and AfterCare Provision' (RAP)

The RAP scheme, first established in 2004, involves identifying young prisoners with substance abuse problems. They are offered, voluntarily, the opportunity while in custody of working with a dedicated, community-based RAP worker and a volunteer mentor so as to prepare a resettlement plan. They are provided, on release and on an entirely voluntary basis, with up to 25 hours of planned support and activities each week. This programme may include:

- ongoing access to substance misuse and mental health treatment;
- support to access accommodation;
- education training and employment;
- positive use of leisure time;
- peer and family support work.

The relationship with the volunteer mentor is designed to continue after the period of post-release supervision on licence and the intensive planned support and activities have ceased.

Early experience and evaluations of the scheme suggests that: most young prisoners referred to the scheme take up the offer and engage in the post-release intensive programmes; and continue their relationship with the volunteer mentors after the end of the intensive support and licence supervision period.

The Prince's Trust

Working One to One with Young Offenders

The inspiration for this project came to the Trust directly from young people who had experienced custody. In December 2006, HRH The Prince of Wales hosted a seminar, 'Breaking the Cycle of Offending', where young people said they wanted one-to-one support from people with similar backgrounds. Following this seminar the 'Working One to One with Young Offenders' project was created. The project enables former offenders to support young offenders during their transition from custody to the community. The Prince's Trust have chosen to use the term 'supporter' instead of 'mentor.'

In June 2007 the first group of former offenders were trained in the South West region. By January 2009, there were 30 trained supporters in the South West, with the project operating in HMP Guys Marsh and HMP Eastwood Park. The project is also being developed in the South East (with Reading YOI) and Northern Ireland (with Hydebank Wood).

The supporters work as a team visiting prison on a monthly basis delivering motivational talks to groups of young offenders. Supporters share their life experience to inspire young offenders to turn their lives around and live law abiding lives. Once matched, supporters visit their clients monthly in prison and write letters to them. Supporters meet their client at the gate (if required) on their day of release to ensure they reach their accommodation safely. The primary role of a supporter is to inspire and motivate their client. The secondary role is to support their client to access appropriate services for their resettlement needs e.g. benefits, accommodation or health care.

To be trained as a supporter, potential volunteers must be former offenders (with experience of prison), free from criminal activity and substance misuse for at least 2 years. For young people in prison to be matched with a supporter, they must be within 12 months of release, aged between 18–25 years old and interested in resettlement support.

The New Hope Mentoring project, Birmingham

Everyone who leaves prison should have access to a mentor like mine.

New Hope Mentoring project participant

The faith-based New Hope Mentoring Project (NHMP), inspired by the highly-successful offender support work pioneered in Boston, MA and established in partnership with the police, was launched in 2003.

Since its launch NHMP has received more than 175 referrals of released prisoners aged between 18-35 years old, some of which have been classified as PPOs (Persistent and Prolific Offenders). Offenders are referred by prison staff and other relevant prison workers. NHMP has recruited and trained 62 volunteer mentors, drawing on 40 regulars. The project also trains Community Chaplaincy teams and volunteers.

Mentors work with offenders to instil and nurture essential life skills as well as provide consistent accountability which helps to inspire those released from prison to avoid re-offending. Three highly-positive independent evaluations of the programme have been published. Crucially NHMP has honed in on effective methods identified by these evaluations and adapted its service toward what works.

NHMP now partners with two other local offender mentoring schemes to share good practice and to avoid duplication.

Project Manager Dr Richard Stunt told the CSJ that mentoring ex-prisoners works:

Although mentoring is not a panacea, it can be an incredibly effective tool helping to support an offender as they re-integrate into the community. NHMP often finds that mentoring relationships begun in prison are particularly effective as it gives the mentee a visit to look forward to, and allows the relationship to develop. By the time the mentee is released from prison the mentor is not a complete stranger, there is a level of trust between them and meeting up to talk about progress, challenges and the future no longer seems weird!

Progress that our mentees have made includes reduced reoffending; regaining custody of children from Social Services; engagement in education, training and employment; reduced and eventual cessation from drug misuse; help with health issues; and many more areas.

Mentoring is and should continue to be an integral part of the criminal interventions process.

An NHMP mentee's personal story:

Gavin was referred by the CARAT team in prison before his release. After release he lived with his brother for a while however he began using again. Gavin overdosed and was found face down in a park. He nearly died. This experience has been a strong motivating force as he tried to clean himself up. In spite of the overdose he was offered a place in a hostel and took up the place. After moving in Gavin made steady progress. They helped him put in place an action plan and assigned him a key worker, and got him off heroin.

After 9 months Gavin was involved in a fight and was evicted. NHMP were able to help him find another hostel where again Gavin made progress. The new hostel helped Gavin find a house. His housemate however was an alcoholic and before long Gavin found himself drinking 6-10L of cider each day. Eventually Gavin realised that he needed to sort out his addictions – he had simply replaced heroin with alcohol and was booked into a detox unit. After completing detox Gavin moved to a Residential Rehab in the north of England where he has successfully completed his rehabilitation. He has stayed 'up north', will be restarting work as a carpenter, and has made up with his family who are overjoyed at the change they see in Gavin.

Alongside all that the hostels put in place NHMP supported Gavin as he looked for accommodation, helped after he got mugged and linked him with a mentor who befriended him and kept him accountable.

8.4 Finding accommodation

In 2001 more than a third of Big Issue vendors were ex-prisoners.

Big Issue survey of vendors[15]

A prisoner must have a place to belong when released otherwise that place can become prison once again and they do what they can to get back inside.

A former prisoner in evidence to the CSJ

Getting ex-prisoners into stable accommodation can act as a gateway to effective resettlement.

Prison Reform Trust[16]

The Social Exclusion Unit found, unsurprisingly, that entering secure accommodation on release significantly improves the prospects of a former prisoner entering employment, and therefore reduces the chances of re-offending:

Stable accommodation can make a difference of over 20 per cent in terms of reduction in reconviction…over three times as many ex-prisoners with an address on release were in paid employment as those without an address.[17]

Home Office resettlement surveys have more recently supported this claim by demonstrating that prisoners with accommodation planned for release are four times more likely to have training, education or employment planned than those who have no accommodation.[18]

8.4.1 SUPPORT AND ADVICE IN PRISON

8.4.1.1 Inadequate levels of support

In 2002 the Public Accounts Committee found that an unacceptable 40 per cent of prisoners were homeless on release, they were let out with nowhere to go.[19] In view of this, unsurprisingly, the Committee found that support for prisoners in this field was inadequate.

In 2005 the Prison Diary Project, (noted in section 6.1.4.3) found that only 19 per cent of prisoners surveyed had received any advice or guidance about accommodation whilst in prison.[20]

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15 Prison Reform Trust, Bromley Briefing June 2008, London: Prison Reform Trust, 2008, p36
16 Prison Reform Trust, Bromley Briefing December 2008, London: Prison Reform Trust, 2008, p37
17 Social Exclusion Unit, *Reducing Re-offending by ex-prisoners*, London: Social Exclusion Unit, 2002, p94
18 Niven and Stewart, *Resettlement outcomes on release from prison in 2003*, London: Home Office, 2005,
19 Public Accounts Committee, *Reducing Prisoner re-offending*, Fifty Third report, London: The Stationery Office, 2002, p8
20 Home Affairs Select Committee, *Rehabilitation of Prisoners*, First report of session 2004 – 05, London: The Stationery Office, 2005, p105

Further Home Office research, published in 2005, supported these findings. It found that only one in five prisoners in the study who needed accommodation support and advice got some. It concluded that these results were not anomalous but instead, there were many who needed help but could not access any.[21]

Since 2005 local prisons have also been required to undertake a needs assessment of all new prisoners. During this assessment prisoners should be interviewed about their housing needs. In theory, advice is then available throughout the prison sentence from Housing Advice workers or Prison Resettlement Officers.

A recent report commissioned by the Department for Work and Pensions (DWP)[22] however, which tracked 40 prisoners during the last few weeks of their sentence through to six months after release, found that housing support in prison was sporadic and inconsistent. Our Review has taken evidence which supports these findings. A core criticism of the report was that where housing advice was given, it was in many cases given too late during a sentence. We could find little evidence that this report has been taken as seriously as it should have been.

Housing support in prison therefore remains patchy and largely ineffective. The support and advice services which prove innovative and successful are led by external, usually local, organisations.

8.4.1.2 Prison overcrowding

As with many other key interventions in prison, overcrowding is severely hindering the provision of housing support and advice. It is very difficult to plan and prepare for resettlement many miles from the community to which a prisoner will return. The churn of the estate also regularly disrupts prisoners access to advice and support workers who may work effectively in one prison but not another. Housing and homeless charity Shelter notes that:

> *Resettlement aims also have to compete with other key priorities, not least the availability of spaces in prisons and security considerations. Many prisoners are transferred to different prisons during their sentence, sometimes at a distance from the area to which they will be returning. The receiving prison may have few contacts with the returning area, and resettlement work commenced at the previous prison may not always be followed at the new prison.*[23]

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21 Niven and Stewart, *Resettlement Outcomes on Release from Prison in 2003*, London: Home Office, 2005

22 Centre for Research in Social Policy, *High Hopes: supporting ex-prisoners in their lives after prison*, London: Her Majesty's Stationery Office, 2008, p39-41

23 Shelter, 'Barred from Housing', *Good practice: briefing,* London: Shelter, 2007

8.4.1.3 Pockets of good practice

We have however encountered pockets of effective and innovative prison housing advice. The outstanding services are usually led and managed by organisations from the VCS. One such example is the Peer Advice Project, developed by the award-winning St Giles Trust:

The St Giles Trust – Peer Advice Project

The St Giles Trust leads prison-based projects and assists more than 15,000 people a year across several regions. One of the effective prison projects is the innovative and award-winning Peer Advice Project. The Peer Advice Project is a simple, effective solution to help address homelessness among ex-prisoners. It trains serving prisoners to NVQ Level 3 in Information, Advice and Guidance – training them to a recognised standard to enable them to become effective advice workers to their fellow prisoners. NVQs are a flexible, vocational course which enable prisoners to gain practical experience as part of their training and help other prisoners on a range of issues. Being serving prisoners themselves, they are trusted and seen as highly credible amongst their fellow prisoners.

The original project was established in HMP Wandsworth in 2002. It aimed to break the link between custodial sentences and homelessness by training prisoners to become housing advice workers – so called peer advisors – to other prisoners, supporting busy prison resettlement services and building the skills of the prisoners we train. Peer advisors work tirelessly and are able to reach large numbers of prisoners who are in need of their services.

The Peer Advice Project is now running in 25 prisons across the UK and hundreds of prisoners have successfully trained as peer advisors, providing valuable information and advice to thousands of their fellow prisoners.

Rob Owen, Chief Executive of St Giles Trust, told the CSJ that:

The project nurtures the potential of prisoners to enable them to become a force for good. Many prisoners are keen to turn their lives around and give something back to society. The Peer Advice Project enables people to do this. The fact the advisors are prisoners themselves is an added bonus and they have valuable first-hand experience of the issues their fellow prisoners face. It's a common sense approach that can have a massive return for the individuals, the criminal justice system and society as a whole.

How the Peer Advice Project is making a difference in prison – the personal account of a recent young graduate:

As a young child I was taken into care and placed into a foster family on my own. This is when I was about 8 years old. Later on the rest of my siblings came and lived with me at the foster home, after a while it did not work out so we were moved to another foster placement where it did not work out either.

After going through a few more foster placements I decided to leave foster care and set out on my own and this is when I started to do a lot of crime and this then led onto me doing drugs. By the time I was 16 I had tried most drugs and was gradually gaining a cocaine addiction. During my time in the last year of school and just after, I had a few problems with my family and instead of facing these I continued to hide behind my addictions. After a while the cocaine just was not doing what it should and I started to look for other drugs and the bigger rush. After meeting up with a few friends that I normally went to raves with, I started to smoke crack cocaine and found that it was a better buzz. By the time I was 17 I was a full-time criminal doing robberies, commercial burglaries and also selling drugs myself just to pay for my habit.

Cont

As is always the case when you are an addict but also the dealer, I was smoking all of my profit and then all of my capital away. I finally got into some trouble with my supplier and I ended up messing up not only my life, but also my friends and family, in the end all the people I cared about in my life disowned me. I was shocked, but for some reason I just could not stop what I was doing. Then the inevitable happened a month after my 19th birthday – I was remanded in Reading Young Offenders Institution for robbery and assault on a police officer. During my time on remand I managed to deal with my drug and alcohol addictions and although it was hard, I managed to get through it. This also helped me to realise what I had put my family through, so from then I started to rebuild my family ties and they all said that I should use my time in jail responsibly and constructively.

I heard from one of the peer advisors that was involved with the St Giles Trust NVQ how it had helped him with self-esteem problems and how it could also help me by using my experience of drink, drugs and social services care to help those that had come from similar situations. So I hassled the housing officer inside the jail for about a month to find out when the new course was starting and whether I would be allowed to do it.

Then came the time when St Giles were interviewing for the course I was accepted and was delighted that I was finally getting myself on track. Over the next nine months I finished the NVQ and managed to get placed on the open unit where I could go out to work each day. I started off by working in a charity shop and then finally the big day came because with help from the prison and thanks to the training I had received through St Giles Trust, I had landed myself a job placement with a housing organisation giving housing advice and also tenancy support.

This has not only built my confidence up it has also helped me to face my own demons by helping less fortunate people with theirs.

I could not have done this without the help of my St Giles peer advisor and also the prison who have not only mentored me through the NVQ but also other difficult problems in my life.

8.4.2 RELEASING PRISONERS

In 2003, amid strong criticism about its support for prisoners leaving custody, HMPS introduced key performance targets for accommodation on release. The results are set out in Figure 21 below and demonstrate considerable improvement in recent years. It is important to note that this focuses solely on release outcomes, not numbers accessing support or advice.

Figure 21: Prisoners released with no accommodation 2003–2007[24]

Year	Number released with no address	Population of all released (per cent)
2003/04	39,784	45.6
2004/05	21,604	25.2
2005/06	12,209	16.2
2006/07	4,54	15.8

24 Hansard, House of Lords written answers, 25 June 2008

Figures for 2007/08, measured in reverse and therefore not included in the table, find that 76,779 prisoners were released into secure accommodation, or 85 per cent of the total number released.[25] There clearly are fewer prisoners being released with no accommodation to go to upon release and this is to be welcomed.

Notwithstanding these improvements, from the figures we can denote that during the last five years, more than 75,000 prisoners have been released with no stable accommodation to go to. In assessing the overall prison estate HMCIP notes that despite the clear improvement in the numbers of those being released into secure accommodation, inconsistencies remain from prison to prison and there is still much work to be done across the estate:

> *… (with) one training prison releasing only one prisoner to no fixed abode in the previous 10 months; while in another nearly a quarter of prisoners in the last month had nowhere fixed to live.*[26]

8.4.2.1 Short-sighted targets

In addition, HMCIP found that too little focus was given to the long-term outcomes of the resettlement support. There is no post-release analysis as to whether prisoners had been able to remain in stable accommodation. It is of course useful to measure the numbers and outcomes on the day of release, even more useful though would be to see a measurement of whether these former prisoners remain in stable accommodation six months later. This would assist prisons to tailor their support services in a much more effective way.

