



THE
WILBERFORCE
SOCIETY



Reducing Reoffending in England and Wales

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Executive Summary

Background

The prison population currently stands at around 84,000. This constitutes a 100% increase on the 1993 prison population.

During this time the rate of reoffending has remained stubbornly high, with about 50% of offenders reoffending within a year of release from prison.

The reoffending rate has remained consistent despite a range of initiatives and policies aimed at tackling this problem.

The cost of reoffending

Reoffending in England and Wales is estimated to cost the economy £9P 13 billion every year.

Reoffending is helping to maintain the high prison population and significantly contributing to the amount of crime.

Each new prison place costs £170,000 to build. The average cost per prisoner per year is around £40,000.

Key Proposals

We propose that the government sponsor a Royal Commission on the CJS, and reoffending in particular, in order to reframe the debate and divorce policy from party politics.

Policy should be directed toward greater levels of support for those leaving prison. This should include:

- The creation of a national offender support scheme.
- A renewed emphasis on the social work aspect of probation work.
- The marketisation of the probation services deserves further consideration before being rolled out nationally. The government should wait for the result of pilot projects and give due weight to consultations.
- The Prisoners' Earning Act is counterproductive, it should be repealed.

Foreword

The idea for this paper came from my experience of working on a rehabilitation project in Springhill Prison, Buckinghamshire in 2011-12. During that time I gained an insight into the difficulties that offenders face when they are released from prison, and was surprised at the limited support available to those recently released.

I saw at first hand some of the coalition government's policies at work, and had the opportunity to engage with offenders at the critical juncture, just after they are released from prison. My experience showed me that current and past government policy aimed at reducing reoffending has not worked. Unfortunately, on a national level the evidence points to the same conclusion.

The authors of this paper have lived through an era in which stigma and hostility towards offenders is not only commonplace, but pervades public discourse on crime and punishment. During the last 20 years, political rhetoric on law and order has been dominated by the mantra 'tough on crime'. However, since the peak in crime during the 1990s, the crime rate within England and Wales has halved. 'Tough on crime' rhetoric is no longer as relevant as it once was. This presents us with an opportunity for dialogue and discussion about the direction we are heading in, and the vision we have for the criminal justice system as a whole.

Our experiences working in the third sector, on rehabilitation programmes and in human rights, have led us to question the punitive approach. Although crime rates have dropped, the reoffending rate within England and Wales stands at almost 50%. This shows that in spite of punitive measures, prison is not deterring offenders from recommitting crime. The Conservative Party recognised the need to redress the balance in favour of a rehabilitative approach in their 2008 policy paper, 'Prisons with a Purpose'. However, the policies enacted under the coalition government have not lived up to this promise.

The best way to prevent reoffending is of course to prevent offending in the first place, through addressing the root societal causes of crime. However, focusing upon those who have already fallen on the wrong side of the law, in this paper we will argue for a shift in attitudes, away from punishment and retribution towards reconciliation and rehabilitation. There are glimmers of hope in the numerous pilots and projects run throughout the country that offer support to offenders re-entering the community and have a genuine impact upon rates of recidivism. Through this paper we hope to show where government policy is currently going wrong, highlight successful initiatives and to make suggestions that build upon these and other positive examples so as to create a Criminal Justice System that helps people to turn their lives around.

Robert Norfolk-Whittaker

Introduction

The prison population in England and Wales has doubled in the past two decades. At the same time, crime rates have dropped. During this period, we have witnessed both the Labour and Conservative Parties promoting a similar message – that being tough on criminals can solve the problem of crime. Yet, despite this apparent political consensus and the recent drop in crime, there persists a major problem with the Criminal Justice System (CJS) in England and Wales – its inability to reduce the rate of reoffending.

In England and Wales, 47% of ex-prisoners reoffend within a year of release.¹ For prisoners facing short-term sentences of 12 months or less, this figure rises to 58%.² In 2011 more than 90% of those sentenced had prior convictions.³ Reoffending is estimated to cost the British economy between £9-13 billion every year.⁴ Prisoners who have served short-term sentences account for between £7-10 billion of this cost.⁵ And these figures do not take into account the huge social costs wrought by reoffending.

Despite the attempts of successive governments to tackle reoffending, these high rates of reoffending have endured. In essence, government policies have failed to make a noticeable impact and the CJS in England and Wales continues to underperform in its duty as a set of rehabilitative institutions.

This paper adopts an evidence-based approach to the problem of reoffending and offers workable solutions. Evidence is drawn from pilot and small projects, academic studies, and the experience of other countries. While there is going to be no simple solution to the problem of reoffending, we hope for two things: firstly, that in the next few years there will be a more considered, thoughtful narrative on crime and criminal justice policy than there has been over the past two decades; secondly, that policy-makers engage in a consistent and comprehensive manner with the abundant available evidence.

1 Tables 18a Ministry of Justice (2013) *Proven Re-offending Statistics Quarterly Bulletin*, July 2010 to June 2011, London: Ministry of Justice.

2 *ibid.*

3 'Prison Reoffending Rates Record High in UK, Number of First-Time Offenders Drops', http://www.huffingtonpost.co.uk/2012/05/24/prison-reoffending-rates-record-high_n_1541683.html accessed 11/11/13.

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

5 *ibid.*

Criminal justice policy and reoffending in historical context

To understand current policy and practice in the CJS it is essential to recognise its historical and political context. In the 1970s, 'progressive' thinking on criminal justice policy focused on the limited use of imprisonment due to its low rehabilitative capacity.⁶ During this time there was a widespread view in the CJS that prison should be a last resort that focused on rehabilitation rather than vengeance and punishment. Further, this perspective tended to view those who committed crimes as, partially at least, vulnerable people from social and cultural contexts that somewhat mitigated their responsibility for committing crime. The consequence of this position was that responses to crime should be concerned with both the underlying structural causes of crime and the treatment and rehabilitation of offenders. The infrastructure that supported this approach emphasised the importance of supporting, caring for and reintegrating those who left prison. Probation was a career for those with social work training and a reformist, humanitarian agenda.

However, following the 1984 Home Office Statement of National Objectives and Priorities, the importance of social work and the Probation Service support for offenders was reduced. Here the emphasis began to move towards "control rather than welfare."⁷ By 1995, the Home Office National Standards made no mention of voluntary throughcare for offenders and statutory supervision had massively increased.

