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FROM THE 'SEAMLESS SENTENCE' TO 'THROUGH THE GATE': UNDERSTANDING THE COMMON THREADS OF RESETTLEMENT POLICY FAILURES

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Abstract
Contemporary criminal justice policy in England and Wales has witnessed various resurgences of political interest in resettlement and the short sentence population. This intermittent attentiveness has been mirrored in the circular re-iterations of policy initiatives ostensibly designed to bring greater continuity to the services that administer 'through the gate' work. These efforts include the 'seamless sentence' of the 1991 Criminal Justice Act; 'end-to-end offender management', the creation of The National Offender Management Service (NOMS) and the introduction of custody plus under New Labour; and the current Transforming Rehabilitation (TR) 'through the gate' reforms. It is important to analyse these attempts in order to understand why resettlement policy consistently fails to deliver an improved continuity between prisons and probation. This paper argues that resettlement policy has a common thread of issues that inhibit effective resettlement practice. This article will firstly consider the 'essence' (Senior and Ward, 2016) of resettlement practice, outlining several key principles that should be central elements for resettlement policy and practice, before providing an overview of these various policy initiatives; examining a common thread of failures in their realisation. This article will then look ahead at the next possible iteration of resettlement policy, 'offender management in custody' (OMiC), concluding that despite key changes, this latest policy continues to repeat the errors of past resettlement policy failures.

Keywords: Resettlement; through the gate; the essence of probation

Introduction: the 'intractable' problem of resettlement

Since the demise of transportation as a primary means of punishment and the expansion of prisons beyond their former 'holding' roles to spaces of incapacitation and punishment within themselves (McConville, 1995; Hedderman, 2007), there has been great interest regarding the reintegration of individuals back into society after their release from prison. This interest has manifested into a variety of policy initiatives, designed to reduce re-offending rates and the resulting costs to society. However, Crow (2006:1) describes resettlement as an "intractable problem", with concerns of its effectiveness dating back to the nineteenth century, with numerous actors taking responsibility for resettlement at various points, as well as repeated difficulties of providing an effective service.

Running parallel with the 'intractable problem' of resettlement, are longstanding concerns regarding individuals sentenced to a short prison sentence[1]. Despite research suggesting that individuals serving these sentences have the highest level of needs within the adult system in England and Wales, combined with the highest reoffending rates (Stewart, 2008; NAO, 2010), they have faced "a history of neglect" (Clancy et al., 2006:2) in comparison to prisoners serving longer sentences. Clancy et al. (2006:2) explain that concerns around the multiple needs of this cohort, combined with insufficient time to work on these issues, mean that individuals serving short sentence face a "broadly unchanging pattern of problems and a lack of progress in addressing them", leading to short sentence offenders being labelled as the "perennial problem" of the criminal justice system (Johnston and Godfrey, 2013: 433).

There have been several attempts to address these combined 'intractable' and 'perennial' issues. However, with the impending demise of the current 'through the gate' reforms bought about by *Transforming Rehabilitation* (*TR*), it is important to reflect upon the historical and contemporary problems with providing effective resettlement. Furthermore, it is important to try to understand why various attempts so often fail. This paper uses secondary analysis to analyse and critique resettlement policy and practice in England and Wales. To gain the findings, literature searches have taken place on the three most recent attempts of resettlement policy: the 'seamless sentence' of the 1991 Criminal Justice Act; 'end-to-end' offender management under New Labour; and the 'through the gate' reforms of *TR*. Secondary analysis was deemed the most appropriate methodology, as it allows multiple iterations of resettlement policy - covering several decades - to be reviewed thematically. This paper contends that these three attempts have a commonality of failures, and despite their promises of a 'seamless – end-to-end' experience, they have collectively failed to provide effective continuity of support. This paper will then look ahead to the next

[1] A short prison sentence is commonly defined in England and Wales, as a period of incarceration that is less than 12 months and more than 1 day in length. It is a term widely used in penal literature (see for example: Stewart, 2008; National Audit Office (NAO), 2010).

policy iteration of 'offender management in custody' (OMiC), to contend that critical lessons around the problems with the short sentence population have not been learnt.

The use of the term resettlement has itself had many iterations. Historically known as 'prisoner aid' or 'prisoner relief', but also commonly referred to as 'throughcare' (concentrated more on a continuous process through the custodial and non-custodial elements of a prison sentence (Maguire and Raynor, 1997)), 'aftercare' (typically referred to what should be done after release (Monger, 1968)) or 'prisoner re-entry' (a term commonly used in America to refer to resettlement (Travis, 2005)), the term resettlement has now become the widely accepted terminology that is used to refer to post-release support and provisions for prisoners released into the community. Resettlement was first used in official government literature in a 1998 prisons and probation review, suggesting the term throughcare should be dropped, with the rationale that the term throughcare could be confusing to the general public and more associated with the 'caring' services (Home Office, 1998).

Although there is no singular universally agreed definition of resettlement, Crow (2006:4) defines resettlement, as: "to settle again in a new or former place… (and is) largely a practical activity by which someone acquires the means to become part of a community". However, Raynor (2004; 2007) contends that the term resettlement had not been properly defined, leading to contentious and often contradictory ideas of what this process should entail, with aims including crime reduction, risk management, re-entry, integration and inclusion. Supporting the work of Carlen (2013), this article finds the term resettlement misleading, particularly as the 're' implies that the individual was previously settled before incarceration, where often the reality is that many individuals leaving custody are perennially socially and economically disadvantaged and had never had the chance or opportunity to legitimately acquire the capacities they are deemed to lack.

A brief historical analysis of resettlement policy and practice in England and Wales demonstrates the difficulties of providing effective resettlement support to individuals subject to short sentences. Initial provisions for resettlement were provided on a voluntary basis by small independent Discharged Prisoners' Aid Societies (DPAS). However, as the probation service professionalised and evolved, it gradually became the principal organisation involved in aftercare for discharged prisoners, culminating in the Criminal Justice Act 1948, which made probation responsible for the statutory aftercare of prisoners (Bochel, 1976). DPAS was officially ended in 1963 where the newly renamed 'probation and aftercare service' was given primary responsibility for compulsory and voluntary aftercare (Bochel, 1976).

