



## Rehabilitation in Prisons

### Summary

The Government has consistently stated that the proportion of prisoners who reoffend upon release from prison in England and Wales is too high. It is argued that reoffending not only creates more victims but also generates major economic and social costs for the community. In May 2013, the Ministry of Justice published *Transforming Rehabilitation*, a strategy that aimed to tackle this problem. However, concerns remain regarding both the effectiveness and the scope of its provisions. This briefing discusses the measures that prisons in England and Wales implement with the aim of reducing the probability of reoffending.

Prisons adopt a range of measures to reduce reoffending. These include direct therapeutic interventions to address the psychological causes of criminal behaviour, as well as services to prepare offenders to successfully reintegrate into the community after release. Those services include the provision of academic programmes, vocational courses and employment opportunities. However, although these measures are in place, the Government states that reoffending rates remain too high.

The Ministry of Justice has published several papers concerning the effectiveness of prison services that contribute to rehabilitation. Its *Transforming Rehabilitation* strategy included the creation of a resettlement service known as 'Through the Gate', which seeks to provide offenders with a continuous mentoring scheme from prison through to the community. However, questions have been raised about the effectiveness of the service. In May 2016, the Ministry of Justice published *Unlocking Potential: A Review of Education in Prisons*. The review called for improvements to the provision of education in prison and the monitoring of that provision.

In November 2016, the Ministry of Justice published a white paper, *Prison Safety and Reform*, that committed to the development of new measures for tracking how a prisoner's rehabilitation progressed during the course of their sentence. In February 2017, the Prison and Courts Bill was introduced, which intended to render rehabilitation a statutory purpose of prison; the Bill was dropped in April 2017 following the announcement of the General Election. In August 2017, Lord Farmer issued a report entitled *Importance of Strengthening Prisoners' Family Ties to Prevent Reoffending and Reduce Intergenerational Crime*. The report reviewed both the impact of social ties on rehabilitation and how those ties could be best maintained across a prison sentence.

### Table of Contents

1. Overview
2. Background
3. Education
4. Offender Behaviour Programmes
5. Faith
6. Social Ties
7. Resettlement Mentoring

## Table of Contents

1. Overview	1
2. Background	1
3. Education	4
3.1 Academic Qualifications .....	6
3.2 Vocational Training and Employment.....	6
4. Offender Behaviour Programmes	8
4.1 Supplementary Approaches.....	12
5. Faith	15
6. Social Ties	17
7. Resettlement Mentoring	19

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## 1. Overview

This House of Lords Library briefing addresses the problem of reoffending and the interventions in prison that are intended to reduce the likelihood of reoffending upon release. The briefing begins by describing the perceived problem, before considering five contributors to the process of rehabilitation: education, offender behaviour programmes, faith, social ties and resettlement mentoring. In respect to education, this briefing discusses academic qualifications, vocational training and employment. Offender behaviour programmes are therapeutic interventions that intend to reduce the probability of reoffending by addressing the psychological causes of criminal behaviour. While those programmes are currently based on an approach known as cognitive behavioural therapy, this briefing also considers emerging approaches including: psychodrama; virtual reality therapy; art therapy; neurofeedback; and the development of emotional intimacy. The Briefing also addresses the role of the prison chaplain, the importance of social ties and how those ties can be maintained and monitored. Finally, the reintegration of offenders into society is discussed in respect to recent government policy that aimed to improve the consistency of resettlement mentoring from prison to the community.<sup>1</sup> Unless otherwise stated this briefing discusses rehabilitation in the context of England and Wales only.

## 2. Background

In England and Wales, 49.2 percent of prisoners reoffend within a year of release—a figure which increases to 65.5 percent for prisoners given sentences of less than a year.<sup>2</sup> In contrast, Norway has a reoffending rate of 20 percent, Australia 39 percent, Japan 43 percent, Scotland 50 percent, the United States 52 percent and Ireland 62 percent.<sup>3</sup>

In May 2013, the Coalition Government, on the belief that reoffending rates were too high, published *Transforming Rehabilitation*, a strategy intended to reduce reoffending.<sup>4</sup> In the strategy, the Coalition Government stated:

Whilst we continue to tolerate so many offenders passing through the justice system and going on to commit more crimes, we are in fact tolerating more victims, greater cost to the taxpayer and further damage to communities.<sup>5</sup>

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<sup>1</sup> Ministry of Justice, [Transforming Rehabilitation: A Strategy for Reform](#), May 2013, Cm 8619, p 10.

<sup>2</sup> Ministry of Justice, [Proven Reoffending Statistics Quarterly Bulletin October 2015 to December 2015](#), 26 October 2017.

<sup>3</sup> Pell Center for International Relations and Public Policy, [Incarceration and Recidivism: Lessons from Abroad](#), March 2014.

<sup>4</sup> Ministry of Justice, [Transforming Rehabilitation: A Strategy for Reform](#), May 2013, Cm 8619, p 9.

<sup>5</sup> *ibid.*

In 2013, the Ministry of Justice piloted the Justice Data Lab to grant organisations working with offenders access to reoffending data, so that the impact of their work on rehabilitation can be assessed.<sup>6</sup> The Justice Data Lab became a permanent service in 2015.<sup>7</sup> The same year HM Treasury announced:

The Government will build nine new prisons, five in this Parliament and four shortly after, that are cheaper to run and better tailored to reduce reoffending [...]. The Government will also invest in new technology and prisoner education to support rehabilitation.<sup>8</sup>

In 2016, the Ministry of Justice argued in its white paper, *Prison Safety and Reform*, that safer prisons were required to improve the effectiveness of rehabilitative interventions:

A vital role of the justice system is to reduce the level of crime in our society by cutting reoffending. That is not possible in prisons where violence is too often the norm.<sup>9</sup>

The then Parliamentary Under Secretary of State for Justice, Andrew Selous, stated “We want an unremitting emphasis on rehabilitation. Reoffending has been too high for too long”.<sup>10</sup>

The Prison and Courts Bill was introduced in the House of Commons on 23 February 2017, with its second reading taking place on 20 March 2017.<sup>11</sup> The Bill sought to make reforms to tribunals, courts and prisons. In respect to rehabilitation, the Bill intended to give prisons a “four-pronged statutory purpose” to:

- Protect the public.
- Reform and rehabilitate offenders.
- Prepare prisoners for life outside prison.
- Maintain an environment that is safe and secure.<sup>12</sup>

The House of Commons Library highlighted the fact that punishment was not included within the statutory purpose of prisons.<sup>13</sup>

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<sup>6</sup> New Philanthropy Capital, ‘[Justice Data Lab](#)’, accessed 14 November 2017.

<sup>7</sup> *ibid.*

<sup>8</sup> HM Treasury, [Spending Review and Autumn Statement 2015](#), November 2015, Cm 9162, p 69.

<sup>9</sup> Ministry of Justice, [Prison Safety and Reform](#), November 2016, Cm 9350, p 12.

<sup>10</sup> [HC Hansard, 14 June 2016, col 1613](#).

<sup>11</sup> Parliament UK Website, ‘[Bill Stages—Prisons and Courts Bill 2016–17](#)’, 23 February 2017.

<sup>12</sup> House of Commons Justice Committee, [Prison Reform: Part 1 of the Prisons and Courts Bill: Fourteenth Report of Session 2016–17](#), 28 April 2017, HC 1150 of session 2016–17.

<sup>13</sup> House of Commons Library, [Commons Library Analysis: The Prisons and Courts Bill](#), 16 March 2017, p 21.