8.4.3 AFTER RELEASE

8.4.3.1 Inconsistent support from Local Authorities (LAs)

> *Some prisoners experience acute problems when applying to local authorities as homeless or to go on the housing register.*[27]
>
> Citizens Advice Bureau

56 per cent of ex-prisoners surveyed by the SEU were living in social housing[28]

In recent decades local authorities have 'ghettoised' Britain's poorest people on social housing estates. In 1979 more than a quarter of the richest 10 per cent of households and a third of the second richest decile lived in social housing. Now, virtually none of our richest 20 per cent of households do so. More than 65 per cent of social tenants have incomes in the bottom 40 per cent, only one fifth are in the top 50 per cent.[29]

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25 Ibid

26 Dame Anne Owers, 06/07 *HM Chief Inspector of Prisons for England and Wales, Annual Report*, London: HM Inspectorate of Prisons, January 2008, p42

27 Citizens Advice, *Locked Out – CAB evidence on prisoners and ex-prisoners,* London: Citizens Advice, 2007

28 Social Exclusion Unit, *Reducing Re-offending by ex-prisoners*, London: Social Exclusion Unit, 2002, p98

29 Feinstein et al, Institute of Education, University of Toronto, *The Public Value of Social Housing: a Longitudinal Analysis of the Relationship between Housing and Life Chances*, Toronto: 2008, p87-88, cited in The Centre for Social Justice, Housing Poverty, 2008, p55

Furthermore, evidence from Scotland and England demonstrates that many people in prison come from the most deprived communities, often social housing estates. A study of the Scottish prison population in 2003 underlined the concentration of offenders in the poorest communities. The rate of imprisonment among men was 953 per 100,000 in the most deprived communities (on the Scottish Index of Multiple Deprivation). For men aged 23 years old, one in 29 was in prison in such areas.[30]

10.2 per cent of the general Scottish population lives in the poorest council estates (as recorded by the Scottish ACORN scale)[31] compared to 28.4 per cent of the prisoner population.[32] For urban prisons the evidence was much starker – for example, in Glasgow City prison, 60 per cent of offenders gave a home address which was in the poorest council estates.[33]

This strong positive correlation between the greater likelihood of being a prisoner and living in a more deprived area was unsurprisingly replicated in the English context, in a study of offenders in South Yorkshire.[34]

For further broad insight and discussion about the origins of crime, we refer the reader to the forthcoming CSJ Courts and Sentencing review. For analysis of how and why our social housing estates have become such dumping grounds for the vulnerable, as well as specific recommendations for innovation and reform, we refer the reader to the CSJ's *Housing Poverty* report.[35]

However in the context of prison reform, we note that our poorest communities are not only the origin of many in prison, but also the destination for prison leavers. In 2002 the Social Exclusion Unit cited a survey, conducted in 2000, which found that over 50 per cent of ex-prisoners were living in social housing. In light of the increase in the prison population this decade it is almost certain that social housing remains a significant destination for those leaving prison.

Our discussions and visits have found an ongoing disparity in the support provided by LAs to those leaving prison however.

Despite the extended provision for released homeless prisoners included in the Homelessness Act 2002, which reinforced by the priority status given to this category, and the amended Homelessness Code of Guidance for Local Authorities which attempted to clarify what might determine an individual 'vulnerable',[36] we have heard that acute problems remain.

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30 Houchin R, *Social Exclusion and Imprisonment in Scotland*, Glasgow: Glasgow Caledonian University, 2005, p18

31 'Most deprived' corresponds to Scottish ACORN group H. See Houchin, *Social Exclusion and Imprisonment in Scotland*

32 This overall statistic includes those jails in relatively rural areas, which though poor are often socially stronger

33 'Poorest Council Estates' corresponds to Scottish ACORN group H. See Ibid

34 Craglia and Costello, 'A model of offenders in England', in F. Toppen and M. Painho, *AGILE 2005 Conference Proceedings*, (Lisbon: Agile, 2005), cited in Bottoms, 'Place, Space, Crime and Disorder,' p561

35 The Centre for Social Justice, *Housing Poverty*, December 2008

36 Local authorities should consider as a priority for housing those who are pregnant, who have dependent children, chronically sick or disabled and vulnerable – discretion is given to LAs as to who they should consider vulnerable. The amended Code of Guidance goes some way to bringing clarity to it by including released prisoners.

The second major complication which prisoners often encounter is that in order to be considered a priority for local authority housing they must not be classified as 'intentionally homeless'. By surrendering a tenancy agreement, as many offenders must do for financial reasons when entering custody, released prisoners can be considered in such a way. If ex-prisoners are considered 'intentionally homeless' they stand very little chance of securing temporary or permanent local authority support and accommodation.

8.4.3.2 Community organisations are stepping in to help

With more than 75,000 prisoners released with no accommodation arranged on the day of their release during the last five years, it has fallen to numerous VCS and not-for-profit organisations, as well as innovative Housing Associations, to rescue ex-prisoners from a life on the streets. One such support service is provided by crime reduction charity Nacro:

Nacro

Community Housing Project

The housing projects that Nacro manages are a lifeline for vulnerable people, including released prisoners, nationwide. Nacro housing projects, led by Nacro Community Enterprise housing association – a subsidiary organisation, provided homes for more than 2,500 people (many of whom were former prisoners) across England last year.

Of the many success stories the housing projects have witnessed, (69 per cent of residents moved on successfully last year), Nacro informed us about Elton's story:

Elton's story

Born in Albania, Elton came to England with his uncle as an asylum seeker when he was just 14. Like many prisoners, his background was one of breakdown. His father had been in prison in Serbia since he was 12, his brother was killed fighting in Kosovo and his mother had a two-year-old to look after. Within two years he became mixed up with the wrong people at school and, at 16, ended up serving two years at a young offender institution for armed robbery.

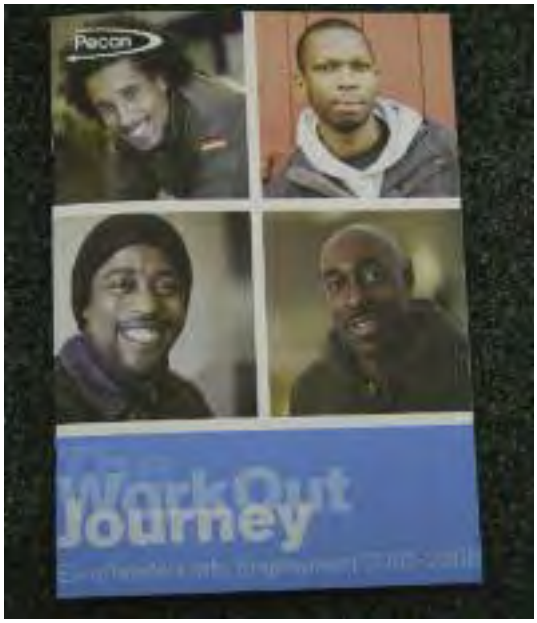
In prison he started smoking weed. When he was released he got into cocaine. Once, he got through 28 grams in two days. 'When you're doing drugs you're scared to live in the real world. It mashes up your head,' he says. 'Cocaine controls you; you don't control yourself.'

On leaving prison at 18, Elton went to live at Nacro's Shepherds Bush housing project. It offers ex-offenders, care leavers and asylum seekers aged 16 to 21 housing and support – everything from job hunting to basic independent living skills – for two years.

Nacro helped Elton realise that reality was not so bad. He has learnt how to communicate, be polite and stand up for himself. It was Elton's support worker who took him to the rehab centre in Portsmouth. 'Nacro workers are like my family; they changed my life,' says Elton. 'Now reality is easy. I've been clean for seven months. Soon I'll get my own flat and will start working, managing a coffee bar with my cousin. I can see things more clearly.'

Stable and secure accommodation is regarded by many resettlement experts as the most crucial ingredient in preventing re-offending by released prisoners. We find it disappointing that despite recent Prison Service improvements in this area, many thousands of prisoners continue to be released onto the streets each year. The work of external organisations, some commissioned by the Prison Service others self-financed, is a lifeline to many of these people and should be expanded.

Two thirds of prisoners are unemployed at the time of entering custody[38]



Initiatives such as Pecan's WorkOut programme give prisoners new skills for the workplace

8.5 Finding employment

8.5.1 WHY FINDING EMPLOYMENT MATTERS

It is widely accepted that the second core determining factor as to whether someone is likely to settle into society after release from prison is a form of employment. If employment can be secured, studies indicate that a former prisoner is up to between a third and a half less likely to re-offend.[37]

It is not a complex concept. Beyond the research noted, common sense suggests that a routine, a purpose and responsibility to others in daily life concentrates the mind on making the best of opportunities. It is simple for anyone to envisage how employment can reduce the risk of committing further crime.

We have noted previously however that many prisoners do not have a consistent history of work. Those from broken families and the benefits culture may have never seen a parent work or themselves had a reason to get out of bed each morning. One in seven claim to have never had a job.[39]

As a result of this, as well as widespread educational failure or addiction, it is estimated that at least half of our prisoners, approximately 40,000, do not possess the skills required by over 95 per cent of jobs.[40]

Given these considerations, former prisoners are likely to benefit significantly from developing new skills in prison and being offered a fair chance to find employment when they leave. If this happens wider society in turn will benefit.

8.5.2 SUPPORT IN PRISON

Jobcentre Plus advisors work with prison officers as well as with voluntary sector organisations to support prisoners with employment related matters. The support is initially given on reception into custody, informing benefit providers of a person's imprisonment.

37 Social Exclusion Unit, *Reducing Re-offending by ex-prisoners*, London: Social Exclusion Unit, 2002, p53
38 Ibid
39 Ibid, p53
40 Ibid, p53

There is then an inconsistency across the prison estate about further support in this field. Job Centre Plus employment and benefit advisors are located in most prisons. We were also encouraged to note the addition of new Jobpoint touch screen machines in selected prisons allowing prisoners to conduct live job searches. These machines may prove useful to those prisoners who are 'work ready' and close to release. Released prisoners are also 'fastracked' onto the New Deal programme from day one of their claim. Overall however we have heard that prison-based employment support and provision remains patchy.

8.5.2.2 Freshstart

Freshstart, launched by the Government in 2001, arranges an interview for a prisoner with their local Jobcentre Plus for immediately after release. It aims to speed up access to Jobseekers Allowance and other benefits, while encouraging the ex-prisoner to explore the local job market.

In 2005/06 only 35,457 prisoners were booked in for a *Freshstart* interview, in 2006/07 that number fell to 34,011. From April 2007 to November 2007 there were 16,013 such interviews booked (data collection was suspended for 2007/08 following high-profile data losses during the autumn of 2007.)[41]

The Foundation Training Company (FTC)

The FTC workshop has given me so many new computer skills. I used to be afraid of everything to do with them, even switching one on, but I have now got a CV and I've completed a written essay task. FTC has given me a chance.

A serving prisoner at HMP The Mount

Our Review visited the Foundation Training Company's workshop at HMP The Mount as well as its impressive Resettlement Centre in Hackney, East London (section 8.5.4.3). FTC, a not for profit organisation, provides a 'through the gate' mentoring and resettlement service for prisoners. It has been commended on several occasions by HMCIP for the support it provides.

Since 1995 more than 10,000 prisoners have completed an FTC resettlement course, resulting in 9,400 accredited certificates and significant personal development. FTC has supported 8,000 prisoners in the development of Resettlement Action Plans, generating around 23,000 referrals and outcomes for learners. Since 2005 9,000 prisoners have attended FTC's additional interventions such as Signposting and Career Advice sessions.

FTC leads programmes and workshops in 10 prisons equipping offenders with new computer skills as well as teaching literacy and job application training. Courses range from signposting sessions to five week full-time programmes and include initial individual needs assessments, personal goal setting, communication and skills training as well as interfacing with VCS and other external organisations in preparation for release. Home Office research has demonstrated that prisoners who completed an FTC course were seven per cent less likely to re-offend. Such a measured reduction is a welcome indication that effective tailored support can make a difference and reduce some of the significant public expenditure caused by recidivism.

41 Hansard, House of Lords, written answers, 24 June 2008

Our Review has found very little evidence as to whether *Freshstart* has been a success or whether Jobcentre Plus proves effective as part of this process. There is also a shortage of information about whether former prisoners are successful in securing employment. Targets, such as measuring the number of interviews arranged, are short-sighted if they go no further than the first few days of release.

8.5.2.3 External organisations

During our evidence gathering we met with representatives of excellent organisations providing effective employment and resettlement support. We highlight a selection of them during the chapter to celebrate some of the good effective work but also to challenge policy makers and prison leaders to seek more innovation and collaboration with often willing employment experts.

8.5.3 MEASURING OUTCOMES

HMPS measures success or failure in its support for prisoners by how many have secured Education, Training or Employment (ETE) for their day of release (see below). Improvement has obviously been made in recent years, as one would expect given the overall increase in prison spending, but at best approximately only half of prisoners released each year have arranged ETE.

Figure 22: Resettlement outcomes, ETE (including FRESHSTART interviews arranged)[42]

Year	Figure and percentage released (sentenced prisoners) with ETE arranged
2002/03	21,327 released/24.7 per cent
2003/04	33,946 released/38.8 per cent
2004/05	41,146 released/48 per cent
2005/06	42,878 released/50.3 per cent
2006/07	36,501 released/46.6 per cent

There is also evidence that suggests many prisoners with ETE arranged for release, made the arrangements directly, or through family, rather than through prison officers. The resettlement survey, conducted for the Home Office, found that of prisoners who had ETE arranged for release, only 15 per cent had made the arrangements with the help of prison officers. Over half of

42 Hansard, House of Commons, written answers, 6 June 2006, and Ministry of Justice, *Offender Management Caseload Statistics 2006*, London: National Statistics, 2007

the prisoners had arranged ETE via friends or family and 28 per cent had made a direct application to the employer.[43]

We do not conclude that prison support is ineffective because of this survey but it does offer insight as to how ETE can be arranged and how important it is to support prisoners in maintaining key relationships.

8.5.4 AFTER RELEASE

8.5.4.1 The Rehabilitation of Offenders Act 1974 (ROA 1974)

> *I applied for over 500 jobs on release from prison, none of my applications were successful.*
>
> A former prisoner in evidence to the CSJ

> *The act is having an adverse effect on re-offending rates...it automatically deters many ex-offenders from seeking employment. We must look at the reformation of this act.*
>
> A former prisoner in evidence to the CSJ

ROA 1974 outlines the requirements for the declaration of criminal records by offenders making applications for employment or smaller arrangements such as personal insurance cover.

ROA 1974 stipulates the length of time, or 'rehabilitation period', for ex-offenders in which their record must be declared if requested on application.

Assuming an offender successfully completes the specified 'rehabilitation period', convictions then become 'spent' and with a few notable, entirely sensible, exceptions,[44] ex-offenders no longer need to declare past convictions and criminal records

If however an offender has been sentenced to a period of over two and a half years imprisonment, a conviction can never be spent. Thus meaning that in every application for employment or in many cases insurance, a previous criminal offence must be declared.

> *Note the name: The Rehabilitation of Offenders Act. Perhaps a better name would have been 'The Rehabilitation of Offenders save for those sentenced to more than two and a half years Act.*
>
> A former prisoner in evidence to the CSJ

The following table sets out the core provision within the ROA 1974 for rehabilitation periods for ex-prisoners who have served up to two and a half years:

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43 Niven and Duncan Stewart, *Resettlement outcomes on release from prison 2003*, London: Home Office, 2005, p2

44 Notable exceptions include applications for work with children and young people, as well as the elderly and services involved in delivering justice.

Figure 23: ROA 1974 provisions

	REHABILITATION PERIOD	
Sentence length	**Convicted aged 17 or under**	**Convicted aged 18 or over**
Six months or less	Three and a half years	Seven years
Six months – two and a half years	Five years	Ten years

Although the periods of time assigned for sentences of up to two and a half years are considerable, there is at least a point at which convictions can be spent.

Evidence we have taken from many ex-prisoners, as well as employers and resettlement organisations, strongly questions the fairness of this legislation. All have called for the modernisation of the Act to be a central recommendation of our Review. Many prisoners have also reported to our Review that they receive very little guidance about what the Act means for them when they are released. A number of them turn to the effective and busy Apex Trust employment helpline:

The Apex Trust

Ex-offenders employment helpline

I'm calling because I'm confused. I don't know what to put for my section on previous convictions. Please can you help me?

A caller to the Apex helpline during our visit

Our helpline is always busy. So many people aren't given details about the Rehabilitation of Offenders Act when they're in prison.

An Apex Trust helpline volunteer

Our Review met with the Apex Trust and visited its employment helpline in Central London. The Trust is leading vitally important support work for prisoners and ex-prisoners inside and outside custody. Its employment helpline is a lifeline to many ex-prisoners seeking help and advice about the conditions of disclosure of their criminal records when applying for employment and Criminal Records Bureau checks. This is support and advice none of them were given in prison.

