

THE REHABILITATION AND RESETTLEMENT OF PRISONERS: THOUGHTS ON OFFENDER MANAGEMENT AND CULTURAL CHANGE

**Professor Mike Maguire,
University of South Wales**

FAR-REACHING POLICY CHANGES AFOOT THROUGHOUT THE SYSTEM

Not modest in ambition:

A 'rehabilitation *revolution*'

'*Transforming* rehabilitation'

The '*rehabilitative prison*'

Already under way:

- Probation division and outsourcing (NPS and 21 CRCs)
- Resettlement prisons

Coming soon:

- Review of Offender Management in prisons
- Rethinking on accredited programmes?

HOWEVER.....



O.M. - DÉJÀ VU?

The current OM model: introduced only ten years ago as a main plank of the implementation of Carter and the creation of NOMS. Some of the arguments then not very different from those being put now:

- Existing systems and practices not fit for purpose (to reduce re-offending) nor delivering results
- ‘Silos’, services not ‘joined up’, lack of coherence from offender’s point of view
- Strong advocacy of a need for radical change, driven by principles derived from academic theory and research



SO WHAT WENT WRONG?

WHY THE NEED FOR MAJOR CHANGE AGAIN?
AND HOW AVOID ANOTHER GROUNDHOG DAY
IN 2025?!



1. OFFENDER MANAGEMENT IN PRISONS

Current system based on NOMS Offender Management Model (NOMM).

Delivery model for Carter proposals, and key to the case for the creation of NOMS:

Core aim of 'joining up' rehabilitative and resettlement work between the 'silos' of prison and probation.

Idea of a 'seamless' sentence.



NOMM WAS BASED ON SOME SOUND, EVIDENCE BASED PRINCIPLES:

To be effective, rehabilitation/resettlement process must be experienced as a coherent and meaningful journey from the offender's point of view.

Eg Taxman's 'five-step offender active participant model':

Message to the offender - Institutional treatment -
Institutional pre-release - Post release - Integration

Quality and continuity of relationships is important

Knowing and trusting one person to accompany you on your 'journey' (evidence eg from Resettlement Pathfinders). If relationships developed in prison, more productive after release.

The opposite of '*pass the parcel*' offender management (Partridge)



KEY PRACTICE ELEMENTS OF THE MODEL:

- 'end-to-end' management by one probation officer (OM) based in community, responsible for assessment and sentence planning,
- assisted by custody-based Offender Supervisor (OS, usually a prison officer) acting under OM's guidance.
- On release the OM continues supervision.
- A planned process – 'ASPIRE' (Assess, Sentence Plan, Implement, Review, Evaluate).

So far so good, but...



10 YEARS LATER: DAMNING SERIES OF REPORTS FROM HMIs OF PRISONS AND PROBATION

“...the **Offender Management Model, however laudable, is not working in prisons.** The majority of prison staff do not understand it and the community based offender managers, who largely do, have neither the involvement in the process nor the internal knowledge of the institutions, to make it work. It is more complex than many prisons need and more costly to run than most prisons can afford. Given the Prison Service’s present capacity and the pressures now facing it with the implementation of *Transforming Rehabilitation* and an extension of ‘Through the Gate’ services, we doubt whether it can deliver future National Offender Management Service expectations. We therefore believe that **the current position is no longer sustainable and should be subject to fundamental review.**”



MAIN CRITICISMS

- Outside OM remote, does not drive sentence. Most work done by OS without consultation.
- OS role not understood, even by OS themselves(!)
- OS often do not engage with prisoners at all, nor involve them in plans - bogged down with 'process' (especially assessment), other administrative tasks
- 'Silos' within prisons (roles and OS not widely understood; remoteness from wing staff; sometimes rehabilitation/resettlement split (duplication, lack of coordination or sharing of info and plans))
- Lack of a broad 'rehabilitative culture'



KEY REASONS BEHIND THE 'FAILURE'?

Not much wrong with the NOMM in principle.

