

Post-release supervision for short-term prisoners: The work undertaken by Community Rehabilitation Companies

A thematic inspection by
HM Inspectorate of Probation

May 2019

This inspection was led by HM Inspector Tessa Webb OBE, supported by a team of inspectors and operations, research, communications and corporate staff. The manager responsible for this inspection programme is Helen Davies. We would like to thank all those who participated in any way in this inspection. Without their help and cooperation, the inspection would not have been possible. Please note that throughout the report the names in the practice examples have been changed to protect the individual's identity.

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Foreword

In 2015, the government extended probation supervision to people released from custody after a short prison sentence, with the aim of reducing their reoffending. These people tend to be prolific perpetrators of crime, with theft and violence featuring in a long history of convictions for many of them. Over three in four are supervised by Community Rehabilitation Companies (CRCs).

These are troubled people in the main. Many are arguably disadvantaged on almost every index of need, having had an unfair start in life, with an estimated one in four taken into care. They have usually led bleak lives as adults, all too frequently blighted by addiction, broken relationships and mental health problems.

Many in our sample had been sentenced to custody without the court having the benefit of a pre-sentence report from the National Probation Service. On further digging, we find this is a national problem. It is plainly unacceptable to leave the court to sentence a person to custody without the benefit of essential information and advice on why they offended, their current circumstances (for example, whether they are a parent) and any alternative sentence options.

Often, the first tasks upon release are to help the individual find somewhere to live and apply for Universal Credit. Housing is increasingly difficult to find, and state benefit is not paid quickly enough to reduce the risk of individuals stealing to feed themselves, or reoffending in other ways. This is a known issue for prisoners generally, but the people who tend to be given short sentences are very likely indeed to need early help, and likely to return to prison promptly without it.

I suspect notably more are homeless upon release, and unfit or unable to earn a living. There is very little specific and reliable information available, however, to show their issues or how they fare upon release. This is so regrettable: it limits the ability to grip the issues nationally or evaluate the success of post-release supervision beyond the bare impact on reoffending. As it is, we found no tangible reduction in reoffending in the cases we looked at. National reoffending statistics show no material change in reoffending either; moreover, almost one in four are recalled to prison.

Many in this group differ markedly to others, in themselves and in the chaotic lives they lead. CRCs are not obliged to supervise them any differently, however, and indeed the requirements on post-sentence supervision are arguably less onerous. We found those in our sample supervised in much the same way as others: CRC staff strive to meet contract requirements, but these hardly scratch the surface of things for this group.

The government has signalled its intention to move away from short sentences, but we conclude that this is unlikely to be effective without other changes. All under probation supervision should be supervised to a good standard, of course, but intensive and holistic rehabilitative supervision will be required for this group, to meet the government's aims. In my view, a system-wide approach as well as much more purposeful probation supervision are needed. I appreciate this is not straightforward, but without it, individuals are locked in an expensive merry-go-round of criminal justice processes and the public are left at undue risk as well.



Dame Glenys Stacey

HM Chief Inspector of Probation
May 2019

Contextual facts

38,617

Offenders released from custody with sentences of less than 12 months (October 2017 to September 2018)¹

8,994

Number of offenders recalled to custody (October 2017 to September 2018), having previously been sentenced to less than 12 months and released¹

29%

Percentage fall in the number of pre-sentence reports completed from July-September 2013 to July-September 2018¹

24%

Percentage fall in the number of offenders starting community orders from July-September 2013³ to July-September 2018¹

30%

Percentage reduction in the number pf mental health treatment requirements made by courts between 2012 and 2017³

4,662

Women released from custody with sentences of less than 12 months (October 2017 to September 2018)¹

36%

The percentage of licence recalls that have been sentenced to less than 12 months and released (July-September 2018)¹

64%

The reoffending rate for adults released from a custodial sentence of less than 12 months (January to March 2017 cohort). Those who serve longer sentences reoffend at a rate of 28%²

£7-10bn

Estimated annual cost of crime committed by offenders released from short term prison sentences (NAO, 2010)

¹ Ministry of Justice. (2018). *Offender management statistics Quarterly: July to September 2018*.

² Ministry of Justice. (2018). *Proven Reoffending statistics: January to March 2017*.

³ Ministry of Justice. (2018). *Offender Management Statistics Quarterly: October to December 2017: Probation 2017*.

Inspection context

Government policy

Extending rehabilitation services to individuals released from short prison sentences was one of the main reforms of the government's 2014 *Transforming Rehabilitation* programme, introduced under the *Offender Rehabilitation Act 2014* (ORA). Previously, offenders serving a sentence of less than 12 months were released unconditionally after half their sentence had been served in custody.

Now, every prisoner sentenced to custody for more than one day and less than two years is supervised for a total of 12 months following their release, as are those who serve longer sentences. All have at least 12 months of community supervision to help rehabilitate them and to provide resettlement services.

Between October 2017 and September 2018, 38,617 offenders were released following sentences of less than 12 months.⁴ These included some repeat offenders who continually enter and leave custody.

The primary aim of the policy is to reduce reoffending.

The characteristics of individuals sentenced to short sentences

People who offend at any age and come under probation supervision are likely to have come from disadvantaged backgrounds, and many are arguably disadvantaged on almost every index of need.

Many have no qualifications, and some have special educational needs. A disproportionate number have been expelled or excluded from school, have been unemployed or else never had a job.⁵ A worrying number have become serious drug users or dependent on alcohol, or both, and many suffer with anxiety, depression, other mental health conditions (such as psychosis) or likely personality disorder. Almost one in two female and one in five male prisoners have attempted suicide at some point in their lives.⁶

We know that women are disproportionately serving short sentences (15 per cent of all female prisoners compared with 6 per cent of male prisoners⁷), but otherwise the specific characteristics of individuals given short prison sentences are not collated nationally, and so we cannot extrapolate from national data to show how they compare. Many go in and out of prison for acquisitive crime associated with the dual diagnosis of mental health and addiction needs, but specific data are not available for this group.

In our 2016 inspection of Through the Gate services for short-term prisoners, we found prisoner mental health, substance misuse and housing needs, as well as delays receiving state benefit, and we can assume those needs prevail today. The individuals sampled in that inspection had an average of 33 previous offences. Just over half of them had been under probation supervision immediately before going into custody.

⁴ Ministry of Justice. (2019). *Offender management statistics quarterly: July to September 2018*, Table 3.1. Available at: <https://www.gov.uk/government/statistics/offender-management-statistics-quarterly-july-to-september-2018>

⁵ Ministry of Justice. (2018). *Education and employment strategy*, Cm 9621 Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/710406/education-and-employment-strategy-2018.pdf

⁶ Prison Reform Trust. (2019). *Bromley Briefings Prison Factfile: Autumn 2018*. Available at <http://www.prisonreformtrust.org.uk/Portals/0/Documents/Bromley%20Briefings/Autumn%202018%20Factfile.pdf>

⁷ Ministry of Justice. (2018). *Offender management statistics quarterly: July to September 2018*. Available at: <https://www.gov.uk/government/statistics/offender-management-statistics-quarterly-july-to-september-2018>

Over three in four individuals sampled in this inspection were assessed as presenting a medium risk of serious harm, with violence featuring in their history of previous convictions, as well as accounts where they had been victims of violence. Almost one in three were perpetrators of domestic abuse.

Previous studies have stressed that women are more likely than men to experience obstacles through serving short sentences, because of unmet mental health needs or difficulties in re-joining their family or children.⁸

The evidence base

There is a paucity of evidence to show if or how supervision should differ for offenders in this group, but we can identify from more general research those matters that are likely to be particularly relevant.

We know it is important that work is appropriately sequenced, with basic physiological needs attended to first in general. For many individuals released having served short sentences, basic physiological needs (food, warmth, shelter) must be addressed before turning to much else. Those with a drug addiction or a mental health issue often require specialist, ongoing help.

The evidence base for cognitive behavioural programmes that address criminogenic needs⁹ is strong. At first blush, many in this group would benefit from structured interventions, but many could not be relied upon to attend regularly. Nevertheless, help with thinking skills will be a pressing need for many.

Equally, we know that motivation to change is key, and work to help offenders develop prosocial social networks, or increase their sense of agency and self-efficacy, may be effective. This will be particularly important for this group in general.

Having supportive relationships with family and friends helps all under probation supervision, but many in this group do not benefit from those. Probation supervision itself and the relationship between the probation professional and the individual can be pivotal in turning people away from crime. This relationship can be especially important for those without other close relationships to call upon.

We know that, for all offenders, holistic interventions that address multiple criminogenic needs are likely to be more successful, and that the rate of reoffending increases with the number of criminogenic needs. That seems to us to be particularly relevant for this group.

We know that lifestyle and substance misuse are often inextricably linked and require skilful engagement by a probation professional to motivate an individual to change and to stick at it. Many in this group have a poor record of compliance and engagement with statutory services, yet the extent to which they engage and access those services (such as mental health treatment) will be particularly important, given their general characteristics and levels of need.

More research is needed to evaluate more recently established desistance-based approaches, but we know that desistance is a highly individualised process. According to some studies, thinking styles are influential, with evidence to suggest that desisters are more psychologically resilient, showing higher levels of self-efficacy and better coping skills than recidivists – matters many in this group struggle with. But in any event, the most commonly identified triggers for desistance are relevant to all: the formation of strong social bonds, a developing awareness of the negative consequences of crime, and for some individuals the development of a good relationship with a supervisor and attendance at a rehabilitative programme.

⁸ Hamlyn and Lewis (2000).

⁹ Criminogenic needs are characteristics, traits, problems, or issues of an individual that directly relate to the individual's likelihood of reoffending and committing another crime.

How it works

The process starts at court. Sentencing guidance advises courts to request a pre-sentence report when the custody threshold has been passed. The reports are prepared by the National Probation Service (NPS) to assist courts in determining the most appropriate sentence. It is expected that most advice to courts is given on the day, to allow sentencing to proceed without delay.

While serving a short sentence, offenders are prepared for release. As part of the *Transforming Rehabilitation* reforms, the prison estate was reorganised in 2014, with 89 of 129 prisons reassigned as resettlement prisons. This number fluctuates in line with changes in the prison estate. The aim was for 80 per cent of all prisoners to be moved to a resettlement prison local to their home area at least three months before release.

CRCs were contracted from May 2015 to provide Through the Gate resettlement services in the last 12 weeks of imprisonment in these prisons. In 2018, the Ministry of Justice (MoJ) announced that it was improving the specification for Through the Gate services, with effect from April 2019. The new specification was not in place for the sample of cases we inspected.

Individuals released having served a sentence of less than 12 months experience a combination of a *licence* period (of a length proportionate to the sentence) and a period of *post-sentence supervision* (PSS). The PSS period begins as soon as the licence period ends. Figure 1 shows how this would apply in practice:

Fig 1. Combination of licence and PSS for sentences less than 12 months



Short custodial sentences can disrupt or prevent access to services that might support resettlement plans and rehabilitation. Specific additional requirements to PSS are limited to two: drug testing and attending drug appointments. This compares poorly to the choice of 13 requirements (including specific attendance on an accredited programme) available as part of a community order. A general requirement to 'participate in activities in accordance with any instructions given by your supervisor' is routinely applied to PSS; however, this lacks specific detail to support compliance with accredited programmes.

Public protection is not addressed directly in the legislation for PSS, and indeed HMPPS guidance makes clear that the PSS period only has a rehabilitative purpose, whereas the more immediate

licence period continues to have the twin purposes of public protection and reducing reoffending¹⁰. Although there are some technical differences, we generally expect the same quality of work during the licence and PSS periods, albeit with a change in emphasis towards rehabilitation.

Different enforcement processes apply for non-compliance with the licence and non-compliance with PSS. The decision to recall during a licence can be made swiftly and is determined by Her Majesty's Prison and Probation Service (HMPPS) public protection casework section. The decision on whether an individual has failed to comply with their PSS conditions is made by the magistrates' court. Non-compliance with PSS can result in a fixed-term recall, a spell of unpaid work, a curfew or a fine. Any warnings within the licence period cannot be carried over to the PSS period, as the licence is considered separate from the PSS period.

In October 2018, the Sentencing Council's revised guidance on breaches of PSS came into effect. The guidance for sanctions for low compliance have been reduced from 14 to up to 7 days in custody, up to 40 hours' unpaid work, or a curfew of up to 12 hours for a minimum of 20 days. A fine remains available for cases where the level of compliance has been higher. While the guidelines should be followed where possible, the court is able to depart from them in the interests of justice.

Figures and Trends

PSS for this group of offenders was enacted and came into effect for those whose offence was committed after 01 February 2015 and who would be over the age of 18 at the point of release. Numbers have been relatively stable, with about 40,000 individuals a year released having served a short sentence. This represents a sizeable (20 per cent) increase in probation work volumes, and it is generally more challenging work as well, given the nature of these individuals.