The Apex helpline has supported more than 37,000 callers since 2001 and relies on 17 trained volunteers to staff its phone lines. During an hour-long Review visit to the helpline the phone rang six times.

Often those calling Apex need simple information. They are usually in the process of completing an application for employment or insurance and need to know where they stand. As impressive as this work of the Apex Trust is, one cannot help but conclude that if prison resettlement teams were effective, it would be unnecessary.

In every criminal justice decision public protection is, and must be, the primary concern for government. It is also right that particular categories of offenders should be excluded from certain opportunities to uphold public protection. But critics argue, we conclude rightly, that ROA 1974 offers very little hope or incentive to most offenders seeking to live a purposeful, active and crime-free life. Often it is a disincentive.

As a result of the limitations of the ROA 1974, ex-offenders find it extremely difficult to secure positive employment. After several rejections from prospective employers many face a dilemma: either they must lie on their future applications in the hope of securing an interview and the chance to make a plea in person, or they complete the form honestly, knowing that in all likelihood it will be rejected out of hand.

8.5.4.2 'Breaking the Circle': ROA 1974 review

In 2002 Lord Falconer led a review in response to this growing criticism of ROA 1974, as well as in response to the claim it was confusing for offenders.

We note three key recommendations made by the review:[45]

1. 'Disclosure periods' should be based not on length of sentence but on type of sentence.
2. There should be a dramatic shortening of the disclosure periods where appropriate and sensible, in order to speed up access to employment and therefore reduce re-offending.
3. Far greater clarity about the practical implications of the Act should be given to the offender during their sentence.

The review's recommendations were welcomed by almost every commentator, criminal justice reformer and ex-prisoner. To this day however the recommendations are yet to have been enacted upon through the necessary and comprehensive legislative change. As a result, thousands of prisoner leavers continue to face disproportionate and unnecessarily prolonged stigma, as well as direct discrimination, each year. We find this inaction particularly disappointing in the light of the present government's willingness to introduce other significant but much less useful criminal justice legislation in recent years.

Prison Reform Review Chairman Jonathan Aitken speaks to the Pecan WorkOut conference in Central London

8.5.4.3 External organisations picking up the pieces

As with other themes noted in this Review, we have encountered pockets of good practice led by the voluntary and community sector which are offering a way through for prison leavers. We highlight two excellent resettlement

45 Home Office, *Breaking the Circle: A summary of the views of consultees and the Government response to the report of the review of the Rehabilitation of Offenders Act 1974*, 2003

projects working to support former prisoners overcome the barrier to employment that their criminal record presents. These projects aim to improve the employability of former prisoners, as well as help them, often for the first time, successfully navigate the complexities of the job market. We do so to encourage the further development of such good practice.

Pecan

The 'WorkOut' programme

The 'Workout' programme is available to those who have been released from prison within the last six months. It aims to secure employment for ex-prisoners within six weeks and has been highly successful. Over 70 per cent of ex-offenders have been supported into employment or training, with, crucially, 90 per cent of those still in work after three months.

The course begins with a week of life skills training, covering topics such as Workplace Behaviour, How to Disclose Criminal Convictions, and Skills and Goal Setting.

They also receive guidance with job applications, CVs and interview preparation, as well as support to achieve weekly goals. Clients are finally sent on a work placement and assigned a trained Mentor.

A recent independent evaluation of the programme found that it costs an average of £6,669 per person. The evaluation calculates that the programme, in reducing re-offending, has already saved Government over £6,400,000, including reconviction costs and benefit payments.

Jon: (Name changed for the purpose of confidentiality)

Jon was convicted of theft from an employer and sentenced to two years imprisonment. Jon's sense of determination and commitment to get his life back on track was outstanding. These attributes, coupled with support from skilled WorkOut staff, created a platform upon which his success on the programme was built.

Jon soon regained his self confidence and pride and with the help of a dedicated staff member a career action plan was designed. In addition to this, a CV was re-designed to suit and reflect his realistic and onward career goal as clearly it was difficult to support him into his original role as senior finance employee. Jon found employment after a period of volunteering and now plans to work past retirement age.

The Foundation Training Company (FTC)

FTC's Community Resettlement Centres in Hackney and Lambeth, London, work with recently released prisoners to ensure that their aspirations, areas of progress and preparations for release are not undone on the day they return to the community. Staff in the Resettlement Centres work to ensure this continuity is delivered through employment and housing search support, bespoke training identified by Resettlement Action Plans and access to local and national schemes applicable to ex-offenders.

FTC Vice President Harry Quinton told the CSJ that:

> *Concern about the limitations in post-release support prompted us to develop two community-based Resource Centres, at Hackney and Lambeth. These Centres provide the continuity of support our 'graduates' need on leaving custody. We are able to reinforce the links that have been made, follow up the objectives, provide on-the-spot guidance, monitor progress and supplement the individual strength that is needed to climb the mountain of measures necessary for successful resettlement. We are confident that the outcomes we are experiencing from this initiative, already very encouraging, will fully justify the effort and cost involved.*

8.6 Policy recommendations

While pockets of effective practice in resettlement support exist around the prison estate, we have identified several areas for reform which we outline below. We make recommendations to improve relevant services both in prison and in the community.

They begin with:

8.6.1 BRIDGING THE PRISONER FINANCE GAP

Our Review considers the prisoner finance gap to be one of the most significant and unnecessary hindrances to successful resettlement for many people leaving prison. From our discussions and visits we note that the finance gap is forcing ex-prisoners, desperate for food, shelter and without family and friends to turn to, back to acquisitive crime such as theft and robbery.

8.6.1.1 Early benefits applications

To bridge the finance gap, with the objective of reducing the resulting crime which it can fuel, we recommend that all prison employment and benefits advisors be required by the Department of Work and Pensions (DWP) and the MOJ to initiate core benefit applications at least three weeks prior to a prisoner's nominated release date. Where this currently happens practices are ad hoc and under-resourced. We suggest that the new trained volunteer mentors, recommended in section 8.6.2, should work in partnership with employment and benefit advisors to support prisoners choosing to make an early application.

We consider core individual benefits to include Job Seekers Allowance (JSA), Incapacity Benefit (IB) and Housing Benefit (HB). To meet this recommendation it would also be required for necessary documentation and identification to be sent to the prisoner in good time.

Successful advanced benefit applications should arrange for entitlement to be paid to a prisoner on their day of release. If a prisoner's release date is postponed or cancelled, other than for reasons in which the prisoner is liable, the benefits entitlement when paid should be backdated to the original nominated release date. This will act as an incentive to ensure that prisons managements do not stall or continually change scheduled releases.

8.6.1.2 The discharge grant

The implementation of our recommendation for early benefits applications will render the existing token discharge grant unnecessary in many cases. For prison leavers who have benefits arranged on their day of release we recommend that the discharge grant should not be paid.

It will however be necessary and important to maintain discharge payments in certain cases, such as for prisoners who are ineligible for benefits payments, or who have other arrangement complications.

CPRTs, under the guidance of the MOJ to develop national consistency, should devise a scheme which safeguards against counterproductive discharge

cash payments being made to prisoners with a history of substance abuse, who still qualify for the discharge grant under our new proposals. Evidence we have taken suggests such prisoners often succumb to old habits within hours of release, facilitated by the token discharge grant they are given (including section 4.2.4.4). We consider it essential that a scheme is devised to protect prisoners with such a substance history, possibly through a redeemable voucher scheme linked to local VCS organisations or through identified travel warrants. This will ensure that discharge grants will immediately assist vulnerable people released from jail instead of hinder their resettlement.

8.6.1.3 A locally accountable Social Fund

Our Review has heard from, and met with, ex-prisoners who did not know what a Social Fund grant was, or that they might have been eligible to apply for one. We have also been informed that prisoners who do make an application for either a crisis loan or a community care grant often encounter difficulty in doing so.

We are also aware of wider criticism of the Social Fund and its failure to support people in urgent need adequately. These inadequacies must be addressed. We refer the reader to *Breakthrough Britain* for analysis and recommendations as to why and how reform should be led.[46] In terms of the Social Fund and prisoners we recommend that an appointed representative from the government's Social Fund make a written annual report to each CPRT about what action is being taken to ensure prisoners are made aware of their potential eligibility, what action is being taken to improve the support prisoners receive during the application process, as well as an overview of the number and outcome of applications received from each CPRT area.

8.6.2 MENTORING SCHEMES

8.6.2.1 A new volunteer mentoring scheme for short sentence prisoners

Having identified the serious gap in the present mechanisms and services aimed at preventing re-offending of short sentence prisoners, we have some important new proposals and recommendations.

- We recommend that at both national and local level a high priority should be given to expansion and training for community mentoring schemes for pre-release and released prisoners. The new National Commissioner for Voluntary and Community Groups (section 2.8.5) should have a key role to play in promoting this expansion.
- Every CPRT should encourage voluntary mentoring schemes in their areas, making them well-known in the local media and through local councils and (where appropriate) regional assemblies. To achieve this we

46 The Centre for Social Justice, *Breakthrough Britain*, July 2007

recommend that the MOJ should launch a kick start fund, of around £20 million, to establish local voluntary mentoring schemes, targeted specifically for short-sentence prisoners approaching release and post release, aged between 18–25 years old.[47] As we have previously noted prisoners serving 12 months or less presently receive no post-release support from the Probation Service.

- The MOJ should start by dividing this fund between each of the 42 probation areas in England and Wales in tranches of £400,000 – £500,000 per area depending on size of local population. As the CPRTs are rolled out they would qualify for their share of the fund, with the allocation again depending on the size of the local population. To qualify for a grant from the new fund each Probation area, and in time CPRT area, would have to provide a survey and evaluation of the existing voluntary mentoring provision for released prisoners. This survey should be accompanied by a plan providing for sustainable expansion of the existing voluntary mentoring provision based on principles of good practice identified by scheme evaluations.
- It should be noted that although £20 million is a relatively small sum in relation to national public expenditure (approximately 0.4 per cent of the present NOMS resource budget) it would be likely to have a significant impact in expanding local mentoring schemes. In a single probation area spending £400,000 to £500,000 a year on pump-priming the growth of voluntary mentoring schemes could have a galvanising effect on their work, on the scale of their activity and on the number of trained volunteers coming forward for training. Such an expansion would capture imagination of many potential volunteers in a local community. Based on our discussions we believe it would also attract match funding from local business and charities.
- Recruited volunteers should mentor prisoners in the areas of seeking employment, securing accommodation and maintaining family relationships. Mentors should aim to commit to between four and eight hours a month of contact time with their prisoner.
- This recommendation will result in expanded local voluntary schemes which in turn will reduce re-offending rates in CPRT or Probation areas. Such an outcome will prove a highly cost-effective policy success. It will also empower the Probation Service by restoring to their former importance the services' use of volunteers in supporting offenders.

8.6.2.2 Professional mentoring

Although our recommended new voluntary mentoring scheme for prisoners relies primarily on trained volunteers, we recognise that full time professional mentors may also have a role to play. There is strong merit in having a mixture

47 Figure based on estimates made by mentoring experts on our working group.

of both professional mentors and volunteer mentors to take into account the wide disparities of need among released prisoners. Some of the most vulnerable prison leavers require intense mentoring, particularly on the day or days immediately following days of their release. So, our proposed mentoring scheme may need to move across the spectrum of available mentors from full time professionals to occasional volunteers.

8.6.2.3 General and specific mentoring initiatives

The fund we recommend in section 8.6.3.1 would also encourage the establishment and proper resourcing of, broader local mentoring schemes, which should be widely available for all serving and released prisoners. Mentoring has a particularly important role to play in assisting prisoners to find, *and sustain*, employment. Such personalised support to sustain employment for former prisoners will have the benefit of reassuring employers as well as reducing re-offending. The good practice we have highlighted should be built upon.

8.6.3 ENHANCING PRISON-BASED RESETTLEMENT SUPPORT

We recognise the recent improvements which HMPS has made in supporting prisoners as they plan for release and resettlement. We acknowledge that more prisoners are now released into stable and secure accommodation than several years ago. We also note that HMPS is beginning to develop some effective partnerships with private and voluntary and community sector organisations to assist prisoners looking for employment or further training on release. Notwithstanding these improvements, many prisoners are still slipping through the resettlement net. In light of this, we believe that further reform of prison-based resettlement advice and support is required.

8.6.3.1 Developing excellence and consistency in housing and employment advice

A major stumbling block to effective resettlement provision is the inconsistency in the quality of advice and support given to prisoners. Some prisons devise effective resettlement plans, many do not. Some commission innovative and relevant interventions, many do not. To reduce re-offending by ex-prisoners, which is exacerbated by homelessness and unemployment, prison managements must begin to develop not uniformity, but consistency in delivering housing and employment support.

We believe our recommendation to establish a localised prison system which encourages far greater interaction and collaboration between business, housing representatives and the VCS, through the installation of CPRTs, will begin to achieve consistency in the quality of resettlement support prisoners receive.

We also recommend that the MOJ should require each CPRT to spend a ring-fenced percentage of its annual budget on the commissioning of external resettlement organisations and the training of prison staff on resettlement issues. CPRTs should have discretion as to how they use this ring-fenced money, but must demonstrate that it is being used and how it is being used. We

hope and recommend that programmes such as the award-winning St Giles Trust Housing *Peer Advice Project* and the FTC's evidence-based workshops will be more widely commissioned through this requirement.

The Yellow Ribbon Project, Singapore

The *Yellow Ribbon* project, launched in 2004, is helping many of Singapore's 11,000 prisoners integrate back into society each year.

The project was established by the Care network, a group of public and non-government agencies involved in prisoner re-entry management, to promote effective, seamless 'throughcare' for ex-offenders. *Care* believes that ex-offenders often serve a 'second sentence' of stigma and discrimination in the community. *Yellow Ribbon* works with businesses, welfare agencies and government organisations to help ex-offenders start life afresh. The Yellow Ribbon Fund (YRF), also launched in 2004, develops, implements and supports programmes for ex-offenders and their families.

The *Yellow Ribbon Project*'s three key aims are commonly referred to as the 3A's:

- AWARENESS: To create public awareness about the need to give second chances to ex- offenders.
- ACCEPTANCE: To generate acceptance of ex-offenders and their families in communities.
- ACTION: To inspire community action to support the rehabilitation and reintegration of ex- offenders.

Through its fund, *Yellow Ribbon* supports various resettlement programmes through grants and donations. In 2007 *Yellow Ribbon* donated more than $500,000 to such initiatives. Alongside its financial support work, *Yellow Ribbon* organises a number of high-profile events to raise money and awareness on behalf of ex-offenders and resettlement programmes. Its annual fair was attended by more than 10,000 people last year, including Singapore's Prime Minister Lee Hsien Loong, who had this message for ex-offenders:

> *If you're making the effort we should give you the second chance. We're providing the opportunities, so seize the opportunity.*

Changing lives: Mohd Fami

Mohd was convicted for rioting in 2001 and sentenced to three years imprisonment and six strokes of the cane. While in prison Mohd realised that this wasn't the life he wanted.

With the help of Yellow Ribbon Mohd gained several core qualifications in prison. After working hard and achieving very good exam results, Mohdi won a place at a national college to pursue his passion in Aeronautics. Mohd hasn't stopped there. He is currently employed at an aeronautical engineering firm and is planning to go on and achieve a university degree. He says all of his achievements owe a great deal to the work of the Yellow Ribbon project.

8.6.3.2 Short sentence prisoners

As we have noted in our recommendations for prison-based substance abuse treatment reform (sections 4.2.6 and 4.3.4) and prison education and training reforms (section 6.1.5), unique challenges confront resettlement teams in their approach to short sentence prisoners. Our recommendation that tailored education and training courses targeting local employment

opportunities are developed for such prisoners will greatly assist resettlement teams working with inmates who are in prison for only several months, occasionally weeks. We recommend that these tailored courses should include information and support for locating and securing local accommodation if required.

8.6.3.3 Introducing long-term resettlement targets

We have been petitioned consistently during our evidence gathering by professionals, practitioners and prisoners to recommend that prison managements should develop a longer-term perspective. A longer-term perspective should require governors and officers to look through the prison gates and to develop a vested interest beyond a prisoner's day of release. We believe our recommendations for CPRTs and greater local accountability will go a long way to achieving this.