This shift in emphasis coincided with a period of Conservative government where more populist and punitive approaches to law and order were gaining greater purchase. Proponents of the reform and rehabilitation agenda began to be systematically undermined as weak on crime and criminals, as well as inefficient and wasteful of scarce public resources. The reformist agenda was seen as a cause, not a solution, of the problem of crime. Critical to this changing context was a populist Home Secretary, Michael Howard, who declared in 1993 that "prison works." The negative public response to the 'decarceral' policy of the 1991 Criminal Justice Act led the Conservative government to adopt a 'tougher' stance on crime in the context of rapidly rising crime rates. Mr Howard was also bold in challenging the judiciary, painting them as far too lenient in sentencing. The 1993 James Bulger case was a watershed moment; it was not the first time a Home Secretary had adopted a tough stance, but it was a long way from Margaret Thatcher's first Home Secretary, Willie Whitelaw, who was an old fashioned social conservative with a reformist agenda. This period marked the start of what Sir Anthony Bottoms has called the move to "populist punitiveness".⁸

This newly invigorated, populist 'tough on crime' agenda took a more simplistic, punitive and individualistic approach to crime, which emphasised the importance of criminals receiving their perceived just deserts. Crime is not understood in its wider social context, but is seen as merely the action of the individual. As a result, the response to crime focuses on the individual rather than

6 Hough, M., Farrall, S. and McNeil, F, *Intelligent Justice: Balancing the effects of community sentences and custody*, (The Howard League for Penal Reform, 2013)

7 Vanstone, Maurice, 'The Resettlement of Prisoners in England and Wales: Learning from History and Research', Gill Mclvor, Peter Raynor, *Developments in Social Work with Offenders*. (2007) p307.

8 Bottoms, Anthony, 'The Philosophy and Politics of Punishment and Sentencing', C. Clarkson and R. Morgan (eds) *The Politics of Sentencing Reform*, (Oxford, 1995) pp. 17–49.

structural factors, and more specifically the ‘tough on crime’ approach emphasises punishment and deterrent. Politicians adopting this approach have tended to argue for the effectiveness of prison as a punishment and therefore advocate tougher sentencing. Proponents of the ‘tough on crime’ approach tend to endorse greater use of controlling measures, for example electronic tagging and increased probation supervision. The popularity of this approach can, in part, be explained by the British public’s “appetite for punishment”.⁹

Critical to an understanding of how this populist view has become hegemonic is also to be found in the politics of the Labour Party after its defeat in the 1992 general election. The desire to win elections after a long period in opposition resulted in the new leader, Tony Blair, radically transforming the party organisationally and ideologically. On law and order, Mr Blair wanted to outdo the right of the Conservative Party and present Labour as tougher on crime, on individual criminals, on persistent offenders and on those deemed to be committing anti-social acts in their neighbourhoods. And, after Labour’s 1997 election victory, there was little debate on criminal justice policy: governments should be “tough on crime, tough on the causes of crime,”¹⁰ with the emphasis on the former.

Tony Blair’s government set about tackling crime with a zealotry of which Mr Howard would have been proud. As Toynbee and Walker note, “on crime, Labour were hyper-active.”¹¹ Labour put through fifty criminal justice bills (there were only six between 1929 and 1945), and introduced 3500 new offences.¹² It came the 1998 Crime and Disorder Act that brought with it Anti-Social Behaviour Orders (ASBOs) and fast track punishment for young offenders. There was also a reduction in the criminal age of responsibility to 10 years old. The 2003 Criminal Justice Act brought in Imprisonment for Public Protection, or IPP sentences, significantly raising the number of offenders on indeterminate sentences in the prison system. During the 2000s, as with the 1990s, the prison population in England and Wales continued to rise; expanding from 45,000 in 1985 to 80,000 in 2008.¹³ In adopting this approach, the Labour Party managed to convince the public that they were indeed ‘tough on crime’ and doing so appeared to pay electoral dividends.

On criminal justice policy, perhaps the most significant intellectual shift in the decade from the early 1990s to the early 2000s was the move from a structural causal analysis of crime to a psychological, individualistic explanation. With this shift, so the job of government changed. No longer would it be concerned with tackling the underlying causes of crime (despite Mr Blair’s rhetoric), rooted in inequality and cultural deprivation. Rather, the government’s job was to target individuals who were the most likely offenders, to weed them out and stop their criminality, and to punish them effectively when they offended or reoffended. As such, “spending on preventing offences was miniscule compared with the budgets given to courts, coppers and incarceration.”¹⁴ Although spending on public order grew significantly, Labour sought to keep costs down through ‘innovative’ management of resources. Such changes in the politics of law and order have inevitably led to private prisons, probation officers becoming offender managers, and the profiling of individuals to target the most likely offenders.

9 Toynbee, P. and Walker, D., *The Verdict: Did Labour Change Britain?* (Granta, 2010) p173.

10 Blair, T, *Leader’s Speech*, Brighton 1995. <http://www.britishpoliticalspeech.org/speech-archive.htm?speech=201>.

11 Toynbee and Walker p173.

12 *ibid*, p175.

13 Matthews, Roger, *Doing Time: An Introduction to the Sociology of Imprisonment*. (Palgrave Macmillan, 2009) p90.

14 Toynbee and Walker p174.

Spending on probation increased by 70 % in real terms from 1999P 2009, with staff numbers growing by 7000.¹⁵ But the emphasis continued to shift away from supporting offenders to monitoring and supervising them. Moreover, with the growth in community sentences, punishment became an additional focus for probation staff. In this regard, the introduction of the National Offender Management Service (NOMS) in 2004 is perhaps the most prominent Labour Party policy related to the issue of reoffending.

NOMS combined the National Probation Service and Her Majesty's Prison Service (HMPS) and sought to introduce comprehensive, endP toP end, offender management and sentence planning. This has meant an increased probation presence in prisons which is supposed to 'streamline' offender management by providing a link between prison and external probation. A better coP ordinated approach was meant to tailor sentences to individual offenders and thereby reduce reoffending. In addition, the newly created NOMS gave prisons and probation a new management structure which was designed to reduce reoffending through the introduction of multiP agency partnerships, allowing for better coP ordination between government agencies and local authorities. Lastly, the introduction of the NOMS management structure was designed to allow competition between service providers, from the public, private and voluntary sectors. In turn, this was supposed to drive up standards and drive down costs.

This period also saw the introduction of the Offender Assessment System (OASys) – a computerP based system that was designed to allow Probation Officers and prison staff to assess the risks associated with individual offenders. OASys is comprised of a series of forms which inform clinical assessments of offenders. In turn, this information is supposed to feed into the sentence plans of offenders.

However, despite these radical changes to the way offenders are supervised and managed, there has been no impact on reoffending rates.

Although there was a significant increase in probation staff and funding, there were also far more offenders to deal with. The huge growth in the prison population, as well as community sentences, almost necessitated the move to the offender management structure. When a probation officer has forty offenders to manage, after supervision meetings and paperwork, there remains very little time for substantive support. As Peter Raynor notes, efforts to train staff in social work skills and utilize appropriate techniques for reducing crime through support has been in large part absent in recent times.¹⁶

Thus, Labour's kneejerk reactions to public outcries and their overall frenetic approach to crime failed to reduce reoffending. Indeed, by overseeing a huge increase in the prison population, they exacerbated the problem. The rushed changes over which the Labour government presided were subject to limited evaluation measures and insufficient consultation. They were informed by the 'tough on crime' approach and thereby focused on controlling measures rather than supportive ones. In addition, they subscribed to simplistic and ideological ideas – for example, the assumption

¹⁵ *ibid* p178.

¹⁶ Raynor, P. 'Postscript: Opportunities and Threats', in: McIvor, G. and Raynor, P., *Developments in Social Work with Offenders*. p335.

that marketisation would improve efficiency and quality, and that particular incentives – for staff and offenders – would drive down reoffending.

