Practitioner and service user experiences of short term imprisonment and resettlement under the Offender Rehabilitation Act 2014

Doctoral Thesis

By

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Abstract

The Offender Rehabilitation Act (ORA) 2014 extended post-release supervision to the short sentence population, a cohort who have historically been neglected in penal discourse and were introduced as a part of the Transforming Rehabilitation (TR) reforms. The purpose of this thesis is to explore how resettlement is enacted by practitioners and experienced by individuals serving short sentences. This empirical research was undertaken in one case study area in England and Wales. The experiences of 35 practitioners and service users were captured, in order to gain a rich qualitative perspective of the newly re-designated resettlement prison; the experiences of transitioning through-the-gate into the community; post-sentence supervision; service user perspectives of navigating resettlement; and practitioner perspectives of on the ground practice in the Community Rehabilitation Company (CRC).

Findings from this research reveal a dissonance between the aims and ambitions of TR and the reality on the ground. This dissonance is caused by a set of inter-connected institutional, temporal and political-economic barriers. Practitioners operating at the micro-level lacked the agency to overcome these barriers. This left TR as the latest iteration of resettlement policy that has failed to provide continuity between prison and probation. In addition, TR has also entailed broader consequences, eroding the value base of probation practice, curtailing innovation and reducing the relational aspects of supervision to a 'treadmill' of relentless yet generic practice.

Drawing on the theoretical constructs of the pains of imprisonment, responsibilisation, recovery/resettlement capital and net widening, this thesis argues that the failures to provide resettlement support led to practitioners adopting a responsibilisation strategy that pushes responsibility for resettlement towards other agencies and service users. This leaves service users to feel invisible and insignificant – distinct pains of the short sentence. Although the ORA 2014 was intended as a safety net for this population, it has instead caught individuals up in a complex 'resettlement net' of carceral control in the community.

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Contents

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Glossary of Abbreviations

Approved Premises (AP)

Assistant Chief Officer (ACO)

Advisory Council on the Misuse of Drugs (ACMD)

Basic Custody Screening Tool (BCST)

Counselling, Assessment, Referral, Advice and Throughcare (CARATs)

Church of England Temperance Society (CETS)

Community Mental Health Team (CMHT)

Community Rehabilitation Company (CRC)

Criminal Justice Joint inspectorate (CJJI)

Custody Manager (CM)

Discharged Prisoners' Aid Societies (DPAS)

Drug treatment and Testing Orders (DTTO's)

Department for Work and Pensions (DWP)

Education, Training and Employment (ETE)

General Practitioner (GP)

Home Detention Curfew (HDC)

House of Commons (HoC)

Her Majesty's Inspectorate of Probation (HMIP)

Her Majesty's Prison and Probation Service (HMPPS)

Incentives and Earned Privileges (IEP)

Information Communication Technology (ICT)

Identification Document (ID)

Integrated Offender Management Scheme (IOM)

Legal Aid, Sentencing and Punishment of Offenders Bill/Act (LAPSO)

Key Performance Target (KPT)

Ministry of Justice (MoJ)

The National Association for the Care and Resettlement of Offenders (NACRO)

National Association of Discharged Prisoners Societies' (NADPAS)

National Association of Probation Officers (Napo)

The National Audit Office (NAO)

The National Offender Management Model (NOMM)

National Offender Management Service (NOMS)

No Fixed Abode (NFA)

Offender Rehabilitation Act (ORA)

Offender Assessment System (OASys)

Offender manager in Custody (OMiC)

Payment by results (PbR)

Plan, Meet, Record (PMR)

Pre-Sentence Report (PSR)

Prison Governors' Association (PGA)

Probation Officer (PO)

Probation Service Officer (PSO)

Post-Sentence Supervision (PSS)

Rehabilitation for Addicted Prisoners Trust (RAPt)

Release on Temporary Licence (ROTL)

Responsible Officer (RO)

Senior Officer (SO)

Senior Probation Officer (SPO)

Statement of National Objectives and Priorities (SNOP)

The Social Exclusion Unit (SEU)

Through-The-Gate (TTG)

Third sector Organisation (TSO)

Trainee Probation Officer (TPO)

Transforming Rehabilitation (TR)

Chapter One: Introduction to the thesis

1.1 Introduction

This thesis focuses on the Offender Rehabilitation Act (ORA) 2014 and its effects on individuals given short sentences and those who work with them. The introduction of this Act ensured that individuals[1] released from prison on a short sentence[2], receive through-the-gate resettlement support, alongside a mandatory 12-month period of supervision in the community. Previous to these reforms, individuals subject to a short sentence did not receive any statutory support or supervision upon release from prison and were unconditionally released at the halfway point of their sentence. This is despite the fact that those given short sentences have the highest re-offending rates within the adult criminal justice system (National Audit Office (NAO), 2010) and many of the short sentence cohort experience a range of multi-systemic complex issues that hamper their resettlement in the community and increase their likelihood of re-offending (Stewart, 2008). Furthermore, official prison population statistics have commonly cited the short sentence as the most frequently used prison sentence (see for example: Ministry of Justice (MoJ), 2015, 2019b), with 65% of all sentenced admissions and releases for prisoners serving a sentence of under 12 months (Stewart, 2008; NAO, 2010).

The ORA 2014 was introduced as part of a wider set of reforms, known as 'Transforming Rehabilitation' (TR). These reforms were described as the greatest challenge in the history of the probation service, resulting in the service becoming unrecognisable from its previous form (Deering, 2014). Spearheaded by the former Justice Secretary Christopher Grayling, 21 Community Rehabilitation Companies (CRCs) were created, which were made responsible for an estimated 200,000 low and medium risk individuals throughout England and Wales (Ministry of Justice, 2014b), a task previously held by 32 public sector run Probation Trusts. These trusts have been split into 2 according to a logic of 'risk'. CRCs manage the majority of low and medium risk individuals, while the National Probation Service (NPS) is responsible for the remaining high-risk individuals, as well as other

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[1] Mindful of the negative connotations of the term 'offender' (Discovering Desistance, 2013), this thesis uses the term individuals or service users to describe people subject to a short prison sentence.

[2] A short prison sentence is commonly defined as a period of incarceration that is less than 12 months and more than 1 day in length. It is a term widely used in penal literature (see for example: Stewart, 2008; NAO, 2010) and in government terminology (Home Office, 2001; SEU, 2002). However, in government literature regarding the ORA 2014, a short sentence is defined as a custodial sentence of no longer than 24 months and less than 1 day in length (see for example: NOMS, 2014). However, for the duration of this research, when referring to a short sentence the author is referring to a prison sentence of less than 12 months and this is where the focus of the research is based.

core functions including court work, parole reports and pre-sentence reports (PSRs). The NPS has remained as a public sector organisation, whereas CRCs consist of a mix of private contractors, labelled by Fitzgibbon and Lea (2014) as the 'security industrial complex', who work alongside third-sector organisations.

CRCs have also been tasked with the supervision of the majority of an estimated 45,000 individuals released from custody with sentences of less than 12 months each year (Ministry of Justice, 2014b). This responsibility includes through-the-gate (TTG) services, which involve providers working with individuals before they leave prison and supporting them on release, offering practical help, as well as advice and guidance (Ministry of Justice, 2014b). To provide further support with resettlement, an initial 70 establishments in the prison estate were re-designated as resettlement prisons, to help aid the resettlement of individuals subject to short sentences (Ministry of Justice, 2013c). Once in the community, individuals subject to a short sentence receive a 'top-up' supervision period, known as 'post-sentence supervision' (PSS) which ensures every individual released from custody receives 12-month supervision and support. PSS has also been given the distinct purpose of 'rehabilitation' (NOMS, 2014). Work undertaken by CRCs is measured within a payment-by-results (PbR) model, which will only pay CRCs on the ability to meet pre-prescribed targets of lowering re-offending (Ministry of Justice, 2014b). One of the central aims of PbR, was to incentivise innovative practice, in order to address the "stubbornly high" re-offending rates of the short sentences cohort (Ministry of Justice, 2014b, Paragraph 1).

This thesis explores how resettlement is enacted and experienced by practitioners and individuals serving short sentences in relation to the ORA 2014. This empirical research uses a case study approach, encompassing a local category B 'resettlement' prison and the corresponding CRC office. This qualitative approach features 35 semi-structured interviews with prison-based practitioners (n=10) and service users (n=8) and community-based practitioners (n=9) and service users (n=8). These interviews highlight how the intended reforms of TR and the ORA 2014 operate in practice on the ground. The thesis is concerned with 4 key aspects of these reforms: the newly reconfigured resettlement prisons; through-the-gate resettlement support; post-sentence supervision; and the ability of CRC practitioners to carry out innovative work under the auspices of PbR.

Therefore, the principal research questions are as follows:

1.   What are the challenges of implementing a resettlement culture in a local prison? How does the resettlement prison operate in practice and how is it experienced by prisoners and practitioners?

2.   Under the ORA 2014, service users have to serve a licence period and post-sentence supervision. How are the two post-release elements of the short sentence enacted by practitioners and experienced by service users? And what role do they play in resettlement?

3.   How do service users experience through-the-gate (re)integration in the community? What particular challenges and pains do they face as they navigate resettlement?

4.   How has Transforming Rehabilitation shaped the values, organisational identity and working culture of practitioners in the CRC and how does this affect the quality of post-release support and supervision provided to individuals serving short sentences?

In order to address these main research questions, the experiences and perspectives of multiple key actors are featured in this thesis. This includes individuals subject to the short sentence at various stages of the sentence, encompassing those in prison, on licence in the community and subject to PSS. Also featured are a range of prison-based and community-based practitioners, who are charged with enacting resettlement. The prison practitioners include a prison officer, a prison governor, through-the-gate workers and multiple practitioners responsible for various resettlement pathways. CRC practitioners include probation officers, probation service officers (PSOs), a responsible officer (RO) and also several practitioners responsible for various resettlement pathways. These contrasting perspectives provide a rich qualitative understanding of the ORA 2014 that separates the policy rhetoric from the practice reality. Below, a brief context and background are provided on TR, in order to situate the findings for this thesis.

1.2 The rise and demise of Transforming Rehabilitation

Burke et al. (2018) describe the roots of TR emerging during the New Labour governments and the 'Offender Management Act' of 2007, viewing TR as part of a wider project of neoliberalism and market-based reform. However, Deering and Feilzer (2019) note that the past 30 years of probation reforms have seen a gradual erosion of the legitimacy of the service, combined with an ideological

logic of privatisation, arguing these factors created the conditions for TR to take place. These views suggest that TR was not a policy borne out of isolation, but part of a long-standing movement towards removing responsibility and risk for the probation service away from the state and towards the private sector.

This movement accelerated in 2010 when a Coalition government of the Conservatives and Liberal Democrats was formed, with Kenneth Clarke as Justice Minister. His initial announcement concerned a 'rehabilitation revolution' in the Green Paper, *Breaking the Cycle* (Ministry of Justice, 2010a). The paper sought to break the cycle of revolving door re-offending by introducing private and charitable organisations into the probation sector under a PbR scheme. A major factor influencing the attention towards revolving door sentences was the associated costs to the public, with estimates that re-offending cost the economy between £9.5- £13 billion per year, with as much as three-quarters attributed to former short-sentenced prisoners (NAO, 2010). This was a particularly relevant issue for the austerity-driven focus of the Coalition government (Deering and Feilzer, 2019). The initial Green Paper was followed up with an accompanying evidence report (Ministry of Justice, 2010b) and a competition strategy (Ministry of Justice, 2011). These led to the *Punishment and Reform* papers (Ministry of Justice, 2012a) which posited a competition strategy for rehabilitative services first envisioned under the Offender Manager Act 2007, yet still sought to administer this within the existing public sector probation trusts.

Clarke further outlined in a 2010 newspaper article that "it is virtually impossible to do anything productive with offenders on short sentences" (Kirkup and Whitehead, 2010) and made moves to drastically reduce their use (Ministry of Justice, 2010a). However, Clarke was replaced by the more punitive Grayling after a media outcry of 'soft justice' (Whitehead, 2012). The introduction of Grayling witnessed an intensification of "ideological intent" towards probation reforms (Burke and Collett, 2014:66). Grayling's first major speech on probation reform (Ministry of Justice, 2012b) witnessed a more radical version of Clarke's proposals and also made plans to ensure every individual serving a short sentence would receive 12-months of supervision in the community upon release. The 2012 LAPSO (Legal Aid, Sentencing and Punishment of Offenders) Bill/Act was also introduced, that witnessed a definitive rejection of any attempt to replace short sentences with Community Orders, by strongly asserting the government's position that Community Orders were not there to replace short sentences (Ministry of Justice, 2012, Paragraph 21).

Grayling also terminated two pilot programmes initiated under Clarke. These programmes provided post-release support to individuals serving short sentences. These pilots took place in Peterborough and Doncaster Prisons on a PbR contract that would pay out only if targets of reducing re-offending by 10% were met. Initial results were poor, with no real reductions in re-offending[3] (Ministry of Justice, 2014a). In spite of this, Grayling continued with the TR reforms and claimed in a Parliamentary debate that "sometimes those in government just have to believe in something and do it" (Hansard, 9th January 2013, column 318).

The consultation paper *Transforming Rehabilitation: A Revolution in the Way we Manage Offenders* was released (Ministry of Justice, 2013a) followed by the final position paper *Transforming Rehabilitation: A Strategy for Reform* (Ministry of Justice, 2013b). This paper outlined the plans for TR, including through-the-gate resettlement, newly created CRCs run by private providers under a PbR scheme and a public-sector run NPS. Despite widespread opposition from a variety of individuals and bodies, including the Labour opposition (Hansard, 9th January 2013, Column 317), the probation union The National Association of Probation officers[4] (NAPO) (NAPO, 2013), various reform groups (Prison Reform Trust, 2013; The Howard League for Penal Reform, 2014), journalists (The Guardian, 2013), academics (Newburn, 2013), former probation officers (Senior, 2013) and a leaked report that there was an 80% risk of TR leading to operational failures and endanger public safety (Travis, 2013), tenders were put out for bidders for CRCs and the winners of contracts were announced in October 2014 (Ministry of Justice, 2014b). The ORA 2014 was also passed into law in March 2014 (Ministry of Justice, 2014c) – despite widespread opposition from the House of Lords and penal charities regarding the inflexibility and expansionist consequences of the Act (Tomzack, 2015). Staff and caseloads were split between the NPS and CRC in June 2014 and parent companies officially took over in February 2015.

Over the life course of TR, multiple critical reports outlined the fundamental flaws of these policy reforms. These began with Her Majesty's Inspectorate of Probation (HMIP), which undertook a series of five reports which collectively documented the implementation of TR (HMIP: 2014; 2015a; 2015b; 2016a; 2016b). The final report noted numerous significant problems (HMIP, 2016b), as did a NAO report (NAO, 2016:9) which outlined a lack of innovation in CRC work, as well as inconsistency in quality for through-the-gate work, that was primarily focused on processes instead of outcomes. Following from the NAO report, the House of Commons (HoC) Committee of Public Accounts

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[3] However, Howard League Chief Executive Frances Crook labelled the pilots as "well-funded, tailored services that focus on individual need and engage positively with people" (Crook, 2017).
[4] The union attempted to bring TR to public attention with its 'keep probation public' campaign, they also took strike action for the third time in their history and sought a judicial review of TR (Robinson et al., 2017).

published a report which suggested the ambitious plans of the 'rehabilitation revolution' were far from complete due to Information Communication Technology (ICT) problems, lower than expected business volumes for CRCs and the rapid pace of change (HoC Committee of Public Accounts, 2016:3). The Annual report from the Chief Inspectorate of Probation (HMIP, 2017:6) found several deep-rooted problems with TR, including fragmented service quality, with exceptional workloads in CRCs and inadequate specialist services. This left the Inspectorate to question if the TR model was able to deliver upon its promises.

The fears of the Probation Inspectorate seemed to be realised in 2018 - four years since the implementation of TR. In a second critical report of TR, the Committee of Public Accounts (2018) questioned the viability of bailing out CRCs with an additional £342 million and noted that 19 of the 21 CRCs had failed to meet re-offending rate targets. This was followed up by an enquiry of TR by the Justice Select Committee (2018). This highly critical report outlined a range of systemic failures of TR, including contracts, performance, the organisational split, voluntary services, staff morale, through-the-gate work, post-release support for short sentences, frequency of contact and meeting the needs of individuals in the community. The report concluded by questioning the viability of TR.

This led to an announcement in July 2018 that alongside extra funding to prison release work, that the contracts for CRCs were to be terminated two years early and a consultation period would begin to re-design the existing probation model (Ministry of Justice, 2018a). The paper *Strengthening Probation, Building Confidence* (Ministry of Justice, 2018b:13) was subsequently released, stating its intention to "explore with the market how we can put in place a more effective commercial framework for probation services". Burke et al. (2018:439) characterise this paper as a "revisionist review of the recent history... [that reduced the failures of TR to] technical oversights and misjudgements that can be put right through a series of relatively minor adjustments" and ignored the underlying flaws of TR.

2019 witnessed a further series of negative reports (HoC Committee of Public Accounts, 2019; HMI Probation, 2019; NAO, 2019) as well as three CRCs going into administration (HoC Justice Committee, 2019). A HM Probation Inspectorate report (HMIP, 2019) on post-sentence supervision for the short sentence cohort also highlighted several issues with its use. In May 2019, Justice Secretary David Gauke announced that all offender management would be undertaken by the NPS, ending the CRC organisational split model (Ministry of Justice, 2019b). Carr (2019) cautions that although this was widely viewed as re-nationalisation, in reality, each NPS region will have 'innovation partners' and will outsource responsibilities including unpaid work, accredited programmes and the undefined

'resettlement and rehabilitation work'. This means that "the other pillar of TR logic – that outsourcing to the private and voluntary sector 'drives innovation' – is still very much intact" (Carr, 2019:279).

The views and perspectives gathered in this fieldwork were undertaken in 2018 which was before the cancellation of the CRC contracts, but in the third year of TR, when the flaws and issues of this policy were clearly evident. This thesis provides an on the ground account of the lived reality of the TR reforms, using a case study approach to capture a time-bound snapshot of this difficult period in probation's history, a time-period which Burke et al. (2018:440) describe as having "literally bought probation to its knees in the space of three years". Another focus of this research - the local prison, was also experiencing its own issues. A brief context of these is provided in the section below.

1.3 Local prisons under Transforming Rehabilitation

Auty and Liebling (2019:9) describe category B 'local' prisons[5] as closed facilities that hold adult males either on remand or post-conviction, before dispersing them to other prisons to serve the majority of their sentences. They are prisons that receive their local status from their role in serving the local Crown and Magistrates Courts. However, the launch of TR not only re-configured the probation service, it also oversaw widespread alterations to the prison service and transformed the holding roles of category B prisons to engender a more expansive resettlement focus.

In 2013, the Ministry of Justice announced that 70 of the 123 prisons in England and Wales were to be re-designated as 'resettlement prisons' with the aim that prisoners would begin "working towards their rehabilitation" from the moment they were imprisoned and would be provided with a "tailored package of supervision and support" that would help them to desist from offending (Ministry of Justice, 2013c, paragraph 8). 'Through-the-gate' resettlement services were also introduced into resettlement prisons and were to be delivered by CRCs which were tasked with assisting individuals by identifying resettlement needs and then referring onto relevant resettlement services. The former Justice Secretary Chris Grayling placed through-the-gate services as central to the TR reforms.

The main aims behind this re-designation of prisons were to ensure closer continuity between prisons and community agencies, making them more joined-up and less fragmented. It was also hoped that resettlement prisons would expand and innovate support to further partnership agencies, meaning

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[5] There are four categories of prisons in England and Wales; A, B, C and D, these categories are related to the security classifications of the prisoners that they hold, with category A prisons holding the highest security category and category D being the lowest security.

prisoners would be better prepared for release. Lastly, the policy aimed to encourage communities to play a more focal role in resettlement, in particular by ensuring individuals served sentences in prisons close to the communities they lived in. This meant local prisons' roles would further expand beyond holding prisoners and serving courts and transform them into places of rehabilitation and resettlement.

Through-the-gate reforms were acclaimed as the flagship policy of the TR reforms that would bridge the gap between prison and probation (Criminal Justice Joint Inspectorate (CJJI), 2017:3). However, since the implementation of these reforms, there have been several critical reports, including the Joint Inspectorate of Prisons and Probation, which have released two reports which outline extensive concerns regarding the implementation of through-the-gate efforts (CJJI, 2016; 2017) (please see the literature review, section 2.2.4 for a more thorough overview of these reports and literature concerning TR).

These radical policy changes have also been implemented in a time of significant economic upheaval and political instability (Bennett, 2019). This instability has impacted in particular on the Ministry of Justice, which has seen a 'revolving door' of seven Justice Secretaries since the Coalition Government took power in 2010[6]. The economic upheaval of the 2007/2008 financial crisis also led to the introduction of austerity policies, with the Ministry of Justice being the hardest hit Government department, with budget reductions of over 23%, resulting in a 27% reduction in frontline prison officers (Garside and Ford, 2015).

Austerity has also had significant implications for the management of prisons, with a combination of understaffing and overcrowding leading to detrimental outcomes such as increases in staff assaults, violence amongst prisoners and prisoner self-harm and suicide (Bennett, 2015). In 2018, the year the fieldwork was undertaken for this study, highly concerning Inspectorate reports for HMPs Birmingham, Bedford, Exeter and Nottingham resulted in them being issued with urgent notification orders.   Further inspections highlighted considerable concerns at HMPs Liverpool, Winchester, Wormwood Scrubs and Wandsworth (HMI Prisons, 2019). These critical inspection reports culminated

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[6] The 'revolving door' of Justice Secretaries includes; Kenneth Clarke 2010 – 2012; Chris Grayling 2012 – 2015; Michael Gove 2015 - 2016. Elizabeth Truss 2016 – 2017; David Lidington 2017 - 2018; David Gauke 2018 – 2019 and the current Justice Secretary Robert Buckland QC 2019- present.

in the former Prisons Minister, Rory Stewart, claiming in various media interviews that he would resign if the standards in ten prisons he had subsequently focused reforms on did not improve within the next twelve months (Grierson, 2018).

Notably, all the above prisons mentioned are Category B local prisons - the security level of prison where most short sentence prisoners are housed[7] and also the category of prison where fieldwork was undertaken for this case study. These reports underscore a prison system replete with squalid conditions, numerous safety and security issues and unproductive daily regimes. This also raised serious questions regarding the suitability of these facilities as a basis for effective resettlement. It is within this challenging environment that practitioners and service user views were sought for this study.

1.4 Overview of the thesis

This thesis is comprised of 8 chapters. The next chapter, Chapter Two, provides a literature review that is split into three sections: section one places the use of short sentences and resettlement into a historical context, outlining short sentences as a perennial issue within the criminal justice system. Several contemporary attempts to reform the resettlement of individuals subject to short sentences are reviewed, before providing a critical review of the literature pertaining to TR.

The second section of the literature review provides a critical evaluation of the literature concerning short sentences, identifying the barriers to working effectively with this cohort. It also provides an overview of the literature regarding resettlement, setting out the aims, purposes and best practice models the literature has identified. The final section places the short sentence into a theoretical context, using Sykes' (1958) pains of imprisonment literature. It also introduces several theoretical constructs to help understand the experiences of resettlement for individuals subject to a short sentence, including net widening, recovery and resettlement capital and responsibilisation.

Chapter Three comprises of the methodology for this thesis. An overview of the research design is featured, including details of the case study area, sampling and participant information, access to the

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[7] The NAO (2010) reports that 85 percent of short prison sentences were served in a 'local' category B prison.

research sites, ethical considerations and data analyses. It also provides a reflexive account of the research process and a critical discussion of my research positionality as a former insider.

Chapters Four through Seven are the empirical data chapters for this thesis. Chapters Four and Five are primarily concerned with the processes of TR and the ORA 2014 and relate to my research questions one and two. Chapter Four focuses on the resettlement prison and features the views and perspectives of practitioners working within the case study prison and individuals serving short sentences. It examines how the resettlement prison operates in practice and the challenges of implementing a culture conducive to resettlement within the establishment. Chapter Five focuses on the ORA 2014 in the community and features the views and perspectives of community-based practitioners and individuals serving the community elements of the short sentence. It is concerned with three key aspects of the short sentence: through-the-gate work from the perspectives of community-based actors; the licence period, including supervision while on licence; and PSS. It explores how these elements of the short sentence are enacted and experienced and the role they play in resettlement.

Chapters Six and Seven are primarily experiential accounts of the ORA 2014 and TR and relate to my research questions three and four. Chapter Six focuses on the experiences of the individuals subject to a short sentence - both in prison and in the community - and captures the particular challenges and pains that are faced when navigating resettlement. Chapter Seven features the perspectives of community-based practitioners operating in the case study CRC. It captures how TR has shaped the values, organisational identity and working culture of practitioners in the CRC and the effect this has on the quality of post-release support and supervision provided to individuals serving short sentences.

The final chapter is the Conclusion. It summarises the main findings and arguments of the thesis and assesses its contribution and argues for the abolition of short sentences. The conclusion also outlines the implications of this thesis for future policy and practice and areas for future research.

Chapter Two: Literature review

2.1 Introduction

The literature review for this thesis is separated into three sections. Section one discusses the historical context and the emergence of short sentences and resettlement. This section outlines short sentences as a perennial issue on the policy agenda, with insufficient reforms introduced to improve resettlement outcomes for this cohort. This section briefly reviews several contemporary resettlement initiatives, before providing a review of the most recent effort - Transforming Rehabilitation. Section two provides an examination of existing research on the short sentence cohort, identifying this group as exhibiting a range of multi-systemic socio-economic and welfare-related issues. However, there has also been considerable barriers to providing meaningful help for these individuals. Section two also encompasses an overview of the literature concerning resettlement, as well as a discussion of the prison and probation actors who commonly work with individuals subject to a short sentence. Lastly, section three places the short sentence cohort into a theoretical context, using the pains of imprisonment (Sykes, 1958) to further understand the unique experiences of this sentence. Several theoretical constructs are also introduced to further understand the process of resettlement under the ORA 2014.

2.2 Section one: The historical context

This section places the emergence of the short prison sentence and resettlement into a historical perspective. A historical narrative can only be provided in context to the emergence of the modern penal system, specifically its transformation from a 'holding area' for those destined for transportation or capital punishment, to a space that represented incapacitation and punishment in itself (McConville, 1995). This transformation was central to the emergence of two key issues that this thesis centres on - the short prison sentence and the concept of resettlement. This section outlines the neglect this cohort has historically faced and the paucity of resettlement provisions. This section concludes with a review of the contemporary landscape of resettlement for the short sentence cohort, providing an outline of the current issues and challenges in this field.

2.2.1 Short sentences: A perennial problem

Since the advent of the modern prison, there have been recurrent concerns regarding the use of short prison sentences. These include the insufficient time these sentences provided to work with individuals (Killias et al., 2010; Johnston and Godfrey, 2013); an exasperation regarding what to do

with the 'petty-persistent offenders' who dominated the short sentence cohort, with a belief that meaningful reform was unachievable with these prisoners (Craven, 1932; Corden, 1983; Radzinowicz and Hood, 1990); and an inability to adequately address the multi-systemic welfare-related needs of the short sentence population, (McConville, 1995; Johnston, 2016). These concerns were in part why individuals serving short sentences have historically been viewed as the "perennial problem" of the criminal justice system (Johnston and Godfrey, 2013:433). This cohort has been variously described to practitioners as "a waste of valuable time" by the National Association of Discharged Prisoners Societies' (NADPAS) (1956:32) and unable to ever fully rehabilitate into the community (Banks and Fairhead, 1976:20).

There have been numerous enquiries into the efficacy of short sentences by charities, government bodies and penal commentators (see for example: Hobhouse and Brockway, 1922; Page, 1950; Mannheim, 1955; Morris, 1965; Priestley, 1970; Shaw, 1974; Holborn, 1975; Banks and Fairhead, 1976; Corden et al., 1978; 1979; Fairhead, 1981; Soothill and Holmes, 1981; Home Office, 1992; 2001; NACRO (The National Association for the Care and Resettlement of Offenders), 1993; 2000; Maguire et al., 1997; 2000; Social Exclusion Unit, 2002; Lewis et al., 2003). These various enquiries, spanning almost a century reflect a remarkably similar message - this cohort faces a "broadly unchanging pattern of problems and a lack of progress in addressing them" (Clancy et al., 2006:2), where individuals serving short sentence often experience the highest level of social needs in the system, but receive the lowest levels of support. This broad range of literature asserts that short prison sentences are largely ineffective in helping individuals to desist from offending (please see the appendices section D, for a more detailed timeline of a 'short history of short sentences').

Despite the widespread misgivings of the use of short sentences, no sustained reforms have been put in place for individuals subject to short sentences, except a range of ad-hoc initiatives and short-term pilots. Clancy et al. (2006:2) characterise this political inaction as amounting to a "history of neglect". Johnston and Godfrey (2013) assert that the high recidivism rates of short sentence prisoners had long been acknowledged by penal policymakers and commentators, but never sufficiently addressed, with greater political emphasis placed upon longer-term, or more contemporaneously individuals deemed higher 'risk'. This has led researchers to note that due to the lack of reforms put in place, short term prisoners remain little better off than they did in the nineteenth century (Maguire, 2004; Clancy et al., 2006).

2.2.2 Resettlement: An intractable problem

Crow (2006) describes resettlement as an "intractable problem", with concerns of its effectiveness dating back to the nineteenth century. A historical overview of resettlement underlines the numerous actors that had at various points taken responsibility for resettlement. Initial provisions for resettlement were provided on a voluntary basis by small independent Discharged Prisoners' Aid Societies (DPAS). Maguire et al. (2000:236) report that well into the mid-twentieth century DPAS remained the main source of resettlement help and support for prisoners.

The probation service's engagement in aftercare ran parallel to DPAS, with the earliest inception of the service featuring religious groups of police court missionaries offering guidance, support and "rescue work for those who deserved redemption" (Mair and Burke, 2012:9). However, it was young people, women and first-time offenders who were commonly seen as the most 'redeemable', further labelling the recidivist petty offender as beyond help (Mair and Burke, 2012). Raynor (2004b) reports that early probation work was centred on 'rescuing' people from prison as opposed to working collaboratively with prisons on rehabilitation[8]. In reality, Goodman (2012:41) contends that in many cases early missionary work involved little more than offering newly released prisoners "five bob and a bible".

As the probation service professionalised and evolved, it gradually became the principal organisation involved in aftercare for discharged prisoners, culminating in the Criminal Justice Act 1948, which made probation responsible for the statutory aftercare of prisoners (Bochel, 1976). However, Maguire et al. (2000:236) found that aftercare remained a "voluntary side-line" for many years. DPAS was officially ended in 1963 where the newly renamed 'probation and aftercare service' was given primary responsibility for compulsory and voluntary aftercare (Bochel, 1976). Goodman (2012) recounts this as a period where voluntary aftercare expanded rapidly. Despite this period being viewed as a 'golden age' of probation which strongly supported an 'advise, assist and befriend' rehabilitative mantra (Goodman, 2012), Maguire (2007) reasons that in reality probation officers had a limited idea of what successful resettlement would entail, with practice largely limited to brief periods of unstructured work that was confined to attempts to ameliorate immediate practical problems, with limited

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[8] See the quartet of Bill McWilliams essays (1983; 1985; 1986; 1987) on the history of probation work, which charted the changing status of the offender from a sinner in need of moral reform, to a patient in need of scientific treatment.

evidence that it ever had any significant effect upon addressing re-offending or helping individuals to effectively solve issues long term.

Goodman (2012) provides a historical analysis of the probation aftercare services to the homeless and rootless and noted that many of this group suffered from multiple issues including addiction and mental health and were often recently released from a short custodial sentence. However, this support was downgraded and de-prioritised in 1984 in the National Objectives and Priorities (SNOP) report (Home Office, 1984). The probation service had to be re-legitimised as a service responsive to the needs of the courts, with resources targeted towards higher risk and longer-term prisoners (Maguire et al., 2000). The probation service was moving away from casework and penal-welfarism and towards management, containment and punishment (Goodman, 2012:63), leaving a vacuum in support for short sentence prisoners that has arguably never been filled, leaving this cohort to remain neglected (Maguire, 2007).

2.2.3 *Previous attempts to improve resettlement and short sentences*

Despite the demise of voluntary aftercare services, there have been intermittent resurgences of political interest in resettlement and the short sentence population (see for example: Home Office, 2001; Social Exclusion Unit (SEU), 2002; Clancy et al., 2006; Stewart, 2008; NAO, 2010; HoC Justice Committee, 2018; NAO, 2019; Advisory Council on the Misuse of Drugs (ACMD), 2019). This intermittent attentiveness has been mirrored in the circular re-iterations of policy initiatives ostensibly designed to bring greater continuity to the services that administer through-the-gate work.

These continual efforts included the Criminal Justice Act 1991, which sought to implement a 'seamless sentence', incorporating the period in custody and the period on supervision in the community (labelled punishment in the community) into a "coherent whole" (Worrall, 2013:114) and entailing a greater integration of prison and probation. The 1991 Act was viewed as a revival of throughcare (Maguire and Raynor, 1997; Hedderman, 2007). However, these efforts were designed for individuals serving sentences over 12 months, meaning individuals serving short sentences were demoted to rapidly declining voluntary services (Maguire et al., 2000:245). This sent "unambiguous signals" to the importance of throughcare and demonstrated that individuals serving short sentences no longer fitted into priorities and mode of thinking in probation practice that had shifted towards enforcement and public protection and away from welfare focused work (Maguire et al., 2000:242).

The 'New' Labour government also introduced several reforms, making further attempts to enhance cohesiveness between prison and probation practice. This included 'end-to-end offender management' under the newly reconfigured 'National Offender Management Model' that resulted from the Carter review (Home Office, 2004a), amalgamating prisons and probation into one single service – The National Offender Management Service (NOMS). This framework also incorporated the aspiration that every individual sentenced to imprisonment received an 'offender manager' to track and monitor their progress through custody and into the community under a 'one sentence: one manager' (NOMS, 2006) policy. The 2004 *Reducing Re-offending Action Plan* was also introduced in order to develop pathways to reduce re-offending and establish closer working links with local authorities and health agencies (Home Office, 2004b).

The Labour government also oversaw a resurgence of interest in short sentences, this came under a renewed sense of action within the 'what works' movement (Lewis et al., 2007). The initial response to the short sentence population were the 'Pathfinder' projects, which were developed in 1999 as seven small-scale pilots developed to provide post-release resettlement support to short sentence prisoners (Lewis et al., 2003; Clancy et al., 2006). Although there were some initial positive results, particularly in areas of improved motivation and thinking skills (Lewis et al., 2003) and in engagement with practical support (Clancy et al., 2006), the projects were generally considered a failure, making little dent towards re-offending rates (Raynor, 2004). Raynor (2004:319) believes that the Pathfinder projects concentrated on programme implementation and ignored the quality of case management provided, finding provision of service was not individualised or holistic. These criticisms of the Pathfinder projects could be viewed within the wider criticisms of the 'what works' movement, which Goodman (2012) describes as rigid, simplistic and too centralised in its use.

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

(2008) argues that the focus towards resettlement for short sentences had less to do with altruistic notions of eradicating social exclusion, but rather a concern towards the communities that these individuals would return to.

However, the custody plus proposal was never enacted, with claims that resources needed to be reserved for public protection cases (Home Office, 2006). Lewis et al. (2007:49) note that the shelving of custody plus left a significant slowdown in momentum as well as a large gap of provision for this group. Hudson (2007:116) reasons that the decision to not implement custody plus meant the resettlement agenda begun by SEU (2002) would not be realised for those it set out to help, meaning short term prisoners would not benefit from 'end-to-end' offender management leaving another missed opportunity to support the short sentence cohort.

Despite these multiple attempts to improve resettlement for individuals serving short sentences and more generally for the wider prison population, there had been a collective failure to induce an enhanced cohesiveness to the prisons and probation services, with a common thread of problems in the implementation of these various policy reforms. These included: no cohesive working culture between prison and community-based services, often leading to poor and disconnected sentence planning (Maguire and Raynor, 1997; 2006a; Home Office, 2001:4); the pace and scale of policy changes, that did not allow the particular policy to embed (Raynor, 2004:316); under resourced provisions, that meant any sentence planning was often tokenistic (Raynor and Maguire, 1997:11; 2006a:21); a lack of collective 'buy-in' to a rehabilitative model of working from staff with a cultural resistance to resettlement detected from some prison staff who did not cooperate with resettlement (Lewis et al., 2003); a Probation practice culture that focused on cooperation with licence agreements and getting someone 'through' the licence period rather than addressing behaviour or seeking a more meaningful relationship (Raynor and Maguire, 1997:9; 2006a:21); and finally, increasingly standardised and generic practice implemented in a 'one-size fits all' framework (Hucklesby and Hagley-Dickinson, 2007), which failed to take into account each individuals paths out of crime and led to some pathways becoming more developed than others, with inconsistencies in support (Malloch et al., 2013). These common factors meant that although there have been various renaissances in resettlement, there has been a significant gap between "policy rhetoric and practice reality" (Hedderman, 2007:12).

