

CHANGING LIVES AND MAKING COMMUNITIES SAFER: STRENGTHENING REHABILITATION THROUGH INVOLVING COMMUNITIES IN ENGLAND AND WALES

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I. INTRODUCTION

This paper will address the experience of England and Wales – that part of the United Kingdom within which my organization, the National Offender Management Service – or NOMS – operates. The effective rehabilitation of offenders is a critical matter - one that affects not only offenders, but of course their victims, families, and directly and indirectly, communities and society as a whole. Successful rehabilitation means fewer victims, more settled communities and the potential for ex-offenders to contribute beneficially to society. The benefits are not only personal and social: financially, in the United Kingdom, we have estimated that the cost of reoffending by prisoners is about £11 billion per year.

We also know that it is possible to improve rehabilitation and so to reduce reoffending. Our more recent research shows that we can reduce reoffending by between 10 and 30%, against a predicted rate, by using the most suitable approaches. But we also know that this impact cannot be achieved by the correctional services alone, and that is certain. Our natural logic is borne out by research. Successful rehabilitation requires prisons and probation services to be working with offenders in ways that challenge them and support them, that provide a sense of direction and hope, and that help to connect them to organizations, resources and individuals. These support the sense of strength in community and the belief that the individuals' efforts will succeed. And this work requires community involvement, the subject of this paper.

A. Presentation Overview

A word about the structure of this paper:

Following this brief introduction I will present an introduction to NOMS, I then want to explore quite briefly some of the major developments of the last few years in our understanding of what is effective in changing lives and making communities safer. This has been a time of investment and change in our prison and probation services, including a significant growth in what is known as evidence-based practice or “What Works”. The major focus of this work is reducing reoffending, but enhancing Public Protection has been another very important aim.

I will turn then to the main part of my presentation, the “Essential Partnership” between Prisons, Probation and Communities. These are the partnerships without which we know for certain the success of the statutory services will be at best steps partial. This paper will focus especially on work with the private and civil sectors,

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I would like to emphasize the enormous value that I, and my organization, places on the opportunity offered by UNAFEI, the Japan Criminal Policy Society Foundation, and the Asia Crime Prevention Foundation to participate in international learning and collaboration in programmes such as UNAFEI's training courses and the Public Lecture Series. I have been fortunate to visit a detention facility in Japan, and to meet with Volunteer Probation Officers. Together with the work of the Ministry of Justice of Japan and the host organizations it is quite clear that we are able to speed up the pace of exchange and mutual learning through these events. I am extremely grateful for this opportunity. I very much hope that you will find some of this paper relevant. What is entirely clear to me is that I and my own organization and country will benefit from these exchanges – and I am extremely grateful to all of you for making this possible.

although it is important to acknowledge that public partnerships, for example with police, local authorities, social services, and health services may also be critical in many cases, including public protection work with more serious, especially violent, cases.

II. THE NATIONAL OFFENDER MANAGEMENT SERVICE

A. What is NOMS?

The National Offender Management Service (NOMS) is new. It was created in April 2008 as an executive agency of the Ministry of Justice with the goal of helping prison and probation services work together effectively and efficiently to manage offenders throughout their sentences.

The Director General of NOMS is responsible to the Lord Chancellor and Secretary of State for Justice and sits on the Board of the Ministry, chaired by the Permanent Secretary. The responsibility of the NOMS Agency, on behalf of the Secretary of State, is to deliver the sentences and orders of the courts of England and Wales by:

- commissioning adult offender services in custody and the community from public, private and civil society organizations;
- providing the public prison service; and
- overseeing the Trusts which provide the public probation services.

In operating through providers and partners in the public, private and civil society sectors, NOMS endeavours to manage offenders in an integrated way. What work needs to be done – and who does the work – is based on evidence and driven by ensuring value for money for the public.