Figure 2 below shows population information as at 31 December 2018.

Fig 2. Population information as at 31 December 2018



Reoffending rates for adults sentenced to less than 12 months in prison are exceptionally high, with the latest figures showing a proven reoffending rate of 64.1 per cent. Adults who serve longer sentences reoffended at a rate of 28.5 per cent.¹¹ Those who serve short prison sentences are more likely to reoffend than their peers supervised on community sentences.¹²

¹⁰ Section 2 of the ORA amends Chapter 6 of Part 12 of the *Criminal Justice Act 2003* (sentencing: release, licences and recall) with section 256AA (5) *The purpose of the supervision period is the rehabilitation of the offender*.

¹¹ Ministry of Justice. (2019). *Proven reoffending statistics quarterly bulletin, January 2017 to March 2017*.

¹² Joliffe and Hedderman (2012).

There was a significant increase in the number of people being recalled to prison once these changes were implemented, and the figure has remained much the same since. Those who have served a short sentence represent 36 per cent of all recalls to custody.¹³ Following recent new guidance by HMPPS, a marginal drop in the recall population (in the context of an increase in the number of people subject to post-release licences) has been reported.¹⁴

Policy developments

In a consultation on probation policy last year, the MoJ sought views on options to make PSS more proportionate to an individual's sentence and their rehabilitative needs.

We await further developments, but meanwhile the Secretary of State for Justice recently confirmed the government's acceptance of the 'very strong case to abolish sentences of six months or less altogether, with some closely defined exceptions, and put in their place a robust community order regime'. Ministers recognise that such sentences disrupt family relationships and can result in loss of access to benefits and drug or alcohol support services and treatment.¹⁵ It is not clear whether government will legislate to this effect.

The MoJ acknowledged these concerns in the consultation for probation reforms in 2018, recognising that 'short custodial sentences can cause disruption to people's lives without offering prisoners the dedicated time and support available during longer sentences to address the root causes of their offending'. The Justice Select Committee (2019) agreed that there is a very strong case for abolishing sentences of six months or less altogether and recommends that government should model the effects of abolishing sentences of less than 12 months. It further concluded that there is an urgent need for additional resources for cross-departmental provision to reduce reoffending.

These developments follow changes to sentencing policy in Scotland in 2011, where the government enacted a presumption against custodial sentences of less than three months accompanied by changes to community sentences and enhanced court reports to provide credible alternatives to short sentences. An evaluation by Anderson et al. (2015) was encouraging, but recognised the need for further engagement from partners within the NHS, both in relation to the provision of (rapid) court assessments and the availability of and access to services. The impact on sentencing decisions, however, was found to be minimal. The Scottish government has pledged to extend (by secondary legislation) the presumption against short sentences, from three to twelve months.

It seems likely that a similar reform in England would reduce the number of people cycling through the prison system. There are clear system benefits to this, in reducing disruption in the prison population and reducing the number requiring resettlement support, thereby freeing up resources. More generally, the evidence base, as set out in our annual report (HMI Probation, 2019), shows that community sentences are almost certainly less costly and certainly more effective than short custodial sentences.

Government is also considering the future model for probation services more generally.

¹³ Ministry of Justice. (2018). *Offender Management Statistics Quarterly: July to September 2018*.

¹⁴ Justice Select Committee. (2019). 16th Report – Prison population 2022: planning for the future. Available at <https://publications.parliament.uk/pa/cm201719/cmselect/cmjust/483/483.pdf>

¹⁵ Ministry of Justice. (2019). *Beyond prison, redefining punishment: David Gauke speech*. Available at: <https://www.gov.uk/government/speeches/beyond-prison-redefining-punishment-david-gauke-speech>

General concerns

Concerns about the use of short prison sentences has been growing for some time.

In 2017, the Howard League drew attention to the number of offenders being returned to prison and the impact this was having on a prison system already struggling to cope with overcrowding.

The All-Party Parliamentary Group on Women in the Penal System (2018)¹⁶ found that many women were being sent to prison unnecessarily (with mounting evidence that prison makes matters worse for them), while the number of community sentences had decreased.

In 2018, the Revolving Doors Agency initiated a campaign, 'Short Sighted', which challenged the merit of short sentences, pressing for community sentences to be strengthened. It highlighted that over half of all people sent to prison are sent to prison for less than six months.¹⁷

Reported performance

We evaluate and rate the quality of work with all individuals under probation supervision and the quality of Through the Gate work in annual inspections of CRCs. Figure 3 below shows ratings for those we have inspected during the last twelve months:

Fig 3. Summary of HMI Probation CRC published ratings 2018/19



¹⁶ All-Party Parliamentary Group on Women in the Penal System. (2018). *Sentencers and sentenced: exploring knowledge, agency and sentencing women to prison*. Available at: <https://howardleague.org/wp-content/uploads/2018/10/APPG-report-on-sentencing-31-October-2018.pdf>

¹⁷ Ministry of Justice. (2018). *Offender Management Statistics Quarterly: July to September 2018 Table 2.5a*.

Compared with our routine inspections, we found slightly better performance in planning, implementation, delivery and the review of cases in our inspection sample for this inspection. However, as we have reported in our annual report, the quality of work undertaken by CRCs overall to address keeping others safe is concerning.

There are several HMPPS performance measures for the CRCs, which assess process compliance across the licence period and PSS.¹⁸ Seventy percent of all post-release cases managed by CRCs are recorded as fully completing the post-release period without incurring recall or a return to custody for non-compliance with PSS. This measure, however, will not take account of further convictions that arise. CRCs regularly prepare resettlement plans in time, but they have consistently failed to reach the measure for accommodation on release from custody.

¹⁸ Ministry of Justice. (2019). *Community performance quarterly, update to September 2018*. Available at: <https://www.gov.uk/government/statistics/community-performance-quarterly-update-to-september-2018>.

Executive summary

Policy and strategy

The MoJ has no mechanisms in place to evaluate how PSS for this group of offenders is working.

On routine inspections, we find Through the Gate services for all offenders delivered to a variable standard, with slight improvements in the last year from a low base. The MoJ is introducing an enhanced specification for these services, to allow for more tailored resettlement work prior to release, and to target resources to those that need help most. CRCs will be paid more for the work.

There is a strong need for probation leaders to work effectively with other agencies, to overcome the barriers and difficulties commonly faced by this group, but CRCs are not well connected to influence or contribute to local commissioning. Difficulties in finding accommodation, claiming state benefit and obtaining help with substance abuse and mental health needs to be tackled at a national level.

In extending PSS, the government empowered newly created CRCs to innovate and find new ways to reduce reoffending for those sentenced to short sentences and others. Individual CRCs may be applying innovative approaches, but we saw little evidence of that in this inspection. CRCs' operating models are designed to carry out the required processes, but we found little work that improved the outcomes for this chaotic group of offenders.

In our view, probation supervision should be tailored much more to the limited capabilities and specific needs of many individuals subject to PSS. Not all need 12 months' post-release supervision. Others need much more intensive and holistic supervision and support than is catered for under current CRC contracts. MoJ has the matter under review (2018),¹⁹ and we have provided ministers with a range of options to consider (HMI Probation, 2018).

Assessment and planning

We were shocked to find that pre-sentence reports were prepared for the courts before imposing a short prison sentence in less than one in four cases in our sample. In the majority of cases, judges and magistrates do not appear to have an assessment of why someone reoffended, their current circumstances or the potential for community sentences as an alternative to custody. The drive to deal with cases on the day (for speedier justice) is no doubt a factor.

Too many resettlement plans (prepared by CRCs under Through the Gate services) were limited to signposting other services. They lacked genuine coordination with benefits, substance misuse and accommodation services. The introduction of resettlement prisons has not made a tangible difference to access to local services for individuals in our case sample.

CRCs are mostly completing initial assessments and sentence plans following release, in line with contractual requirements. However, they are not doing enough work to keep others safe or to address the individual's immediate welfare needs.

Implementation and delivery

Many people who receive short prison sentences have little motivation to change and high basic needs. Making a difference requires continuity and persistence, together with access to the right services and interventions. We found many probation professionals working hard to make a difference, but struggling to get the right support from other relevant services. Improvement here will require national solutions, as well as better cooperation at a local level.

¹⁹ Ministry of Justice. (2018). *Strengthening probation, building confidence*. Available at: <https://consult.justice.gov.uk/hm-prisons-and-probation/strengthening-probation-building-confidence>.

In too many cases we found that individuals were reallocated between probation workers over the period of their licence and supervision. This can undermine the scope to build an influential and supportive relationship. The level and nature of contact with individuals deteriorated as cases progressed from licence to PSS.

The quality of practice varied across the CRCs visited. In too many cases, work was limited to sustaining contact rather than pursuing the interventions and services required to reduce reoffending. Ultimately, the work undertaken did not sufficiently address the factors related to offending.

Review and enforcement

CRC staff took enforcement action when they should in most cases. Officers understood that there was a high probability of reoffending with this cohort of offenders and prioritised enforcement action. They sought quite properly to re-engage individuals if they breached their licence conditions or reoffended while on licence, but some remain disengaged and difficult to reach.

We found breach hearings for PSS sometimes delayed because of pressures on court availability, thereby undermining the enforcement process.

Sixty-two percent of individuals in our sample had been reconvicted, which is in line with national rates for this group of offenders. In many of these cases, there was hardly the chance to review, before the individual was charged with a new offence.

Working in partnership

We found significant difficulties in accessing accommodation, substance misuse and mental health services for this group of offenders. We found CRCs' capacity to influence other key agencies to be weak. Leaders are not routinely included in local commissioning arrangements for accommodation, substance misuse and mental health services. Substance misuse providers are not always convinced that additional criminal justice requirements assist with treatment, as the threat of enforcement may reduce engagement. This is particularly regrettable, as there are other competing and pressing demands upon these services.

Prisoners cannot apply for Universal Credit until they are released. We first raised this difficulty in our thematic inspection of Through the Gate services for prisoners serving over 12 months (HMI Probation, 2017). Where a person is released homeless, the process for applying for Universal Credit becomes even more challenging. The process is complicated, and time-consuming for those who lack identification documentation, a bank account, an email address and the skills to apply for benefits online.

These factors contribute to making the early days following release particularly difficult. The MoJ and Department for Work & Pensions are exploring possible ways to improve prisoners' access to Universal Credit, although this work is at an early stage.

Recommendations

The Government Reducing Reoffending Board to:

1. improve local commissioning arrangements and provide sufficient substance misuse and mental health services for people released from prison
2. reduce the barriers to accessing Universal Credit for relevant prisoners at the point of release
3. develop a national strategy for the provision of appropriate accommodation for those under probation supervision and in need.

MoJ to:

4. pilot alternatives to custody for short-term prisoners, including supported accommodation, mental health and substance misuse treatment and, where appropriate, the use of modern monitoring technologies
5. consider developing a clear and accountable mechanism, informed by professional judgement, that could allow reporting on PSS to be suspended where services are not required
6. review the suitability of the sanctions available for breaches of PSS and consider alternatives that enhance the purpose of rehabilitation.

HMPPS to work with HM Courts & Tribunals Service to (HMCTS) to:

7. ensure that comprehensive pre-sentence reports are prepared where imprisonment is being considered
8. collect data to analyse and assess outcomes for PSS for all, and for those subject to short sentences.

CRCs to:

9. make sure that arrangements are in place so that responsible officers receive and exchange information, in individual cases, from local drug and alcohol services
10. ensure work is well targeted and sequenced, with continuity of responsible officer and relationships geared to each individual, so far as possible.

NPS divisions to:

11. work with HMCTS to avoid delays in listing breach applications.

1. Introduction

1.1. Why this thematic?

There is a growing body of evidence that the arrangements for the supervision of short-term prisoners are not working as intended. Our Through the Gate inspections (HMI Probation, 2016, 2017), conducted jointly with HMI Prisons, provided an early indication that pre-release work by CRCs was not meeting the immediate resettlement needs of prisoners. Our thematic report on enforcement and recall (HMI Probation, 2018), while based on a small sample, highlighted that the quality of case management and consequent decisions on enforcement of PSS was poor in CRCs. There is no national data or management information on how the new arrangements for PSS are working, and no systematic evaluation in train.

The Justice Select Committee has questioned whether the legislation has achieved what was intended. Changes to PSS are being considered following the MoJ consultation on the future of probation, *Strengthening probation, building confidence*.²⁰ Ministers have made it clear that they would like to see a reduction in the use of short-term imprisonment.

We decided upon a thematic inspection to shed light on this issue and help inform the development of resettlement services.