Labour's failure to reduce reoffending led the Conservative Party to advocate a 'rehabilitation revolution' in the run up to the 2010 election. The approach of the current government, however, is not so different from the last. Despite the purported 'rehabilitation revolution', the 'tough on crime' approach still dominates and the contours of the mainstream criminal justice debate remain the same.

Current government policy

“The Government is currently introducing radical reforms to rehabilitation services in England and Wales. This will see the best of the private, voluntary and public sectors working together to turn offenders away from crime for good. And we will only pay in full for services proven to cut reoffending so we only invest in what works and ensure taxpayers get better value.”

Minister for Justice, Chris Grayling, July 2013¹⁷

In the run up to the 2010 general elections, the Conservative Party issued a policy paper outlining its plans for a ‘rehabilitation revolution’.¹⁸ Recognising the need to tackle stubbornly high reoffending rates, a number of measures were put forward to address what they saw as the central obstacles to rehabilitation.

However, the revolution would have to be carried out on a shoestring budget. The government policy of austerity, introduced in the wake of the 2008 financial crisis, has had a particularly large effect upon the Ministry of Justice, whose budget has been cut by almost 25%.¹⁹ These financial constraints have shaped the coalition’s policies, and will likely have a noticeable impact upon the success of the ‘rehabilitation revolution’ as a whole.

The drive to reduce costs and improve efficiency has led to significant changes to the National Probation Service, with the introduction of competition and financial incentives. While the post-release supervision of high risk individuals will still be handled by the Probation Service, the provision of probation services to low and medium risk prisoners will now be outsourced, with public, private and charitable organisations bidding for contracts. In a further attempt to save money, providers are incentivised to devise rehabilitation programmes that deliver tangible improvements to reoffending rates. Providers who achieve their targets will be paid accordingly; those who fail to reduce reoffending will be paid less.

The tightening of the purse strings is visible in the closure of 142 courts nationwide and the announcement earlier this year of the decision to shut down seven ‘uneconomic’ prisons in England and Wales. However, the desire to improve efficiency has had to be balanced against the need to address the swollen prison population, which had increased to record high levels under the previous Labour government.²⁰ In response to prison overcrowding, and the shutting down of several prisons, Secretary of State for Justice, Chris Grayling, has put forward plans to create one (costly) ‘super

17 <https://www.gov.uk/government/news/reoffending-is-up-while-fewer-people-enter-the-criminal-justice-system>.

18 *Prisons with a Purpose, our sentencing and rehabilitation revolution to break the cycle of crime*, Security Agenda, Policy Green paper No.4.

19 <http://www.telegraph.co.uk/news/politics/spending-review/8077222/Spending-Review-the-winners-and-losers-by-Government-department.html>

20 Under Labour, the UK prison population rose from 61,000 in 1997 to just under 80,000 in 2007. Matthews p110.

prison' instead.²¹ In addition to this, wherever possible, community sentences are being prioritised over shortP term custodial sentences, as they are both cheaper and more effective at reducing reoffending.²²

The coalition has carried on where Labour left off with regards to its 'tough on crime' approach. Although more offenders are being punished in the community than before,²³ the coalition has enacted several changes to the provision of community punishments through the Crime and Courts Bill, which guarantee that community sentences are punitive in nature.²⁴ In addition to this, there has been a move to encourage offenders to work whilst in prison.²⁵ Rules and regulations have been eased, so as to enable private companies to engage prisoners in work and training schemes.²⁶ The introduction of a 9P 5 working week for prisoners is supposed to help offenders to get used to working 'hard', and to provide them with the skills necessary to gain employment upon release.²⁷

In addition to this, the government has begun taxing offenders who have gained paid employment whilst still in prison at 40% of net income (after PAYE income tax and NI contributions have been paid). This is designed to be a 'victims' tax', which will go to the victims of crime. Due to the time it takes to administer this initiative, offenders working for external employers (Category D prisoners who have been Released on Temporary Licence so they can work) now receive their wages weeks after they would ordinarily be paid. Although this affects just several hundred prisoners at any one time, and therefore will raise very little money for victims, to individual offenders the money lost can be significant. Indeed, after regular taxes, transport and food, some prisoners are paying to go to work. Although this measure was introduced without receiving much attention, it has led to clear disincentives for offenders to try and find employment whilst in prison.²⁸

Until now, offenders serving shortP term sentences of under a year have not been subject to compulsory probation upon release. However, this same cohort is statistically the most likely to reoffend, with 58% of shortP term prisoners going on to commit crime again within a year of release.²⁹ To address this, the coalition government has rolled out the provision of probation services to short term prisoners too. All prisoners will now receive a minimum of 12 months supervision upon release.³⁰ Those who reoffend during this period will be returned to custody. Opponents of this measure have warned that it will lead to significant increases in the prison population and that probation services will be unable to cope with the extra workload.

On a more positive note, the Rehabilitation of Offenders Act has been altered, so as to help exP offenders to find work. Custodial sentences of up to 4 years can now be 'spent', meaning that after a set period of time those who have served short sentences in prison will not have to declare their

21 <http://www.bbc.co.uk/news/uk-20969898> and <http://www.bbc.co.uk/news/uk-22243680>.

22 Ministry of Justice (2011) Compendium of reoffending statistics, London: Ministry of Justice.

23 <http://www.crimeandjustice.org.uk/publications/community-sentences-solution-penal-excess>

24 This will involve the increased use of electronic tagging, judges will take into account offenders' belongings as well as their income when setting financial penalties, and courts will have access to benefits and tax information so that they can set penalties at a level that will 'bite on offenders'. The £5,000 cap on compensation orders in magistrates courts will also be removed. <https://www.justice.gov.uk/news/press-releases/moj/community-sentences-that-deliver-proper-punishment>.

25 <http://www.bbc.co.uk/news/uk-politics-11470289>.

26 <http://www.bbc.co.uk/news/uk-17938269>.

27 <http://www.bbc.co.uk/news/uk-politics-11470289>.

28 <http://www.bbc.co.uk/news/uk-15054263>.

29 Tables 18b Ministry of Justice (2013) Proven re-offending quarterly July to June 2011, London: Ministry of Justice.

30 <http://www.bbc.co.uk/news/uk-politics-22446246>.

previous convictions to potential employers. This could be significant in helping offenders to find employment.

Other important proposals include the creation of 70 resettlement prisons across the country, which will enable offenders to be placed in a prison close to where they will live after being released. In these resettlement prisons, it is also proposed that offenders will be supervised for a minimum of three months prior to their release. As such, prisoners will be provided with continuous supervision from one provider (in some circumstances, one lead professional) from custody into the community. The coalition has sought to strengthen communication between the different stakeholders in the prison, probation and police services, through the 'Integrated Offender Management' (IOM) programme. Addressing any overlaps or gaps in service provision, IOM is meant to streamline the service provided to prisoners upon their release. This will be supplemented by the 'justice data lab', which encourages providers of rehabilitation programmes to share data on their success, to show which kind of interventions are most effective, and help organisations to make informed decisions on how to invest their resources and time most efficiently.