Problems were a combination of:

- (a) Resource issues (staff time, training, overload of recording tasks)
- (b) Common obstacles in prisons (internal communication, poor IT systems for info sharing, 'silos', etc)
- (c) Top down introduction of system - lack of 'buy-in' and understanding at coalface.
- (d) Implementation over-focused on organisational/process change. Monitored on basis of process targets rather than quality of face to face work and forgetting key parts of the message concerning *quality and continuity of relationship with offender*.

In short, in practice has become managerial and system-centred, not a 'human process' – main purposes behind the exercise get forgotten.



OPTIONS/PROPOSALS FOR CHANGE

OM review (not yet published but useful summary of direction of thinking in letter last week to Governors, NPS and CRC chiefs etc from Michael Spurr, Chief Executive of NOMS):

Places major emphasis on **relationships** and **culture** (very different to introduction of NOMM)



'KEY PRINCIPLES'

1. An **underpinning rehabilitative culture**

“A safe, decent and rehabilitative prison is the essential foundation for empowering prisoners to turn their lives around. We must renew NOMS’ commitment to supporting prison Governors/Directors to drive a truly rehabilitative culture in all prisons. Whilst there are notable instances of very good practice and many staff are undoubtedly passionate about making ‘every contact matter’, we are some significant way from fulfilling the challenging goal of consistency across the estate. This needs to change.”



‘CO-PRODUCTION’?

3. A collaborative approach between prisoners and staff, emphasising **prisoner agency and relationships with staff**

“There must be a much greater focus on *personal relationships* and contact between prisoners and staff, to *motivate and support* the prisoner; to offer *hope, empowerment* and *opportunities* to rehabilitate; to challenge pro-criminal attitudes and behaviours; to *help prisoners take responsibility for their lives*; and to *reflect with prisoners* on next steps. We also need a greater emphasis on prisoner *agency* and *engagement* in a *collaborative* approach with staff.”

Numerous reflections here of the ‘desistance’ lexicon.
Reflects the central tenet of ‘co-production’.



4. Skilled and supported OM staff

“OM staff must be appropriately skilled and supported, with a competency threshold for each role, including a senior manager in each establishment with the lead responsibility for OM.”



2. **Target resources effectively**

“The level and intensity of OM service provision should vary between prisoners, targeted where it is most needed and most effective. In particular, we need to ensure that processes and administrative activities are proportionate and that duplication is eliminated.”

(Two points here:

1. Principle of ‘resources follow risk?’ Risk not mentioned explicitly, but implied.
2. Recognition of pressure of resource constraints and funding cuts, and to reduce excessive ‘managerialism’/‘bureaucracy’.



AND PERHAPS MOST INTERESTING: A FUNDAMENTAL SHIFT AWAY FROM NOMM

5. The responsibility for custodial OM should sit with the prison

“OM staff must be accountable to the Governing Governor/Director, who should be responsible and accountable for the quality of the offender management provided to the establishment’s prisoners. OM must therefore be properly reflected within the performance framework for prisons, utilising effective performance measures that are accorded appropriate weight.”

(Sold here as an accountability issue, but also challenges a key principle that was central to NOMM, and indeed formed part of the rationale for the formation of NOMS, no less: ‘End-to-end offender management’)



SKETCH OF POSSIBLE DELIVERY MODEL

Some basic building blocks of the NOMM to change/
disappear?

1. **The end of ‘end-to-end’ OM as we know it? :**

“We remain absolutely committed to maintaining a multidisciplinary delivery model utilising both Prison Officers and Probation Staff but the **current arrangements which rely on an Offender Manager in the community and an Offender Supervisor in prison will change.**”

This means a ‘handover’ model rather than one based on continuity of supervisor.



DELIVERY MODEL (CONT)

2. (For the majority of prisoners) the end of formal sentence planning as we know it?

Notion of '**core**' and '**specialised**' 'offers', depending on risk (core if a CRC client, specialised if NPS). NPS cohort continue largely as in NOMM (full OASys assessment, formal sentence plan, 1:1 structured supervision with a skilled case manager).

Interesting part is the '**core offer**'. All serving 6m or over and not high risk to receive:

- What one might call a 'risk assessment lite' (Layer 1 OASys)
- and 'sentence plan lite' ("a simple, prisoner-owned progression plan, instead of the more formal sentence plan")
- Supervision by a named 'key worker' with a new kind of remit.