Goodman (2012) provides a historical analysis of the probation aftercare services to the homeless and rootless[2] outlining the expansion of voluntary aftercare within the probation services. However, this support was downgraded and de-prioritised in 1984 in the National Objectives and Priorities (SNOP) report (Home Office, 1984). The probation service had to be reoriented towards a service responsive to the needs of the courts, with resources targeted towards higher risk of harm and longer-term prisoners, increasingly neglecting

[2] Rootless refers to individuals without permanent and stable accommodation.

individuals subject to short prison sentences (Maguire et al., 2000). The probation service was moving away from casework and penal-welfarism and towards management, containment and punishment (Goodman, 2012).

Despite the demise of voluntary aftercare services, there have been intermittent resurgences of political interest in resettlement and the short sentence population (see for example: HM Joint Inspectorate of Prisons and Probation, 2001; Social Exclusion Unit (SEU), 2002; Clancy et al., 2006; Stewart, 2008; National Audit Office, 2010; House of Commons (HoC) Justice Committee, 2018; NAO, 2019; Advisory Council on the Misuse of Drugs (ACMD), 2019). This intermittent attentiveness has manifested into various re-iterations of policy initiatives ostensibly designed to improve resettlement outcomes for individuals leaving prison. However, before analysing the recent policy trends concerning resettlement, a brief overview will be provided on what effective resettlement practice should look like, considering the 'essence' (Senior and Ward, 2016) of resettlement practice, outlining three key themes, and underlining the fundamental role of community probation practice and properly resourcing resettlement initiatives.

The essence of resettlement practice

In 2016, Professor Paul Senior edited a special edition of this journal, with a central theme of the 'essence' of probation practice (Senior, 2016). Senior and Ward (2016) outline in the journal that probation primarily operates in four major overlapping fields of social organisation - the correctional system, the social welfare system, the treatment system and the community. The authors contend that the essence of probation practice should be centred on a reframed and modernised version of the probation mantra of 'advice, assist and befriend', which encompasses; 'support, enable and relational co-production', working across these four fields. This section will explore how this could be adapted and applied to understand the essence of resettlement practice, outlining three key themes.

The first theme concerns the role of probation practitioners regarding resettlement, who should prioritise 'bonding' and 'bridging' people to appropriate welfare, treatment and community resources, working as a 'community connector' (Best, 2019:7). Utilising the recovery capital framework, Hall et al. (2018:521) have developed the notion of "resettlement capital". This involves the individual drawing on a set of resources, including personal capabilities, families and partner networks and community resources, in order to successfully resettle in the community. The authors argue that practitioners can facilitate resettlement capital by bridging the gap between the individual and these resources and taking a strengths-based approach that generates a sense of optimism and self-responsibility, alongside bonding individuals to networks of family and community support, drawing upon human and social capital. In this respect, the promotion of resettlement capital recognises the fundamental importance of community resources to reintegration, and the additional hurdles individuals face if these are not in place. The second theme involves an approach advocated for in effective practice, which highlights the importance of a holistic approach to service users. This should combine practical help and support, alongside therapeutic and motivational work, particularly as just providing practical support alone is not sufficient in reintegrating back into society, and practical help needs reinforcing with addressing thinking and behaviour (Maguire and Raynor, 1997; 2006a; 2017; Crow,

2006; Raynor, 2020). This holistic approach should also be a central principle for the essence of resettlement practice.

The third theme involving the essence of resettlement practice, prioritises continuity of support and the relational aspects of the probation practitioner – service user relationship, as central to effective resettlement. Indeed, Rex (1999) has advocated for a meaningful relationship between the probation officer and service user, in order to show professional commitment to an individual's desistance. In regards to resettlement, this can involve fostering a genuinely collaborative approach between the individual and practitioner on resettlement plans, as well as building trust and consistency and understanding the need to be flexible and realistic, particularly in the face of setbacks that can be an inevitable part of reintegration (Malloch et al., 2013; Hedderman, 2007; Clancy et al., 2006; Maguire and Raynor 2006b; 2019).

The three elements discussed above - bonding and bridging, a holistic approach and continuity of support - should not be viewed in isolation and place equal importance on each element. They all promote a strengths-based approach that resonates with a desistance-focused practice (McNeill, 2006) which recognises the importance of social capital for resettlement. The next section will explore the three most recent resettlement policy initiatives, analysing their approaches to resettlement and the short sentence population.

The 1991 Criminal Justice Act and the 'seamless' sentence

The 1991 Criminal Justice Act, implemented by John Major's Conservative government, saw a 'revival in throughcare' (Maguire and Raynor, 1997) by introducing automatic conditional release at the halfway point of a prison sentence for those serving between 1-4 years, with the second half of the sentence served in the community under the supervision of the probation service, integrating the sentence into a "coherent whole" (Worrall, 2008: 114). By introducing a sentence that was half spent in the community, half in custody, the 1991 Criminal Justice Act introduced the 'seamless sentence' providing an integrated system between the prison and probation services.

However, Maguire et al. (2000:242) later noted that the 1991 Criminal Justice Act sent "unambiguous signals" by discouraging aftercare work for those sentenced to prison terms of under 12 months, as they no longer fitted into priorities and the mode of thinking in probation practice – as policy-makers were increasingly focusing resources towards higher-risk of harm cases. This is despite many individuals serving short sentences presenting as high risk of reoffending or as particularly vulnerable. The authors reported that the introduction of the Act saw a dramatic fall in voluntary aftercare services for short sentence prisoners, leaving this cohort constricted to overcrowded local prisons[3], with meagre access to resources, sentence planning or adequate release preparation (Raynor, 2007).