Possible Problems

An overarching concern about the coalition's criminal justice policy lies in its reluctance to view prisons and probation as a core public service that deserves and requires modernisation and investment consistent with other areas. Through endorsing the 'tough on crime' approach, successive governments have limited the entire debate on how to reduce recidivism. After having placed such a strong emphasis upon the punitive approach, it becomes difficult for policy makers to justify any significant expenditure in this area, for fear of looking 'soft' on those that they have persistently demonised.

In the current context, where tabloids and broadsheets alike voice their outrage at peripheral issues such as prisoners having access to TV, politicians have tempered their policies to appease what they see as the electorate's desire for punishment.

The rolling out of initiatives such as the Prisoners' Earning Act, which siphons off prisoners' pay and donates it to victims of crime instead, are ill thought through and focused upon grabbing headlines rather than making the right decisions to aid in prisoners' rehabilitation. Some money earned by a prisoner shortly prior to leaving prison can contribute significantly to the creation of a crime free life after prison. The amount of money that prisoners are given when leaving prison has not changed since 1997.³¹ Even Chris Grayling said that it is unsurprising if offenders leaving prison with £46 in their pockets go on to reoffend.³² As such, the decision to add an additional tax to the earnings of prisoners is unwise. Indeed, taxing the offenders who have behaved well enough, progressed far enough along their sentence, and then been able to find a job (despite still being in prison) is a rather baffling move. Instead of enabling offenders to save funds while in prison, which would significantly ease their entry back into the community, the 'victim tax' reduces their earning capacity and even acts as a disincentive to work.

31 Prison Service Instruction 72/2011 Discharge, Annex B.

32 <http://www.bbc.co.uk/news/uk-20399401>.

The coalition's reliance upon competition to drive efficiency is also another area of concern. While competition can potentially reduce costs, it is by no means certain that the quality of the service provided will improve. Indeed, reduced costs often result in corners being cut, and deteriorating standards. This can be seen in certain private prisons, such as HMP Oakwood. In a damning report, a recent inspection of HMP Oakwood showed that in all key areas G4S was failing to provide an adequate service.³³ Staff in private prisons receive lower salaries than those in the public sector.³⁴ While this may cut costs, it also means that the staff working in private prisons are likely to be less experienced. This has a distinctly negative impact upon the service provided, as inexperienced staff fail to deal with poor behaviour to avoid confrontation with prisoners, creating an unsafe environment.³⁵ Despite the numerous failings at HMP Oakwood, it is to serve as a model for future prisons such as the 'super prison' in Wrexham that will house 2,000 prisoners.³⁶

The government's decision to close seven 'uneconomic', small, local prisons in favour of warehouseP like 'super prisons', shows a lack of foresight on their part. Community prisons have a better track record for reducing reoffending than large prisons, so while these closures may result in '£63 million' in savings every year, the cost of the additional reoffending is likely to eat into those savings.

The marketisation of probation services has its basis in assumptions that are flawed. The paymentP byP results scheme will measure the rehabilitation programmes' success in preventing reoffending in the first 12 months after an offender has been released from prison. While the setting of time frames is necessary to be able to measure any such scheme's success, there is a real risk that private and third sector providers of these services will withdraw the support that they have offered, as soon as the 1P year mark has passed. Moreover, the introduction of paymentP byP results is likely to see those offenders who are at the highest risk of reoffending neglected by the service providers, who recognise that they are less likely to achieve their goal, and thus focus their efforts on easier cases instead. This will diminish the genuine value that is added by such programmes, while the figures will suggest that progress is being made.

A separate concern is that Grayling has decided to roll out the scheme nationwide, even though the trial period for the two pilots (in Peterborough and Doncaster) has not yet ended. Furthermore, the results of the pilots until now show no conclusive evidence that the outsourcing of probationary services is any more successful in reducing reoffending than the previous system. Although the reconviction rate for offenders leaving Peterborough prison fell from 41.6% to 39.2% in the two and a half years that the pilot has been running (a drop of 2.4%), the data from Doncaster prison shows that the reconviction rate actually increased from 39.8% to 41.1% (an increase in 1.3%). With such inconclusive results, Grayling's decision to expand the scheme seems both premature and illP thoughtP through; another example of the government rushing a policy through in order to make the headlines and appear to be making progress.

The introduction of targetP led initiatives to incentivise service providers is part of a general trend towards micromanagement, which became prevalent under New Labour. Although the setting of targets in general is by no means inherently negative, the very nature of probation is personal and human. The setting of specific targets, and enforced use of tools to such as OASys to attempt to

33 <http://www.bbc.co.uk/news/uk-england-birmingham-24432417>.

34 <http://www.prisonreformtrust.org.uk/PressPolicy/News/vw/1/ItemID/179>.

35 *ibid*.

36 <http://www.bbc.co.uk/news/uk-20969898>.

detect the likeliness of reoffending, forces probation staff to try to fit offenders into one of the boxes that they have to tick, which is neither an easy nor useful task. As such, initiatives such as the 'justice data lab' risk simply adding more paperwork to the already beleaguered probation service, and detracting from what little time they have left to actually provide offenders with support.

What is more, the prioritisation of community services over custodial sentences is not as simple as it might at first appear. On the one hand, evidence suggests that community sentences are 8.3% more effective at reducing reoffending rates than shortP term custodial sentences.³⁷ Indeed, the Prison Governors' Association passed a motion in 2009 stating that prison sentences of 12 months and under ought to be abolished, as they did not work.³⁸ The provision of community based sentences enables offenders to keep their jobs and housing and maintain important social support networks, the lack of which often contributes to an increased likeliness of reoffending for those who face time in custody.³⁹ However, by allowing offenders to remain in the community, the underlying causes of their crime (poverty, lack of opportunities, participation in criminal gangs etc.) are unlikely to change. When questioned, many offenders indicated that community sentences were harder to complete than a short prison sentence because of the need to keep to appointments and the length of time over which community sentences are spent.⁴⁰

With both community sentences and the probation service as it currently stands, with the emphasis being on supervision rather than support, there is unlikely to be a drop in rates of reoffending. Furthermore, the introduction of statutory probation supervision for all and the increase in 'tougher' community sentences is likely to lead to many offenders being returned to custody. Indeed, the Ministry of Justice estimates foresee as many as 1,000 extra offenders being returned to prison each month as a result of the expansion of probation to prisoners facing shortP term sentences; this will cost the government an extra £16 million each year.⁴¹ This is in addition to the extra funds needed to pay for the expansion of compulsory probation.

37 Ministry of Justice (2011) 2011 Compendium of reoffending statistics and analysis, London: Ministry of Justice.

38 Trebilcock, J., *No Winners: the reality of short term prison sentences*, (The Howard League for Penal Reform, 2011) p.2.

39 *ibid* p.4.

40 *ibid* p.3.

41 <http://www.telegraph.co.uk/news/politics/10139782/Official-13000-more-criminals-to-be-jailed-every-year-from-Chris-Grayling-reforms.html>.

The value and dangers of imprisonment

As emphasised earlier in this paper, the ‘tough on crime’ approach of successive governments and their preoccupation with the politics of criminal justice has led to poor policy formulation. This has resulted in underwhelming outcomes (in terms of the reduction in reoffending) and high costs for the taxpayer. As an alternative, we propose an evidence-based approach, which considers why prisoners become recidivists and the best ways of reducing reoffending. Firstly, we will reflect upon the long term strategic implications of a ‘tough on crime’ approach.