1.2. Aims and objectives

This inspection examined the quality of post-release supervision for those over 18 years and sentenced to less than 12 months in prison. We focused on the quality of rehabilitation work, including preparation of the resettlement plan, which takes place shortly before release. We included both the licence period and PSS.

Specifically, we asked the following questions:

1. How does the leadership of the CRC support and promote the delivery of a high-quality, personalised and responsive service for post-release supervision?
2. Is there effective coordination of resettlement and rehabilitation activity?
3. How well does post-release supervision support the individual's desistance?
4. Is the sentence/post-custody period implemented effectively?
5. Is a comprehensive range of services and interventions in place to undertake work with post-release cases?
6. What is the response of the criminal justice system to the implementation of PSS for prisoners released from prison after less than 12 months?

Over three-quarters of short-term prison cases are managed by CRCs. For this reason, the sample was restricted to the work of CRCs. We have included reference to the NPS and other key services where they impact on the work of the CRC. We did not examine intensive alternatives to custody.

With the help of the Magistrates Association, we gathered views from magistrates from the local justice areas aligned to the areas we visited for our fieldwork.

²⁰ Ministry of Justice. (2018). *Justice Secretary David Gauke sets out long-term for justice*. Available at: <https://www.gov.uk/government/news/justice-secretary-david-gauke-sets-out-long-term-for-justice>

1.3. Report outline

Chapter	Content
2. Policy and strategy	How does leadership nationally and by the CRCs support and promote the delivery of a high-quality, personalised and responsive service for post-release supervision?
3. Assessment and planning	Is there effective coordination of resettlement and rehabilitation activity? What is the response of the criminal justice system following the implementation of post-sentence supervision for prisoners released from under 12 months' custody?
4. Engagement, delivery, compliance and enforcement	How well does post-release supervision support individuals' desistance? Is the sentence/post-custody period implemented effectively?
5. Working in partnership	Is a comprehensive range of services and interventions in place to undertake work with post-release cases?

2. Policy and strategy

We examined the MoJ and CRC approach to implementing and delivering post-release supervision for short-term prisoners. We interviewed senior policy leads and managers responsible for quality assurance and contract management at the MoJ.

We reviewed information about the operating models and practice guidance provided by the CRCs we visited. We interviewed CRC senior and middle managers and responsible officers.

2.1. Policy implementation

The *Transforming Rehabilitation* programme created the opportunity to introduce new ways of working with short sentence prisoners, to divert them from reoffending. Rehabilitative work was to start for all offenders twelve weeks before release, in an initiative known as Through the Gate.

In response to our thematic inspections of Through the Gate services, where significant shortfalls were identified, MoJ has enhanced the specification of Through the Gate services in the CRCs' contracts and commissioned them to implement this from 01 April 2019. The enhanced specification identifies three levels of provision to meet differing levels of need, and provides specific guidance for each.

Level 1	applies to all regardless of need
Level 2	applies to anyone with an identified need
Level 3	applies to anyone with an identified need(s) and additional complexity or vulnerability

Two categories have been added to the existing specification (see 3.2) of Through the Gate services: Personal, Relationships and Community (PSH – Personal, Social and Health) and Other Groups with Complex Needs. These arrangements were not in place at the time of this thematic inspection but implementation plans had been agreed.

While these changes are a step in the right direction, it is questionable whether the Through the Gate teams will be able to influence an increase in necessary services provided by other agencies.

More than two-thirds of prisons have been recategorised as resettlement prisons, to support Through the Gate. It was envisaged that short-term prisoners would serve their time in custody in a resettlement prison close to their home, in anticipation of release.²¹ CRC staff at all grades commented to us that the introduction of resettlement prisons had made little difference to how prisoners access services in the community.

We found little evidence that the ambition for local services to visit prisoners and support their release plans had been realised. Three-quarters of the prisoners in our sample were released from a resettlement prison where the CRC operated a Through the Gate service. However, in Wiltshire, only two of the sixteen prisoners were released from an assigned resettlement prison.

The arrangements for post-release supervision apply equally to all short-term prisoners. As a result, prisoners who are not expected to reoffend and require little or no support are still subject to 12 months' supervision. In our focus groups, CRC staff were clear that they would welcome a

²¹ Ministry of Justice. (2013). *70 resettlement prisons announced for England and Wales*. Available at: <https://www.gov.uk/government/news/70-resettlement-prisons-announced-for-england-and-wales>

transparent and accountable mechanism that would enable their professional assessment to be used to inform a decision to suspend supervision for such cases.

Just under a quarter of the cases in our sample had a predicted reoffending rate of less than 50 per cent, and/or a low risk of harm assessment, where this could have potentially been considered. While an enhanced Through the Gate service introduces a differential approach, there is scope for considering how a yet more tailored approach could apply to PSS, in line with desistance research.²²

2.2. National ICT and data collection issues

At the national level, beyond monitoring overall reoffending, data is not gathered to evaluate the implementation of supervision for short-term prisoners. The national probation case management system, nDelius, captures information under each sentence. This means it is not possible to distinguish what work takes place during the licence period and PSS. Despite the different legal frameworks and expectations, it is not possible to examine the levels of contact, services provided or how the different enforcement frameworks operate for these two types of supervision.

Short-term prisoners who are reconvicted during the post-release period accumulate sentences which overlap and run concurrently. This can cause confusion. To address this, nDelius national guidance states that, where there are multiple current orders, the event with the longest expiry date should be kept open and all other custodial events terminated. This can give the incorrect impression that the sentence has been completed. We came across managers and practitioners who wrongly assumed that the sentence we were inspecting had been concluded, which could mean that the outcomes against key events during the supervision period had not been recorded.

In many prisons, CRC staff have limited or no access to nDelius. This can make communication between custody and community difficult. A facility to enable records from the prison case management system – p-Nomis – to be duplicated in nDelius was introduced at the start of 2018. Use of this facility was not widely embedded but, where we found it being used, it improved communication.

2.3. CRC Operating models

CRCs may design their services in different ways. During our fieldwork, we examined the operating models of six of the eight prime companies that owned the CRCs.²³

In all operating models, the grade of probation worker assigned to the case (PO or PSO) was informed by the initial assessment of risk and need. Access to CRC services did not distinguish between community sentence and post-release cases, although access to accredited programmes were unlikely as they cannot be made a distinct requirement of PSS. In most cases, licence periods were of insufficient length to be compatible with completing an accredited programme.

Some CRCs' contract bids proposed mentoring and the potential for prisoners to be met at the gate on release, but this is not measured or required as part of the contract. We found mention of mentoring in only a handful of cases, usually linked to Integrated Offender Management (IOM) arrangements.

Through the Gate work was delivered by dedicated CRC staff working within the resettlement prisons. We did not visit these prisons as part of this inspection, but CRC leaders observed that Through the Gate services worked better where they had a strong working relationship with the prison governor. Where a 'silo' mentality existed, there was risk of duplication of work and wasted

²² McNeill F. and Weaver B. (2010). *Changing Lives? Desistance Research and Offender Management*, Glasgow: The Scottish Centre for Crime and Justice Research, Report No. 03/2010.

²³ Since the fieldwork was completed, ownership of Bristol, Gloucestershire, Somerset & Wiltshire CRC has been transferred from Working Links to Seetec, the owner of Kent, Surrey & Sussex CRC.

effort. Where prison offender management units and Through the Gate teams worked from the same office, communication and coordination were reported to improve.

Operating models at the time of inspection differed in a variety of respects:

Administrative hub or a custody team to manage cases while someone is a serving prisoner	With Working Links (Bristol, Gloucestershire, Somerset and Wiltshire), cases might be managed by an administrative hub until the person was close to release. With MTCnovo (London), men who had been sentenced to over 20 weeks were managed by a custody team and transferred to the community supervising officer shortly before their release (MTCnovo advised that this model was under review). Women and IOM cases were exempt from this approach. This model prioritised resources at the point of release and into the community, but ran the risk that there would be little preparation and understanding of a person's circumstances until they were released. This approach did not enable the probation worker to build a relationship with the individual pre-release.
Risk led model	The Working Links (Bristol, Gloucestershire, Somerset and Wiltshire) model was shaped by a BRAG rating (Blue, Red, Amber or Green). This model was used to determine the level of resources required to meet the needs of the individual, to reduce the risk of serious harm and/or the risk of further offending. Here we found that a high level of staff vacancies had created an unhealthy pressure to move cases to a green rating and minimal contact.
Community hub model	ARCC (Durham Tees Valley), Working Links (Bristol, Gloucestershire, Somerset and Wiltshire) and People Plus (Warwickshire & West Mercia) sought to organise delivery using community hubs/STEP centres. These are premises shared with other providers, which may help people access other services. In Durham, mental health criminal justice workers also provided services from the community hubs. In Warwickshire & West Mercia, some partners had withdrawn and it was not always clear how to access other services. Purple Futures (West Yorkshire CRC) guidance for PSS intended that there would be continuity of contact with the case manager. However, individuals were encouraged to take part in group supervision and interventions unless there was a risk of serious harm or an enforcement issue that required one-to-one oversight by the case manager. The vision of a 'one-stop shop' where individuals can access services and practitioners coordinate and exchange information effectively can support the sequencing and timely delivery of interventions, which is so important. However, turning this vision into an effective reality demands an investment in leadership, supported by the financial authority and capacity to collaborate well with strategic partners.
Semi-specialist roles	These roles existed in some teams, where probation professionals mainly held cases of people released from prison. The roles were shaped by local prison arrangements or specific staff expertise. In some instances, this work was fulfilled by staff working as part of IOM teams. Purple Futures (West Yorkshire) had introduced semi-specialist case managers, who held a higher percentage of

	resettlement cases, as part of its operating model. The Reducing Reoffending Partnership (Derbyshire, Leicestershire, Nottinghamshire & Rutland) had developed a core resettlement team made up of resettlement case workers, housing and welfare specialists.
PSS sub-contracted model	At the time of our inspection, MTCnovo (London) transferred men aged 26–49 to a sub-contracted provider to complete PSS when their licence period ended, unless there were outstanding court processes or concurrent orders. This approach was under review. Supervising officers described this approach as 'light touch'. Staff were encouraged to help individuals develop links with local community resources and reduce the intensity of supervision. While this model might provide the individual with a sense of progression in the rehabilitation process, it introduced a break in the continuity of the individual's relationship with their supervising officer.

In all areas, there were some specific services for women. These ranged from dedicated women's centres to practitioners with specialist women caseloads.

2.4. Conclusions and implications

Government's aim is to reduce reoffending. There is a lack of management information (both at national and local levels) to help analyse, plan, implement and evaluate post-release supervision, however.

We found that that a one size fits all approach is an unhelpful approach to managing people with complex needs, and resources are not being directed to where they are needed most. The PSS arrangements are locking many individuals with addictive behaviours into a perpetual cycle of criminal justice processes with no impact on reoffending levels.

Revised specifications for Through the Gate services are being implemented and should go some way to addressing the need for a tailored approach at the point of release, but a more strategic approach to supervision post-release is required.

CRC operating models do not generally recognise and support the central task of the probation professional in PSS cases: developing and sustaining an influential relationship with individuals who tend to be difficult to engage. The focus on managing contract processes takes insufficient account of the vulnerability and complexity of the lives of people who fall into this group. Critically, operating models need to support working with other essential services in the local community.

3. Assessment and planning

In each area we visited, we examined a sample of people released at the beginning of 2018. We spoke with the current probation worker and, where possible, we spoke by phone with the individual under supervision. We examined the quality of assessment and planning pre-release and the following period of post-release supervision.

We considered the findings from a survey conducted by the Magistrates Association on behalf of HMI Probation for the purposes of this thematic inspection and interviewed NPS court managers.

3.1. Advice to courts considering short-term custody

The starting point of all effective probation work is a thorough assessment of the risks and needs of an offender. What has led them to offend and what steps need to be taken to prevent them reoffending? This is the first step in the ASPIRE Model (Figure 4). Our findings identified that, given the small number of pre-sentence reports prepared for short-term prisoners, this ambition was tripping at the first hurdle.

Fig 4. ASPIRE Model – Assessment, Planning, Intervention and Evaluation



Adapted from Carole Sutton 'Aspire' in Rob Canton and David Hancock (eds.) (2007) *Dictionary of Probation and Offender Management*, Cullompton: Willan

We found evidence that pre-sentence reports had been prepared in less than one in four cases inspected, and that, of the 40 offenders released with no fixed abode, only five (12.5 per cent) had a record that a court report had been prepared when they were sentenced. Community-based interventions to address the reasons for their offending were not being explored or considered.

A requirement of pre-sentence reports is that the defendant should be interviewed, so that the report's author understands their current circumstances. This group of offenders are a risk and public nuisance because of their repeat offending, and they can be vulnerable individuals whose circumstances frequently change. For many individuals in our sample, short-term custody postponed or aggravated problems, potentially disrupting treatment, accommodation and relationships.