Toward this purpose we also recommend that resettlement performance management targets are broadened to include information gathering beyond the day of a prisoner's release. It is useful to know how many prisoners had education, employment and training arranged for their day of release, or how many have stable accommodation to move into on their day of release. Even more useful however would be to know how many prisoners had such arrangements five weeks after release. This would enable programmes and interventions to be tailored based on long-term effectiveness.

Data is currently collected by NOMS for annual performance targets to monitor supervised offenders achieving and retaining employment for four weeks but this only relates to approximately 16,000 offenders and is a probation service target.

We recognise there will be complexities in meeting this aspiration and recommend an initial pilot study, to be conducted by three selected CPRTs in partnership with the Probation Service, to investigate the feasibility of our recommendation.

Jonathan Aitken meets the staff team at the Foundation Training Company's impressive Resettlement Centre in Hackney, London

8.6.4 EXPANDING AND INVESTING IN SUCCESSFUL COMMUNITY-BASED RESETTLEMENT ORGANISATIONS

Our Review held productive discussions with, and visited, several community-based resettlement organisations. A recurring theme of these discussions and visits was the scarcity of resources with which organisations had to work. Many organisations claimed that they would be able to support more released prisoners but limiting resources prevented it.

We therefore recommend that CPRTs make it a budgetary priority to commission community-based resettlement organisations more widely. CPRTs should undertake this

commissioning strategically by aiming for coterminous prison and community-based resettlement support, provided where possible and appropriate by the same organisation. Good practice such as the model devised by the Foundation Training Company (FTC), which runs prison-based workshops and signposting, followed by local resettlement centre assistance within days of release, should be encouraged.

Our Review estimates that any new or increased initial expenditure to expand the work of community-based organisations will be recovered within a only a few years if the high cost of re-offending can be reduced, even by between seven and 10 per cent through such support.

8.6.5 DEVELOPING CLARITY AND CONSISTENCY FROM LOCAL AUTHORITIES (LAs)

Our Review urges national and local government to implement the recommendations for radical social housing reform made by The Centre for Social Justice's report *Housing Poverty*.[48] For if our social housing estates are to once again be thriving communities of opportunity rather than conveyor belts to crime, action must be taken without delay. These essential reforms include proposals for addressing the crisis of affordability; increasing the number of shared ownership schemes; tackling under occupation and social breakdown and delivering socially mixed communities. They all amount to a much needed injection of innovation in social housing.

Alongside these essential broad reforms to reverse social breakdown on social housing estates we make three core recommendations in relation to released prisoners and LA housing support.

We have encountered some innovative and helpful work led by Housing Associations in their support for ex-offenders. But despite the Government's recent efforts to develop good practice from LAs towards released prisoners looking for accommodation, it appears that many prisoners remain isolated when seeking assistance in this regard.

8.6.5.1 Removing released prisoners from the 'intentionally homeless' category

We recommend that the Government urgently amends the *Homelessness Code of Guidance* guidelines to ensure that released prisoners cannot be classified as 'intentionally homeless'. While we recognise that offenders should face the consequences of their crimes, we consider this label, which we hear often forces people onto the streets, unhelpful both to offenders and to the community. The desperation of homelessness on release from prison fuels re-offending.

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48 The Centre for Social Justice, *Housing Poverty*, December 2008

8.6.5.2 Local authorities and CPRTs

We consider it essential that LAs should be more locally accountable over their treatment of released prisoners. We believe our recommendations for the establishment of local CPRTs are an ideal opportunity to install such accountability. We therefore recommend LA housing teams should submit quarterly written reports to CPRTs. These reports should detail the number of ex-prisoners who have made priority housing applications to the authority during the previous quarter as well as the application outcomes. The CPRT should be authorised by its founding legislation to report any evidence of maltreatment to the relevant Regional Government Office and the MOJ for further investigation.

We also note that in some cases it is inappropriate and unhelpful for prisoners to be released back into their former communities and old social relationships. These prisoners often find the immediate challenge of living a crime free life impossible to meet as soon as temptation and familiar pre-prison habits confront them. We therefore recommend that in cases of self-referral, prison managements, in consultation with CPRTs, should work with identified LAs at the earliest opportunity to offer alternative release locations. In such cases a prisoner transfer to the identified locality would be welcomed at least one month prior to their release date, in order to enable new basic community links to be established.

Half the people we polled supported our proposal to release vulnerable categories of prisoner into supervised community accommodation after they have served part of their sentence in prison[49]

8.6.6 SPECIAL CATEGORIES OF PRISONERS

Throughout this Review we have been emphasising the importance of localised community solutions to the problem of the present stubbornly high re-offending rates – approximately 60 per cent of prisoners are re-convicted within two years of release.

One of our major reform proposals is the creation of CPRTs in specific geographical areas across England and Wales. CPRTs will have responsibility for both the imprisonment and the rehabilitation of offenders, including the management of offenders after their release from prison within their local communities. We have also recommended that in certain circumstances some prisoners should be able to serve later parts of their sentences in Community Supervised Homes for Offenders (CSHOs), as determined by our proposed Community Supervision and Release Boards (CSRBs) (section 3.7.1).

We believe that there are at least five categories of prisoners who may be particularly responsive to our reforms and new initiatives within their community. They are:

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49 The Centre for Social Justice, YouGov polling, 19 January 2009

8.6.6.1 Women prisoners

There are currently 4,263 women in prison,[50] a figure which has virtually doubled in the last 10 years.[51] Home Office research has found that two thirds of women in prison have dependent children under 18 years old.[52] Very few of them are violent offenders or pose an immediate risk to the public. Almost a third of women are in prison for drug offences.[53]

Similarly to the male prison population many female prisoners are held a considerable distance from their local community. The average distance between their home and their prison is 55 miles and over 800 women are held in prisons more than 100 miles from their local communities.[54]

Women prisoners often have a history of suffering from domestic violence (just under 50 per cent),[55] from mental health problems (over 70 per cent) and almost 40 per cent report they have attempted suicide at some stage in their past.[56]

The Corston Report on vulnerable women in the criminal justice system, commissioned by the Home Secretary and published by the Home Office in March 2007 stated:

> *The government should announce within six months a clear strategy to replace existing womens prisons with suitable geographically dispersed small multi-functional centres within 10 years.*[57]

We agree with this and many other recommendations in the Corston Report.

We also believe that our proposals for CPRTs will make it easier for a CPRT area to allocate part of its local budget to local women prisoners. As a result of CPRTs many more women prisoners would serve their sentences much closer to their homes and families than at present.

Depending on the number of women prisoners in its area, CPRTs could follow the recommendation of the Corston Report and create a small, multi-functional custodial establishment for women in the community. Alternatively a CPRT which follows the recommendations of this Review and creates a number of CSHOs could then allocate one or more of their CSHOs to women prisoners.

In either case, women prisoners in a CPRT area would have a better chance of serving their sentences closer to their homes and families and with

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50 Ministry of Justice, *Population in Custody*, January 2009

51 Ministry of Justice, *Offender Management Caseload Statistics 2007*, London: Ministry of Justice, 2008, p91

52 Home Office Research Study 208, *Women Prisoners: a survey of their work and training experiences in custody and on release*, London: Home Office, 2000, p10

53 Ibid, p90

54 Hansard, House of Commons written answers, 25 April 2008

55 Baroness Corston, *A review of women with particular vulnerabilities in the Criminal Justice System*, London: Home Office, 2007, p55

56 Social Exclusion Unit, *Reducing Re-offending by ex-prisoners*, London: Social Exclusion Unit, 2002, p6

57 Baroness Corston, *A review of women with particular vulnerabilities in the Criminal Justice System*, London: Home Office, 2007 p5

improved prospects for their rehabilitation in the community. This is particularly important in light of the evidence presented by The Centre for Social Justice and The Smith Institute,[58] which suggests that urgent, and early intervention is needed in the lives of our vulnerable children for the sake of their futures. Tailoring appropriate criminal justice system support for women prisoners, many of whom as we have noted are primary carers, would go some way to responding to these crucial challenges.

At present the re-offending rates for women prisoners within two years of release are 60 per cent.[59] An important contribution to reducing this re-offending rate might be made if more women were held closer to their families and if more women could have accommodation arranged on their release. This figure should also be significantly improved if a local community, including its VCS organisations, were to become actively involved with the after-care of its women prisoners.

8.6.6.2 Older prisoners and those with a disablilty

As of August 2008 there were 2,405 prisoners aged 60 and over in England and Wales, of which 493 were over 70.[60]

Since 1997, when there were only 837 prisoners aged 60 and over, they have been the fastest growing age group in the prison estate.[61] However, there is no consistent national, regional or local strategy for elderly prisoners. Most of the evidence we have taken leads us to conclude that many elderly prisoners are held in unsuitable conditions and do not receive adequate, tailored support. Prisons and prison regimes are far more conducive to younger, more physically mobile offenders.

During our evidence gathering we have also been informed of often inadequate and only sporadic support for physically disabled prisoners, estimated by a number of surveys to constitute as much as a 25 per cent of the prison population.[62] Our conclusions have recently been substantiated by the Prisons Inspectorate Annual Report, which found that only one in six prisoners reported a disability and criticised present prison provision:

> *…the provision for, and care of, disabled prisoners remains patchy and inconsistent. Many prisons did not have a disability policy, and it was rare to find any form of needs analysis or consultation with prisoners to help establishments to carry out there duty under the Disability*

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58 The Centre for Social Justice, *The Next Generation – a policy report from the Early Years Commission,* September 2008 and The Centre for Social Justice & The Smith Institute, *Early Intervention: Good Parents' Great Kids, Better Citizens*, September 2008

59 Hansard, House of Commons written answers, 16 December 2008

60 Prison Reform Trust, *Bromley Briefing* December 2008, citing Information from Offender Policy and Rights Unit, August 2008

61 Ibid, p89

62 Stewart D, *The problems and needs of newly sentenced prisoners: results from a national survey*, London: Ministry of Justice, 2008 and Prison Reform Trust's advice and information prisoner survey, cited in Prison Reform Trust, Bromley Briefing, London: Prison Reform Trust, December 2008, p34

Discrimination (DDA). The lack of dedicated facility time, training and support for disability liaison officers was endemic.[63]

We agree with the recommendation made by HMCIP that NOMS and the Prison Service should urgently establish clear national guidelines of good practice for managing disabled prisoners. We believe that our proposals for CPRTs will in time ensure far more consistency and decent provision for this group in custody.

We also recommend that as part of our reforms for CPRTs there should be special consideration for holding selected elderly prisoners, as well as those with a disability, in the community in CSHOs during the later stages of their sentences.

Many elderly prisoners do not pose a danger to the public. So a CPRT which sets up its network of small CSHOs could usefully allocate one or two of its CSHOs to elderly prisoners in the later stages of their sentences. Such decisions should be subject to the necessary risk assessment and public protection criteria and taken by our proposed CSRBs.

Selected disabled prisoners would also benefit from more specialised care and supervision in the latter stages of a sentence. CPRTs should allocate within its network of CSHOs one or two properties for this purpose. Such properties should be adequately equipped and meet all the necessary requirements outlined by the DDA.

8.6.6.3 Prisoners suffering from mental health disorders

Leaving aside the significant number of prisoners who suffer from severe mental health problems, studies show that a much larger number suffer from less severe conditions such as depression and anxiety disorders (section 4.1.3).

Although some of these prisoners may be so disturbed that they could be a threat to the public, many more present no such risk. Those evaluated as being in the no-risk or low-risk category by CSRBs could usefully be transferred at any appropriate point in the sentences to CSHOs, providing enhanced links with primary health care and community mental health professionals, within a local CPRT area.

The advantage of transferring prisoners with lesser mental health disorders to CSHOs is that they are likely to benefit from better medical care and resettlement programmes than would be available to them in prison. Research claims that 96 per cent of prisoners with mental disorders are released without supported housing and 75 per cent of them are released without appointments to see carers.[64] We believe that the aforementioned high percentage figures would be reduced when the prisoners concerned were accommodated in

63 Dame Anne Owers, *HM Chief Inspector of Prisons for England and Wales, Annual Report 07/08*, London: HM Inspectorate of Prisons, January 2009, p42

64 Melzer et al, 'Prisoners with psychosis in England and Wales: a one-year national follow-up study', *Howard Journal* 41, 2002, p1–13

CSHOs within a CPRT area for the latter part of their sentences. We believe that although community mental health provision has its problems, prisoners would have far better access, within the community, to medical, advisory, housing and general resettlement services. These community services, much more easily accessible from a CSHO than from a prison, would give a prisoner suffering from a lesser mental health disorder a better chance of finding their feet after release and a better chance of not re-offending. On transfer to a CSHO it would be essential for the prisoner to register, with the support of the CPRT, with a local GP if they have not already done so.

8.6.6.4 Prisoners categorised as eligible for day release and who are already working in the community under Release on Temporary Licence (ROTL) schemes

In the present prison regime there are approximately 4,600 Category D prisoners held in 14 Resettlement Prisons.[65] An example of such a prison is HMP Latchmere House in Richmond, Surrey.

Virtually every prisoner in HMP Latchmere House goes out of the prison early in the morning to do a days work in the local area. Often this is paid work such as driving buses or working for approved employers in the Surrey/West London area. Sometimes the prisoners are assigned unpaid community work for local charities or churches. All such workplaces are approved and inspected by prison officers from HMP Latchmere House.

We have interviewed prisoners, ex-prisoners and employers who have been connected with HMP Latchmere House. All give credit to the concept of Resettlement prison. All complain of the inflexibility, bureaucracy and sluggish decision making processes that seem to characterise the interface between HMPS and the wider world of commercial and community employment for prisoners on day release. For a more detailed analysis of the strengths and weakness of HMP Latchmere House see section 6.3.2.

We recommend that the functions of the present resettlement prisons should be carried out by CPRTs who should transfer resettlement prison inmates doing day release work to CSHOs.

There is no obvious function of a Resettlement prison that could not be carried out by a CSHO. The disciplines, curfews and supervision requirements would be the same. But CSHOs, by virtue of their smaller size and involvement in the local community, would be more flexible, less bureaucratic and noticeably cheaper in public expenditure terms than Resettlement prisons such as HMP Latchmere.

We therefore recommend that any appropriate CPRT should put selected inmates of all Resettlement prisons in its area into CSHOs to do the same day release work and supervising regime but with greater flexibility and greater involvement in the local community.

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65 Information sent in an email to the CSJ from HMPS

8.6.6.5 Ex-service prisoners

It is estimated by the National Association of Probation Officers (NAPO) that there are over 7,000 ex-servicemen in prison in England and Wales, amounting to approximately 9 per cent of the prison population.[66] The Government, which disputes the accuracy of the NAPO estimate, is currently preparing an official survey assessment which it hopes will be undertaken within the next year. Until such a review is undertaken we consider the NAPO estimate worthy of very serious consideration and not anomalous to our Review discussions.

We recommend, based on the reasons outlined below, that many ex-service personnel prisoners be considered as a special category of prisoner. We suggest that the re-offending rates of many such prisoners might be reduced by specialist tailored regimes of disciplined rehabilitation and practical training.

A specialist model of rehabilitation

In making our recommendations for the special categorisation and provision for ex-service prisoners we highlight the lessons our Review learned partly from visiting the Military Corrective Training Centre, Colchester (MCTC), and partly from our discussions with military personnel at all levels in the armed forces as well as senior civil servants.

We are aware that despite the considerable success of MCTC in rehabilitating its Servicemen Under Sentence (SUS), there are good reasons for hesitating before making direct comparisons between MCTC and civilian prisons. These reasons are:

Prison Reform working group members are shown around MCTC Colchester by Lieutenant Colonel Richard Holroyd, then Commandant.

1. The majority of Servicemen Under Sentence (SUS) at MCTC have not committed a crime. Many are serving a sentence for going AWOL.
2. The SUS have all undergone a level of military training and are therefore more receptive to a regime of discipline and intense community.
3. Some SUS at MCTC are preparing for re-entry into the Armed Forces and therefore have a specific motivation to engage in rehabilitation.
4. MCTC staff are highly trained military personnel seconded to the Centre for a specific period of time.