The Bill required that the statutory purpose of prisons informed annual inspections of the prison estate.<sup>14</sup> While there are protocols on how prisons should address criticism from HM Inspectorate of Prisons, these are not described in legislation.<sup>15</sup> Hence the Bill also required that where there were “significant concerns” with a prison, the Chief Inspector would give an “urgent notification” to the Secretary of State.<sup>16</sup> Within 28 days, the Secretary of State would be required to state the planned response. Both the notification and the response would typically be published.<sup>17</sup> In respect to prisons, the Bill also addressed the illicit use of mobile phones<sup>18</sup> and psychoactive substances<sup>19</sup> and would have given a statutory basis to the Prisons and Probation Ombudsman,<sup>20</sup> that is the independent adjudicator for the complaints of prisoners and those under probation supervision.<sup>21</sup>

After the Prime Minister, Theresa May, called a general election, the Prison and Courts Bill was dropped in April 2017, following five days of debate at the committee stage in the House of Commons.<sup>22</sup> In July 2017 the Ministry of Justice reported the reoffending rate of adult prisoners (released from October 2014 to September 2015), at 43.4 percent, this rate was 2.1 percent lower than the previous year and 5.2 percent lower than 2004.<sup>23</sup> In November 2017, the Secretary of State for Justice, David Lidington, stated that the Government shared the “commitment to doing all we can to make certain that our prisons are effective agents of rehabilitation”.<sup>24</sup>

Nevertheless, concerns have been raised about how successfully the goal of rehabilitation is fulfilled. In 2016, the House of Commons Public Accounts Committee reported that “the Ministry of Justice has yet to bring about the ‘rehabilitation revolution’ it promised”.<sup>25</sup> The Opposition has expressed similar views. In March 2017, the Shadow Secretary of State for Justice, Richard Burgon, argued that “the effective rehabilitation of offenders has become all but extinct under successive Conservative governments”.<sup>26</sup> In

<sup>14</sup> Prison and Courts Bill, HC Bill 170 of session 2016–17, s 1(3).

<sup>15</sup> House of Commons Library, [Commons Library Analysis: The Prisons and Courts Bill](#), 16 March 2017, p 21.

<sup>16</sup> Prison and Courts Bill, HC Bill 170 of session 2016–17, s 2(6).

<sup>17</sup> *ibid*, s 2(6).

<sup>18</sup> *ibid*, s 21.

<sup>19</sup> *ibid*, s 22.

<sup>20</sup> *ibid*, s 4.

<sup>21</sup> Prisons and Probation Ombudsman, ‘[Brief History](#)’, accessed 14 December 2017.

<sup>22</sup> Parliament UK Website, ‘[Bill Stages—Prisons and Courts Bill 2016–17](#)’, 23 February 2017.

<sup>23</sup> Ministry of Justice, [Proven Reoffending Statistics Quarterly Bulletin October 2014 to September 2015](#), 27 July 2017. In October 2017, the Ministry of Justice published a higher reoffending rate of 49.2 percent. However, since this rate was calculated using a different data source to previous years, the Ministry of Justice states it is not comparable to previously published rates.

<sup>24</sup> [HC Hansard, 2 November 2017, col 1012](#).

<sup>25</sup> House of Commons Public Accounts Committee, [Transforming Rehabilitation](#),

23 September 2016, HC 484 of session 2016–17, p 5.

<sup>26</sup> [HC Hansard, 20 March 2017, col 671](#).

November 2017, Mr Burgon said he was “disappointed that the statutory duty on prisons to rehabilitate offenders and thereby reduce the number of victims and make society safer was dropped when the Prisons and Courts Bill fell”.<sup>27</sup> During the debate on the 2017 Queen’s Speech, the president of the National Association of Care and Resettlement of Offenders, Lord Dholakia (Liberal Democrat), claimed that “all too often, prisoners receive little in the way of purposeful activity or rehabilitation and the position has deteriorated in the past five years”.<sup>28</sup> In December 2017, HM Inspectorate of Probation claimed, in its annual report, that “regrettably, none of government’s stated aspirations for *Transforming Rehabilitation* have been met in any meaningful way”.<sup>29</sup> In response to this report, the Howard League described *Transforming Rehabilitation* as a “dangerous experiment” and a “public safety disaster”.<sup>30</sup>

### 3. Education

One of the means by which prisons attempt to rehabilitate prisoners is education. In 2016, the Ministry of Justice and Dame Sally Coates published *Unlocking Potential*, a review of prison education services. The review positioned education as “one of the pillars of effective rehabilitation” not only to improve the employment prospects of prisoners but also their “well-being” and “social capital”.<sup>31</sup> The Justice Data Lab reported that 19 percent of prisoners who received a grant to complete an educational programme in prison reoffended within a year, compared to 26 percent of prisoners who did not receive such a grant.<sup>32</sup>

In *Unlocking Potential*, Dame Sally Coates argued that:

Recognition of the importance of education in prisons appears to have been lost. There are pockets of good practice, with examples of ‘Outstanding’ education provision, but these are isolated.<sup>33</sup>

On release, three fifths of prisoners have no “identified employment or education or training outcome”.<sup>34</sup> HM Chief Inspector of Prisons reported in 2016 that 44 percent of prisons received a positive rating for their provision of purposeful activity work.<sup>35</sup> The report defined purposeful activity as

<sup>27</sup> [HC Hansard, 2 November 2017, col 1009.](#)

<sup>28</sup> [HL Hansard, 27 March 2017, cols 336–7.](#)

<sup>29</sup> HM Inspectorate of Probation for England and Wales, [2017 Annual Report](#), 14 December 2017.

<sup>30</sup> Howard League, [‘Howard League Responds to the Annual Report of Her Majesty’s Chief Inspector of Probation’](#), accessed 14 December 2017.

<sup>31</sup> Ministry of Justice, [Unlocking Potential: A Review of Education in Prison](#), May 2016, p 3.

<sup>32</sup> Ministry of Justice, [Justice Data Lab Re-offending Analysis: Prisoners Education Trust](#), 2013, p 1.

<sup>33</sup> Ministry of Justice, [Unlocking Potential: A Review of Education in Prison](#), May 2016, p 3.

<sup>34</sup> *ibid*, p iii.

<sup>35</sup> HM Chief Inspector of Prisons, [Annual Report 2015–16](#), July 2016, HC 471 of session 2016–17, p 38.

“activity that is likely to benefit [the prisoner]”, such as employment and education.<sup>36</sup>

The review by Dame Sally Coates called for a “holistic vision” of prison education, such that prisoners are taught about finance, parenting and relationships, in addition to academic subjects.<sup>37</sup> The review sought to “put education at the heart of the [prison] regime”.<sup>38</sup> The then Parliamentary Under Secretary of State for Justice, Andrew Selous, stated that the Government had accepted all of the review’s recommendations in principle.<sup>39</sup>

In November 2016, the Government published a white paper entitled *Prison Safety and Reform*, which committed to implementing a number of recommendations.<sup>40</sup> For example, the Government accepted the recommendation to develop a new scheme to train graduates to become prison officers, “with an additional remit to support education at the heart of the prison regime”.<sup>41</sup> The scheme has now been implemented,<sup>42</sup> with 600 applicants for 40 places in the first cohort.<sup>43</sup> Of those 40 successful applicants, 80 percent were female and 20 percent were from Black and Minority Ethnic backgrounds.<sup>44</sup>

*Prison Safety and Reform* also committed to improving the monitoring of prison education services, specifically, by assessing how the qualifications, and English and Maths competencies, of prisoners changed from the start to the end of their sentences, and in relation to “milestones in their individual learning plan”.<sup>45</sup> In June 2016, Andrew Selous had told MPs:

We will be giving control of education budgets to prison governors, so that they can choose their education providers and hold them to account for the service that they give.<sup>46</sup>

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<sup>36</sup> HM Chief Inspector of Prisons, [Annual Report 2015–16](#), July 2016, HC 471 of session 2016–17, p 5.

<sup>37</sup> [HC Hansard, 26 May 2016, col 769](#).

<sup>38</sup> Ministry of Justice, [Unlocking Potential: A Review of Education in Prison](#), May 2016, p 6.

<sup>39</sup> [HC Hansard, 14 June 2016, col 1613](#).

<sup>40</sup> House of Lords, ‘[Written Question: Prison Education Review](#)’, 23 January 2017, HL4423.

