

# Comment piece: The inspection of Offender Management in Custody – new resettlement policy, same old problems

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[journals.sagepub.com/home/prb](https://journals.sagepub.com/home/prb)**Matthew Cracknell** Department of Sociology and Criminology, Middlesex University,  
School of Law, London, UK

## Abstract

Two inspection reports regarding the latest resettlement policy – Offender Management in Custody – have recently been published (HM Probation Inspectorate and HM Prison Inspectorate, 2022; HM Inspectorate of Probation, 2023). This comment piece provides a brief analysis of these inspection reports, which demonstrates how Offender Management in Custody is undermined by five issues: a fixed and fragmented model of delivery; poor identification of needs and service provision; poor quality keywork; understaffing in prisons and probation; and finally, poor communication between prison and probation practitioners. This comment piece then places these failures into context, asserting that there has been a longstanding ‘common thread’ of issues that has undermined past resettlement policies and that these have permeated through to Offender Management in Custody. This commentary concludes by suggesting a possible way forward with the Offender Management in Custody model, noting that no resettlement policy will be successful unless the staffing crisis in prisons and probation is resolved, and the practitioners responsible for Offender Management in Custody are provided with sufficient time and resources to provide quality resettlement support.

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## Corresponding Author:

Matthew Cracknell, Department of Sociology and Criminology, Middlesex University, School of Law,  
London, UK.Email: [m.cracknell@mdx.ac.uk](mailto:m.cracknell@mdx.ac.uk)

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Resettlement, offender management in custody, keywork, prison offender management, inspections

## Introduction: Offender Management in Custody explained

Resettlement<sup>1</sup> is described as an “intractable problem” (Crow, 2006: 3) with a long and varied history of policy initiatives designed to improve outcomes for individuals released from custody and a range of actors introduced to provide this support. The current resettlement policy in practice is Offender Management in Custody (OMiC), this was first implemented in April 2018 and is now active across the entire adult male and female prison estate in England and Wales. The only exception to the OMiC model concerns individuals serving a prison sentence of 10 months or less, who will be subject to a ‘short sentence function’ which is managed by community probation staff. This function is currently in place in two probation regions, with plans to roll this out nationally in 2023–24.

The OMiC reforms mark the fourth major policy attempt in thirty years by the central government to address resettlement in England and Wales. Previous policies implemented include: The *Seamless Sentence* of the 1991 Criminal Justice Act under the Conservative government (see for example: Maguire and Raynor, 1997; 2006); *End to End Offender Management* and the amalgamation of prisons and probation under NOMS during the New Labour government (see for example, Maguire and Raynor, 2006; 2017); and most recently, the *Through the Gate* reforms spearheaded by the Conservative – Liberal Democrat coalition government as part of the *transforming rehabilitation (TR)* reforms (see for example: CJI, 2016; 2017; Cracknell, 2020; 2023a; Millings et al., 2019; Taylor et al., 2017). According to Cracknell (2021) these recent attempts at addressing resettlement have a ‘common thread’ of failures that undermined these reforms. These failures include: Inadequate resourcing of resettlement services; insufficient staffing and time to work effectively with individuals; the pace and scale of policy changes; a lack of a cohesive working culture between prison and probation staff; and finally, a culture in prisons that does not prioritise rehabilitation and resettlement support.

These previous resettlement policy initiatives all sought to bring prisons and probation closer together, with models that placed responsibility on community probation practitioners to guide the individual through their custodial sentence and their transition into the community. However, OMiC presents a radical departure from previous resettlement policies by placing primary responsibility on prisons for resettlement. Five key initiatives have been implemented under OMiC which helps solidify the primary role of prisons. This includes:

1. The responsibility for offender management moving from community probation teams into custody. The model has introduced a dedicated role of prison offender manager (POM). The POM, who can be either a probation officer

(for higher-risk cases) or a band 4 prison officer (for low and medium-risk cases), undertakes all relevant offender management activities, including sentence planning and progression. In total, 200 additional senior probation officers and 800 probation officers have been relocated to prisons in order to support this role.

2. Keywork has been introduced and has become a core part of prison officers' work. The role of the keyworker is to develop constructive, motivational relationships with prisoners, supporting them through one-to-one keywork sessions. Keyworkers are trained to support approximately six prisoners through their custodial sentence. The expectation is that most prisoners receive 45 minutes of keywork per week.
3. This renewed focus on resettlement should be further supported via a 'rehabilitative culture' in prisons (Mann et al., 2018) that places responsibility for all prison staff to provide rehabilitative support.
4. Responsibility is then handed over to a community offender manager (COM) from the probation services 7.5 months before an individual is released. The COM is expected to 'reach in' to the prison and is required to have at least three contacts with the prisoner before release, including a handover meeting that involves a pre-release risk and needs assessment and should build on and incorporate work already established in prison.
5. Once in the community, HMPPS works in partnership with a number of commissioned rehabilitative services that can provide support in areas such as housing, education training and employment and substance use.