The effects of high imprisonment rates

In England and Wales the prison population currently stands at around 84,000, with the record high of 88,179 being hit in December 2011.⁴² By contrast, the prison population in June 1993 was just 41,800. This growth in the prison population was caused by the courts sentencing more offenders to prison every year, and by offenders being incarcerated for longer periods.⁴³ In comparison to many other Western European countries, England and Wales imprison a large proportion of the population at 142 per 100,000 in 2005. At the low end of the spectrum sit Norway at 66 per 100,000, Denmark at 67, Finland and Italy at 68, Ireland at 72, Switzerland at 79 and Sweden at 82⁴⁴. The United States has a far higher proportion with over 700 per 100,000 in prison.⁴⁵

But the huge growth in the prison population in England and Wales over the last twenty years has coincided with a significant reduction in crime. So did high levels of incarceration lead to the drop in crime?

Factors contributing to the drop in crime

First of all, it is important to note that the drop in crime can be partially explained by the changing demographics in England and Wales. The reduction in the number of young men – the most crime-prone demographic – as a proportion of the whole population, has contributed positively to crime statistics.⁴⁶ Secondly, the drop in certain crimes, such as burglary and car theft, can partly be explained by better security measures. Thirdly, some argue that a booming economy and government measures to alleviate financial burdens have helped to reduce crime.⁴⁷

As for the growing prison population, the Centre for Economic Performance notes that “there is no clear evidence that the large increase in locking people up has reduced crime.”⁴⁸ In part this assessment reflects the fact that the impact of imprisonment is incredibly difficult to measure. Asking what someone would have done had they not been imprisoned is no easy task. Applied to

42 Statistics from Prison Population Statistics 29 July 2013 – Berman and Dar – House of Commons Library.

43 (MoJ – the story page 2).

44 (Pratt part 1 page 119)

45 Matthews p103.

46 www.cepr.org/meets/wkcn/9/979/papers/Buonanno_etal.pdf.

47 Toynbee and Walker p176.

48 Cited in Toynbee and Walker p191.

tens of thousands, this question becomes even more difficult. Some criminologists, such as Charles Murray have highlighted the incapacitation effects of imprisonment.⁴⁹ And of course, it is true that if someone is locked up, they are unable to commit crime (except in relation to prison staff and other offenders). In this sense, the increase in the prison population will have had some positive effect on crime statistics.

The limitations of high imprisonment rates

However, the crime reduction capacity of prisons is limited. Roger Matthews identifies three main reasons for this: firstly, reductions in offending are likely to be short term and specific; any impact is more likely to be on more minor offences; and finally the crime control effects of incarceration are likely to become smaller as the prison population increases in size.⁵⁰

Focusing on the first point, it is possible that imprisonment will merely delay a crime being committed. Furthermore, depending on the offence, imprisonment may have no impact on crime numbers at all. For example, the imprisonment of a low or midP level drug dealer is likely to have no impact on crime levels as someone else is sent to fill the vacant position. In this case, imprisonment can merely create the space for someone else to get 'promoted'.⁵¹

The problem with high imprisonment rates

Mike Hough, Stephen Farrall and Fergus McNeill also note the possible "amplification" effect of imprisonment.⁵² Through its ability to create recidivists, prison can actually contribute to increased levels of crime. Indeed, the higher the prison population, the higher the number of 'reP offenders' – so long as reP offending rates are not reduced. Furthermore, terms of imprisonment can negatively impact third parties, particularly families. In this sense, the effects of imprisonment are not merely felt by the individual offender, but also by subsequent generations.

For example, a parent who goes to prison leaves their partner as a single parent. With one less parent who is able to earn, many will be "sentenced to welfare dependency" to support the children.⁵³ The statistics show that these (mainly poor) households will have children who are more likely to perform poorly at school, have lower health outcomes and "engage in delinquency".⁵⁴ A case which points to the dangers of mass imprisonment is the United States, where the total number of children with fathers in prison increased from 340,000 in 1980 to 2.1 million in 2000. This equates to a sixP fold increase, leaving 3% of children in the US with a father incarcerated in 2000.⁵⁵

Furthermore, crime and prisoners are not evenly dispersed. Frequently, prisoners are drawn from certain geographical areas; indeed, the populations who are most likely to go to prison are the

49 (1997)

50 Matthews p129.

51 Hough et al. p10.

52 *ibid.*

53 Matthews p86.

54 *ibid.*

55 *ibid.*

“marginalised groups living in poor urban neighbourhoods”.⁵⁶ Where there are high concentrations of prisoners, the problem of imprisonment is not the occasional fatherless child, but rather communities with a considerable loss of human and social capital. Matthews describes the cumulative effect of high imprisonment rates focused in certain geographical areas:

“Incarceration can destabilise communities and undermine the building blocks of social order. Imprisonment in these cases serves to further undermine vulnerable and disadvantaged neighbourhoods and helps to sustain the conditions for high rates of crime and disorder and predictably supply future prison populations.”⁵⁷

By focusing on high crime communities in the US, Todd Clear, Dina Rose and Judith Ryder have shown how high rates of imprisonment concentrated in deprived areas can expand the “cycle of deprivation” and increase the likelihood that large numbers of offenders will be drawn from that area in the future.⁵⁸ Indeed, the term ‘million dollar blocks’ has emerged from the US to describe these concentrated areas from which prisoners are drawn. This notion was the result of geographical mapping exercises which highlighted the cost to the taxpayer of having high imprisonment rates focused on concentrated areas.⁵⁹

Of course, the imprisonment rate in England and Wales is far below that in the US; nevertheless, the point remains that high incarceration rates concentrated in deprived geographical areas are damaging to the community, costly to the taxpayer, and could be a major factor in fuelling future crime.

This brings us to our next question regarding the value and dangers of imprisonment; why do prisoners become recidivists?

Why do prisoners become recidivists?

The ‘tough on crime’ approach to this question often leads to the conclusion that prisoners re-offend because prison life is too easy. This is a position that appeals to much of the public and is pedalled by portions of the mainstream media.⁶⁰ The ‘prison is too easy’ answer focuses on the deterrent effect of prison and proposes that various privileges, such as access to television, should be cut. Current Secretary of State for Justice, Chris Grayling, has subscribed to this view and attempted to make

56 Matthews, 2010, p103.

57 Matthews, 2009, p86.

58 Clear, T.R., Rose, D.R. and Ryder, J.A., *Incarceration and the Community: The Problem of Removing and Returning Offenders* (2002).

59 <http://www.villagevoice.com/2004-11-09/news/million-dollar-blocks/>; Thompson, H.A, ‘Why Mass Incarceration Matters: Rethinking Crisis, Decline, and Transformation in Postwar American History’ *The Journal of American History* (2010) 97 (3): pp703-734.