The exceptionally low rate of pre-sentence reports was contrary to expectations, and it is at odds with the perception of magistrates who responded to the Magistrates Association survey conducted for this inspection. When asked if they requested a pre-sentence report when sentencing someone to less than 12 months' imprisonment, 90 per cent said that they always or usually did so. CRC staff at all levels confirmed our findings, however, stating that it was rare to receive a court report on short-term sentenced prisoners. These findings chime with national data, which confirms a decline in the number of pre-sentence reports prepared when compared with the sentencing episodes.²⁴

HMPPS policy on the preparation of pre-sentence reports was revised when the ORA 2014 legislation was implemented. It encouraged NPS court officers to present reports orally to court at the first appearance. This approach supports the MoJ's (2016) Transforming Summary Justice and Better Case Management programmes, led by HMCTS, which aim to make best use of court time and eliminate wasted hearings. To support this programme, the NPS operating model (2016) set the target for 90 per cent of all court reports to be short format reports, comprising: 60 per cent oral and completed on the day, 30 per cent written fast delivery reports and 10 per cent standard delivery reports.

Guidance for probation staff states that: '*The determining factor of the decision will be the offence type and if the outcome of enquiries could significantly alter the likely sentence*'.²⁵

NPS officers are directed to exercise discretion over the report type, based on the purpose of the report and the information the court needs, without undermining sentencers' independence. The court is responsible for deciding whether to commission a pre-sentence report.

Short-term prisoners are often well known to the local courts. NPS managers explained that, in some instances, the court duty officer may speak to the defendant or review previous case records or seek an update from the CRC, but in these instances what is said in court is not formally recorded as a pre-sentence report. From examining case records, it was not possible to verify this unless the CRC had provided a written update or recorded the exchange, which invariably was not the case.

This was not the only explanation, however, as we also noted case records where no probation staff were called to court or were available, and the court had proceeded to sentence. Managers for both the NPS and CRCs acknowledged the dwindling number of pre-sentence reports prepared in cases

²⁴ Ministry of Justice. (2018). *Offender Management Statistics Quarterly: October to December 2017 – Probation: 2017*. Available at <https://www.gov.uk/government/statistics/offender-management-statistics-quarterly-october-to-december-2017>

²⁵ Ministry of Justice. (2016). *Determining pre-sentence reports – sentencing within the new framework, Probation Instruction 04/2016*. Available at: <https://www.justice.gov.uk/downloads/offenders/probation-instructions/pi-04-2016-determining-pre-sentence-reports.doc>

of short-term custody, citing that the decision as to whether a report should be prepared rested with the sentencers.

Another explanation was that many short-term prison sentences follow activation of a suspended sentence order (SSO) alongside further offending. There has been an increase until very recently in the use of suspended sentences.²⁶ In March 2018, the NPS issued guidance to court report writers that they should not propose SSOs, emphasising that it is the court's role to assess whether custody is unavoidable.

3.2. Pre-release resettlement planning

CRC Through the Gate teams are based in each resettlement prison. They are required to complete a resettlement plan to address the needs that were identified when individuals came into prison. They are required to provide support and advice to address accommodation, employment, training and education (ETE) needs, and concerns relating to finance, benefits and debt, and to support victims of domestic abuse and sexual violence.

Inspectors identified accommodation, substance misuse, and finance, benefits and debt as the most common factors requiring assistance. In almost a third of cases, we found no evidence that prisoners' needs had been identified prior to release. In a few instances, this could be explained by the short prison sentence or the prisoner being released straight from court. Twelve percent of the cases in our sample received a sentence of one month or less, the shortest being only seven days.

The quality of resettlement planning varied considerably. Too many confirmed the findings of our thematic inspections of Through the Gate services and were limited to recognising a problem and signposting. However, others went the distance. For example, we found evidence of encouraging work with landlords and the Department for Work & Pensions to help prevent accommodation being lost through a brief period of custody.

Good practice example – Durham

Sharon received four weeks' imprisonment for theft. She was vulnerable and heavily addicted to crack cocaine, influenced by her parents' and sister's chronic addiction. At the start of this sentence, Sharon was also in an abusive relationship with another addict.

Sharon quickly reoffended and received a further five sentences for numerous shoplifting offences. During her next term of imprisonment, the responsible officer actively engaged and encouraged Sharon, who was distressed following the end of her relationship. She renegotiated Sharon's rent arrears, securing accommodation for her release. The officer worked exceptionally hard to coordinate mental health services, drug services and others to support her.

Sharon continues to present a high likelihood of reoffending, but is engaged with all relevant services and motivated to change.

Sharon described her responsible officer as firm but fair, commenting: "*She says there is something in me. It is encouraging*".

Effective communication took place between the responsible officer and the prison to determine appropriate licence conditions and PSS requirements in just over two-thirds of cases. Again, the issue of release directly from court or very short sentences contributed to communication breaking down in some instances.

We found that responsible officers made little use of the additional PSS requirements available to attend drug appointments and comply with drug testing. Some officers were unaware that these

²⁶ Between 2005 and 2015, sentencing practice has resulted in a 50 per cent reduction in the numbers of community orders imposed, while the numbers of suspended sentence orders have increased. Source: Sentencing Council letter, April 2018.

were available; others doubted whether they would be supported by the local drug services, who preferred to work without criminal justice conditions imposed on their clients.

Prisons did not always provide CRCs with copies of licences on the day of release. This could present immediate problems with processing a recall if the individual failed to report to the CRC.

Recognising and addressing someone's vulnerability and motivation ahead of release is essential, as the following example illustrates:

Poor practice example

Flynn was released from 39 weeks' imprisonment for shoplifting. He had many previous convictions for shoplifting, linked to his misuse of crack cocaine and heroin. He was homeless and relied on sofa-surfing.

No work was done to prepare for his release, despite his request for accommodation. Flynn reported to the CRC on release, then went out of contact. He reoffended, and was recalled and given a further prison sentence.

When he was released a second time, Flynn again went out of contact after the first appointment. Recall was approved the day before our inspection. He had not been seen for two months. It transpired he had been obtaining a weekly methadone script during this period, but no communication had taken place between the CRC and the drug services prior to recall.

3.3. Assessment post-release and sentence planning

Assessment

Predicted reoffending rates were very high, with almost a quarter of our sample having a predicted rate of 90 per cent or above. Three-quarters were assessed as presenting a medium risk of serious harm. Almost a quarter of the sample were convicted of offences involving violence, and nearly a third were of concern as current perpetrators of domestic abuse.

Initial assessments were completed in over three-quarters of cases following release on licence. Where completed, a good majority sufficiently assessed the factors linked to offending and desistance and analysed the individual's personal circumstances, but three out of ten did not sufficiently assess the welfare and wellbeing of the individual. In a small number of cases, responsible officers did not make use of the work begun by Through the Gate colleagues in prison, for example by following up accommodation enquiries that had been initiated.

Over a third of the individuals in our sample had a disability. This was mainly linked to mental health and associated physical ill-health linked to long-term drug abuse. Individuals also tended to be unreliable in keeping appointments with external agencies, which could lead to their exclusion or removal from waiting lists for health treatments that could make a real difference to their lives.

A third of the assessments in our sample did not pay sufficient attention to keeping other people safe.

Poor practice example

Leon was sentenced to one month in prison for causing harm and distress to his ex-girlfriend. He had a history of domestic abuse. Leon had two children and visited them regularly. He lived with his sister, who also had two children.

Management of the sentence was poor. No spousal assault risk assessment had been completed because there were not enough trained staff. Adult and child safeguarding checks were not prioritised. A domestic abuse check was made six months into the order, with no evidence of checks in respect of child safeguarding.

There was no induction, or sentence plan. Leon was referred to a safer relationships course in March and was on the waiting list until September. Leon failed to attend the course and was taken off the list.

Enforcement was lax and recording poor. Breach proceedings were withdrawn when it became apparent that the matter could not be listed by the court until after PSS had expired.

Sentence planning

A plan should be in place for each case that sets out the work required to reduce reoffending and manage any assessed risk of harm.

Plans gave sufficient attention to reducing reoffending during the licence period in almost three-quarters of the cases inspected. The quality of planning to protect the public was more concerning. Overall, this work reached a sufficient standard in less than two-thirds of licence cases and just over half of PSS cases where risk of harm was identified.

Risks to the welfare and well-being of the individual were identified in almost three-quarters of the case sample. These were often associated with sleeping rough, mental health problems and injecting drugs intravenously. In over a third of these vulnerable cases, we concluded that planning did not address these risks well. The following case is illustrative:

Poor practice example

Kwesi has been using heroin for 18 years and injected crack cocaine intravenously. He supported his drug use by repeated shoplifting. Kwesi's home was also being used as a 'drug den'.

The initial plan disregarded his disabilities. It did not address mental health issues and risks of self-harm. The responsible officer failed to link with the drug services that were working with Kwesi through a supervised daily script.

Kwesi breached PSS and received a curfew. After a further offence, he was given a suspended sentence order. He was subsequently sent to prison.

A new officer picked up his case following re-release. Kwesi then developed sepsis and his leg had to be amputated. Kwesi was then diagnosed with cancer and returned to live with his parents.

Kwesi's vulnerability was not addressed sufficiently throughout.

Reviews

Cases were inspected during the final month of the PSS period. We found that reviews were completed in most cases. In three-quarters of the sample, they focused sufficiently on desistance. Given the frequency with which the individuals in this sample were convicted of further offences, the timing of reviews was often combined with the beginning of a new sentence.

In some instances, reviews had not been completed where the individual was in custody or out of contact. There was a tendency for the review to simply capture the further offending. Less than two-thirds had focused sufficiently on keeping people safe. The wellbeing of the individual had been revisited in only half of applicable cases.

3.4. Conclusions and implications

Not enough pre-sentence reports are being prepared before short-term custody sentences are given. While we recognise that adjourning for a pre-sentence report may re-introduce delays in the court process, it is necessary to understand the complexity of issues that need to be addressed and coordinated, if meaningful alternative sentences are to be considered. In any event, prisons and CRCs are left without valuable information that they need to manage the case immediately after sentence.

Despite some signs of improvement since our Through the Gate inspections, it remained the case that the work undertaken by prison-based resettlement teams is having little impact on the continuity of services or supervision post-release.

The process to set licence and PSS requirements is embedded, but drug appointment and drug testing requirements are hardly used. With very short custodial sentences, preparing for release is challenging.

CRC staff are mostly reliable in formulating sentence plans on release. In the main, they were attentive to completing the initial assessment process, but the circumstances for this group of offenders can be fast moving and planning did not reliably pick up on changes, particularly in respect of keeping others safe and addressing the risk of self-harm.

4. Engagement, delivery, compliance and enforcement

We assessed the quality of work undertaken to engage people released from short-term prison sentences and considered what services were provided to address the reasons why they offend. We interviewed the current responsible officer for each case and, where possible, spoke by phone with the individual under probation supervision.

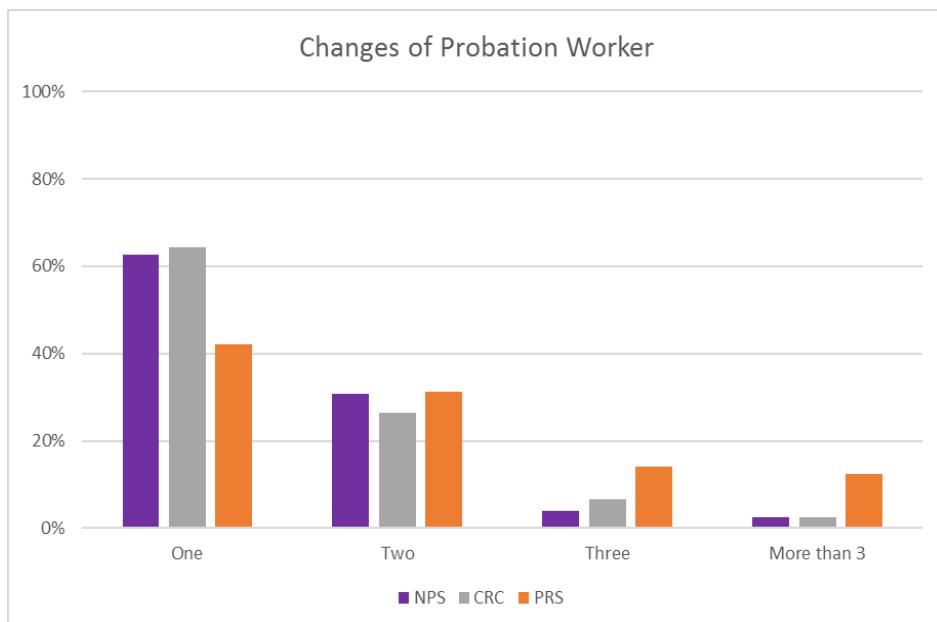
We considered the findings from the Magistrates Association survey undertaken for this inspection.