Some concerns regarding the predominance of prisons within the OMiC model have been highlighted by academics, primarily by questioning if prison staff have the requisite staffing levels, training, resources, culture, and expertise to play such a central role in resettlement (Maguire and Raynor, 2019; Raynor, 2020).

Two Inspection reports on OMiC have recently been released that largely confirm many of these concerns of the predominance of prisons, as well as repeating many of the 'common threads' of previous policy failures in resettlement. The first report published by the HM Probation and Prisons Inspectorate (2022) concerns OMiC pre-release, and the second by HM Inspection of Probation (2023) is concerned with post-release outcomes. The joint thematic report based on pre-release outcomes took findings from eight prisons that were inspected between April and May 2022, alongside an inspection of 100 cases, as well as interviews and focus groups with staff involved with OMiC and 72 interviews with individuals subject to OMiC. The post-release report followed up those 100 cases in the community for a period of 9 months. These findings were further supported by 53 interviews undertaken by the lived experience group 'Doing What Really Matters'.

The reports found that 'key components of the OMiC model are not working in practice and the delivery is falling well short of expectations' (HM Probation and Prisons Inspectorate, 2022: 4). This comment piece will briefly highlight some of the concerns outlined by these inspectorate reports, underlying failures of the OMiC model in five key areas: (a) a complex and poorly understood model,

(b) poor identification of needs and inadequate service provision, (c) Poor quality keywork, (d) short staffing in prisons and community probation, and (e) poor communication and incompatible cultures between prisons and community probation. The comment piece will then place these reports into context of the wider failures of resettlement policies, suggesting OMiC is being undermined by a now familiar set of failures. A conclusion will briefly outline a possible way forward for OMiC.

## **Issues highlighted in the inspectorate reports**

The first concern highlighted in the inspectorate reports relates to the model that underpins OMiC, which is described as “fixed, complex and little understood” (HM Probation and Prisons Inspectorate, 2022: 4). Resettlement planning is fragmented due to confusion about the roles and responsibilities of the various teams involved in the process, including POMs, keyworkers and COMs. This often leads to tensions between these different practitioners. The reports found that the POM role is largely reduced to meeting time-bound targets and filling out assessments, instead of conducting meaningful supervision. The design of the OMiC model also means that COMs have a lack of time to establish constructive working relationships with individuals. As a result of these drawbacks to the OMiC model, the Inspectorate reports highlighted that an effective handover of cases between prisons and probation rarely takes place. Therefore, prisoners feel anxious about their release and are resentful towards their community probation officer only appearing towards the end of their sentence. The post-release Inspectorate report further relayed that this also means that the first meaningful interaction with their COM involves setting licence conditions. This can put the relationship off on a difficult footing, particularly as many individuals report that they feel these are decisions ‘done to’ rather than ‘with’ them, and that licence conditions are often not fully understood or explained, leading to confusion and distrust.

A further issue with the model relates to its inflexibility and applicability to different types of prison. For example, OMiC is described as “incompatible” with the offender flows of ‘local’ prisons, who primarily hold remand and newly sentenced prisoners, and whose role involves facilitating the frequent transport of prisoners between prison and the courts.

The second concern relates to the identification of the needs of prisoners and availability of rehabilitative support in prison and the community. The pre-release Inspectorate report found that sentence planning in prison is often insufficient, with a focus on meeting targets rather than the quality of work. The report also detected significant gaps in support provisions, in particular, programme delivery is poor and un-coordinated across the prison estate. This means that prisoners are prevented from progressing in their sentence and many individuals are often released without their basic needs being met, such as possessing ID or a bank account and risk factors not properly addressed. Competing priorities within the prison also undermine a rehabilitative culture.

Furthermore, although the post-release Inspectorate report identified the existence of governance arrangements for resettlement planning, these arrangements primarily

focus on pre-release work, with many prisons lacking sufficient knowledge of the services available in different probation regions in the community. The report also highlights issues regarding the commissioned rehabilitative services available in the community, with a mismatch between services needed and those provided, with services like accommodation over-subscribed and others underused. Commissioned services personnel also no longer have access to probation IT records systems, which caused difficulties in communication. The post-release report also identifies gaps in support of community services crucial for resettlement such as housing, substance use and mental health services. These gaps have significant impacts on the outcomes for individuals when released. For example, the post-release Inspectorate report outlines that only four in ten individuals released from prison have settled accommodation on release and only 8% are in employment. The report also highlights high rates of individuals recalled to custody. These recalls are commonly not for re-offending but for issues related to failures in resettlement, such as relapses to substances and homelessness.