[3] 'Local' prisons are closed facilities that hold adult males either on remand or post-conviction, before dispersing them to other prisons to serve the majority of their sentences. They are prisons that receive their 'local' status from their role in serving the

Maguire and Raynor (1997) argue that the introduction of the 1991 Criminal Justice Act contributed towards cultural changes in the practice of the probation service, with a notable shift towards increased managerialism, a focus towards prescriptive targets, standards and processes in post-release supervision, with less professional discretion and increased bureaucracy. This cultural shift in practice subsequently led to a struggle between a 'traditional' rehabilitative casework model and those who saw post-release supervision as a procedural device that extended control and a continuation of a prison sentence, demanding strict compliance with licence conditions.

Further criticisms of the 'seamless sentence' noted that it was a system that worked better in theory than it did in reality, with Maguire and Raynor (1997; 2006a) noting a lack of joined-up working between prison and probation staff, with no integrated throughcare or cultural practice between them, with each organisation continuing to operate as distinct entities. Often service users would receive separate assessments undertaken by each organisation that often failed to encompass the entirety of the sentence. Furthermore, any sentence planning was often tokenistic, and in practice, only a few cases received meaningful throughcare support due to a lack of provisions (Maguire and Raynor, 1997; 2006a). Probation officers noted that in many cases nothing had been done in prison, so there was little to follow up on upon release, leading to the overriding aim of post-release supervision becoming centred on getting the offender 'through' the licence without a return to prison (Maguire and Raynor, 1997), and a focus on cooperation with licence agreements rather than addressing behaviour or seeking a more meaningful relationship other than one based on basic levels of compliance (Maguire and Raynor, 1997; 2006a).

New Labour: 'End-to-end' offender management and the creation of NOMS

The New Labour government also introduced several reforms, making further attempts to enhance cohesiveness between prison and probation practice. Despite the implementation of the 'seamless sentence' introduced by the 1991 Criminal Justice Act, there were a large number of studies and official reports that identified major weaknesses in resettlement work, particularly regarding continuity failures between prison and probation case management (NACRO, 2000; SEU, 2002; Lewis et al., 2003). A 2001 joint inspection of prison and probation services also found that each service still maintained separate cultures and priorities, with the focus on security and incapacitation in prisons and community risk management in probation, which resulted in resettlement being under prioritised (HMI Prisons and Probation, 2001).

In response to these failings, the Carter report (Home Office, 2004a) advocated a need for the criminal justice system to work closer together and introduced the concept of 'end-to-end offender management'; a repackaging of the 'seamless' sentence initiative. More radically, as a result of the Carter Review, a newly reconfigured 'National Offender Management Model' was introduced, amalgamating prisons and probation into one single service – The National Offender Management Service (NOMS). The NOMS reforms can be viewed as part of Labour's wider agenda focused on 'joined-up' thinking, leading to greater

local Crown and Magistrates Courts.

managerialism and centralisation. This framework also incorporated the aspiration that every individual sentenced to imprisonment received an 'offender manager' to track and monitor their progress, as well as undertake assessments and sentence planning, through custody and into the community under a 'one sentence: one manager' (NOMS, 2006) policy. The 2004 *Reducing Re-offending Action Plan* was also introduced in order to develop pathways[4] to reduce re-offending and establish closer working links with local authorities and health agencies (Home Office, 2004b).

The New Labour Government also oversaw a resurgence of interest in short sentence offenders, this came under a renewed sense of action within the 'what works' movement (Lewis et al., 2007). The initial response to the short sentence population were the 'Pathfinder' projects, which were developed in 1999 as seven small-scale pilots developed to provide post-release resettlement support to short sentence prisoners (Lewis et al., 2003; Clancy et al., 2006). Although there were some initial positive results, particularly in areas of improved motivation and thinking skills (Lewis et al., 2003) and in engagement with practical support (Clancy et al., 2006) the projects were never followed up on.

As part of the government's prioritisation of resettlement, three reports were produced in quick succession: A joint HM prisons and Probation Inspectorate report (HMI Prisons and Probation, 2001), The Halliday report[5] (2001) and The SEU report (SEU, 2002). These reports all came to a similar critical conclusion according to Morgan (2004); that short sentence prisoners present with the highest levels of needs and the highest levels of re-offending within the criminal justice system, yet there was systematic neglect towards this population. In response, Labour introduced the custody plus model through the Criminal Justice Act 2003. This policy initiative aimed to provide a 12-month post-sentence Community Order for individuals serving short prison sentences.

However, the custody plus proposal was never enacted, with claims that resources needed to be reserved for higher-risk of harm cases (Home Office, 2006). Lewis et al. (2007) note that the shelving of custody plus left a significant slowdown in momentum as well as a large gap of provision for this group. Hudson (2007) reasons that the decision to not implement custody plus meant the resettlement agenda begun by SEU (2002) would not be realised for those it set out to help, meaning short term prisoners would not benefit from 'end-to-end' offender management leaving another missed opportunity to support the short sentence cohort. Collett (2013) went even further by stating that the initiatives bought forward by the Social Exclusion Unit (SEU, 2002) have ultimately failed, which paved the way for the part-privatisation of probation bought about by the Coalition and Conservative Governments.

[4] The seven critical pathways introduced include: accommodation, education training and employment, health, drugs and alcohol, finance benefits and debt, children and families and attitudes, thinking and behaviour.

[5] The Halliday report was primarily focused on sentencing framework, but made a number of pertinent suggestions regarding the use of short sentences.