2.2.4 Transforming Rehabilitation and through-the-gate support: The latest policy iteration

The latest through-the-gate policy initiatives have come under 'Transforming Rehabilitation', which again witnessed a resurgence of political interest in resettlement (Maguire and Raynor, 2017) as well as a 'rebranding' of NOMS to Her Majesty's Prison and Probation Service (HMPPS) (Ministry of Justice, 2017). This resurgence entailed an increased focus on prisoners serving short prison sentences - an expansion of provisions that initially received cautious backing in light of the neglect this cohort had traditionally faced (Burke, 2016). In this respect the TR reforms ran in opposition to recent resettlement provisions, where only higher-risk prisoners received a resettlement focus and the mantra of 'resources follow risk' had ruled (Maguire and Raynor, 2017:149). The prominence of resettlement into criminal justice policy also came at a time where recent attempts of inter-agency resettlement work had been described as "patchy" (Moore and Hamilton, 2016:114) and "no longer sustainable" by the CJJI (2013:4), which outlined a resettlement environment without adequate resources, replete with staff role confusion and strong doubts whether the existing framework could deliver to expectations.

Academic discourse pre-implementation of TR focused on the wider context issues, such as privatisation and the future of practice (see for example: Fox and Albertson, 2011; Guilfoyle, 2012; Mythen et al., 2012; Annison et al., 2014; Crook and Wood., 2014; Deering, 2014; Fitzgibbon and Lea, 2014; Frazer et al., 2014; Ludlow, 2014; McNeill, 2013), while a specific focus on the impact of the extension of post-release support to short prison sentences was limited to commentary on the practitioner skills needed to work with this cohort (Dominey, 2013), or fears that its introduction would lead to an increase of short sentences in place of Community Orders (Johnston and Godfrey, 2013).

Initial studies undertaken in the early stages of the implementation of TR captured the impact these reforms had on practitioners and wider organisational cultures (see for example: Clare, 2015; Deering and Feilzer, 2015; 2017; Kirton and Guillaume, 2015; 2019; Robinson et al., 2016; Burke et al., 2017; Millings et al., 2018). These studies underline the sense of loss and liminality staff experienced as they adapted to their new realities as a fragmented 'probation diaspora' (Burke et al., 2017:194). This sense of fragmentation was felt acutely between CRC and NPS practitioners, with a perspective that the NPS held a more elite role (Clare, 2015; Dominey, 2016; Kirton and Guillaume, 2015).

Contemporary research on TR reflects on the harms inflicted upon the various actors involved in on the ground probation practice. This includes the difficulties caused to voluntary and third sector organisations who were involved in service provision (Clinks, 2016; 2018; Corcoran et al., 2019; Maguire et al., 2019); the 'relentless' nature of high-risk work in the NPS (Phillips et al., 2016); the increased growth of standardised office-based work in the CRC (Tidmarsh, 2019); the 'McDonaldization' of court-based work (Robinson, 2017; 2018; 2019a; 2019b); the challenges to supervision practice (Dominey, 2019; Robinson and Dominey, 2019); failures in the management of female offenders (Birkett, 2019) and an interlinking set of work-based harms caused by TR and the wider conditions of austerity (Walker et al., 2019). Collectively, these research studies underline TR as "policy disaster" (Annison, 2019:43).

There have also been numerous research and inspectorate reports regarding through-the-gate work under TR (see for example: Criminal Justice Joint Inspectorate, 2016; 2017; Moore and Hamilton, 2016; Maguire and Raynor, 2017; Taylor et al., 2017; Millings et al., 2019). These reports are highly critical of through-the-gate efforts and raised numerous pertinent concerns.

Moore and Hamilton's (2016) research focuses on resettlement pathways and identifies practitioner concerns with their operation in prisons which includes: poor inter-departmental communication, staff knowledge of various pathways and training and practitioner guidance. These issues contribute towards departmental "silo mentalities" that neglect connections between different departments and wider service user needs, leading to insular working practices regarding how the resettlement "jigsaw" comes together. This "diminished organisational coherence" appears to be particularly acute between prison and probation. Moore and Hamilton (2016) also report negative staff attitudes towards resettlement and a belief that success is often not achievable.

Taylor et al.s' (2017:17) research outline multiple "blockages, problems and weaknesses" caused by the introduction of TR. This includes contractual confusion surrounding the management, ownership and accountability of service provision, further exacerbated by the "frantic pace of change" of the TR reforms. Practitioners also complained of inadequate facilities, leading to gaps in provisions and unrealistic expectations of what services were available. Furthermore, practitioners experienced a lack of continuity between prison and community agencies, which has led to a "breakdown of the integrated model" with prison and community probation agencies continuing to operate as "separate

entities" (Taylor et al., 2017:123). These issues have run in parallel to a penal 'crisis', which has hampered structures and processes required to deliver services. The combination of the above issues has made it difficult to provide a "sustained, ordered and seamless resettlement provision" and acted as a catalyst for increased resentment and antipathy towards resettlement felt by prisoners, practitioners and partnership agencies, who describe the TR reforms as a "box-ticking exercise" and a "charade" (Taylor et al., 2017:120).

Taylor et al. (2017:121) also reveal a lack of active participation from service users in their resettlement, who have become "fatigued and disengaged" by duplicated repeat assessments, with many prisoners reporting a limited knowledge of available resettlement provision, unable to identify which agency is responsible for their resettlement, what role different agencies play, what services are available, or unable to provide a named contact they have liaised with regarding their release or even to recall a conversation regarding resettlement. This is indicative of a wider malaise and cynicism towards rehabilitation. This malaise extends to probation, with negative attitudes prevalent, who are seen as there to police behaviour as opposed to help and assist (Taylor et al., 2017:124).

A subsequent CJJI inspection report on through-the-gate provisions since the implementation of TR (CJJI, 2016), highlights numerous failings: contract failings mean that CRCs are not sufficiently incentivised to prioritise through-the-gate work, many key services have not been implemented into the supply chain and CRCs are prioritising work that rewards more immediate payments under the PbR scheme; ineffective and "wholly inadequate" early screening of prisoners mean that the needs of short sentence prisoners are not properly identified and planned for; prisoners are released without having immediate resettlement needs addressed and a lack of through-the-gate mentors; and prospects after release are poor, with little continuity between prison and probation staff, risk of harm management is inadequate and many staff hold negative and fatalistic attitudes towards short sentence prisoners. A subsequent inspectorate report has been completed by the CJJI for resettlement with longer-term prisoners (CJJI, 2017:3), the report describes provisions as "bleak", outlining services as no better than what was available for short sentence prisoners.

Maguire and Raynor (2017) also outline numerous prevalent issues experienced in current resettlement practice, including a lack of cooperation, communication and understanding between different resettlement departments and pathways, particularly in relation to poor record-keeping and

information sharing; a lack of guidance and management of prison staff responsible for resettlement with poor skills; a lack of training and a poor understanding of practitioner roles; and infrequent contact between service users and practitioners with work amounting to little more than assisting with practical resettlement problems. These combined issues result in the absence of a rehabilitative culture within the prison system according to the authors.

Millings et al.'s (2019) research further supports their earlier findings (Taylor et al., 2017) and features the perspectives of practitioners, service users and their families, with all groups emphasising a failure of through-the-gate reforms. Practitioners underline a difficult working environment, with tensions between prison practitioners and third sector staff, as these nascent operators have to establish their credibility and professional credentials amongst staff sceptical of their motives. This has led to a lack of collective purpose and identity around resettlement and fragmentation between different agencies, each working to their own purposes. Service users complain of feeling like cattle and experience poor conditions in the prison. Many services are non-existent leading to feelings of frustrations and apathy. Families of prisoners also feel uninvolved in the resettlement process.

The post-release experience of the short sentence under the ORA 2014 legislation, has not received the same level of focus as through-the-gate provisions. However, a small amount of research has been undertaken. Padfield (2016) holds concerns that the extension of post-release support could increase recalls to prison, via the 'backdoor' (Padfield and Maruna, 2006) of technical non-compliance with licence conditions, while Tomczak (2015:152) articulates concerns of the extension of "the spatial and temporal reach of carceral power" of the ORA 2014. A report by the probation inspectorate on post-release supervision for short sentence prisoners (HMIP, 2019) underlines multiple concerns, including macro-issues such as universal credit, poor housing support and cuts to other resettlement services which meant that service users were not receiving the right support. This is further impacted by poor resettlement plans which are often limited to signposting and lack coordination. There is little evidence of the innovation promised under post-sentence supervision and this portion of the sentence often involves reallocation to a new practitioner, harming continuity and a reduction in the level and intensity of support offered.

This review of available literature concerning TR and short sentences has produced several potential areas requiring development. Existing research on through-the-gate has largely covered the procedural failings of the implementation of this policy. However, my research will build upon existing knowledge in this area and provide a rich qualitative understanding of how the 'resettlement' status of the local prison was experienced by practitioners and service users on the ground and the challenges this presented to the resettlement of these individuals. My thesis will provide an understanding of the culture of a local prison and the challenges of assimilating a resettlement-focused ethos into this culture. From a review of this specific body of literature, the following research question was established: what are the challenges of implementing a resettlement culture in a local prison? How does the resettlement prison operate in practice and how is it experienced by prisoners and practitioners? (RQ.1).

My thesis also seeks to build on the contemporary literature on resettlement provisions for the short sentence population by capturing accounts of the experiences of post-release supervision and resettlement. My research offers an in-depth understanding of how the two community elements of the extended short sentence are enacted, experienced and understood by practitioners and individuals subject to them. My thesis also builds an understanding of the role various third-sector organisations play in resettlement support in the community. There have been insufficient on the ground accounts into how PSS - an important part of the TR reforms - has been enacted and experienced. Therefore the following research question was developed: Under the ORA 2014, service users have to serve a licence period and post-sentence supervision. How are the two post-release elements of the short sentence enacted by practitioners and experienced by service users? And what role do they play in resettlement? (RQ.2)

2.2.5 Section one conclusion

The review of the literature for resettlement provisions for individuals serving short sentences indicated the existence of a 'revolving door' of resettlement policy and practice, from the seamless sentence to the end-to-end offender management model. The latest iteration entails through-the-gate support introduced by the recent TR reforms. Despite several incarnations of these integrative models of resettlement, the gaps and failings of resettlement provisions remain remarkably similar and unsolved throughout each new government initiative. These "deeply engrained features" (Maguire and Raynor, 2017:141) include cultures not conducive to practitioner-service user working,

prison overcrowding and staff shortages. Other common issues include an inability to integrate the different working cultures of prisons and probation, the upheaval caused by the constant changes to practice and gaps between the rhetoric offered in the resettlement policy and what is available in practice.

2.3 Section two: Overview of literature on short sentence prisoners and resettlement

This section provides a synthesis of the existing literature on individuals serving short sentences, as well as an overview of resettlement policy and practice in England and Wales. This summary of the literature provides a comprehensive understanding of the needs that this cohort presents with, the barriers to providing support, as well as establishing the resettlement capabilities required to assist the short sentence cohort.

Contemporary literature on individuals subject to a short sentence primarily falls into 3 categories: 1) large scale mixed-method studies (see for example: SEU, 2002; Stewart, 2008; NAO, 2010) seeking to bring the particular needs and issues facing this cohort in comparison to other prisoner groups into a greater focus; 2) smaller studies that provide a qualitative analysis seeking to gain a greater understanding of the experiences of this cohort (Armstrong and Weaver, 2010; 2013; Trebilcock, 2011; Trebilcock and Dockley, 2015) or the experiences of practitioners with individuals serving short sentences (Trebilcock, 2010; Trebilcock and Jaffe, 2016); and 3) specific studies seeking to understand more specific issues and experiences of this cohort, such as health (Brooker et al., 2009) or educational needs (Ofsted, 2009).

2.3.1 *The welfare-related needs of the short sentence population*

The literature on individuals subject to a short sentence primarily reflects the significant needs faced by this cohort. Analysis by Stewart (2008) who makes direct comparisons between short sentence prisoners and prisoners serving longer sentences over 12 months, finds short term prisoners are more likely to be unemployed, less likely to be in stable long-term relationships, more likely to be homeless or in insecure accommodation and to have higher rates of substance use than long term prisoners.

The high levels of personal, social and emotional problems that this cohort face mean that on average individuals serving short sentences have over 16 previous convictions, more than any other group (Ministry of Justice, 2009a; NAO, 2010). This group also has the highest levels of reconvictions within the criminal justice system, ultimately responsible for 85 percent of all proven re-offences by former

prisoners committed in the year following release and re-convicted on average with five further offences within the year following release (NAO, 2010).

In 2002, the Social Exclusion Unit (SEU, 2002) produced a report outlining the ways to improve resettlement, with a particular focus on the high re-offending rates (and related financial costs) of individuals subject to a short sentence. The report notes that many individuals serving short-term sentences face a lifetime of exclusion, summarising that the main tasks of prisons often entail 'settling' prisoners for the first time, as opposed to re-settling them into a community they have never felt a part of. The report also comments upon the "patchy" levels of support available for this cohort, asserting that no one agency attains ultimate responsibility for them. Maguire and Raynor (2006b:22) note that the SEU report acted as a "key stimulus" in highlighting the various issues and barriers that could exacerbate re-offending upon release from custody and the SEU report is viewed as a catalyst behind the governments *National Reducing Re-Offending Action Plan* (Home Office, 2004b), which introduced a framework for reducing these high levels of re-offending. This action plan emphasises seven critical pathways to support positive resettlement back into the community. These seven re-offending pathways include: accommodation; education training and employment (ETE); health; drugs and alcohol; finance benefits and debt; children and families; and attitudes, thinking and behaviour.

This cohort is often impacted by issues within each pathway, along with the difficulties presented in effectively addressing these issues both in custody and upon release. Homelessness has been established as a longstanding feature of this group (Banks and Fairhead, 1976; Fairhead, 1981). Maguire et al. (2000) and Lewis et al. (2003) cite accommodation as the most frequently anticipated problem and highest priority problem for this cohort. There are also significant issues in addressing this problem upon release with local authorities and private landlords often unable or unwilling to help (Nacro, 2000; O'Shea, 2003; Anderson and Cairns, 2011). This group also frequently experiences issues with employment (Stewart, 2008). The reasons for this are often multi-systemic, with multiple issues combining to establish significant barriers to employment (Anderson and Cairns, 2011). Educational attainment is also poor, with truancy, exclusion and a lack of qualifications a significant issue (Stewart, 2008), as is a higher prevalence for learning disabilities amongst this cohort (Ofsted, 2009). Debt problems, limited access to bank accounts and reliance on benefits are prevalent with the short sentence cohort (Stewart, 2008; Anderson and Cairns, 2011). Short periods in custody only

further aggravate these issues and delays in the ability to claim benefits has a significant detrimental effect on short sentence prisoners upon release from custody (Anderson and Cairns, 2011).

For many short sentence prisoners, drug and alcohol use is identified as an underlying issue and a hugely influential factor related to offending behaviour (Lewis et al., 2003; Stewart, 2008; Trebilcock, 2011; Armstrong and Weaver, 2013) and is characterised as the "abiding feature of people serving a short prison sentence" (Armstrong and Weaver, 2010:3). The short sentence cohort has the highest heroin and crack-cocaine use and the highest drug injecting rates (Stewart, 2008), leading to views that frequent short sentences are an "occupational hazard" of maintaining an addiction (Armstrong and Weaver, 2013:285) and the "default" sentence for this group (NAO, 2010:38). Armstrong and Weaver (2013:293) also term short prison sentences "punishment for addiction".

A short prison sentence can potentially hold positive and negative outcomes for a drug user. For some it is viewed as a chance for a detox or a 'drying out session' and as a means to get away from chaotic drug use and life in the community (Brooker, Fox and Callinan, 2009; Trebilcock, 2010; 2011; Liebling, 2012; Trebilcock and Jaffe, 2016). It is also viewed as an opportunity to improve one's health, particularly by accessing services not usually available or accessible in the community (Brooker et al., 2009). However, Ramsay et al. (2005) reveal that although short sentence prisoners are more likely to receive detox in custody than prisoners serving a longer sentence, they are less likely to receive therapeutic help, despite clear evidence that this type of support helps individuals to remain drug-free upon release. Upon release from custody, Ramsay et al. (2005) note that short sentence prisoners rarely have support plans in place and Anderson and Cairns (2011) assert they also have the highest rates of suicide and overdose related to drug and alcohol misuse within the four weeks of release from custody.

Individuals subject to a short sentence have less stable family relationships and increased social isolation (Stewart, 2008). Howerton et al. (2009) outline that many of these individuals are able to find positive aspects to their sentence, asserting that in comparison to the isolation and the myriad of personal and social issues experienced in the community, the prison can provide a social network that is lacking in the community. These findings strengthen the work of Lewis et al. (2003) who contend that any networks this cohort have in the community are often not positive ones. Many short-term prisoners are in coercive relationships, where both partners experience addiction or are exploited into

offending by their partner (Lewis et al., 2003). Research on this cohort also suggests a high prevalence of childhood abuse and trauma (Lewis et al., 2003; Stewart, 2008) and/or experience of local authority care during childhood (Singleton et al., 1998).

Research by Stewart (2008) underlines the prevalence of mental health issues within the short sentence population, as well as high levels of self-harm or attempted suicide while in custody (Stewart, 2008; NAO, 2010). The NAO (2010) report states that any work undertaken in prison is primarily focused on practical issues and emotional problems are therefore neglected. Numerous studies on short sentence prisoners describe a real sense of hopelessness and fatalism regarding the lives of this cohort. This is combined with a lack of capacity to stop the re-offending cycle (Lewis et al., 2003; Armstrong and Weaver, 2010; Trebilcock, 2011). The NAO (2010) report that waiting times in custody are longest for offending behaviour courses, but individuals subject to a short sentence are often unable to complete these due to the length of sentence. There are also concerns that many individuals serving repeat short sentences suffer from "readjustment anxiety" (Howerton et al., 2009:441) upon release back into the community and that these repeat short sentences can have deeply negative consequences, particularly institutionalisation.

2.3.2 Barriers to providing support

The literature also reflects that there are numerous barriers to providing effective support for the short sentence population. Firstly, despite the multi-systemic needs that this cohort face (Lewis et al., 2003; Stewart, 2008; NAO, 2010), there are insufficient services available for this population. This means that individuals subject to a short term sentence are not provided with appropriate assistance in six of the seven re-offending pathways and nearly half of these individuals are not undertaking any meaningful activity at all (NAO, 2010). There are particular gaps in service provisions that are able to holistically address the multiple issues that individuals serving short sentences often present with (Lewis et al., 2003; Anderson and Cairns, 2011). Community services for short sentence prisoners are also described as "limited and inconsistent" (NAO, 2010:32).

There are also noted failures in the assessment of needs, involving communication between different organisations within prisons and wasteful repetition in assessments between different prison departments (Durcan, 2008). The high 'churn' of short sentence prisoners entering custody means that the screening process for new prisoners is often inadequate, with difficulties in meeting the

resources needed with the volume of new receptions to custody (Stewart, 2008; NAO, 2010). With no statutory need for an OASys (Offender Assessment System) assessment (Ministry of Justice, 2009b) there are worrying gaps in effectively screening for and identifying prevalent issues such as mental health needs (The Bradley report, 2009) and learning difficulties (Ofsted, 2009).

Literature underlines that the time-limited nature of the sentence makes it very difficult for staff to build effective relationships to work with short sentence prisoners (NAO, 2010; Anderson and Cairns, 2011). This means there are difficult choices to be made regarding what can be achieved while in custody, particularly as many individuals present as withdrawing from substances on entering the establishment. This primary health need often becomes the most pressing issue and other interrelated needs on the seven offender pathways are often not able to be addressed (Stewart, 2008).

The time-limited period of a short sentence means any longer-term healthcare needs such as therapy or counselling services are often not considered as the prisoner is not serving a long enough sentence to complete sessions (Brooker, Fox and Callinan, 2009). The issue of being ineligible for certain courses due to sentence length is also notable in other pathways, the NAO (2010) estimate that between a third and a half of short sentence prisoners are not involved in any work or courses whilst in custody. The NAO (2010) further reports that the average sentence length for a short sentence is 45 days, while the average wait to get access to one of the pathways is 26 days, leaving little time for meaningful of effective work to take place. Education is particularly impacted, Ofsted (2009) outline the delays individuals serving a short sentence face in accessing learning and skills, which leaves inadequate time for completion of work. There is also no specialist provision or national guidelines in place for individuals serving short sentences, with most vocational courses longer than the average sentence length.

The inability to address needs is further impacted by a belief from individuals serving short sentences that prison staff are not sufficiently motivating or interested in the needs of prisoners (NAO, 2010). Indeed Anderson and Cairns (2011) report on a degree of fatalism amongst practitioners reflective of an inability or an exacerbation of working effectively with the revolving door group, who were familiar to many public services and were seen time and time again. The NAO (2010) suggests that the majority of individuals subject to a short sentence feel staff do not show concern or understanding towards

them and that staff do not have the time or inclination to assist. This has led to the short sentence population to feel neglected and that they do not receive the help that they need, or feel encouraged to address their offending needs (NAO, 2010).

The concerns individuals subject to short sentences had of staff, were mirrored in the views of staff themselves. Trebilcock (2010) reveals that prison staff hold mainly negative views on the use of these sentences, expressing frustration at the inability to undertake meaningful work with this cohort, particularly as they were aware of the complex issues many prisoners face, but often feel that there is insufficient time to build a satisfactory relationship with individuals in order to address any issues. Staff label these individuals as "resource-intensive" and feel particular frustrations regarding the amount of administration involved in their management (Trebilcock, 2010). Trebilcock and Jaffe's (2016) research subsequently find that staff feel short prison sentences have a de-stabilising impact that makes these individuals more likely to re-offend. The belief of the ineffectiveness of the sentence is also mirrored in the views of senior prison staff, where only seven of ninety-one prison governors feel they were able to assist individuals subject to a short sentence to address their needs (Trebilcock, 2010).

Armstrong and Weaver (2013) also contend that a short prison sentence often disrupts any positive elements the individual previously had in the community. Staff frequently see the same individuals return through the revolving door of the prison, again and again, noting little improvement in their lives. This has led to many frontline staff holding concerns regarding the lack of continuity of care available upon release to individuals subject to a short sentence, with a lack of confidence in the probation service and their ability to supervise and motivate this cohort (Armstrong and Weaver, 2013).

A further barrier to providing support concerns service user attitudes towards probation and compliance with Community Orders. Armstrong and Weaver (2013) assert that breaching a community-based probation order is a common reason for receiving a short sentence; according to the NAO (2010), one in six of the individuals serving a short sentence are imprisoned for breaching a Community Order. Research also indicates that a large majority of short sentence prisoners have a high number of previous convictions, but have relatively little experience of community-based punishment, only receiving one or two prior community sentences early in their penal 'careers'

(Armstrong and Weaver, 2013). The repeat experience of short sentences has had damaging effects upon the perceived sense of legitimacy and fairness of sentencing, which can be perceived to be a judgement of the individuals past and their criminal histories, rather than current circumstances (Trebilcock, 2011; Armstrong and Weaver, 2010; 2013). Furthermore, these individuals feel that the court are not interested in any benefits of a community sentence, or the resulting damages caused by a short prison sentence.

Trebilcock (2011) indicates that some individuals subject to a short sentence preferred a short custodial sentence to a community sentence, finding the prison term less stressful than outside community life, as well as easier to undertake than a community sentence as there were no onerous requirements, or probation officers to monitor behaviour. In this respect, a short sentence was seen as a minor irritation, something to "get done and out of the way". Whereas a community sentence could often set you up to fail by instilling unrealistic and burdensome demands on an individual (Trebilcock and Jaffe, 2016) which could result in an individual eventually receiving a prison sentence through the 'back door' by breaching the requirements of their order (Weaver et al., 2012).   In contrast, Armstrong and Weaver (2010:14) indicate that the individuals they researched favoured community sentences which were rated more positively than short sentences.   However, understandably views on probation were largely determined by past experiences of community sentences and the current state of the individual's life in the community, the resources available and how much they had to lose (Armstrong and Weaver, 2010; Trebilcock, 2013).

My research explores the impact that TR has had on these barriers to providing the support that individuals serving a short sentence face, including in the assessment of needs, in staff attitudes and access to resources. This thesis will also assess if there are further barriers that inhibit resettlement. This is undertaken in the reconfigured 'resettlement prison' and in the community with the extension of CRC through-the-gate support, the licence period and post-sentence supervision and will be explored in research questions 1 and 2.

2.3.3 *Women's experiences of short prison sentences*
Although this thesis does not focus upon women serving short sentences, it is important to recognise the literature in this area and find clear parallels in the issues faced by both men and women serving

short sentences. There is a body of literature that recognises the challenges faced by women within the criminal justice system (see for example: Walklate, 2001; Carlen and Worrall, 2004; Carlen, 2012).

The (2007) Corston Report highlights the challenges faced by women within a male-dominated criminal justice system and the need to offer gender-specific support. The report is also critical of the use of short prison sentences for women and argues for community-based services to be implemented in their place, highlighting that women are more likely than men to receive a short custodial sentence. Baldwin and Epstein (2017) report that two-thirds of women sentenced to imprisonment are for sentences of six months or less. Research also identifies that substance misuse and mental health issues are more acute for women serving short sentences than men (Stewart, 2008). Carr (2016:13) argues that there is a "distinct set of pains and deprivations experienced by imprisoned women" and that women serving a short sentence face barriers not just of a male-dominated prison system, but the barriers of a short prison sentence.

Trebilcock and Dockley's (2015) research on the unique penal experiences of women serving short prison sentences argues that these sentences have the potential to exacerbate many of the issues females serving all sentences experience. The researchers found that short prison sentences often add additional strain on women because of their roles as primary caregivers for children and family members. Baldwin and Epstein (2017:14) also reveal the experience of a short sentence for mothers as acutely "traumatic, painful and heartbreaking", which entail traumatic effects on their children post-release.

Trebilcock's and Jaffe's (2016) research on women serving short sentences, groups prisoners into two distinct categories according to their experiences of incarceration: 'first-timers' and 'frequent flyers'. First-timers consist of individuals serving their first custodial sentences. Many women within this group often have less welfare-related needs. The first-timers group experience their own particular challenges within the prison system, commonly involving the anxieties of serving their first sentence combined the difficulties in forming relationships with other prisoners. There are also concerns about release, particularly in relation to the stigma tied to their sentence and worries about being able to maintain positive ties and resources in the community (Trebilcock and Jaffe, 2016).

The second group termed as frequent flyers, consist of women who have served several previous sentences, they typically have multiple deeply entrenched welfare-related issues, as well as high levels of vulnerability resulting from previous experiences of physical and sexual abuse. These women in contrast to first-timers appear more confident in their ability to manage the sentence, as the prison experience has become normalised for them. However frequent flyers are often pessimistic about their release and do not hold a great deal of confidence that they would be able to abstain from offending behaviour and substance misuse. First-timers are usually adamant that they will not return to prison and they present as motivated, in comparison to frequent flyer prisoners who seem ambivalent about being able to make positive changes and the ability of the prison to meet their needs (Trebilcock and Jaffe, 2016).

Prison staff are also able to make a clear distinction between these two groups. Staff question if first-timers need to serve a prison sentence, reasoning that a community sentence could be a more suitable sentence in many cases. In comparison, frequent flyers are often seen as doomed or destined to come back and unable or unwilling to change and often characterised as having low motivation and not taking the sentence seriously. Staff often indicate that it can be de-motivating to work with the frequent flyer prisoners, as they consistently returned to prison and have usually completed most offending behaviour courses available, so there are considerable difficulties in finding meaningful activities for these prisoners, which can further exacerbate a volatile and difficult to manage group. The inability to offer meaningful help feeds into deep-seated frustrations of working with such resource-intensive individuals and seeing so little progress (Trebilcock and Jaffe, 2016).

This thesis seeks to develop the literature concerning first-timers and frequent-flyers, to explore their experiences of resettlement and through-the-gate support. From this literature a third research question was partially developed: how do service users experience through the gate (re)integration in the community? What particular challenges and pains do they face as they navigate resettlement? (RQ.3). This question will build upon the existing literature on the barriers and challenges individuals subject to a short sentence face, extending this knowledge base into the community experience.

2.3.4 Resettlement
In order to position and analyse how current resettlement provisions are enacted under the TR reforms, it is important to firstly gain a clearer understanding of the resettlement process from the

perspectives of academic literature. This is achieved by briefly providing a clear definition for resettlement, followed by an understanding and critique of the different resettlement models currently in place, before outlining best practice that has been established in the literature.

2.3.5 *Definitions of resettlement*

Historically known as 'prisoner aid' or 'prisoner relief', but also commonly referred to as 'throughcare' (concentrated more on a continuous process through the custodial and non-custodial elements of a prison sentence (Maguire and Raynor, 1997)), 'aftercare' (typically referred to what should be done after release (Monger, 1968)) or 'prisoner re-entry' (a term commonly used in America to refer to resettlement (Maruna et al., 2004)), the term resettlement has now become the widely accepted terminology that is used to refer to post-release support and provisions for prisoners released into the community[9]. Crow (2006:4) provides a contemporary definition of resettlement, as: "to settle again in a new or former place… (and is) largely a practical activity by which someone acquires the means to become part of a community". However, Raynor (2004a; 2007) contends that the term resettlement had not been properly defined, leading to contentious and often contradictory ideas of what this process should entail, with aims including crime reduction, risk management, re-entry, integration and inclusion.

Resettlement is often a term that is used interchangeably with rehabilitation, particularly in governmental policy literature (see for example: the 'rehabilitation revolution' (Ministry of Justice, 2012b)). However, these are two distinct terms, that both entail different elements. Rehabilitation in particular can be re-shaped to mean many things (Robinson, 2008; Goodman, 2012). However, these terms are not mutually incompatible, resettlement can contribute towards rehabilitation, but they do not amount to the same thing. As Travis (2005) forcibly notes, reentry is the inevitable end-result of a prison sentence, while rehabilitation is a social process:

> *"Reentry is the process of leaving prison and returning to society. Reentry is not a form of supervision, like parole. Reentry is not a goal, like rehabilitation or reintegration. Reentry is not an option. Reentry reflects the iron law of imprisonment: they all come back" (Travis, 2005 xxi).*

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[9] Resettlement was first used in official government literature in a 1998 prisons and probation review, suggesting the term throughcare should be dropped in favour of resettlement, with the rationale that the term throughcare could be confusing to the general public and more associated with the 'caring' services (Home Office, 1998).

There have been further critiques of the use of the term 're'-settlement, specifically the implication that individuals were settled in the community prior to their imprisonment (Carlen and Tombs, 2006) and previously inhabited a social status that should be restored, rather than a perennially socially and economically disadvantaged individual who had never had the chance or opportunity to legitimately acquire the capacities they are deemed to lack (Carlen, 2013:32). Therefore, we should be careful to distinguish between those for who resettlement means restoration and re-establishment to a previous condition and for those whose main goal would be to settle and establish pro-social influences and an adequate socio-economic standard for the first time Raynor (2004a).

2.3.6 *Purposes and models of resettlement*

Raynor (2004a) offers four main purposes to resettlement: 1) welfare informed work, concerned with alleviating the outcomes of poverty; 2) to provide a continuation of support that began in prison; 3) to compensate for the harms caused by the prison sentence and; 4) social integration work based on the idea of Rotman's (1990) 'state obligated rehabilitation', where governments become obliged to ensure that the conditions conducive to rehabilitation exist in society and are available to all.

Raynor (2004a:222) contends there are two models of resettlement. The 'opportunity deficit model' which asserts that individuals commit crime due to deprivations in opportunities and resources in society. Practitioner work is based on referrals to agencies to countenance these deficits and responsivity to the self-reported needs of the individual. This model is critiqued as being too deterministic which could reinforce 'recidivist narratives' by disenfranchising individuals as victims of social circumstances beyond their control and made an assumption that practical help alone would help avoid re-offending. The model also made assumptions that the individual wanted the services and shared the same goals of wanting a crime-free life (Maguire and Raynor, 2006a:32).

The 'offender responsibility' model advocates for an approach emphasizing problem-solving, goal setting, motivating the individual to overcome obstacles and challenging negative behaviours. However, Maguire and Raynor (2006a) note that services that utilise only one or the other model would result in negative implications for resettlement and so services should address welfare-related problems as well as attitudes and behaviours. The authors also assert there is a clear need to utilise

an 'integrative system' which takes the "whole person" into account and not a system where individual needs are categorised and then addressed by a variety of specialist providers who only deal with specific issues (Maguire and Raynor, 2006a:28).

Maruna et al. (2004) make a distinction between two approaches to resettlement work a 'risk-needs' approach and a 'strength-based' approach. The risk-needs model is based on a belief that prisoners have 'criminogenic' needs that should be identified and then controlled and policed through a variety of surveillance and monitoring strategies. While the strength-based model attempts to actively engage the individual by fostering 'responsibilisation' and focuses on the contribution that prisoners could make to society by developing strengths. This model also encourages the individual to develop a positive narrative and self-identity regarding making change (Maruna, 2001). Hucklesby and Wincup (2007) suggest the majority of resettlement initiatives are based on a risk-needs basis, which can deny the individual any sense of agency and might ultimately be counterproductive. A report by the Prison Reform Trust (Edgar et al., 2012) echoes the importance of motivational work in resettlement but finds that short sentences, in particular, inhibit this and prevent individuals from being pro-active due to the lack of support and the brevity of the sentence.

Moore (2011) explores a three-phased approach to resettlement, which places resettlement into a desistance-focused context and emphasises the role of society in the resettlement process. The first phase 'social re-entry' describes the initial stage of relocation back into the community. Social and human capital is required in order to navigate the various challenges that would be faced, however, individuals face insurmountable problems and often have insufficient capital to manage the demands of the transition, which leaves individuals caught up in the revolving door of re-offending (Moore, 2011:135). The second phase 're-entry as emergent social integration' encompasses a more developed transition and is viewed as a mid-stage of assimilation into important social networks and enhanced personal and social transformations towards 'being of society'. The last phase 're-entry as social integration or reintegration' consists of attaining a settled place within society which encompasses a more extensive level of inclusion (Moore, 2011:136). This includes a personal narrative not to re-offend, a supportive society and structural opportunities to reinforce both.

Models of resettlement can become "appropriated" (Hucklesby and Wincup, 2007:48) meaning discourses of penal reform aims become silenced in favour of a service that shifts priorities to key performance targets, particularly easily quantifiable targets (at the expense of the less quantifiable) leading to a narrow focus that is target-driven and focuses primarily on quantity over quality of work, ultimately negating the longer-term needs of the prisoner. Hucklesby and Hagley-Dickinson (2007) find that some models of resettlement often concentrate on fixing immediate practical requirements that are easily resolved, instead of focusing on deeply entrenched issues that might sustain longer-term outcomes.

2.3.7 What makes for effective resettlement?

Research on resettlement has established several factors that could improve its effectiveness, these include: working holistically with the individual, utilising an integrated multi-agency response that combined practical support with motivational work (Crow, 2006; Maguire and Raynor, 2006a; Hedderman, 2007); utilising the social context in which resettlement takes place, including family and social networks as well as the wider community support (Moore, 2011); Raynor (2007), emphasises the importance of acquiring human capital (skills, motivation, resources) and social capital (links, relationships, social networks). For some this involved bonding links to existing networks and for others it means bridging to new contacts; fostering close links with external organisations is also emphasised (Hucklesby and Wincup, 2007; Malloch et al., 2013); information sharing between the multitude of internal and external agencies involved in the resettlement process is outlined as an important factor (Crow, 2006), lastly; various research (Maguire and Raynor, 1997; 2006a; 2006b; Clancy et al., 2006; Crow, 2006; Hedderman, 2007) identified continuity of engagement as a crucial practice in effective resettlement work, in order to develop the "relational aspect" between the individual and their probation officer. When the process becomes fragmented, individuals can experience confusion and frustration of starting the process again with new officers (Maguire and Raynor, 2006b:26).