The third issue highlighted in the pre-release Inspectorate report is keyworking—a central aspect of the OMiC model. Although keyworking is found to be working well in the women's estate, in the male estate there are significant issues that undermines its delivery. In particular, a combination of short staffing and high workloads means prison officers often de-prioritise keywork for fulfilling the more basic tasks of security and unlocking prisoners. A lack of training for prison staff also mean staff do not feel knowledgeable about OMiC, keyworking or supervision skills. As a result, the Inspectorate identified keywork sessions as lacking meaning or value, with these sessions often reduced to a basic check-in, rather than structured support. Once again, the model is also highlighted as too fixed, with the Inspectorate report questioning if weekly sessions are needed with all prisoners, or if a more flexible model of delivery would be more appropriate.

Staffing shortages is the fourth issue highlighted by the reports. Staffing issues are widely recognised as a national problem impacting prisons and probation alike, and is featured in both reports as a central issue that undermines delivery at every juncture of the OMiC model. In prisons, keywork sessions become deprioritised due to staff shortages and the need to fulfil the basic requirements of the prison. POMs also have very high workloads that often overwhelms them, and as a result, handovers are often of poor quality. Community probation staff are also impacted, with the reports reflecting that high community caseloads mean that COMs prioritise cases in the community over prison cases, and that this also prevents community officers from visiting prisons and forming relationships with individual's pre-release. As a result, the report find that prisoners are often drifting through their sentence, without receiving the support they need. The post-release Inspectorate report further emphasises the challenges of short staffing in the community, noting that on average probation areas have 30% fewer staff than required. This means that existing staff have high workloads, which impacts directly on the quality of work, with the Inspectors highlighting insufficient offence-focused work and public protection activities. For example, there are insufficient domestic violence and safeguarding checks, and staff often lack the capacity or professional curiosity to

understand the underlying reasons for offending behaviour. This means that the Inspectorate highlighted that risk assessments are either superficial or inaccurate. These issues are further exacerbated by difficulties in retaining staff and means that individuals are frequently reallocated a new COM, harming continuity.

The fifth issue concerns communication between prisons and probation. The Inspectorate reports found distinct organisational cultures in prisons and probation, leading to tensions at managerial and operational levels. For example, there are tensions within the prison between prison and probation POMs, as well as tensions between keyworkers and POMs – with little contact between these important functions. Many of these tensions are due to role confusions and the inability of these various roles to access different information systems. For example, prison POMs can't always access probation systems and keyworkers can't access sentence plans. The report also detected a pervasive attitude that once handover has taken place between prison and probation, that many POMs feel the case is no longer their responsibility. Conversely, POMs also relay that it is difficult to contact community probation and identify a responsible officer. This significantly impacts information sharing and the quality of assessments and undermines the handover process. As a result, many prisoners do not know who their POM or COM are and are not familiar with their sentence plans. These issues are further impacted by the fact that prison groups and probation regions are based in different geographical areas – hindering communication.

## **The failures of OMiC in context – A familiar set of issues**

The inspectorate reports suggest that despite offering a radical departure from previous resettlement models, OMiC has failed to address a core set of issues that have undermined past policies in this area, and means the potential merits of the OMiC policy are frustrated by a familiar set of deep-rooted problems as these 'common threads' of failures of previous resettlement policies (Cracknell, 2021) permeate through to OMiC.

For example, a fragmented model that creates obfuscation and role confusion between staff was an issue that impacted the *Through the Gate* reforms under *TR* and left individuals falling through the gaps of support (Cracknell, 2020; 2023b). Similarly, the high caseloads that are identified as undermining the OMiC model, were also widely acknowledged as an issue that significantly impacted prisons and probation during *TR* and reduced the work of prison and probation staff to performing tick-box exercises, instead of meaningful resettlement work (Cracknell, 2023a; 2023b; Taylor et al., 2017). High caseloads also frustrated community probation staff during *TR*, as they were unable to visit prisons and develop relationships with their cases (Cracknell, 2022). Likewise, there has been a litany of failed attempts to breach the cultural differences between prison and probation staff (Maguire and Raynor, 1997; 2006; 2017) and this seemingly continues to be an elusive issue that the OMiC reforms have failed to resolve.