Notwithstanding these important caveats we do believe there are constructive principles to apply from the regime at MCTC to our proposals for prison reform. We observed that:

1. MCTC staff are empowered through specialised training and effective man management to be leaders of men, not warehousers. All staff were fully engaged in the delivery of results-based offender management.

66 Napo Briefing, *Ex-Armed Forces Personnel and the Criminal Justice System*, September 2008

2. There is an excellence in MCTC's early assessment of individual SUS welfare needs. The comprehensive welfare based assessment of each SUS within hours of arrival was crucial to the planning and delivery of relevant rehabilitative interventions.
3. Three principal values permeate everything MCTC works for: *Rehabilitation, Retraining and Resettlement*.
4. There is a consistent, disciplined and purposeful daily regime at MCTC. This regime starts at 06:00 and ends at 22:00. Rewards for good behaviour, such as the opportunity to watch TV on selected evenings, must be earned.
5. Rehabilitation and support was tailored to the long-term. Resettlement preparation, either for SUS discharged into civilian society or for those returning to service, was underpinned by the recognition that SUS must be equipped to lead life beyond the walls of the Centre.

We therefore recommend that a proportion of the estimated 7000 ex-servicemen in prison in England and Wales could be more effectively rehabilitated by serving their sentences in specialist training establishments modelled on MCTC. This should be investigated by a pilot study conducted at MCTC, funded by its local CPRT. This pilot study should identify current ex-service personnel as well as a selection of those progressing through the court system for participation.

If as we estimate such a pilot will prove effective in rehabilitating ex-service prisoners more effectively, in the long term we recommend that CPRT's should have a special establishment for such ex-service offenders who may be considered less likely to re-offend if they have served their sentences, or part of their sentences, under the tailored regime of discipline and practical training that has worked so well at MCTC.

We believe that this innovation would be justified on the following grounds:

1. Many ex-service prisoners, unlike most other prisoners, have in the past responded well to some form military discipline, training and regimental life.
2. A percentage of ex-service offenders are reported to have had psychological or mental health problems – including in some cases Post Traumatic Stress Disorder (PTSD) which may have arisen during their military and combat experience. These PTSD-affected prisoners will particularly benefit from the MCTC regime which is developing considerable experience in handling and treating this problem.
3. There seems to be a growing public recognition that some ex-servicemen may have special problems when they leave military life. A response by society as a whole to those whose problems from military life have contributed to their offending behaviour in civilian life is appropriate.
4. Service organisations from the *British Legion, Help for Heroes, Regimental Associations* and *Combat Stress* may be willing to offer practical or

financial support the rehabilitation of ex-service offenders in the community. This support would strengthen the rehabilitative effort to reduce re-offending for this category.

5. Some ex-servicemen who have made successful reintegration attempts after leaving may be willing to act as individual mentors to ex-service offenders after their release on a voluntary basis.
6. Some of the supervised half-way houses or CSHOs proposed in these recommendations should be joint ventures between a CPRT and service charities. Within the CSHOs staffing team should be ex-service personnel, backed up by ex-service volunteers.

Although these community rehabilitation programmes designed for prisoners who are ex-servicemen have their origins in the past personal histories of individuals who once responded to military discipline and training, the programmes themselves must look to the future. They should not be encouraging ex-prisoners to look back nostalgically to the earlier lives in uniform. They should be helping them look forward realistically to rehabilitated lives as law abiding civilians in the community.

In-reach programmes for ex-service prisoners

We welcome the recent initiative by the Government Veteran's Policy Unit to set up a Prison In-Reach programme for ex-service prisoners. This programme enables prison officers to access the SPVA (Service Personnel and Veterans Agency) computer database. It also enables ex-service charities to liaise with prison staff on casework appropriate for individual prisoners.

We recommend that this Veterans in Custody In-Reach provision, led encouraging at HMP Everthorpe, is developed and strengthened to offer more resettlement services and facilities to ex-service prisoners across the estate. This will be particularly vital for ex-service prisoners who are not considered appropriate for our proposed specialist units.

8.6.6.6 Public expenditure implications for special categorisation

In earlier sections of our Review we have proposed the transfer of a number of prisoners in special categories out of their prisons and into CSHOs under the authority of the appropriate CPRT.

For illustrative purposes of the public expenditure implications from our proposals, let us imagine a house which is rented and staffed by a CPRT for use as a CSHO. By sharing or converting rooms, between four and 10 offenders could be housed there under supervision.

We know from discussions with a residential home for reforming drug addicts and other organisations which house and supervise ex-offenders that the total cost of a potential CSHO for 10 offenders is likely to be

between £180,000 and £220,000 a year, or £18,000 and £22,000 per year per prisoner.

Some of these costs should be offset by contributions from the CSHO residents who are earning wages in the local community from employers, or by contributions from grant making bodies and trusts. CSHO running costs will vary depending on the category of resident. Specialist mental health provision or homes designed for the elderly will have higher overall management costs than those housing prisoners under the ROTL scheme.

But looked at in the round it could be estimated that our proposals would offer a significant reduction in public expenditure at 40–50 per cent below the present annual custody cost of £39,500 per prisoner. If a reduction in the rate of offending could be achieved by CPRTs then the gain to public expenditure would be even more substantial.

8.6.7 PILOTING THE INTERMEDIATE TRAINING CENTRE MODEL

We recommend that a selected CPRT should commission, monitor and evaluate the Intermediate Training Centre (ITC) model we outline below and further in Appendix Three. Our Review has been impressed by the ITC model presented and considers its exploration important for improving the transition between prison and the community, and ultimately, in reducing re-offending.

The Intermediate Training Centre

The ITC is a concept developed by Life Change UK. Life Change UK believes that the rehabilitation of offenders is possible through positive motivation; hard-work; effective leadership and training; and by forging individual self-respect.

The ITC brings together a partnership of public, private and VCS providers to deliver an intensive residential programme of personal development; academic, social and life skills training; and support, all of which promote lasting personal change.

Referrals to the ITC

Offenders (known as Trainees once at the ITC) should be referred to the centre as part of their sentence plan, either as part of their resettlement strategy or as an alternative to custody. All referrals will be preceded by a series of motivational interventions during which time offenders will be assessed. See Appendix Three for an overview of process and pathways.

The ITC Philosophy

The ITC's rehabilitative work is based on three key elements: **situation**, **relationships** and **environment change**.

- The **situation** encourages a sense of purpose, looking to the future and letting go of the past.
- Key **relationships** promote a sense of trust, respect and open communication between trainees and staff.
- The **environment** is one of safety and security, where an individual is able to explore and experience positive growth through creativity without being subjected to further condemnation, failure or abuse.

Programme Delivery

Skilled motivational trainers, teachers, support staff and volunteer mentors should deliver an experiential and intensive **journey of change**. For those referred from custody this should encompass further education and skills training as well as broader personal development work. For many offenders referred to the ITC as an alternative to custody, this might be their first experience of such investment. The syllabus should include a range of activities that will enable trainees to recognise the impact of their former offending behaviour; rationalise their cognitive processes; develop genuine self-confidence and self-esteem; and gain or improve a range of useful skills and qualifications. It will be the duty of ITC staff to assist trainees in arranging additional housing, accommodation and mentoring support on release.

Projected costs

Based on a previous comparable voluntary sector model studied by members of our working group we estimate that a 12 month ITC programme might cost between £14,000–£16,000 per trainee, depending on size of facility and necessary initial capital expenditure.

8.6.8 A TAX BREAK TO ENCOURAGE EMPLOYERS TO HIRE LONG AND MEDIUM SENTENCE PRISONERS AFTER THEIR RELEASE FROM JAIL

As we have noted, many prisoners face a great number of difficulties as they try to find employment. We make recommendations for the reform of the Rehabilitation of Offenders Act 1974 below to remove some of these barriers. Here we make a recommendation to incentivise employers to take on prison leavers. We recommend that private sector employers who hire any prisoner who has served more than six months in jail should receive a credit against Employers National Insurance Contributions (NIC).

60 per cent of the people we polled supported offering employers small financial incentives to hire ex-prisoners [67]

The credit would be £5,000 for full-time jobs of 30 hours a week or more or half that amount for part-time work of 16 hours per week.

This credit is an extension of the scheme already announced by the Conservative Party's policy document *Keep Britain Working*.[68] It is also in harmony with recently announced schemes by the present government to give cash incentives to employers who take on long term unemployed. But our recommendation sets the credit limit for employing ex-prisoners at £5,000 which is double the £2,500 credit recommended by *Keep Britain Working* for previously unemployed workers from all categories.

The justification for setting the employers NIC credit at the higher figure of £5,000 for hiring ex-prisoners within one year of their release is that this would give real incentive to employers to take on a category of long term unemployed

67 The Centre for Social Justice, YouGov polling, 19 January 2009

68 The Conservative Party, *Keep Britain Working – Helping our economy sustain jobs through the recession,* November 2008, p15

workers which is too often the victim of discrimination even before the interview stage.

Each year approximately 65,000 sentenced adult prisoners are released from jail.[69] Almost all of them have considerable difficulty finding employment. Although some employers are open minded about hiring ex-prisoners, as we have noted (see section 8.5.4.1) the evidence given to our Review suggests that most recruiting managers discriminate against released prisoners, usually without interviewing them, as soon as it is disclosed that they have a criminal record.

The proposed incentive to employers to hire ex-offenders would result in benefits and gains to HMRC from income tax VAT receipts. We note the robust estimates, quoted in *Keep Britain Working*[70] from David Freud's analysis for the Department of Work and Pensions (DWP), to the effect that such savings and gains may be calculated at £8,100 a year for an average unemployed person coming back into work. We suggest that the gain to the Exchequer for bringing an ex-prisoner into employment will be significantly higher, partly because they usually prove to be a longer term recipient of benefits and also because the chances of re-offending are likely to decrease.

Subject to all the caveats and safeguards outlined in *Keep Britain Working*[71] we believe, based on informal discussions with small and large scale private sector employers, that our recommendation could result in the hiring of around 6,500 ex-prisoners a year (approximately 10 per cent of the released prisoners who are eligible for employment after their release). Such a productive incentive to employers would soon pay for itself with the Exchequer and could also make a significant contribution to reducing the levels of re-offending by released prisoners.

The Apex Trust helpline has received 37,000 calls since 2001 from people confused by the Rehabilitation of Offenders Act 1974

8.6.9 REFORM OF THE REHABILITATION OF OFFENDERS ACT 1974

As we have previously noted the Rehabilitation of Offenders Act 1974 is nearly 35 years old. In its day it marked an important step forward in the rehabilitation of offenders who had served sentences of less than thirty months imprisonment by expunging their crimes from all disclosure requirements, reports and records after a 10 year period of offending-free rehabilitation.

However the 1974 Act now looks outdated if not antiquated. Its language and timescales are out of date and in many cases it is a disproportionate stumbling block to resettlement.

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69 Ministry of Justice, *Offender Management Caseload Statistics 2007*, London: Ministry of Justice, 2008, p146

70 The Conservative Party, *Keep Britain Working – Helping our economy sustain jobs through the recession*, November 2008, p15

71 Home Office, *Breaking the Circle: A summary of the views of consultees and the Government response to the report of the review of the Rehabilitation of Offenders Act 1974*, London: Home Office, 2003

We recommend that government should pass a reformed and strengthened Rehabilitation of Offenders Act appropriate for the 21st Century, based on and including elements of a recent Act passed in the United States called the Second Chance Act (section 8.6.9.1). To avoid duplication our Review concludes that this new Act should incorporate the simple yet progressive recommendations made by the *Breaking the Circle* review, which have been overlooked by government since its publication in 2002. During our discussions about the declaration of criminal records we could find no one who disagreed with the findings of *Breaking the Circle*. This work should be led without delay.

Our meetings with ex-prisoners and resettlement organisations led us to conclude several things which result in our incorporating the findings of *Breaking the Circle* in our proposed new Act. We concluded that, while certain offenders must be exempt from fixed disclosure periods on public safety grounds (those who remain on licence, such as Life Sentence prisoners), it was now necessary to apply a fixed period of disclosure to all sentences, reforming the current provision which prevents any offender who has served more than 30 months from having their conviction spent. We concluded that disclosure periods should be substantially shortened for all sentences. We concluded that offenders deserved far better explanation of the provisions within the Act than they receive at present. We concluded that new guidelines for employers should be drawn up to ensure ex-offenders receive fair and proportionate treatment from employers, preventing such things as irrelevant requests for disclosure which we have heard happen frequently.

We recognise the complexities of such reform and implementation. However government should now dedicate itself to the necessary changes required. It must find a way through the challenges presented in order to assist ex-prisoners, and ex-offenders in general, more fairly in their attempts to secure legitimate employment opportunities.

However, we believe that merely to adjust and update ROA 1974 would be to miss a considerable legislative opportunity. If Parliament is committed to fixing our broken society in the world of ex-offenders then we recommend that future legislation in England and Wales should seek to replicate many of the admirable features of The Second Chance Act 2007 (SCA), recently passed by the United States Congress.

8.6.9.1 Incorporating principles from the United States Second Chance Act of 2007 (HR 1593)

This groundbreaking legislation encouraging the rehabilitation of offenders in local communities was passed by the United States Congress in 2007 with strong bi-partisan support.

The US Senators sponsoring the Bill were led by Joseph Biden (Democrat) now Vice-President, Danny Davis (Democrat), Arlen Specter (Republican), Sam Brownback (Republican), and Patrick Leahy (Democrat).

The main purposes of the SCA are to encourage local communities to re-integrate ex-prisoners into society:

- By helping newly released prisoners to be mentored by trained professionals and volunteers;
- By making better provision for transitional housing for recently released prisoners;
- By expanding job training and employment placement services for ex-prisoners;
- By encouraging prison based family programmes and counselling services to keep prisoners families connected during a custodial sentence;
- By encouraging programmes in local communities which address the concerns of victims of crime with particular emphasis on restorative justice programmes;
- By encouraging community drug programmes for released prisoners;
- By encouraging the participation of trained volunteers, including volunteers for faith-based groups, in the rehabilitation of offenders.

One interesting feature of the SCA is that it makes provision for grants from the Federal government in the above areas provided there are matching grants from VCS organisations.

We recommend that a new government and Parliament should incorporate some of the features of the United States SCA into UK domestic legislation, particularly in a reformed ROA replacing the 1974 legislation. We believe that a provision for 'matching grants' between central government and VCS organisations in the field of rehabilitating offenders would work particularly well under our proposed CPRT reforms. These matching grants could be financed on the government side from the existing NOMS, and in time our proposed CPRTs budget, and would bring in extra funding and activity from VCS organisations community level.

So, an England and Wales equivalent of both the legislation and the administrative practises of the US SCA 2007 could be a valuable initiative in the community's rehabilitation of prisoners at local level.

8.6.9.2 In summary

We have recommended the following reforms to improve the support prisoners receive in their preparation for release and their re-entry back in society. We believe these measures will reduce recidivism and make our communities safer. They are:

- Bridging the identified prisoner finance gap through measures to improve access to benefits on the day of release and reforming the way in which the Social Fund supports prisoners (section 8.6.1);

- Launching a £20 million fund to establish a local voluntary mentoring scheme for released prisoners aged between 18 and 25 years old, who have served 12 months or less (section 8.6.2);
- Strengthening the advice services in prison for offenders soon to be released particularly in regard to housing and employment and broadening performance management targets (section 8.6.3.1);
- Following the best practices of external organisations such as Pecan, FTC and Apex which successfully provide resettlement support for released prisoners (section 8.6.4);
- Improving the consistency of support offered to released prisoners by Local Authority Housing teams (section 8.6.5);
- Making special resettlement arrangements for certain categories of prisoner including women prisoners, older prisoners, prisoners with mental health disorders, prisoners already working in the community on ROTL and ex-service prisoners. Within these categories selected prisoners should serve the latter part of their sentences in CSHOs (section 8.6.6);
- Piloting an Indeterminate Training Centre in a selected CPRT area as a condition of sentence or an alternative to prison (section 8.6.7);
- Introducing a tax break to encourage employers to recruit ex-prisoners (section 8.6.8);
- Legislating to reform the ROA 1974 by incorporating both the recommendations put forward in Breaking the Circle (2002) and the most important provisions and principles of the United States Second Chance Act 2007 (section 8.6.9).