NOMS manages offenders throughout both their custodial and community sentence, working with around 260,000 offenders a year. We carry out prison sentences in England and Wales: there are *135 prisons* of which *124* are run by the public sector and *11* by private contractors. We also manage offenders on community sentences, and provide services to offenders, victims, witnesses and the courts. There are *35 probation areas* – areas which became Trusts during 2010 – a change designed to provide an increased level of independence and clear accountability for delivery, whether by the Trust or through its partners.

Courts are advised through NOMS by the preparation and presentation of Pre Sentence Reports. These reports are prepared by Probation Officers, consulting with and drawing information widely from the community. This is often the first stage of community involvement. Reports may make recommendations on sentence and sentence content, and this leads to the next part of the paper

III. THE SENTENCING FRAMEWORK

A. The Sentencing Framework

The England and Wales sentencing framework, like the effective practice and resettlement frameworks which follow, has a relatively recent genesis. The framework was designed with a number of purposes of sentencing in mind, and these are set out in the 2003 Criminal Justice Act:

1. The Purposes of Sentencing

The 2003 Criminal Justice Act sets out the five purposes of sentencing:

- the punishment of offenders;
- the reduction of crime (including its reduction by deterrence);
- the reform and rehabilitation of offenders;
- the protection of the public; and
- making reparation by offenders to persons affected by their offences.

A number of important principles underpin the sentencing framework. These include the need to ensure that sentences are fair and proportional to the offence, and that sentences of imprisonment are delivered in a seamless fashion from prison to the community as a “*whole sentence*”. Purposes of sentencing should be addressed in both the *custodial* and *aftercare* stages of the sentence.

2. Prison Sentences

The structure of prison sentence depends on sentence length. Implementation is progressive:

- (a) Under 12 months (currently no supervised licence): The intention of the act is:
 - Custody period 2-13 weeks, licence period 6-9 months;
 - Court sets licence conditions;
 - Executive recall.
- (b) Imprisonment for 12 months or longer:
 - Served half in custody and half in community;
 - Case Manager agrees intervention plan and conditions;
 - Executive recall.
- (c) Intermittent and Suspended (court handles breach) options.
- (d) In the case of life, indeterminate and extended sentences for serious and public protection cases, the Parole Board decides the release date.

The intention of the Act is that many of the options applicable to community sentences are also available on post-release licence.

3. Community Sentences

Since the implementation of the Criminal Justice Act 2003, there has been a single community order for offenders aged 18 or over that can comprise up to 12 requirements depending on the offence and the offender. These are:

- unpaid work (formerly community service/community punishment) – a requirement to complete between 40 and 300 hours' unpaid work;
- activity – for example to attend basic skills classes;
- programme – there are several designed to reduce the prospects of reoffending;
- prohibited activity – requirement not do so something that is likely to lead to further offences or nuisance;
- curfew – electronically monitored;
- exclusion – not much used as no reliable electronic monitoring yet available;
- residence – requirement to reside only where approved by probation officer;
- mental health treatment (requires offender's consent);
- drug rehabilitation (requires offender's consent);
- alcohol treatment (requires offender's consent);
- supervision – meetings with probation officer to address needs/offending behaviour;
- attendance centre – three hours of activity, usually on Saturday afternoons, between a minimum of 12 hours and a maximum of 36 in total.

Typically, the more serious the offence and the more extensive the offender's needs, the more requirements there will be. Most orders will comprise one or two requirements but there are packages of several available where required. The court tailors the order as appropriate through the guidance of the pre-sentence report.

Whilst the 2003 Act continues to provide the main sentence framework for the work of the prison and probation services, the new Government has introduced a Green Paper which may lead to significant change, including an increased emphasis on restorative justice. Community involvement may already be an important aspect of delivery of almost all requirements. The Green Paper makes clear this is likely to increase further still, including creating more opportunities for civil society organizations and volunteers to be involved in rehabilitation.