THE 'KEY WORKER' CONCEPT

“...to engage, motivate and challenge the prisoner.
The main purpose should be effective prisoner engagement.”

Unlike OS role of 'delivering a planned programme of rehabilitative interventions' (often more of an ideal than a reality).

Akin to a mentor? And more closely aligned to desistance principles.



Not yet clear is who would take on this role, and what skills or training expected.

One radical option might be for it to be undertaken by a wide range of prisons officers, *as part of their job (rather than as a specialised role)*.

Another might be to open some places to different kinds of people from outside agencies (eg volorgs).

If feasible, such changes might help to break down silos between OMU and wing staff, as well as contributing to the promotion of a broader 'rehabilitative culture' in the prison.



MY FIRST THOUGHTS

Some immediately encouraging features:

Built on clear principles, reflecting theory, research and practice experience

'Human' elements as centrepiece rather than an afterthought

Basic ideas likely to be easily understood and to get broad 'buy in' from practitioners

Could potentially be a key driver of culture change



SOME WORRIES

- Reduction of 'administration' to free up staff to engage with prisoners could go too far, leading to NO assessment or planning and some prisoners 'drifting'.
- Basic tension between 'empowering' prisoners to make their own decisions and the natural tendency of prisons to take that agency away. Will prisons lose that habit?



LINKS TO BROADER ISSUES

OM and the 'rehabilitative prison'

Policy talk of creating a 'rehabilitative culture' in prisons is common, and increasingly articulated ambition of creating 'the rehabilitative prison'

For some this is an oxymoron. Shades of 1970s debates: e.g.

'The California 'correctional officer is still a guard; the 'adjustment center' is still the hole; the 'inmate is still a prisoner'; and above all the 'correctional facility' is still a prison" (Erik Olin Wright).

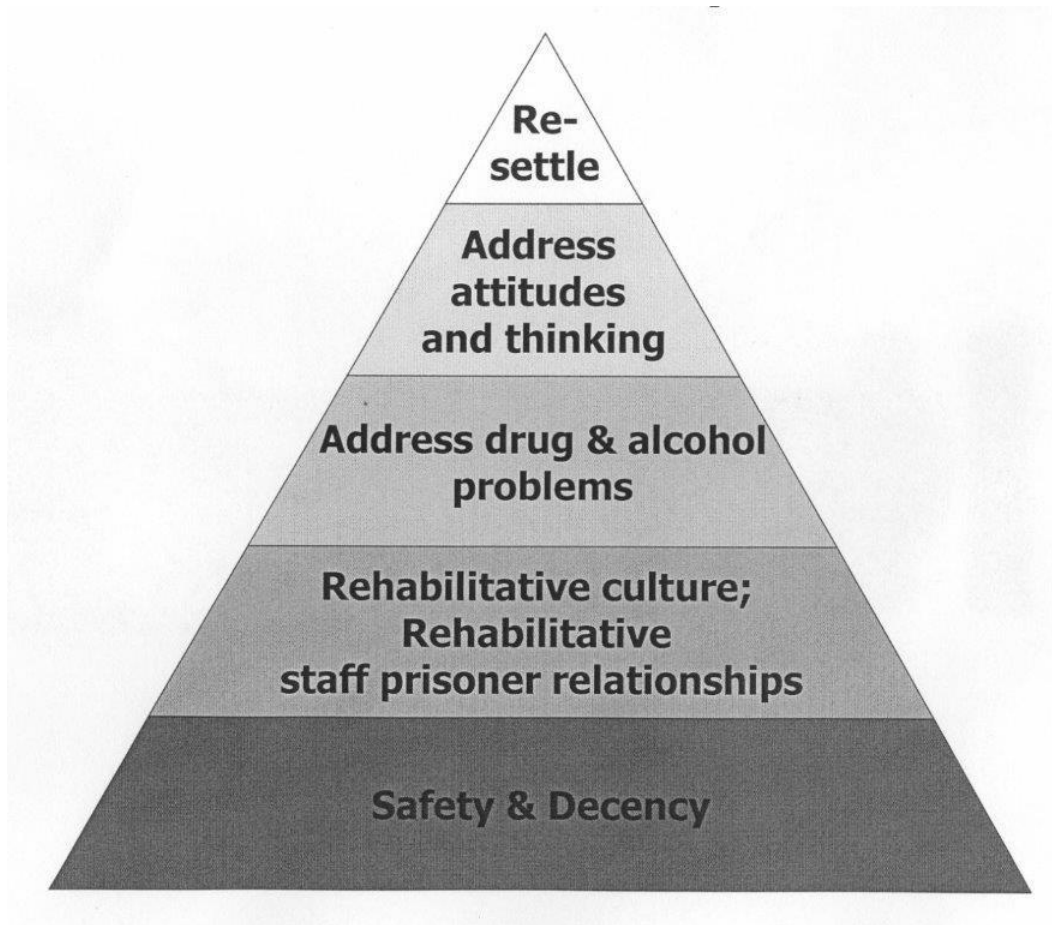
Anyway currently a pipedream given the problems of UK prisons?