McNeill (2006) advances an approach towards effective rehabilitation and reintegration titled the 'desistance paradigm'. This framework promotes several elements of good practice, including early individualised preparation for release, access to resources and advocacy, motivational work, continuity of personal contact, support in the face of setbacks and a positive collaborative approach from the practitioner that is flexible and realistic. Malloch et al. (2013) also outline areas of good

practice that include: maintaining early contact during imprisonment, involving prisoners in support plans, consistency from workers that allowed a trusting relationship to develop through a dedicated liaison and flexibility from workers to respond to issues as they occurred.

Raynor (2007) also notes the importance of fostering a genuinely collaborative approach between the individual and practitioner and affirms that practices which concentrate on compliance, enforcement and monitoring should be titled risk management rather than resettlement (Raynor, 2007). Conversely, Kemshall (2007) argues that if risk management is done effectively it could contribute towards resettlement. Kemshall's (2007) research on effective release plans for 'high-risk offenders' makes several recommendations which can aid compliance. These include: ensuring individuals are fully aware of release conditions before their release and are involved in the planning of their release. Effective risk management plans also involve promoting internal controls (recognition of 'triggers' to re-offending) and utilising external controls (licence conditions) where needed. However, over-emphasis of external controls can undermine internal controls, so Kemshall (2007) promotes a balance of both controls. Finally, failure to meet basic welfare needs as part of a release plan could undermine the entire process.

Many scholars generally agree that the most effective models of resettlement operate through-the-gate (Home Office, 2001; 2004a; Clancy et al., 2006; Crow, 2006; Hucklesby and Wincup, 2007). In this model, resettlement needs should be identified through a sentence planning process that is initiated from the start of the sentence. This approach should ensure issues are worked on pre-release and a realistic plan is set-up for release into the community (Hedderman, 2007; Kemshall, 2007; Malloch et al., 2013). The through-the-gate model is seen as the most optimum approach, as it should negate the deficiencies of models that purely operate in a prison or community setting, which either risk the individual relapsing upon release with a lack of support or do not allow for necessary preparations to take place for release (Hucklesby and Wincup, 2007).

However, evidence from the available literature suggests that this model of working is difficult to replicate in practice and only effective if both the custodial and community teams are fully integrated (Maguire and Raynor, 1997; 2006a; 2006b; 2017; Hucklesby and Wincup, 2007). Prison conditions, particularly the lack of resources available could influence the ability to undertake effective

resettlement whilst in custody. Crow (2006) notes that the growing prison populations inhibit successful reintegration and prison overcrowding has been labelled the greatest threat towards rehabilitation (Hucklesby and Hagley-Dickson, 2007). These concerns can also be replicated in the community, Hedderman (2007) notes that resettlement is often hampered by a lack of capacity in the community, particularly from external services such as housing or benefits offices who did not often prioritise prisoners (Hucklesby and Wincup, 2007) or agencies that work in isolation and can be territorial and competitive rather than cooperative.

2.3.8 Outcomes of resettlement

Hedderman (2007) contends that within the populist punitive shift in criminal justice policy (Garland, 2001), the ultimate aim of contemporary resettlement policy and practice prioritises short term gains in public protection via control and risk management. This ultimately sets resettlement work up to fail, as measuring effectiveness merely by re-offending statistics is too binary and does not allow for or recognise 'distance travelled' (Hedderman, 2007:19; Moore, 2011:142; Malloch et al., 2013). Furthermore, Raynor (2007:39) argues that resettlement should be viewed as a rehabilitative process and not an extension of punishment, which can potentially undermine any positive rehabilitative effects.

Maruna et al. (2004:8) assert that resettlement has no coherent theoretical basis, but exists as a collection of ideas and concepts, leaving resettlement to "operate within a theoretical vacuum, with no clear explanation for how the process is supposed to work". Moore (2011:132) develops this argument further, arguing that resettlement is "constructed in narrow instrumental terms" which takes an interventionist and correctionalist approach that emphasizes enhancing the individuals' capacity to 'settle' but fails to take broader structural conditions and life-course opportunities into account. Policy processes should reflect an understanding that there is no "universally agreed end-state" to resettlement, particularly as each individual transitions within differentiated life opportunities (Moore, 2011:133).

Resettlement policy and practice are also criticised for taking a normative and prescriptive approach (Moore, 2011:130), which entails an insufficient understanding of diversity and does not fully incorporate the different resettlement needs that individuals may have (Hucklesby and Hagley-Dickinson, 2007) and the environment which individuals return to. This leads to assumptions

regarding expectations of what can be achieved (Moore, 2011:129). Moore contends that the political manifestation of resettlement fails to understand that for some, returning to the community was involuntary exile within it, where many prisoners found themselves "in but not of society" (Moore, 2011:131). Without acknowledging this, resettlement remains theoretically and sociologically undeveloped.

A review of the literature concerning resettlement has further helped to develop the research questions for this thesis. TR provides the latest model of through-the-gate resettlement, outlined in the literature as the most effective resettlement model. However, this can be undermined by poor integration between the prison and community and poor availability of resources. My thesis will seek to develop our understanding of the wider issues that implementing such a model causes on the ground in prisons (RQ.1) and how this is enacted and experienced in the community elements of the newly expanded short sentence (RQ.2). In relation to the outcomes of resettlement, TR has utilised a PbR measurement system. This thesis also discusses the implications this may have for probation practice, particularly the affects this has with the intractable short sentence cohort. Research undertaken in this thesis is also placed into a wider theoretical analysis, an undeveloped area according to research from this literature review. This is initially covered more extensively in section three of this literature review.

2.3.9 Compliance, legitimacy and engagement

There is no universally accepted definition of compliance (Ugwudike, 2016), however, there are several studies that seek to provide an understanding of why individuals comply with involuntary criminal justice sanctions. For example, Bottoms (2001) has developed a fourfold framework of compliance. The first form of compliance is 'instrumental or prudential compliance' which emphasises the simplistic notions of incentives and disincentives that exist in supervision and community penalties. The second form is 'normative compliance' which is further divided into three subtypes of normative behaviour: an inherent conscious moral acceptance of a norm or law; normative compliance achieved through attachment to positive social bonds (such as a family or religious group); or a perceived sense of legitimacy with formal authority which resulted in compliance with a rule.

The third main type of compliance is 'constraint-based compliance' this form of compliance also has three main sub-types: physical restrictions that were either natural limitations of the human body or

imposed upon the person (such as imprisonment or an electronic curfew); restrictions upon accessing the target of non-compliance, concerned with denial or minimisation of opportunity, lastly; structural restraint, which occurs in a power-based relationship. The fourth form of Bottoms' framework of compliance is 'compliance based on habit or routine', this form of compliance occurs unthinkingly as it is a behavioural routine or habit of the mind of the individual (Bottoms, 2001:91-92). Bottoms (2001:95) notes that compliance occurs through a complex mixture of the above four mechanisms, each operating in different ways, contexts and times, in accordance with the 'kaleidoscope' of offending behaviour. As such probation supervision that sought to attain compliance exclusively through one form of the framework was ultimately self-defeating.

Robinson and McNeill (2008:434) have built upon Bottoms' work in order to provide a more qualitative and dynamic account of the degrees and dimensions of compliance. Their approach is more concerned with understanding the importance of the quality - as opposed to quantity - of interaction with the service user. The authors posit that it is important to distinguish between those that 'go through the motions' or technically comply with the requirements of an order without meaningfully engaging with it, entitled 'formal compliance' and those that did actively engage and seriously co-operate in a way that goes beyond obedience to rules, entitled 'substantive compliance'. The authors assert that current probation practices reflect a 'compliance myopia' that prioritizes meeting short-term quantitative outputs, over facilitating longer-term meaningful change. This can reinforce a message that probation supervision is a "superficial exercise" that involved nothing more than turning up and signing in, which undermined the legitimacy of probation supervision and the "motivational postures" of service users.

Phillips (2011b) expands on the work of Robinson and McNeill and has sought to recognise the role that top-down managerialist pressures and inflexible targets can play in modern probation practice. These pressures can take individualised decision making and autonomy out of the hands of practitioners so that achieving substantive compliance becomes subsumed into ensuring targets are hit - despite the value of meeting these targets. Phillips described this process as 'offender manager-constructed compliance'.

Following Phillip's work, McCulloch (2015) outlines the challenges of achieving substantive compliance in the late modern criminal justice field which prioritises control and coercive forms of punishment

and is primarily concerned with managing risks. This has led to service users becoming "passive recipients" whose place in the justice system is to comply and conform. McCulloch advocates for a co-production of compliance, which has sought to re-distribute power so that compliance is participatory, substantive and the service user is provided with space and the capacity to make meaningful long-term changes. McCulloch (2015:45) emphasises the importance of providing clarity to the service user of the purposes of sentences and what they hoped to achieve, this can be facilitated only if the individual perceives and experiences the sanction to be fair, reasonable and just (McIvor, 2009).

Weaver and Barry (2014:289) echo the importance of legitimacy in setting licence conditions and resettlement plans, outlining that a perceived lack of involvement and participation in decision making can lead to feelings of frustration, resentment and withdrawal from engagement with probation supervision and ultimately encourage a stance of detachment from the process, where meaningful desistance can only be achieved once the licence period had ended. More recently, Irwin-Rogers (2017:64) conceptualises compliance mechanisms into the post-release licence period of supervision, highlighting the importance of supervisor legitimacy. This can be attained through the practitioner adopting certain procedures, these include respectful and individualised treatment, providing timely and accurate information and ensuring the individual feels listened to. These procedures should provide a solid base that is reflected in the outcomes the practitioner is responsible for. These outcomes include providing personal and practical help and support and the fair and consistent monitoring of behaviour. Both the procedure-based and outcome-based legitimacy should move together in order to achieve compliance.

Farrall's (2002b) research categorizes factors that inhibit non-engagement with probation, naming mental health issues, drug addiction, debt and negative peer influences as core issues that contribute to absences, these issues combined with a belief that the probation service was unable or uncaring in alleviating these issues. The factors that Farrall highlights have also been established in this literature review as pervasive within the short sentence cohort. This thesis utilises the compliance literature in order to explore the role compliance plays and the type of compliance probation practitioners use with individuals subject to a short sentence, a cohort that Dominey (2013:120) describes as "involuntary clients par excellence". My research explores how practitioners identify and then implement services that help to tackle the multiple issues that the short sentence cohort can possess

(Stewart, 2008; NAO, 2010) as well as how they work with a cohort that can display challenging anti-probation attitudes and behaviour (Trebilcock, 2010; 2011).

There is an extensive collection of literature regarding effective practice in engaging service users, with the productive practitioner requiring a particular skill set that could help to work with the short sentence cohort. Rex (1999) advocates for an approach that is active and participatory and the practitioner shows personal and professional commitment. Trotter's (2006) pro-social modelling practice emphasises the practitioner reinforcing pro-social values and works collaboratively in identifying and holistically addressing issues to form a therapeutic alliance. Maruna et al. (2004) promote a strengths-based approach, this involves helping to develop the individual's strengths and capacities in order to help the individual achieve a 'good life' (Ward and Fortune, 2013). Dowden and Andrews (2004) describe this toolkit of skills as 'core correctional practices' which advance the skilled practitioner as responsive, flexible in their individualised approach and client-centred. This thesis will address how practitioners work with service users and if they are able to practice these relational skills.

2.3.10 *Probation actors*

There have been extensive contemporary contributions to research regarding the organisational culture of the probation service (see for example: Worrall and Mawby, 2013a; 2013b; Deering, 2016; Grant, 2016). These findings suggest that although there is no singular monolithic culture, there is a shared set of intrinsic values within probation - otherwise referred to as a "probation habitus" (Grant, 2016). These values are primarily based on 4 overriding principles: 1) a humanistic approach closely enmeshed with a fundamental commitment to working with individuals in the community in an empathetic and non-judgmental manner (Grant, 2016); 2) an approach to practice that has a principled rehabilitative ethos, committed to social justice, equality and diversity (Canton and Dominey, 2018); 3) a belief in the capacity for the individual to change and for an ability to affect this change and make a difference through building positive professional relationships (Worrall and Mawby, 2013a); and 4) a belief that probation work should be undertaken by reflective practitioners who possess strong values and commitment to making a difference, who view this work as a vocation, exercised by skilled professionals.

Canton and Dominey (2018:42) assert that for values to take shape and have meaning, they need to be explicitly expressed and performed regularly in practice. This can be achieved in several main ways, firstly by providing a platform that allows opportunities in everyday practice to exercise these values. This helps to develop autonomous practitioners, able to utilise interpersonal skills, develop specialisms and have opportunities for creative "edgework" (Worrall, 2015) and has an additional benefit of fostering a sense of personal fulfilment and job satisfaction (Canton and Dominey, 2018). An additional means of developing and sustaining values is through policies and practices which prioritise and recognise the importance of meaningful supervision sessions and rehabilitative practices as a primary means of developing professional relationships (Raynor and Vanstone, 2018). A further recourse to advancing and promoting a cohesive set of probation values is through valuing training as an important resource to enhance the professional status of the service (Durnescu, 2012) and viewing training as an opportunity to sustain and transmit these values (Canton and Dominey, 2018). A final means of cultivating a set of values is drawing upon an "institutional memory" of the service and a strong lineage that is rooted in over a hundred years of practice that has underpinned the habitus of probation work (Worrall and Mawby, 2013b:349). These interrelating factors help give the probation officer role a distinct sense of cultural capital that has remained durable over many years (Robinson et al., 2014; Grant, 2016).

However, the multiple 'penal turns' of late modernity (Garland, 2001) have seen a gradual erosion of the probation skills base and practitioner autonomy. This can be traced through the restrictions on practitioner autonomy enforced through the eradication of voluntary casework under SNOP and further erosion through the National Standards framework (Goodman, 2012), to the pervasive risk assessment culture that was introduced into probation leading to the de-skilling of professional staff (Robinson, 1999; 2002; 2005; Fitzgibbon, 2007; 2008; 2009) that encouraged a detached "pass-the-parcel" form of fragmented supervision (Robinson, 2005:307). It further includes the 'Offender Management Model' implemented under centralised NOMS control (Robinson and Burnett, 2007), as well as the impact of technicizing and depersonalizing audit tools which have led to a more office-bound culture (Phillips, 2011a; 2014; 2017). Assessment tools have also become a dominating force within the contemporary prisons and probation fields as a means of assessing risks and needs and have had a significant impact on working practices (Hannah-Moffat, 2005; 2013). These tools should not just be viewed as technical apparatus, but have had a deep cultural impact, that has altered professional outlooks and orientations and has contributed towards the erosion of professional discretion (Bennett, 2019).

Most recently, TR and the resulting visible fragmentation of practitioners have seen yet another move towards a more standardised, administrative culture (Tidmarsh, 2019; Robinson 2017). Probation practice has commonly been described as "people work" (Annison et al., 2008:260). However, contemporary probation work has increasingly been seen as "dirty work", that is necessary for society, but increasingly losing status and is devalued, due to its proximity with the management of undesirable individuals (Worrall and Mawby, 2013a:8).

The multiple policy initiatives can also lead to what Robinson and Burnett (2007:333) term "change fatigue" that describes the tensions experienced by practitioners due to relentless policy change and the constant implementation of new initiatives. They posit that when practitioners are exposed to constant organisational change, they became more apathetic and distrustful of the motives and rationale of the new policies. This can be exacerbated by the pace and scale of change, particularly policies that practitioners feel are implemented in a dogmatic or inflexible approach or initiatives that practitioners feel significantly changed their role. The context to Robinson and Burnett's (2007) work on "change fatigue" centres around the series of reforms that have been implemented to 'bridge the gap' between prison and probation and bring further continuity between prison and probation - a policy ideal that has long been a focus of attention for various governments. The inability to successfully imbed these policies ensures that change in this area becomes the norm and the "defining characteristic" (Robinson and Burnett, 2007:332) for practitioners operating in this field, with an exhaustive 'revolving door' (Tangen and Kaur Briah, 2018:5) of policy changes experienced by practitioners.

Changes in probation practice have also led to shifts in occupational cultures. Worrall and Mawby (2014; 2013a) have sought to explore the occupational cultures of probation practice, finding three types of worker: 'lifers' who view probation work as a vocation, had often trained through the social work route and had a central commitment to the therapeutic alliance. 'Second careerists' who have joined probation after a previous career and used these transferable skills; they also valued the autonomy and relational aspects of probation work. Lastly, 'offender managers' who are often younger, trained under the newer TPO (trainee probation officer) scheme, are more pragmatic regarding their career prospects and crucially are more ambivalent regarding therapeutic supervision work, instead they are more computer-oriented and desk-bound. Despite these differing cultures,

Worrall and Mawby (2014) note that belief in the relationship is a tie that binds the profession. However, Robinson et al. (2016) note that the initial implementation of TR led to these identities entering into transition.

This thesis seeks to build on the literature developed during the earlier stages of TR (Robinson et al., 2016; Burke et al., 2017) to explore the occupational identities of CRC staff and the ways they have been altered and developed several years into TR. This research also discusses how CRC practice has affected the probation habitus and the skills base of frontline practitioners. A fourth research question has been developed, to help explore these issues: how has Transforming Rehabilitation shaped the values, organisational identity and working culture of practitioners in the CRC and how does this affect the quality of post-release support and supervision provided to individuals serving short sentences? (RQ.4).

2.3.11 *Prison actors*

Developing rehabilitative cultures in prisons has attracted recent academic interest (Jewkes and Gooch, 2019; Liebling et al., 2019) and viewed with increasing priority within HMPPS (Mann, Howard and Tew, 2018; Mann, 2019). However, altering the culture of prisons has faced significant difficulties. Bennett (2016:4) writes that attempts at reforming prisons are often "undermined, adapted and resisted to preserve the fundamental conditions" of the carceral establishment. In a recent article on prison reform, Bennett (2019:45) analyses the resilience of managerialism in contemporary penality. He explains that various attempts to construct greater autonomy for prisons engendered a retreat from these intentions and causes a resulting counter-reformation that re-asserted centralised managerial hegemony. Bennett describes this process as "managerial clawback".

One of the main managerial processes used in prisons are key performance targets (KPTs). Bennett (2016:139) describes KPTs as a highly visible, pervasive a set of quantitative measures, which are a "dominating presence" in the working lives of prison managers and have become fundamental to prison management practice. The penetration of KPTs into prisons has received criticisms, particularly as these targets are often described as inflexible measurements of quantity and not the quality of work and do not always measure what is important (Bennett, 2016:140). Instead, Bennett argues that KPTs have led to the emergence of a performance management culture, which is used to "simplify and

control" complex tasks and reaffirm an "organisational hierarchy" through monitoring and resource allocation (Bennett, 2016:143).

A central means of securing prison reform is through frontline staff. Mann, Howard and Tew (2018) assert that to translate a rehabilitative culture into something enduring, substantial and more than "the latest buzzword", every member of staff has a responsibility and role to play in rehabilitation. This "whole prison approach" involves collective "buy-in" from staff in the belief that change is possible and that rehabilitation is not just the responsibility of a single department, but an intrinsic and deep-rooted belief system that inhabits all corners of the prison. In particular, prison officers play a central role in implementing new penal policies on the ground (Vuolo and Kruttschitt, 2008) and as the primary "street-level bureaucrats" (Lipsky, 2010) transform policy ideas into action. Arnold (2016:265) sets out the important role that frontline officers play as the "key regulators of the quality and purpose of confinement" which can determine the quality of life for prisoners and the perceived legitimacy of the prison. Liebling and Price (1999) also attest to the fundamental importance of the prison officer role, asserting that the conduct of a prison officer not only embodies the regime of the prison but is a barometer of the moral climate and aims of the prison and officers' approach to the role potentially set the tone on the prison wing. They describe prison officers as "instruments of change and deliverers and interpreters of policy" (Liebling and Price, 2001:86), who's interactions with prisoners can encourage, promote, validate and facilitate positive behaviours (Arnold, 2016:267). Without significant buy-in from these front-line staff, any new policy change has little chance of success (Lin, 2002).

Numerous penological research studies have attempted to uncover how prison officers understand their roles and responsibilities, predominately underlining that officers have different approaches to care (Tait, 2011) and often do not view resettlement and rehabilitation practices as their primary concern and that this should be tasked to other departments whose main objectives cover rehabilitative support (Lin, 2002; Crawley, 2004; Crewe, 2011b; Bullock and Bunce, 2020). Developing this theme, Lerman and Page (2012) find that officers are generally supportive of rehabilitative programs, but only to the extent that these programs have a clear utility that contributes towards the effective running of the establishment and these programs do not alter or challenge officers' core custodial remit. Consequentially, their research finds that officers are generally not supportive of rehabilitation as a pervasive ideology in prisons, as this could inhibit the core aims of safety and security.

Arnold (2008) notes that prison officer training and interaction with fellow officers in the early stages of the job role acts as a form of "occupational socialization" where new recruits learn what a 'proper' prison officer is and are shaped into values which promote "security, protection, loyalty and distrust" over other elements of the job (Arnold, 2016:270). This often leads to a more boundaried, detached and cynical approach towards prisoners. Rehabilitative ideals become subjugated, which contributes towards a more procedural and instrumental relationship with prisoners that serves to distance officers from the incarcerated. Occupational socialization also fosters the predominance of security in the work of officers and through this process, it becomes internalised as the core purpose or at "the base of this 'role hierarchy' " (Arnold, 2016:271) which underpins all other elements of the prison officer role. Arnold contends that if prison officers are tasked with a more rehabilitative approach, this could lead to role conflict and incompatibility with the prison officer habitus and a "tension between security and care" (Arnold, 2016:271). When these tensions and ambiguities emerge, officers often reverted back 'to the basics' or what Arnold termed "security in security" (Arnold, 2016:272).

An additional factor that inhibited rehabilitative cultures are large prisons. Their size contributes towards diminished rehabilitative outcomes (Liebling et al., 2019), which has a negative impact on staff cultures (Warr, 2014) and exacerbates poor and unsafe conditions (Jewkes, 2014). Bailey-Noblett's (2019) recent prison research finds that staff preoccupations with the movement of people and goods on the residential wings of the prison directly limits their ability to play a rehabilitative role with prisoners and makes supporting prisoners a secondary role to the logistical concerns of the prison. Furthermore, these imperatives confine prison officers to the residential wings, meaning staff are often not aware of the wider rehabilitative opportunities in the prison and the activities prisoners engaged in outside of the wing. This creates two distinct carceral spaces within the prison estate - the residential wings which were likened to "analogous warehouses" and the rehabilitative opportunities available in other parts of the prison, which officers were generally oblivious of.

My thesis builds on this existing literature regarding prison staff, in order to apply it to the challenges of implementing a resettlement culture into a large local prison. Returning to RQ.1, this question was developed to help build an understanding into the perspectives of how frontline staff view their role, as well as how managerial staff within the prison attempt to prioritise resettlement.

2.3.12 *Section two conclusion*

This section highlighted that a desistance-focused model of resettlement that provides a holistic package of support, tailored to the individual and delivered in a continuous, responsive and cohesive manner by a skilled practitioner is viewed as the optimum standard of delivery for the short sentence population. However, historical and contemporary accounts of resettlement policy and practice highlight a re-occurring set of blockages, weaknesses and problems leading to the policy rhetoric failing to live up to the practice reality. My research will provide a rich understanding of the experiences of resettlement from the standpoints of service users and practitioners, exploring the resettlement support utilised, how this is enacted and experienced and how practitioners seek to engage a cohort of individuals who may experience difficulties in compliance.

2.4 Section three: Theoretical overview

This section places the experiences of the short sentence into a theoretical context, an element that is largely absent in the existing literature on this cohort. Penological analysis is used to underpin my research and gain greater insights into the unique experiences of the short sentence cohort. This section uses Sykes' (1958) 'pains of imprisonment' literature to understand the unique challenges that the short sentence prisoners face and how these challenges can affect resettlement. Furthermore, this section outlines three further theoretical constructs, which are used in the analysis as a means to further understand resettlement. Cohen's (1985) social control arguments are used to discuss the array of new actors introduced into resettlement. Responsibilisation is discussed to understand how practitioners confer responsibility for resettlement onto others. Lastly, recovery and resettlement capital are outlined to explore the resources service users need to successfully resettle into the community.

2.4.1 *The pains of imprisonment*

Sykes' (1958) work on the pains of imprisonment argues that pain and suffering are inherent to incarceration. Although modern prisons no longer enforce physical suffering, prisoners endure psychological hardships, which Sykes' captures in his work on 'a society of captives', where he outlines 5 distinct pains endured by prisoners. These are identified as deprivation of liberty, deprivation of goods and services, deprivation of heterosexual relationships, deprivation of autonomy and deprivation of security. In a similar vein, Goffman (1961) adds that a core function of the institution involves the stripping of the individual's identity or a process of "mortification".

Irwin and Owen (2005) expand upon Sykes' work to reflect the contemporary experience of imprisonment, adding further pains including health and disease, psychological damage and anger, frustration and a sense of injustice. Crewe (2011a) also finds the modern penal system adds additional layers of frustration and pains which serve a Foucauldian purpose, these include the pains of uncertainty and indeterminacy, the pains of psychological assessment and the pains of self-governance. These pains are exercised through a form of power, titled "neo-paternalism" which combines a welfarist concern with rehabilitation, with a neo-liberal emphasis on responsibility. These two elements lead to a more elusive, anonymous and softer form of authoritarian penal power of control and compliance. The literature on the pains of imprisonment has been instrumental in forming an understanding of the hardships endured during custodial sentences, however, there is an absence within this literature that reflects upon the unique experiences of the short sentence prisoner.

Armstrong and Weaver (2013) outline that there is an insufficient amount of qualitative research available in the area of short sentence prisoners, arguing that this reflected a tendency to generalise the prison experience of short sentences, collapsing them into all prison sentences, or alternatively, to disqualify them as 'less painful' than longer sentences. The contemporary academic discourse within penological studies is often focused upon individuals serving lengthy sentences and the interrelated pains of imprisonment caused by prolonged periods in custody (see for example: Liebling, 2004; Jewkes, 2008; Crewe, 2009; Crewe and Bennett, 2012).

There is a body of literature focused on a range of issues that longer-term prisoners face in custody, such as the ability to develop staff relationships (Bennett, Crewe and Wahidin, 2008); prison culture and society (Crewe, 2009; 2012); identity and adaption to imprisonment (Jewkes, 2002; 2012); and maintaining family relationships during incarceration (Codd, 2008). These harms can continue beyond release and create obstacles to successful community reintegration, extending the harms of imprisonment into the community (Irwin and Owen, 2005). However, important as these contributions are, there is a failure within this literature to take into account the very specific circumstances of short sentence prisoners, whose experiences and relationships with the above issues can differ significantly from those serving longer sentences.

Penal research indicates that the pains of imprisonment can be ameliorated to some extent through several means, this includes: developing a sense of prisoner solidarity that binds individuals together through shared value systems and friendships (Sykes, 1958; Crewe, 2012), through positive staff relationships based on trust and care (Tait, 2012) and through maintaining family ties and relationships in the community (Condry, 2012). However, there is a failure in the literature to recognise that the brief time the short sentence prisoner spends in custody limits the ability to develop relationships and build trust with staff and prisoners that might assist in alleviating these pains. In this sense, the short sentence is an atomized sentence, with reduced opportunity to gain a sense of solidarity that Sykes' originally posited.

Similarly, disruptive repeat short sentences do not facilitate positive family ties but contribute to further fracturing positive relationships (Comfort, 2016). Downes (1988:166) writes that the extent to which imprisonment is particularly painful depends on factors including relations with staff, relations with other prisoners, rights, conditions and overall quality of life. Taking Downes work into the context of the short sentence experience, a sentence which has been highlighted for its difficulties in fostering trusting relationships with staff and prisoners (Trebilcock, 2010; Trebilcock and Jaffe, 2016), then the short sentence can be viewed as damaging, repressive and an "ordeal" to be "survived" (Downes, 1988:179).

Sentencing theory understands time as the key concept within proportionality (Armstrong, 2014). In this sense, it is important to recognise that although a short sentence might outwardly be seen as a 'light' sentence (Crewe et al., 2014), it is in itself an isolating and oppressive experience, which carries significant "weight" and baggage (Crewe et al., 2014). Available research (see for example: Clancy et al., 2006; Stewart, 2008; Trebilcock, 2011) indicate the incapacitation experience of short sentences incurred long-lasting effects, resulting in particular forms of the pains of imprisonment which are meaningful, harmful and not an easily forgotten brief experience (Armstrong and Weaver, 2013) making this sentence disproportionate in the pains that are experienced. Armstrong (2014:394-395) challenges the proportionality principle of sentencing, arguing that individuals experience punishment in highly individualised ways and so the short sentence cannot be viewed as a scaled-down version of a long sentence. Armstrong contends that a short sentence has long-lasting effects "beyond and across time" and for many that have experienced such a sentence, it can feel longer than a long sentence, due to the unique pains that this sentence inhabited.

Research on the experiences of women serving repeat short prison sentences by Carr (2016) identifies several potential positives or "gains of imprisonment" that can be achieved through a custodial sentence, these include: being able to meet someone's basic needs, support with securing provisions upon release and an opportunity to gain work skills or undertake counselling. However, for those serving a short prison sentence, these "gains of imprisonment" are undermined by the brevity of the sentence. Carr (2016:37) identifies three unique pains of imprisonment experienced by women serving a short prison sentence, these are pains of neglect and abandonment, pains of isolation and the pains of uncertainty. In this respect, it is the brevity of the sentence itself that instils these pains.

Furthermore, brevity can mean that the prospect of release is a constant prospect. De Vos and Gilbert (2017:140) identify some less restrictive sentences as more 'painful' than more severe sentences due to the constant "confrontation with freedom". The authors posit that in longer sentences prisoners are able to concentrate on 'doing their time' and isolating themselves from the outside world, however with less severe sentences the confrontations with freedom can be a lot more prominent, which can make an individual feel liberty deprivation more acutely. Shammas' (2014) work on Norway's unique 'prison island' captured similar themes. Shammas argues that Sykes' (1958) and Crewe's (2011a) more contemporary work on the pains of imprisonment focus on the deprivations that imprisonment encompasses, viewing the prison as the "total institution" (Goffman, 1961). However, for sentences where freedom is more imminent and prominent in the mind, there are unique "pains of freedom" that the individual has to face. These include confusion, anxiety and boundlessness, ambiguity, relative deprivation and individual responsibility. In this respect, an individual subject to a short sentence can be confronted with both the pains of imprisonment and the pains of freedom almost simultaneously and repeatedly if they serve multiple short sentences in a short amount of time, exacerbating and affecting upon each other. This shows that the short sentence prisoner experiences pains in unique ways than other prisoners.

2.4.2 Cumulative and iatrogenic pains of short sentences

Although there is a commonality of issues and problems that are faced by prisoners of all sentence lengths, including relationship breakdowns, employment and housing deficits, isolation, physical and mental health issues and addiction problems (Appleton, 2010; Crewe, 2012). These issues, however, become "developed and amplified across sentences and years" (Armstrong and Weaver 2013:301) by

individuals serving multiple short sentences. In this respect, short sentences cannot be viewed as a single isolated experience, as they can become an intermittent regular feature of a person's life, where the individual "lives with punishment and punishment lives with them" (Armstrong and Weaver 2013:302). The particular pains of imprisonment are not overtly experienced in any one single prison sentence but are shaped over years by the cumulative effect of serving multiple sentences, which ultimately perpetuates the detrimental effects (Armstrong and Weaver, 2010). Howerton et al. (2009) further outline how these pains are shaped over multiple years and sentences. These include an accumulation of social needs built up over repeat sentences, which combined with the psychological effects of repeat failures to successfully resettle into the community, lead to a fatalistic mindset, where the individual feels powerless to change their future.

O'Donnell (2016:46) notes that prisons should have a "null effect", meaning that prisoners should not leave custody worse off than when they entered and the sentence should not cause any additional damage or pain. However, Armstrong and Weaver (2010; 2013) believe that short prison sentences cause additional "iatrogenic"' damage – meaning additional unintended damage as a consequence of multiple short sentences. This occurs through a failure to offer effective rehabilitative measures in these sentences. The authors also assert that sentences often take individuals away from resources of support such as housing and employment, as well as family and supportive networks, including statutory and non-statutory support the individual may have been receiving in the community. There are also relatively few rehabilitative programmes available for prisoners on short sentences due to time constraints and budget cutbacks, this can lead to individuals becoming disillusioned and de-motivated and so prison time often becomes "passive" or "wasted" time (Armstrong and Weaver, 2010). Prisoners can often feel highly frustrated, as according to Trebilcock (2011) many are willing to engage in programmes, but are unable to and often leave prison in the same position as when they first entered.

Prisoners describe symptoms of institutionalisation usually associated with individuals imprisoned for longer periods (Armstrong and Weaver, 2010) particularly due to boredom and lack of routine. According to Liebling (2002), the prison system actively intervenes in respect of the minority of more serious offences, ignoring the majority that caused the most frequent offences, this is despite short sentences being the most frequently used penal sentence in the criminal justice system (SEU, 2002; Stewart, 2008; Armstrong and Weaver, 2010). Although there remains a clearly established need for

resettlement assistance, any work done is often limited and provided only "minimal punctuation to an experience dominated by blank time" (Armstrong and Weaver, 2013:293).

This blank time can provide opportunities for the individual to think and reflect about their situation, but for short sentences, the thinking time often resulted in negative consequences, where the individual dwelt on the negative cumulative effects caused by the punishment, which often caused feelings of anger and resentment (Armstrong and Weaver, 2013). The authors assert that the anger is not directed at one individual sentence, but through the unintended cumulative pains caused by repeat sentences, incurring issues such as family separation, interruption of drug treatment, or loss of housing or employment. For many individuals serving repeat short sentences, this has become a regularly reoccurring feature of their lives, the result of which is a series of minor pains culminating into "a powerfully damaging force over the course of many years" (Armstrong and Weaver, 2013:299). The anger and resentment are exacerbated by the inability of any one individual sentence to inflict commensurable pain or involve a significant deterrence factor, whilst also being unable to instigate any positive changes or rehabilitative practices. In this respect, the repetitive nature of frequent short sentences prohibits the individual from moving forward and the sentence fails to achieve any of its stated purposes[10], whilst simultaneously creating several unintended consequences which often exacerbate any problems and lead to the punishment being undermined (Trebilcock, 2011).

The lack of a demonstrative rehabilitative element while simultaneously taking away or disrupting valuable community resources leads to a paradoxical state of "inflicting both too little and too much pain through the long-term repetition" (Armstrong and Weaver, 2013:300). The sentence is too short to make a difference, but the continual cycle of sentences erode community resources and support networks, so individuals become 'stuck' and released into the community with the same criminogenic needs and facing the same challenges. Armstrong and Weaver term this cycle as serving "life by instalments" (2013:302). In these circumstances, each sentence cannot be viewed in isolation, but are frequently experienced as one long sentence completed in instalments, merged together, where it becomes difficult to separate punishment and incarceration with life on the 'outside' (Trebilcock, 2011; Armstrong and Weaver, 2013).

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[10] NOMS (National Offender Management Service) mission statement outlines the stated purposes of sentencing are "to protect the public and reduce re-offending by delivering the punishment and orders of the courts and to support rehabilitation by helping offenders to reform their lives" (NOMS, 2015a).

My research will seek to further our understanding of the short sentence, by placing these unique experiences into a theoretical context. This under-theorized sentence will build upon Sykes' 'pains of imprisonment' literature in order to capture the unique cumulative pains and iatrogenic effects of repeat revolving door short sentences, with a particular focus on challenges and pains these individuals face as they navigate resettlement in the community, as well as how these pains impact on the resettlement process. Research question three, was developed, in part, to make a unique contribution to the penal field in our understanding of repeat short sentences and the pains these cause to individuals.

2.4.3 *The pains literature in a wider context*

The pains literature originally developed by Sykes have been placed into wider contexts, expanded beyond the "total institution" (Goffman, 1961), or the exclusive experiences of adult male prisoners. For example, Warr (2016) outlines the pains experienced by foreign national prisoners, Cox (2011) explores the pains of youth imprisonment, Kotova (2019) identifies the temporal pains of female partners of male long-term prisoners and Walker and Worrall (2006) reveal the gender-specific pains of women imprisonment.