IV. WHAT WORKS TO REDUCE REOFFENDING AND PROTECT THE PUBLIC?

NOMS has introduced three systems to reduce reoffending. All three have an impact on how the organization approaches communities:

- An *Offender Assessment System* (“OASys”) – designed to assess risk and needs and to inform case management
- The *National Offender Management Model* – intended to manage offenders safely and effectively, including managing prisoners consistently and fairly from prison to the community and ensuring an action plan is developed, implemented and reviewed.
- *Interventions* – including unpaid work, employability programmes, and accredited programmes to address a wide range of offending-related or “criminogenic” needs including “thinking skills” such as aggression control, victim empathy and problem solving.

However evidence also tells us that effective interventions are less likely to work on their own. In order for interventions to be effective, most offenders need to feel motivated, to have a sense of hope and belief in change, and that they will succeed in the community. They need both “human capital” and “social capital” (ideas to be found in the more recent theories on desistance from offending). Involving communities is absolutely vital therefore in making links in terms of community integration and social capital. Links with supportive members of the community can also play a valuable role in human capital.

A. The OASys Assessment System

OASys has been developed jointly by the prison and probation services. It is an IT-based system which assesses offending-related need and risk of reconviction and serious harm. There is on-going validation of accuracy against actual reconviction. The OASys tool also guides individual sentence planning, measures change, and provides management information. Data is aggregated centrally, regionally and locally to support analysis and service planning – of NOMS and stakeholders.

OASys measures a wide range of factors statistically shown to be relevant to offending. These include education, training and employability, accommodation, financial management and income, relationships, lifestyle and associates, drug and alcohol mis-use, emotional well-being, and thinking skills and attitudes.

The risk assessment element measures harm to the public, children, staff, prisoners, offenders themselves, and to adults known to the offender, indicating whether risk is low, medium, high or very high. Action to manage risk is then triggered including through MAPPA arrangements described later.

OASys data may be analysed in many ways: Data is able to demonstrate the offending-related needs of a national probation sample by type of need and by gender. The data might also, for example, be analysed by prison or probation caseload or by region or city. Our OASys data shows that the most common needs of offenders, *related to their offending*, include education, employment, with a wide range of other needs including “thinking skills” (such as problem solving), accommodation and drug problems not far behind. This complexity of need makes our work more difficult, and influences consideration of the aims of community organizations, across all sectors, with whom we work. This point will be returned to later.

V. SOCIAL EXCLUSION AND COMMUNITY REINTEGRATION

A. Development of the Overall Approach

I would now like to touch briefly on the NOMS approaches to social exclusion, community reintegration and resettlement.

Genesis of the resettlement and community reintegration framework has followed a similar timescale to the sentencing and what works frameworks. In 2001 the Government’s Social Exclusion Unit (SEU) published a report on prisoner resettlement and social exclusion. The findings were startling and showed, for example, that prisoners were far more likely than the general population to be unemployed (67% of prisoners – pre-sentence – and 5% of the general public respectively), to have no qualifications, to be homeless, and to suffer from mental disorders.

The NOMS reintegration and resettlement framework is based on the Social Exclusion Unit's work. The report, which was researched and prepared in close collaboration with the Prison and Probation Services, proposed a needs-based "pathway" approach through which offenders' needs are addressed via cross-government agreement and action.

As noted by Maguire and Raynor (2006), the SEU's location in the office of the Deputy Prime Minister gave the recommendations political weight and allowed development of a cross-departmental approach to social inclusion and reducing reoffending. A national strategy and action plan on reducing reoffending (2004) extended the pathway approach to community sentences.

The resettlement framework comprises seven rehabilitation "pathways" for men and women. Each pathway addresses areas of work critical to prisoners and to work with offenders in the community. The pathways support close work between prisons and probation areas to ensure that pathways are continuous from custody to community. The pathways are:

- Accommodation
- Education, training and employment
- Health
- Drugs and alcohol
- Finance
- Families
- Attitudes, thinking and behaviour.

Two additional pathways have recently been added for work with women, including attention to abuse and domestic violence.

The pathways provide us with clear and impartial evidence on which to base priorities in strategy, policy and practice, including our work with communities.