Also very few examples round the world of anything close.

However, why not articulate an ideal to aim for, however unlikely to be achieved in full?



NOMS USES A 'PYRAMID' MODEL OF THE REHABILITATIVE PRISON:



POSSIBLE CONTRIBUTION OF OM

Some of the ideas emerging from OM Review offer glimpses of how a 'rehabilitative culture' (fundamental to the model) might actually begin to develop.

Culture change (starting with wide-scale changes in staff attitudes and relationships with prisoners) could be driven by the development of motivational 'key working' - especially if practised across the prison rather than 'silo'ed'.



OF COURSE, 'REHABILITATIVE CULTURE' ALONE IS NOT ENOUGH...

Necessary but not sufficient?

Vital to keep and facilitate access to a range of other kinds of effective services and interventions in prison and through the gate

Important to avoid trap of 'desistance model' being misinterpreted only as 'supporting motivation' (access to services and opportunities, and building social capital, are also central) – and hence the false idea that relationships with 'key workers' alone will bring about desistance.



COORDINATION AND PARTNERSHIP ISSUES

Perhaps the biggest challenge of all. A huge topic for another day!

Vital for resettlement to facilitate access to practical help, opportunities, specialised services (eg mental health), and help build social capital. Vast range of potential and actual providers. Always huge questions around integration, coordination and partnership. Complicated by new probation landscape.

Not clear to what extent current reforms (including OM in prisons) will generate coordination or fragmentation. There are centrifugal and centripetal forces.

Role of CRCs (in and outside) will clearly be a major factor – too early to judge

How will they relate to ‘key workers’? (‘handover’ and ‘silo’ issues here too?).

Also to important initiatives outside the orbit of NOMS and CRCs:

- Individual projects (inside or out) run by independent volorgs. Some concerns about the future of funding here (Clinks)
- Major partnership projects funded by e.g. Big Lottery/charitable foundations/health/PCCs. Sometimes through local co-commissioning. Often on neglected but important areas such as prisoners’ children and families, mental health.
- Also services provided by major non-CJS agencies (health, housing, etc). How ensure they treat assistance to (ex)prisoners as part of their core remit?



TO CONCLUDE: SOME CAUTIOUS OPTIMISM

Achieving effective rehabilitation/resettlement is a goal that has eluded the penal system since it began. However, significant improvements are feasible, and the least we can do is to learn from past implementation failures and avoid huge organisational upheavals to clear up the mess.

The principles behind the OM Review (and for wider culture change) are sound, widely understood, and supported. So it has a good platform...

Relevant messages (not rocket science) from previous initiatives seem to be:

- Staff 'buy-in' (from managers and front line) is critical. Avoid sense of 'top down' implementation. Role for collaborative planning (sounds familiar?) and Governor autonomy (within parameters).
- Counteract tendency to drift from focus on principles, 'human' processes, values, 'culture' (perhaps because they sound vague?) towards over-focus on managerial processes and systems (because more familiar and easier?)
- Anticipate impact of the changes on and by the environment, other parts of the prison and probation system, partnerships, etc (especially risk of more 'silos').