4.1. Engagement

Given the research evidence to show the pivotal role of the relationship between the individual and the probation professional, it was disappointing to find that only two in five individuals in our sample retained the same probation worker throughout the post-release period.

As one individual put it: "*You get fed up telling your story each time. I hated it. I have had a lot of changes in officer, which was not so good*". Where there were frequent changes in officer, we found a lack of ownership of the case, and weaker practice overall. Our aggregated data²⁷ shows the general rate of change of probation worker in all types of case. We compare this to the rate of change in our post-release sample (12 months) in this inspection, in Figure 5 below.

Fig 5. Comparative changes in Probation worker



Continuity is not the only measure of the relationship, of course. Despite the rate of change, we came across some impressive examples of staff working hard to engage and motivate individuals with entrenched criminal behaviours, where it was important to recognise even the smallest steps towards desistance.

In the North of England, in partnership with the North-East Prisoners and Children's Services (NEPACS), some prisons have introduced a 'departure lounge' facility. This offers practical support and advice as soon as the individual has been released from prison. The Durham Tees Valley Through the Gate team used this facility to schedule the instruction to report to probation on the

²⁷ Data based upon inspections across four of the seven NPS divisions and 15 of the 21 CRCs. The data may not be representative of all provision across England and Wales.

day of release. We found that this helped to get compliance off to a good start and provided an opportunity to reinforce the importance of keeping appointments arranged with other agencies.

In Durham, responsible officers were required to undertake home visits within two weeks of the individual's release. This aided resettlement work and encouraged friends and family to add their support.

4.2. Service delivery

Sufficient services to tackle the factors linked to offending were delivered in only two out of five cases, and this finding did not change between licence and PSS periods. The level of contact was also disappointing.

Figure 6 below shows the progress inspectors found had been made against each of the assessed factors linked to reoffending.

Fig 6. Progress against factors linked to offending

Factors assessed as most important linked to offending	Number of case sample	Improvement	Deterioration	No change
Attitudes to offending	68	22%	15%	63%
Family and relationships	47	28%	17%	55%
Thinking and behaviour	91	24%	13%	63%
Lifestyle, including friends and associates	58	28%	22%	50%
Drug misuse	79	24%	18%	58%
Alcohol misuse	39	23%	10%	67%
Education, training and employment	15	40%	0%	67%
Accommodation	65	32%	31%	37%
Mental health	48	17%	29%	54%
Finance, benefits and debt	49	27%	14%	59%
Mentor support	12	25%	42%	33%

Training and employment services were available, but one-third of individuals were assessed as not available for work. This was often related to mental health issues, and was higher for women. For others, primary needs such as food and shelter had to be stabilised first. The small number who could access education, training and employment services achieved better outcomes.

It was frustrating to see how little structured work was delivered to address attitudes to offending, lifestyle, thinking and behaviour, especially in cases where homelessness and significant mental health issues were not evident. Delivering these interventions is a core part of probation work, and

is not dependent on other agencies. Our recent Research and Analysis Bulletin (HMI Probation, January 2019) recognises the potential gains from addressing these issues and that motivation to change is pivotal to supporting desistance.

Good practice example – London

Darius, aged 47, has an extensive criminal history, including 114 shoplifting offences to support his heroin/crack cocaine addiction. On occasions, he could be aggressive and violent, particularly to people in authority. Darius was underweight and in poor health. As a child, he had been a victim of serious sexual abuse and had a history of self-harm. Darius had received one month's imprisonment for theft of food worth £45.

He was released after two weeks to supported accommodation with a key worker and on a methadone script (which he topped up with heroin and alcohol). He continued to offend, was aggressive to hostel staff and was initially dismissive of his responsible officer. Darius subsequently received a community order with a Drug Rehabilitation Requirement and Rehabilitation Activity Requirement days (made without any consultation with the CRC or drug services).

His compliance was poor, and breach proceedings followed. Darius continued to shoplift, but his officer persevered and his engagement began to improve. Darius has received a further four sentences. He was evicted from his accommodation. The responsible officer is pursuing further supported accommodation and endeavouring to improve communication with the drug services team. Darius is now reporting reliably but shows little sign of desistance.

When interviewed, Darius commented: "*I understood what she had to do when I did not comply. I've realised that everything that goes on needs to be sorted out by myself. I am now engaging with her*".

We were interested to learn how the CRCs supported individuals with protected characteristics to access their services. In Worcester, we learned of specific support to address the needs of travellers. In London and Nottingham, some women were being met at the gate and supported by mentoring services. In all the areas we visited, we found professionals with specific responsibility for providing services for women. In Bradford, the Shafa programme was used to engage men from a South-East Asian background to provide tailored work that was responsive to their cultural background. While these services reached small numbers of people, they were encouraging to find.

Rurality and difficulties in accessing public transport were issues in some areas. We observed that this could have an impact on the use of short-term sentencing. Motor-related convictions featured more in rural localities. In Durham Tees Valley, the locally based hubs alongside the use of home visits helped to mitigate this barrier.

4.3. Transition from licence to PSS

There was little difference in approach to the delivery of services when cases transitioned from licence to PSS (beyond recognising that there was a change in enforcement arrangements), except in London, where some adult males were transferred to an outsourced provider.

Structured interventions were less likely to be used, because the time on licence when conditions to attend could be attached was limited. Practitioners could find this frustrating, as one described:

"The main problem is when the PSS period kicks in the sentence loses teeth. Many of these cases need structure and the move on to PSS means we can't put anything in place".

Where compliance was stable, the frequency of reporting often reduced. This did not appear to be determined by the transition from licence to PSS. While practice varied by area, overall, we considered that just under half had sufficient contact on PSS to reduce the likelihood of reoffending. At the point of release, responsible officers recorded clearly that the requirements of licence and

PSS had been explained. However, this did not happen reliably on transfer to PSS, except in Nottinghamshire and in London, where the outsourced provider completed a further induction process if they took on responsibility.

Upon completion of the licence period, Derbyshire, Leicestershire, Nottinghamshire & Rutland CRC issued a recognition letter to the individual and explained the requirements of PSS. Staff had mixed views about the impact, with some believing it encouraged individuals to take compliance with PSS less seriously. For example, one said:

"Individuals get a letter from the service centre, which seems to confuse them. They are told the licence is finished and they think they have finished completely".

4.4. Compliance and enforcement

Improving motivation to change and supporting an individual to engage are important skills for probation practitioners and never more so than with this group. As one officer commented: *"Some have so many appointments when they come out, they can forget what day of the week it is. It is difficult for them to comply. We have to be realistic and praise little steps forward".*

Monitoring attendance was reliable for most of the cases inspected. CRCs were performing well in the main. This was a marked improvement from the findings in our thematic inspection of enforcement and recall. Furthermore, we found that responsible officers were making good efforts to re-engage individuals following enforcement.

Officers must use their judgement in how they responded to non-compliance, and here we found that practice varied by area. Breaches of licence and PSS were used in 28 per cent of the sample. It was common to find the recall/breach process was overtaken by prosecution processes linked to further offending.

Responsible officers expressed frustration about the breach process for PSS. Many believed that repeat offenders now understood that they were unlikely to face significant punishment for non-compliance. Others described the accompanying bureaucracy as 'horrendous'. In one area, some sentencers were choosing to take no action against breaches of PSS, leaving officers to question its point. The following typified what we heard:

"Breaching cases takes time and for the options available it seems a waste of everyone's time. If people get seven days, the time spent by us, court, and prison staff is huge and the fact is they are out a few days later. What is the point?"

"People can be AWOL for months and then nothing happens. They may get a £50 fine".

Delays of four to eight weeks in listing a breach to be heard at magistrates' court, or longer for Crown courts, were common. By this time, contact with the individual could be lost. Responsible officers said that, when the case eventually came up, their NPS colleagues might have to ask them to provide an updated breach report. They saw this as a duplication, due to the case not being listed promptly. NPS court managers we spoke to were aware of the lack of available breach slots at court. Requests to HMCTS for further court time had been made in some areas; however, staff were resigned to the delays continuing because of the lack of court availability.

"It is frustrating the amount of time it takes to get a breach of PSS listed. I'm still waiting for a breach date, despite current domestic violence issues. Courts may question confidence in the CRCs, but they need to allow time for us to enforce properly".

In Nottinghamshire, staff reported delays, with warrants being issued. In London, we learned that a manager would contact their NPS counterpart and request a warrant without bail in the first instance, where significant risks were evident. This seemed good practice.

The choice of sanctions available to the court for breach of PSS (fine, curfew, unpaid work, seven days' custody) are primarily punitive, despite the purpose of PSS being rehabilitation. Fixed-term recall was the most frequently used sanction. There was exasperation from practitioners:

"What is the point of giving unpaid work to someone who has breached, when they are homeless? It doesn't make sense to me".

"This man was fined despite a history of acquisitive crime with violence. Sanction has potentially increased his financial pressures and risk of reoffending. This was not what the legislation intended".

Just over 40 per cent of magistrates surveyed thought the sanction options for dealing with PSS cases were insufficient. Almost half of sentencers responded that they lacked confidence that individuals who did not comply with PSS would be returned to court for breach proceedings. Three-quarters reported that they were not well informed about the services that CRCs could deliver during PSS. Despite magistrates in our survey indicating a preference for the use of unpaid work as a sanction, this was used in only three cases in the sample, with custody being the more likely outcome (28 cases).

Magistrates recognised the 'revolving door' profile of this group of offenders, but indicated that they lacked sufficient information about the services of the CRC and confidence about what happens on PSS. This chimes with a finding in our thematic inspection of Rehabilitation Activity Requirements (HMI Probation, 2017).

Where enforcement action led to imprisonment, this disrupted access in the community to substance misuse services, accommodation and benefits. We found no evidence of an analysis of local sentencing trends in respect of the use of short-term custody.

Levels of reoffending within 12 months of release remain high: 62 per cent of the case sample had already been reconvicted of further offences since their release. Others had court hearings pending, so it is likely this sample's reconviction measure would rise, if measured over the same time period as the national published proven reoffending measures.

4.5. Conclusions and implications

The individuals in the case sample had extensive criminal records often linked to theft and violence associated with a history of drug addiction. Their levels of motivation to engage were poor and the threat of punitive criminal justice sanctions had little influence on them. Continuity of probation worker and the determination and professional skill to motivate the offender are so important for this group.

Monitoring of compliance with both licence and PSS was reliable. However, there are unhelpful delays in processing breaches of PSS at court, and the range of sanctions do not support the purpose of PSS well. There is a lack of data and analysis, both for those sentenced without reports and the sanctions used for a breach of PSS. There were good efforts to re-engage individuals following enforcement. Delivery of structured interventions was more challenging. Barriers included access to timely services and the individual's ability to follow through.

While processes are being followed in the main, the work undertaken is not having an impact on the likelihood of reoffending and many individuals remain vulnerable and likely to reoffend.

Areas of practice we identified as helpful included:

- recognising and praising even the smallest steps towards desistance
- the departure lounge reporting facility on the day of release supports individuals in complying and engaging with services
- home visiting following release encourages engagement and wider support
- engaging local partners to develop services to meet diverse needs
- requesting a first instance warrant where risk of harm is escalating and contact has been lost.