VI. STRENGTHENING REHABILITATION THROUGH INVOLVING COMMUNITIES

I come now to the core of the paper – strengthening rehabilitation through involving communities – which addresses a range of approaches to work with the private, public and civil sectors of society in order to meet those objectives of reduced reoffending and public protection. This paper will focus on involvement of the private sector and civil society, but it is important to note that this involvement is supported by linkages across the public sector, for example in relation to statutory health or employment services, and in relation to the more serious public protection cases where multi-agency arrangements involving the police and other services are demonstrating value.

A. Work with the Private Sector

As noted at the outset, NOMS is a commissioning agency. Whilst the large majority of prisons are directly managed by the agency, eleven out of 135 are privately operated. These eleven prisons are run by three companies. Electronic monitoring is also delivered by the private sector and other areas of work are being considered. Whilst this involvement of the private sector as managers and delivers of services for offenders has significant benefits, it is another kind of involvement that I want to focus on today – the involvement of companies in the community in support of offender rehabilitation.

Some of the most innovative and beneficial examples of private sector involvement in work to reduce reoffending and social exclusion have been in the field of improving prisoner employment.

The Corporate Alliance is a banner for the government's employer engagement activities for offenders. It includes partnerships with private, public and voluntary sector organizations to improve the skills and employment outcomes for offenders. It seeks to:

- encourage more employers to employ and support offenders during the process of finding and retaining employment;
- support and disseminate good practice involving employers improving the skills and employment of

offenders; and

- use employers to 'market' the Corporate Alliance to other employers.

There are three levels of engagement that enable employers to get involved with offenders in ways that best suits them. These are:

- Level One – activities to support improvement in employability, focusing on donating materials that can be used to train offenders, and donating staff time for interview training, CV preparation, and for mentoring offenders;
- Level Two – activities in support of designing and delivering training programmes, including paid work placements; and
- Level Three – delivering “real life” employment in prisons (something we are keen to increase) in preparation for release and recruiting directly from prisons and probation.

Promotion of the Corporate Alliance at national and regional level has resulted in over 100 employers, who are already involved with offenders or planning to get involved, using their involvement to promote the case with other employers.

To ensure that developments to engage with employers are informed and steered by employers, a Reference Group, chaired by a business leader, consisting of major as well as medium and small employers from the private, public and voluntary sectors has been established.

1. Business in the Community

Business in the Community (BIC) is an independent business-led charity with more than 830 Companies in membership. Through its “Unlocking Talent” programme, BIC aims to develop skills and talent of the workforce as a part of its members work in support of Corporate Social Responsibility. BIC has a specific offender-employment initiative: This work is itself an example of partnership between NOMS and the private sector: work on employing ex-offenders is sponsored by the Barrow Cadbury Trust.

Business in the community has a clear offender-employment perspective: *“Through its member companies, Business in the Community works to improve the ability of ex-offenders to find employment. A good stable job is the single greatest factor in reducing reoffending. Not only does it provide individuals with the necessary resources and self-esteem to improve their lives but benefits all sections of society through reduced levels of crime.”*

Another perspective addresses direct benefits to the employer: *“We share in common with most employers a recurring headache – the recruitment and retention of staff, and we have had to learn to think beyond the traditional recruitment routes. There is undoubtedly a large pool of under-utilised skilled men and women in our prisons who are due for release into your communities, and who are keen and willing to work. Those we have employed have been exemplary employees.”*

Business in the Community is clear about the business case for employing ex-offenders. Arguments in support of the case include:

- (a) Savings to Private Sector through crime reduction: Crime costs business £19 billion year, reoffending by ex-prisoners costs £11 billion year. Ex-offenders in work are 33% - 50% less likely to reoffend and some schemes reduce risk to 10%.
- (b) Recruitment cost savings of 40% - 60% have been identified.
- (c) Mentoring ex-offenders brings skills and experience benefits for existing employees, including in management, communication, listening and team building