60 (<http://www.telegraph.co.uk/news/yourview/1905125/Is-prison-life-too-soft.html>;

<http://www.dailymail.co.uk/news/article-2395197/Prisoners-boasted-easy-life-Facebook-lose-perks-Pair-face-extended-sentences-Justice-Secretary-demands-authorities-throw-book-them.html>;

<http://www.telegraph.co.uk/foodanddrink/foodanddrinknews/9320916/Gordon-Ramsay-I-cant-believe-how-easy-life-is-in-British-prisons.html>; <http://www.express.co.uk/news/uk/392269/Time-to-get-tough-on-holiday-camp-prisons>;

<http://www.express.co.uk/comment/expresscomment/392171/Chris-Grayling-has-to-deliver-on-tougher-prison-regimes>)

prison life ‘tougher’ by, for example, making prison uniforms compulsory for the first two weeks of every prisoner’s sentence⁶¹.

In contrast to this approach, the argument posed here is that whether a prisoner reoffends or not once released has very little to do with the deterrent effects of prison. Our answer to the question of why prisoners become recidivists simply put, is that prison does not change, nor has little capacity to influence, the “basic social conditions” that are associated with crime.⁶² In other words, prison and the correctional process more generally, fail to address many of the issues which lead to offending in the first place.

Matthews argues that a major reason for the development of the modern prison system was the idea that spending time in prison could lead to “individual transformation” and that prison itself could serve as “a mechanism for reforming offenders”.⁶³ He argues, however, that time in prison is “wasted” rather than “spent” as prisoners are removed from their places of work and the labour market more generally. In addition, prisoners are removed from their families and communities. Thus, prisoners do not spend time in the conventional meaning of the term, but rather wait for time to pass. And, once the time has passed, prisoners (in a significant proportion of cases) have not gained the skills needed to deal with many of the issues which led to their offending behaviour in the first place.

Examples and categories of these issues are well explored in the literature on criminal recidivism and have been rigorously examined in official studies. One such study was the Labour government’s Social Exclusion Report published in 2002. A summary of the findings are shown in the following table:⁶⁴

Characteristic	General Population	Prisoners (sentenced prisoners unless otherwise state)
Ran away from home as a child	11%	47% of male, 50% of female
Taken into care as a child	2%	27% (those who had been in care also had longer criminal careers on average)
Has a family member convicted of a criminal offence	16%	43%
Excluded from school	2%	49% of male, 33% of female
Attended a special school	1%	23% of males, 11% of female
No qualifications	15%	52% of male, 71% of female
Numeracy at or below level 1 or that expected for age 11	23%	65%
Reading ability at or below level 1	21-23%	48%
Writing ability at or below level 1	No direct comparison	82%
Suffer from two or more	5% men, 2% women	72% of male, 70% of female

61 <http://www.theguardian.com/society/2013/nov/01/male-prisoners-uniforms-daytime-television-banned>

62 Matthews 2009, p129.

63 Matthews 2010, p37.

64 Social Exclusion Unit 2002. Table adapted from Matthews 2010, p105.

mental disorders		
3 or more	1% men, 0% women	44% of male, 62% of female

This table shows that prisoners are considerably more likely than the general population to have special educational needs, low levels of educational attainment, mental health problems and have had difficult and unstable childhoods. In addition, offenders are far more likely to have had substance misuse issues, particularly in relation to illegal drugs and alcohol.

More recent official reports highlight similar problems. For example, it is estimated that around 36% of prisoners are considered to have a disability and 47% of prisoners say that they have no qualifications.⁶⁵ Unemployment and housing is also a major issue: 13% report never having had a job and only 32% of prisoners report being in paid employment during the four weeks prior to entering custody.⁶⁶ Furthermore, 15% of prisoners report having been homeless before entering custody, whilst 44% of prisoners had been in their accommodation for less than a year before entering prison.⁶⁷

Unfortunately, the prison system is simply not able to cope with the size and scale of the issues presented by offenders. Public spending on prison education programmes is insufficient and, whilst some areas such as drug rehabilitation have seen a marked improvement in recent times, support services within prisons remain underfunded and are not prioritised.

Although the description of prisons as mere “warehouses” is possibly unfair, far more could be done inside prison to ready offenders for life outside.⁶⁸ Successive governments’ failure in this regard has allowed rates of reoffending to remain persistently high.

Problems caused or exacerbated by imprisonment

In addition to the failure of prisons to tackle certain issues, prison also creates problems or exacerbates pre-existing ones, which can lead to re-offending.

For example, a criminal record can make finding employment incredibly difficult. Indeed, certain online employment forms immediately reject an application once it is submitted with a criminal conviction disclosed. Furthermore, where a criminal record is not disclosed to a potential employer, the offender can find him or herself put back in prison. Thus, on top of a lack of skills and qualifications, a criminal record can make it incredibly difficult for offenders to find work. Related to this issue is “the well-known argument that prison can serve as a ‘school for criminals”.⁶⁹ In prison, where one is surrounded by offenders, crime is not only normalised, but criminal skills and connections can be improved.

65 Ministry of Justice, *Estimating the prevalence of disability amongst prisoners: results from the Surveying Prisoner Crime Reduction (SPCR) survey*, London, Ministry of Justice, 2012 and Ministry of Justice *The pre-custody employment, training and education status of newly sentenced prisoners*, London: Ministry of Justice 2012.

66 Ministry of Justice *The pre-custody employment, training and education status of newly sentenced prisoners*, London: Ministry of Justice, 2012.

67 Ministry of Justice, Research Summary 3/12, *Accommodation, homelessness and reoffending of prisoners*, London: Ministry of Justice, 2012.

68 Toynbee and Walker p179.

69 Hough et al. pp10-11.

However, if an offender is determined to 'go straight' after a term in prison, they may find the outside world a rather lonely place. If a rejection of criminal networks and associations is important in avoiding reP offending, then there needs to be social and support networks that can replace the criminal ones. But a criminal conviction and time spent in prison can put major strains on family relationships and friendships. This added to unemployment can lead to social isolation, increasing the possibility of future offending.⁷⁰

In cases of unemployment and a lack of support networks, homelessness can easily ensue. This is particularly true in the current context, where demand for social housing outweighs supply. Additionally, offenders can encounter landlords who view them as a risky or undesirable tenant.⁷¹ According to HM Chief Inspector of Prisons, 11% of prisoners do not have settled accommodation on release.⁷² In some instances, prison can mean an offender loses their job, housing arrangement, family and friends. Of course, there is little anyone can do if family and friends choose to disassociate themselves from an offender. But where government can step in is by providing alternative sources of support.

Prison life can also lead to 'institutionalisation', or the loss of the ability to cope with normal life outside prison. As Matthews notes, "a central feature of prison life is the timetable which provides a regular programme of activities and a semblance of structure and order to the day".⁷³ If an offender is socially isolated outside of prison and, let's say, has a history of substance misuse, the lack of structure can easily lead to (re)offending behaviour.⁷⁴ As mentioned, some make the argument that offenders might choose to return to prison because life is 'easy' or 'soft' inside. However, what we are referring to is a situation whereby offenders find it difficult to acclimatise to 'normal' life once released from prison. As demonstrated, this is due to a lack of money, support and skills.

The statistics on exP prisoner suicide rates give a revealing indication of how hard many former prisoners find life once released: men under probation supervision in the community are nine times more likely to commit suicide than the general population (exceeding the rate of suicide within prison itself).⁷⁵ The argument put forward in this paper is that the way to reduce reoffending is to support offenders to cope with and combat the various difficulties highlighted above.