<sup>41</sup> Ministry of Justice, [Prison Safety and Reform](#), November 2016, Cm 9350, p 57.

<sup>42</sup> Unlocked, ‘[What Is Unlocked?](#)’, accessed 9 November 2017.

<sup>43</sup> Unlocked, ‘[New Prison Officer Grad Scheme Unveils First Participants From 100s of Applications](#)’, 17 August 2017.

<sup>44</sup> *ibid*.

<sup>45</sup> Ministry of Justice, [Prison Safety and Reform](#), November 2016, Cm 9350, p 24.

<sup>46</sup> [HC Hansard, 14 June 2016, col 1613](#).

### 3.1 Academic Qualifications

During a prison sentence, offenders can normally choose to work towards an academic qualification, including basic training in English and Maths.<sup>47</sup> The Skills Funding Agency reported that 57 percent of new prisoners have the literary skills of an 11-year old.<sup>48</sup> The then Lord Chancellor and Secretary of State for Justice, Elizabeth Truss, claimed that “almost half of prisoners do not have basic English and maths”, arguing that this problem needed to be addressed in order to improve their employment prospects upon release.<sup>49</sup> Similarly, in her review, Dame Sally Coates stated:

- A larger proportion of prisoners were assessed on reception as having English and Maths at entry level 1–3 (equivalent to expected primary school levels of attainment) than Level 1 and 2 combined (GCSE level).
- Nearly one third of prisoners self-identified on initial assessment as having a learning difficulty and/or disability (LDD).
- Out of 101,600 learners, under the present OLASS (Offenders’ Learning and Skills Service) contracts for prison education, only 100 prisoners participated in a full Level 3 course in 2014/15 (equivalent to ‘A’ level), with none participating at Level 4 or above.
- One fifth of prisoners say they would have preferred to be studying at a higher level than they were currently.<sup>50</sup>

In a Ministry of Justice survey of prisoners handed one month to four year sentences between 2005 and 2007, 23 percent reported attending education classes.<sup>51</sup>

### 3.2 Vocational Training and Employment

During a prison sentence, offenders can normally choose to have a job and thereby gain vocational training.<sup>52</sup> HM Inspectorate of Prisons has stated that “many, but not all, prisoners” are eligible for a prison job, such as cleaning, mentoring or working in a workshop, with a minimum pay of £4 per week.<sup>53</sup> Prisoners who wish to work but cannot work due to a lack of employment opportunities receive a minimum of £2.50 per week.<sup>54</sup> Prisoners who are

<sup>47</sup> Ministry of Justice, *Unlocking Potential: A Review of Education in Prison*, May 2016, p 3.

<sup>48</sup> Skills Funding Agency, *OLASS English and Maths Assessments: Participation 2015/16*, 2016.

<sup>49</sup> [HC Hansard, 7 March 2017, col 653.](#)

<sup>50</sup> Ministry of Justice, *Unlocking Potential: A Review of Education in Prison*, May 2016, p iii.

<sup>51</sup> Ministry of Justice, *Prisoners’ Experience of Prison and Outcomes on Release: Waves 2 and 3 of SPCR*, 29 October 2014, p 2.

<sup>52</sup> HM Inspectorate of Prisons, *Life in Prison: Earning and Spending Money. A Findings Paper*, January 2016, p 5.

<sup>53</sup> *ibid.*

<sup>54</sup> *ibid.*



retired and choose not to work receive retirement pay of £3.25 per week.<sup>55</sup> Prisoners who are unable to work for health reasons receive unemployment pay of £3.25 per week.<sup>56</sup> Unconvicted prisoners (those awaiting trial) have the right not to work but also receive a form of unemployment pay.<sup>57</sup>

A Ministry of Justice survey found that 53 percent of prisoners (sentenced to between one month and four years) reported having had a prison job, most cleaning.<sup>58</sup> The Ministry of Justice also reported that 13 percent of the prison population has a prison job at any particular point in time,<sup>59</sup> with the work often menial and unrelated to employment plans after release.<sup>60</sup> Among prisoners who are employed, “a relatively small number” are eligible for release on temporary license (ROTL) and have jobs with external employers.<sup>61</sup> While the then Minister of State at the Ministry of Justice, Lord Faulks, argued in 2015 that ROTL “can be important to rehabilitate prisoners”, ROTL was hardly used or not used at all in almost three quarters of resettlement prisons between 2013 and 2015.<sup>62</sup>

At four prisons, the Clink Charity runs a restaurant for members of the public, staffed by prisoners completing professional hospitality qualifications.<sup>63</sup> The charity also offers horticultural training.<sup>64</sup> Research has linked the training with a 41 percent reduction in the probability of reoffending, specifically, from a reoffending rate of 29 percent in non-participating offenders to 17 percent in participating offenders.<sup>65</sup>

The Government has stated that it does not currently collate information centrally for the average number of hours prisoners spend on daily purposeful activity.<sup>66</sup> However, in *Prison Safety and Reform*, the Ministry of Justice committed to creating, first, “a measure of the quality of work

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<sup>55</sup> HM Inspectorate of Prisons, [Life in Prison: Earning and Spending Money. A Findings Paper](#), January 2016, p 5.

<sup>56</sup> *ibid.*

<sup>57</sup> *ibid.*

<sup>58</sup> Ministry of Justice, [Prisoners' Experience of Prison and Outcomes on Release: Waves 2 and 3 of SPCR](#), 29 October 2014, p 2.

<sup>59</sup> Ministry of Justice and National Offender Management Service, [Prison Performance Statistics 2015–16](#), accessed 16 November 2017.

<sup>60</sup> HM Chief Inspector of Prisons, [Annual Report 2015–16](#), July 2016, HC 471 of Session 2016–17, p 43.

<sup>61</sup> HM Inspectorate of Prisons, [Life in Prison: Earning and Spending Money. A Findings Paper](#), January 2016, p 5.

<sup>62</sup> House of Lords, [Written Question: Prisoners' Release](#), 16 November 2015, HL3128. A resettlement prison is a prison that is intended to house prisoners at the end of their sentence, with the aim of facilitating their reintegration into the local community.

<sup>63</sup> Clink Charity, [The Clink Restaurant at HMP Brixton](#), accessed 3 November 2017.

<sup>64</sup> Clink Charity, [The Charity: Why Rehabilitation?](#), accessed 3 November 2017.

<sup>65</sup> Clink Charity, [New Report Shows “Statistically Significant Result” in Reducing Prisoner Reoffending](#), accessed 3 November 2011.

<sup>66</sup> House of Commons, [Written Question: Prisoners: Employment](#), 30 October 2017, HC109756.

opportunities offered by prisons”, and “in future years”, a measure of “the time prisoners spend out of their cells, including time spent out of their cells engaging in purposeful activity”.<sup>67</sup>

Ministry of Justice research found that prisoners who receive vocational training in prison are more likely to enter employment soon after release.<sup>68</sup> In its 2011 report, the Howard League for Penal Reform cited additional benefits of prison employment, arguing that it “supports family dynamics for those in prison [and] raises revenue for the Treasury and victims”, while requiring “minimal additions to centralised bureaucracy”.<sup>69</sup> The charity advocates giving prisoners a normal working day, finding in its own research that this policy would receive public support.<sup>70</sup> The charity also recommended that the Ministry of Justice should work with the Department for Business, Innovation and Skills (now Business, Energy and Industrial Strategy) to attract the interest of private companies in providing better employment opportunities for prisoners.<sup>71</sup>

#### 4. Offender Behaviour Programmes

Offender Behaviour Programmes entail a series of structured group-based therapeutic activities, run by trained facilitators, with the aim of reducing the likelihood of offenders reoffending by addressing the psychological causes of their criminal behaviour.<sup>72</sup> Only accredited programmes can be implemented in prisons in England and Wales.<sup>73</sup> For a programme to receive accreditation, there must be evidence to suggest it is effective.<sup>74</sup>

Some of those programmes are specifically designed to reduce substance misuse.<sup>75</sup> To aid the evaluation of these programmes, in November 2016, the Ministry of Justice committed to developing “for future years a measure to track ‘distance travelled’ by an offender in substance misuse via drug testing on entry and exit” and an equivalent measure for mental health.<sup>76</sup> The Ministry of Justice also agreed to “devolve the centrally-held budget for accredited programmes that help offenders to change their behaviour”, such that prison governors can tailor the programmes to their particular prison population.<sup>77</sup>

<sup>67</sup> Ministry of Justice, [Prison Safety and Reform](#), November 2016, Cm 9350, p 24.