Transforming Rehabilitation and 'through the gate' support

The Coalition government also introduced resettlement reforms in the guise of 'through the gate' policy initiatives that have come under *Transforming Rehabilitation* (Ministry of Justice (MoJ), 2013a). Once again witnessing a resurgence of political interest in resettlement (Maguire and Raynor, 2017), as well as a 'rebranding' of NOMS to Her Majesty's Prison and Probation Service (HMPPS) (MoJ, 2017). This resurgence entailed an increased focus on prisoners serving short prison sentences - primarily borne out of concern with the high reoffending rates, and resulting costs, of this cohort (MoJ, 2013a). This expansion of provisions - consisting of 12-months post-release supervision in the community, initially received cautious backing in light of the neglect this cohort had traditionally faced (Burke, 2016). In this respect the *TR* reforms ran in opposition to recent resettlement provisions, where only individuals assessed as a high risk of harm received a resettlement focus and the mantra of 'resources follow risk' had ruled (Maguire and Raynor, 2017: 149). The prominence of resettlement into criminal justice policy also came at a time where recent attempts of inter-agency resettlement work had been described as "patchy" (Moore and Hamilton, 2016: 114) and "no longer sustainable" by the Criminal Justice Joint Inspectorate (CJJI) (2013: 4), which outlined a resettlement environment without adequate resources, replete with staff role confusion and strong doubts whether the existing framework could deliver to expectations set out by the government.

The measures introduced under *TR*, include the introduction of the Offender Rehabilitation Act 2014. This Act sought to remedy the past failures of resettlement policy, by providing 12-month post-release supervision to the neglected short sentence cohort. This 12-month period includes a period spent on licence and then a 'top up' period of post-sentence supervision (PSS) (MoJ, 2014b). To assist with this renewed focus on resettlement, many of the 'local' category B prisons were re-configured into 'resettlement' prisons, which have dedicated through the gate workers, who identify prisoner needs on entry into custody and provide tailored support as people exited through the prison gates (MoJ, 2013b). Once in the community, a new range of providers from the third-sector and private companies, known as community rehabilitation companies (CRCs) would operate under a payment-by-results framework[6], ostensibly introduced by the government in order to incentivise resettlement and rehabilitative support (MoJ, 2014a). In reality, the introduction of CRCs formed part of a wider ideological move towards increased privatisation and competition that had impacted other parts of the public sector (Meek, 2015).

There have been numerous research and inspectorate reports regarding through the gate work under *TR* (see for example: CJJI, 2016; Maguire and Raynor, 2017; Taylor et al., 2017; Millings et al., 2019; Burke et al, 2020). These reports are highly critical of through the gate efforts and raise numerous pertinent concerns. These include - contract failings related to supply chains and the Payment by results scheme, leading to poor relationships between prison staff and third-sector staff. Ineffective and "wholly inadequate" early screening of prisoners, also mean that the needs of short sentence prisoners are not properly identified

[6] CRCs worked with most (but not all) short sentence prisoners. And the National Probation Service was responsible for the resettlement work with many (but not all) longer sentenced prisoners.

and planned for. Prisoners are frequently released without having immediate resettlement needs addressed and there is a lack of the promised through the gate mentors. Prospects after release are also poor, with little continuity between prison and probation staff. Finally, risk of harm management is inadequate, and many staff hold negative and fatalistic attitudes towards short sentence prisoners. This has led to service users feeling confused or disengaged by their resettlement. These factors are exacerbated by a wider penal crisis and the radical pace of change bought about by *TR*. A subsequent inspectorate report has been completed by the CJJI for resettlement with longer-term prisoners (CJJI, 2017: 3), the report describes provisions as "bleak", outlining services as no better than what was available for short sentence prisoners.

Inspections and research for post-release supervision for short sentence prisoners also underline several similar concerns (Prison Reform Trust, 2018; HMIP, 2019b; Cracknell, 2020). These include macro-issues such as universal credit[7], poor housing support and cuts to other resettlement services which meant that service users were not receiving the right support – or in some cases, no support at all. This is further impacted by poor resettlement plans which are often limited to signposting and lack coordination. There is little evidence of the innovation promised under post-sentence supervision and this portion of the sentence often involves reallocation to a new practitioner, harming continuity and a reduction in the level and intensity of support offered. Similarly, there is evidence of confusion from service users and practitioners regarding post-release arrangements.

In response to the perceived failings regarding the through the gate model, £22 million in additional funding was provided by the government to prisons and probation, in order to facilitate an 'enhanced' through the gate system (MoJ, 2018). A recent evaluation noted that this has improved service delivery by increasing staff numbers (Fahy and Enginsoy, 2020). However, pre-existing challenges including communication between prison and probation staff remain. Despite these additional measures, the Justice Select Committee (2018) produced a report that was also critical of 'through the gate'. There were further reports outlining the failings of an "irredeemably flawed" model of TR (HMIP, 2019a: 3; NAO, 2019), and in May 2019, Justice Secretary David Gauke announced that all offender management would be undertaken by the National Probation Service (NPS), ending the organisational split model (MoJ, 2019). Although the reunification of the probation services is a welcome outcome, this shouldn't be viewed as a panacea for addressing the long-standing issues with resettlement. Indeed, many of the concerns regarding through the gate and the support for individuals subject to short sentences remain.

The common thread of resettlement policy failures

Despite these multiple attempts to improve resettlement for individuals serving short sentences and more generally for the wider prison population, there has been a collective failure to induce an enhanced cohesiveness to the prisons and probation services, with a common thread of problems in the implementation of these various policy reforms. This

[7] Universal credit is the welfare payment system implemented by the government.

section will analyse six common problems that have collectively served to undermine resettlement policy and practice.

The first common thread identified in this review of resettlement policy, is the failure to implement a cohesive working culture between prison and community-based services, often leading to poor and disconnected sentence planning as individuals are released through the gate. This has been recognised as an abiding issue in resettlement, with numerous attempts to bring cohesiveness to these often disparate organisations. This failure has been prevalent in the 'seamless sentence' of the 1991 Criminal Justice Act, where Maguire and Raynor (1997; 2006a) outline prisons and probation largely acting as separate entities. This issue continued despite a further attempt to integrate these services via the introduction of NOMS (Maguire and Raynor, 2017) and most recently in the 'through the gate' reforms of *TR* (CJJI, 2016; Maguire and Raynor, 2017). This literature has consistently shown us that despite these numerous attempts to bring these services closer together, staff in prisons and probation have two distinct cultures and sets of priorities that inhibits a cohesive working culture.