5. Working in partnership

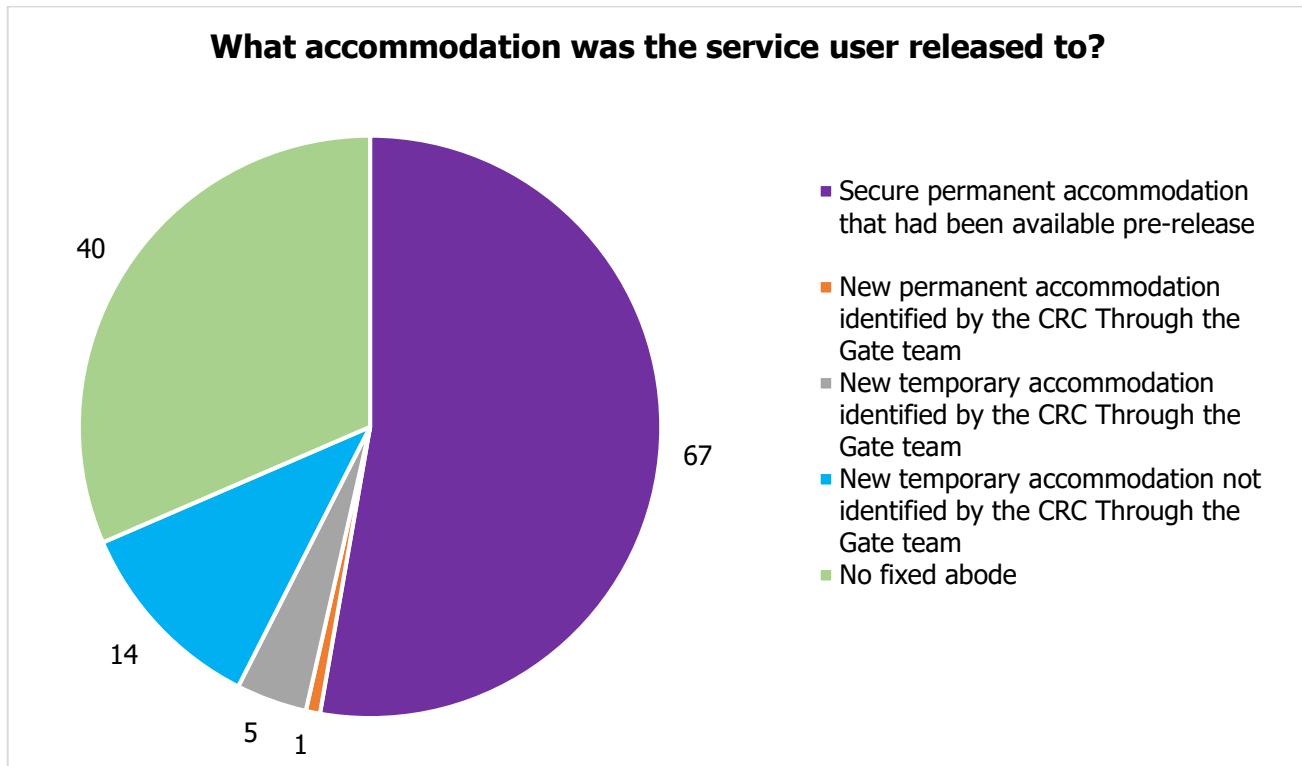
This chapter examines the partnership arrangements between the CRCs and other agencies and the services they deliver that contribute to post-release supervision. We interviewed leads from partner agencies and providers responsible for accommodation, substance misuse and mental health services. We also draw from individual interviews, focus groups and meetings with CRC managers.

5.1 Accommodation

CRCs do not provide accommodation and are not able to access housing directly. With the introduction of *Transforming Rehabilitation*, expectations have been raised, as CRCs are contracted to help prisoners find accommodation.

Our thematic inspection of Through the Gate services for short-term prisoners (HMI Probation, 2016) reported that, in 15 per cent of cases sampled, the individual was released with no fixed abode. In our current inspection sample, 31 per cent were similarly released. These findings applied equally to men and women. These prisoners were released during the winter months of 2018. Accommodation outcomes were worse in London, where we observed some resignation by staff that rough sleeping was inevitable.

Fig 7. Accommodation on release



The problem of a lack of suitable accommodation is well known. The government introduced the *Homelessness Reduction Act* in April 2018, which places a new 'duty to refer' on public services, including CRCs, to notify a local authority if they encounter someone they think may be homeless or at risk of becoming homeless. This requirement is contributing to the prevention pillar of the Ministry of Housing, Communities & Local Government's Rough Sleeping Strategy (2018).

We found that CRC staff were making referrals to local authorities, but with little effect given the shortage of suitable housing. Furthermore, many short-term prisoners with substance misuse and mental health needs require supported accommodation, which is in even shorter supply. We learned of some local authorities making accommodation offers in other towns where the individual lacked support. Individuals rejecting these were rendered intentionally homeless, releasing the local

authority from responsibility. Others simply were not organised enough to keep appointments, which led to opportunities being closed.

Most local authorities' response to the duty to refer notification was to advise the prisoner to report to them on their day of release. This expectation competed with the prisoner's other appointments, for example to report to probation, register for benefits and, for many, attend drug and alcohol services. Emergency bed places, where they existed, were often allocated on a night-by-night basis.

Locally, CRCs have commissioned providers such as Shelter and St Mungo's to make referrals to local authorities, housing associations and private landlords. Accommodation providers said they were often not given sufficient notice and frustrated by last-minute referrals.

Private landlords lacked confidence that they would be paid and were reluctant to accept people on Universal Credit. Here the impact was appreciable. As noted by one responsible officer: "*Two of my lads lost their properties because they were sanctioned on Universal Credit*".

Benefit payments ended when a person went to prison, and prisoners were released with significant rent arrears. It is possible for up to 13 weeks' rent to be paid for serving prisoners, but prisoners often lacked support from caseworkers to arrange this.

Notable exceptions to this gloomy picture were found in Wiltshire, where the county council had invested in a rough sleeping team and given specific training to probation staff to provide high-quality and timely referrals before the individual was released. We also found effective links in place between London CRC and the London Borough of Haringey, which targeted resources to support people with drug, alcohol and mental health issues and funded probation link workers at HMP Pentonville, which was their local resettlement prison.

The following example typified many cases:

Poor practice example

Kelvin has a history of repeat offending, mostly of dishonesty linked to drug and alcohol abuse. He has been in care and was a victim of abuse previously. Following a relationship breakdown, he became street homeless and his misuse of drugs and alcohol deteriorated. While Through the Gate staff made efforts to source accommodation on his release, this did not materialise and he lived rough during heavy snow and until a hostel was secured.

In the interim, Kelvin had reoffended and received eight months in custody, and was re-released on licence. Kelvin's explanations were often accepted at face value, and it was not until January 2019 that a new responsible officer learned he had not been receiving methadone scripts since March 2018. He was vulnerable, with deteriorating physical and mental health. Kelvin reported regularly but was not offered the help that he needed to address his offending and keep him safe.

5.2 Drug and alcohol services

Substance misuse issues needed to be addressed in four out of five of the cases in our sample. Invariably, substance misuse problems were combined with other factors. Working with multiple complex needs challenged the CRCs' and substance misuse agencies' ability to work together effectively.

Substance misuse services are commissioned by the local clinical commissioning groups under the auspices of the health and wellbeing boards, with funding coming from the NHS and local authority public health departments. We learned that the length of substance misuse contracts were being reduced to three years. CRC senior managers complained that the frequent retendering processes brought reductions in budgets and constant restructuring. This made it harder to build effective working relationships.

There were tensions between the CRC and criminal justice partners about what information could be exchanged. We came across cases where the individual was out of contact with the CRC, but collecting their methadone prescription daily. Drug treatment providers were reluctant to see their services conflated with criminal justice enforcement processes, drawing from their experience that individuals need to be self-motivated to engage in treatment rather than coerced. One substance misuse manager explained: *"It can be a real pain, when they are making headway in treatment, but not complying with probation. It can break treatment".*

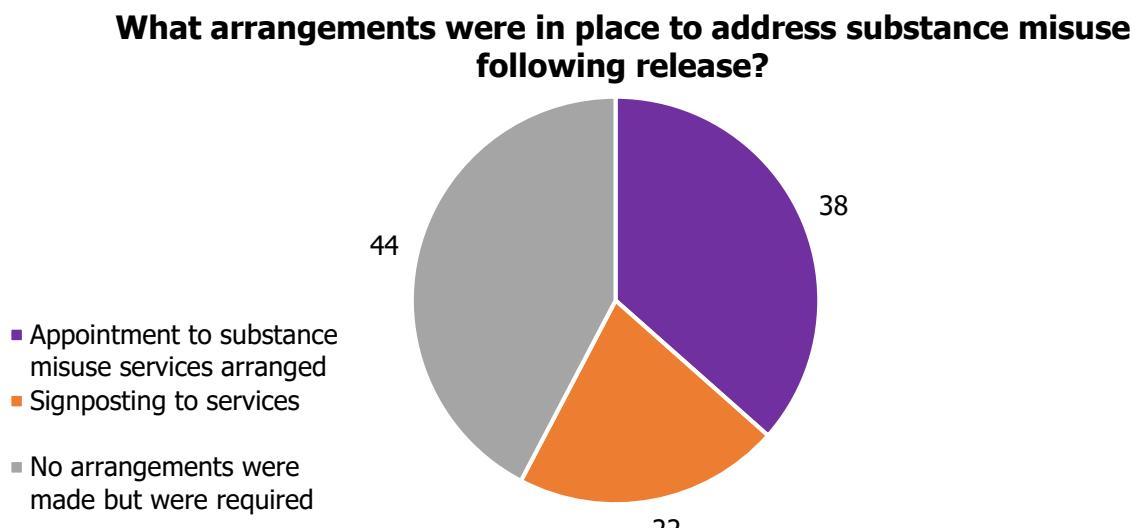
Substance misuse managers questioned the merits of routine drug testing. Treatment providers stated they were not funded to do testing and that it was not proven to be an effective intervention. CRCs tended to undertake drug testing in-house, where required.

If a prisoner on release required sustained medication, such as methadone, these arrangements were set up by the prison Drug and Alcohol Recovery Teams (DART) and communicated to the local substance misuse providers. This information was not always shared with Through the Gate staff and the responsible officer or included in resettlement plans. Significant risks of self-harm exist at the point of release for drug users, and it is important that everyone is alert to this. Fixed-term recall could interrupt treatment and increase the risk of overdose, without sufficient time to stabilise the individual in prison.

Substance misuse providers are only contractually required to share details about individuals with the CRC for community orders accompanied by an Alcohol Treatment Requirement or Drug Rehabilitation Requirement. Communication depends on local working relationships. The individual's written consent is required before information can be exchanged, in order to comply with General Data Protection Regulation. Public Health England (2018) has recently issued guidance to improve arrangements for exchanging information. The responsibility to turn this guidance into action rests with local strategic leaders.

Working relationships between CRC and substance abuse workers varied by location. Where the services collaborated and shared facilities, working relationships, coordinated planning and information exchange worked well. We found good examples in Haringey and Durham. Joint working often accompanied IOM arrangements.

Fig 8. The arrangements in place to address substance misuse following release



The ORA (2014) introduced two specific requirements to address drug addiction: to support those with substance misuse issues to achieve recovery and to ensure continuity of treatment and support

in the community.²⁸ These can be included as a licence condition and supervision requirement for PSS:

a) The drug appointment condition/requirement	b) The drug testing condition/requirement
This makes attendance at a treatment service mandatory (if imposed the offender must attend, though engagement with treatment remains voluntary).	This can be applied where there is reason to believe that misuse of illegal drugs is linked to previous or potential future offending.

Despite addiction being common among offenders given short sentences, these requirements were not well used. The services provided by the drug treatment providers is not stipulated, although clearly their contribution is necessary for the drug appointment requirement to be effective. Evaluation in Scotland²⁹ notes that orders including requirements imposed without a formal medical assessment run the risk of being returned to court.

Where we found reliable communication and delivery of drug services, the outcomes were encouraging:

Good practice example – West Mercia

Adele had an extensive drug history dating back to when she was aged 15. She shoplifted to support her addiction, which included mamba, crack, heroin and alcohol. Adele was released street homeless during the winter and was refused local authority housing support due to her history.

The CRC arranged for Adele to attend Willowdene women's residential programme for eight weeks and engaged her in ETE programmes. She was supported consistently by the drugs key worker and made the most of the opportunities provided.

Adele ended her relationship with a fellow drug abuser and has settled into a hostel long term. She remains vulnerable but motivated. She recognises her progress.

Adele commented: "*I had an appointment arranged with my drug worker for the day of my release. I have had the same person for two years. It has helped so much. I have not been recalled or breached but I have had warning letters. My first responsible officer was brilliant. She let me come into the office to wash, get warm, charge my phone. She arranged for me to go to Willowdene. I used what I learned in counselling to tell me how to cope*".