<sup>68</sup> Ministry of Justice, [The Impact of Experience in Prison on the Employment Status of Longer-Sentenced Prisoners after Release](#), 2014.

<sup>69</sup> Howard League for Reform, [Business Behind Bars: Making Real Work in Prison Work](#), 2011, p 41.

<sup>70</sup> *ibid*, p 4.

<sup>71</sup> *ibid*, p 5.

<sup>72</sup> Ministry of Justice, [‘Offender Behaviour Programmes’](#), accessed 30 October 2017.

<sup>73</sup> *ibid*.

<sup>74</sup> *ibid*.

<sup>75</sup> *ibid*.

<sup>76</sup> Ministry of Justice, [Prison Safety and Reform](#), November 2016, Cm 9350, p 24.

<sup>77</sup> *ibid*, pp 37–8.

The programmes implemented in prisons in England and Wales are based on a type of talking therapy called cognitive behavioural therapy (CBT).<sup>78</sup> According to clinical psychologists, the programmes aim to change the beliefs and attitudes that encourage criminal behaviour:

One of the notable characteristics of chronic offenders is distorted cognition—self-justificatory thinking, misinterpretation of social cues, deficient moral reasoning, schemas of dominance and entitlement, and the like. [...] Offenders with such distorted thinking may react to essentially benign situations as if they were threatening, for example, be predisposed to perceive comments others make about them as disrespectful or attacking. They may hold conceptualizations of themselves, others, and the world that justify antisocial behaviour, for example, “nobody can be trusted”, “everyone is against me,” or “society doesn’t give me a chance”. Their behaviour may be guided by dysfunctional assumptions and rules about how one should behave, for example, “you have to punish people for messing with you or they won’t respect you”, “you have to rebel against authority or they will break you.” And they may have deficient cognitive skills for long-term planning, problem solving, and decision making that contribute to maladaptive and rigid behaviour. Cognitive-behavioural treatments (CBTs) for offenders are designed to correct these dysfunctional and criminogenic thinking patterns.<sup>79</sup>

Criminologists have argued that it is easier for an offender to harm a victim when the offender does not experience the distress that the victim experiences.<sup>80</sup> For this reason, deficits in the capacity to empathise have been implicated in criminal behaviour.<sup>81</sup> Offender Behaviour Programmes aim to increase the empathy that the offender would experience for potential future victims.<sup>82</sup> To achieve this aim offenders are asked to:

- Read about the harms caused by their prior criminal behaviour, including the enduring and less visible psychological trauma.
- Watch videos of their particular victims describing the impact of the offence on their lives.
- Write hypothetical letters of apology to their victims.
- Take the place of the victim in a re-enactment of the offence.<sup>83</sup>

<sup>78</sup> Ministry of Justice, ‘[Offender Behaviour Programmes](#)’, accessed 30 October 2017.

<sup>79</sup> Mark W Lipsey et al, ‘[Cognitive-Behavioural Programs for Offenders](#)’, *The Annals of the American Academy of Political and Social Science*, 1 November 2001, vol 578 no 1, p 145.

<sup>80</sup> Darrick Jolliffe and David P Farrington, ‘[Examining the Relationship Between Low Empathy and Self-Reported Offending](#)’, *Legal and Criminological Psychology*, September 2007, vol 12 no 2, pp 265–86.

<sup>81</sup> *ibid.*

<sup>82</sup> Andrew Day et al, ‘[Interventions to Improve Empathy Awareness in Sexual and Violent Offenders: Conceptual, Empirical, and Clinical Issues](#)’, *Aggression and Violent Behaviour*, May–June 2010, vol 15 no 3, p 205.

<sup>83</sup> *ibid.*

Research suggests that only a minority of offenders engage in Offender Behaviour Programmes. In a Ministry of Justice survey, 5 percent of prisoners reported attending an anger management programme, 7 percent a thinking skills or other cognitive behavioural programme, and 27 percent some form of support for addiction, though 40 percent reported needing such support.<sup>84</sup> As a recent example, the *Guardian* reported there was “only very restricted access to sex-offender treatment programmes in [Dartmoor] prison”.<sup>85</sup>

In October 2016, the House of Commons Justice Committee published a report on the treatment of young offenders. The report included the recommendation of “expanding the availability of promising [rehabilitation] programmes and robustly evaluating them”.<sup>86</sup> In November 2016, the Government said it will “carefully consider” this report.<sup>87</sup> In October 2017, the Parliamentary Under Secretary of State for Justice, Sam Gyimah, stated the Government had “increased access to offending behaviour programmes” for indefinitely detained prisoners.<sup>88</sup> During the 2017 debate on the Queen’s Speech, Lord Dholakia (Liberal Democrat) said:

We know that focused offending behaviour programmes can reduce reoffending [...] We need to go much further than [considering the provision of prison education] and ensure that every prisoner who needs a programme to tackle his offending behaviour or an intensive drug or alcohol treatment programme can get on to one.<sup>89</sup>

The Ministry of Justice states “there is growing international evidence that the type of cognitive-behavioural techniques that [the National Offender Management Service] accredited programmes apply are the most effective in reducing offending behaviour”.<sup>90</sup> There is academic research to support this stance,<sup>91</sup> for example, in his review of the research, James McGuire, Professor of Forensic Clinical Psychology at the University of Liverpool, concluded that such programmes “show mainly positive effects with a

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<sup>84</sup> Ministry of Justice, [Prisoners’ Experience of Prison and Outcomes on Release: Waves 2 and 3 of SPCR](#), 29 October 2014, p 2.

<sup>85</sup> *Guardian*, [‘Dartmoor Prisoners ‘Being Released Without Proper Preparation’](#), 12 December 2017.

<sup>86</sup> House of Commons Justice Committee, [The Treatment of Young Adults in the Criminal Justice System](#), 26 October 2016, HC 169 of session 2016–17, p 4.

<sup>87</sup> Ministry of Justice, [Prison Safety and Reform](#), November 2016, Cm 9350, p 8.

<sup>88</sup> [HC Hansard, 31 October 2017, col 695](#).

<sup>89</sup> [HL Hansard, 27 March 2017, cols 336–7](#).

<sup>90</sup> Ministry of Justice, [‘Offender Behaviour Programmes’](#), accessed 30 October 2017.

<sup>91</sup> J Stephen Wormith et al, [‘The Rehabilitation and Reintegration of Offenders: The Current Landscape and Some Future Directions for Correctional Psychology’](#), *Criminal Justice and Behaviour*, 1 July 2007, vol 34 no 7, pp 879–92.

reasonably high degree of reliability”.<sup>92</sup> However, one forensic psychologist, Dr Ron van Outsem, struck a note of caution:

Most treatment outcome studies in the forensic field reveal only limited sized effects, if any effects at all. Consequently, the current forms of psychotherapy seem to be of only limited value in the efforts to prevent re-offence.<sup>93</sup>

In particular, James McGuire claimed that “findings [of positive effects] are weaker with respect to domestic violence and less consistent with reference to prison-based programmes”.<sup>94</sup>

One example of Offender Behaviour Programmes in prisons in England and Wales is the Sex Offenders Treatment Programme. The Ministry of Justice states that this programme “increases awareness of victim harm”, “helps offenders develop understanding of how and why they have committed sexual offences” and “develop meaningful life goals”.<sup>95</sup> In June 2017 the Ministry of Justice published its own research, finding that the Sex Offenders Treatment Programme fails to rehabilitate sex offenders, specifically:

- More treated sex offenders committed at least one sexual reoffence (excluding breach) during the follow-up period when compared with the matched comparison offenders (10.0 percent compared with 8.0 percent).
- More treated sex offenders committed at least one child image reoffence during the follow-up period when compared with the matched comparison offenders (4.4 percent compared with 2.9 percent).<sup>96</sup>

Apart from these differences, “the matched treated and comparison groups had similar reoffending rates across a variety of outcome measures”.<sup>97</sup>

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<sup>92</sup> James McGuire, ‘[A Review of Effective Interventions for Reducing Aggression and Violence](#)’, *Philosophical Transactions of the Royal Society of London B: Biological Sciences*, 12 August 2008, vol 363 no 1503, p 2591.