The second common thread involves the pace and scale of policy changes, that does not allow the particular policy to embed. Raynor (2004) found this to be a common factor amongst practitioners who struggled with the radical policy changes of the 1991 Criminal Justice Act. Likewise, Robinson and Burnett (2007) highlight the fatigue and disengagement staff felt during the re-organisation of prisons and probation during the implementation of NOMS. Lastly, Taylor et al. (2017) recognise the pace of changes brought about by *TR* and the introduction of new providers into resettlement services caused resentment and confusion amongst staff. This thread demonstrates that resettlement policies are often implemented by central government in a top-down manner, which often ignores the difficulties that staff can face on the ground, as they acclimatise to fundamental changes in practice.

The third common thread concerns the under-resourcing of provisions, recognising that the absence of well-resourced services undermines any ambitions regarding resettlement policy and practice. Maguire and Raynor (1997) found that a lack of resources for individuals reintegrating back into the community meant any sentence planning implemented under the 1991 Criminal Justice Act was often tokenistic. Similarly, they also found provisions under newly configured NOMS and the reoffending pathways to fare little better (Maguire and Raynor, 2006a). Austerity measures under the conservative-Liberal Democrat Coalition government, have also served to undermine the 'through the gate' ideals of *TR*, leaving some individuals released from prison with little to no practical support (Prison Reform Trust, 2018; HMIP, 2019b). This thread indicates the failure of various governments to ensure that individuals released from prison have access to crucial resources such as housing, benefits and health services, undermining the effectiveness of resettlement policies.

The fourth common thread is focused on the increased role resettlement policy asks prison staff to play in the reintegration of individuals back into the community. Lewis et al. (2003) found a longstanding problem concerning a lack of collective 'buy-in' to a rehabilitative model of working from prison staff, with a cultural resistance to resettlement detected from

some staff who did not cooperate with resettlement. Millings et al.'s (2019) research into the recent 'through the gate' reforms also recognise a cultural resistance from some prison staff, who were reluctant to see their core priorities of security and containment alter to an approach more conducive to rehabilitative support. Their research found a distrust emanating from prison staff towards practitioners from the newly introduced third-sector organisations – recognising ineffective multi-agency work as a contributing factor to this particular failing. This thread recognises the difficulties of introducing cultural changes concerning staff roles within prisons.

The fifth common thread recognises community probation practice is harmed by a lack of resources for staff, and leads to a culture that focuses on cooperation with licence agreements and getting someone 'through' the licence period, rather than addressing behaviour or seeking a more meaningful relationship. Maguire and Raynor (1997) recognise this as an issue that inhibited the 'seamlessness' of the 1991 Criminal Justice Act, and during the period of New Labour resettlement reforms (2006a; 2017). This issue is evidently still a problem during the most recent *TR* reforms, as the HM Probation Inspectorate (2019b) outline CRC probation staff struggle to provide effective community services due to large caseload numbers, and Cracknell (2020) finds that post sentence supervision arrangements inhibit staff continuity and encourage a 'pass-the-parcel' form of supervision that seeks to move someone through the post-release period as quickly as possible. This particular thread recognises the failure to provide probation practitioners with adequate space to work with individuals on their caseload, alongside a culture that prioritises administrative tasks over relationship building, are both detrimental to resettlement outcomes.

Finally, the sixth thread of resettlement policy is concerned with the increasingly generic practice implemented in a 'one-size fits all' framework towards individuals released from prison. Maguire and Raynor (1997) recognise this as a factor that was detrimental to the success of the 1991 Criminal Justice Act, while the re-offending pathways introduced under NOMS received criticisms at the time for failing to take into account each individual's paths out of crime and led to some pathways becoming more developed than others, with inconsistencies in support (Malloch et al., 2013; Hucklesby and Hagley-Dickinson, 2007). There were notable failures in *TR* as well, to provide the specialist and individualised 'through the gate' support that was promised under this framework (Taylor et al., 2017). This thread highlights the inability of resettlement policy to provide an individualised service, targeted at the specific needs of a person released from prison. Frequently, it is the lack of resources and time that staff have, which enforces a more generic model of practice.

Combined, these six threads indicate a collective failure to integrate a best practice approach outlined in the essence of probation practice by Senior and Ward (2016). This work emphasises the importance of practitioners working across social fields, in order to support, enable and co-produce desistance-focused outcomes. Likewise, these six threads indicate an absence of the key elements for the essence of resettlement practice, which places resources, holistic support and the relational role of consistent individualised support from a community probation practitioner, as central to effective resettlement. Instead, the resettlement policies featured in this article, are undermined by: under-resourced services - often as a result of wider government decisions related to public spending; an overt focus

on targets which inhibits relational practice; and the failure to form a cohesive culture between prison and probation practitioners.

Collectively, these failures suggest that although there have been various renaissances in resettlement, there has been a significant gap between "policy rhetoric and practice reality" (Hedderman, 2007: 12). In particular, this gap has primarily existed between the gates of the prison and the probation staff in the community, with a succession of failures to bridge this gap between the two organisations. This last section will consider the latest policy initiative, critically discussing the extent to which it might avoid the pitfalls of these previous policy attempts at resettlement.

Considering the next iteration of resettlement policy and practice: Offender management in custody and 'reaching in'

The Government's response to the failings of *Transforming Rehabilitation* has been to implement a new model for resettlement; 'offender management in custody' (OMiC). This model was introduced in a 2018 HMPPS document 'Manage *the Custodial Sentence Policy Framework*' (HMPPS, 2018) and further outlined in the probation *Draft Target Operating Model* (HMPPS, 2020). This model indicates a significant departure from the recent attempts to facilitate resettlement that are outlined above. The OMiC model provides sole responsibility to prison staff for resettlement, only 'handing over' responsibility to community probation staff, at a set point shortly before release, where community probation officers then "reach in" (HMPPS, 2020: 45) to the prison, to help set plans for release, before taking over responsibility for the individual once they have been released into the community. However, for individuals serving sentences of less than 12-months, responsibility for managing these sentences will lie with specialist 'short sentence teams' that are based in the community. The aim is to ensure closer engagement with these individuals, in order to address the disruption caused by a short period in custody (HMPPS, 2020). The increased focus on this group is a potentially positive step to addressing the specific difficulties this cohort faces.