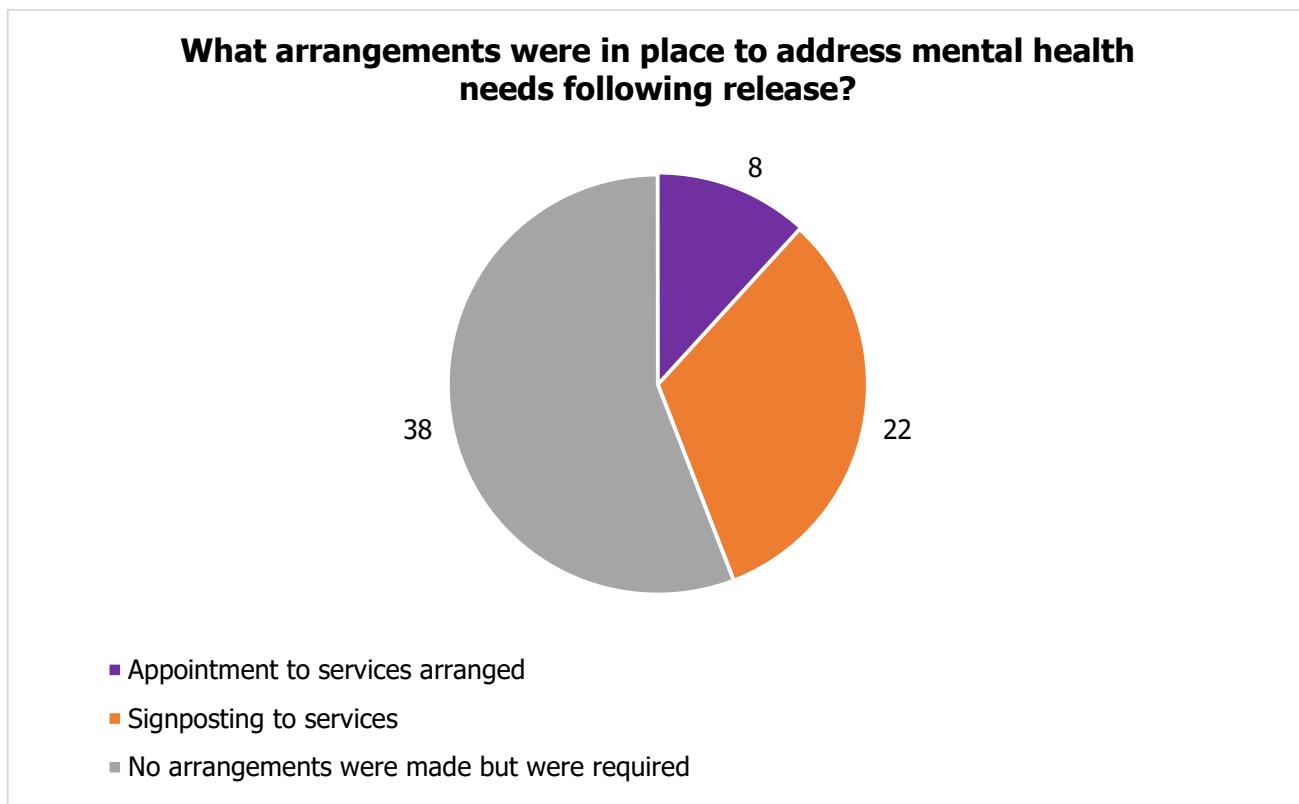
5.3 Mental health services

Community mental health services were difficult to access, and usually had to be reached via a doctor. The issues of dual diagnosis, addiction and transient accommodation contributed to the barriers. Securing consent from individuals helped CRC staff to exchange information with doctors. While responsible officers encouraged individuals to follow up appointments, all too often important appointments were missed, with the case closed or moved to the end of the waiting list. Some staff were of the view that the threshold to access services has risen, as the resources have become tighter.

²⁸ Ministry of Justice. (2014). *Drug appointment and drug testing for licence conditions and post-sentence supervision requirements, Probation Instruction 30/2014*. Available at: <https://www.justice.gov.uk/downloads/offenders/probation-instructions/pi-30-2014-drug-appointment-testing.doc>.

²⁹ Anderson et al. (2015)

Fig 9. Mental health arrangements following release

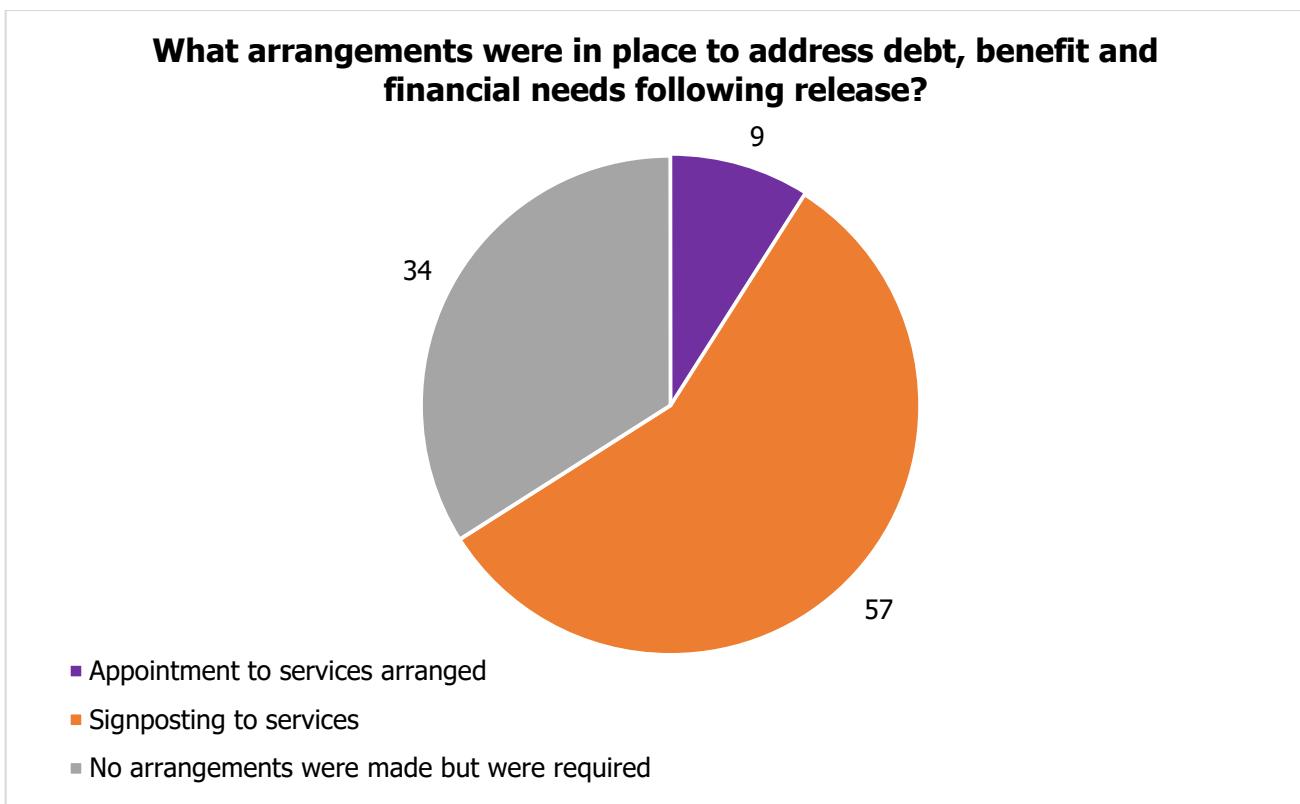


CRC leaders sought to address this issue, with differing degrees of success. Warwickshire & West Mercia CRC commissioned a brief intervention counselling service, which was highly regarded and well used. In Durham Tees Valley CRC, mental health criminal justice workers attended the community hubs, where they could be engaged with relative ease. Derbyshire, Leicestershire, Nottinghamshire & Rutland CRC had seen recent cuts in the number of mental health workers, and in West Yorkshire CRC this pathway was reported to be difficult to access. In Haringey and Enfield, staff benefited from effective working relationships with their mental health trust, but this was not the case in other boroughs in North London.

5.4 Finance, debt and benefits

Through the Gate staff's work to support prisoners with finance, debt and benefits was disappointing and defaulted to signposting them to other services. Less than 10 per cent of relevant cases were recorded as having appointments arranged before release. There was little evidence of communication with Jobcentre Plus staff based in the prisons, and relevant information was not being recorded or passed to responsible officers in the community.

Fig 10. Arrangements to address debt, benefit and finance needs following release



Prisoners who have been released require official identification, a bank account, an email address and access to a computer to apply for benefits. They can then expect an average wait of six weeks for payment. Advance loans or substantial back-pay can compound problems with managing money. Fixed-term recall ran the risk of breaking continuity of benefits.

The lack of identification at the point of release was often cited as a barrier to securing benefits. In the past, probation staff had been able to create a letter of identification, but this was no longer accepted. There were additional barriers where a person had no fixed address. Some staff suggested a remedy: if a person's national insurance number and address or local job centre address (where homeless) could be added to the licence, this would help to overcome this problem.

Through the Gate staff worked to help some prisoners to obtain bank accounts. We came across examples where, for expediency, friends' and family members' bank accounts were used. This could create further problems and tensions. In one instance, we learned that the 'friend' had subsequently been imprisoned, leaving the person without funds.

While obtaining an email address can be a relatively straightforward process, this could not be completed before prisoners were released, because of ICT security in prisons. Literacy and ICT barriers were also common for these individuals, who could find the requirement to complete a form online for two hours overwhelming. This officer summed up what we heard from many:

"Universal Credit: It is an absolute shambles. It is poorly thought through and there seems to be inconsistent decision making going on, with people not being treated the same. For example, some get an emergency loan and others don't... A six-week wait for their first payment is a joke. It just does not help people. Also, the fact that applications are online or via phone makes the process much harder for this chaotic group. Many don't have an address or ID either, which makes it even more difficult for them. Little is done pre-release to improve this process, which is a shame given we know when they are coming out, often well in advance".

The delay in payment could potentially be alleviated by an advance loan; however, officers commented that this could create problems with adjusted payments to repay the advance. Alternatively, some received a substantial back payment and were unable to manage this responsibly and spent it on drugs and alcohol rather than clearing accrued rent arrears.

In Wiltshire, a manager had worked effectively with a local Jobcentre Plus manager. If an individual gave their consent, the responsible officer could assist with the application and ask that the case was marked 'vulnerable', so that the rent was paid directly to the landlord. This initiative was commendable and had the potential to improve the chances for the individual securing accommodation.

5.5 Integrated Offender Management (IOM)

IOM is a cross-agency response to the threats of crime and reoffending faced by local communities. The most persistent and problematic offenders may be identified and managed jointly by partner agencies working together under local IOM arrangements. One in four of the cases in our sample were managed by IOM. This concurs with the findings of our Quality and Impact inspection programme.

Acceptance onto an IOM scheme varied hugely and was determined by the local policing strategy. Some IOM schemes were switching from prolific offending to prioritise risk of harm. We found a slight improvement in the availability of services to address reoffending where IOM applied, but interestingly, attention to the safety of other people was weaker in comparison to the overall inspection sample.

Location and alcohol monitoring technologies were applied in isolated cases, but it was not possible to draw wider conclusions about their impact. We will look at IOM in detail later this year through a joint thematic inspection with Her Majesty's Inspectorate of Constabulary & Fire and Rescue Services.

5.6 Conclusions and implications

People in the criminal justice system face many barriers to securing the services needed to help them to resettle following a period in custody. There is a scarcity of social housing and individuals often find themselves defined as non-priority, intentionally homeless or unable to demonstrate a local connection to the area.

In our sample, there was a high correlation between being released homeless and being reconvicted (33 out of 40 cases). These difficulties are compounded for prisoners applying for Universal Credit and cannot be overcome by criminal justice services alone. The CRC leadership's capacity to influence and communicate with the partner agencies required to address complex needs was patchy at best. When partner agencies worked from the same location as the CRC, there were tangible benefits.

Areas of practice we identified as helpful included:

- Through the Gate staff helped prisoners to secure continuity of housing benefit during short sentences
- co-location of CRC and substance misuse workers improved communication and coordination of services
- responsible officers could support prisoners to apply for Universal Credit once they were given consent to do so. They could help to arrange for housing benefit to be paid directly to the landlord.