<sup>93</sup> Ron van Outsem, ‘[The Applicability of Neurofeedback in Forensic Psychotherapy: A Literature Review](#)’, *Journal of Forensic Psychiatry and Psychology*, 18 January 2011, vol 22 no 2, p 224.

<sup>94</sup> James McGuire, ‘[A Review of Effective Interventions for Reducing Aggression and Violence](#)’, *Philosophical Transactions of the Royal Society of London B: Biological Sciences*, 12 August 2008, vol 363 no 1503, p 2591.

<sup>95</sup> Ministry of Justice, ‘[Offender Behaviour Programmes](#)’, accessed 30 October 2017.

<sup>96</sup> Ministry of Justice, [Impact Evaluation of the Prison-Based Core Sex Offender Treatment Programme](#), June 2017.

<sup>97</sup> *ibid.*

## 4.1 Supplementary Approaches

The Offender Behaviour Programmes currently implemented in prisons in England and Wales are based on CBT. However, there are other therapeutic approaches that could supplement the use of CBT in the future; those include psychodrama, virtual reality therapy, developing emotional intimacy, art therapy and neurofeedback. The Farmer Review recognised the value of family ties and in this respect, the importance of maintaining emotionally intimate relationships.<sup>98</sup> While psychodrama<sup>99</sup> and art therapy<sup>100</sup> have been used in prisons in England and Wales, virtual reality therapy and neurofeedback are more novel approaches, having been trialled with offenders in the US<sup>101</sup> and Germany<sup>102</sup> respectively.

### **Psychodrama**

Re-enactment is the primary method of a therapeutic intervention known as psychodrama.<sup>103</sup> Psychodrama involves group members re-enacting past life events, potential future life events and internal thought processes from different perspectives.<sup>104</sup> The intervention aims for offenders to better understand those perspectives and to recognise, avoid or resolve triggers of offending behaviour.<sup>105</sup>

### **Virtual Reality Therapy**

Psychologists have argued that whereas most people engage their capacity for empathy by default, some offenders may only engage empathy when instructed to do so.<sup>106</sup> Hence the question has arisen of how one can improve the transfer of empathy training from imagined victims in therapy to potential future victims in real life, Dr Bobbie Ticknor, Assistant Professor in Criminal Justice at Valdosta State University, proposed virtual reality therapy as one such means of improving that transfer.<sup>107</sup> Virtual environments can be

<sup>98</sup> Ministry of Justice, [Importance of Strengthening Prisoners' Family Ties to Prevent Reoffending and Reduce Intergenerational Crime](#), August 2017, p 39.

<sup>99</sup> Clark Bairn et al, '[The Use of Psychodrama to Enhance Victim Empathy in Sex Offenders: An Evaluation](#)', *Journal of Sexual Aggression*, 1999, vol 4 no 1.

<sup>100</sup> National Offender Management Service, [Intermediate Outcomes of Arts Projects: A Rapid Evidence Assessment](#), October 2013.

<sup>101</sup> New Scientist, '[Could Sex Robots and Virtual Reality Treat Paedophilia?](#)', accessed 31 October 2017.

<sup>102</sup> Lilian Konicar et al, '[Brain Self-Regulation in Criminal Psychopaths](#)', *Scientific Reports*, 24 March 2015, vol 5.

<sup>103</sup> Clark Bairn et al, '[The Use of Psychodrama to Enhance Victim Empathy in Sex Offenders: An Evaluation](#)', *Journal of Sexual Aggression*, 1999, vol 4 no 1, p 5.

<sup>104</sup> *ibid.*

<sup>105</sup> *ibid.*

<sup>106</sup> Harma Meffert et al, '[Reduced Spontaneous but Relatively Normal Deliberate Vicarious Representations in Psychopathy](#)', *Brain*, 23 July 2013, vol 136 no 8, pp 2250–62.

<sup>107</sup> The Conversation, '[How Virtual Reality Can Help Treat Sex Offenders](#)', accessed 31 October 2017.

used to present offenders with features of situations that have previously triggered their desire to offend.<sup>108</sup> For example, virtual reality can be used to simulate a “walk through a computer-simulated park filled with ‘criminal opportunities’”<sup>109</sup> or “a three-dimensional virtual crack cocaine environment” to measure “the environment’s ability to elicit subjective craving and cue reactivity (ie, subjective emotional responding, heart rate and skin conductance)”.<sup>110</sup> In turn, the offender can practise implementing their planned response to the situational triggers of their cravings in a safe environment where no real harm can be caused.<sup>111</sup> The therapist can also pause the simulation at any time to provide immediate reinforcement or feedback on the offender’s responses.<sup>112</sup> Virtual reality therapy has already been used to effectively alleviate psychological problems associated with criminal behaviour,<sup>113</sup> for example, to treat alcoholism.<sup>114</sup>

### **Developing Emotional Intimacy**

Psychologists consider empathy to be a key basis for social bonding.<sup>115</sup> Deficits in empathy have been linked to offending<sup>116</sup> and some researchers have found sex offenders to be more emotionally lonely than non-offenders and non-sex offenders.<sup>117</sup> One forensic psychologist, Dr Kurt Bumby, has argued that sex offending may represent an attempt to relieve such loneliness:

Sexual offenders, who often equate intimacy with sex, may repeatedly pursue the fulfilment of unmet intimacy needs and the mitigation of emotional loneliness through impersonal sexual contacts, even if these

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<sup>108</sup> Bobbie Ticknor and Sherry Tillinghast, ‘[Virtual Reality and the Criminal Justice System: New Possibilities for Research, Training, and Rehabilitation](#)’, *Journal of Virtual Worlds Research*, July 2011, vol 4 no 2, p 18.

<sup>109</sup> New Scientist, ‘[Could Sex Robots and Virtual Reality Treat Paedophilia?](#)’, accessed 31 October 2017.

<sup>110</sup> Michael E Saladin et al, ‘[A Preliminary Report on the Use of Virtual Reality Technology to Elicit Craving and Cue Reactivity in Cocaine Dependent Individuals](#)’, *Addictive Behaviours*, 2006, vol 31 no 10, pp 1881–94.

<sup>111</sup> Bobbie Ticknor and Sherry Tillinghast, ‘[Virtual Reality and the Criminal Justice System: New Possibilities for Research, Training, and Rehabilitation](#)’, *Journal of Virtual Worlds Research*, July 2011, vol 4 no 2, pp 18 and 28.

<sup>112</sup> *ibid*, p 18.

<sup>113</sup> *ibid*, p 9.

<sup>114</sup> Jang-Han Lee et al, ‘[Cue-Exposure Therapy to Decrease Alcohol Craving in Virtual Environment](#)’, *CyberPsychology and Behaviour*, 10 October 2007, vol 10 no 5, pp 617–23.

<sup>115</sup> Fiona Marsa et al, ‘[Attachment Styles and Psychological Profiles of Child Sex Offenders in Ireland](#)’, *Journal of Interpersonal Violence*, 1 February 2004, vol 19 no 2, pp 228–51.