Other pains explored have moved beyond the prison walls. Nugent and Schinkel (2016) explore the "pains of desistance". This occurs in three main ways: through isolation and loneliness, through goal failure and a lack of hope. Nugent and Schinkel's (2016:7) work is focused upon the institutionalisation and deprivation experienced by released long-term prisoners who feel they have a lack of control over their new "relatively barren" lives they were struggling to adapt to. These individuals were conflicted between the pro-social identities they wanted to achieve and the identities that preceded their imprisonment, this disparity could lead to a loss of hope and apathy for many individuals released from prison. There has also been subsequent research into the pains of supervision (Durnescu, 2011; Hayes, 2018). McNeill's (2018; 2019) research into mass supervision explores how community sanctions can lead to service users becoming misrecognised and misrepresented by probation practitioners, leading to a distinctive and painful experience of supervisory punishment, where individuals subject to mass supervision become "dividualised" (Deleuze, 1992). Henley (2018) describes the "pains of criminalisation" as the criminal record formally excludes individuals from a range of support mechanisms such as employment, housing and education opportunities.

Exploring this particular strand of the pains literature is important when placed into the context of the extension of support for the short sentence cohort under the ORA 2014. This legislation means this group, previously described as the "forgotten majority" (NACRO, 2000), are now subject to additional post-release supervision in the community. My thesis utilises the pains literature in order to explore how this support is experienced by those subject to it and provide an understanding as to how this extension of support seeks to address the deeply entrenched multi-systemic needs that the short sentence cohort faces, combined with the historical failures and barriers to adequately address these needs, underlined by Howerton et al. (2009:441) as "simultaneous neglect and significance".

2.4.4 Expanding the net of social control

Cohen's (1985:41) work on 'visions of social control' sought to provide an understanding of the extension of coverage and intensity of social control of additional groups in the community. This expansion entails the "deviancy control system" which is used to describe the invisible net of control and surveillance operated by an array of new groups and actors. This control blurs the boundaries between the state and new agencies (Burke et al., 2019:24) and acts as a carceral continuum, or "an extended and widened network of social control beyond prison walls" (Allspach, 2010:705) with escape from its clutches increasingly difficult, once an individual had entered its net.

Cohen's focus draws heavily from the work of Foucault's 'Discipline and Punish' (1977:113) who outlines how the power of the carceral state is dispersed and transferred into the lives of particular populations in the community, penetrating into everyday life. Cohen uses a fishing analogy to describe the deviancy control system as a giant net cast out by an army of fisherman and women, trapping and then processing deviants, to be sorted by a 'production-line' of social control colleagues (Cohen, 1985:42), often to then throw the deviants back out into the sea, with a set of tags and labels, to then become swept back up again in the same net, repeating this process multiple times.

Cohen was concerned with the quantity of this net, this can encompass the size, scope, reach and density, as well as its extension to new sites, trapping an extended array of deviants. The quantity of the net also concerns the strength of the mesh or the size of its holes; encompassing the grip and intensity this net had on individuals (Cohen, 1985:42). The identity of the net is also a concern,

including how clearly the net can be seen and its visibility or camouflage (Cohen, 1985:43). Cohen also sought to understand the ripple or affect the casting of the net had on the ocean; who inadvertently gets caught up in this net and what other parts of the ocean get disturbed (Cohen, 1985:44).

Other research has utilised Cohen's work to understand net widening in context to the rise of 'community corrections' which involved the increasing extension of new forms of social control operating outside of the prison gates – though not always as alternatives to imprisonment (Scull, 1983). Robinson (2016) reminds us of the work of Lowman et al., (1987) who outline concerns of more expansive and penetrating forms of social control, spawning the notion of 'transcarceration' demonstrating the blurring of the boundaries and the connections between different sites of social control. For many individuals subject to penal control, their lives will be characterised by "institutional mobility, as they are pushed from one section of the help-control complex to another" (Lowman et al, 1987:9).

More contemporary research that utilises the net widening concept includes Phelps (2013:51) Paradox of probation, which understands how probation widens the net of penal control and contributes towards higher incarceration rates, acting as both an alternative to and an expansion of imprisonment, outlining it as a unique form of state control. Phelps describes this as 'mass probation' and has also been variously described as 'mass supervision' (Robinson et al, 2013). McNeill (2019:12) describes how 'mass' in this sense can be used to describe how the penal system processes and often fails to distinguish and respond to individual needs, instead, this system often typifies and allocates standardised responses according to classification. Aebi et al. (2015) discuss how community sanctions have contributed towards net widening across Europe, expanding carceral control at both the soft end (probation) and hard end (imprisonment). Halushka's (2019) study explores the difficulties of resettlement when caught up in this net of control, describing the experiences of formerly incarcerated men, as they navigate the re-entry process. This involves managing a web of bureaucratic entanglements with multiple criminal justice and welfare agencies. He calls this process 'the runaround' and for many men in Halushka's study, navigating this becomes a full-time occupation in itself.

In relation to the recent changes to short sentences, Burke et al. (2019:26) recognise the ORA 2014 as a "classic case of net widening", particularly as it provides the rhetoric of support, but without the required resources to make it a reality. Tomczack (2015) also understands the expansion of third and voluntary organisations into the supervision and control of the short sentence cohort as part of a "carceral net" which widened and intensified control and carceral power. Tomczak draws upon the work of Foucault and Cohen to examine the effectiveness of expanding punishment to an increasing "army of technicians" (Foucault, 1977:11), whose presence contributes towards the perpetual growth of the penal system. Within this context, Tomczak questions if the ORA 2014 legislation leads to "more effective punishment, or merely more punishment" (2015:23). This thesis further explores the net widening literature, to understand the resettlement experiences of individuals subject to short sentences. This further extends work previously explored in this area (Cracknell, 2018).

2.4.5 *Responsibilisation*

The concept of responsibilisation emerged from the work of Garland (1996:453), who argues that crime was seen as an inevitable part of everyday life that was to be managed and from this responsibilisation strategies emerge, where governments confer responsibility to new agencies to manage crime, moving responsibility away from the state itself. This form of responsibilisation is part of a wider move away from transformational strategies towards the individual, where prisoners no longer need to be known but are efficiently managed and incapacitated (Feeley and Simon, 1994). O'Malley (1992) suggests that responsibilisation is extended to individuals subject to criminal justice sanctions, who are reconstructed by practitioners as inherently flawed and responsible for their own improvement (Lynch, 2000; Rose, 2000; Wacquant 2009). This process often takes place when insufficient resources are given to criminal justice actors to meet the goals of resettlement and rehabilitation (Lynch, 2000:47). Within this strategy, disadvantage and exclusion become re-framed as choice and structural inequalities become replaced with an emphasis on personal responsibility (O'Malley, 2001).

Kemshall (2002:46) notes that the probation service has become a key agent of social control and exclusion, by bifurcating between individuals who are deemed as able to change and those who are not. This is often managed through audit and technical processes, re-framing inequalities and disadvantages as criminogenic needs and risks to be managed. In relation to contemporary penal practices for resettlement, the released prisoner is responsibilised to be ready to 'go straight' and show readiness for a law-abiding lifestyle (Lynch, 2000:55). The focus of practitioners is based on the

individual's attitude and behaviour and not on the myriad practical barriers service users face when reintegrating back into the community (Werth, 2013; Miller, 2014). This leaves newly released individuals enmeshed in a hybrid of welfare and criminal justice institutions (Miller, 2014) who utilise a rhetoric of help, that is enveloped in surveillance and control functions (Werth, 2013). In this context, formerly incarcerated individuals must 'perform' their own transformation to others (Miller, 2014) and present themselves in line with the expectations of others in order to maintain their place in the community (Digard, 2010). Other studies suggest that individuals resist and subvert the 'logic' of parole, and are committed to 'going straight' – but on their own terms (Werth, 2016).

TR has witnessed an influx of new actors into resettlement work, particularly with the short sentence cohort and the extension of post-release support. This thesis uses responsibilisation to understand the roles these various actors play in resettlement and how they address the multi-systemic needs of individuals subject to short sentences. Responsibilisation is also used to understand the process of bifurcation between different groups serving a short sentence and how responsibilisation affects the perspectives of service users.

2.4.6 *Recovery and resettlement capital*

Cloud and Granfield (2001) developed the concept of recovery capital into substance user recovery literature. In doing so, they outline the key resources an individual are able to draw upon in their efforts to overcome substance use. The authors developed four forms of resources, known as capital, that are interrelated to each other. These include: social - the resources from relationships, including family; physical - the tangible resources such as housing or employment; human- including education and skills and; cultural - values, beliefs and attitudes. Cloud and Granfield note that this capital can be accumulated and exhausted over time (2008:1972). The authors further posit that individuals can have negative recovery capital, where instead of implying individuals start with zero recovery capital, that zero is a point along a continuum, which can at times be below zero (Cloud and Granfield, 2008:1977). Factors such as age, gender, ethnicity, health status and periods of incarceration, act as structural barriers to recovery and can affect an individual's accumulation of recovery capital. Desistance literature has also outlined similar themes in relation to recovery capital and the importance of social inclusion and full acceptance into the community (McNeill, 2006).

Utilising the recovery capital framework, Hall et al. (2018:521) developed the notion of "resettlement capital". This involves the individual drawing on a set of innate resources, including personal capabilities, families and partner networks and community resources, in order to successfully resettle in the community. The authors argue that practitioners can facilitate resettlement capital by bridging the gap between the individual and these resources and taking a strengths-based approach that generates a sense of optimism and self-responsibility, alongside bonding individuals to networks of family and community support.

This thesis utilises the recovery capital and resettlement capital frameworks, in order to explore how individuals subject to a short sentence are able to draw upon this capital to aid their resettlement. In particular, it will focus on how individuals who have faced repeat revolving door short sentences are able to generate this capital. This research will also discuss how practitioners are able to bridge and bond service users to required capital to aid resettlement.

2.4.7 Section three conclusion

This theoretical literature review outlined that there has been a lack of research into individuals subject to short sentences and that academic work on this cohort is under-theorized. Contemporary pains of imprisonment literature are focused on pains developed through long terms of incarceration. However, for those serving a short sentence, these pains are experienced in unique ways, primarily cumulatively. It is also the confrontation with impending freedom that can cause their own unique pains. Therefore, it is imperative that research is undertaken that enables an in-depth exploratory study into this cohort, capturing valuable data both pre and post-release and place the experiences of this group into a theoretical lens. My research uses the pains of imprisonment literature to capture a contemporary understanding of the unique experiences of short sentence prisoners as they transition back into the community. The ORA 2014 has led to the addition of new actors into the resettlement of the short sentence cohort, this thesis will use Cohen's net widening metaphor to help develop an understanding of the service user experience of resettlement in the community. Recovery and resettlement capital are also used to help understand how service users plan and undertake resettlement. Responsibilisation literature is used to help develop an understanding of how these new actors introduced during TR, work alongside each other.

2.5 Conclusion to literature review: the neglect and insignificance of individuals subject to a short sentence

The review of literature on individuals subject to a short sentence indicates numerous salient issues. Since the inception of short sentences, academics, government bodies, penal charities and practitioners have classed these sentences as ineffective and often counter-productive to achieving any meaningful change. The brevity of the sentence combined with the multi-systemic needs individuals serving short sentences face, label the sentence as the perennial problem of the prison system. A revolving door of initiatives and policy iterations have attempted to improve the resettlement outcomes for the short sentence cohort, as well as enhance cohesiveness between prison and probation practitioners. However, their collective failures due to a common thread of issues, means this cohort have faced neglect historically and neglect contemporaneously in policy and practice, with the focus often geared towards individuals deemed higher risk.

The most recent attempt to ameliorate the neglect that the short sentence cohort has faced is Transforming Rehabilitation. However, existing research and inspectorate reports outline TR as a policy disaster, which has done little to improve resettlement outcomes for individuals subject to a short sentence. Although literature in this area has explored the reasons behind these failings, gaps have emerged in three distinct areas that my thesis captures in greater depth.

Firstly, a wider understanding is needed regarding the policy initiative of the re-designation of local prisons to 'resettlement prisons'. How these prisons operate in practice, how service users experience these prisons and in particular, the role frontline practitioners play in both facilitating resettlement and aiding a wider resettlement culture are crucial areas for research. Available literature suggests that prison officers, in particular, have been resistant to changes to their role that entail a more avowed rehabilitative focus. This thesis explores and discusses these issues to provide a richer understanding of the operation of resettlement prisons on the ground. Research question one was developed in order to build a greater understanding in this area.

Secondly, the two post-release elements of the short sentence need exploring in greater depth. The extension of the licence period and PSS is a central part of the ORA 2014. There are gaps in our understanding regarding how these two parts of the short sentence are enacted by practitioners and experienced by service users. In particular, this extension of resettlement provisions entailed the

introduction of a range of new actors. It is important to understand the roles they play in the resettlement jigsaw and provide support for the multi-systemic needs of the short sentence cohort. In this respect, research question two was formulated in order to address this gap.

Thirdly, TR and the introduction of privately run CRCs have caused wide-scale ruptures to the values, organisational identity and working cultures of probation practitioners. Initial research undertaken during the inception of TR captured the sense of loss and liminality felt by practitioners, but a more contemporary account is needed on how practitioners adapted to their roles and how the policies of TR affected everyday practice and the support provided to individuals subject to short sentences. In this respect, research question four was developed in order to build on existing knowledge in this area.

The neglect the short sentence cohort have faced in policy and practices has been mirrored in theoretical explanations of the pains of imprisonment, reducing the unique cumulative pains of multiple short sentences as being less painful than longer 'heavier' sentences. This thesis uses the pains of imprisonment literature to capture the unique pains that individuals face due to multiple revolving door short sentences. A range of theoretical constructs is also used to provide a rich understanding of the challenges individuals face as they are responsibilised to resettle into the community and navigate an extended range of actors and third sector bodies. In order to address the gap for the under-theorized short sentences, research question three was developed in order to contribute towards the body of literature concerning the 'pains of imprisonment'. The next chapter provides an overview of the methods used to address these research questions.

Chapter Three: Methodology

3.1 Introduction

The previous chapter provided an overview of the key literature and demonstrated the long-standing problems with the use of short sentences and the various attempts to improve resettlement outcomes for this cohort, including the latest attempt of TR. This chapter provides an outline of the research aims that emerged from the literature and an overview of the methodological design that was used in order to capture the data for this study. This empirical study uses a qualitative approach, featuring a series of semi-structured interviews in one case study area, to explore practitioner and service user experiences of short term imprisonment and resettlement. This chapter provides an overview of this methodological approach, including sampling criteria, data analysis and ethical considerations. Lastly, I provide a reflexive account of my research journey, this includes the barriers to gaining access to the research field and a reflective analysis of my research positionality within the context of the insider-outsider researcher (Dwyer and Buckle, 2009).

3.2 Aims and rationale of the research

A thematic review of the literature concerning TR, short sentences and resettlement, led to the emergence of several gaps in the literature. Firstly, the existing research on the TR through-the-gate model had not extensively explored the role resettlement prisons played in the resettlement of individuals subject to short sentences and how they were understood by the key actors involved in resettlement. Literature had also not extensively explored the two community elements of the ORA 2014, how they worked together, the role they played in resettlement and how they were enacted and experienced by practitioners and service users. Research undertaken during the implementation of TR had explored the sense of loss and liminality that CRC staff felt, however, this literature had not been updated to discuss how staff had adapted to the organisational split and the effect the split has had on the culture and organisational values of CRC staff. Lastly, the literature on short sentences had identified the neglect in theorizing this unique experience and the pains these sentences entailed. The gaps identified in this literature led to the formulation of the research questions for this thesis.

The overall aim of my research is to explore how resettlement is enacted and experienced by practitioners and individuals serving short sentences in relation to the ORA 2014.

Within this overarching aim I developed four research questions:

1.   What are the challenges of implementing a resettlement culture in a local prison? How does the resettlement prison operate in practice and how is it experienced by prisoners and practitioners?

Research question one has been addressed by undertaking a series of semi-structured interviews in the case study prison with individuals serving a short sentence and practitioners who operate within this space. Questions for service users were focused towards: gaining an understanding of their experiences of help and support in custody; their understanding and perceptions of post-sentence supervision; what they perceived their needs to be and the extent to which they feel they were prepared for their release (please see section C in the appendices section for full interview schedules). Questions for practitioners were concerned with: how the ORA 2014 policy reforms had altered practice; the perception of their role within the prison and how it contributed towards resettlement; and their relationship with community practitioners.

2.   Under the ORA 2014, service users have to serve a licence period and post-sentence supervision. How are the two post-release elements of the short sentence enacted by practitioners and experienced by service users? And what role do they play in resettlement?

Research question two is addressed by undertaking a series of semi-structured interviews with individuals subject to the post-release elements of the short sentence in the community, as well as the practitioners responsible for operating the licence period and PSS (post-sentence supervision). Questions to service users specifically reflected upon: each individuals' experiences upon release; the extent to which they felt their needs were being addressed; and the level of support and assistance the individual felt they were receiving from the CRC. Questions to practitioners explored: how these nascent community elements of the sentence were enacted; how each individual understood their role in relation to resettlement; and the relationship practitioners had with the prison as well as other community practitioners responsible for different elements of the short sentence. Data collected also included observations of probation practice and analysis of official documentation. The data gathered provided a rich qualitative understanding of how the resettlement process worked in practice and how it was experienced by this cohort.

3. How do service users experience through the gate (re)integration in the community? What particular challenges and pains do they face as they navigate resettlement in the community?

Research question three was addressed by undertaking a series of semi-structured interviews with service users in the case study prison and the community. Questions specifically concerned: the struggles and difficulties faced to (re) integrate and settle back into the community; and the extent to which these service users perceived they felt supported by prison-based and community-based practitioners. These interviews allowed a greater understanding of the unique pains these individuals faced as they navigated resettlement in the community.

4. How has Transforming Rehabilitation shaped the values, organisational identity and working culture of practitioners in the CRC and how does this affect the quality of post-release support and supervision provided to individuals serving short sentences?

Research question four entailed a series of semi-structured interviews with probation practitioners based in the community and working in frontline roles directly with individuals subject to a short sentence. Questions were focused on: the resettlement work practitioners undertook with service users, what supervision entailed and how TR has affected on the ground practice. Observations of practice and analysis of relevant documents have also assisted in gaining a richer understanding of CRC organisational culture, values and working practice.

3.3 Qualitative methodology

My research was an exploratory qualitative-based study, which was small scale in scope, but has aimed to gain a better understanding of the experiences and perspectives of resettlement with short sentence service users and practitioners. Elliott et al. (1999:216) summarise that the aims of qualitative research are to "understand and represent the experiences and actions of people as they encounter, engage and live through situations". Jensen and Laurie (2016:12) note that qualitative research can enable a deeper understanding of individuals' ideas and perspectives, in order to develop theoretical explanations that help explain key processes and context.

To achieve the aims of my study, I felt there would be significant methodological difficulties in extrapolating this data from a quantitative standpoint, as a qualitative approach is more suitable in drawing out the subtleties and dialogue of the participants (Silverman, 2013). Liebling (1999:147) contends that pain is absent from quantitative research and denies subjective feeling. Bernasco (2011:3) advocates for a qualitative approach in order to gain the most accurate and fullest picture of imprisonment, as "offenders are potentially the richest source of information on their crime and on their lives". Academics noted for penal research (Liebling, 1999; Wincup and Smith, 2000; Crewe, 2009) advocate for qualitative methods as the most appropriate for exploratory research which emphasises investigating the subjective experiences and meanings of those that live and work in prisons. By maintaining a purely qualitative methodological standpoint, I believe that this has allowed me to provide a deeper understanding of social phenomena than would have otherwise been obtained from quantitative data (Silverman, 2013).

3.3.1 Case study methodology

My research uses a case study design methodology in order to gain a time-bounded snapshot perspective of the participants at a particular point in time. Creswell (2013:97) defines a case study as "a qualitative approach in which the investigator explores a real-life, contemporary bounded system over time, through detailed, in-depth data collection". I believe that the case study methodological approach was the most appropriate for my research, as this methodological framework looks at "not whether programs work, but how they work" (Rogers, 2000). Meyer (2001) also contends that the case study approach is tailor-made for studying new processes in a holistic manner, as well as being particularly responsive to how and why questions regarding a contemporary event, which corresponds to the overarching aim of my study. The case study approach has also been noted for enabling the researcher to gain an in-depth understanding into phenomena or event which would not be possible with a survey or quantitative approaches (Silverman, 2013) and as an appropriate method of study in order to illuminate a decision and how it was implemented (Schramm, 1971).

In relation to contemporary penal research, the use of case studies has been advocated by Robinson and Svensson (2013:105) as a means to understanding change in the frequently fast-paced "moving target" of probation practice. Goodman (2012:441) argues that case studies can be used to "think about the complexities of rehabilitation in a particular place and time and what those particularities can tell us about punishment more generally". Contemporary research into the through-the-gate

resettlement reforms has also subsequently used a case study methodology (Taylor et al., 2017; Millings et al., 2019) demonstrating the applicability of this particular methodological approach to my research. The below section expands on the sampling choices for this research and outlines that the case studied for this thesis was a geographic area that contains a local prison and a CRC office.

3.4 Sampling

Literature on the case study methodology emphasises that selection of cases and sampling should be theoretically guided and not based on statistical grounds, but from a particular theory which the researcher seeks to build (Silverman, 2013). Mason (1996) explains that theoretical sampling involves selecting individuals on the basis of their relevance to the research question and the explanation or account that the researcher is developing. Yin (2013:21) states that "case studies are generalizable to theoretical positions and not to populations or universes. In this sense, the case study does not represent a 'sample' and in doing case study research, your goal will be to expand and generalize theories and not to extrapolate probabilities". Thomas (2011) writes that although we all have pre-existing ideas and assumptions, a case study approach allows the researcher to build a framework of ideas. The quality of a case study is less about sampling validity and reliability, but more about providing insight into an issue and building rather than testing a theory (Thomas, 2011:112).

Case studies are primarily based on small samples, so this thesis does not attempt to generalise findings to the short sentence population at large (Nugent and Schinkel, 2016). Instead, case studies should focus on theoretical generalisations to identify themes and concepts that can be applied to a wider context (Lewis and Ritchie, 2003). In this sense, a central purpose of this thesis is to deepen the understanding of "depth rather than breadth" of penal character (McNeill, 2019:208).

Thomas (2011:4) writes that an effective case study should be holistic and look at an issue from "several directions". Therefore my sampling has sought to utilise this approach and engage with multiple practitioners and service users. This has been achieved with the use of purposive sampling, which is described as a sampling technique that "allows us to choose a case because it illustrates some feature or process in which we are interested" (Silverman, 2013:148). I have interviewed 35 key actors from the case study area, from both prison and community settings, who were experiencing the ORA

2014, either as a practitioner or a service user. These various actors aimed to provide the multi-directional and holistic perspective that Thomas (2011) advocates.

3.4.1 *Overview of sampling within the case study area*

I have collected data from one case study area, which is outlined as follows: one 'contract package area' (CPA). CPAs are the 21 areas of England and Wales configured by NOMS (now HMPPS) that CRCs have been contracted to provide probation services. However, the CPA area featured in this study is uniformly referred to as the case study area and consisted of a resettlement prison that held service users subject to a short sentence and the corresponding CRC probation office that was located in the community that these short sentence prisoners are released into.

The original estimation of the number of suitable participants needed for the research was to interview a total of 40 participants, consisting of the following: 10 prison practitioners; 10 prisoners; 10 community-based practitioners; and 10 service users in the community.   However, my methodological approach of purposively sampling participants, allowed for a degree of flexibility if saturation was met (Yin, 2013).   Difficulties with finding suitable service users in the community (this issue is covered more extensively below in the sampling in the CRC section) meant that within the case study area, a total of 35 participants were featured, the table below outlines the breakdowns of this total:

Table one: Total participant numbers in the research study

Participant	Numbers interviewed
Service users in prison	8
Practitioners in prison	10
Service users in the community	8
Practitioners in the community	9
Total	35

Below I outline my sampling framework in greater detail, providing a breakdown of each participant group:

3.4.2 *Sampling of the case study area*

The case study consisted of one of the twenty-one CRC resettlement areas. The case study area was purposively selected on the basis that the area contained a resettlement prison which housed individuals serving short sentences and had a corresponding CRC community office which service users were required to report to upon release for regular supervision. In order to help protect identities (and as agreed per my NOMS application, please see section 3.8 for more detail on the NOMS research application process) the resettlement area, including the specific prison and CRC probation office have not been specifically identified. However, below is a generalised outline of the prison and the CRC, to provide further information on the case study area.

The prison:

The prison featured in my study was a large category B prison, more commonly known as a local prison, due to its proximity to the local courts and its longstanding role of facilitating movement to and from it, for remand and newly sentenced prisoners. The prison was located on the outskirts of a major city, thus the majority of the prisoners were from that city. The prison had several residential wings, this included an induction wing and a wing for vulnerable prisoners and wings that housed longer-term prisoners. Therefore, all participants for this study were housed in one of two wings: a substance misuse wing, or an additional wing that held category B prisoners who were on basic or standard on the prisoners' IEP (incentive and earned privileges) scheme.

The prison housed over 1,200 adult men. A recent inspection report summarised the prison population as roughly two-thirds sentenced prisoners and the rest either recall or on remand. Of the sentenced population, roughly a quarter were serving a short sentence. Like many category B prisons, recent inspection reports found issues with overcrowding, inadequate facilities and poor resettlement outcomes for prisoners (HMI Prisons, 2019).

The CRC:

The CRC was located in the same borough of the large metropolitan city where the prison was located. The office was part of a much larger city-wide CRC and recent inspection reports for the entire area noted the CRC required improvement, with high staff workloads and inadequate risk management plans.

3.4.3 Sampling within the prison

My study collected data from a purposive sample of eight adult male service users serving short sentences in the case study resettlement prison. All participants that met the selection criteria set out below were due to be released into the corresponding case study CRC. I did not interview service users accommodated in the induction, healthcare, vulnerable prisoners or segregation wings. Exclusion and inclusion criteria were not limited to offence type or previous experience of the criminal justice system or prior short-prison sentences. Although of a fairly limited size, respondents had a variety of experiences of the criminal justice system. The sampling process was undertaken in conjunction with the prison gatekeeper, who played an intrinsic role in this process. I outline this below in more detail.

The inclusion criteria for the research participants within the custodial setting, were as follows:

- Male

- over 21

- subject to a short prison sentence and post-release supervision under the ORA 2014

- Have completed the induction process in the establishment

- Are being released into the corresponding CRC resettlement area

- Are willing to take part in the research process

Individuals were excluded according to the following criteria:

- Have been diagnosed as suffering from severe mental health or psychotic issues, assessed as a high risk of harm to the public or staff, or were currently subject to the prisons' control and segregation unit (CSU) or healthcare unit.

Once suitable prisoners were established, a further purposive sample took place to ensure that I interviewed individuals with a range of experiences and perceived needs. This included: individuals with different established needs on the offender pathway (please see section 2.3.1 for an overview of the seven offender pathways); individuals with and without past experiences of the criminal justice system and previous short sentences; and individuals from a range of ages and ethnicities. Below is the final list of the 8 prison service users featured in this study:

1. Tony[11]: White male, mid-40s, has served several previous short sentences over 20 years and several longer sentences. These have occurred sporadically, with gaps in offending. Index offence is a domestic violence assault.

2. Jon: White male, mid-30s. First offence, previously spent 12 years in the military. Index offence is robbery. Offence related to substance use and gambling addiction.

3. Chris: White male, late 30s. Has served multiple short sentences for over 15 years, offending related to substance use. Index offence is for handling stolen goods.

4. Mark: White male, mid-40s. First offence. Previously worked in banking and finance. Mental health issues and divorce from his wife led to the index offence of dangerous driving and possession of an offensive weapon. Claims offence was a suicide attempt.

5. Simon: Black male, early 40s. Has served one previous sentence for robbery over 20 years ago. Was working in IT before index offence of assault, which was alcohol-related.

6. Carl: White male, mid-40s. Has served multiple short sentences over two decades, all linked to drug and alcohol use. Index offence of shoplifting linked to heroin addiction.

7. Lee: White male, mid-20s. Served a previous offence for possession with intent to supply, upon release committed an assault and was given a short sentence. Grew up in care and suffers from depression and anger issues.

8. David: Black male, mid-30s. Has served multiple short sentences, all related to substance use. Index offence for shoplifting, linked to addiction. Is serving his second recall on this sentence, both for non-compliance with probation.

I also undertook Interviews with ten frontline practitioners from the case study resettlement prison. Practitioners were sampled purposively on the basis of their involvement with short sentence prisoners. This included frontline practitioners working directly with short-sentence service users responsible for the re-offending pathways, including CARATs (Counselling, Assessment, Referral,

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[11] All service users were given pseudonyms by the author.

Advice and Throughcare), education, housing, mental health and resettlement. Below is the final list of prison practitioners featured in this study (PP: prison practitioner):

PP.1   Deputy prison Governor, responsible for resettlement, female

PP.2   Careers advisor, contracted to the prison through a third sector organisation, female

PP.3   Prison officer, substance misuse recovery wing, male

PP.4   CRC resettlement practitioner, female

PP.5   Housing practitioner, female

PP.6   CRC resettlement practitioner, female

PP.7   Safer custody/substance misuse support worker, male

PP.8   Head of Education, contracted through third sector organisation, male

PP.9   Mental health practitioner, female

PP.10   CRC resettlement practitioner, female

3.4.4 *The role of the prison gatekeeper*

Penal researchers have written extensively on the importance of gatekeepers to fieldwork, particularly as access can be heavily determined and dictated by this integral role (Liebling, 1999; 2001; Wincup and Smith, 2000). The gatekeeper within the prison happened to be an undergraduate criminology student, who was on a year's fulltime placement within the prison, working as a prison officer. The gatekeeper was on light duty at the time due to a minor injury sustained outside of work, so had sufficient free time to help me plan and facilitate research. The gatekeeper was incredibly dedicated and conscientious in her role and I felt that as a criminology student, she was understanding and supportive of my research. The gatekeeper's positive and helpful attitude was very important to my fieldwork in the prison, particularly as poor relationships can act as a significant barrier in research (Reeves, 2010).

I was able to liaise with the gatekeeper extensively before entering the prison and she assisted me in mapping out the available pathway services that existed within the establishment and advised on suitable practitioners to interview. I also passed on the inclusion and exclusion criteria for prisoners

and once suitable participants were identified, all were given information sheets two weeks ahead of the interview dates, which helped ensure participants were fully aware of the research and any ethical information.

My reliance on the gatekeeper for arranging suitable participants meant that the gatekeeper played a very powerful role in shaping the sampling of my research. Clearly, this has implications for bias in my research, as the gatekeeper used her own judgement and knowledge of the prison population to choose prisoners who she felt would engage with the interview process, potentially disregarding several potential interviewees. However, it has been extensively noted by penal researchers the powerful control gatekeeper exercise when accessing a closed environment (Davies and Peters, 2014; Reeves, 2010).

3.4.5 *Sampling in the CRC*

Sampling in the CRC was also undertaken in conjunction with the gatekeeper, who was an SPO in the CRC case study office. I liaised extensively with the gatekeeper via email and phone before undertaking fieldwork and again this involved exchanging inclusion and exclusion criteria and mapping out suitable pathways in the area that would be suitable to interview. Through this process, the gatekeeper set up potential interviews with practitioners and used the NDelius case management system to identify suitable service users.

In conjunction with the gatekeeper, I purposively sampled and interviewed eight suitable respondents who matched the criteria for my research who were subject to post-release supervision in the CRC area. Service users were purposively sampled to ensure respondents had a wide variety of experience within the criminal justice systems, had identified different offending pathway issues and were at different stages of their sentence. Below is the final list of all community service users featured in my study:

1. Jermaine: African-Caribbean male, early 40s, has not been in the criminal justice system for over a decade before the current short sentence for assault on his partner. Has four children, was employed and living with partner and children before the sentence. Now separated from his partner and not allowed to previous accommodation due to licence conditions. Just moved onto PSS at the time of the interview.

2. Imran: Asian male, late 20s. Served multiple short sentences over the previous 10 years, at the time of fieldwork Imran had just been released after a recall from his index offence of

shoplifting. Offending related to homelessness and mental health issues. On PSS at the time of fieldwork.

3. James: White male, mid-30s. Multiple past short sentence over the last decade, offending related to substance use. Current offence for possession of class A drugs and possession of an offensive weapon. Recently released and on licence at the time of the interview.

4. Michael. White male, Late 20s. Has served several previous short sentences, as well as a longer sentence for a violent offence. Current offence for assault linked to alcohol use. On PSS at the time of the interview.

5. Ben, white male, late 30s. Has served previous short sentences linked to substance use. Had a gap in offending due to sobriety, but recent relapse led to current offence of theft and handling stolen goods. On licence at the time of the interview.

6. Luke, white male, mid-30s. Has served multiple short sentences related to substance use. Current offence for burglary and theft. On licence at the time of the interview.

7. Gary, white male, early 40s. Several previous longer and short sentences. Has mental health issues. Current offence of criminal damage linked to drug and alcohol use. On PSS at the time of the interview.

8. Sean, African-Caribbean male, late 20s. Multiple short sentences due to drug and alcohol use. Current offence for attempted robbery. On PSS at the time of the interview.

In conjunction with the gatekeeper, I purposively sampled nine community-based practitioners working in a variety of capacities within the probation service. This includes probation officers and probation service officers supervising service users subject to licence; third sector practitioners involved in various offender pathways; a responsible officer whose role was to manage service users on PSS; and two individuals who had middle management responsibilities but worked from the case study office. Below I provide I final list of the nine practitioners that featured in my study (CP: community practitioner):

CP.1   Probation service officer, female

CP.2   Probation service officer, male

CP.3   Probation officer, female

CP.4   Probation officer, male

CP.5   Probation officer, female

CP.6   Housing practitioner, contracted through third sector organisation, female

CP.7   Responsible officer, Post sentence supervision, contracted through third sector organisation, former case administrator, female

CP.8   Contract and partnerships manager, CRC, female

CP.9   CRC business manager, male

3.4.6 *The difficulties encountered in sampling service users in the community*

Service user interviews presented with significant difficulties. In stark contrast to the prison experience, where the enclosed space naturally made capturing participants easier, I faced significant difficulties in acquiring sufficient service user interviews. Initial sampling was done via the probation case recording system NDelius, however, multiple service users failed to turn up for appointments, or for those that did, many told me they were in a rush and didn't have the time to be interviewed. In order to capture sufficient numbers, my original planned time of fieldwork at the CRC office was two weeks, however, this had to be extended to multiple visits over the course of three months. These issues further served to demonstrate the difficulties that this service user group face in complying with probation services (Stewart, 2008; NAO, 2010; Trebilcock, 2011). This would also suggest that the service users I was able to eventually interview were possibly more stable and compliant, giving my data a particular bias as I have missed some of the voices who have had a different experience of probation.

However, the issues involved in capturing service users presented with a different opportunity. While waiting for suitable interviews I was based 'backstage' in the main open-plan office where CRC practitioners spent most of their time (Phillips, 2014). This afforded me the opportunity to talk informally with staff on their views and perspectives and observe their work. The office itself incorporated both NPS and CRC staff, with each organisation having its own designated floor, with the ground floor consisting of the waiting room, reception and interview rooms, being shared. The office also had a single tannoy system, which would on occasion allow reception staff to announce messages to all CRC and NPS staff. On one occasion the reception announced that the following day an occupational health advisor would attend the office, to provide informal advice and run a mindfulness workshop. Many CRC staff seemed intrigued by this. However, the receptionist quickly made a second announcement to confirm that this service was only available to NPS staff and CRC staff were not able

to attend. This second announcement caused the entire CRC office to break into laughter and a probation officer who I was talking to shortly before, turned to me and proclaimed "they try to act like we're the same [NPS and CRC], but we're two different organisations now". I found this comment very telling and it demonstrated the value of observing daily interactions that might not have been uncovered purely from interviews (Phillips, 2011a).

3.5 Data collection methods

The research questions for this thesis centred on developing an in-depth understanding of the ORA 2014 and how it was enacted and experienced by the practitioners and service users who viscerally experienced it on the ground. The primary means of data collected included the use of semi-structured interviews with practitioners and service users. Interview data was complemented and informed by informal observations of staff daily practice and field notes. This helped to triangulate data gathered through interviews (Silverman, 2013) and highlight the disjuncture between policy and practice on the ground. Several contemporary probation research studies have utilised a triangulated approach to research, as it allows the identification of similarities and differences between what participants say and what they do (Bauwens, 2010; Phillips, 2011a).