70 Vanstone, M., 'The Resettlement of Prisoners in England and Wales: Learning from History and Research', in: Mclvor, G. and Raynor, P., *Developments in Social Work with Offenders* p309.

71 Homelessness and reoffending report pp13-4.

72 Prisons Reform Trust, *Prison: the facts*, (Bromley Briefings Summer 2013) p.8.

73 Matthews, 2009, p40.

74 Vanstone p313.

75 Solomon, E. and Silvestri, A. *Community Sentences Digest*, 2008. Available at <http://www.crimeandjustice.org.uk/communitysentencesdigest2008.html>

How to reduce reoffending

Having highlighted the main difficulties offenders face, the question then becomes: what is the best way of tackling these issues?

Evidence of best practice in supporting offenders

Thus far we have advocated greater support for offenders, whilst questioning the efficacy of formal control mechanisms such as probation supervision. We will now look at what we argue support services should aim to achieve.

Studies by Maruna and Zamble and Quinsey suggest that whether exP prisoners reoffend or not depends not merely on the social and material circumstance but also their state of mind and level of optimism.⁷⁶ In addition, whether an offender feels in control of their life appears to be a significant factor in whether they reoffend or not. Support services should, on this basis, aim to challenge offenders' selfP perceptions and help them to develop strategies to effect positive change in their lives.⁷⁷

In order to achieve this, support staff should be wellP trained and able to build positive relationships with offenders. Support programmes also appear to be more effective when they are intensive, wellP planned and coP ordinated.⁷⁸ Most importantly, offenders' levels of motivation for rehabilitation and resettlement should be built up whilst they are still in prison. In this way, offenders are more likely to actively choose to use support services once they are released.⁷⁹

Evidence from projects in England and Wales

The importance of finding a job upon release should not be underestimated. Prisoners who do not enter into some kind of employment after being released from prison are twice as likely to reoffend as those who do.⁸⁰ However, finding gainful employment is far from easy for the majority of offenders. Only 36% of offenders released from prison leave with a job, an educational course or training programme.⁸¹ The low rate of employment upon release can be partly attributed to the fact that 47% of prisoners have no qualifications.⁸² Given that prisoners with some kind of qualification are 25% less likely to offend than those without, there is a strong case for supporting projects and

⁷⁶ 2000 and 1997.

⁷⁷ Vanstone p325.

⁷⁸ Berntsen and Christiansen 1965; Raynor and Vanstone 1997.

⁷⁹ Vanstone p325.

⁸⁰ Ministry of Justice, *Analysis of the impact of employment on reT offending following release from custody, using Propensity Score Matching* (2013) p.2.

⁸¹ PRT Brömley Briefings June 2012.

⁸² Ministry of Justice (2012) *The preT custody employment, training and education status of newly sentenced prisoners*, London: Ministry of Justice.

schemes that equip offenders with qualifications and training that will help them to enter the job market upon release.⁸³

There are a variety of innovative and effective schemes run in prisons across the country, which have been remarkably successful in reducing the reoffending rates of participants. Providing training and work experience, and sometimes even job opportunities for offenders after they are released, these projects provide a great example of the type of rehabilitative programmes that could be run out on a national scale, and have a significant and lasting impact upon reoffending rates in England and Wales.

Whether the schemes are run by private companies, social enterprises or charities, the most successful projects should be replicated and rolled out on a wider scale. The 'Young Offender Programme' run by the National Grid provides training and employment to offenders across the country. Although the scheme is aimed specifically at young offenders, it serves as an extremely successful model. Offenders are provided with training whilst on release on temporary licence, they spend five weeks in a training centre and eight weeks on a work placement. They are offered support and mentoring throughout. Jobs are then made available to offenders upon release. The current rate of reoffending for those who have passed through the scheme is 6%.⁸⁴

The initiative run by Timpson is also notable for reducing the rate of reoffending among participants. Providing training in prison workshops, and a guaranteed interview to apply those skills in the workplace upon release, roughly 80% of those who gained employment with Timpson after leaving prison are still working for them six months after their release. Timpson estimates that the overall reoffending rate of participants in the scheme is around 20%.⁸⁵

The Minerva Project in Hull is another highly successful scheme, from which many lessons can be learnt. Those who participate do so voluntarily, and are referred to as volunteers. They receive support from project workers whilst in prison on how to find accommodation, education, training and employment upon release, and are advised on how to gain access to healthcare, drug and alcohol support, benefits and counselling. This support is extended to the volunteers' families as well.

The project has also created a social enterprise that complements the work of the prison's resettlement team, helping those who are soon to be released to improve their employability. Offenders are met at the gate by project workers, and given the opportunity to work within the social enterprise. There they are provided with training and have the chance to gain qualifications that will enhance their employment prospects. In the 12P 16 weeks after release they are offered a high level of support, while they reintegrate into society. After sufficient progress has been made, the volunteers are assisted in finding a job in the community or in a local business. The reoffending rate for participants is 14.69%.⁸⁶

⁸³ Ministry of Justice, *The pre-custody employment, training and education status of newly sentenced prisoners*, London: Ministry of Justice (2012).

⁸⁴ [http://www.nationalgrid.com/youngoffender/ovr .asp](http://www.nationalgrid.com/youngoffender/ovr.asp).

⁸⁵ <http://www.publications.parliament.uk/pa/cm201314/cmselect/cmworpen/162/162we18.htm>.

⁸⁶ http://www.local.gov.uk/pcc/-/journal_content/56/10180/3878613/ARTICLE.

Evidence from abroad

In England and Wales, 47% of offenders will go on to reoffend within a year. This is strikingly high when compared to Scotland whose reoffending rate is 28.4%, Norway whose reoffending rate stands at 20% and the Netherlands, where the rate of recidivism has been steadily dropping and now stands at 27.5%.⁸⁷ In fact the rate of reoffending in England and Wales is much closer to that of the US, where 67% of offenders reoffend within 3 years, than of our European neighbours.⁸⁸ The following section will highlight some positive lessons that can be learnt from other states.

In 2008 a report was published by an independent, all party commission into the Scottish penal system entitled 'Scotland's Choice'. The report recommended a complete rethink of the purpose of prisons, and called for the entire topic to be depoliticised. The report had a significant impact upon the discourse surrounding the criminal justice system in Scotland, and prompted the government to invest £10 million in the 'Reoffending Change Fund'. Using an evidence based approach, large sums of money have been allocated to reducing reoffending focusing on those who are most likely to commit crime once again. As such, a national network of mentoring schemes has been established, which will provide one-to-one support to offenders to help to tackle issues that may prevent them from being able to reintegrate successfully into society. This support will be extended to offenders through the prison gate, and help them to access accommodation, medical care and claim benefits upon release.⁸⁹

Scandinavian countries offer an interesting example of a completely different approach to criminal justice. These societies are well known for their egalitarianism and generous welfare provisions. This ethos is extended to the criminal justice system too, where the prime focus is upon correctional treatment and inclusion rather than punishment and exclusion.⁹⁰ As such, crime in Scandinavia holds half the penal value than it does elsewhere in the world.⁹¹ In prison food is not rationed, and prisoners are allowed to wear their own clothes during visits. Conjugal visits are encouraged and facilitated by the prison, which provides accommodation for partners and children to stay free of charge for weekends.⁹² Consequently, prisoners are able to maintain the relationships that are so vital to reintegrating into society upon release. In some cases offenders are able to delay their punishment, so as to carry out community service during the vacations, and thus keep their jobs.⁹³ In Finland, laws were passed to prevent those who default on their fines from being imprisoned. In Norway, many prison sentences have been delayed, due to the state's refusal to compromise on the 'one man, one cell' principle and a reluctance to expand the prison estate.⁹⁴ The general attitude of Scandinavian states, where the provision of justice is viewed merely as another aspect of welfare,

⁸⁷ <http://www.bbc.co.uk/news/uk-scotland-scotland-politics-24016413>,
<http://www3.unil.ch/wpmu/space/publications/recidivism-studies/> and
<http://english.wodc.nl/onderzoeksdatabase/actualisering-recidivemeting-sancties-2011.aspx>.