NINE
A new programme for government

We simply cannot go on like this.

Former Lord Chief Justice, the Right Honourable Lord Phillips of Worth Matravers[1]

9.1 Setting the agenda

Any incoming government, of whatever political complexion, needs to put prison reform on its agenda. The present policies of containment or warehousing have failed. The ever increasing prison population, the stubbornly high re-offending rates, the acute problems of overcrowding in our jails, the disturbing incidence of mentally ill prisoners, the wasted resources on misguided drug treatments in prison, the inadequacies of NOMS and the expensive costs of re-offending coupled with the rising public expenditure on prisoners and released prisoners are all testaments to the present failure. As the former Lord Chief Justice the Right Honourable Lord Phillips of Worth Matravers has said: 'We simply cannot go on like this'.

Unfortunately the present Ministry of Justice (MOJ) does appear to want to go on like this. It is committed to its £2.3 billion prison building programme, including the three Titan prisons which almost every voice in the entire spectrum of parliamentary, media and prison-informed opinion is against. The MOJ is blind to the weaknesses of NOMS which is becoming steadily more bureaucratic, less effective, more centralised and more expensive. Such tweaks that have been made to the system such as 40,000 early releases under the End of Custody Licence (ECL) are short term moves of administrative or political convenience. There is nothing in this area of government that approximates to a clear strategy for prisons or takes a holistic approach to the two big crises of re-offending and overcrowding.

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1 *How Important is Punishment?*, Speech to the Howard League for Penal Reform by the former Lord Chief Justice the Right Honourable Lord Phillips of Worth Matravers,15 November 2007

A new government could, over the period of a parliament, deliver a strategy that would reduce re-offending, make local communities safer and ease prison overcrowding. In our Review we have set out both the detailed recommendations and an overall vision for such a strategy. But delivering it needs political will and persistence by an incoming government. We believe that this can be achieved in four main ways:

1. Explaining the new strategy to the public
2. Passing the essential parliamentary legislation
3. Working in partnership with the Treasury
4. Involving local communities and voluntary sector organisations

9.2 Explaining the new strategy to the public

Public opinion polls show that the majority of voters are worried about the amount of crime committed by persistent and serious re-offenders. They are ready to support new punishment and rehabilitation initiatives that work. Neither longer jail sentences nor community punishments are widely thought to be 'working'. There is a reason for this. With one or two exceptions (such as Liverpool with its community courts) there is no joined up link between a prison and its local community.

9.2.2 LOCALISING THE PRISON SYSTEM

Our Review has come up with many recommendations. But the single most important recommendation is for the powers of NOMS to be devolved to Community Prison Rehabilitation Trusts (CPRTs).

Just as the public gradually accepted that the National Health Service (NHS) could work better when its centralised powers were devolved to local Trusts and Authorities, so the same principle of handing down Whitehall's powers to CPRTs could work well both for the punishment of offenders and for their rehabilitation as law abiding citizens in the community.

This devolution of power will not stop all re-offending but for the reasons given in the Review it is likely to prevent a considerable amount of re-offending in each CPRT area. Collaborative prevention of re-offending by ex-prisoners as a strategy of teamwork in a local community with the wholehearted involvement of prison staff, the police, the probation service, the local authorities, the local NHS trusts and authorities, voluntary agencies and charities, local employers, local volunteers and the local media – this is our CPRT vision.

Implementing the vision may be easier than Westminster politicians and Whitehall civil servants expect. More good work is already being done at local level in some of these key activities than is widely recognised. If well led, properly coordinated and given the necessary devolved powers and budgets, CPRTs have good prospects for brining re-offending rates down in their own

communities. The best crime prevention and the best offender rehabilitation will be a local effort of community teamwork – with the ex-offender in the team. The public will soon be persuaded of this when they see the first CPRTs up and running, gaining local acceptance in the way that early NHS Trusts and Authorities gained acceptance both within hospitals and in the community. However the first step in setting up CPRTs will be the necessary parliamentary legislation.

9.3 Passing the essential parliamentary legislation

9.3.1 THE COMMUNITY PRISON AND REHABILITATION TRUST ACT

The Whitehall centred culture of NOMS/HMPS and the MOJ will never allow prison and offender management power to be devolved to local and community level without primary legislation. We therefore recommend the early passage of a Community Prison Rehabilitation Trust Act (CPRT Act). It should supersede parts of the Prisons Act 1952 and incorporate the recommendations set out in section 2.8.1 of this Review. The objective of the legislation would be the devolution of prison management and offender management to CPRTs. NOMS/HMPS would retain certain core functions and establishments in addition to the CPRT management and commissioning functions in their own areas.

We envisage that some CPRTs would be rolled out more quickly than others. For a variety of reasons we believe that Liverpool; Wales; Devon and Cornwall; Avon and Somerset; Norfolk and Suffolk; Teeside; North, South and East London and West Yorkshire would be early candidates for CPRT status, with other areas to follow. We outline in more detail CPRT proposals for Wales, Devon and Cornwall, Avon and Somerset and Teeside in Appendix One.

9.3.2 THE SECOND CHANCE ACT

In addition to the CPRT Act we recommend an early and radical overhaul of the Rehabilitation of Offenders Act 1974 (ROA 1974) which we believe should be renamed the Second Chance Act. This legislation could incorporate the principal recommendations of the 2007 Home Office consultation document Breaking the Circle and the US Second Chance Act of 2007.

9.3.3 A RESTORATIVE JUSTICE ACT

Finally, we recommend introducing a Restorative Justice Act (RJ Act) which would enable RJ conferencing to take place in prisons and CPRT areas across England and Wales as an important community tool for reducing re-offending and for involving victims of crime in the criminal justice system (section 7.5).

This programme of legislation is modest in comparison to the parliamentary criminal justice legislation introduced in the past 12 years, 1997–2009. Much of this legislation has had little direct impact on prisons or the rehabilitation of

prisoners. However it has created 3,600 new criminal offences of which over 1,000 can result in punishment by imprisonment.[2]

By contrast we believe the time has come for a new legislative focus on prisoner rehabilitation, devolution of prison and offender management to local communities and RJ. The three legislative measures recommended in the preceding paragraph would be major reforms directed at reducing re-offending and easing the prison overcrowding crisis.

9.4 Co-operating with the Treasury

Most spending departments approach Her Majesty's Treasury (HMT) as if it were a hostile adversary. The MOJ should make HMT its ally. By following the principal recommendations in this Review and by taking other steps in co-operation with HMT as summarised in the ensuing paragraphs, we believe that it will be possible, over the period of a parliament, to make significant public expenditure reductions for the benefit of the taxpayer. At the same time it will be possible to reinvest part of these savings in improvements at community level in prisons, in remuneration incentives for prison and probation officers and in the key local services that will reduce re-offending.

9.4.1 A JOINT COST REVIEW

The first step in MOJ/HMPS co-operation is to set up a joint cost review of the NOMS/HMPS budget (over £4.5 billion a year) and expenditure by other government departments and agencies such as NHS and DIUS on prisoners and offenders (some £450 million a year). There are good Whitehall precedents for such a joint costs review, notably the MOD/HMT Defence Costs Study of 1994 which resulted in both large savings and large reinvestment in new defence equipment.

9.4.1.1 Cutting waste

From the evidence given to our Review on such matters as wasted drug treatment expenditure (section 4.2); NOMS bureaucracy (section 2.2); the prison building programme, particularly the Titans which we would scrap and replace with fewer, smaller, better designed and less expensive community prisons (section 3.7.1); and our recommendation to accommodate selected prisoners from certain categories of offender in Community Supervised Homes for Offenders (CSHOs) rather than in prisons; we are confident that we have already identified important areas where significant public expenditure savings can be made. We are also confident that a joint MOJ/HMT costs study would identify additional substantial savings particularly if the principle of 'selectivity' rather than 'universal targets' was

2 *The Daily Telegraph*, 'Why is Labour so keen to imprison us?', 5 January 2009

to be introduced into NOMS/MOJ planning. For the reality needs to be faced, starting with the example of prisoners with drug problems, that some prisoners are interested in trying to break their cycle of re-offending and bad habits while others are not. By concentrating resources on the former group rather than trying to implement universal programmes that achieve targets directed at all prisoners, including the latter group, public expenditure will be saved and more re-offending will be prevented.

9.4.1.2 Establishing the true cost of re-offending

A second important objective of a joint costs study by MOJ/HMT would be to calculate, as a breakdown, the true and contemporary costs of re-offending. In 2002 the Social Exclusion Unit calculated that the annual costs of re-offending were £11 billion. This figure is now seven years out of date and may well have been too conservative in the first place. A more accurate figure is needed. But on the assumption we have argued for that the annual costs of re-offending to the criminal justice system are now at least £12 billion, it can immediately be seen that if in the period of a parliament new policies brought down re-offending by five per cent, the savings would be £600 million annually; a 10 per cent reduction would mean savings of £1.2 billion; a 15 per cent reduction would mean savings of £1.8 billion; a 20 per cent reduction would mean savings of £2.4 billion and a 25 per cent reduction would mean £3 billion of annual savings. None of these reductions are unrealistic or unattainable when you consider the current astronomical levels of re-offending (section 1.4).

9.4.1.3 Introducing financial incentives

A third priority for the proposed MOJ/HMT joint costs study is to apply its findings at local as well as national level. It is important that this study should introduce a system of incentives and rewards for local CPRTs who succeed in reducing re-offending in their area. By way of an illustrative example, our Review has recommended (among other areas) a CPRT for Wales which is an area currently responsible for the custody of approximately 2,500 prisoners, or approximately 3 per cent of the prison population.[3] (See Appendix One).

The current annual re-offending costs of the prisoners held in Wales can be estimated at £360 million (3 per cent of the conservative £12 billion estimate). If we suppose that by implementing its own local reforms including some of those proposed in the Review, the CPRT for Wales reduces re-offending in its area by 10 per cent. Savings of £36 million a year could be expected. We recognise that a proportion of these savings would be indirect reductions, such as reduced insurance payouts and other wider societal costs.

However, based on the newly established breakdown of the cost of re-offending which we propose above, we suggest that government savings should

3 Ministry of Justice, *Population in Custody*, December 2008

go back to the budgets of HMT and the local CPRT. The CPRT board could decide to use this money, in the case of Wales as much as £18 million, in their budget in a number of ways such as paying bonuses to prison governors, probation officers and prison officers; investing in new facilities such as residential or community drug treatment centres for offenders or in pump priming more mentoring schemes. Such decisions will be made by the CPRT board and will be designed, whether by incentives or by new investment, to encourage further reductions in re-offending in the CPRT area. We recommend that HMT invest its share of the savings in measures to reverse social breakdown in Britain, as recommended by the Social Justice Policy Group's report *Breakthrough Britain*.

The concept of achieving reductions in costs by incentives and re-investment is not alien to HMT. They have done it before, notably in partnership with the Ministry of Defence over the 1994 Defence Costs Study. But it is essential that the ingredient 'in partnership with' is brought down to local or CPRT level. There is not much hope, on the basis of past experience, that NOMS/HMPS will be sufficiently pro-active and energetic to reduce the costs of re-offending on a national basis. But an energised and incentivised CPRT could well deliver, at local level, a sustained reduction in re-offending. This is because the best rehabilitation of prisoners is local rehabilitation. Our CSJ polling has demonstrated considerable public support for localising our prison system. Local communities will feel safer when they see re-offending come down in their area as a result of a local strategy implementing policies on the ground in a CPRT area.

HMTs co-operation should also be sought on initiatives to reduce re-offending that bring in new money from charities, new efforts from voluntary and community groups and new partnerships with the private sector in prison management; the commissioning of new build prisons; and prison workshops and prisoner employment. We have made a number of recommendations in these fields.

9.4.1.4 Becoming energy efficient

Another area for the HMT/MOJ joint costs study should be energy conservation and energy costs reduction. In the experience of members of our Review committee prisons are often overheated and poorly insulated. Rarely are any alternative energy sources such as solar power used in prisons. We believe that an energy audit and review across the prison estate would result in substantial savings. We are aware of a major private sector group which in 2008/09 carried out such an energy audit and costs review across its own estate which had far fewer major buildings and numbers of employees than the prison estate (140 prisons) and its population (83,000 prisoners). The private sector group estimates its savings from the energy audit and review at £180–£220 million.

HMT will be good at identifying costs and potential savings from a reduction in re-offending. MOJ, particularly NOMS/HMPS, has in recent years

shown singular lack of comparable financial acumen. But if the two departments, with some involvement from the private sector, were to co-operate together first in a joint costs study and then in a local, well incentivised programme designed to reduce both costs and re-offending levels, we believe that there could be excellent results.

9.5 Involving local communities and voluntary sector organisations

This Review has continuously advocated the devolution of prison and offender management to local communities and CPRTs. The legislative and administrative reforms we have recommended will be an area of momentous change towards this objective, the ultimate purpose of which is the reduction of re-offending.

Another area of change will be local transparency. The public want to know how its own community is succeeding, or failing, in the reduction of re-offending. Therefore local CPRTs and local prisons must be required to publish annual performance reports. These reports should be collated together in the form of league tables and published with a commentary from the MOJ.

Government has a leading role to play in the encouragement of the voluntary and community sector (VCS). This should not be sidelined to the Office of the Third Sector in the Cabinet Office or to a section of the Department of Communities and Local Government. It should be central to all government policy and the MOJ's contribution to it through CPRTs should be one of the showpiece areas demonstrating the contribution that can be made by VCS groups. We have covered these issues extensively throughout our but we would highlight the role of the MOJ's National Commissioner for Voluntary and Community Groups (section 2.8.5) as a catalyst for expanding and encouraging their work in the criminal justice system.

9.6 Conclusion

> *The mood and temper of the public in regard to the treatment of crime and criminals is one of the most unfailing tests of the civilisation of any country. 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.*
>
> The Rt. Hon Winston. S. Churchill,
> Secretary of State for the Home Department, 20 July 1910

'Take away that pudding it has no theme' was a gastronomic comment of Sir Winston Churchill about a blancmange desert of uncertain shape and taste. We hope that our Review does not suffer from any comparable lack of thematic clarity.

There are many specific ingredients and recommendations in these pages but they are directed at two major themes – the reduction of re-offending by prisoners released into the community and the easing of overcrowding within prisons.

In our search to find policy initiatives which would deliver these objectives there are several important sub-themes such as:

> *localisation through the creation of CPRTs; the greater involvement of voluntary and community groups; an overhaul of mental health and substance abuse policy; more support to keep families together; a reinvigorated programme of prison education, training and work; the use of Restorative Justice conferencing; substantial reforms to pre- and post-release resettlement support and three new Acts of Parliament creating the legislative framework for these reforms.*

But these are all part of a bigger picture which was sketched out in the above quoted words of Winston Churchill when he was Home Secretary 99 years ago as he called for:

> *…a desire and eagerness to rehabilitate … all those who have paid their dues in the hard coinage of punishment and tireless efforts towards the discovery of curative and regenerating processes.*

At present the 'tireless efforts' and the 'desire and eagerness' to prevent re-offending by rehabilitation are largely left in the hands of overworked professionals. They are only just coping with the pressures of prison overcrowding. Unfortunately, those pressures are likely to get worse tomorrow thanks to the deteriorating economic and social climate. For history teaches us that recessions cause an increase in crime which results in an increase in prisoners. Since our jails are already full, a surge in the prison population would make the already difficult task of managing imprisonment almost impossible and certainly more dangerous. Prison reform is therefore becoming an urgent, as well as a necessary political imperative.

Our Review provides both a strategy and a detailed agenda for a response to this imperative. But it must be a response by our society at community level as

well as a response by our politicians and prison administrators at the Westminster and Whitehall level. If our Review stimulates a greater devolution of power from the centre to local communities in a determined drive to reduce re-offending and increase individual rehabilitation, a major reform of prison and offender management policy will be accomplished.