<sup>116</sup> Darrick Jolliffe and David P Farrington, ‘[Examining the Relationship Between Low Empathy and Self-Reported Offending](#)’, *Legal and Criminological Psychology*, September 2007, vol 12 no 2, pp 265–86.

<sup>117</sup> Bonnie T Seidman et al, ‘[An Examination of Intimacy and Loneliness in Sex Offenders](#)’, *Journal of Interpersonal Violence*, 1 December 1994, vol 9 no 4, pp 518–34.

sexual contacts are with inappropriate partners (ie, children) or are nonconsensual in nature.<sup>118</sup>

In addition, it has been suggested that loneliness can generate shame regarding the failure to form emotionally intimate relationships with other people<sup>119</sup> and that offending provides a temporary means of relieving that shame.<sup>120</sup> Yet by offending, the offender may generate further shame that perpetuates their criminal attempts to relieve that shame.<sup>121</sup> Shame also “impedes other-oriented emotional recognition”, which is an important skill for resolving loneliness without recourse to criminal means.<sup>122</sup> Therefore, “the cognitive behavioural approach can benefit from a greater integration of emotional content”, such as seeking to address loneliness and shame.<sup>123</sup>

### **Art Therapy**

Art therapy involves the creation of music, paintings, drama or stories to express emotional states, as guided by a therapist.<sup>124</sup> Many offenders experience psychological problems which compromise their ability to perceive and articulate their emotions, as well as to trust other people enough to openly express their emotional vulnerabilities.<sup>125</sup> For this reason, emotional intimacy may be most effectively developed using nonverbal forms of communication.<sup>126</sup> Indeed, art therapy has been described as giving people the opportunity to:

Learn new and different ways to use the mostly nonverbal language of creativity to communicate inner feelings that were not previously available to [them] by simply thinking or talking about them.<sup>127</sup>

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<sup>118</sup> Kurt M Bumby, ‘Empathy Inhibition, Intimacy Deficits, and Attachment Difficulties in Sex Offenders’, in D Richard Laws et al (eds), *Remaking Relapse Prevention with Sex Offenders: A Sourcebook*, 2000, p 152.

<sup>119</sup> Andrew P Morrison, *Shame: The Underside of Narcissism*, 1989.

<sup>120</sup> George B Palermo, ‘[Narcissism, Sadism, and Loneliness: The Case of Serial Killer Jeffrey Dahme](#)’, in Richard N Kocsis (ed), *Serial Murder and the Psychology of Violent Crime*, 2008, p 86.

<sup>121</sup> Jennifer G Wheeler et al, ‘[Relapse Prevention for Sexual Offenders: Considerations for the “Abstinence Violation Effect”](#)’, *Sexual Abuse: A Journal of Research and Treatment*, July 2006, vol 18 no 3, p 235.

<sup>122</sup> Kurt M Bumby, ‘Empathy Inhibition, Intimacy Deficits, and Attachment Difficulties in Sex Offenders’, in D Richard Laws et al (eds), *Remaking Relapse Prevention with Sex Offenders: A Sourcebook*, 2000, p 152.

<sup>123</sup> Clark Bairn et al, ‘[The Use of Psychodrama to Enhance Victim Empathy in Sex Offenders: An Evaluation](#)’, *Journal of Sexual Aggression*, 1999, vol 4 no 1, p 11.

<sup>124</sup> Psychology Today, ‘[Expressive Arts Therapy](#)’, accessed 10 November 2017.

<sup>125</sup> Ron van Outsem, ‘[The Applicability of Neurofeedback in Forensic Psychotherapy: A Literature Review](#)’, *Journal of Forensic Psychiatry and Psychology*, 18 January 2011, vol 22 no 2, pp 223–42.

<sup>126</sup> *ibid.*

<sup>127</sup> Psychology Today, ‘[Expressive Arts Therapy](#)’, accessed 10 November 2017.



For example, one art therapist commented that a particular offender's "artwork revealed a part of him [ie, his character, that] he adamantly denied".<sup>128</sup> The Justice Data Lab concluded that the creative arts "are likely to contribute to the process of desistance from crime", in particular, by improving prisoners' engagement with the prison regime and sense of purpose.<sup>129</sup>

### **Neurofeedback**

Neurofeedback is another intervention that relies more on nonverbal communication. Specifically, it involves giving people real time, visual or audio, feedback about the level or type of electrical activity occurring in a particular part of their brain, as detected by sensors on the scalp.<sup>130</sup> This technology allows people to see or hear how their thoughts and emotions immediately impact their brain activity. The intervention aims to give people better control over this brain activity, and in turn, the psychological symptoms that are associated with that particular brain activity. Patients receive a rewarding signal when their brain activity changes in the direction that the therapist intends it to change. The rewarding signal may take the form of a change in tone or the action of a video game character. Researchers have found neurofeedback to be effective in treating substance misuse and mental disorders that are associated with offending. One forensic psychologist, Dr Ron van Outsem, has argued that "the method is all but ignored despite of its reported success rates".<sup>131</sup>

## **5. Faith**

Prison chaplaincy teams provide a range of faith-based services in prisons in England and Wales.<sup>132</sup> The Ministry of Justice has stated its requirements of the prison chaplaincy, in particular, prisons must ensure that:

- The chaplaincy provision reflects the faith or denominational requirements of the prison.
- Prisoners have access to a member of the Chaplaincy Team [the team of chaplains in a prison] on first reception into each establishment.
- Prisoners have the opportunity for corporate worship or meditation for one hour per week.

<sup>128</sup> Psychology Today, '[Art Therapy with Sex Offenders: Exposing the Fragile Self](#)', accessed 10 November 2017.

<sup>129</sup> National Offender Management Service, [Intermediate Outcomes of Arts Projects: A Rapid Evidence Assessment](#), October 2013, p 1.

<sup>130</sup> Ron van Outsem, '[The Applicability of Neurofeedback in Forensic Psychotherapy: A Literature Review](#)', *Journal of Forensic Psychiatry and Psychology*, 18 January 2011, vol 22 no 2, pp 223–42.

<sup>131</sup> *ibid*, p 223.

<sup>132</sup> Ministry of Justice, [Faith and Pastoral Care for Prisoners](#), 6 September 2016.

- Religious feasts, fasts and festivals are recognised.
- recognised religious festivals are appropriately marked and observed.
- Prisoners have the opportunity to engage with members of their faith group from the community.
- Prisoners have access to authorised religious artefacts, including dress and headwear.
- Prisoners have access to a programme of religious educational classes and cultural activities.
- All prisoners wherever they are located in the prison have access to, and be offered, pastoral care by Chaplaincy staff.
- Prisoners located in the Segregation Unit have access to a member of the Chaplaincy Team each day.
- Every prisoner has access to a member of the Chaplaincy Team before discharge at the end of their sentence.
- Arrangements are in place to support prisoners directly or indirectly affected by a serious illness or death in custody or by a serious illness or death of a relative.
- Arrangements are in place to support prisoners at risk of harm to self or others.
- Prisoners are able to marry or engage in a civil ceremony whilst in custody.<sup>133</sup>

In April 2014, there was a debate on Prison Education and Welfare Services in the House of Commons. In this debate, the then Parliamentary Under Secretary of State for Justice, Jeremy Wright, argued that prison chaplains act as positive role models and support prisoners at particularly difficult times.<sup>134</sup> The Chaplaincy Team deliver not only religious services but also classes on “issues such as loss, victim empathy and developing life skills”.<sup>135</sup> Some chaplains are also “heavily involved” in family days when prisoners meet their partners and family under less restrictive conditions, for example, when prisoners are allowed to get up and play with their children.<sup>136</sup>

In respect to rehabilitation, researchers have found that the religious involvement of prisoners is linked to their compliance with the prison regime.<sup>137</sup> Researchers have also found that chaplains consider rehabilitation to be one of their goals in prison, engaging with prisoners using both secular

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<sup>133</sup> Ministry of Justice, [Faith and Pastoral Care for Prisoners](#), 6 September 2016.