Maguire and Raynor (1997:2) write that "policy is what practitioners make of it" asserting that it is imperative researchers examine on the ground practice as new policy is introduced. It is important to do this so the process of adaption to new requirements is observed as individuals try to make sense of it, enabling the researcher to capture how thinking is translated into practice. Various researchers of penal policy denote the central importance of foregrounding practitioner perspectives of policy implementation, in order to understand how policy is interpreted and evolved from the original aims intended (Feeley and Simon, 1992; Rubin and Phelps, 2017; Annison, 2018). This can lead to a gap developing between the formal ideals of policy and the realities on the ground (Halushka, 2017; Phelps, 2018; Tangen and Kaur Briah, 2018). McNeill et al. (2010:419) label this "the governmentality gap" which involves the "contingent relationships between changing governmental rationalities and technologies on the one hand and the construction of penality-in-practice on the other". Therefore, my thesis captured the adoption to the ORA 2014 as it was being implemented into practice, by interviewing practitioners and informal observations of their daily work practices.

My thesis also captured the voices of the individuals subject to this policy, in order to further understand how this sentence was experienced. This echoes numerous research studies in this area (Armstrong and Weaver, 2010; Trebilcock, 2011; Trebilcock and Dockley 2016) and enabled the capture of a fuller picture of the sentence, as nobody is better able to convey the experiences of penal sanctions than those subject to it (Bernasco, 2011:3). Providing the contrasting experiences of practitioners and service users together, at all stages of the sentence - in the community and in prison - allowed a more complete exploration of the ORA and a rich understanding of how it has been enacted.

3.5.1 *Semi-structured interviews*

I have captured the experiences of 16 service users sentenced to a prison sentence of less than 12-months and subject to the ORA 2014, via semi-structured interviews, alongside 19 practitioners. This qualitative data collection method involved a list of open-ended questions, but was flexible in its approach, allowing the interviewer to "unearth what lies beneath the surface of a personal experience, political opinion, issue, situation or process" (Jensen and Laurie, 2016:173). This interview method was participant focused allowing the interviewer the opportunity to explore issues in more depth and encourages a more natural, collaborative and conversational approach. Jensen and Laurie (2016:173) write that semi-structured interviewing is the "most appropriate method of data collection when you're looking to understand the individuals' perspectives on a particular topic in-depth while maintaining the flexibility of exploring interesting threads in the interview as it unfolds".

However, there are several limitations to the use of semi-structured interviews. Fontana and Frey (2000:646) argue that researchers have an "inherent faith" in the accuracy and trustworthiness of interviews, Silverman (2000) contends that interviews are overused in research and when used uncritically give researchers a false sense of authenticity. In her probation research (Bauwens, 2010:44) finds that respondents often provided what they felt were the "right answers", closely aligning to the official policy and training guidelines, rather than giving an honest account.

I formulated an interview schedule for all four groups of participants: pre and post-release service users, pre and post-release practitioners. These lists of questions were collated from pertinent issues uncovered from my literature review and by utilising Wengrafs' (2001) qualitative research interviewing 'pyramid model' which helped to develop my research questions and transpose them

into my interview questions. Wengraf advocates for an approach in which the researcher progresses their interview research, this begins with the overarching central research question, then differentiates into multiple theory questions and finally particular interview questions, which should help to answer the theory questions. This model of developing interview questions helps to ensure the researcher develops a clear and coherent structure between the central research question and the interviews undertaken.

Interviews were semi-structured and based on topic guides drafted on the basis of the findings from my literature review and early site visits in the resettlement area. The guides were employed flexibly and subject to iterative development in order to reflect and explore emergent themes. All interviews were audio-recorded and verbatim transcripts made.

An optimum methodological framework could potentially entail service users being interviewed on two occasions, once pre-release (in prison) and once post-release (in the corresponding local CRC area). However available literature on the use of offender longitudinal research recognizes the likelihood of a high drop-out rate of participants (Wincup and Hucklesby, 2007) and also the difficulties in following up with a cohort who often have a chaotic lifestyle (Lewis et al., 2003). Although follow-up interviews with service user participants were considered, my research design was not reliant on this methodology and has instead purposefully sampled and interviewed two different sets of service users: one set in prison and another in the community. This approach has facilitated the capturing of a wider variety of experiences that could have been achieved with multiple interviews with one cohort. It also avoided difficult and complex time-consuming practices of chasing service users for follow up interviews in the community, which would have required access to databases and resources beyond that of one PhD researcher.

3.5.2 *Ethical considerations of data collection*

Before fieldwork took place, my research proposal successfully passed the School of Law Ethics Committee at Middlesex University in March 2016 (please see appendices section A.1 for approval letter). When conducting semi-structured interviews, it was important that I remained aware of all ethical considerations, including safety; gaining informed consent before any data collection took place; confidentiality and not leading interviewees into points of view that I hold or that might steer my findings into a particular direction. This was particularly significant because of the particularly

sensitive area data collection was undertook and the vulnerabilities of service user groups (Carlen and Worrall, 2004). As such, my data collection methodology was chosen in order to allow a more comprehensive understanding of the issues being studied and to facilitate the active participation of the research participants by capturing their voices and experiences.

During fieldwork in the case study area, I was aware of the importance of maintaining my personal safety at all times. There are some safety concerns regarding undertaking research in a prison and a probation service, however as an ex-probation officer who worked in both custody and the community, I ensured to be mindful of my personal safety at all times, informed staff of my whereabouts and although this issue never occurred, would have sought to terminate an interview at any point where I felt my personal safety was under threat. I also ensured all interviews took place on work premises during core working hours, to ensure a greater staff presence.

In accordance with the ethical guidelines set out by the British Society of Criminology (2015), all participants were given an information sheet that supplies written information on issues such as confidentiality, data protection, how their information will be used and where they can access the results. It also confirmed that all participants were free to withdraw from the process at any point without penalty and how they are able to contact me after the interview. All participants were required to complete and sign a consent sheet which fully explains the purposes and relevance of the research, how data they supply will be used as well as ensuring anonymity of all participants. Before all interviews took place, all subjects were verbally reminded and taken through all consent information. Information sheets were also emailed ahead to the relevant prison and CRC gatekeepers and these were passed onto interview subjects approximately two weeks before fieldwork commenced (See Appendices section B for copies of the consent sheet and participant information sheets).

3.6 Data analysis

My analysis was informed by grounded theory; "a qualitative research design in which the inquirer generates a general explanation (a theory) of a process, an action or an interaction shaped by the views of a large number of participants" (Creswell, 2013:86). Grounded theory can be used to help explain how people are experiencing a phenomenon and to generate or discover a theory that might help to explain practice or provide a framework for further research (Corbin and Strauss, 2015).

Grounded theory was the most appropriate technique for data analysis as available literature on individuals serving short sentences is limited in scope, encouraging space for further exploration into this important topic.

Within the grounded approach, fieldwork and analysis often complement each other and are done simultaneously in order to constantly form, update and challenge emerging themes and theories (Creswell, 2013). In this respect, I transcribed all interviews myself after they were completed. Although this was a lengthy and laborious process, it allowed me to familiarise myself and interact with the data in greater depth. Once all interviews were transcribed, a multi-level coding process took place. Coding is the process of breaking down and categorising data into smaller segments and then repeatedly comparing and contrasting different segments in order to identify particular themes (Schwandt, 2001:26). All coding was completed manually, without the use of a computer software package such as NVivo. This was because I felt manually coding would lead to a more intuitive process, whereas a computer-based design would potentially distance me from the data (Schwandt, 2001:28).

Proponents of grounded theory utilise a three-stage sequential approach to data analysis (Strauss, 1987): open, axial and selective coding. Beginning with open coding, interview transcripts and field notes were analysed line-by-line in order to identify major categories, themes and issues. Once these themes had been identified, a further axial coding exercise took place, where I organised these core themes and issues into specific groups and then sought to identify possible linkages between them, this is a more focused exercise, "geared toward discovering and relating categories in terms of the paradigm model" (Strauss and Corbin, 1990:114). Finally, selective coding took place, where all subcategories became systematically linked together to create a core phenomenon (Strauss, 1987), this is where the researcher takes the groups of themes developed during the axial phase and develops a central theory which interrelates all the themes together (Creswell, 2013).

The coding process required constant review and re-evaluation as I interrogated the data and allowed me to reflect upon themes as they emerged. Sexton (2015:120) describes this as an iterative process to ensure themes that emerged were relevant and appropriate to the full data set. This also provided an opportunity to review the data in a more thematic way and develop key emerging themes which corresponded across the different participants, as well as compare themes to the existing literature on the subject.

3.6.1 *Ethical considerations for data analysis*

For storage of data collection, I familiarised myself with the ethical guidelines and framework of Middlesex University (2014) and the British Criminology Society guidelines for ethics (2015) and ensured that my research adhered to these guidelines. I am also aware of the Data Protection guidelines, which guided the storage of all data gathered. All data was stored, analysed and reported in compliance with the Data Protection Act (1998) and the legal or regulatory requirements of the UK and EU General Data Protection Regulation (GDPR) 2018 guidelines. I fully adhered to my University's data protection policies and procedures. All data was anonymised, as well as kept in a locked and secure environment. I have ensured data was only kept if it was vital and relevant for my research and any data kept on an electronic device was encrypted and password protected. Any data will be disposed of via the university's confidential waste policy and procedures.

In accordance with the guidelines set out by the British Criminology Society (2015), all participants have full anonymity[12]. Participants were encouraged to access relevant services should they divulge upsetting and personal information. No mention has been made of the prison and probation area in my research so that individuals cannot be identified. I have ensured that all interviews were recorded with an encrypted tape recorder and that all interview notes and transcripts were kept safe and secure in the university when not in use. All field notes and reports have been typed up and saved onto a password secured and encrypted memory stick. All information will be deleted and disposed of within Middlesex University and Data Protection guidelines upon full completion of this thesis. Participants have been given pseudonyms and no data gives away specific locations, dates or any other information that could lead to identification.

3.7 Limitations of the thesis

All research studies contain limitations and it is important to recognise the limitations within this thesis. I have undertaken an unfunded PhD, with limited resources and capacity, therefore my fieldwork was based on one CRC area and one local prison, set in one specific point in time. Therefore, this exploratory study has not sought to make wider generalisations and comparisons with multiple

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[12] The exception to this rule is unless an individual makes any statements which I believe put themselves or others under immediate risk of harm and/or danger, at which point I am bound to make relevant supervising staff aware. This issue did not arise during any interviews.

prison estates and probation areas. Individuals subject to a short sentence would have had a variety of experiences in different prison and probation areas, who would each have a range of services available and particular relationships with pathways services that differentiate from the experiences discussed in the case study area. Specific issues to resettlement like employment and access to housing also differ from the specific region the case study area was based in, meaning particular needs and concerns could vary on a national basis.

My methodology was designed specifically to limit valuable resource implications on the prison and probation services and although this entailed a smaller sample size, there is still value to be held in undertaking in-depth exploratory research. My research was purely qualitative and did not seek to extrapolate quantitative data or research re-offending rates on a longer-term scale.   Although this research has not attempted to make broader claims nationally about short sentences and statutory supervision, it has captured valuable information that could be disseminated in future research in this area. In this respect, my research methodology of a case study approach is advantageous, as this approach makes no assumptions on reliability or validity and so does not seek to make wider claims (Thomas, 2011:63).

As discussed above, sampling of practitioners and service users was guided by the respective gatekeepers and any individuals that did participate did so voluntarily. Although this could lead to issues regarding the representativeness of the sample and self-selection bias, it is widely acknowledged that gatekeepers play a pivotal role in the sampling for research studies (Reeves, 2010; Davies and Peters, 2014). In relation to self-selection, a study based on compulsory selection would not be ethical or feasible. Furthermore, it is acknowledged that individuals who volunteer to be participants in research studies, can be more motivated and willing to share information pertinent to the research aims (Bailey, 2008).

The focus of the research was on adult male service users and the practitioners that worked with them. As such, my research has not attempted to explore the issues of female service users or young people serving short prison sentences. As outlined in the literature review, women become involved within the criminal justice system for unique reasons and circumstances, that can differ significantly from men and it was felt that a single PhD study would not sufficiently capture the nuances of women's experiences of serving short sentences if their experiences were combined with men's.

Furthermore, my research has not captured data regarding differences in the needs and experiences of individuals from black and ethnic minority backgrounds.

3.8 Access to the frontline: Developing my methodology

Negotiating access can be a challenging (but crucial) part of the research process, particularly when negotiating access into the prison and probation service (King and Wincup, 2008; Kelly-Corless 2019). However, penal commentators have noted that gaining access into the criminal justice system has been fraught with particular difficulties in recent times, (Fogg, 2014; Sukhram, 2015). My experiences of negotiating access to undertake my research have provided their own challenges, however, these challenges have conversely provided me with the opportunity to reflect upon the rationale for my research and subsequently led me to reconsider my research aims and developed a clear understanding of how my methodology could achieve these research aims.

Gaining access to the research field entailed successfully negotiating through several stages. The first stage involved gaining internal ethical approval from my university ethics committee. Once this was achieved, the next stage entailed submitting a research application form to NOMS[13], outlining my proposed methodology for their approval. My initial proposal was rejected, the research committee determined that there were two main concerns. Firstly, my initial research proposal was avowedly qualitative, yet the committee felt in order to adequately address my stated research aims this would require the use of quantitative methods. The second chief concern was centred upon "uncertainties around the identification and sampling of offenders/practitioners" (National Research Committee, 2016).

In order to address these concerns, I engaged further with academic literature concerning research design, as well as reconsidered my methodological approach. I significantly re-worded the aims, primary questions and the interview schedule of my research, so that my proposal would be fully reflective of a purely qualitative approach. Concerns regarding identification and sampling of research participants also provided me with an opportunity to further explore what I hoped to achieve from

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[13] The National Offender Management Service, since changed to the HM Prison and Probation Service (HMPPS).

my research and who the most appropriate individuals would be in order to collect the richest, most valuable data available.

Redefining, re-clarifying and redesigning research methodology in order to ensure the optimum data collection method is achieved, is a valuable part of the research process (Silverman, 2013). This challenging course of negotiating approval for access to the research field was in retrospect a valuable experience, it allowed me to clarify my research aims and rationale, compelled me to engage further with the literature and helped me to understand what I wanted to achieve with my research. As a result, I feel I gained a better understanding of how my aims and research design fit together and what the most appropriate approach was to fulfil these aims.

I eventually received permission to undertake fieldwork seven months after originally placing my application (please see appendices section A.2 for a copy of the approval letter). Kelly-Corless (2019) writes of the frustrations caused due to delays in gaining access as an almost inescapable part of penal research. Within those seven months, the organisation I originally applied to – NOMS - was now the remodelled as HMPPS, demonstrating a clear example of the rapid speed of change that exists within contemporary criminal justice.

Once I had received permission from the research committee, an additional layer of permission was required in order to gain access to a specific prison. This involved firstly identifying suitable prisons that met the requirements of my research, then writing directly to prison governors requesting permission to access the establishment to undertake fieldwork. I was anticipating this being a lengthy process and sent letters to several prisons. However, I received a positive reply from a governor reasonably quickly and was permitted to access the case study prison.

The next phase of my fieldwork was based in a CRC probation office. Again, securing access involved gaining permission from a gatekeeper. In this instance, it involved getting permission from the head of research for the CRC area. There had been some recent negative press regarding the CRC, as such, I was informally told that it was highly unlikely that any access would be granted to for any research to take place. However, the head of research had a pre-existing relationship with Middlesex University as a former student and so granted permission. Reeves (2010) asserted the importance of using personal contacts and connections to access research sites.

The head of research put me into contact with the ACO (assistant chief officer) for the office I requested access to and in turn, the ACO put me in contact with an SPO (senior probation officer) for the office who acted as my gatekeeper. The SPO was very personable and helpful in sampling suitable participants and helped organise my interviews.

3.8.1 *Insider-outsider research positionality*

My interest in this research stems from my personal experiences of working within the criminal justice system, firstly as an offender supervisor in a prison. In this role, I had involvement in the resettlement of prisoners and experienced first-hand the difficulties of effective throughcare and the challenges involved in providing practical support to aid resettlement. I then worked as a substance misuse keyworker in the community, where I witnessed the obstacles faced by revolving door clients who experienced frequent short prison sentences, with these obstacles often exacerbated with problematic substance use. Latterly I trained as a probation officer during the implementation of Transforming Rehabilitation, a time of rapid change for the service and when the ORA 2014 reforms were first introduced. My experiences of this period are documented elsewhere (Cracknell, 2016). My practitioner experiences have led to a personal interest in how resettlement is enacted and experienced by those subjected to it and those who administer it.

However, it is imperative to be aware of how these personal subjective experiences could lead to inherent bias and acknowledge their potential influence on my research project. Qualitative research can often be a highly personal and intimate project, making the researcher central to their study. As the qualitative researcher plays such a direct role in data collection, it is important to discuss if they are an 'outsider' or 'insider' of the groups(s) they are studying (Dwyer and Buckle, 2009:55).

Being an insider within a research study can entail several advantages. Firstly, an insider can aid access and entry to a group as well as enhance the understanding of the population being studied in a way that may not be possible as an outsider (Kanuha, 2000). It can also provide the researcher with a sense of legitimacy in the eyes of the research subjects, which can enhance a level of trust and openness that can allow the subject to be more open with the researcher (Adler and Adler, 1987). However, being an insider can also raise questions of objectivity, reflexivity and authenticity (Dwyer and Buckle, 2009). The researcher could become clouded by their preconceived notions and personal experiences, resulting in difficulties in separating these views from the research participants and

become too enmeshed in the study (Asselin, 2003). The subject might also make assumptions of similarity and fail to describe their own experiences fully (Dwyer and Buckle, 2009). This could result in the analysis of the data being shaped by the researcher's own experiences and not those captured in data collection. An insider research study can become an "existential dual role" (Adler and Adler, 1987:73) that can lead to role conflict and role confusion.

However, this dualistic understanding of the insider-outsider researcher has some clear shortfalls, projecting one's own biases is not the exclusive domain of an insider, while being a member of a group does not also denote sameness (Dwyer and Buckle, 2009). The subjective placement of a researcher cannot be restricted into one of two dichotomous fixed notions of insider vs. outsider, which is overly simplistic. Kerstetter (2012) contends that no researcher is completely a member of one group or another, but that identities are relative and can change constantly.

Instead of the binary approach of insider-outsider, Dwyer and Buckle (2009:54) advocate for a "dialectical approach" that has an appreciation for the complexity of the fluency and the multi-layered nature of the human experience. They contend that a researcher cannot fully occupy one of the two positions, but due to their role as a researcher, they instead occupy "the space in between". Kerstetter (2012:101) asserts that this space is multidimensional, where researchers' identities, backgrounds and relationship to research participants influence their position within that space. Occupying this space between these two positions allows a deeper knowledge of the experience that is more dynamic and reflective.

To effectively occupy the space in between, the researcher should seek to constantly undertake a disciplined reflection of the research with an awareness of the researcher's own biases and personal perspectives. Allowing a fuller understanding of the complexity of the researcher's own identity encompasses an understanding that "there is no neutrality, there is only greater or less awareness of one's biases" (Rose, 1985:77). Dwyer and Buckle (2009:59) posit that a researcher's insider or outsider status is not the most important factor, rather it is based on an ability to be open, honest and authentic with a genuine interest in the research, with a commitment to accurately represent the experience of the research subjects. There are positive and negatives aspects to the insider and outsider research status, but the most important factor is to be aware of these factors when carrying out the research and that research is undertaken with one's 'eyes open' (Asselin, 2003).

In the case of my research, as a former probation officer with experience of working in a custodial setting, it was important that I remained fully aware of the research space that I occupied, how this space might have altered as my research evolved and how this might have affected my own biases and approaches to the research process. Robinson and Svensson (2013) note a large amount of research into probation practice that has been undertaken by former insiders, raising questions of bias. Although I have remained mindful of this, recognising that my past experiences working in the criminal justice field will have an influence upon me, I have sought to undertake active reflection as the data collection unfolded and allowed for the research itself to determine my analysis, so that I occupy 'the space in-between'. Additionally, I have been mindful of the approach of other insider researchers in the field who advocate fostering a degree of detachment in fieldwork, primarily achieved through the practice of reflexivity (Bennett, 2019; Warr, 2016).

3.8.2 *A reflexive account of my insider-outsider research experience*

The following section provides a reflexive account of my fieldwork experiences. These experiences are divided into two sections: my experiences undertaking fieldwork in the prison and my experiences of undertaking fieldwork in the CRC. This section also reflects upon my positionality to the research. As stated above, the researcher does not stay in a single fixed position, but their identities are constantly changing and adapting (Kerstetter, 2012). As such, part of the story of my PhD research, is the story of changing identity, as I moved away from an insider perspective and towards an outsider perspective. I began my PhD two months after leaving the probation service, with those experiences still very much etched into my identity. However, five years later, I naturally feel more distant and removed from my former occupation. This movement away from my insider perspective affected my fieldwork experiences.

3.8.3 *Prison fieldwork*

Fieldwork took place in the prison in March 2018, over three years since I had left the probation service and the first time since that I had entered back onto a prison wing. Once back on the residential landings, the sensory overload of the distinctive sights, sounds and smells of prison immediately came back to me (Herrity et al., forthcoming) with a particular familiarity. However, on this occasion I was in the prison with an entirely different purpose and identity - a researcher - and as such would need to acclimatise to this new role. The interviews in particular presented with conflicting challenges to

my former insider identity. Sitting across a desk from a prisoner, in a non-descript interview room bought back a lot of familiar feelings and it was challenging to process my task as a researcher interviewing a research subject, rather than as a probation officer assessing the risk of a prisoner on my caseload. Two prisoners in particular presented challenges to my insider-outsider identity.

Simon (prisoner 5) on entering the interview room, before we had even been introduced or started the tape recorder, immediately entered into a lengthy diatribe, castigating the lack of help and support he had received from prison and probation. It took several seconds to realise that his anger was not being directed towards me and I was not the target of his blame, he merely saw me as a person to offload his frustrations onto. Nor was I expected to reason with Simon and establish what help the prison and probation could provide, which is what I would have done in my previous career. Instead, I realised that my role as the interviewer was to listen and to elicit information from him, which would help establish why his experience in prison had been so frustrating.

Mark (prisoner 4) also presented significant challenges to my former identity. Mark had suffered from particular difficulties in the community before his imprisonment, including suicidal ideation, mental health issues and the breakdown of his marriage. Mark was to be imminently released but felt that he had not received any help while in custody and was very anxious regarding his release. He intimated that apart from a few days hotel accommodation he would effectively be homeless. My immediate thoughts were to feel a sense of responsibility for his situation and work with him to speak with services in the prison and the community to establish support. However, again I realised that this was not my role or responsibility to provide this level of support. On a human level, I empathised with his situation but realised that I had to distance myself from his situation and maintain my role as a researcher. However, I felt particularly concerned about Mark and after the interview had finished, we agreed that we would talk with the gatekeeper, who promised that Mark would see someone from the mental health services that afternoon. The circumstances that Mark found himself in and the concerns he had regarding his release continued to play on my mind for many months after my fieldwork was completed and exemplifies the emotional baggage (Liebling, 1999; 2013; Kelly-Corless, 2019) that exists with researching these populations. Sloan and Drake (2013) assert that prisons are inherently damaging places, including to the researchers that briefly inhabit these spaces, as such, we should explore these aspects of the research experience in order to gain a more complete picture of prison life.

Both of the situations regarding Simon and Mark elicited internal cues that required a particular response, learnt from my past training and practitioner experiences. A struggle of my oscillating insider-outsider identity was to unlearn past behaviours and expectations and re-learn new cues suitable to my role as a researcher. Interviewing practitioners also presented with their own challenges, as I had to not present as too over-familiar and collusive with staff. This entailed adopting a more detached interviewing style and not divulging any pre-existing knowledge of the prison or probation system. Balancing these two distinct groups meant I had to present as supportive and empathetic to both sides simultaneously (Liebling, 2001).

One way that helped me to adapt to my outsider status, was to not have keys while in the prison. Prison researchers have underlined the role keys play in power relations within the prison (Crewe, 2009) and this helped to re-affirm my role as researcher, not a practitioner. However, this arrangement meant I was reliant on the gatekeeper, who set out a schedule for all interviews and escorted me at all times around the prison, waiting outside while I undertook each interview. This arrangement affected how I was perceived by other prisoners. Jon, (prisoner two) remarked that other prisoners would assume I was a police officer and by interviewing him on the wing, would make him "look like a grass" for talking to me. This made me more aware of my presentation and how I might still be perceived by others as a practitioner and not a researcher. I was so overly concerned about how I perceived my own identity, I potentially had not rationalised how others within the prison might perceive me.

If the one-to-one interviews took me closer to my former insider status, a different incident took me further away. One afternoon in the prison I found myself in the central control office on a prison wing waiting for prisoner movement to finish, so that I could conduct an interview. Although it is not entirely clear how the issue started, a prisoner got into an altercation with an officer. A central alarm was raised and more officers flooded into the wing. A separate incident then occurred between a different officer and prisoner and several prisoners were restrained and taken down to segregation. After the situation had dissipated, the officers came back into the central office and began to cheerfully congratulate each other for their response to the incident in an atmosphere of boastful camaraderie. They realised that they would have to write out incident reports for what had occurred and began to make sure they had "their story straight" so that they could back each other up. They laughed and joked about the incident and did not appear as affected by the incident. Although this could be viewed as part of the natural bonding of frontline officers (Arnold, 2008), it made me realise that in my previous career I had become desensitised and numb to witnessing violence occur on

almost a daily basis in prison and now several years removed from the realities of it, felt shocked and saddened by the attitudes of the officers and witnessing the violence.

In this respect, research in the prison forced me to re-evaluate my insider-outsider status. The interviews reminded me of the roles and expectations of my former practitioner identity and forced me to quickly acclimatise to a different set of expectations. While the incident with the officers made me further question my insider-outsider identity, as I felt significantly distanced from my former practitioner status.

3.8.4 *Fieldwork in the CRC*

Fieldwork took place between July-September 2018. Again, this was the first time since I had left the probation service that I was re-entering a probation office and the non-descript waiting areas and interview rooms also felt instantly familiar (McNeill, 2018). All interviews took place in the office, in a variety of interview rooms. Due to my former insider status, these rooms were a place of familiarity for me, however, I tried to remain mindful of the effect this would have had on service users and the power dynamics this may have unintentionally played by interviewing them in an environment where they may have felt unequal (Mantle and Stephens-Row, 1995).

The interview processes presented with particular challenges for both sets of participants. Although many staff were forthcoming, negative press towards the specific CRC and TR, in general, meant that several of the practitioners seemed a little wary of my intentions and one participant in particular (CP.4) took some persuasion that I was not from the press and his views were all confidential. During practitioner interviews, I was particularly wary of my former employment and became very focused on not presenting as over-familiar or too informal in my interactions. This may have unconsciously affected these interviews and demonstrates the difficult balancing act of insider research (Adler and Adler, 1987).

While taking a break in the shared staff break room, I came across an old colleague that I used to work with (this individual played no direct or indirect role in any part of this research), I remarked upon how much had changed within probation in the four years or so since I'd left the service. The colleague agreed, but also added that "although outwardly a lot has changed, the work remains the same". This pertinent point reminded me of the vocational ethos of the work of probation that had endured through many changes to the probation service (Worrall and Mawby, 2013a) and reaffirmed my identity as a (former) insider.

3.9 Conclusion

This chapter has provided an overview of the methodological designs of my research and how my chosen methodology has enabled me to answer my research aims and gather the relevant data to answer my research questions. My explorative research has captured a rich understanding of resettlement for those who experience it and for those who administer it. A qualitative methodology provided a more reflective approach that provides a deeper analysis of the data collected, which would not be otherwise extracted from a purely quantitative focus.

My research methodology allowed a greater understanding of how the ORA 2014 was enacted and experienced and the case study methodology provided a time-bounded snapshot of this process. The case study area covered a resettlement prison and the corresponding probation area, in order to capture the views and experiences of participants in prison and the community. The case study methodology also provided a more flexible theoretical sampling basis that allowed me to interview an array of key actors involved in resettlement in the case study area.

An outline of the four overarching research questions has been provided, alongside an explanation of how the methodology utilised is the most appropriate for this research. A series of semi-structured interviews were undertaken with individuals serving a short prison sentence. Interviews were undertaken pre-release in custody in order to gain an insight into how this cohort are prepared for their release. Further interviews took place with service users in the community and under supervision from the probation services. These interviews elicited insights into how resettlement was experienced by this cohort and how each individual interacted and complied with their post-sentence supervision, alongside how their resettlement needs were met.

A series of semi-structured interviews also took place with practitioners who worked directly with individuals serving short sentences. Practitioners based in custody provided further information regarding how needs were identified and resettlement plans were developed and communicated, as well as providing greater insight into how they motivate offenders towards their release. Semi-structured interviews with community-based probation practitioners were undertaken in order to understand how the ORA 2014 policy was enacted, as well as gaining an insight into how resettlement plans were developed in the community and practitioners communicated and worked with this cohort to facilitate resettlement. In order to support data captured, semi-structured interviews were

supported by informal observations and staff interactions, in order to gain an understanding of how policy rhetoric can match up to practice reality.

This chapter also reflected upon three important factors that can influence and guide the research design process, how a researcher negotiates access to the field of study, the role of the gatekeeper in accessing research subjects and how the researchers' positionality can influence research findings. Understanding how these factors can influence the researcher and the study is particularly important when undertaking research in the criminal justice field and it is imperative that the researcher remains reflective and conscientious in their research. The next chapter explores the data in greater depth, beginning with the resettlement prison.

Chapter Four: The challenges of implementing a resettlement culture in a local prison

4.1 Introduction

As part of the Transforming Rehabilitation (TR) reforms, 70 prisons were re-designated as resettlement prisons. These resettlement prisons were introduced in-part, to provide additional through-the-gate support to individuals serving short sentences (Ministry of Justice, 2013c). Drawing on staff and prisoner interviews in one case study resettlement prison, this chapter considers what challenges were involved with implementing a resettlement culture in a local prison, how the resettlement prison operated in practice and how it was experienced by prisoners and practitioners. To enable a rich understanding of these issues, the chapter draws from 10 interviews with practitioners (including a Deputy prison Governor, a prison officer, CRC through-the-gate practitioners and an array of voluntary and third sector practitioners working in areas such as housing, mental health, substance misuse and education, training and employment) along with interview data from 8 individuals who were serving the custodial portion of a short sentence in the case study prison.

This chapter explores the tensions experienced by practitioners between attempts to implement a more expansive resettlement remit into the prison, while also fulfilling more longstanding core institutional duties. These challenges were exacerbated by the size and churn of the prison population. There is also further exploration into managerial attempts to instil a wider resettlement culture into the prison and the resistance this faced from practitioners, particularly prison officers and the subsequent failure to expand their roles beyond custodial and security concerns. Wide-scale apathy caused by change fatigue and government austerity policies also caused significant difficulties in the day-to-day staffing of the prison and the ability to run effective services. These factors subsequently affected various issues related to the resettlement of individuals subject to a short sentence, including how the resettlement needs of individuals are identified upon entry to the prison, the work undertaken to address these needs, communication with CRCs and the support individuals are given as they traverse through the prison gate.

4.2 Tensions between the local and resettlement status of the prison

As previously established in the methodology chapter, the case study prison was a large category B facility, housing over 1,200 males. Of this population just under a quarter were serving a short

sentence and 1/5 of the population were being held on remand. The proportion of un-sentenced prisoners reflected the prison's inveterate function as a facility that primarily serves the local court system. However, the renewed vision for the prison under TR following its re-designation as a resettlement prison required practitioners to focus on a competing set of priorities. In addition to facilitating the long-established court-based function of the prison, staff also had to achieve the more nascent objective of providing through-the-gate resettlement support. However, data for this study suggested that the re-designation of the prison led to numerous practical challenges. Reflecting this, the prison Deputy Governor highlighted concerns about the extent to which they could achieve resettlement:

> *We are a local prison, we are not set up for resettlement services at all. If they're in a cat C prison their function is to run the courses, that is what they do, our function is to serve the courts. So if we cancel something, we will cancel resettlement, so we can serve the court. We are not a resettlement prison, but we have prisoners that should be in the resettlement process* (Deputy prison Governor, PP.1).

This quote illustrated resistance to the new resettlement status of the prison from senior management and suggested that the prison was not viewed by staff as a site of rehabilitation and resettlement and that this should instead take place elsewhere, within a prison that is specifically set up for resettlement. Despite the changing status of the prison, the Deputy Governor highlighted that the prison's primary function still centred on serving the courts and this, therefore, took priority over providing resettlement facilities. Moreover, it was reported that staff in the newly designated prison frequently cancelled resettlement activities to expedite movements to and from the courts.

This highlighted how facilitating movement to the court was an immovable objective for the category B prison, despite any changes in policy and legislation. Facilitating court movement therefore took precedence over other objectives and ultimately dictated the core priorities of the prison. In this sense, the court acted as an unavoidable pull factor that deprioritised resettlement and restricted staff from engaging with it. This effectively undermined the re-designation of resettlement prisons imagined under TR.

The view that the prison was primarily concerned with serving the courts rather than supporting resettlement was also shared by those serving a short sentence. For example, Tony, a man serving a

short sentence within the case study prison, revealed the limited space for resettlement within the prison, especially for those serving a short sentence:

> *Only if you're doing a year you get sentence planning. But this prison isn't for that, it's a remand centre (*Tony, prisoner 1).

Tony explained that because he is serving a short sentence he will not receive a sentence plan. As a result of his short sentence and his belief that the prison was primarily concerned with those on remand, his resettlement needs were neglected. By trying to ensure that "the vast majority of offenders are released from prisons in, or close to, the area in which they will live" (Ministry of Justice, 2013, paragraph 2) the TR policy meant that individuals subject to a short sentence were often kept in the same establishment for their entire sentence and are therefore unable to transfer to a prison better equipped to serve their needs. This had an iatrogenic effect of trapping individuals in an environment which did not prioritise or adequately provide for their resettlement needs, as the Deputy Governor outlined below:

> *We struggle to send prisoners to a prison they need to go to. So if you've got a short sentence prisoner who becomes a cat C, he won't go to a cat C prison that possibly could have stuff to help rehabilitate, so he'll stay at a local prison who haven't got stuff to rehabilitate* (Deputy prison Governor, PP.1).

This practice of holding an individual in one prison appeared in contrast to previous research findings on the experiences of individuals serving short sentences. Trebilcock (2010), for example, reports that individuals subject to a short sentence were frequently moved around prisons, primarily due to their low-risk categorisations and unsuitability to completing courses, outlining the short sentence group as a portable entity. While 'resettlement' prisons have sought to resolve this issue, it had created a different problem of individuals being held in a facility that did not have adequate resettlement services. Some individuals serving a short sentence in the case study prison, such as Chris, expressed the frustration that is caused by the inability to move to a prison which is more equipped to meet their needs:

> *A short sentence is worse than a long sentence. I've had a sentence for three years and it's easier because you know you're not getting out. But then I've had a sentence of 6 months and you're rushing for it to go, because you know you're nearly home. But in a longer*

sentence you get more settled into the system and think about if you can go to a better jail

like a C cat or a D cat and that's what you look forward to (Chris, prisoner 3).

The policy has resulted in inhibiting a sense of progression through the sentence, as this procedure denied opportunities for an individual to transfer to a lower security prison that provided greater freedom within the daily regime and more opportunities to undertake meaningful activities, interventions and courses. In effect, this practice served to make the short sentence distinctly painful as individuals became 'stuck' within 'local' prisons that were deemed unsatisfactory in meeting their needs. Moreover, short sentences were seen unfavourably in comparison to longer sentences, because they offered fewer opportunities for progression and individuals felt less settled during their sentence. This reflected previous research which highlighted the challenges involved with completing any rehabilitative activities in the limited timeframe the short sentence offered (Armstrong and Weaver, 2013; Trebilcock, 2010).

4.3 The mix and churn of the prison population

A further feature of the case study prison was the mix of the prisoner population, this included short-term and fixed recall sentences and also those held on remand. Staff faced difficulties in balancing the various demands of these sentences. A HM prisons inspectorate report noted that in-part due to their "high through-put" Category B prisons caused the most concern (HMI Prisons, 2019:9). Managing these populations made achieving the resettlement objectives of the prison more difficult. In particular, practitioners with resettlement-focused roles faced challenges in attempts to facilitate resettlement for the divergent sentenced and the un-sentenced populations in the prison.