References and further reading

- All Party Parliamentary Group on Women in the Penal System (2018). *Sentencers and sentenced: exploring knowledge, agency and sentencing women to prison*. Available at: <https://howardleague.org/wp-content/uploads/2018/10/APPG-report-on-sentencing-31-October-2018.pdf>
- Anderson, S. Hinchliffe, S. Homes, A. McConville, S. Wild, A. Hutton, N. and Noble, S. (2015). *Evaluation of Community Payback Orders, Criminal Justice Social Work Reports and the Presumption Against Short Sentences*. Scottish Government. Available at: <https://www.gov.scot/publications/evaluation-community-payback-orders-criminal-justice-social-work-reports-presumption-against-short-sentences/>
- Hamlyn, B. and Lewis, D. (2000). *Women prisoners: a survey of their work and training experiences in custody and on release*, Home Office Research Study 208.
- HMI Probation. (2016). *An inspection of Through the Gate Resettlement Services for short-term prisoners*. Manchester: HM Inspectorate of Probation.
- HMI Probation. (2017). *An Inspection of Through the Gate Resettlement Services for Prisoners Serving 12 Months or More*. Manchester: HM Inspectorate of Probation.
- HMI Probation. (2017). *The Implementation and Delivery of Rehabilitation Activity Requirements*. Manchester: HM Inspectorate of Probation.
- HMI Probation (2018). *Enforcement and Recall*. Manchester: HM Inspectorate of Probation.
- HMI Probation. (2018). *Consultation Response: Strengthening probation, building confidence*. Available at: <https://www.justiceinspectories.gov.uk/hmiprobation/wp-content/uploads/sites/5/2018/09/Consultation-response-strengthening-probation-building-confidence-1.pdf>. Accessed 01 April 2019.
- HMI Probation. (2019). *The availability and delivery of interventions (probation services), Research & Analysis Bulletin 2019/01*. Manchester: HM Inspectorate of Probation.
- HMI Probation. (2019). *Report of the Chief Inspector of Probation*. Manchester: Her Majesty's Inspectorate of Probation.
- Howard League. (2017). *Howard League calls on new government to act as recalls to prison spiral out of control*. <https://howardleague.org/news/recallsspiraloutofcontrol/>
- Jolliffe D. and Hedderman C. (2012). 'Investigating the Impact of Custody on Reoffending Using Propensity Score Matching', *Crime & Delinquency*, 61 (8), pp. 1051-1077
- Justice Committee. (2018). *Support for offenders on probation*. Written evidence from the Chief Inspector of Probation. Available at: <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/justice-committee/transforming-rehabilitation/written/82867.html>
- McNeill F. and Weaver B. (2010). *Changing Lives? Desistance Research and Offender Management: Report No. 03/2010*. Glasgow: The Scottish Centre for Crime and Justice Research.
- McNeill and Weaver. (2014). *Lifelines: Desistance, Social Relations, and Reciprocity* Sage Journals Vol 42, Issue 1. Available at: <https://journals.sagepub.com/toc/cjbb/42/1>
- Ministry of Housing, Communities & Local Government (2018). *Rough Sleeping Strategy*, CM 9685. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/733421/Rough-Sleeping-Strategy_WEB.pdf

Ministry of Justice and HM Courts and Tribunals Service. (2016). *Transforming our Justice System*. Available at: www.gov.uk/government/publications/transforming-our-justice-system-joint-statement

Ministry of Justice. (2018). *Strengthening probation, building confidence*, Cm 9613. Available at: https://consult.justice.gov.uk/hm-prisons-and-probation/strengthening-probation-building-confidence/supporting_documents/strengtheningprobationbuildingconfidence.pdf

Ministry of Justice. (2019). *Beyond prison, redefining punishment: David Gauke speech*. Available at: <https://www.gov.uk/government/speeches/beyond-prison-redefining-punishment-david-gauke-speech>

National Audit Office. (2010). *Managing offenders on short custodial sentences*, HC 431. <https://www.nao.org.uk/wpcontent/uploads/2010/03/0910431.pdf>

National Audit Office. (2019). *Transforming Rehabilitation: Progress review*, HC 1986. Available at: <https://www.nao.org.uk/wp-content/uploads/2019/02/Transforming-Rehabilitation-Progress-review.pdf>

National Probation Service. (2016). *NPS Operating Model*. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/555747/NPS-Operating-Model.pdf

Public Health England. (2018). *Drugs commissioning support 2019 to 2020: principles and indicators*. Available at: <https://www.gov.uk/government/publications/alcohol-drugs-and-tobacco-commissioning-support-pack/drugs-commissioning-support-pack-2019-to-20-principles-and-indicators>

Annex 1: Glossary

Accredited programme	A programme of work delivered to offenders in groups or individually through a requirement in a community order or a suspended sentence order, or as part of a custodial sentence or a condition in a prison licence. Accredited programmes are accredited by the Correctional Services Accredited Panel as being effective in reducing the likelihood of reoffending
Alcohol Treatment Requirement (ATR)	A requirement that a court may attach to a community order or a suspended sentence order aimed at tackling alcohol abuse
Allocation	The process by which a decision is made about whether an offender will be supervised by the NPS or a CRC
AWOL	Absent without leave
Better Case Management (BCM)	Better Case Management links key initiatives to improve the way cases are processed through the criminal justice system
Criminal justice system (CJS)	Involves any or all of the agencies involved in upholding and implementing the law – police, courts, youth offending teams, probation and prisons
CRC	Community Rehabilitation Company
Drug Rehabilitation Requirement (DRR)	A requirement that a court may attach to a community order or a suspended sentence order aimed at tackling drugs misuse
ETE	Education, training and employment: work to improve an individual's learning, and to increase their employment prospects
GDPR	The General Data Protection Regulation 2016/679 is a regulation in European Union law on data protection and privacy for all individuals within the European Union and the European Economic Area
HMCTS	HM Courts & Tribunals Service is responsible for the administration of criminal, civil and family courts and tribunals in England and Wales
HMPPS	Her Majesty's Prison and Probation Service: the single agency responsible for both prisons and probation services. See note below on NOMS.
Integrated Offender Management (IOM)	Integrated Offender Management brings a cross-agency response to the crime and reoffending threats faced by local communities. The most persistent and problematic offenders are identified and managed jointly by partner agencies working together
MHCLG	Ministry of Housing, Communities & Local Government
MoJ	Ministry of Justice

MTCnovo	Management and Training Corporation (MTC) - a private company, novo - a UK-based consortium of public, private and third sector shareholders
nDelius	National Delius: the approved case management system used by the NPS and CRCs in England and Wales
NEPACS	North East Prisoners and Children's Services is a charity that provides family support to prisoners and their families in the North East of England
NOMS	National Offender Management Service: until April 2017, the single agency responsible for both prisons and probation services, now known as Her Majesty's Prison and Probation Service (HMPPS)
NPS	National Probation Service: a single national service which came into being in June 2014. Its role is to deliver services to courts and to manage specific groups of offenders, including those presenting a high or very high risk of serious harm and those subject to MAPPA
NFA	No fixed abode: not having a fixed geographical location as a residence. This can include sofa-surfing and rough sleeping
OASys	Offender assessment system currently used in England and Wales by the NPS and CRCs to measure the risks and needs of offenders under supervision
Offender Group Reconviction Scale (OGRS)	OGRS is a predictor of reoffending based on static risks; age, gender and criminal history
ORA 2014	Offender Rehabilitation Act 2014: implemented in February 2015, applying to offences committed on or after that date
Partners	Partners include statutory and non-statutory organisations, working with the participant/offender through a partnership agreement with the NPS or CRC
p-NOMIS	Prison-based National Offender Management System: operational database used in prisons for the management of offenders
Providers	Providers deliver a service or input commissioned by and provided under contract to the NPS or CRC. This includes the staff and services provided under the contract, even when they are integrated or located within the NPS or CRC
PSR	Pre-sentence report: this refers to any report prepared for a court, whether delivered orally or in a written format
PO	Probation officer: this is the term for a 'qualified' responsible officer who has undertaken a higher-education-based course for two years. The name of the qualification and content of the training vary depending on when the qualification was undertaken. They manage more complex cases
PSO	Probation services officer: this is the term for a responsible officer who was originally recruited with no qualification. They may access locally determined training to 'qualify' as a probation services officer or to build on this to qualify as a

<p>probation officer. They may manage all but the most complex cases, depending on their level of training and experience. Some PSOs work within the court setting, where their duties include writing pre-sentence reports</p>	
Post-sentence supervision (PSS)	Brought in via the Offender Rehabilitation Act 2014, the PSS is a period of supervision following the end of a licence. Breaches are enforced by the magistrates' court
Public Protection Casework Section (PPCS)	Delivers a range of statutory casework functions on behalf of the Secretary of State, including the revocation of licence of offenders
Rehabilitation Activity Requirement (RAR)	From February 2015, when the Offender Rehabilitation Act 2014 was implemented, courts can specify a number of RAR days within an order; it is for probation services to decide on the precise work to be done during the RAR days awarded
SARA	Spousal assault risk assessment: helps criminal justice professionals to predict the likelihood of domestic violence
SSO	Suspended sentence orders can be applied if the term of imprisonment is under two years and the offender agrees to comply with court requirements: a curfew, unpaid work and rehabilitation
Through the Gate (TTG)	Through the Gate services are designed to help those sentenced to more than one day in prison to settle back into the community on release and receive rehabilitation support so they can turn their lives around
Transforming Summary Justice (TSJ)	Transforming Summary Justice is a criminal justice system-wide initiative to improve how cases are dealt with in the magistrates' courts.

Annex 2: Methodology

Part one: Pre-fieldwork

1. A review of past and current legislation for the release of prisoners following short-term imprisonment.
2. Examination of national and HMPPS policies, guidance and data on arrangements for releasing prisoners and supervising them in the community.
3. Identification and analysis of CRC contracts and schedules, policies and guidance specific to post-release arrangements, including documentation provided in advance by the respective CRCs.
4. Discussions on context with the MoJ probation programme reform team.
5. Interviews with HMPPS contract management, operational assurance leads and community interventions operational delivery unit.
6. A trawl of previous inspections and audits relating to resettlement, rehabilitation and Through the Gate services.
7. A survey conducted with the Magistrates Association. Magistrates from the local justice areas inspected were invited to complete an online survey through the Magistrates Association e-bulletin. A total of 144 magistrates took part. Contributions were received from the following local justice areas; Worcester, Telford and South Shropshire, West Yorkshire, South East Wiltshire, Swindon, North Durham, South Durham, Nottingham and Newark, Mansfield and Worksop, North London, East London.
8. A pilot inspection hosted in Kent, Surrey and Sussex CRC (owned by Seetec) to test our inspection methodology and tools. This took place in November 2018.

Part two: Inspection fieldwork

The inspection fieldwork included visits to six CRCs in England in January and February 2019, covering a mix of metropolitan, urban and rural CRCs. Six of the eight CRC-owning companies were represented, as shown below:

Focus for case assessments	Local delivery units	CRC	CRC owner
West Mercia	Worcestershire and Shropshire Telford & Hereford	Warwickshire & West Mercia	People Plus
Bradford	Bradford and Calderdale	West Yorkshire	Purple Futures (an Interserve-led partnership)
Wiltshire	Gloucestershire & Wiltshire	Bristol, Gloucestershire, Somerset & Wiltshire	Working Links ³⁰
Durham	County Durham	Durham, Tees Valley	Achieving Real Change in Communities (ARCC)

³⁰ After the fieldwork, Working Links went into administration in February 2019 and Bristol, Gloucestershire, Somerset & Wiltshire CRC was taken over by Seetec and is now known as: Bristol, Gloucester, Somerset and Wiltshire Probation Services

Nottinghamshire	Nottinghamshire	Derbyshire, Leicestershire, Nottingham and Rutland	Reducing Reoffending Partnership (comprises Ingeus UK, Change Grow Live and St Giles Trust)
London North	Camden, Islington, Hackney, Haringey and Enfield	London	MTCnovo

The fieldwork comprised:

1. Assessment of 128 cases. We interviewed 94 different responsible officers during our case assessments (some officers held more than one case).
 - The length of sentence in our sample ranged from 5 to 363 days.
 - The length of licence ranged from 1 to 270 days.
 - The length of PSS ranged from 150 to 364.
 - 23 cases were released early on home detention curfew. This extended their period of supervision beyond 12 months.
2. We conducted interviews with:
 - nine accommodation providers
 - eight NPS court leads/managers
 - four CRC and HMPPS senior contract managers
 - six substance abuse provider managers
 - two mental health service providers
 - 16 individuals, linked to the cases we were inspecting (by telephone).
3. We facilitated focus groups in each CRC with senior managers, middle managers and responsible officers (including some resettlement officers). These included:
 - 22 senior managers
 - 40 middle managers
 - 51 responsible officers.

Part three: Inspection case profile

We examined 128 cases of offenders who had been sentenced to a custodial sentence of less than 12 months and released approximately 12 months previously.

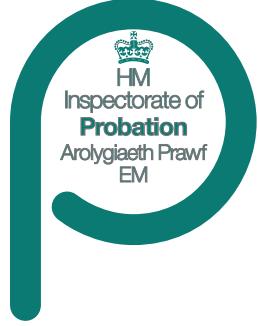
Of the cases we assessed: the nature of index offences was dominated by violence against the person (24 per cent), theft and handling stolen goods (34 per cent) and driving while disqualified/excess alcohol motoring (12 per cent).

- the CRC had classified 25 per cent as low risk of harm, with 74 per cent as a medium risk of serious harm and 1 per cent as a high risk of serious harm,
- many in the case sample had lengthy records of previous convictions and just over half of the sample had a predicted likelihood of further offending score (OGRS) above 75 per cent.

The demographics of the individuals in the 128 cases assessed were as follows:

- 16 per cent aged 18–25 years, 48 per cent 26–35 years, 34 per cent 36–55 years and 2 per cent 55+ years

- 85 per cent male and 15 per cent female
- 80 per cent white.



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