<sup>134</sup> [HC Hansard, 30 April 2014, col 308WH](#).

<sup>135</sup> *ibid.*

<sup>136</sup> House of Lords, [‘Written Question: Prisons: Ministers of Religion’](#), 24 October 2017, HL1829.

<sup>137</sup> Thomas P O’Connor and Michael Perreyclear, [‘Prison Religion in Action and its Influence on Offender Rehabilitation’](#), *Journal of Offender Rehabilitation*, 2002, vol 35 no 3–4, pp 11–33.

and religious counselling methods that are known to facilitate rehabilitation.<sup>138</sup>

## 6. Social Ties

In his August 2017 report entitled *Importance of Strengthening Prisoners' Family Ties to Prevent Reoffending and Reduce Intergenerational Crime*, Lord Farmer (Conservative) argued that family ties constitute an underappreciated means of reducing reoffending, in part, by maximising the rehabilitative potential of employment and education:

Employment and education are repeatedly cited as mainstream rehabilitation activities in offender management that all prisoners are expected to undertake whilst, in stark contrast, work to maintain and improve family and other relational ties is rarely even mentioned. Yet such work can provide meaning and all-important motivation to these other strands.<sup>139</sup>

Research conducted by the Justice Data Lab supports this contention: 52 percent of prisoners who were visited by a partner or family member reoffended, as compared to 70 percent who received no such visits.<sup>140</sup> The Justice Data Lab has also linked the receipt of prison visits with better communication and problem solving skills and decreased substance misuse—outcomes which the Justice Data Lab suggested may facilitate resettlement into the community.<sup>141</sup>

In September 2014, HM Inspectorate of Prisons, HM Inspectorate of Probation and Ofsted published a joint report of their national inspection of the prison estate, entitled, *Resettlement Provision for Adult Offenders: Accommodation and Education, Training and Employment*. The report stated that “overwhelmingly” the inspection confirmed their view that an offender’s family are “the most effective resettlement agency”.<sup>142</sup> The report noted that more than half the offenders in their dataset lived with family or friends immediately after release and “the few who had a job on release had mainly arranged this with the help of previous employers, family or friends”.<sup>143</sup> However, families were uninvolved in sentence planning, even when

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<sup>138</sup> Jody L Sundt et al, ‘[The Role of the Prison Chaplain in Rehabilitation](#)’, *Journal of Offender Rehabilitation*, 2002, vol 35 no 3–4, pp 59–86.

<sup>139</sup> Ministry of Justice, [Importance of Strengthening Prisoners' Family Ties to Prevent Reoffending and Reduce Intergenerational Crime](#), August 2017, p 5.

<sup>140</sup> Ministry of Justice, [Factors Linked to Reoffending: A One-year Follow-up of Prisoners Who Took Part in the Resettlement Surveys 2001, 2003 and 2004](#), October 2008, p 6.

<sup>141</sup> National Offender Management Service, [Intermediate Outcomes of Family and Intimate Relationship Interventions: A Rapid Evidence Assessment](#), October 2013.

<sup>142</sup> HM Inspectorate of Prisons, HM Inspectorate of Probation and Ofsted, [Resettlement Provision for Adult Offenders: Accommodation and Education, Training and Employment](#), September 2014, pp 5–6.

<sup>143</sup> *ibid.*

offenders reported needing the support of their family after release.<sup>144</sup> Therefore, the report recommended that “where appropriate” there should be “involvement of the family in plans for release”.<sup>145</sup>

In its *Transforming Rehabilitation* strategy, the Coalition Government committed to placing long-term prisoners “in one of their home area’s resettlement prisons for a minimum of three months before the end of their sentence” and “most short-term prisoners” in a resettlement prison for their entire sentence.<sup>146</sup> In *Prison Safety and Reform*, the Government committed to more effectively monitoring the maintenance of social ties by developing “a measure of the quality of prisoners’ family relationships”.<sup>147</sup> Lord Farmer raised several suggestions for how social ties might be better protected:

- Video calls for families who are unable to visit the prison regularly.
- Visit halls designed to promote family interactions, for example, using the model found at HM Prison and Young Offenders Institute Parc in South Wales.
- Occasional family days, where, in some prisons, families are allowed access to the prison wings.<sup>148</sup>

The Ministry of Justice stated that it “has already started developing a strategy which will take forward recommendations from the [Farmer] review”:

Progress is being made on a number of the recommendations, including giving governors the budget and flexibility to spend their resources appropriately to help prisoners keep important family ties.

Alongside this the government has started piloting significant relationship performance measures which will provide crucial guidance to deliver more consistent services in areas such as visitations across the entire prisons estate.<sup>149</sup>

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<sup>144</sup> HM Inspectorate of Prisons, HM Inspectorate of Probation and Ofsted, [Resettlement Provision for Adult Offenders: Accommodation and Education, Training and Employment](#), September 2014, pp 5–6.

<sup>145</sup> *ibid.*

<sup>146</sup> Ministry of Justice, [Transforming Rehabilitation: A Strategy for Reform](#), May 2013, Cm 8619, p 11.

<sup>147</sup> Ministry of Justice, [Prison Safety and Reform](#), November 2016, Cm 9350, p 24.

<sup>148</sup> Ministry of Justice, [Importance of Strengthening Prisoners’ Family Ties to Prevent Reoffending and Reduce Intergenerational Crime](#), August 2017, p 39.

<sup>149</sup> Ministry of Justice, [Landmark Review Places Family Ties at the Heart of Prison Reform](#), 10 August 2017.

On 11 October 2017, there was a debate on the Farmer Review in the House of Lords.<sup>150</sup> In this debate, Baroness Vere of Norbiton, on behalf of the Government, stated that “the Government are committed to taking forward the review’s recommendations”. In particular, she stated that:

- “Prison governors now have control over their family service budget and the flexibility to spend their resources to best support prisoners to keep and develop important family ties”.
- “Governors took part recently in a procurement exercise to select a group of family service providers [...] including services involving children, [...] family centres, play areas for children, schemes to promote ties, such as Storybook Dads or Storybook Mums [charities that give children the opportunity to listen to recordings of their imprisoned parents reading children’s stories aloud], and family days, also known as extended visits, on which families can spend more time together”.
- “The Government will pilot new family and significant relationship performance measures”.
- “[The Government is] working on a new family and significant other policy framework for governors [...]. Within this framework, each governor will develop a strategy—a local family offer, as my noble friend referred to it—for family and significant others for his or her prison. They will then engage dedicated and appropriately trained staff [...] to work in partnership with family service organisations”.<sup>151</sup>

In the debate, Baroness Benjamin (Liberal Democrat) took issue with the policy that prisoners were only eligible for family visit days if they show “outstanding behaviour” and seek to “obtain qualifications”.<sup>152</sup> In response, Baroness Vere of Norbiton said the Government was:

Reforming the current [Incentives and Earned Privileges] framework to give governors greater discretion to encourage all prisoners, whether enhanced or standard, to engage with their families and significant others.<sup>153</sup>

## 7. Resettlement Mentoring

Prisons provide offenders with resettlement mentoring to prepare for their reintegration into the community.<sup>154</sup> In September 2014, HM Inspectorate of

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<sup>150</sup> [HL Hansard, 11 October 2017, cols 263–84.](#)

<sup>151</sup> *ibid*, cols 281–2.

<sup>152</sup> *ibid*, col 271.

<sup>153</sup> *ibid*, col 281.

<sup>154</sup> HM Inspectorate of Prisons, HM Inspectorate of Probation and Ofsted, [Resettlement Provision for Adult Offenders: Accommodation and Education, Training and Employment](#), September 2014, p 6.