One mental health practitioner identified that there were difficulties with trying to track remand prisoners through the court system, while also ensuring continuity of support if they were suddenly released from custody. This was often reported to be a time-consuming process that limited their ability to undertake work with the sentenced population in the prison. This also revealed the challenges involved with trying to realise the ambitious ideals of ensuring every individual received resettlement support:

When people come into prison and they are on remand and they go to court and are released

from court, those situations are the most challenging because then there is that difficulty for

us to communicate with external services and to then try to locate them (mental health practitioner, PP.9).

The unsettled position of remand prisoners could often be overlooked, as they fell through the gaps of support. This was particularly impactful for the resettlement of individuals subject to short sentences, as practitioners frequently found that when sent to court, remand prisoners could be given a short custodial sentence, but were immediately released from custody for time served, meaning they were now subject to the full community requirements of the ORA 2014 legislation. However, their resettlement needs had often not been adequately addressed and planned while in custody. This could cause significant logistical issues for practitioners involved in resettlement.

Recalls to custody also caused issues in the case study prison. Since the inception of the ORA 2014, recalls to custody have become a defining feature of the short prison sentence (Prison Reform Trust, 2018b) with an exponential rise in their use. They were viewed as a frustrating experience by many practitioners and prisoners, who believed that these short returns to custody caused added pressures and strains on a workforce that already faced numerous constrictions in their day-to-day practice within the case study prison. A resettlement worker outlined her views and attitudes towards recalls and the difficulties she has in facilitating the resettlement needs for these individuals:

> *We'll have people come in on a 7-day sentence. By the time we get their notification of them being here, they've got 5 days left. That's not enough time for us to handover or refer to the relevant people. Sentences like 7 days are pointless. It's just harder for us, it's more work, but there's no outcome. Some of the prisoners refuse to engage, so even they see no point to it* (CRC resettlement practitioner, PP.10).

Short-term fixed recalls were so brief, that it severely constrained the ability to conduct resettlement work. Instead, these sentences were viewed as unproductive, as the brevity of the sentence did not provide adequate time to foster a change of behaviour. A mental health practitioner outlined the particular frustrations that recalls could have for practitioners and was critical of the extension of supervision for the short sentence population, as this seemed to have increased the chance of individuals returning to custody, rather than lessened it:

> *People are set up to fail, because the conditions of their release are so harsh and unrealistic, they're not being given proper chances to fully prove themselves. We've dealt with this chap on an ongoing basis for quite some time and we find it quite frustrating that every time we*

set something up for him in the community, probation recall him in the nearest possible chance. There are no second chances when it comes to the licence conditions and I find it very frustrating. With probation, it's very straight and narrow rules and that's it (Mental health practitioner, PP.9).

Taken together the often overlapping mix of remand, short sentence and recall populations served to undermine the implementation of the resettlement prison. The inability to affect change with this difficult mix of prisoners caused a perpetual sense of 'churn' (Revolving Doors, 2018) to the prison, which reinforced the idea of the prison as a warehouse, or a place in constant transition, with an endless stream of people to be moved and processed (Irwin, 2005; Bailey-Noblett, 2019). The balancing act of managing the core functions of the prison, together with the large size of the estate, left practitioners with difficult choices as to what could and could not be prioritised and achieved. Some of the difficulties involved were captured by a substance misuse worker in the prison:

On the drugs wing, sometimes we're so short-staffed we aren't opening up the landing. Sometimes we only had two or three officers for the whole wing, when ideally we should have six or seven. So there are stresses involved in that (Substance misuse practitioner, PP.7).

The difficulties the substance misuse staff incurred highlighted the difficulties many practitioners faced as they negotiated a competing set of priorities, forcing frontline staff to make decisions between what was desirable in theory and what was achievable in reality. This was exacerbated by the size of the prison, which further amplified the difficulties in providing a cohesive focus on resettlement for all prisoners. The literature review outlined how larger prisons could inhibit a rehabilitative culture and according to prisoners in the case study prison, larger prisons also had a particularly negative effect upon individuals serving short prison sentences, where the spatial conditions of the case study prison appeared to further undermine the resettlement process, as one individual, Chris, attested:

If you have to enrol on a course, there's 1200 people in here and you're bottom of the list when you come in, so by the time you get on a course your sentence isn't long enough (Chris, prisoner 3).

Chris' reflections further conveyed a message to individuals subject to a short sentence that the case study prison was not a suitable site for resettlement. The size and scale of the prison, combined with the mix of the population and the resultant churn, were all immutable factors that preceded the re-designation of resettlement prisons. These pre-existing aspects, combined to exacerbate the difficulties of re-establishing the prison as a place suitable and able to provide resettlement support.

4.3.1 *Information sharing and communication*

Communication and information sharing was also inhibited by the scale of the case study prison. Operating in such a vast space, many practitioners had to resort to bureaucratic paperwork systems in order to track and monitor clients as they were processed through the large establishment. However, the constant churn of individuals circulating through the system necessitated the movement of individuals from one part of the prison to another in order to satisfy bed space requirements and practitioners felt that this took precedence over ensuring individuals subject to a short sentence were picked up and their needs assessed. For example, an education manager outlined how each prisoner should have a basic skills test for literacy and numeracy within the induction process in the prison, however, the movement of individuals created clear issues with this process, meaning potential clients were frequently lost within the prison:

> *They get moved from the induction wing before we've had a chance to assess them… we're constantly trying to play catch up and catch everybody* (Head of Education, PP.8).

This demonstrated the tensions that existed between negotiating the capacity requirements of the local status of the prison and being able to facilitate effective resettlement. One individual, Simon, encapsulated how this was experienced by those subject to it and the frustrations involved with attempting to communicate with various departments throughout the prison in order to get assistance with resettlement:

> *Things seem to take forever, or nothing gets done. I've put 3 apps in see my offending officer and haven't even got a reply back, this is 3-4 weeks ago. Doesn't look like I'm going to get a reply back, it's very frustrating* (Simon, prisoner 5).

Simon described a system of communication that appeared as remote and inaccessible. The inconsistent and protracted processes of completing paperwork led to an inability to speak with staff

face-to-face. This depersonalised the resettlement process, as prisoners were unable to build up a rapport or a meaningful professional relationship with a practitioner that could guide the individual through this faceless and ubiquitous structure. Those serving a short sentence may have felt particularly lost within this impenetrable system. The inability to access and communicate with services caused obvious frustrations and made the prison seem disinterested regarding the needs of the individuals it was tasked with caring for. This in turn may have led prisoners to feel lost and neglected.

4.3.2 *The basic custody screening tool (BCST)*

The consequences of becoming lost within this complex system meant that resettlement needs were often not picked up and the individual could be released from prison without an effective resettlement plan in place; thereby falling through the gaps of support services. A resettlement worker outlined her frustrations with this system:

> *If we don't know they're here, then we don't know they have a need* (Resettlement practitioner, PP.6).

The identification of the needs of prisoners and the sharing of that information had become an important part of the re-designated resettlement prison. Under TR, it was envisaged that resettlement should commence from the very beginning of an individual's prison sentence (Ministry of Justice, 2013c). To support this, a BCST was introduced as part of the through-the-gate reforms and was viewed as the primary mechanism to identify the needs of each individual and to then formulate a resettlement plan. The BCST was undertaken in two parts. Part 1 should take place upon reception into prison by officers, while Part 2 should be undertaken by through-the-gate staff within 5 working days of completion of part 1 (NOMS, 2015b).

In line with earlier research and inspection reports (CJJI, 2016; Taylor et al., 2017) this study supports these findings regarding the failures of the BCST to collect meaningful data on prisoners, but also subsequently finds that the bureaucratic conveyer-belt of administrating the BCST between two different departments, could lead to failures to properly communicate and share the relevant information. This was exacerbated by staff shortages within the establishment, caused by struggles to meet the multiple capacity requirements of the prison. A resettlement practitioner outlined some of the difficulties of completing the BCST within these constraints:

Sometimes they don't have the staff available to do that part one. So we don't know that they're in custody because it doesn't filter through (CRC resettlement practitioner, PP.4).

The inability to complete the tool or pass it on to relevant staff resulted in many newly admitted prisoners falling through the gaps of resettlement support. Many individuals in the case study prison were unable to recall the BCST process on entering custody or clear instances of resettlement support. For example, David recalled:

I don't remember getting any screening on reception. I've been in here for five weeks and I haven't seen no one. I don't even know who my personal officer is (David, prisoner 8).

David's comments suggested that poor communication affects the information that service users receive regarding their resettlement needs, leaving individuals such as David to feel that their needs have been neglected by the prison. This also indicated a disconnect between official resettlement policies and the reality that occurred on the ground.

4.4 Practitioner perspectives of their role concerning resettlement: Silo and signposting mentalities

As established in the literature review, there has been renewed interest in contemporary penal literature and within HMPPS itself, concerning the culture of prisons and the central role staff can play in developing particular cultures in prisons. However, within the case study prison, there were several difficulties in developing a wider cultural uptake in support of resettlement.

Firstly, many practitioners did not view resettlement as central to their role. Resettlement was often understood as a specific department, with named staff primarily responsible for this task, rather than a central responsibility and aim of the entire prison workforce. This indicated a failure to administer a "whole prisons approach" (Mann, Howard and Tew, 2018:4) within the resettlement prison. Moreover, this reduced resettlement to a technical process, with responsibility confined to one department, as a prison officer outlined when asked how he perceived his role in relation to resettlement:

I'll be honest, it probably doesn't… With regards to resettlement, it's going to be referring to the resettlement department. It's a signposting process (Prison officer, PP.3).

This reflected how several practitioners working within the case study prison did not view rehabilitation or resettlement work as part of their wider remit. A clear distinction existed between practitioners who viewed their roles as those concerning security and control and those whose roles were more closely associated with resettlement. As a result, the re-designation of the prison towards resettlement, not only presented challenges to the primary function of the prison but also created significant tensions in relation to the roles and duties of different practitioners operating within this space. This tension had particularly affected prison officers, who were now expected to take a wider interest in the needs of the prisoner, beyond the core concerns of security and safety. Some officers exhibited some resistance to addressing both aims. For example, one officer revealed that:

> *Some of them you feel sorry for because you know they want to change, but others don't care and you don't feel bad because it's 'yeah, you're getting out tomorrow but I'll see you in three days' time'. Because we know that you're going to go out and do exactly the same. If I see they're not bothered, then I'll only help to the extent I need to, I won't do the extra miles because I know the extra miles isn't going to make any difference* (Prison officer, PP.3).

This viewpoint underlined resettlement support as an optional supplemental element of the prison officer role, that was only imparted to certain prisoners, in particular those who were deemed likely to engage with the help available. This apathetic attitude towards providing more extensive support stemmed from a lack of belief that undertaking these "extra miles" (PP.3) would make any discernible difference or have any positive benefits to some of the individuals within the prison. This was indicative of a wider attitude that change was not possible for some prisoners. Problematically, it appeared that people serving short prison sentences were most frequently consigned to this label, particularly the 'revolving door' prisoners, where officers seemed resigned that they were likely to fail and return to custody. These individuals were often viewed as beyond help due to the time constraints of the sentence and due to the belief that they were unwilling and unmotivated to change. This in turn may have labelled them as undeserving recipients of resettlement support.

It was evident that for several officers, there had not been an internalisation of a wider resettlement philosophy that was supposed to underpin the prison. The failure to assimilate a wider culture supportive of the resettlement prison status was problematic because as discussed in the literature review, prison officers play an important role in implementing new penal policies on the ground and

have the autonomy to subvert practice. Yet, despite recent efforts to enhance the relational role of prison officers through the five-minute intervention and a revitalisation of the personal officer scheme[14] (Tate, Blagden and Mann, 2017), the prisoners' view of the role officers play in the resettlement process indicated a distant and disconnected relationship between prisoners and officers:

> *I don't know if the officers are actually talking to them [prisoners], maybe they need to educate some of the officers and train them how to influence inmates so they don't come back to prison. I haven't sat down with anyone to say, 'why did you do the crime, you shouldn't do it again and here's what you need to do'. It's something I really want to do* (Simon, prisoner 5).

The absence of meaningful interaction between officers and prisoners suggested a failure to alter the core security role of prison officers to one that was more conducive to facilitating resettlement. Furthermore, the prisoner above appeared to perceive officers as unequipped to carry out such interactions, which may have served to reinforce the belief among individuals serving short sentences that there was an absence of support available to them.

The perceived failure to foster a wider culture more responsive to resettlement in prison officers was particularly concerning, due to the crucial role (and power) of prison officers, in their front-facing roles, with greater opportunities to interact with prisoners (Liebling and Price, 1999; 2001). Arnold (2016) reminds us that what officers do and the manner that it is done in, has a significant influence upon the chance of success of the type of environment the prison is trying to construct. However, within the case study prison, many staff indicated that a pervasive culture of underperformance existed amongst officers, which acted as a barrier to the prison's new resettlement status. As one officer noted:

> *Every prison officer is different and some will go out onto the landing and graft and build rapport and do dynamic security and go above and beyond. Then there are others that will*

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[14] The Five Minute Intervention project trains prison officers in how to turn everyday conversations with prisoners into rehabilitative opportunities. The reported benefits of this scheme are to help repair the adversarial relationship between officers and prisoners, while giving everyday conversations a rehabilitative benefit (Tate, Blagden and Mann, 2017).

just do the bare minimum that they need to. And we've got a lot of them, which means a lot of things don't get done the way they should (Prison officer, PP.3).

Given the influential role officers play in instilling a wider prison culture, views such as these reflect how individual instances of underperformance can have a detrimental impact on the wider prison regime. However, qualitative interview data from the case study prison, suggested that the considerable power of prison officers could have significant negative consequences and served to undermine change.

4.4.1 *'Silo' mentalities towards resettlement*

A further perspective regarding how practitioners enact resettlement reinforced what Moore and Hamilton (2016:111) refer to as departmental "silo mentalities", whereby each department focuses on their own targets and narrow priorities and fails to communicate effectively with other departments. This ultimately serves to undermine a more cohesive and holistic approach to resettlement. However, developing Moore and Hamilton's work, it was the structure and size of the prison which reinforced and encouraged this silo approach. Instead of a set of interrelated and joined-up services, the constant movement inherent to a large category B facility created a set of disconnected pathways, which ignored the inter-connected resettlement needs of the individual. Below a substance misuse practitioner underlined this narrow and blinkered approach to providing resettlement services.

It's very fragmented here, we know lots about the things we do, but it starts to get a bit shady for other services (Substance misuse practitioner, PP.7).

The sense of fragmentation between different elements of the prison could translate into an adversarial attitude between officers and resettlement workers. This revealed an oppositional view between prison officers and the non-uniformed staff, as both set of staff lacked a wider understanding of the difficulties that each practitioner faced and placed blame upon each other, instead of the wider constraints that the prison operated under. One officer outlined this perspective:

Even if we've got the staff it's [resettlement services] quite often cancelled because the people from housing don't come in, or people from job shop don't come in (Prisoner officer, PP.3).

Data from the case study prison suggested that practitioners primarily viewed their role regarding resettlement in one of two ways, either as a hands-off signposting process to other departments, as resettlement was a supplemental extra not central to their role, or in a very narrow silo-based approach only taking responsibility for issues relevant to their particular department. Both of these perspectives suggested a failure to develop a 'whole prison approach' to resettlement.

4.5 Managerial attempts at instilling a resettlement culture

Managerial attempts to instil a wider culture supportive of resettlement had failed to take shape in a meaningful way, according to several frontline practitioners. Within the case study prison, resettlement was regarded as primarily driven by managerial targets and financial necessities imposed from central government, rather than following from ideological and altruistic buy-in. Practitioners in the case study prison therefore felt that these changes had predominately been imposed within a top-down managerial framework and had not filtered down and assimilated into the staff on the ground. As such, the further down the hierarchical chain of the prison you went (and the closer to the frontline roles), the more fragmented and less embedded the cultural purchase of resettlement was, predominately due to the competing set of priorities that frontline practitioners faced. Illustrating this, an education practitioner outlined the difficulties involved in the importance of purposeful activity filtering down from management to frontline officers who unlock prisoners on the residential wings:

> *The senior management team wants it to work and there are a lot of KPTs (key performance targets) and drivers. That message doesn't go down to the officers who are unlocking prisoners, so the governor will say 'unlock them all, get them out of there' then it goes down to CMs (custody managers) who are on board as well. From there on it gets fragmented, there are some SOs (senior officers) who are incredibly conscientious and hardworking and they get it. Then it comes to the officers, half of them are incredibly well driven and supportive, half of them are not. In terms of them doing their jobs and getting people unlocked, there are competing priorities (Head of Education, PP.8).*

The practitioner above outlined the difficulties in altering, or 'turning around' a culture, particularly one that had been ingrained over a prolonged period of time. Mann et al. (2018:9) caution that instilling cultural change can take time, but that it should not be "imposed by the central

administration" but by managers empowering their staff. In the case study prison, the use of KPTs to drive reform had not successfully filtered down to ground level practitioners to promote a renewed resettlement culture, but instead led to a "splintering" or "fracturing" (Rubin and Phelps, 2017:423) between management and frontline practitioners, each with their own visions and perspectives of the functions of the prison.

By using KPTs to promote resettlement targets, resettlement was repositioned as a rubric. It was not properly articulated but was re-appropriated as a set of managerial priorities to be measured and quantified. This contributed to an absence of a shared culture between senior management and frontline staff, which undermined a clear collective resettlement ethos. In a similar vein, Millings et al. (2019:90) note a "disjuncture between senior managers and those involved in service delivery" in their recent research on short sentence prisoners, with practitioners resentful and pessimistic of policy changes. However, in the case study prison, it was apparent that this pessimism had permeated into a wider organisational apathy. This was well captured by the Head of Education in the prison who stated:

> There is this miss-match; the more senior you become, the more onside you are. There are some rank and file officers who are good and will do their damndest to get their prisoners here, but it doesn't take that many to really throw a spanner in the works and I think there is some organisational apathy. I don't think it has mattered historically and trying to make it matter really is quite difficult. But I can't pretend it's going to be overnight, you're trying to change a culture of a place this big and it will take ages to change direction (Head of Education, PP.8).

This quote not only suggested that there were different levels of 'buy-in' to the new resettlement ethos that was supposed to underpin the prison, but also reflected how different types of staff were under different pressures and motivated in different ways to achieve this. Senior managers and frontline staff appeared to promote resettlement in two distinct and limited forms. Managerial support for resettlement was actualised in a measurable sense, where it was translated into a set of KPT targets to be met. While officers understood resettlement to be the responsibility of a specific department operating in the prison and would only provide resettlement support to a limited number of motivated prisoners and only when this did not undermine what they perceived to be the core

priorities of the prison officer role. Neither of these perspectives promoted a wider culture of resettlement.

4.6 Promoting resettlement in the context of austerity

One factor that appeared to have impacted on the malaise of some prison officers and upon staff and services in the prison more generally was the considerable budget cuts to prisons, as part of wider macro-level austerity policies. Cuts to the Ministry of Justice budget have had a direct effect on staffing levels (Garside and Ford, 2015; Bennett, 2015). The case study prison was no exception to these austerity measures, with many staff noting that the previous 18 months had been particularly difficult as a result of significant staff shortages that limited the prison's ability to run a productive daily regime. In particular, challenges with the retention and recruitment of prison officers[15] were reported to have made it difficult to get prisoners out of their residential wings and into suitable activities and programs. While some staff felt the prison was beginning to get back to normality in terms of returning to pre-austerity staff capacity levels, there was a sense that staffing issues had led to the prison management to advocate a 'back to basics' approach. Under this approach, managers in the prison were criticised for having tolerated underperformance from staff in order to retain existing officers, rather than supporting a bold reimagining of prison officer roles to something more expansive and ambitious. For example, the Head of Education noted that:

> *I think it [the prison] has had a particular culture, which is still there in places. A culture where there has not been consequences of underperformance. You see that with staff who are frankly embarrassingly poor at their jobs but still getting paid, still not being performance managed* (Head of Education, PP.8).

The poor management of underperformance of officers as a result of wider staffing and financial challenges that were reported suggested the Conservative government's austerity agenda had served to actively undermine the development of resettlement prisons as envisioned by TR[16]. Although the cuts had clearly been detrimental to staff operating within the prison and the attempts to remodel it as a facility equipped for resettlement, it was the prisoners who resided within the establishment who

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[15] Bulman (2018) notes that in 2018 33% of new prison officers had left the prison service within a year of starting, citing poor training and the challenging environment of the prison system as the principle reasons. These figures show that the number of prison officers resigning from their jobs has risen significantly in the past 10 years, rising from one in 100 officers resigning in 2009-10.

[16] However, penal commentators would argue that the prison has been in a perpetual state of crisis and have suffered from budget cuts long before the current Conservative Government (Cavadino and Dignan, 2002).

experienced the most grievous and painful impacts of austerity. One individual, Jon, was able to clearly describe how austerity was impacting on the day-to-day reality on the residential wings:

> *The purpose of prison is rehabilitation and there's not a lot of rehabilitation. That's not the fault of the prison, it falls at a House of Commons level, that's how deep-rooted it is. I've seen how stretched they are, sometimes there's just one officer on the landing, a lot of guys, a lot of testosterone. It's really difficult, because of staffing levels, funding. There's so many things that could be done differently* (Jon, prisoner 2).

Unsurprisingly, many prisoners articulated frustration about the repercussions of austerity in the daily regime of the prison and the general condition of the estate. Budget cuts were seen as undermining the ability of the prison to offer rehabilitative activities and provide resettlement support, which in turn, was felt to generate a sense of apathy amongst prisoners. Reflecting this, one prisoner reported:

> *It's just lock you in a cell, 23 hours a day, let you get on with your own devices. There ain't no resettlement, there ain't no help, I'm still the same now as I come in* (David, prisoner 8).

Prison officer shortages had placed significant constraints on the day-to-day operation of the prison and when chronic staffing issues occurred, the prison was only equipped to undertake core functions. This impacted upon the ability of non-operational staff to undertake their jobs and undermined the resettlement services the prison could offer. This failing was echoed by another CRC resettlement worker, who articulated a concern that an under-resourced prison officer population placed constraints on resettlement practitioners access to the prisoners and could result in individuals being unable to receive the resettlement support envisioned under the TR plans. The lack of staff placed restrictions on prisoner movement around the establishment, leaving prisoners contained to their residential wings.

> *I think our biggest constraints are access, there isn't enough prison officers, so they won't be able to go to the surgery if they're booked in. Quite a lot of the time resettlement is the first thing to be cancelled if there's a shortage of staff* (CRC resettlement practitioner, PP.6).

Data from the case study prison has already established the constraints staff face between the local and resettlement demands of the prison. However, austerity measures implemented in the case study prison had exacerbated these difficulties, placing further constraints on staff capacity. This

demonstrated that the re-designation of the prison towards a through-the-gate ethos has been undermined and devalued by macro-level political issues.

4.7 Change fatigue

"Change fatigue", the tension that is caused by relentless policy change and the constant implementation of new initiatives (Robinson and Burnett, 2007:333), was another source of the organisational apathy felt by practitioners. In the case study prison, staff had been unsettled by the scale and pace of TR and had led to cynicism about the wider reform agenda. Similar concerns have been identified by Millings et al. (2018). For example, the Deputy prison Governor, reported feeling fatigued from the constant introductions of new policies, as well as distrustful of new policies to make a meaningful difference, exclaimed that:

> *You get a new minister and they have new ideas. You get a new government and they have completely new ideas. Nothing is ever embedded. I've been in the job for over 30 years and its circular* (Deputy prison Governor, PP.1).

In addition to outlining the challenges that had followed from the case study prison having been re-designated as a resettlement prison, this participant expressed further frustration at the recent announcement that there was to be a further re-designation of the prison in the near future[17]. She felt particularly aggrieved that prison staff were still trying to implement the previous reform which had not yet been embedded and felt the prison was insufficiently equipped for further reforms at this time. The constant and circular nature of policy reform that the Deputy Governor reported was felt to leave inadequate time and space to allow a new culture to assimilate, fostering a deep sense of cynicism and fatigue towards reform amongst prison staff, which had come to be seen as an enduring element of penal policy.

4.8 Practitioner and service user experiences of time

The brevity of the short sentence and the insufficient time that this provided to address needs, has been previously established as a key theme from the literature review (Trebilcock, 2011; Armstrong and Weaver, 2013). Data from the case study prison also suggested that the re-designation of the

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[17] At the time of the fieldwork, staff had been informed that the prison would be re-categorised to a category C facility. This drew considerable cynicism of the ability of the prison to change from a local prison, to a prison with a comparable regime to a training prison.

resettlement prison had not been able to resolve this irreconcilable issue, as staff still had to operate within these debilitating time constraints. In reality, the introduction of some of the requirements of through-the-gate practice added additional pressures onto staff. Returning again to the new requirement of undertaking the BCST with each prisoner within a specific timeframe, added constraints onto staff time. In order to ensure completion targets were met the quality of the BCST could be sacrificed as illustrated by one CRC practitioner:

> *It depends on how much time you get to do the assessments, especially if you've got a large influx of receptions. If you've got a deadline you're minimised with the time you get to spend with someone because you have to get through the numbers* (CRC resettlement practitioner, PP.6).

Staff constraints meant that the BCST had become reconfigured as a quantitative measurement, rather than a qualitative aid to help plan resettlement needs, devaluing the BCST and its attendant value in the resettlement process. As a result, the opportunities to discuss needs and fully involve individuals in their own resettlement may have been lost. Instead, the limitations on staff time meant the BCST became a rushed process, which demoted the importance of engagement and practitioners adopted an attitude that encouraged a need to "get through the numbers", rather than meaningfully engage with prisoners. In this respect, the lack of time undermined the quality and the significance of the work that practitioners undertook.

The insufficient time to establish resettlement needs was further impacted by the high levels of multi-systemic issues presented by short sentence prisoners. Several practitioners noted they had limited time to put adequate support services in place. The combination of limited time and multiple problems to address meant that short sentence prisoners consumed a lot of staff time, as one resettlement practitioner underlined:

> *The majority of those individuals have very complex needs, so they all require a lot of work to be done which takes up a lot of your time… it's very, very hard to keep up* (CRC resettlement practitioner, PP.6).

Practitioners frequently saw the short sentence cohort as one that dominated their time, but also infrequently produced opportunities for meaningful change. Some staff highlighted that all that could

be achieved in the short timeframe would be to produce an assessment flagging up any needs an individual had but offered no opportunity to significantly address these needs in any meaningful depth. This meant that many practitioners enacted a form of resettlement work that was superficial in its reach and scope. This could often be a frustrating and dispiriting experience as practitioners would have liked to have done more but were limited by the short sentence length.

The dichotomy between the significant needs of the cohort, contrasted with insignificant time to address these needs, left practitioners with a difficult set of choices and priorities. Often only the most immediate practical issues could be addressed, which meant more complex and underlying issues were potentially neglected. Reflecting this, one practitioner observed:

> In such a short space of time, it's impossible to address all of their needs, there is very rarely enough time to focus on everything that needed attention. In terms of the real intense and therapeutic work, you can't even touch the surface in the time they're there. For those who are in for a matter of days, sometimes all we can do is do a quick assessment on them, write them up a homeless letter and advise them to present at the council as homeless (Housing practitioner, PP.5).

Practitioners were aware that this support would not be sufficient to prevent individuals from further re-offending and returning to custody and felt frustrated that the limitations of the sentence curtailed their ability to promote more sustained change. This also outlined how despite the efforts to re-designate the prison to its resettlement status, insufficient time to work with individuals remained an insurmountable and abiding issue of the short sentence.

For service users, the short sentence was seen as wasted time, with this experience offering no sense of productivity. Lee, a prisoner in the case study prison, articulated how these short sentences were viewed by those subject to them, seeing them as a pointless exercise that did not offer any rehabilitative support. The constraints placed upon staff time could be interpreted as indifference. Lee felt that he was largely left alone to his own devices and would ultimately leave the prison without having to address any issues:

> It's so understaffed in here, the routine is so bad and there's so many drugs coming into the jail, that if you come here for two weeks, you're just smoking weed all the time, watching tv,

got your mobile, playing PlayStation and you just think, this ain't fucking jail (Lee, prisoner

7).

Other prisoners perceived the support received from practitioners as perfunctory, disconnected from each other and disinterested in the immediacy of the situation that individuals can find themselves in pre-release. Mark, a short sentence prisoner, encapsulated what this shallow level of support looked like from the perspective of an individual preparing for release:

I saw someone from resettlement last week about housing. She's hopefully going to get back to me either today or tomorrow, considering I'm out on Thursday. Otherwise, I'll be out in a sleeping bag in the streets. I saw someone from the jobcentre who said he'll get back to me with a form to take to the jobcentre, so I'll have some money, but I've not seen him yet either (Mark, prisoner 4).

Although practitioners felt that they were doing as much as they could within the limitations they were operating under, prisoners often perceived the actions of staff as uncaring and uninterested. This displayed the disconnection that could exist between practitioners and prisoners, despite them facing the same limitations.

4.9 Addressing needs and preparing for release

The re-designation of the resettlement prison required staff to develop resettlement plans for each prisoner. This was achieved through Part 2 of the BCST, which constituted a more extensive assessment of needs, undertaken by a CRC through-the-gate practitioner. This should result in the formulation of a resettlement plan, which may include referrals to relevant services (NOMS, 2015b). The completed resettlement plan should be forwarded onto the corresponding CRC where the individual will be released to, this was in order to ensure that the appropriate support is in place for the individual in the community. However, this research suggests there were numerous challenges involved with effectively enacting this resettlement planning framework.

Some practitioners felt that there were insufficient interventions based on thinking and behaviour. Instead, the pathways available within the prison were focused on practical elements such as housing, finances and employment and led to a narrow understanding of resettlement. This resulted in

reducing resettlement to a functional process of achieving the basic elements needed to resettle back into the community, rather than a more expansive project of challenging behaviour and changing attitudes. This frustration was shared by both practitioners and prisoners. Simon contended that the poor regime and lack of suitable courses or focus on offending behaviour, meant that prisoners were not being challenged on their behaviour, which does nothing to address the revolving door of repeat prison sentences:

> *I want to sit down and speak with an offending officer, pick my brain and talk to me and see where I went wrong, put me on the right course that will help me. But there's none of that, inmates are coming in and going out and doing the same things, without having to address their issues* (Simon, prisoner 5).

The inability to provide a more holistic package of support services was further aggravated by the perception that there were inadequate service provisions within the establishment, this compounded upon frustrations already uncovered regarding insufficient time to address needs. Combined, these issues contributed to practitioners feeling powerless to facilitate meaningful change. This was particularly apparent in the areas of mental health support. Some practitioners expressed concern that there was a particularly significant shortage of mental health services and that information sharing and communication could be difficult. This was thought to be particularly problematic for individuals with a dual diagnosis who often fell through the gap of services:

> *[There isn't enough] mental health services, or a willingness to work with people with dual diagnosis. If someone has mental health needs and substance misuse issues, neither agency wants to work with them until they've addressed the other one and what do you address first? Some people just fall completely through the net, because nobody wants to work with them* (CRC resettlement practitioner, PP.4).

The dearth of mental health support services was also recognised as an issue by prisoners. Mark described how his mental health issues were closely related to his index offence, yet these needs had not been addressed while in custody:

> *Maybe there's worse people that need more help. If you've got drug and alcohol problems everybody's all over you, or so it seems from my perspective. Everything is about drug and alcohol abuse, but none of its mental health and I think there's a lot of people in here that need help with that* (Mark, prisoner 4).

Mark articulated a sense that mental health was not prioritised in a way that substance use was. This is possibly due to substance misuse provisions being more overt and visible, with the prison having its own dedicated substance misuse wing.

4.9.1 *The suitability and availability of housing*

A further gap in resettlement support was the perceived lack of housing support available. Although housing was universally recognised by practitioners and prisoners in the case study prison as a foundational need intrinsic to resettlement, this was not reciprocated in available provisions and resources. A resettlement worker below outlined the numerous barriers, blockages and gaps in housing services, many of which occurred on a wider socio-economic scale. These factors again established how on the ground practice was directly affected by wider macro-level constraints:

> *Housing is the biggest shortfall. There isn't enough hostels or AP (approved premises) addresses. If a client had previous accommodation through the council before going to prison, often they won't be able to go back and if they've got alcohol or drug problems, some services don't accept people as they've got to fit certain criteria. We've only got two housing officers here. So if you think we've got over a thousand inmates in this prison and how many are coming in and out* (CRC resettlement practitioner, PP.6).

Safe and secure housing was viewed as essential for resettlement. Many practitioners felt that without this intrinsic factor in place, no further support plans were achievable. For example, a careers advisor noted that it was impossible to help a prisoner find work or apply for training courses if they did not have an address. A mental health practitioner also noted that without housing, it was very difficult to organise a GP (General Practitioner) or medication for an individual. Clearly, both of these outcomes would be highly detrimental to an individual's resettlement outcome.

Prisoners also recognised the necessity of housing and many viewed this as their primary concern. The ability to secure viable accommodation upon the release was viewed as key to the success or failure of their resettlement in the community. Importantly, prisoners also identified that they needed the 'right' type of housing:

I have got places to live but they're all the wrong places. I've got plenty of places to go and live, but then I'll end up back in here (David, prisoner 8).

This quote highlighted that the suitability of accommodation can play a fundamental role in the success or failure of resettlement. However, staff related that the performance of the housing team within the prison was measured using a set of binary targets which did not really measure how suitable someone's accommodation may be:

Someone might say they had somewhere to stay when they got out of prison which would then be recorded as a positive outcome. However, we knew that could be a crack house, so the statistics were quite skewed, because they didn't take into account suitability of accommodation (Housing practitioner, PP.5).

4.9.2 *Communicating needs with CRCs*

A crucial part of release planning was ensuring continuity of support for the individual as they were released from custody and resettled back into the community. In this context, the BCST played a key role in establishing this continuity between prison and community services and helping the individual to transition through-the-gate. However, practitioners in the case study prison reported that communication between the two organisations could often be poor or inconsistent and asserted that it was often difficult to make contact with external probation services and involve them in the resettlement process. For example, one resettlement worker outlined the difficulties they faced in working with probation:

It depends on the probation officer. Sometimes we send resettlement plans over and they don't even respond to say they've received it. It can be quite frustrating that they don't even acknowledge we've seen their client and done the resettlement plan (CRC resettlement practitioner, PP.4).

Below, another CRC through-the-gate practitioner alluded to a disconnected approach to resettlement planning between prison and the community, where the prison practitioner's responsibilities were clearly demarcated to the prison alone and did not continue through-the-gate. Likewise, the responsibilities of the community probation staff seemingly did not venture over this line and into the prison. This divided into two distinct and disparate spheres of resettlement responsibility. The resettlement practitioner illustrated this point by explaining how

the BCST information sharing worked on the ground and made clear the gap between what should happen in theory and what happened in practice:

Once we hand over information, we don't have any more to do with the client. We have some clients who do return to the establishment and they do say their probation officers didn't help them which is quite a common thing to hear, unfortunately. We like to think they're getting support, but we don't know (CRC resettlement practitioner, PP.6).

The use of the BCST as the central mechanism of information sharing limited the scope of through-the-gate support to a bureaucratic paperwork exercise, where the extent of establishing continuity was constrained to passing on the screening tool from one side of the prison gate to the other, not following the process through to establish if a plan has been acted upon.

However, the demarcation between prison and probation information-sharing provisions appeared to work in both directions, with a prison officer commenting that external probation often failed to consult with prison staff on reports and risk assessments. Instead, these were conducted remotely using existing actuarial data systems to guide decision making. This could potentially result in negative consequences for the individuals subject to these reports:

The amount of prisoners that come up to me and say 'I can't get hold of my outside probation'. Outside probation rarely come in and actually talk to these guys and get reviews and reports done. What they do is go on reports that were done years ago which potentially are no longer relevant. You can't keep going off old reports when people are showing they are trying to change, but outside probation don't see this. It's all done on paper or through computer and they won't ask an actual person's opinion (Prison officer, PP.3).

The officer outlined how probation contact and engagement has receded into a depersonalised process, where community probation officers were removed from the prison and the prisoner. In its place was a bureaucratic and binary checkbox system that did not seek to understand changes in human behaviour. This appeared as indicative of a wider criticism of the resettlement planning framework that operated within the prison, which a Deputy prison Governor asserted was reduced to rhetoric, removed from its original stated goals:

It's a paperwork exercise which is why I'm not supportive of it, we still send loads of prisoners out with no housing, back to the streets. It's a box-ticking exercise (Deputy prison Governor, PP.1).