TEN
Appendix one: Community Prison Rehabilitation Trusts (CPRTs)

We recommend that a new Community Prison Rehabilitation Trust Act of Parliament identifies special areas for CPRT pilots. We suggest that these first selected areas include Wales, Devon and Cornwall, Avon and Somerset and Teeside as the following submissions argue.

10.1 A CPRT for Wales

We recommend that Wales would be well-suited to a CPRT pilot for the following reasons:

- Wales is a nation with its own language.
- Aspects of government are already devolved to the Welsh Assembly Government (WAG) and key services relevant to prisoners and ex-prisoners are already configured differently to those in England (health, education and training, substance misuse, housing, youth services, etc), responsibility for these services resting with the WAG.
- Wales is designated a region for National Offender Management (NOMS) purposes and has in place All-Wales policy frameworks and documents relevant to prisons organisation and resettlement planning.
- Although Wales currently has four police forces and probation areas three of those are among the very smallest in terms of population covered and staff employed (albeit not in terms of geographical area) in England and Wales (Dyfed-Powys, Gwent and North Wales), complementing one (South Wales) which is among the largest.
- Wales currently has only four prisons (Cardiff, Parc, Swansea and Usk/Prscoed) which inadequately provide for prisoners committed by the Welsh courts (this is particularly the case regarding women and girls (for whom there is no provision in Wales) and children and young prisoners (for whom there is inadequate provision at Parc and one Secure Children's Home in Swansea).

- For all these reasons we conclude that Wales, with its roughly three million people and prison population of under three thousand, should become a CPRT.

However, because Wales has the WAG, we recommend that the constitutional framework for the Wales CPRT should be different from that in the English regions. We recommend that the composition and budget of the Wales CPRT should be aligned with that of CPRTs in England, but we conclude that the WAG should be responsible for appointing members and administering the Wales CPRT. This will mean building the administrative capacity of the WAG, which currently has no responsibility for and limited expertise regarding custodial and resettlement arrangements. The Ministry of Justice should recognise this lack of administrative and policy capacity shortfall when funding the Wales CPRT.

Ideally prisoners committed by the courts in Wales should, as in the English regions, be housed in Wales. Slavish adherence to that aspiration and rule of thumb would not be sensible, however. Transport links between North and Mid Wales and South Wales are slow and difficult and because North and Mid Wales are relatively sparsely populated, and consequently generate few prisoners, it would generally do prisoners and their families from those areas a disservice were they to be accommodated near the South Wales coast where most of the penal accommodation currently lies. Equally, however, Welsh prisoners, particularly if Welsh-speaking or long-term residents with Welsh accents, are likely to feel culturally out of place if housed in prisons on Merseyside or the West Midlands. Pragmatic resolution of these conflicting considerations needs to be achieved by the Wales CPRT when commissioning new or existing penal provision and resettlement services.

10.2 A CPRT for Devon and Cornwall

Three category C prisons (HMP's Exeter, Dartmoor and Channing's Wood) are located in Devon. Following the downsizing of a number of major MOD establishments, there is considered to be the potential for the provision of new establishments in the sub-region. There are currently no facilities in Cornwall.

Local government changes have significantly improved the ability to provide co-ordinated delivery of re-offending initiatives, particularly achieving increased harmony between agencies. In Cornwall, a single tier authority has been established, whilst in Devon, a unitary authority for the whole county (with the retention of the existing unitaries in Torbay and Plymouth) is expected to be announced by the Boundary Commission.

Cornwall and Devon have a number of excellent additional credentials to facilitate delivery of a successful pilot programme:

- There is a well established partnership network linking the business community with key public sector stakeholders.

- The sub-region can provide a wide diversity of training, vocational and work relevant opportunities (urban, rural, manual, creative etc) for almost every category of offender.
- There has been a massive investment in Further & Higher Education provision. This provides a solid platform to deliver 'up-skilling' and bespoke support packages.
- The area has just been restructured to provide advanced levels of business and human support which could link with sustainable 'through-the-gate' initiatives.
- Cornwall and Devon both have access to European funding programmes – Devon Competitiveness and Cornwall Convergence. Both these are important in building long term capacity for this project.
- Trials have already been successfully delivered linking prisons and business. Good examples are in the Environmental sectors (recycling etc). This links with stated sustainability policies to make the environment a key economic driver (Devon the Greenest Economy etc).
- There are opportunities to commission programmes through a variety of pan European Schemes, as well as opportunities to link with local fund raising initiatives such as the Business Improvement District, Local Authority Business Growth Initiatives, Business Rate Supplement etc.

We also recommend Devon and Cornwall as a CPRT which should facilitate a pilot of our recommended Intermediate Training Centres (ITCs) (section 8.6.7).

10.3 A CPRT for Avon and Somerset

The Avon and Somerset CPRT, as with all others, will be founded on the principle that criminals come from, and are almost always, returned to the community at some stage. The Avon and Somerset CPRT will ensure that members of the community engage to effectively rehabilitate prisoners. CPRTs harness all available resources from the public, private or voluntary sectors within an accountable framework that delivers personalised, seamless and holistic rehabilitation. Successful rehabilitation will be based on the four pillars of motivation, stability, opportunity and support.

We recommend that the Avon and Somerset CPRT should encompass the unitary authorities formed from the old county of Avon: Bristol, South Gloucestershire, North Somerset, Bath and North East Somerset and the County Of Somerset. Within the old Avon area are HMP Bristol (cat B local) and HMP Leyhill (Cat D Open) and YOI Ashfield. Somerset's only prison is HMP Shepton Mallett – currently accommodating lifers. The Avon and Somerset CPRT should assume responsibility for governance, strategic planning, the commissioning of appropriate rehabilitation services and the creation of a framework within which successful rehabilitation will occur.

The CPRT will be chaired by an independent Chairman, appointed by the Minister of Justice. It will include senior representatives from local authorities, police, prison and probation services, private sector organisations (employers and chambers of commerce), voluntary organisations, health, social services, education and employment agencies and a rotating lay membership to ensure public confidence.

10.4 A CPRT for Teeside

There are currently two prisons in the Teesside area. HMP Holme House, a 1,000 bed category B adult male prison, is situated at Stockton-on-Tees. Its catchment area is Teesside, S.W. Durham and N. Yorkshire. It also houses Young Offenders from the Teesside area who are en route to serve their sentences at HMYOI Castington in Northumberland. The prison has been extended considerably since it first opened in 1997 but regime provision has struggled to keep pace with increases in prisoner places. Riots at the prison in 2002 and 2003 were attributed to increased lock-down hours when staff sickness was particularly high.

HMP Kirklevington Grange is a resettlement prison at Yarm, Cleveland. It houses 280 category C and D adult males with a minimum of eight months and a maximum of three years to serve. The criteria for allocation to Kirklevington are necessarily stringent because of its low security. The catchment area extends from Carlisle to Leeds. In one case because of size and in the other case because of entry criteria, the prisons in Teesside have a wider regional, rather than local, function. Other prisons further afield cater for the areas young prisoners, female prisoners and category C prisoners. Two prisons in Durham, HMP Frankland (a high security prison) and HMP Durham (a local prison) also serve the Teesside area.

The Teesside area has strong local identity rooted in its once prosperous industrial past where heavy industry predominated. Regeneration, alternative industries and a focus on environment are key issues now. Where shipbuilding once took place, ships from across the world are now dismantled and the scrap steel is sold on the international market. This, however, produces certain waste products which compound existing problems in managing the fall-out from industrial dereliction. A significant steel and engineering industry still exists together with a traditional chemical industry.

TEESSIDE COMMUNITY PRISON AND REHABILITATION TRUST

The purpose of the Teesside CPRT would be to harness the energy and commitment of local statutory, voluntary, business, health, education and community agencies towards reducing crime in the region by substantially reducing reoffending through taking ownership, as a community, for the efficient and effective rehabilitation and resettlement of the offenders from their area through their prison sentence and after release.

Members of the Trust Board will include senior representatives from local authorities (Darlington, Hartlepool, Middlesbrough, Redcar & Cleveland, and Stockton-on-Tees Borough Councils) from police, prison and probation services, from local businesses and industry, from statutory health, welfare and employment agencies and the courts, from further and higher education and from a wide range of voluntary organisations.

The business of the Teesside CPR Trust might include:

As part of the national initiative to provide more prison places, the building of a 500-bed 'Academy prison' in the area to provide local category C prison places. Teesside offenders serving their sentences outside the area could serve their sentence closer to home and free up places elsewhere in the system.

Business and industry leaders on the CPRT would consider their future needs and help shape the nature of education and training provision in the prison. As future beneficiaries, they would consider the viability of funding workshops and training schemes.

The Tees Valley European Partnership, the main forum for local businesses, local authorities, voluntary sector, industrial training, further and higher education, and local community groups, should look at integrating elements of offender resettlement into funded schemes. The University of Teesside should be approached to adapt and develop its learning from the Meteor Programme to apply to prisoners. The programme focuses on raising aspirations and giving positive role models to local children so that they maximise educational opportunities. Students on the programme: improve self-esteem and develop self-discipline and perseverance; identify goals and solve problems; consolidate subject knowledge; develop study skills and learning strategies.

The CPRT would seek the delivery of this programme to all prisons in the area through the university's Schools & Colleges Partnerships Team.

The CPRT would regularly take reports from represented organisations on the progress of their 'partnership' links with the area's prisons, reviewing the development of these links and how the transition is managed from the training and work experience in prison to training and work in the community. Similarly, the CPRT will monitor transitions from prison health, addictions and behavioural treatments to community based programmes and will direct funding to ensure an appropriate balance of resources.

Voluntary groups will report on progress in their work with offenders and seek approval and funding to develop the services which are most effective or provide new services as needs are identified. Sentencers will be represented on the CPRT and, through their involvement, will be more confident and focused in their use of imprisonment and community sentences.

Over time the public, too, will gain confidence in the correctional services as local communities take ownership of the treatment and support of their offenders and this begins to make an impact on the rate of re-offending.

ELEVEN

Appendix two: Prison Design – The Mitson Academy Model

The following schematics illustrate the principles behind the academy model of prison design, the basis of which is the combining of a section of prison living accommodation (a house-block or wing) with one of a prison's many regime or service buildings to create a residential 'academy', 'school' or 'college'. This not only achieves new and better ways to deliver education, training and work experience to prisoners and improved safety and job satisfaction for staff, **but also delivers economies in construction cost and energy consumption, as combining two buildings into one reduces overall building footprint in the following ways.**

1. By eliminating the duplication of functional spaces that are required twice over in two separate buildings but only once in one building;
2. By using the large atrium space, a feature of all standard prison wings, as core regime activity space throughout the main working day instead of it being used only as access and dining space for a fraction of the core day.

The illustrations below show examples of a College Unit, a Catering Academy and a Sports Academy but, depending on the size and function of the prison and the nature of local opportunities, many other possibilities exist including:

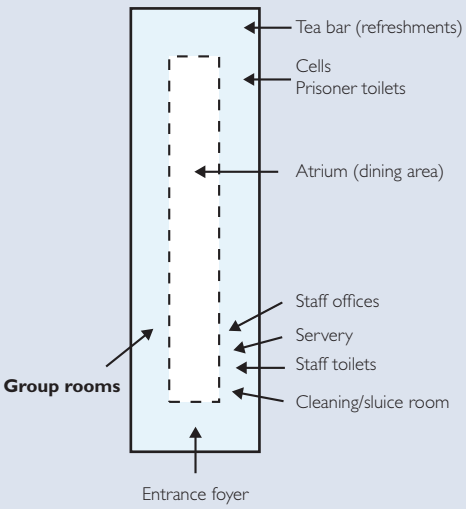
- A Business School
- An Academy for Industry & Technology (based around prison workshops)
- A Performing Arts Academy (which exploits under-used facilities, such as the visits hall as a performance area)
- A Science Academy
- An IT Academy
- A Visual Arts Academy
- A Third Sector Academy
- A Building and Construction Academy

Larger prisons might consist of ten or twelve residential academies and smaller prisons perhaps six or seven.

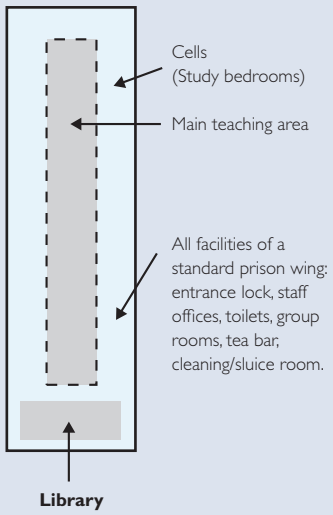
Example 1: Education Block and House Block

A Residential 'College Unit'

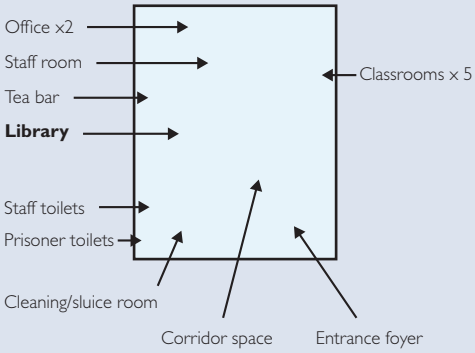
Facilities in a typical House block/Wing block



The solution
A 'COLLEGE' UNIT



Facilities in a typical Education block



Example 1 illustrates how a different approach to the way a standard house-block is designed and used, makes a separate prison education building entirely redundant. Nearly all of the facilities provided in the education department can be replicated equally well, or better, within a prison wing, which is traditionally little occupied by prisoners during the working day. Once adapted as a 'college' unit the prison wing offers additional valuable facilities that the education department cannot, for example, study-bedrooms (cells).

The ground floor of an ordinary prison wing is equipped with tables and seating units for dining purposes (used for 20 minutes x 3 times daily). These units can be used flexibly and effectively in different configurations for study and tutorial groups, where, overall, a larger number of 'students' can be supervised by fewer 'teachers' than would be the case in classrooms. Where special equipment or facilities are required (for an art class, say) this would be accommodated in a suitably equipped, designated area of the atrium. The small group or multi-purpose rooms which prison wings usually have would be another resource for specific study or teaching purposes, as appropriate. With the availability of lap-top computers and wireless connection, there would be no requirement for a special IT room.

The only significant extra provision the prison wing needs to become a residential college is a library – and the facility for it to be accessed by all prisoners on a sessional basis and by the students of the 'college' at all reasonable other times.

One of the most important practical advantages of this model is that the integration of two distinct functions (in this case, residence and education) also integrates two staff groups. Education staff are no longer isolated and more discipline staff are engaged with prisoners' daily constructive activity.

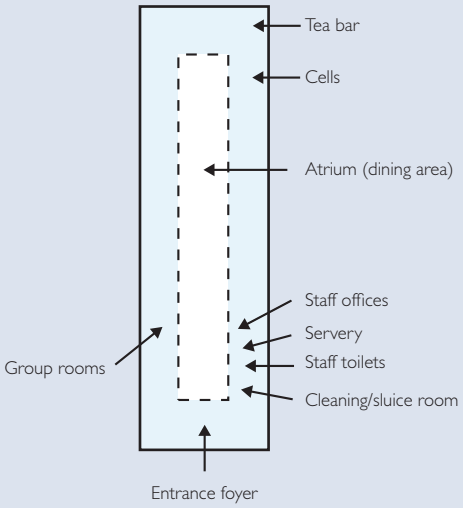
Through good design, an exciting and absorbing learning environment can be created which:

- is appropriate for adult learners and adaptable to different learning styles
- is non-threatening to those who have failed in other educational settings
- encourages and enables peer-tutoring and peer-support
- puts purposeful activity at the centre of prison life not at the margin.