Prisons, HM Inspectorate of Probation and Ofsted criticised resettlement services, arguing that:

Resettlement work in prisons was insufficiently informed either by an individual assessment of the offender concerned or a strategic assessment of what opportunities would be available to offenders on release, with input from relevant organisations and employers.<sup>155</sup>

The report recommended improving coordination between different departments within the prison:

Information sharing across prison departments was poor overall but better in open prisons and those preparing long-term offenders for release. It will be important that those prisons designated as 'resettlement prisons' in the new arrangements urgently begin to create the 'whole prison' approach to resettlement that is too often lacking at present.<sup>156</sup>

The report also stated:

We found that contact between offenders and offender supervisors or managers varied considerably and even where there was good contact, this had little impact on accommodation and [Education, Training and Employment] outcomes at the point of release.<sup>157</sup>

The Ministry of Justice asks prisoners various questions regarding resettlement at the point of release.<sup>158</sup> In 2015 it found that 27 percent of prisoners reported having a job to enter after release.<sup>159</sup> However, HM Inspectorate of Prisons, HM Inspectorate of Probation and Ofsted criticised how the Government monitors the effectiveness of resettlement services:

At present [prisons] rely heavily on self-reported information from offenders at the point of release with no follow-up on longer-term accommodation and [Education, Training and Employment] outcomes, which as our findings demonstrate, is an ineffective way of judging the effectiveness of resettlement services.<sup>160</sup>

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<sup>155</sup> HM Inspectorate of Prisons, HM Inspectorate of Probation and Ofsted, [Resettlement Provision for Adult Offenders: Accommodation and Education, Training and Employment](#), September 2014, p 6.

<sup>156</sup> *ibid.*

<sup>157</sup> *ibid.*

<sup>158</sup> Ministry of Justice, [National Offender Management Service Annual Report 2014/15: Management Information Addendum](#), 30 July 2015.

<sup>159</sup> *ibid.*

<sup>160</sup> HM Inspectorate of Prisons, HM Inspectorate of Probation and Ofsted, [Resettlement Provision for Adult Offenders: Accommodation and Education, Training and Employment](#), September 2014, p 6.

Subsequently, in November 2016, the Ministry of Justice committed to documenting the number of prisoners in employment, education and suitable accommodation after release, as compared with before their arrival into prison.<sup>161</sup>

The Justice Data Lab found limited evidence that prison mentoring schemes are associated with rehabilitative outcomes, specifically:

- “Tentative” evidence that mentoring was linked to improvements in employment post-release and engagement with other interventions.
- “More tentative” evidence that mentoring was linked to improvements in the suitability of accommodation after release.
- “Very limited evidence” that mentoring was linked to improvements in substance misuse, coping abilities, family and peer relationships, and pro-criminal attitudes.<sup>162</sup>

### ***Through the Gate Resettlement Programme***

In the *Transforming Rehabilitation* strategy, the Coalition Government described how it “will join rehabilitation in custody and the community together through a new designation of ‘resettlement prisons’”—a strategy known as ‘Through the Gate’.<sup>163</sup> It was envisaged that “in many cases” the same provider would support the prisoner upon arriving into prison, preparing for release, leaving prison and reintegrating into the community.<sup>164</sup> Moreover, this resettlement service would be granted to offenders serving less than a year in prison, who had previously been unsupervised upon release.<sup>165</sup> The Ministry of Justice reported implementing this “nationwide resettlement service” in May 2015.<sup>166</sup>

However, two years into the implementation of Through the Gate, the House of Commons Public Accounts Committee stated “it is unclear whether the extension of supervision to offenders sentenced for less than 12 months is having the desired impact”.<sup>167</sup> The Committee also reported “there is wide variation in the quality of arrangements to provide continuity between rehabilitation within prison and the community”.<sup>168</sup> It cited the

<sup>161</sup> Ministry of Justice, [Prison Safety and Reform](#), November 2016, Cm 9350, p 25.

<sup>162</sup> National Offender Management Service, [Intermediate Outcomes of Mentoring Interventions: A Rapid Evidence Assessment](#), October 2013, p 1.

<sup>163</sup> Ministry of Justice, [Transforming Rehabilitation: A Strategy for Reform](#), May 2013, Cm 8619, p 10.

<sup>164</sup> *ibid.*

<sup>165</sup> *ibid.*

<sup>166</sup> Ministry of Justice, [Prison Safety and Reform](#), November 2016, Cm 9350, p 35.

<sup>167</sup> House of Commons Public Accounts Committee, [Transforming Rehabilitation](#), 23 September 2016, HC 484 of session 2016–17, p 5.

<sup>168</sup> *ibid.*

“biggest challenge” as services that fall outside the direct control of criminal justice agencies, such as education, housing and employment.<sup>169</sup> The Committee called for better coordination between these sectors, the police, health care and probation.<sup>170</sup> Similarly, Helen Schofield, Acting Chief Executive for the Probation Institute, argued for the better integration of services and “more external oversight” in oral evidence submitted to the House of Commons Justice Committee.<sup>171</sup> In response, the Government agreed with all of the Committee’s recommendations to address these problems, stating it had either already implemented each recommendation or set a date for its implementation.<sup>172</sup>

HM Inspectorate of Probation has reported that over two thirds of prisoners had not received sufficient support regarding accommodation, employment or finances before their release.<sup>173</sup> In September 2016, the House of Commons Public Accounts Committee claimed that there had been “a significant increase in offenders being recalled to prison from the community for breaching their [supervision] licence”, for example, failing to stay in contact with their probation officer.<sup>174</sup> In December 2017, HM Inspectorate of Probation stated that this recall rate placed “significant pressure” on prisons and demonstrates the need for “a more intense, comprehensive and joined-up approach” to resettlement mentoring.<sup>175</sup>

The *Transforming Rehabilitation* strategy tied the payment of resettlement service providers to the reduction in reoffending that resulted from their service.<sup>176</sup> However, in December 2017, HM Inspectorate of Probation stated there was “no clear evidence” that payment by results had reduced reoffending rates.<sup>177</sup> In July 2017, the House of Lords spokesperson for Ministry of Justice, Lord Keen of Elie, announced:

We have recently taken urgent action to adjust the payment mechanism [...] so it better reflects the fixed nature of most of the costs that providers incur when delivering services to offenders.<sup>178</sup>

<sup>169</sup> House of Commons Public Accounts Committee, [Transforming Rehabilitation](#), 23 September 2016, HC 484 of session 2016–17, p 5.

<sup>170</sup> *ibid.*

<sup>171</sup> House of Commons Justice Committee, [Oral Evidence: Transforming Rehabilitation, HC 1018](#), 28 March 2017, Q131.

<sup>172</sup> HM Treasury, [Treasury Minutes](#), December 2016, Cm 9389, pp 15–18.

<sup>173</sup> HM Inspectorate of Probation, [Transforming Rehabilitation—Early Implementation 5](#), 26 May 2016.

<sup>174</sup> House of Commons Public Accounts Committee, [Transforming Rehabilitation](#), 23 September 2016, HC 484 of session 2016–17, p 9.

<sup>175</sup> HM Inspectorate of Probation for England and Wales, [2017 Annual Report](#), 14 December 2017, p 12.

<sup>176</sup> Ministry of Justice, [Transforming Rehabilitation: A Strategy for Reform](#), May 2013, Cm 8619, p 14.

<sup>177</sup> HM Inspectorate of Probation for England and Wales, [2017 Annual Report](#), 14 December 2017, p 12.

<sup>178</sup> House of Lords, [‘Written Statement: Justice Update’](#), 19 July 2017, HLWS84.



In November 2017, Parliamentary Under Secretary of State for Justice, Sam Gyimah, summarised the Government's position: "We acknowledge that current delivery of Through the Gate services is falling short of our expectations".<sup>179</sup> For example, in December 2017, the *Guardian* reported that "hundreds of high-risk prisoners, many of them sex offenders, are being released each year from Dartmoor prison without proper preparation".<sup>180</sup>

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<sup>179</sup> House of Commons, '[Written Question: Offenders: Rehabilitation](#)', 28 November 2017, 115123.

<sup>180</sup> *Guardian*, '[Dartmoor Prisoners 'Being Released Without Proper Preparation](#)', 12 December 2017.