Prisoners' perspectives of probation also mirrored the negative views of practitioners, with many individuals insisting that they had received no contact from their CRC and were unaware who their probation officer would be upon their release. A prisoner, Chris, articulated this view when asked if he had received contact from his officer:

Not while I've been in jail, no. It won't start up until I'm released (Chris, prisoner 3).

The perspectives of Chris further reinforced the disconnected approach between prison and CRCs, as probation was viewed as an exclusive community-based measure, which did not "start-up" until release. These comments indicated that probation support had failed to effectively reach into the prison, or play any tangible role in helping individuals on short sentences prepare for release, undermining any sense of continuity imagined under the resettlement prison reconfiguration.

4.9.3 *Leaving through the gate*

The through-the-gate practice envisioned under TR made bold promises that each individual would be met at the gate by a dedicated mentor. This tailored service would provide guidance for those crucial first days of release and help ensure the individual kept their various appointments they would need to attend to put their resettlement plans into action (Ministry of Justice, 2013c). However, findings from other contemporary through-the-gate research outlined that this support was largely non-existent and there were no networks meeting people upon release (Taylor et al., 2017; Millings et al., 2019). Research within the case study prison echoed these findings. One prisoner, Mark, who was serving his first custodial sentence, demonstrated some confusion and uncertainty about the support that he would receive on release:

I've asked every day last week if I need to see probation, but I still haven't seen anybody. I don't know what I'm supposed to do on Thursday [release date], I've been told that I'm supposed to report somewhere because I read it in a leaflet and if I don't I'm back in, but no one's told me what I need to do. The only thing I've heard is that you've got to report to them every single week, that's what my cellmate told me (Mark, prisoner 4).

The experiences of Mark suggested that instead of receiving support through-the-gate and into the community, individuals on short sentences felt abandoned and that they were left to navigate the complexities and difficulties of readjustment back into society alone. In the absence of an effective through-the-gate system, the prisoner was sometimes left to rely on information from leaflets and other prisoners. This indicates that despite the best efforts of the prison, many individuals felt the through-the-gate plans had not translated into reality. This perceived failure resulted in increased anxiety and uncertainty for prisoners, for the already daunting process of re-entry back into the community.

An education manager asserted his reasoning regarding the failure of through-the-gate services to translate from a policy idea into reality. He contended that the fault lay with the privatisation of probation services and issues related to how these contracts were structured. The formulation of these contracts determined what factors CRCs prioritised and this resulted in more importance being placed on financial expediencies, neglecting the individuals who this service was designed for:

> *Providers are basically worrying about hitting the bottom line, rather than the quality of the service* (Head of Education, PP.8).

The contract mechanisms designed by central government reduced resettlement practice to a monetised exercise that promoted box-ticking and target hitting but demoted achieving meaningful change. Practitioners felt that resettlement services in the prison had deteriorated post-TR, asserting that the service provisions prior to the enactment of the through-the-gate framework were superior. According to one substance misuse worker, this caused frustration from staff operating on the ground, who were tasked with improving resettlement support. However, due to the financial imperatives of the contracts given to CRCs, practitioners were working with reduced provisions:

> *We had some very good programmes that were running here, but they were then suspended when we had the arrival of the CRCs. So our frustrations are that the CRCs are not running as good through-the-gate policy as we were running previously* (Substance misuse practitioner, PP.7).

The level of support given to individuals as they traversed through-the-gate and back into the community was significantly reduced in scale from the original plans envisioned under the TR policy. In this respect, the resettlement prison re-designation was undermined by the CRC model which provided inferior services than existed pre TR. A prison officer in the case study prison held similar concerns and underlined that this superficial level of support was interpreted as indifference to the needs of the individuals that practitioners are tasked with helping:

> If we sent them out NFA (no fixed abode) we are effectively saying to them 'we don't care'. We'll see you again in a few days (Prison officer, PP.3).

The officer underlined that an inability to assist with the fundamental aspects of resettlement signified an apathetic and uncommitted approach to prisoners. This subsequently advanced a belief that a return to custody was inevitable for many serving a short sentence. When questioned of his expectations on the day of his release, Simon underlined the rhetoric of through-the-gate resettlement under TR and demonstrated that in the absence of a visible release support mechanism, individuals serving short sentences were left isolated to undertake this transition alone:

> I find my own way, once you're out of the gate that's it. They give you £50 to get home, but that's it (Simon, prisoner 5).

4.10 Conclusion

Transforming Rehabilitation led to the re-designation of the prison estate by tasking many prisons with a core resettlement function. Based on interview data from practitioners and prisoners within one case study 'resettlement' prison, this research has shown that there were numerous insurmountable challenges that inhibited it from effectively facilitating resettlement. These included: institutional, temporal and political-economic barriers.

The resettlement prison status negated the pre-existing function of the prison as a local institution charged with the movement and facilitation of prisoners to and from the local courts. Many practitioners emphasised that its institutional responsibilities to the local courts overridden their resettlement responsibilities to the individuals that resided within the prison. Where frontline staff had any tensions between these two oppositional functions, facilitating court movements would take precedence, downgrading resettlement to a secondary function, rather than a core necessity.

Furthermore, the inherent responsibilities of the prison to the courts meant that the estate was not conceived by staff as a place adequately equipped for resettlement. However, the policy framework of resettlement prisons had the painful effect of trapping short sentence prisoners, denying them an opportunity of progression to a lower security prison which was better equipped for resettlement.

The spatial conditions of the case study prison, combined with the constant churn of individuals serving short sentences and on remand, meant that practitioners were tasked with providing support for a difficult mix of short term, recall and remand prisoners, each group presenting with demands on limited staff resources. On the ground reality meant the prison could resemble a warehouse, tasking practitioners with facilitating an endless movement of goods and services throughout the wider prison estate. This reduced practice to endless bureaucratic paperwork trails, leading to individuals serving short sentences falling through the gaps of support. Individuals subjected to this system felt lost and neglected.

This discordant approach to resettlement between the different departments of the prison led to an inability to form a holistic 'whole prisons approach' to resettlement, with many frontline practitioners failing to take responsibility for this nascent function of the prison. This was a particular issue for prison officers, who often understand resettlement as a specific department within the prison, rather than as a primary part of their remit. Many frontline officers saw resettlement support as an additional secondary function, or 'going the extra miles' that only some prisoners were deserving of and typically not those serving repeat short sentences, who were often labelled as unmotivated to change. This indicated an inability to configure a wider internalised ethos of a commitment to resettlement within the case study prison. Prisoners consequently found prison staff to be remote and unapproachable, further consolidating the neglect that many experienced. Resettlement was further hindered by staff who had more resettlement facing roles, who advocated for very narrow silo-based approaches, only taking responsibility for their specific departmental roles. This was further exacerbated by the spatial conditions of the prison.

In place of a responsive culture to resettlement, managerial staff within the prison attempted to implement resettlement through a range of top-down targets and drivers. Practitioners felt this had failed to assimilate down to ground level staff and instead reconceptualised resettlement as a series of centrally administered commands, or a rubric. The failure for a resettlement culture to filter down

to frontline staff was also in part due to a sense of organisational apathy that had been allowed to pervade throughout the establishment.

A primary reason for this was the wider austerity policies that had particularly impacted upon prisons nationally and caused widespread staff shortages. This significant issue had led to a 'back to basics' approach and tolerance of underperformance, undermining the original aims of the TR policy. Austerity had also affected the prisons daily regime, which led to frustrations and apathy amongst prisoners towards rehabilitation and resettlement within the prison. Organisational apathy was further exacerbated by the constant policy changes implemented in the prison, leading to a sense of change fatigue and cynicism towards the continual revolving door of policy changes, each trying and failing to improve upon the seamlessness of through-the-gate resettlement work.

Another constant of the short sentence was the insufficient time that this sentence provided to make meaningful change and plan resettlement. The re-configuration of the prison was not able to address this insurmountable issue. In some respects, the introduction of the BCST made constraints on time worse and reduced the BCST to a simplistic quantitative measurement. Staff found operating in this environment dispiriting as the same individuals would revolve through-the-gate but were not afforded the time to sufficiently address the multi-systemic issues that many prisoners had, but could only address the most immediate problems, often in a perfunctory way. In contrast, prisoners saw the short sentence as unproductive and wasted time and interpreted staff pressures as disinterest.

A central part of the resettlement prison process involved creating a more in-depth resettlement plan and making referrals to appropriate agencies within the prison. Practitioners' ability to enact a resettlement plan was inhibited by the inadequate resettlement services which often excluded more therapeutic services, poor housing provisions which were viewed as a foundational part of resettlement and poor communication with external agencies, particularly CRCs. This resulted in the resettlement process in the case study prison being experienced as disconnected and disengaged from the needs of individuals serving short sentences.

These failings meant that when individuals left through the prison gate, the support promised under TR was largely non-existent and prisoners were left to undertake the daunting process of reintegration

into the community alone. The next chapter traverses through the prison gate and explores practitioner and service user perspectives of the nascent community portion of the short sentence, analysing the licence period, post-sentence supervision and the role they play in the resettlement process.

Chapter Five: Resettlement in the community: Through-the-gate, the licence period and post-sentence supervision

5.1 Introduction

The previous chapter considered the perspectives and experiences of practitioners and services users based within the resettlement prison. This chapter explores the transition through-the-gate, as well as the post-release elements of the short prison sentence, the licence period and the period of post-sentence supervision (PSS), a 'top-up period' (NOMS, 2014) which extends mandatory post-release CRC engagement to 12 months. Perspectives from 9 frontline staff including probation officers and PSOs (probation service officers), a partnership manager, a responsible officer and practitioners from various resettlement services, such as housing are featured in order to explore how these constituent parts of the sentence are interpreted and the roles they play in the resettlement process. These viewpoints are also contrasted with the experiences of 8 individuals in the community who are under supervision in the case study CRC, having been released from a short prison sentence. Their perspectives are featured in order to understand how the licence period and PSS are experienced.

This chapter initially explores the transition through-the-gate. Practitioner and service user experiences are highlighted in order to gain perspectives regarding communication and information sharing with the prison, as well as the role the custody cohort team plays in this process. This section also captures how service users negotiate the initial days and weeks back in the community. A discussion of the licence period follows, which explores the role CRC practitioners play in the resettlement process in order to examine how an individual's initial release from custody is managed, the priorities of practitioners and the role partnership agencies play in facilitating resettlement plans. This section also covers service user experiences of supervision on licence and an understanding of the various factors which exacerbates recall.

The second part of this chapter is focused on PSS. The views and perspectives of various practitioners are featured in order to explore how PSS is understood and enacted in contrast to the licence period, the extent to which this third element of the short sentence can provide continuity with the licence period and where PSS fits into the overall resettlement framework. The perspectives of service users are also explored in order to gain an understanding of how PSS is perceived by those subject to it. Lastly, this chapter explores the concept of responsibilisation and the impact of introducing several new actors into the short sentence.

5.2 CRC practitioner and service user perspectives of through-the-gate

5.2.1 Communication with prison: an adversarial perspective

As discussed in the previous chapter, resettlement prisons were tasked with an important role in establishing prisoners' resettlement needs and communicating these with the relevant CRC. However, prison practitioners felt that community-based practitioners only infrequently engaged in this process. Conversely, community practitioners in the case study CRC placed blame on these failings with the prisons. This was encapsulated by one probation officer who was asked if he frequently communicated with prisons:

> *No, generally they will either email me a week before release asking for reporting instructions or when I find out I've got a prison release, I'll call the prison up and ask if the person has accommodation. Otherwise, it's likely the person will rock up to probation, often on a Friday and then I find out that they don't have housing. I don't want to be in that situation, where someone's coming out and I just say 'go to [the local] council'. But if I don't phone myself then there's hardly ever any feedback* (Probation officer, CP.4).

The officer's experiences of communication indicated that prison and probation both expressed doubts regarding each other's ability to communicate and share information. This suggested that this remains an endemic problem of through-the-gate work. Similarly, practitioners based in the community also asserted that there were issues with the sharing and use of the BCST:

> *Sometimes it [the screening too] was done, some would contact me, but there was no consistency whatsoever. It was often more pointing out the needs without solving any issues* (Probation officer, CP.5).

The officer's frustrations with the BCST was problematic, as this tool was developed as a central means of communicating prisoner needs to the relevant release area. However, these comments suggested that the BSCT only provided perfunctory assistance in ascertaining resettlement needs and had not been used to develop a release plan, or as a means to start this work in prison.

Several practitioners reflected upon a significant change in practice that had developed since the inception of TR, which involved an increasing constraint on prison visiting. This had resulted in a change of approach to prison engagement work. One PSO outlined the level of engagement and contact that he was able to provide to individuals in custody and the effect this had on resettlement planning:

> *We used to go to prison, in old school probation. Do a visit and get to know the person, but I don't know if many officers even do it these days. We now just write a letter to the person. I haven't done a visit for many a year….. It's fine writing a letter, but it's not the same as going and seeing them in person* (Probation service officer, CP.2).

The PSO described prison visits as part of "old school probation", alluding to a set of past practices that were no longer possible in the more constrained and desk-bound culture of contemporary CRC practice. The discouragement to visit individuals in custody signified that the prison was not a space for community-based practitioners, undermining the ideals of enhanced continuity imagined under TR (MoJ, 2013c; 2014b). Instead, through-the-gate practice from the community perspective was limited to sending a letter of introduction. This constrained the ability to build positive engagement with the individual, an important element of probation practice (Rex, 1999).

This bounded approach to practice also created a distance between the prison and the community-based practitioners. Within this distancing practitioners ability to work effectively with service users was curtailed and limited to the practitioners' respective domain, which could be a frustrating experience. Misunderstandings and a pervasive unawareness of the roles and responsibilities of the respective services could occur between the two organisations and work could become unnecessarily repeated. This was further exacerbated by an obliviousness to the constraints and impediments that each respective organisation either side of the gate faced. A housing practitioner illustrated the ineffectiveness of this working practice, discussing how it had a direct effect upon resettlement:

> *A lot of people when they come out [of prison] will be very angry because they'll say 'I've been telling people I'm homeless for the last two months and no one's done anything'. Or I'll*

get a referral and it'll be really bad quality with no information and I'll say [to the prison TTG staff] 'can you please fill out these sections otherwise the providers won't take It' and they just won't do anything else. So the person comes out and when I say 'we need to do your forms', they'll say 'I've done it already' and I'll have to tell them it was rubbish and so we'll have to do it again (Housing practitioner, CP.6).

The failures in communication and information sharing caused clear frustrations for all the actors entangled in this process. In particular, service users were particularly impacted, as important assessments would be repeated in custody and the community, causing anger and resentment as they fell between the gaps of poor communication between the prison and community, leading to the resettlement process to consistently becoming stalled and re-started at each juncture of the sentence. James, who had recently been released from the case study prison, demonstrated the reality of this frustrating experience, as he outlined his experiences of falling through the gaps, as his attempts to engage with services both sides of the prison gate proved to be a fruitless experience:

They just say to you when you get out that's when you'll see probation, but I was putting in apps every day, but it was just hearing 'there's no one available to see you and we're short-staffed'. So, you got all these criminals waiting to get out and they could be a risk to the public and they're not even doing anything to help (James, service user 3).

5.2.2 *Release from custody and the allocation process*

To ensure continuity through-the-gate, each person discharged from prison should have a named officer and reporting instructions for an appropriate CRC office on the day of release. This initial appointment was intended to ensure that individuals have support in place in the first few days of release and were aware of their licence conditions (NOMS, 2014). However, practitioners in the case study area outlined difficulties with this allocation process:

Some of the sentences were so short, that if they were only in for two weeks, they were coming out with no one knowing anything about them… So we have a lot of people coming out where there's nothing through-the-gate about it (Partnership manager, CP.8).

With short term sentences, you don't really get those cases allocated, so there's no time to do any prison work. It goes onto that big pile … If there's someone inside for a few weeks you might not even realise you have the case (Probation officer, CP.3).

These perspectives highlighted how the brevity of the sentence often meant that CRC staff were unaware of the existence of individuals serving their sentence and their imminent release into the community. This evidently displayed a lack of continuity between prison and the community and undermined the through-the-gate ethos imagined under TR. The consequences of not allocating cases before their release could mean that officers often had no awareness of the service user, of their previous engagement and behaviour in prison, or their resettlement needs until that individual was subsequently allocated post-release. A service user, Gary, outlined the realities that many individuals released from custody experienced and the effect this had on his immediate post-release resettlement:

> *I didn't even speak to probation until I was released. it was daunting to come out and not know what I was going to do next, how was I going to get a place, where was I going to be [living]* (Gary, service user 7).

Gary's experiences of release – like many others in the case study area – were an unsettling experience. This perceived absence of support significantly affected service users' perspectives and outlook towards release, leaving them with uncertainties regarding their living situation. Several service users felt they were left alone to negotiate the immediate post-release acclimatisation back into society. These perspectives reveal that the on the ground reality of through-the-gate work could be very different from the policy rhetoric.

Instead of pre-allocated appointments for individuals being released, staff in the case study CRC reported that they operated a duty rota system, where practitioners took turns to be duty officer, seeing any individual who had been released from prison that particular day and not allocated to an officer. One probation officer explained the duty officer would typically only undertake a rudimentary and cursory session with the released individual and would have little to no pre-existing knowledge of the case, their immediate resettlement needs, or any risk issues they should be aware of. This system was presented as problematic:

> *You'll have manic days where there's 4-5 releases in one day and they're not allocated to anyone. The people that are seeing them are on duty and they're not the person who's going to keep that case. And they're saying they're homeless and there's loads of issues* (Probation officer, CP.5).

The superficiality of this release system was further exacerbated when multiple people were released on the same day, who each faced a set of immediate difficulties. For example, another practitioner explained how on an initial release appointment, she established that the service user had not applied for benefits while in custody, which would subsequently make him ineligible for housing support until this was solved. This failing left the individual released from custody in a potentially problematic and stressful situation which significantly heightened the risk of returning to custody. This was impacted by the time limitations placed on practitioners, due to caseload pressures:

> *You've got an allotted time with this person to go through their paperwork, meet with him and give me the next appointment* (Probation service officer, CP.1).

The difficulties in solving immediate issues which could potentially be fundamental to the success or failure of an individual's resettlement were further exacerbated by a casework and supervision system which portioned out limited "allotted time" periods for appointments. These factors could constrict sessions to a process of production, prioritising paperwork inputs. Several service users commented upon their immediate experiences with probation post-release and some of the issues they experienced in their first appointment. Providing an example of this, Jermaine outlined the difficulties he had with probation regarding his initial appointment in the community and the potential difficulties these caused him:

> *The day I was due out I was given a form telling me I had to go to my local probation office, but the office they told me to go to, was the area I was told I was not allowed to go into as part of my licence conditions. So they wanted me to leave the prison and go straight to the area I'm not allowed to, which would of got me straight into recall. I've had to phone them up and get sent down here to this office instead. But I had to organise it myself. Otherwise, I would be back in [the case study prison] by that evening* (Jermaine, Service user 1).

Jermaine's example of the initial negative interactions he had with the two principle through-the-gate organisations, was resonant of the frustrating experiences service users often had of trying to negotiate with what appeared like a complex bureaucratic system. From the perspective of several service users, these organisations appeared to be working against them and acting as a barrier, not a positive resource, for resettlement. This subsequently added to the complications and stresses of individuals' initial post-release transition back into the community.

5.2.3 *The custody cohort team*

A body newly introduced to the resettlement of individuals serving short prison sentences was the custody cohort team. These practitioners were brought into the case study CRC as a pre-cursor to the offender manager in custody (OMIC) system, which will be rolled out nationally in the next re-configuration of probation practice (HMPPS, 2019). The custody cohort team should split their time between prison and the community, being a bridge between the two and enhancing effective communication and continuity through-the-gate. However, practitioners in the case study CRC appeared to be dismissive of the impact of the custody cohort team. For example, one probation officer outlined his perspectives of the introduction of this team into the resettlement process and the resulting impact this had on CRC practice:

> *They're supposed to do all that work in those 12 weeks before release, but clearly, that's not happening. I don't think it's changed much from what happened prior [to their introduction]. I mean before, we used to have them sat on our caseload in our names and we used to get a PD1, or a HDC, or the ROTLs[18]. It doesn't to me look like there's been an awful lot of work done via the custody cohort* (Probation officer, CP.4).

The removal of prisoners from officers' caseloads contributed to the difficulties outlined above regarding the allocation process and the communication of needs through-the-gate. It also removed community-based practitioners from the decision-making process for issues crucial to resettlement, such as setting licence conditions, or HDCs and ROTLs. This served to make the officers through-the-gate role increasingly redundant, as they limited any reach or responsibilities to individuals while they were in prison. The introduction of the custody cohort team also contributed towards the increasingly office-bound restrictions of officers, confining the space of their practice to the community and not into the prison.

There were also uncertainties regarding the visibility of the custody cohort team within the prison, with several CRC practitioners noting that many prisons seemed unaware of the existence of this team.

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[18] A PD1 (pre-discharge) form is typically filled out by the community probation practitioner and sets out the licence conditions an individual will be subject to upon release from custody. HDC (home detention curfew) entails release from custody under a home curfew, via a monitored electronic tag. Typically a probation practitioner would check the proposed release address for suitability and a risk assessment and send this information back to the prison. ROTL (release on temporary licence) involves a prisoner gaining temporary release, usually to help aid resettlement and/or to help re-build family ties. Again, a probation practitioner would be expected to undertake a check on any proposed address and a risk assessment.

A probation officer outlined the difficulties this could create on the ground and the impact this had on communication:

> *I was on duty last week and we had two people that just rocked up, nobody knew of them, so something's gone wrong. I'm not sure if the prison know that the custody cohort is there and it's their job to inform us, or if the custody cohort think it's the prisons job to inform and before you know it somebody hasn't done the job, so we don't know what's happening… We've got to a point where there are too many people there, but no one is doing the job* (Probation officer, CP.4).

The introduction of this new team created uncertainties over who should take responsibility for certain actions and with so many different prison and community-based departments involved, a void materialised, where no one department assumed responsibility for through-the-gate management. This suggested the introduction of the custody cohort team added further layers of complexity and obfuscation into the through-the-gate system. Within this void individuals released from custody continued to fall through the gaps of support.

5.3 CRC practitioner and service user perspectives of the licence period

5.3.1 *Managing caseloads and targets*

Following the implementation of TR, opportunities for supervision had been constrained (HMIP, 2019). This has largely followed by large caseloads that were enforced upon CRC practitioners (CJJI, 2016). Mirroring the pressures that prison practitioners discussed, Practitioners in the case study CRC described how exhaustive caseload pressures placed significant constraints on the space and time probation staff had with individuals on licence, as practitioners were forced to juggle competing sets of priorities. This could lead to officers feeling overwhelmed and struggling to keep on top of their cases:

> *The prison say we should know who we have [on our caseloads] and who's coming out, so we should contact them. To some degree that's right, when we used to have 40 cases and so forth [that is realistic], but not with 60-70 cases, you just can't do it. I've got 64 cases, with 60 cases in the community, you try and juggle that. And you're telling me I've got to remember I've got somebody coming out and then ring the prison* (Probation officer, CP.4).

As a result of these caseload pressures, officers described how they were forced to prioritise the individuals that demanded their most immediate attention. Inevitably that encompassed those already in the community, leaving individuals in prison deprioritised and neglected. Within these existing constraints, several officers felt that the quality of supervisory practice could also suffer, resulting in a more limited target-orientated approach. A probation officer outlined how this approach was actualised in practice and what her working priorities were with newly released individuals released on licence:

> *Pressure isn't on quality of work, it's just about meeting targets. Targets are focused towards compliance with the licence, instead of any end result. So you would just get them through that licence period so that someone doesn't need to be recalled* (Probation officer, CP.3).

For officers on the ground, pressures could lead to supervision becoming reduced to a very perfunctory discourse that emphasises getting someone "through" the licence period as painlessly and efficiently as possible, in order to quickly move individuals onto the next stage of their sentence. This approach sacrificed achieving a more meaningful and sustained level of engagement and distanced practitioners from their service users. James outlined how this time-bound approach to supervision was interpreted by individuals subject to it:

> *Probation just don't really have time… You're just another appointment to them and you don't feel you have the time to really work on things. They just want to say they've seen you and get you out the door before their next appointment* (James, service user 3).

Data collected from service users suggested that the perfunctory model of supervision practice was viewed as remote and uncaring. Many service users expressed a belief similar to James, that they were just "another appointment" being seen on a conveyer-belt by overburdened officers, who lacked the time to meaningfully engage. This limited discourse had replaced a more relational and explorative supervisory practice, leaving service users to feel unimportant and their needs neglected.

5.3.2 Resettlement services in the community

TR through-the-gate work envisioned that a range of innovative community-based providers would help support resettlement in areas such as substance misuse, ETE, housing and debt support (MoJ, 2013c). In the case study CRC, some of these providers (such as housing and ETE) worked in-house

within the CRC office, while others (including the locally contracted substance misuse provider) had their own separate office. However, some CRC staff felt that this signposting model further altered the relational aspects of supervision:

> *The ethos is you're supposed to be doing less work with the service user because we farm people out to other agencies* (Probation officer, CP.4).

These comments suggested the signposting model encouraged an 'arm's length' approach to service users, where much of the resettlement work was contracted out to other services. Rather than being seen as an added addition to probation supervision on licence, they were viewed as a replacement of it. Within this context of "farming out" resettlement work to other providers, the role of the probation officer was reduced to monitoring and ensuring the individual was attending the necessary appointments. This restricted opportunities for more meaningful therapeutic or offence focused work and further contributed to distancing the service user from their officer. Moreover, practitioners felt that involving additional partner agencies into post-release supervision further exacerbated upon the poor communication and information sharing issues that were already in existence in through-the-gate work. This could have negative implications for service users:

> *We've got agencies that are based here, we refer people to them and we still don't receive any feedback. The problem is that if people do not provide feedback you can lose the service user and not know where they are. Because if you farm them out to someone else and they don't turn up and that person doesn't feedback and let you know, then a month can go by and you don't know whether that person has engaged* (Probation officer, CP.4).

The failures of poor and inconsistent communication and feedback were further exacerbated by a lack of integration and conformity between the CRC and the service providers. Each provider had their own distinct bureaucratic processes of assessment and admittance, which many practitioners described as inflexible and bewildering. A probation officer explained how she had been working with a service user that she described as "a classic revolving door case", with longstanding substance misuse issues. This individual had come to a decision that he wanted to change and so went to the local substance misuse project. However, once the individual entered the project, he was told he would have to come back another day and attend a group session, then wait up to 4 hours to see a member of staff. The officer lamented that the service user refused to do this and never went back,

subsequently losing his motivation to tackle his drug use. The officer reflected upon the perceived inflexibility of partnership services and the importance of having good signposting services available:

That's the case with supervision for short term custody cases because you might just nab a few people that are just ready that you might not have done before, but everything has to be in place… we can be this lovely signposting agency, but unless you've got good services to signpost people to, we're stumped (Probation officer, CP.5).

5.3.3 *Delivering resettlement in the context of austerity*

Despite the misgivings regarding service providers, there was also a widespread recognition that many of the signposting services were also suffering from cuts in funding and associated staff shortages. These had taken place within the wider socio-economic context of austerity measures, which affected many public services (O'Hara, 2014). A probation officer outlined how this impacted on the quality of service that could be provided:

Our substance misuse provider have had a lot of cutbacks. There's been a lot of staff changes and they're not able to provide a top-notch service, they're struggling. Which impacts down on how we can help people (Probation officer, CP.5).

These perspectives further demonstrated how prison and community practitioners faced the same restrictions on available resources and macro-level barriers acted as barriers to providing resettlement support. Service users were particularly impacted by the widespread cuts the signposting services faced. They also had wider consequences regarding how supervision was interpreted. Jermaine illustrated how service users were affected by these macro-level issues in day-to-day practice:

When I first came here, the officer said 'I can do this for you, I can help you with that'. I was actually thinking 'things are looking up, my probation officer is going to help me!' But by my third appointment, I was just like, 'why am I even coming, nothing is even happening!' I was going to the appointments, but none of those promises were coming through (Jermaine, service user 1).

The failings of the signposting model have seemingly been a factor in leading service users to distrust officers through what was perceived as a litany of broken promises and feeling let down by the probation system.   This could have potential implications for engagement with post-release

requirements. In Jermaine's case, this subsequently led him to feel that his supervision sessions were unproductive and he was left unable to move forward and progress with his resettlement.

In addition to the impact of austerity measures, some staff described how the universal credit benefits system had negatively impacted on resettlement. The universal credit system has come under fierce criticisms for its built-in delays to payments, meaning that many individuals released from prison do not receive any money until six weeks or more after their release (ACMD, 2019). A business manager felt that this delay placed huge strains on individuals serving short sentences and was a catalyst for re-offending:

> *The welfare benefits change to universal credit is making it really difficult for us. Ideally, we want people to come out and immediately have access to benefits, but they often aren't able to get benefits until 6-8 weeks after release. So if you come out of prison, you have nothing and we're trying to stop this guy from re-offending, giving them no help to 6-8 weeks later is not a good recipe for success. He gets desperate and he's going to have to do something* (CRC business manager, CP.9).

A further constraint that many practitioners from the case study CRC faced in the community was housing, with significant difficulties experienced in finding accommodation for service users. The re-emergence of this particular issue, which prison practitioners also outlined as a significant problem, reiterated that housing was a foundational issue which significantly inhibited any progress being achievable without this crucial element of resettlement being in place. A PSO outlined this issue from the perspective of community practitioners:

> *In prison, they would always say 'probation will set you up with housing'. We got that message all the time and it's just not true, housing is out of our remit to fix. We suffer like everyone else because of housing, all we can really do is refer them to the council* (Probation service officer, CP.1).

The frustrations of the PSO regarding the actions of prisons reflected a wider complaint that many CRC staff had, that custody would shift responsibility for important resettlement issues such as housing over to community practitioners. This clearly frustrated CRC practitioners and service users

who would feel let down when this failed to materialise. This also further indicated towards the disconnection and lack of continuity between prison and the CRC.

The inability to influence the governmental practices and policies such as housing, the benefits system and wider austerity cuts, demonstrated that issues beyond the control of a single practitioner, or organisation, could have a hugely detrimental effect on the resettlement process. Furthermore, these macro-scale issues disenfranchised probation practitioners and significantly constrained their ability to engage service users and affect change, as related by a business manager:

> *A lot of it is outside of probation's ability, how the benefits system works is based at such a high-level ministerial decision. We can't change the housing stock that's available. We're a victim to these things the same as everybody else* (CRC business manager, CP.9).

These comments by the business manager were reflective of a wider impotence that CRC practitioners felt in their ability to effect change in the current climate. Clearly, these wide-scale issues also negatively impacted service users' reintegration into the community. One service user Imran, highlighted how macro policies such as universal credit and housing shortages could impact on an individual's ability to successfully resettle back into the community. Following his return to prison, he recalled:

> *When I was first released I was homeless and begging to get money for food, as my benefits were not open. I was released with no benefits and it can take 5 weeks to get set up after release, so I was left with nothing. I shoplifted again so I could eat, nothing was set up… no one chased anything up for me* (Imran, service user 2).

Imran's reflections illustrated the wider concerns of service users, of the inability of the CRC to affect these issues, including managing the benefits system, negatively impacted the chances of successfully reintegrating and increased an individual's return to the revolving door of prison. In Imran's case, the inability to resolve these issues had led to recall to custody.

5.3.4 Recall to custody during the licence
A significant aspect of the ORA 2014 was the addition of the supervisory licence period (and the adjacent enforcement rules for PSS) which could result in a return to custody for non-compliance or

further offending[19]. The introduction of this legislation has witnessed an exponential rise in people serving short sentences returning to custody (HMIP, 2018a). Exploring practitioners' views on recall to custody provides an important understanding of why this rise has occurred. A probation officer provided her perspective regarding this exponential rise:

> *New staff are scared that your name might be linked to a serious further offence and you better be safer than sorry. What I've seen is people getting recalled for things that shouldn't be. It depends on how confident the worker is* (Probation officer, CP.3).

The officer noted a concern shared by several practitioners, related to the changes to staff personnel post-TR. The changes in staff turnover created inexperienced practitioners who were more restricted in their practice and exhibited less individual autonomy. New practitioners were perceived as less comfortable in showing leniency and less skilled in using professional judgement and the relational aspects of supervision in order to secure a more meaningful sense of compliance. In this sense, recall became relied upon more as a primary tool of enforcement.

In addition to newer practitioners, even more experienced officers indicated that recalls were commonplace for those serving short sentences because of concerns about their likelihood of re-offending. A PSO outlined this attitude and his particular perspective regarding individuals he supervised on short sentences:

> *It feels like you can be constantly doing it. We're doing it so often because it's that type of service user. Their risk of re-offending is high, so it's just part and parcel of it* (Probation service officer, CP.2).

Particularly with the short sentence cohort, the recall process had become a normalised aspect of practice[20]. Practitioners also indicated that the multi-systemic needs of individuals subject to short sentences had contributed towards the normalisation of recall amongst this group. Practitioners held a pragmatic view towards their cases and made clear distinctions between those who they saw as

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[19] The licence period and PSS have differing enforcement procedures. The licence period allows an automatic return to custody through the standard recall procedures, while the PSS period requires a return to court via breach proceedings and a fixed period of recall (NOMS, 2014).

[20] 8,927 people serving a sentence of less than 12 months were recalled to prison in the year to December 2018, more than those serving sentences longer than 12 months, or those with indeterminate sentences (Prison Reform Trust, 2019).

motivated and able to make changes and those that were not. These perspectives demonstrated a clear parallel with the views and attitudes of prison officers in the case study prison. This created a bifurcated system, between those deemed able to abide by their licence conditions and those that were not. This bifurcated system was made necessary by practitioners who faced restrictions on resources and time and in turn made judgements regarding who they were able to invest in, as revealed by one PSO:

> *In terms of sussing that person out quick in supervision, it'll be 'that person is going back, he's going to re-offend, he's not going to re-offend, I can get something out of this person'* (Probation service officer, CP.1).

The concept of bifurcation has received attention since the inception of TR (see: Burke and Collett, 2016; Robinson, 2016). However, the focus of bifurcation in these examples are in relation to its occurrence on an organisational level due to the risk divide enforced through the NPS-CRC service split. However, this research contends that it also occurred on the ground on a micro-level regarding service users ability to successfully resettle. The conditions that constructed this bifurcation were forged through the implementation of TR and the subsequent limitations placed on staff time, due to high caseloads. Although it could be construed as uncaring, staff faced challenges in allocating limited resources (and emotional investment) in those they perceived as likely to fail.

A group who were often consigned to this label were problematic drug users, who several practitioners viewed as unmotivated and uninterested in their own resettlement and were unlikely to avoid returning to custody. These individuals had previously been described in the literature as the most entrenched of the short sentence population (Armstrong and Weaver, 2010) and in-part the formulation of through-the-gate practices under TR and the ORA 2014 were designed to provide support with these types of cases (Ministry of Justice, 2013c). A responsible officer outlined her perspective of supervising individuals with substance misuse issues:

> *If they're on heroin and crack, I find those service users harder to engage. They turn up when they want… they always fall off and go back to drugs, it's just going backwards and forwards* (Responsible Officer, CP.7).

The comments of the responsible officer suggested that for individuals with the most deeply entrenched needs, the implementation of TR had not served to alleviate their issues. Instead, the attendant licence conditions and supervisory framework introduced under TR had served as a 'landmine' (McNeill, 2018) and acted as an additional catalyst in their re-cycling around the revolving door, further deteriorating chances of successfully reintegrating back into the community.

5.4 CRC practitioner and service user perspectives of Post-sentence supervision

The final part of the newly reconfigured short sentence, was post-sentence supervision (PSS). This nascent requirement commenced directly after the licence period elapsed and was introduced under the ORA 2014 in order to extend post-release supervision and ensure that every individual released from prison from a short sentence received 12 months post-release supervision in the community. This additional requirement could be distinguished from the licence period in several ways. One unique feature of PSS comes from its expressed aim of "rehabilitation" (NOMS, 2014:5) that policymakers developed for this sentence.