⁸⁸ <http://www.bjs.gov/index.cfm?ty=tp&tid=17>.

⁸⁹ <http://www.scotland.gov.uk/News/Releases/2013/04/Funding-to-reduce-reoffending11042013>.

⁹⁰ Sweden is an interesting contrast to the other Scandinavian states. Since the 1990s the relationship between the state and the individual has undergone a shift. As the level of social security offered by the state has declined, so too has the general level of tolerance for those whose behaviour poses a threat to it. As such, we have seen a rise in punitive measures in Sweden.

⁹¹ part i p.130

⁹² part I p.122

⁹³ part 1 p.130

⁹⁴ p.135

devoid of the stigma that pervades the entire discourse within England and Wales, has enabled those countries to make policies based on evidence and driven by expert opinion.

Policy Suggestions

We contend that in order for the criminal justice system to transform its rehabilitative capacity, policy formation needs to be divorced from popular politics. We need to adopt an evidence-based approach, led by experts in the field. One possibility would be to sponsor a Royal Commission on the criminal justice system, and reoffending in particular. However, there ought to be significant pressure upon whichever party is in power to take heed of the advice of the report, even if the policy recommendations go against the grain of current party politics.

Of the policies initiated under the coalition government, it seems clear that the marketisation of the probation services deserves further consideration before being rolled out nationally. Results from the two pilot projects show no evidence that private and third sector organisations are any more effective at reducing reoffending than the public sector. Given that the pilot projects have not even finished, it is advisable that the government halts the process of marketisation, waits until the pilot projects have come to an end, takes heed of the results and engages in consultation with experts and those who have partaken in the pilot schemes prior to taking any further action.

The government ought also to scrap the plans to replace small, community prisons with super prisons instead. Evidence suggests that smaller prisons are more effective rehabilitative institutions than large prisons. What is more, the government ought to carefully assess its continued reliance upon private companies to run prisons. As the case of HMP Oakwood shows, private companies are not necessarily any more efficient than the public sector. The procurement process is costly, the service provided is often poor and the benefits of privatisation to the offenders and the public in general are negligible.

The Prisoners' Earning Act ought to be repealed. The benefits of the tax are minute and significantly outweighed by the negative effects upon offenders as they approach release.

Furthermore, the extension of probation services to all prisoners for a minimum of 12 months will only reduce reoffending if the emphasis of probation is changed towards support rather than supervision. If not, offenders are likely to breach the terms of probation, and find themselves in prison once again, without even having committed a further crime.

In general, there must be a significant increase in the size and availability of support services for offenders. Such services should have well-trained staff who can offer support to offenders both before and after release. Consistency in delivery is vital. Comprehensive delivery is crucial too. If there is a lack of co-ordination in support work, low quality contact between offenders and staff during the time in prison, or if prisoners are unaware of the support services on offer, then any support scheme is unlikely to be effective.

In order for reoffending rates to be reduced, such support work needs to be given a higher priority. Therefore, we recommend the creation of a national support programme that is well funded, well-staffed and well publicised. The provision of this programme could well be outsourced to private or voluntary organisations, in line with current plans to open the probation services up to competition. It is important, however, that the programme is sufficiently funded and has enough momentum

behind it to gain the interest of offenders and to secure their engagement. It is our belief that this can only happen through a nationwide scheme, which will incorporate the numerous smallP scale projects and pilots that currently exist into a coherent programme specifically aimed at reducing reoffending.

When considering how best to provide for offenders upon release, individual plans should be drawn up that are specifically tailored to each offender's needs. Decisions over whether or not to return an offender to their old community, or whether to relocate them to a new community, should be carefully thoughtP through and the offender ought to be engaged in the decision making process. Special support ought to be given to offenders to help them to access services such as health care and benefits upon release. It is essential that prisoners have access to benefits immediately after leaving prison, if the risk of reoffending is to be reduced. What is more, it is imperative that offenders receive support in finding accommodation for when they leave prison. Difficulties such as finding money for a deposit and finding someone to act as guarantor could be overcome by the establishment of a fund to cover such costs.

Projects such as the Minerva Project in Hull act as an excellent example of a unified approach to rehabilitation, where project workers within the prison provide all the aforementioned support in reintegrating offenders into society, through the gate, and also provide job opportunities that will enable offenders to gain both the skills and experience to get into employment afterwards. Funds should be made available for similar projects to be run across the country. Provided that the 'justice data lab' is not laborious to use, this system could well spread best practice and raise awareness throughout England and Wales of successful models to replicate.

It is envisaged that probation staff would manage this support programme. However, in order to be able to successfully provide such levels of support, it is important that the social work aspect of probation provision is rekindled. Probation staff need to be trained in social work skills. What is more, while the continued use of broad targets (for example, to reducing reoffending) is positive, probation staff should be treated as professionals, and allowed to exercise their own judgement on how best to achieve their goals. A reduction in micromanagement could free up time and give probation staff the opportunity to engage with offenders on a personal level, allowing staff to provide the support services necessary to prevent recidivism. Furthermore, the decision on when to end the provision of this support should not be set by a preP determined timeP frame, but on the basis of need.

In order to address the needs of offenders whilst they are in prison, lessons could be learnt from the Scandinavian countries, where offenders are encouraged to maintain relationships with partners and their families. Through maintaining such relationships prisoners are not only more likely to reintegrate into society successfully upon release, but it would also help to address some of the difficulties facing offenders' children, who are deprived of a father or mother for the duration of the sentence. Moreover, prisons, social services and schools should liaise to ensure that offenders' children are subject to special interventions, including counselling and other support, to minimise the negative impact of having a parent in prison. Further to this, offenders' families should receive special, targeted financial assistance when the custodial sentence begins, so as to lessen the impact of the sudden loss of the offender's income.

Concluding comments

In focusing on preventing criminal recidivism by supporting offenders after release from prison, this paper has neglected the most effective way to reduce reoffending. Of course the best way to reduce reoffending is to tackle offending in the first place, a subject that is beyond the scope of this paper. Nevertheless, in closing we might suggest that unless efforts are made to redress societal imbalances, in wealth, representation and life chances, the cycle of crime and punishment will remain.