The new model integrates two functions previously undertaken by different teams: through the gate work of resettlement planning and the work of prison-based offender management, who typically undertake sentence planning and risk assessment responsibilities. This is in acknowledgement of the duplication and poor communication that has previously existed between these two teams. Prisoners should also receive weekly supervision from trained 'key workers' via the personal officer scheme, extending the work of officers beyond core security concerns and into rehabilitation.

Most significantly, the OMiC model has effectively indicated the abandonment of the 'end-to-end' model started by the Carter Review and the amalgamation of prison and probation services (Home Office, 2004a), alongside the notion that the community-based probation officer is sufficiently equipped to undertake effective pre-release resettlement work (Maguire and Raynor, 2019; Raynor, 2020). This further reaffirms Worrall's claims (2008) that the seamless sentence is the defining 'penal imaginary' of the twenty-first century, as it invokes a vision of cohesion that is impossible to achieve.

Although this model ostensibly seeks to resolve one of the defining failures of resettlement policy, several other obstacles remain. Firstly, the *Draft Target Operating Model* (HMPPS, 2020: 45), exhorts a need to "grip" individuals on short sentences and seeks to provide timely support for people who might only be in custody for a short period. However, it is uncertain if this will solve what is an irrevocable issue with short sentences. For example, Raynor (2020) has also highlighted concerns regarding the 'one-size fits all' nature of post-release supervision for the short sentence cohort and makes a number of pertinent suggestions regarding a more flexible approach to this group.

There also remain concerns regarding the efficacy of charging prison officers with important keyworker roles, particularly in the face of the widespread staff cuts and resulting poor conditions in prisons (Taylor et al., 2017; Millings et al., 2019). For this initiative to be successful, officers will need adequate time, resources and training to complete this task, particularly in light of the historical resistance officers have shown to undertaking more rehabilitative work (Lewis et al., 2003), identified above as a common thread of resettlement policy failings. This could also witness the dominance of what Worrall (2008) termed the 'prisobation' officer, potentially delimiting the traditional rehabilitative role of the probation practitioner. In relation to staffing, a recent thematic report by the Probation Inspectorate focused on the impending probation reunification, outlined staff concerns regarding the rollout of the OMiC, reporting that staff were unclear of their future roles regarding resettlement (HMIP, 2021). This again suggests that the pace and scale of policy changes continues to be an issue for the implementation of resettlement policy.

Furthermore, there have been renewed calls for better funding for pathway services (Cracknell, 2020) and more timely practical support for factors crucial to reintegration, including access to housing, benefits and drugs services (AMCD, 2019; NACRO, 2020). Again, this has been identified as a central issue in the common thread of resettlement policy failings, and without additional funding for services central to resettlement and reintegration, then OMiC will struggle to succeed where past policies have failed.

Reviewing initial commentary on OMiC, there is little evidence that lessons have been learned from the previous policy failures, with a common set of re-occurring problems potentially remaining. Instead of providing a radical reimagining of resettlement provisions, OMiC appears to be attempting to be offering 'more of the same' and seeks to re-build resettlement practice on the shaky foundations laid down by *TR* and the policies that came before it. This paper contends that new foundations need to be built if resettlement policy is ever to be more effective, and basing these on the essence of probation practice outlined by Senior and Ward (2016), or the resulting essence of resettlement that has emerged from Senior's (2016) work, could result in a resettlement policy that prioritises a clear set of principles: a well-resourced service, which emphasizes the principles and practices of desistance and resettlement capital, alongside continuity of support from skilled probation practitioners.

Conclusion

This article has outlined the through the gate reforms of *TR* as one of a series of iterations of resettlement policies that have struggled to provide continuous support between prison and the community, with a recurring thread of problems that lead to their failure. These

problems include: poor communication and information sharing across the prison gate; the pace and scale of changes which provide inadequate time to properly embed reforms; under-resourced services; and the implementation of policy changes that materialise top-down in a one size fits all standardised format, rather than organically from the ground level. *TR* has not been successful in resolving these pre-existing problems with resettlement policy, despite its aims to further integrate prisons and probation through the gate. The next model – Offender management in custody – seeks to re-address this issue by placing more responsibility on prisons for resettlement work, effectively abandoning the idea of a seamless sentence. However, doubts remain regarding the ability to provide timely support to individuals serving short sentences and the efficacy of responsibilising prison officers with core rehabilitative work.

This article also considers what makes for effective resettlement practice, seeking inspiration from Professor Paul Senior's important work on *the essence of probation.* In this respect, the essence of resettlement practice entails three key principles: bonding, bridging and connecting individuals to support networks and resources in the community; working holistically with individuals addressing practical needs alongside therapeutic and motivational aspects; and placing importance on the relational aspects of probation practice. This article contends that these principles should be central to any future iteration of resettlement policy and practice, and despite the latest offender management in custody model seemingly curtailing the role of community probation practitioners, the work of Senior and colleagues demonstrates the important role probation practitioners can continue to play in desistance and reintegration.

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Bibliography

Advisory Council on Misuse of Drugs (AMCD). (2019). Custody-community transitions, London: Home Office.

Best, D. (2019). A model for resettlement based on the principles of desistance and recovery. HM Inspectorate of Probation, Academic Insights 2019/3. HM Inspectorate of Probation.

Bochel, D. (1976). Probation and after-Care: It's developments in England and Wales, Edinburgh: Scottish Academic Press.

Burke, L. (2016). The resettlement road map. Probation Journal, 63(1), pp.3-8.

Burke, L. Millings, M., Taylor, S. & Ragonese, E. (2020). Transforming rehabilitation, emotional labour and contract delivery: A case study of a voluntary sector provider in an English resettlement prison. International Journal of Law, Crime and Justice, 100387.