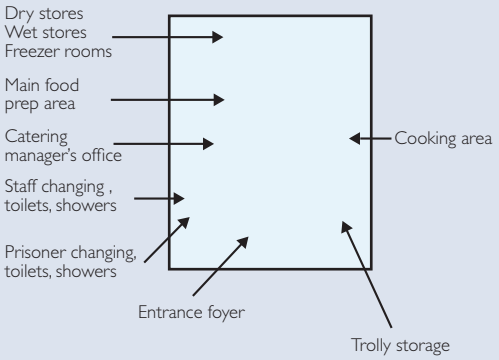
Example 2: Prison Kitchen and House Block

A Residential 'Catering Academy'

Typical prison wing kitchen

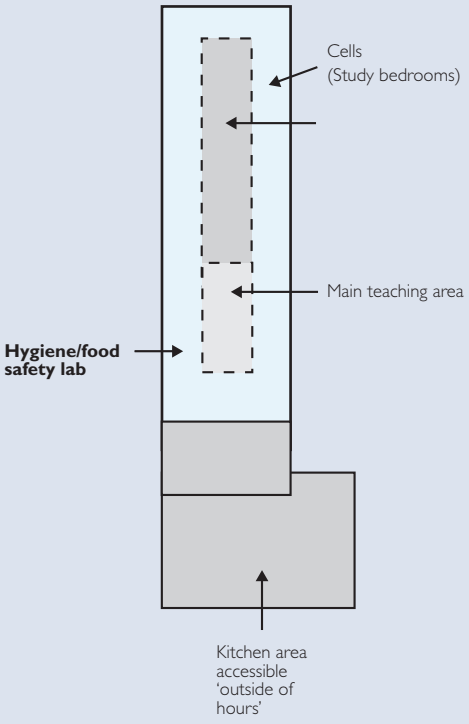


Typical prison



The solution

A CATERING ACADEMY



Example 2 describes the advantages achieved by combining residential accommodation with the prison kitchen to create a residential Catering Academy.

Using this model, a far greater number of prisoners than is possible with the traditional approach, are able to learn and work in catering, one of the most popular occupations in prison.

As in example 1 above (the College) combining separate buildings together as one has significant economies, but the main advantage here is the enormous gain in regime and impact on prisoner work and training.

Nowadays, prison kitchens are almost completely superfluous in the preparation of breakfast. They are busy for about 2 hours each day preparing lunch and 2 hours preparing tea after which they close as a regime activity. This is a huge waste of expensive plant and a large building. Large numbers of prisoners could gain educational and vocational qualifications and train for real jobs in the community were the kitchen to become the heart of a prison Catering Academy.

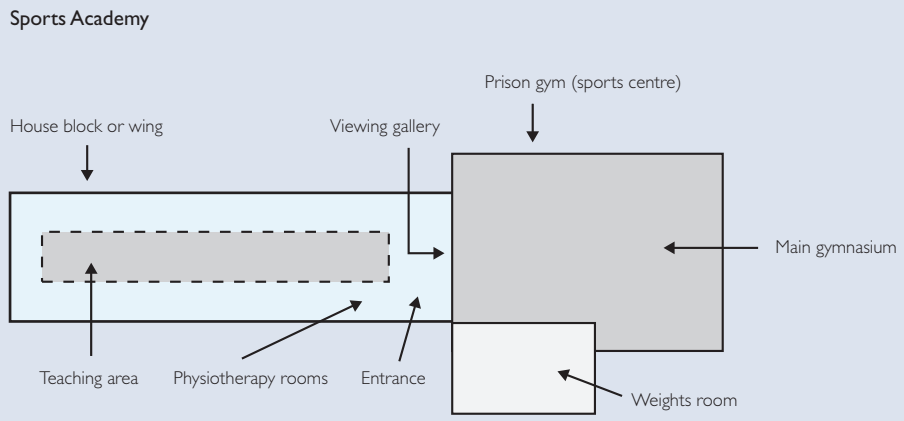
The academy would, of course, be responsible daily for producing the meals for the whole prison but this would be only a part of its function. Facilities would be available for students of the academy to improve their general education and to learn every aspect of the catering industry, theoretical and practical, according to their interests and abilities. Kitchen facilities would be accessible for practical work throughout an extended working day as would the study and teaching facilities. With more prisoners committing more hours to the work, the academy could offer a far wider range of learning experiences than 'prison catering' and could undertake commercial contracts and, importantly, charity work such as making soups for an inner city 'soup run' for rough sleepers.

The potential for impact on the rest of the prison is also significant. It would be difficult to imagine a prison with its own 'Catering Academy' not being able to improve the standard of food and food hygiene.

As with all other academies, the Catering Academy would be 'sponsored' by or twinned with similar establishments and industry partners in the community. There would be opportunities for prisoners either to continue their education or seek work through the sponsoring organisations after release.

Example 3: Sports Hall and House Block

A Residential 'Catering Academy'



Example 3 is that of combining a prison wing with the prison gym to form a residential 'Sports Academy'. As with catering, sport is one of the most popular regime activities in prison and, it might be said, one that assumes the proportions of a consuming passion for a significant minority. In a traditional prison there is seldom, if any, opportunity for large numbers of prisoners to explore and develop their sporting interests and talents, save for the devotees in every prison who commit to weight training. Although at times commendable attempts have been made to deliver numeracy and literacy programmes as well as sports programmes in prison gymnasia, staffing problems, lack of teaching facilities and the absence of a learning culture has produced limited results at the expense of recreation sessions for the other prisoners.

A prison Sports Academy would offer large numbers of prisoners with basic needs the opportunity to address poor educational achievement through a medium which is active and engaging to them involving a range of programmes at a range of levels covering sports and games, skills development, refereeing, fitness, recreational facility management, etc., and at the highest level, sports sciences including sports physiology, nutrition and physiotherapy.

In this, as in all academies, residential staff would be working with specialist staff as a dedicated single team, playing their part in regime delivery, not just policing.

Like a prison kitchen, the sports centre is a resource for the whole prison. Therefore a major part of the students' work in the Sports Academy will be the supervised delivery of recreational, fitness, skills and sports programmes to other prisoners. Teaching and mentoring are important ingredients in gaining vocational qualifications.

The Academy also presents powerful opportunities to address important lifestyle issues with prisoners, including attitudes to health, alcohol and drugs.

Affiliation with local and national sports clubs and associations, as well as the fitness industry, would ensure direction and relevance, provide incentive and means to maintain commitment after release and drive motivation towards greater achievement.

New Prison Architecture

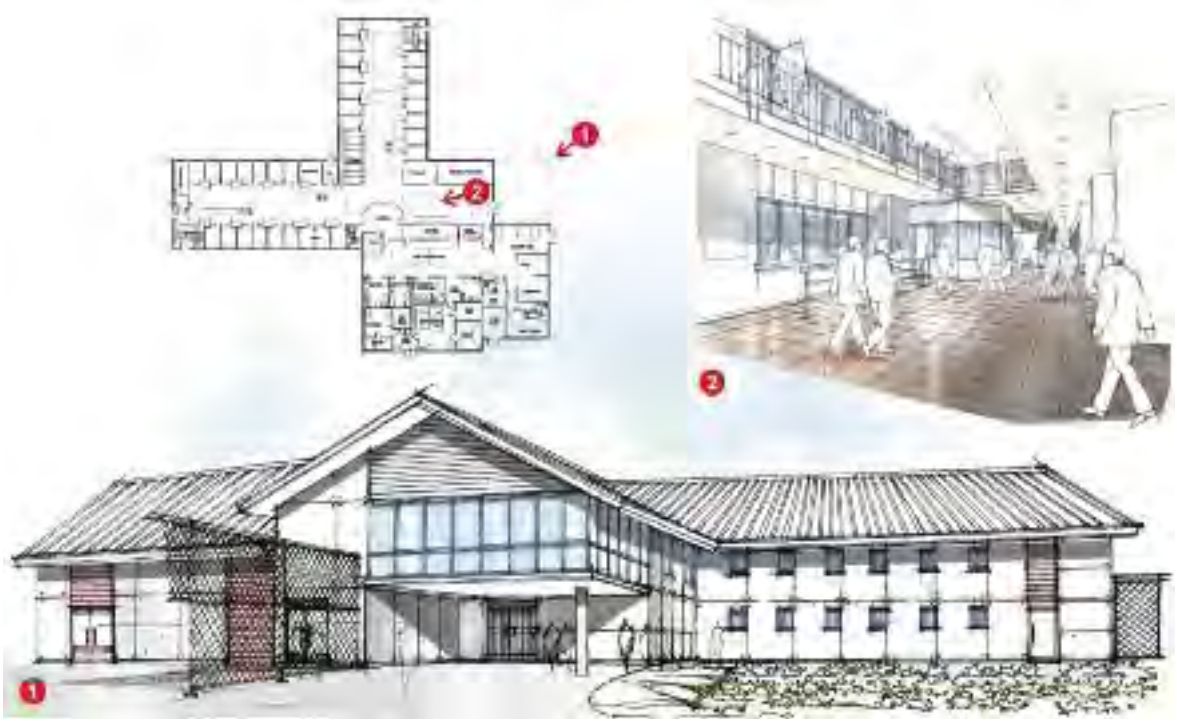
The major problem with both past and present prison design is a belief that prisoners are best supervised and controlled when housed in large Victorian-style galleried halls that are securely zoned off from regime and service facilities and which serve little purpose other than to warehouse people in the supposedly most economical way. This not only creates problems over the mass movement of prisoners, but reduces the working day, leaves certain staff groups isolated, detaches core discipline staff from prisoner activities and divides staff effort rendering regimes far less effective than they could be.

Those who work in these 'human warehouses' will vouch that prisoners are not so easily –in this environment, largely due to the scale of the buildings, the disconnection that vertical space imposes and because of the unstructured,

random (purposeless) nature of prisoner activity on the wings. Although there is some value in the straight sight-lines inherent in this architecture, visibility is unavoidably impaired by staircases, landings and railings and not what it is claimed to be. In fact, the design of prison wings, particularly the gallery feature, makes it easier for prisoners to monitor staff movements than vice versa so that control and supervision are avoidable.

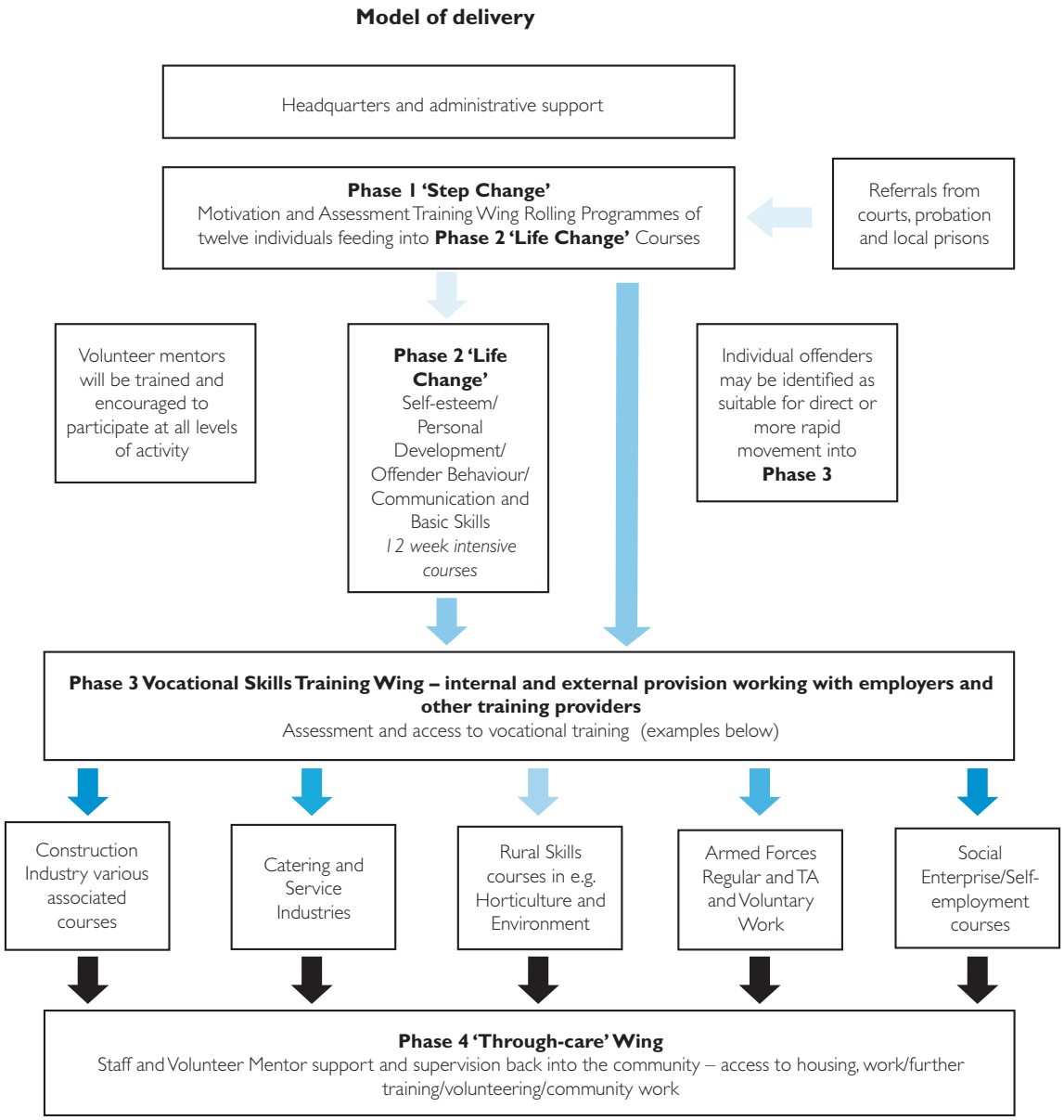
Integrating a regime activity with cellular accommodation to form an 'Academy' can be achieved in a way that intrinsically improves prisoner control and supervision as well as economy of construction. Architecturally, the solution centres on the way a traditional straight wing of cellular accommodation is reconfigured (broken) to create an 'insertion point' where the regime buildings become part of the newly created academy. As described elsewhere, better supervision and control come about as a result of the combined efforts of two staff groups working in one location, but breaking the straight line of the prison wing at right angles to form two shorter spurs means that prisoners cannot so easily disconnect from the hub of activity or staff supervision. As illustrated above the complete effect de-institutionalises prisoner accommodation and provides a different environment and different opportunities to challenge the culture of negative prisoner behaviour.

ARCHITECTURAL DRAWINGS FOR THE PROPOSED MITSON ACADEMY PRISONS



TWELVE

Appendix three: The Intermediate Training Centre (ITC)



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Glossary

CARAT	Counselling, Assessment, Referral, Advice and Throughcare
CMHT	Community Mental Health Team
CPRT	Community Prison and Rehabilitation Trust
CSHO	Community Supervised Homes for Offenders
CSRB	Community Supervision and Release Boards
DAT	Drug Action Team
DIUS	Department for Innovation, Universities and Skills
ECL	End of Custody Licence
HDC	Home Detention Curfew
HMCIP	Her Majesty's Chief Inspector of Prisons
HMP	Her Majesty's Prison
HMPS	Her Majesty's Prison Service
IDTS	Integrated Drug Treatment System
IPP	Indeterminate Sentence for Public Protection
ITC	Intermediate Training Centre
LA	Local Authority
LSC	Learning and Skills Council
MCTC	Military Corrective Training Centre, Colchester
MDT	Mandatory Drugs Test
MHIRT	Mental Health In-Reach Team
MOJ	Ministry of Justice
NAPO	National Association of Probation Officers
NOMS	National Offender Management Service
NPS	National Probation Service
PACT	Prison Advice and Care Trust
PCT	Primary Care Trust
PDU	Problematic Drug User
POA	Prison Officers' Association
POLARIS	Programme for Offender Learning and Resettlement Information Services
PRT	Prison Reform Trust
RAPt	Rehabilitation of Addicted Prisoners Trust
RCSLT	Royal College of Speech and Language Therapists
RJ	Restorative Justice
ROLT	Release on Temporary Licence
SLT	Speech and Language Therapist

TUPE	Transfer of Undertakings Protection of Employment (Transfer to new employer with rights and benefits maintained)
VCS	Voluntary and community sector
VDT	Voluntary Drugs Test
VIC	Victim Impact Class
VO	Visiting Order

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Gram Seed
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John Roberts, Operations Director, Inside Time Publication
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Sir Andrew Green, Chairman, Migration Watch
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