The reports also provide further analysis of the detrimental impacts of understaffing, which is featured as a pervasive issue by the inspectors that undercuts

the viability of the OMiC model at all junctures, including the work of POMs, COMs and keyworking. Understaffing aggravates rather than alleviates the 'common threads' of policy failure and presents as a further example of central government undermining its own policy goals. As the reports highlight, a direct result of understaffing means it is the individuals subject to OMiC that are impacted the most, as they are left with a familiar set of failings: in the dark about their named prison and probation worker and anxious and unprepared for their release. These findings suggest that OMiC has done little to improve outcomes since previous joint Inspectorate reports focused on resettlement (CJJI, 2013; 2016; 2017).

The Inspectorate reports also provide further succour regarding doubts of the suitability of prisons playing such a central role in resettlement and rehabilitative work. In particular, it helps reinforce that keyworking – although well intentioned – needs to be undertaken by skilled staff with the requisite training and time to undertake this potentially valuable work (Maguire and Raynor, 2019; Raynor, 2020). These failures also help to denote a cultural resistance to the top-down implementation of a rehabilitative culture in prisons and the changing role of the prison officer (Millings et al., 2019; Cracknell, 2023a), as well as the particular difficulties of trying to change the focus of 'local' prisons, which are often forced to prioritise the management of offender flows in and out of these prisons, over rehabilitative aims (Ibid).

Despite the clear failures of this integral element of the OMiC model, it is disconcerting that the post-release Inspectorate report highlights that considerations are being made by HMPPS to extend the POM role to cover shortages in the community, rather than instead extending the COM role and providing a longer period of joint working needed to enable proper planning for release to discuss conditions and key planning arrangements. This is further exacerbated by a recent media report that HMPPS has requested more community probation staff relocate to prisons, in order to reduce staffing gaps there (Barrett, 2023), rather than focus resources on the significant gaps that remain in community provisions. These considerations should be viewed in light of a recent HMPPS announcement regarding a new 'one HMPPS' programme, which indicates another attempt to implement a 'whole sentence' approach to prisons and probation (Carr, 2022). This primarily involves reform of the leadership structure and the creation of two new roles; a chief executive officer of HMPPS and a director general of operations. These roles replace the previous structure, which had separate director generals for the prison and probation functions. Concerns outlined by the probation union NAPO and the Probation Institute highlight that these reforms could see prisons dominate this relationship and potentially lead to the disappearance of the probation service as a distinct entity (Ibid). They also highlight the differences between prison and probation services, noting the graduate-level training, the culture of rehabilitation, and particular skill set of the probation role that is absent from prison practitioner roles (Ibid). Despite this, the One HMPPS announcement indicates that OMiC and the dominant role that prisons play in it will continue.

## Conclusion: Charting a way forward

This concluding section will briefly set out some recommendations regarding how to potentially resolve some of the issues highlighted above. Helpfully, the Inspectorate reports make a number of pertinent suggestions for this. For example, the reports advise that more flexibility is built into the OMiC model and its applicability to different types of prisons, such as locals. The reports also recommend a review of the POM role to ensure a clearer focus on progress in custody and preparation for release, as well providing more time for COMs to establish relationships with individuals before their release. Furthermore, the reports recommend establishing a directory of interventions, to help staff and prisoners to identify progression routes. Keyworking could also be improved by providing protected time for prison officers for keywork sessions. Lastly, communication could be improved between the different practitioners involved in OMiC by greater alignment of and access to ICT systems.

However, although these above recommendations are helpful, they are unlikely to result in any drastic improvements to OMiC unless there is a significant increase in staffing numbers in prisons and probation. It is clear that insufficient staffing means that keyworking is deprioritised, handovers are of poor quality and COMs don't have the capacity to establish relationships with individuals before their release. Once in the community, high caseloads alongside staffing retention issues and insufficient resettlement services mean that risk-reduction and offence-focused work was insufficient and there were high levels of recalls related to failures of resettlement. These issues are further impacted by insufficient and under resourced rehabilitative services in the community. These two issues are effectively asking the OMiC model to succeed while tying one arm around its back, and this model can't be fully judged on its merits until there is sufficient staff to run it at its proper capacity, combined with access to well-funded services in the community that are essential for resettlement.

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## ORCID iD

Matthew Cracknell  <https://orcid.org/0000-0001-9909-1173>

## Note

1. There is no universal definition for resettlement. However, it is commonly used in official policy language in reference to the process of leaving prison and



returning to society and any support provided for this. See Rubio Arnal (2021) for a more in-depth exploration of this term and others such as re-entry and re-integration that are often used interchangeably.

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