Carlen, P. (2013) Against rehabilitation; for reparative justice. Crime, justice and social democracy. Palgrave Macmillan, London. pp.89-104.Clancy, A. Hudson, K. Maguire, M. Peake, R. Raynor, P. Vanstone, M. and Kynch, J. (2006). Getting out and staying out, results of the prisoner resettlement pathfinders, Bristol: Policy Press.

Collett, S. (2013). Riots, revolution and rehabilitation: the future of probation. The Howard

Journal of Criminal Justice, 52(2), pp.163-189.
Cracknell, M. (2020). Post-sentence supervision: A case study of the extension of community resettlement support for short sentence prisoners. Probation Journal, 67(4), pp.340-357.
Criminal Justice Joint Inspection (CJJI). (2013). Third aggregate report on offender management in prisons: Findings from a series of joint inspections by HM Inspectorate of Probation and HM Inspectorate of Prisons, December, London: HM Inspectorates of Probation and HM Inspectorates of Prisons.
Criminal Justice Joint Inspection (CJJI). (2016). An inspection of through the gate resettlement services for short sentence prisoners, London: HM Inspectorates of Probation and HM Inspectorates of Prisons.
Criminal Justice Joint Inspection (CJJI). (2017). An inspection of through the gate resettlement services for prisoners serving 12 Months or more, London: HM Inspectorates of Probation and HM Inspectorates of Prisons.
Crow, I. (2006). Resettling Prisoners, A Review, York: York Publishing.
Fahy, K. and Enginsoy, A. (2020). A process evaluation of the enhanced through the gate specification, Final report. Ministry of Justice analytical series, London: Ministry of Justice.
Goodman, A. (2012). Rehabilitating and resettling offenders in the community, Chichester: Wiley-Blackwell.
Hall, L. Best, D. Ogden-Webb, C. Dixon, J. and Heslop, R. (2018). Building bridges to the community: The Kirkham Family Connectors (KFC) Prison programme. The Howard Journal of Crime and Justice, 57(4), pp.518-536.
Halliday, J. (2001). Making punishments work: Report of a review of the sentencing framework for England and Wales (The Halliday report). London: Home Office.
Hedderman, C. (2007). Rediscovering resettlement: Narrowing the gap between policy rhetoric and practice reality, In: Hucklesby, A. and Hagley-Dickson, L. (Eds). Prisoner resettlement, policy and practice, Cullompton: Willan.
Her Majesty's Inspectorate of Probation (HMIP) (2019a). Report of the Chief Inspector of Probation. March 2019, Manchester: HMI Probation.
Her Majesty's Inspectorate of Probation (HMIP). (2019b). Post-release supervision for short-term prisoners: The work undertaken by Community Rehabilitation Companies, Manchester: HMI Probation.
Her Majesty's Inspectorate of Probation (HMIP). (2021). A thematic review of work to prepare for the unification of probation services. Manchester: HMI Probation
Her Majesty's Joint Inspectorate of Prisons and Probation. (2001). Through the Prison Gate: A joint thematic review by HM Inspectorates of Prison and Probation, Manchester: HMI Probation.
HM Prisons and Probation Service (HMPPS). (2018). Manage the Custodial Sentence Policy Framework. London: HMPPS. [Accessed on: 13/03/2021], available from: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/789926/manage-custodial-sentence-pf.pdf
HM Prisons and Probation Service (HMPPS). (2020). A Draft Target Operating Model for the Future of Probation Services in England and Wales Probation Reform Programme. London: HMPPS.
Home Office. (1984). Probation service in England and Wales. Statement of National Objectives and Priorities (SNOP), London: HMSO.

Home Office. (1998). Joining forces to protect the public: Prisons-probation, London: Home Office.

Home Office. (2004a). Managing Offenders, reducing Crime: A new approach (The Carter review) London: Home Office strategy Unit.

Home Office. (2004b). Reducing re-offending: National action plan. London: Home Office.

Home Office. (2006). Rebalancing the criminal justice system in favour of the law-abiding majority cutting crime, reducing re-offending and protecting the public, London: Home Office.

House of Commons Justice Committee. (2018). Transforming Rehabilitation ninth report of session 2017–19. HC482. London: Stationery Office.

Hucklesby, A. and Hagley-Dickson, L. (2007). Conclusion: Opportunities, barriers and threats. In: Hucklesby, A. and Hagley-Dickson, L. (Eds). Prisoner resettlement, Policy and practice, Cullompton: Willan.

Hudson (2007). The SWing model of resettlement: Some reflections, In; Hucklesby, A. and Hagley-Dickson, L. Prisoner resettlement, Policy and practice, Cullompton: Willan.

Johnston, H and Godfrey, B. (2013). Counterblast: The perennial problem of short prison sentences, The Howard League Journal of Criminal Justice, 52(4), pp.433-437

Lewis, S., Maguire, M., Raynor, P., Vanstone, M. and Vennard, J. (2003). The resettlement of short-term prisoners: An evaluation of seven pathfinder programmes. Home Office Findings 2003, London: Home Office.

Lewis, S., Maguire, M., Raynor, P., Vanstone, M. and Vennard, J. (2007). What works in resettlement? Findings from seven pathfinders for short-term prisoners in England and Wales, Criminology and Criminal Justice, 7(1). pp.33-53.

Maguire, M. and Raynor, P. (1997). The revival of throughcare: Rhetoric and reality in automatic conditional release, The British Journal of Criminology, 37(1), pp.1-14.

Maguire, M. and Raynor, P. (2006a). End-to-end or end in tears? Prospects for the effectiveness of the National Offender Management Model, In: Hough, M. Allen, R. and Padel, U. (Eds). Reshaping probation and prisons, The new offender manager framework, Bristol: Policy Press.

Maguire, M. and Raynor, P. (2006b). How the resettlement of prisoners promotes desistance from crime? Or does it? Criminology and Criminal Justice, 6(1), pp.19-38.