2. Examples of Corporate Involvement in Training or Employing Ex-offenders

- (a) NOMS prisoner retail contract with DHL/Booker (supply chain management) employs some 500

prisoners in DHL supervised facilities across a number of prisons;

- (b) Travis Perkins (tool hire and builders merchants) opened their first training centre in HMP Stocken just over a year ago and has already expanded into another workshop in the same prison with total employment of 90 prisoners. Travis Perkins are now employing prisoners on release around their many sites and are growing their partnership into a second prison, HMP Ford. The workshop in this prison was expected to employ around 50 prisoners by the end of 2010;
- (c) Timpson's (shoes) now have two "Academies" (at Liverpool and Wandsworth prisons), demonstrating a strong interest in the rehabilitation of offenders. The Director of the company has issued a statement of support for employing ex-offenders: *"I find the staff we've recruited from prisons are among the best colleagues we've got. We see this as a great way of not only helping people but of getting people to work for us. Seventy-five percent of those who join us from prison are still with us after six months"*
- (d) Morrisons (retail) runs a pre-release training course in three prisons leading to employment on release. Significantly, the company achieves a 80% success rate in retention.
- (e) The Compass Group "Rehab" project employs serving female prisoners in a defence establishment where they learn catering and related skills.
- (f) Toyota supports a purpose-built workshop for young offenders offering the "Toyota Modern Apprenticeship".

Recognizing employers' needs and concerns in relation to risk is a fundamental aspect of gaining employer confidence.

Disclosure of Criminal Records is set out in the Rehabilitation of Offenders Act 1974, updated by the Criminal Records Bureau, launched in 2002. Both an Advisors Guide and an Offenders guide are available, providing information and advice on previous convictions in relation to CV preparation and interviews.

B. Work with Civil Society Organizations, Social Enterprises, and Volunteers

NOMS attaches very great importance to the involvement of civil society. In October 2008 the Ministry of Justice and NOMS published the action plan 'Working with the third sector to reduce reoffending – securing effective partnerships 2008-2011'.

Aims include to inform strategic and operational policy by providing advice on reducing reoffending from a third sector perspective, overseeing progress on a third sector reducing reoffending strategy, and promoting potential, diversity, volunteering, good innovative practice, social enterprises.

1. Work with Civil Society Organizations

NOMS works with civil society organizations at national level and locally. Examples include:

(i) CLINKS

CLINKS, at national level, fulfills an umbrella organization role, supporting other third sector organizations that work with offenders and their families. Over nine hundreds voluntary organizations are responsible for more than two thousands projects that provide services to offenders. CLINKS role includes promoting the work of civil society organizations, facilitating effective partnerships, and undertaking research and development.

As well as supporting civil society, including mentoring organizations, CLINKS estimates that about three quarters of prisoners would be willing to do voluntary work if it were available. Prisoners provide an increasingly rich source of volunteers – working as peer mentors sometimes alongside paid or other voluntary staff. In total, more than seven thousand volunteers contribute to the rehabilitation of offenders nationally.

(ii) NACRO

NACRO directly delivers a range of services which support the work of other organizations working with offenders in the public, private or civil society sectors. Services include:

- (a) Resettlement consultancy in prisons - working closely with prison governors and other prison staff to help develop positive regimes with resettlement advice projects.
- (b) Resettlement training – regular training courses at the Prison Service College and at individual prisons, including training prisoners as peer advisers. NACRO has developed specialist training material, including on dealing with older prisoners and managing money.
- (c) Resettlement Plus Helpline offers information and advice to professionals working with prisoners and ex-offenders – as well as to individuals and their friends and family members.
- (d) Resettlement Service Finder. This online database holds details of more than 10,000 community services for ex-offenders.
- (e) Resettlement provision in prisons. NACRO runs resettlement advice services in nearly 40 prisons.

(iii) SOVA

“Supporting Others through Volunteer Action” is a leading national volunteer mentoring organization working with those socially and economically disadvantaged in England and Wales. It delivers more than 60 projects.