Maguire, M. and Raynor, P. (2017). Offender management in and after prison: The end of the 'end to end' ? Criminology and Criminal Justice, 17(2), pp.138-157.

Maguire, M. and Raynor, P. (2019). Preparing prisoners for release, pp.520-522, In: Ugwudike, P., Graham, H., McNeill, F., Raynor, P., Taxman, F. S., & Trotter, C. (Eds.). The Routledge Companion to Rehabilitative Work in Criminal Justice. Routledge.

Maguire, M., Raynor, P., Vanstone, M. and Kynch, J. (2000). Voluntary aftercare and probation service: A case of diminishing responsibility, The Howard Journal, volume 39, pp.234-48.

Malloch, M., Schinkel, M. and Armstrong, S. (2013). The elements of effective through-care part 1: International review, The Scottish Centre for Crime and Justice (SCCJR).

McConville, S. (1995). Imprisonment in England 1865-1965, in: Morris, N. and Rothman, D. (Eds). Oxford history of the prison, Oxford: Oxford University Press.

McNeill, F. (2006). A desistance paradigm for offender management, Journal of criminology and criminal justice, 6(1), pp.39-62.

Meek, J. (2015). Private Island: why Britain now belongs to someone else. London: Verso.

Millings, M. Taylor, S. Burke, L. and Ragonese, E. (2019). Through the gate: The

implementation, management and delivery of resettlement service provision for short-term prisoners. Probation Journal, 66(1). pp.77-95.

Ministry of Justice. (2013a). Transforming Rehabilitation: A revolution in the way we manage offenders, London: Ministry of Justice.

Ministry of Justice. (2013b). 70 resettlement prisons announced for England and Wales. London: Ministry of Justice. [Accessed on, 05/01/21]. Available at: https://www.gov.uk/government/news/70-resettlement-prisons-announced-for-england-and-wales

Ministry of Justice. (2014a). Charities in front Seat of Re-offending Drive. London: Ministry of Justice. [Accessed on, 05/01/21], available from: https://www.gov.uk/government/news/charities-in-front-seat-of-new-re-offending-drive

Ministry of Justice. (2014b). New law will see support extended to 50,000 more prisoners. London: Ministry of Justice. [Accessed on, 05/01/21], Available at: https://www.gov.uk/government/news/new-law-will-see-support-extended-to-50000-more-prisoners

Ministry of Justice. (2017). Justice Secretary launches new prison and probation service to reform offenders, London: Ministry of Justice.

Ministry of Justice. (2018). Press release: Justice Secretary outlines future vision for probation. London: Ministry of Justice. [Accessed on, 05/01/21], Available at: https://www.gov.uk/government/news/justice-secretary-outlines-future-vision-for-probation

Ministry of Justice. (2019). Press release: Justice Secretary announces new model for probation. London: Ministry of Justice. [Accessed on, 05/01/21], Available at: https://www.gov.uk/government/news/justice-secretary-announces-new-model-for-probation

Moore, R. and Hamilton, P. (2016). 'Silo Mentalities' and their impact on service delivery in prison-community transitions: A case study of resettlement provision at a male open prison, The Howard Journal of Crime and Justice, 55(1-2), pp.111-130.

Monger, M. (1968). Casework in aftercare, London: Butterworth.

Morgan, R. (2004). What's going to work? VISTA 8 No.3 pp.189-96.

NACRO (National Association for the Care and Resettlement of Offenders). (2000). The forgotten Majority: The resettlement of short-term prisoners, London: NACRO.

NACRO (National Association for the Care and Resettlement of Offenders). (2020). A justice system fir for the future: Lessons from the coronavirus pandemic to build a fairer and effective path to resettlement, Policy briefing August 2020, London: NACRO.

National Audit Office (NAO). (2010). Managing offenders on short custodial sentences. London: The Stationery Office.

National Audit Office (NAO). (2019). Transforming Rehabilitation: Progress review. London: NAO.

National Offender Management Service (NOMS). (2006). The NOMS offender, London: NOMS.

Prison Reform Trust. (2018). Broken trust, the rising numbers of women recalled to prison. London: Prison Reform Trust.

Raynor, P. (2004). The Probation Service 'Pathfinders': Finding the path and losing the way?. Criminology and Criminal Justice 4(3), pp.309-325.

Raynor, P. (2007). Theoretical perspectives on resettlement: What it is and how it might work, in: Hucklesby, A. and Hagley-Dickson, L. (Eds). Prisoner Resettlement, Policy and practice, Cullompton: Willan.

Raynor, P. (2020). Resettlement after short prison sentences: What might work in England and Wales?. Probation Journal, 67(4), pp.326–339.

Rex, S. (1999). Desistance from offending: Experiences of probation, Howard Journal of Criminal Justice, 36(4), pp.366-383.

Robinson, G. and Burnett, R. (2007). Experiencing modernisation: Frontline probation perspectives on the transition to a National Offender Management Service. The Probation Journal. 54(4), pp.318-337.

Senior, P. (2016). A Conversation with Paul Senior. British Journal of Community Justice, 14(1), 1.

Senior, P., & Ward, D. (2016). The essence of probation. British Journal of Community Justice, 14(1), 9.

Social Exclusion Unit (SEU). (2002). Reducing re-offending by ex-prisoners. London: Office of the Deputy Prime Minister.

Stewart, D. (2008). The problems and needs of newly sentenced prisoners: Results from a national survey. London: Ministry of Justice.

Travis, J. (2005). But they all come back: Facing the challenges of prisoner reentry. The Urban Institute.

Taylor, S. Burke, L. Millings, M. and Ragonese, E. (2017). Transforming Rehabilitation during a penal crisis: A case study of Through the Gate services in a resettlement prison in England and Wales, European Journal of Probation, 9(2), pp.115-131.

Worrall, A. (2008). The 'seemingness' of the 'seamless management' of offenders, in Carlen, P. (Ed) Imaginary penalties, Cullompton: Willan.