(iv) St Giles Trust

The St Giles Trust delivers a range of services to serving prisoners and following release, including to short-term prisoners who do not receive statutory support from the probation service. One of the most innovative approaches is the Peer Advice Project. This meets demand for advice services amongst the prison population by using an under-used resource – serving prisoners. It trains serving prisoners to NVQ Level 3 in ‘Information, Advice and Guidance’ and enables them to help other prisoners by gaining valuable practical experience as part of the vocational element of the course.

The course is externally verified by Advice UK and is an excellent way of improving the skills of serving prisoners and preparing them for employment upon release.

The Peer Advice Project was initially set up to address the high levels of homelessness amongst the prison population by training serving prisoners to act as Housing Advisors. However, in some prisons, advisors cover other areas such as employment and training opportunities.

Peer Advisors often find that they are regarded as highly credible, trusted sources of support as they are serving prisoners themselves. This is a real strength of the project and one the St Giles Trust aims to replicate through our other services. Other prisoners in open prisons undertake the course on day release at the organization’s head office in south London.

(v) Free As a Bird

Continuing the theme of peer support, “Free as a Bird” is a project for women offenders and ex-offenders in London. The website is for women who have experience of the criminal justice system who can use the website to share their thoughts. Peers advise each other on resettlement issues, and pass on practical information, drawing on the strengths that come from having shared some of the same experiences and found solutions.

2. Social Enterprises

(i) What are Social Enterprises?

Social Enterprises have the following characteristics:

- They are independently constituted businesses, driven by a business agenda, and aiming to meet social as well as financial objectives.
- They make profits or surpluses that are re-invested into the business to support its social purpose.
- They are socially owned and accountable to a wider community through a membership and democratic

structure.

The benefits of social enterprises include cost savings, building links with local communities, innovation and creativity. NOMS research has recently shown that 62% of probation areas are involved in Social Enterprise (about 40% of them connected with Community Payback). About 53% of Prisons are involved. However, 47% of prisons and 95% of prisons would like to expand that number.

(ii) Examples of Projects operating at Local Level including Social Enterprises

The following provides an indication of the range of civil society and social enterprise projects working with ex-offenders.

(a) Acumen

- Provides skills in horticulture in prison and supports development of housing for those in need on release.

(b) The 'Clink' – Catering

- The 'Clink' is a restaurant at HMP High Down.
- It provides training and employment experience in a high quality restaurant environment.
- It employs 16 serving offenders at any one time as trainees.
- It is managed by social enterprise Eco-Actif CIC.
- Profits are used to pay staff, provide training and qualifications and follow up support.
- It also employs ex-prisoners.

(c) HMP Dartmoor Resettlement Unit

- This project is linked with a high profile public garden – the Eden project.
- Prisoners, guided by the staff of the Eden project, have turned unused open space in the prison into productive vegetable gardens.
- Boxes of vegetables are delivered free of charge to elderly and poor members of local community.
- The project has received many letters of thanks from local people.

(d) Reach – Prinknash Abbey Gardens

- This project provides activities to unlock the potential within people who feel socially excluded or who have committed offences.
- The project has transformed an ancient abbey garden which had become overgrown. The garden is now a centre for learning trades and for providing leisure for the members of public or disadvantaged people.

VII. CONCLUSION

I hope the huge significance and contribution of communities to offender rehabilitation will be evident. If further evidence is needed of our commitment to even more involvement, we need only to look at our new Green Paper on sentencing and rehabilitation. Involving communities more in deciding what work is undertaken by community service workers is one example. But also, we are intending to increase volunteer opportunities – whether from individuals, companies, universities, faith groups or other organizations, and to identify and remove as many barriers as possible to volunteering. All of this is also in tune with the European Year of the Volunteer which has just begun.

Finally, we are determined to find new ways to involve communities and community organizations in helping to achieve our goal – a “virtuous circle” involving all sections of society working in partnership to support rehabilitation, for the benefits of family and the community, to change lives and to make communities safer.