Each CRC area had its own operating model for PSS (HMIP, 2019:20). The CRC where the fieldwork was undertaken implemented a sub-contracted model. This model gave responsibility to a third sector organisation (TSO) for the supervision of PSS for all males aged 26-49, (unless there were outstanding court appearances). This further distinguished PSS from the licence period by expanding probation supervision to a new third sector actor, with the aim that these practitioners held specialist skills and had local knowledge of resettlement services (Mythen et al., 2012). In practice, this meant that once the licence period was completed, the individual was transferred from a CRC officer to a new third sector practitioner, known as a responsible officer (RO)[21]. PSS also entails a different set of guidelines to supervision and requirements of enforcement practices. The study shows that these unique features caused a considerable amount of ambiguity and concern towards how PSS operated in the case study area.

5.4.1 Ambiguity about purpose

The first ambiguity concerned a wider understanding of what PSS entailed. Practitioners and service users seemed uncertain or in some circumstances unaware of PSS and how it differed from the licence

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[21] Anyone outside of the 24-49 age criteria or had any outstanding court processes, stayed with their existing officer in the CRC.

period, with staff frequently unable to articulate a clear connection between the two periods or convey a distinct aim or purpose to PSS. Reflecting this, one PSO observed:

> *When I go through their licence conditions with them and I make them aware that this is the period that we can recall you and this is the period that you're not going to recalled, yet you still have to come into probation for another 10 months, they don't understand the link between them. I don't think the service user actually knows what they are. If I said 'you're now on PSS', they'd say, 'what's that?'* (Probation service officer, CP.1).

This quote reflected staff misconceptions of PSS, who felt service users failed to understand that there were two distinct periods to the post-release elements of their sentence and many did not recognise they were subject to PSS. That the distinction between the two parts of the sentence was communicated in terms of recall powers, indicated that the rehabilitative aim envisioned for PSS, had not been clearly understood by practitioners, nor filtered through and transmitted to service users. This meant that service users and practitioners often failed to see a clear connection between the two post-release elements. Similar views were exhibited by those subject to it. For example, one service user, Imran, who had just transferred from his licence period to PSS, said the following in interview:

> *What's PSS? The post-sentence thing? I don't know what PSS is for, I'm not sure really, it's all just probation to me, just a different name for the same shit* (Imran, service user 2).

A further uncertainty that practitioners had regarding PSS, concerned widespread confusion regarding the enforcement actions that service users were subject to. A probation officer explained some of the ambiguities that practitioners experienced between administrating the correct sanctions for the licence period and PSS:

> *When you get the licence, you have the licence conditions. Then you have PSS with the same conditions. On the licence conditions, it says not to travel abroad and on PSS it says the same. But they're also saying that you need to treat PSS just like its normal supervision. And people on supervision can leave the country. I asked an ACO can they go away and she said yes because its supervision and you can't hold them to the same stringent conditions, because they're not on licence* (Probation officer, CP.4).

From a practitioner perspective, the distinction between PSS and the licence period was often unclear and this was typified by a widespread uncertainty regarding the use of the correct enforcement

procedures. This confusion was emblematic of a wider struggle of practitioners to locate and categorise PSS into a definite classification and identity. Within this ambiguity it became labelled as a patchwork sentence, alternating between a quasi-Community Order, pseudo-licence period, with no clear and definitive domain. This uncertainty could then transfer to a perspective from probation practitioners that PSS had insufficient penal bite in comparison to the stricter licence conditions. A PSO outlined the consequences this had on the ground when supervising individuals:

> *They'll just say 'I can't be recalled', or 'I don't have to do that', they just see it as something that they don't have to engage with. I think that they know once the recall period is finished, that with the breach element of the order there are only certain things you can do, it's not that scary* (Probation service officer, CP.1).

Practitioners felt that the lack of teeth to PSS meant many individuals subject to it would fail to comply. This outlined a cynical perception of the service user population that PSS was something to reluctantly endure, rather than a valuable rehabilitative component. It also indicated that because the sanctions involved with PSS were less onerous than the licence period, PSS was intrinsically less valued as a sentence and held less weight. The RO, whose role was to facilitate PSS, felt that the ambiguities that officers had of PSS, caused incorrect information to be passed onto service users, creating difficulties for the RO to effectively engage with service users:

> *They'll tell service users they're not on their licence, but they are, it says PSS, but it's still part of their licence. They don't get it. They'll tell service users they're not on probation anymore when they hit PSS, but they are* (Responsible officer, CP.7).

The views of the RO also further demonstrated the different interpretations and frequent misunderstandings practitioners had of PSS and the adjacent role it plays to the licence period. In this case, the RO seems to characterise the licence period and PSS as one singular sentence - with the same set of licence conditions - while other practitioners understood PSS as a separate, less valuable sentence with no recall powers. Both of these interpretations seem to have failed to fully understand the correct procedural processes of the sentence.

An overriding cause of the uncertainty regarding PSS was the wider TR reforms which enveloped these post-sentence arrangements. In effect, PSS was just one element contained within a much

larger organisational shift that significantly altered probation practice and caused widespread confusion on the ground. A partnership manager discussed the role the wider TR reforms played and the effect this has had on the implementation of PSS:

> *I don't even think it's a wider PSS problem, I think it's a wider probation problem. There's just been changes coming in on top of changes. This new PSS coming in at the same time as TR, meant that by the time people had gone into their new cohorts they were suddenly managing all these extra cases and it was like 'god, what is it that I'm actually supposed to be doing and who are all these other services?' and things were very fragmented* (Partnership manager, CP.8).

Implementing PSS alongside wide-scale changes that involved huge ruptures to working practices, meant practitioners were not given sufficient time and space to acclimatise to the radical changes brought about by TR and so reforms contained within this overriding agenda suffered. This further indicated that practitioners in the community felt similarly tired of endless changes and like their counterparts in prison, also experienced a sense of change fatigue.

5.4.2 *Ambiguity about allocation, transfer and communication between the CRC and TSO*

The ambiguity towards PSS was also realised in the allocation and transfer of service users from a CRC officer to a RO once the licence period had elapsed. Again, this concerned issues with communication, although in this case, the communication difficulties were between CRC practitioners and the responsible officer from the third sector. This was well highlighted by a partnership manager, whose role was to manage the contract with the TSO responsible for PSS:

> *We have a big problem with transfer cases. Officers aren't recognising that people have gone onto PSS and so aren't transferring them over. We're continuing to manage a whole load of cases, that we're actually paying [the TSO[22]] to manage. So we're doing extra work, while [the TSO] are getting paid to do nothing* (CRC partnership manager, CP.8).

This demonstrated how a lack of understanding or awareness about PSS translated into difficulties on the ground and confusion over the correct management of cases. That these frustrations concerning transfer cases were primarily understood in a financial sense by the partnership manager, rather than

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[22] In order to protect anonymity quotes do not identify specific TSOs.

the implications this had for the individuals subject to these issues, indicated the domination of financial imperatives in CRC practice. One PSO further explained how the incertitude surrounding transfers occurred on the ground and contributed towards antagonism between practitioners:

> They only work with the 25 to 49-year-olds which I find ridiculous. I had one today, where the [TSO] officer said, 'oh you tried to sneak that one in' because he's 54. But I lost track of the ages they work with, I thought it was 55. But I don't see the difference between working with a 54-year-old to a 49-year-old. If we can keep a 50-year-old, then why not keep a 40-year-old? What's the point in them then (Probation service officer, CP.2).

The PSOs viewpoint underlined a wider ambiguity that practitioners held over the precise criteria and eligibility to transfer an individual to the TSO once they reached the PSS stage. The criteria for transfers was viewed as limiting and confusing and caused resentment towards the wider transfer process that the case study CRC utilised. The comments of the PSO also highlighted that the case transfer ambiguities were a catalyst for an antagonistic relationship between CRC practitioners and the RO, particularly as the RO was deemed by practitioners to be resistant to taking on cases. In contrast, the lone RO for the case study area articulated her perspective of the antagonistic relationship with CRC practitioners, outlining a vastly different viewpoint regarding transfers, offering her alternative perspective on this contentious issue and further supported the reality of tensions between the two organisations:

> There's been a few issues, especially because I was new here and they were used to the person before, where I am more like 'if they don't meet the criteria, it's not happening. If OASys isn't done, if the age isn't right, you keep them (Responsible officer, CP.7).

The antagonistic relationship between CRC and TSO practitioners was further reinforced through a lack of clarity regarding communication that occurred on the ground. Many practitioners in the case study CRC perceived that the lines of communication were often difficult and opaque. Highlighting this wider concern, a probation officer discussed the challenges this had on day-to-day practice:

> It's just the one [TSO] person in the office, so we don't get any feedback. I don't think there's enough direct contact and we need more. If somebody isn't doing something they should be, or if one of my colleagues has an issue with me, then the management is here, but with [the TSO] it's not (Probation officer, CP.5).

In the case study area, there was only one RO who worked from the office two days a week and was solely responsible for all PSS cases in the area. The TSO also had no visible managerial presence and this exacerbated issues in regards to the ability to solve issues promptly face-to-face. This resulted in advocacy for the PSS model becoming measured on a highly individualised basis and according to personal perspectives.

Practitioners also expressed frustrations regarding the process of handing over an individual once their licence period had been completed, particularly when they had already commenced a resettlement plan. A PSO illustrated this point by outlining her experiences of transferring a case to the RO once she had started to enact changes with the individual:

> *I'd been meeting with him for a few weeks, I did referrals for ETE, I contacted the attendance centre and then I was told the case is being transferred! You feel really like, 'I've just done a piece of work here and now someone else will take credit for it!' I'd made that initial contact with somebody and you've done a little bit of work. I do feel like 'oh no, I shouldn't have bothered!'* (Probation service officer, CP.1).

Other CRC practitioners also felt that moving an individual on to a new practitioner effectively limited their roles, severed any relational gains and hampered continuity. In turn, this could harm the actualisation of a resettlement plan. Without being able to share in a tangible end-result, practitioners articulated a view that the existing PSS sub-contracting model encouraged a culture of ambivalence and detachment. A partnership manager further advanced these concerns and discussed the impact that the transfer process had on service users:

> *There's a big thing about building that relationship with the service user. It's actually not about just holding their case, but getting your teeth stuck into them for 12 months. Because if I was working with someone for 12 weeks and things were going well and I promised them X, Y and Z and they go to someone else and they are not as onto it, it could be quite damaging* (Partnership manager, CP.8).

In effect, the limited time-period practitioners had with service users, discouraged them from taking a long-term approach, where a relationship could be developed and instead only provided space for

a more distanced and superficial approach. Several service users also voiced an apprehension regarding the potential damage the sub-contracting model could do to the trust in their officer and the relational value of supervision. Luke, who had just commenced his PSS, outlined his perspectives of being transferred to a different officer:

> *I'm not seeing my probation officer anymore, you're just seeing some charity worker from [the TSO] so I won't tell them nothing, I'm not going to sit and talk to them, I'd rather see my own officer who knows me* (Luke, service user 6).

The retreat away from an open and trusting relationship with the RO was emblematic that some service users viewed the TSO staff as less valued than a qualified probation practitioner. The issues and uncertainties regarding transfers between the licence period and PSS mirrored concerns outlined with the other stage of the sentence that necessitated a transfer, the transition through-the-gate between prison and the community. Adding an additional service provider into the short sentence, further undermined continuity and caused additional complexity and disruption to the resettlement of the individuals subject to this sentence.

Within this framework, the resettlement process was constantly re-starting at each juncture of the sentence. The service user was forced to constantly start again each time they moved forward into the next stage of the sentence, as the poor communication between the different agencies hampered continuity and undermined the ideals of a seamless transition between these three disparate elements of the short sentence. This meant that all stages of the short sentence lacked cohesion, undermining continuity in post-sentence provisions. Ben articulated his experiences as a service user of traversing through these different elements of the sentence:

> *They switch up your probation worker so often. You get a bit of trust and build up some rapport and then all of a sudden you've got a new probation worker, they don't know anything about you, you got to build up that trust again. Some of these probation workers don't give a fuck, it's easier for them to recall you* (Ben, service user 5).

Many services users asserted a belief that they felt passed around between different practitioners, unable to build trust and make progress, with the resettlement process constantly stalled with each move and frustrations created through re-starting resettlement plans and applications. The

transition from licence to PSS should have indicated an individual's progress, as they moved beyond the official parameters of the prison sentence and into a different sentence which is ostensibly based on rehabilitation. However, the transfer process undermined the idea of PSS as a progressive move away from the licence. Instead, it became viewed as a frustrating experience of starting again, as service users felt like portable entities, with their unmet resettlement needs and the responsibility for them, passed onto a new practitioner. This research underlines the similarities between Robinson's (2005) findings and the current system of practice for resettlement. This research subsequently contends that TR had not only further entrenched 'pass-the-parcel' supervision into everyday practice, but exacerbated its use by adding a third actor into the existing framework.

Illustrating the realities of starting again at each juncture of the sentence, the RO faced particular challenges in supervising cases when they were passed onto her. These service users were transitioning to the third part of their sentence, which should mean that the role of RO was to consolidate resettlement work that had already been commenced. However, the on the ground reality did not conform to this:

> *When they're on licence, the main target of the probation officer is the OASys, which you have to do in 15 working days of release, everything else gets forgotten. Then it's on to PSS and we end up doing everything. Most of the time we start fresh with that service user and start from the beginning. Usually, the probation officer hasn't done any referrals, literally, you do it all, it's like starting again* (Responsible officer, CP.7).

The overriding targets that the CRC practitioners faced, such as completing the OASys, relegated the importance of more expansive resettlement work. This left ROs with the potentially daunting task of "starting again" with the service user. In effect, this resulted in individuals subject to a short licence only beginning to undertake any resettlement work once they had commenced PSS, the last element of the short sentence. This could be several weeks or even months into an individual's release. By necessity, this also resulted in much of the work undertaken in PSS becoming very practical and focused upon foundational issues that had not previously been addressed. One example the RO gave of this involved seeing a service user who had not received benefits and had no suitable ID, weeks after release from custody.

5.4.3 *Concerns about the value of light-touch supervision*

A significant contributing factor towards the disillusion with PSS and the concerns regarding the practices of the TSO, centred on a controversial feature of PSS called "light touch" (HMIP, 2019:21). Light touch involved a reduced intensity of support and supervision and caused consternation amongst numerous practitioners. A partnership manager outlined the ambiguity shared amongst staff concerning light-touch supervision and the uncertainties practitioners had regarding what light touch entailed in practice:

> *The only thing that's different is its [PSS] labelled light touch, whatever that may mean. Light touch could mean they get seen less often, or they have telephone contact. But that has been happening more in [the TSO] than it was in the CRC* (Partnership manager, CP.8).

The partnership manager echoed the concerns of numerous practitioners who held considerable trepidations of the practices of light-touch supervision and who felt that it was TSO primarily utilising this model of practice. These concerns were primarily centred on ambiguities on how light-touch operated in practice, and the different interpretations practitioners seemed to have of it. However, the RO refuted these CRC staff perspectives:

> *There is no light touch. Literally, everything that we do, we shadow the CRC. All our targets are the same. We send all our referrals to the same places. We do case recording the same, we do OASys the same, there's no difference. When they say light touch there's not, it's exactly the same, but I just deal with the PSS stage* (Responsible officer, CP.7).

The RO asserted that concerns with the light touch model of practice had been used unfairly by CRC practitioners to devalue and illegitimate the work of the TSO. However, practitioners were concerned that there were no clear guidelines concerning what light touch meant in practice and it appeared to have been interpreted in different ways. This led to one probation officer question how a light touch model of supervision could be utilised with a short sentence cohort who often had a range of multi-systemic issues that needed addressing:

> *I treat all my cases the same, there's no light touch. I saw one guy this morning, he's on PSS, he's got no job, his benefits have been sanctioned, he's got no clothes, he's got no food. How light can one touch that?* (Probation officer, CP.4).

Although practitioners held a belief that individuals serving short sentences required an intensive hands-on level of support, in reality, the light-touch model encouraged a more distant approach from practitioners and reduced the supervisory role of officers to signposting individuals to suitable agencies and then monitoring their engagement and progress. Signposting received wider criticisms from practitioners and a probation officer well captured how this signposting model worked on the ground:

> *Everyone said you're just going to see them for the first bit for their licence, then it'll go into the light touch and you'll be signposting them to all these other agencies and wonderful things that are going to be there and that hasn't materialised. I think the whole PSS thing hasn't really worked* (Probation officer, CP.5).

Echoing the concerns of other practitioners, the probation officer underscored how the rhetoric of the signposting model had failed to evolve into reality on the ground, with many pathway services either inadequate or non-existent. This fatal flaw seemingly undermined the ability to supervise individuals with a light touch and the promise of rehabilitative support from specialist practitioners. This study suggests that there was widespread apprehension from CRC practitioners regarding the efficacy of the TSO staff and their capability to produce any positive achievements that were unique from what was already readily available, these concerns were captured by one probation officer:

> *I genuinely don't know what they do with people when they see them! I think they were supposed to do the whole signposting thing, but [TSO] are the same as us, they don't have the resources to signpost them onto. They don't have a store of stuff that we haven't got and we haven't got a store of stuff that they haven't got* (Probation officer, CP.3).

Probation staff recognised that TSO staff could also do very little with the limited resources available to them, as they faced the same barriers to service provisions. Officers recognised the issues with PSS were not purely based on a micro-level with individual concerns about staff, but that there were wider problems with available signposting services. However, that both the CRC and the TSO had access to the same services raised wider concerns regarding the efficacy of the signposting model and the aims and purpose of PSS. Practitioners felt if the PSS model used was not able to facilitate its core role of aiding rehabilitation, then staff questioned its purpose. Sean, who was subject to PSS, provided a service user perspective of the realities of the signposting model and outlined his struggles with various aspects of his resettlement needs and the inability of TSO staff to help with this:

I personally don't think I've been helped. With housing, I just keep getting told the same thing, that their hands are tied and they can only do a certain amount. I'm not getting a lot from my job seekers, I'm trying to get work, I'm trying to view flats, but travel is expensive. At the moment I'm just staying on friends floors, I'm not getting that help from anyone, really (Sean, service user 8).

The perceived failure of the RO to instil any meaningful change beyond what could already be achieved by the CRC meant that service users felt stuck and unable to make progress in their resettlement. This further suggested a failure to articulate and shape the expansive and abstract aim of rehabilitation (NOMS, 2014) into a tangible and realisable goal.

The ambiguities of light touch subsequently led to HMPPS mandating that all service users would be seen a minimum of once a month (HMIP, 2018b). This announcement had been made shortly before fieldwork took place. This frustrated several practitioners and combined with concerns regarding poor signposting options, caused uncertainty from one probation officer regarding what could be achieved with PSS and how service users would respond to this change:

A lot feel like 'I've done my time, why am I still coming here, what are we discussing?' especially if it's supposed to be light touch. Light touch used to be 6 weeks, 8 weeks, but now it has to be every month. Somebody who's done 4 weeks, so 2 weeks custody, 2 weeks licence, then its 50 weeks of coming here once a month, to do what? What do you do with them? It's just wasting their time (Probation officer, CP.5).

The probation officer articulated a concern that was held by other staff that the 12 month supervision period was redundant and served little purpose for some service users. In particular, the minimum contact requirement was viewed as taking up valuable resources and staff time. The views of this practitioner indicate that administering PSS to all individuals on a short sentence, regardless of risk or need, becomes a catch-all, with no individualisation of suitable practice for service users not requiring that length of supervision. The move towards minimum contact times had also seemingly caused resentments with service users, positioning supervision as an unproductive use of time for both actors. Michael captured these service user frustrations and provided an overview of what light-touch supervision entailed:

About ten minutes. 'Is everything alright?' 'Yeah', 'ok then'. They could just do supervision by text message, 'I hope you're doing this'. I'd rather do that then have to spend money to come down here (Michael, service user 4).

The very perfunctory nature of supervision encouraged under this model, entailed a very cursory check-in and seemingly provided no rehabilitative value, serving no real purpose and wasted the time of supervisor and supervisee. Although practitioners largely understood light touch within the lens of the frequency of appointments, in practice light touch also translated to the intensity and level of engagement of supervision. Concurring with this pessimistic outlook of PSS, a probation officer questioned the purpose of PSS, noting the disconnect between the policy rhetoric and the reality on the ground:

I think the idea was lovely and when you read it, you think yes, people aren't going to come out and be left on their own and get so much extra support. Well, they don't. What they get is the misery of coming to probation for a year! With no extra, no plus side to it (Probation officer, CP.5).

The overriding purpose of PSS was to extend support to a previously neglected service user group, however, this extension came with a commitment of enhanced rehabilitative support. Practitioners widely felt that this reciprocal accord had not been followed through, leaving service users with additional oversight and responsibilities, but without meaningful help with their resettlement needs. In the absence of achieving any meaningful objective, a partnership manager held a cynical view that the motives of the TSO were primarily financial:

We're just managing people, it's almost just a numbers game, so the more people they get the more they are paid (CRC partnership manager, CP.8).

In comparison to other attempts within the criminal justice system to form a collective brand around a particular sentence (Annison et al., 2015) this research did not find a cohesive identity emerging between the two actors involved with post-sentence interventions for individuals serving short sentences. Instead, there was an antagonistic relationship on the ground between CRC and TSO practitioners. This indicated a failure to form a collective set of goals that encompassed the

licence and PSS periods to complement each other and provide a cohesiveness to resettlement. Instead, these elements were viewed by practitioners as two disparate and disconnected entities.

The literature review outlined fragmentation as being a core issue in contemporary practice concerning TR (see for example: Dominey, 2016; Robinson et al., 2016; Deering and Feilzer, 2015). However, this fragmentation was primarily outlined as existing between the CRC and the NPS, fracturing probation into two distinct services. This research contends that fragmentation subsequently existed within the case study CRC, occurring internally between the CRC and the TSO.

Previous literature regarding TR also outlined emerging cultural differences between CRC and NPS practitioners, that contributed towards a perception that the CRC inhabited a second class status (see for example: Clare, 2015; Kirton and Guillaume, 2015). Findings from the case study CRC posit that the fragmentation and legitimacy concerns position TSO practitioners as a perceived third class of offender management, operating at a level below those of CRC staff. In effect, CRC staff locate themselves and sustain their own legitimacy, by being more able and legitimate practitioners than the third sector staff.

A consequence of TR has served to foster a culture of competitiveness between the various actors charged with offender management. This culture was mobilised by a marketised and privatised system of practice, creating an environment where the two primary organisations charged with facilitating resettlement appeared to compete with each other for legitimacy, instead of forming a collective badge that worked together to facilitate resettlement.

5.5 Responsibilisation

The concept of responsibilisation was explored in the literature review and highlighted as a common feature of late modern penality. Responsibilisation involves placing responsibility onto service users for their own resettlement and removing culpability away from the various criminal justice actors. Data from the case study area suggested that prison-based and community-based practitioners promoted attitudes of responsibilisation to their service user groups. For example, a prison-based careers advisor relayed her attitudes towards prisoner resettlement:

It depends on if they really want to engage. If they really want to engage and are motivated, they can get quite a lot from the prison (Careers advisor, PP.2).

Despite the multiple blockages and barriers to resettlement that the prison instilled, several prison practitioners articulated a belief that it was reliant on the prisoner themselves to engage with help and support. A prison-based mental health practitioner held a similar viewpoint to her colleague above, but when asked how prepared individuals are for release, she made a clear distinction between different service users:

It depends on personal circumstances and the complexities of their needs. Some are suited and booted and are much more capable than the others. Some are determined to turn their life around and actually very keen to engage with people and very keen on doing things for themselves. However, quite a lot of them rely very heavily on people to do everything for them (Mental health practitioner, PP.9).

The mental health practitioner divided prisoners into two distinct categories, those that were ready and able to engage, or who were "suited and booted" and those that were more reliant on help and support. This again reinforced the idea of a bifurcation in resettlement practice and outlined that some service users were more ready than others. A community-based PSO elaborated on this theme and explained how responsibilisation worked in a bifurcated system:

Some people, they come out and if they're ready to engage it's very different and then you can actually do stuff with them, but they've got to be ready. You see them go round and round and round and then it'll come to a point with them and you'll actually see a difference and they recognise that they've come to a certain point in their life. That's when you can work with them, that's when you can actually do something. I think it's got to come from them, at that point (Probation officer, CP.2).

The officer reaffirmed a wider attitude that some service users were more ready and susceptible to change than others. However, instead of promoting the belief that a practitioner can help move an individual towards change, the responsibilised attitude posits that this can only come once the service user had reached a position of readiness. In effect, service users were responsibilised to reach an internalised level of commitment to change, before the practitioner could undertake meaningful work

with them. A RO charged with facilitating PSS held a negative view towards those deemed not ready to change:

> *They say they want housing, but don't attend the housing appointments. One guy came out homeless, so we tried to get him help with housing, but then he never turned up or was always late* (Responsible officer, CP.7).

The RO underlined a frustration that many other practitioners articulated, that service users wanted help but seldom showed responsibility to achieve any of these goals. This again served to negate the role of the practitioner in motivational aspects of supervision or as a role in bridging capital to service users, as well as understanding any issues that individuals might be experiencing which prevented them from attending appointments.

Practitioners who operated in the case study area at all stages of the sentence clearly faced an almost insurmountable set of structural barriers and blockages to providing effective resettlement support. These barriers negatively impacted communication and continuity between prison and the community portions of the short sentence. However, they also seemingly affected the attitudes and perspectives of practitioners, who in the face of these considerable difficulties, shifted responsibility for the failings of this sentence to the service users themselves.

As well as responsibilising to service users, practitioners in the case study area also shifted responsibility for the resettlement of individuals outwards to other responsible bodies involved in the short sentence. The introduction of several new actors into the short sentence, such as the custody cohort and the TSO, intensified fragmentation and created the conditions for obfuscation and diminished individual responsibility for the resettlement of an individual subject to a short sentence. Below, outlines the various ways that this was enacted.

5.5.1 *Responsibilisation to other agencies*

In the face of the multiple constraints that existed within the prison to facilitate effective resettlement, prison practitioners articulated a sense of frustration towards community-based agencies. One resettlement practitioner outlined her perspectives of the CRC and who she felt was best placed to facilitate resettlement:

They [the CRC] try to give us all the work to do, but as they're the probation officers, they
have access to more things than we do in here. I definitely feel like the probation officers
could be more helpful... There probably is [a lot more resources available in the community]
and we just don't know about it (CRC Resettlement practitioner, PP.6).

The resettlement worker related a view held by multiple prison practitioners, that community CRCs possessed the greater capacity to aid resettlement and had more access to resources than the prison were able to provide. This effectively shifted responsibility away from the prison and towards actors in the community. Community-based practitioners in turn rejected the perspectives of the prison staff and forwarded their own viewpoints regarding who was best placed to work with service users on resettlement. A PSO underlined the actors he believed were best equipped to undertake this type of work:

It has to be the prison and the custody cohort. There's not a lot we can do from our level. It
has to be from custody (Probation service officer, CP.2).

The PSO asserted the limitations CRC staff had in effectively providing resettlement support and services, effectively responsibilising resettlement back to the prison. He also advocated for the custody cohort team, a new actor introduced into the resettlement process. Several CRC practitioners felt that this team should have taken more responsibility for through-the-gate work. With multiple actors involved in the resettlement of individuals subject to a short sentence, it was unclear who held ultimate responsibility for their resettlement and within this void organisations shifted accountability outward toward others. Another nascent actor introduced into the short sentence are practitioners from the TSO. The RO provided her unique perspectives regarding who was best equipped to provide resettlement support:

There could be more at the prisons, particularly with accommodation. It should be the first
thing that should be sorted out, not just releasing people and they've got nowhere to stay.
Obviously then the communication between the prison and the probation officer, all they do
is let them know they're being released (Responsible officer, CP.7).

The RO responsibilised resettlement to the prison and probation staff, particularly concerning issues with accommodation. Even though it was widely recognised by all practitioners that

accommodation and homelessness was a significant problem with very limited resources available, practitioners placed blame and responsibility away from themselves and shifted it across to other actors and agencies.

These perspectives underlined that at every point of the short sentence, the numerous actors obfuscated and avoided responsibility for the failures in resettlement.   This form of responsibilisation was exacerbated by the lack of resources and time that these actors possessed to facilitate a positive change, as well as the lack of agency they had in the face of macro-scale issues, such as housing.

5.5.2 *Horizontal and vertical responsibilisation*

Data from the case study area suggested that two distinct types of responsibilisation took place. Firstly, vertical responsibilisation, which involved practitioners (with inherently more power than service users) shifting responsibility down (vertically) to service users.

Practitioners would also responsibilise horizontally across to the various agencies that facilitated the various elements of the short sentence, who in theory operated at the same level with equal power and resources. These agencies included: prison practitioners; the CRC through-the-gate (TTG) staff; the custody cohort team who vacillated between prison and the community; CRC probation staff; the third sector organisation (TSO) responsible for the PSS sentence and lastly; the various partnership organisations involved in the re-offending pathways such as housing and substance misuse.

Both these types of responsibilisation took place because individual agencies lacked the time and resources to provide meaningful and effective resettlement support, particularly in an environment of austerity related policies, such as universal credit, service cuts and housing shortages. The privatisation of probation also introduced several new actors and through this context, a lack of cohesiveness had widened, encouraging agencies to push responsibility and blame away from themselves and towards others.

Figure one below, outlines the process of horizontal and vertical responsibilisation, noting how practitioners would push responsibility for resettlement (and place blame for any failings) away from their organisation, towards other agencies, as well as to the service users themselves.

Figure one: Horizontal and vertical responsibilisation

Prison practitioners	CRC TTG team	Custody cohort team	CRC practitioners	PSS practitioner	Pathway agencies
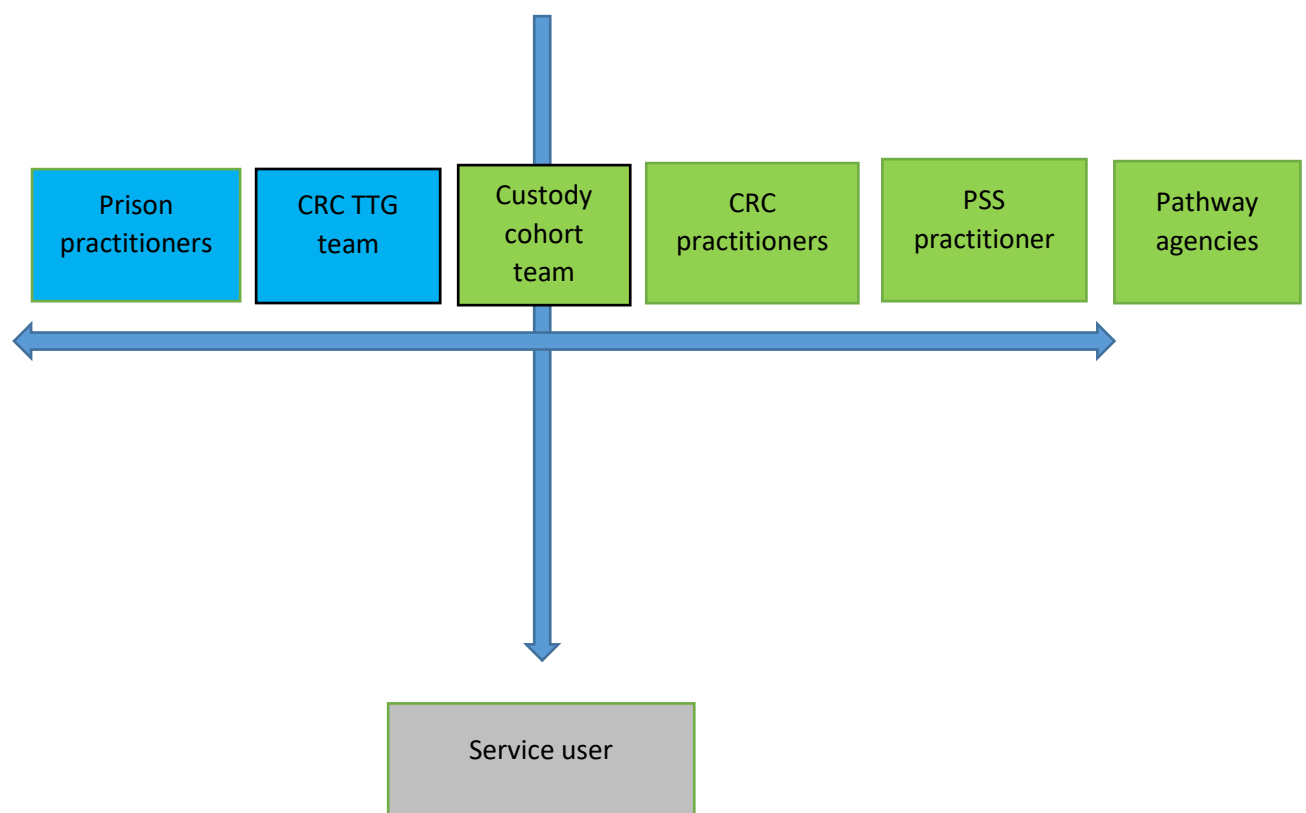
Service user

5.6 Conclusion

TR led to the extension of through-the-gate support in the community for individuals serving short sentences. Based on interview data from practitioners and service users within one case study CRC, this research has shown that there were various blockages and barriers that inhibited resettlement work for these individuals. These barriers included: the institutional barriers of CRC caseloads pressures; temporal barriers of the brevity of the sentence and; political-economic barriers of austerity-related policies. These barriers were also present in the case study prison and seemingly impact on all aspects of the short sentence.

Issues with resettlement began before an individual had been released, with community practitioners experiencing poor and inconsistent relationships with prison staff, inhibiting the through-the-gate transition into the community. This demonstrated an adversarial perspective regarding poor communication and information sharing between prison and community practitioners. In particular, the BCST, which is the main tool used to communicate resettlement needs between prison and community practitioners, was described as superficial and of poor quality. Due to these perceived shortcomings, CRC practitioners articulated a belief that either no pre-existing resettlement work or work of poor quality had taken place in prison and would have to begin in the community.

However, community-based staff faced constraints in their own working practices, which acted as a barrier to continuity and effective engagement with service users in prison. Caseload constraints meant practitioners were increasingly unable to undertake prison visits and actively engage in case work prior to an individual's release. The introduction of the custody cohort team also added an additional actor into a system already fought with communication difficulties, further exacerbating upon these pre-existing issues. The custody cohort also appropriated officers' former role regarding prison engagement, confining their practice to the community.

Once out in the community and serving a licence, this research located numerous factors which served to distance practitioners from service users. A poor pre-allocation process for released prisoners undermined continuity and resettlement planning from the very beginning of the licence period. Caseload pressures constricted the ability of practitioners to undertake any meaningful work, leading to target-led and superficial supervision sessions, which were interpreted as remote and uncaring by service users. The CRC utilised a signposting model to direct service users to appropriate resettlement services; this model encouraged CRC practitioners to 'farm out' service users, fostering an arm's length approach to supervision, responsiblising partner services for resettlement and further minimising their role to monitoring and tracking.

The signposting model was also hampered by a range of macro-level policies. The universal credit benefit system left service users without funds for up to two months post-release. Poor housing provisions left service users homeless, effectively undermining the ability to realise any other goals. Wider austerity policies also constricted the work of partnership services, limiting their ability to

provide meaningful support. These wide-scale socioeconomic issues were largely out of the remit for practitioners to solve and placed severe constraints on resettlement.

Recall to custody had become a common feature of CRC practice and practitioners had adopted a widespread acceptance of recall as a regular occurrence for the intractable short sentence cohort. Practitioners had subsequently employed a bifurcated attitude towards recall, separating out the individuals deemed able to desist from those that were not. Officers adopted pragmatic attitudes due to the constraints they faced on their time and available resources.

For service users able to avoid recall, they were moved onto the final element of the short sentence, post-sentence supervision. Practitioners and service users found many elements of this sentence to be highly ambiguous. Firstly, practitioners and service users articulated uncertainties over the purpose and aims of PSS and voiced doubts as to what distinguished PSS from the licence period. This led to PSS being viewed as a patchwork sentence with no distinct identity or classification. Practitioners were unsupportive of the sentence and felt that it lacked sufficient penal bite in comparison with the licence period. In this sense, PSS was viewed as entailing less inherent value than the licence.

The ambiguities outlined above regarding the failure to distinguish between the two sentences led to problems occurring on the ground, particularly with the transfer process from the licence period to PSS and the allocation to a new officer. Practitioners also failed to recognise when an individual had completed their licence period and should be transferred over to PSS, meaning the CRC were holding numerous cases that the third sector organisation should have been supervising. Many CRC practitioners had uncertainties over the criteria for service users' eligibility to transfer to the TSO; this led to an antagonistic relationship between these practitioners, with the belief that third sector staff were resistant to taking on new cases. A further source of the antagonism was caused by poor lines of communication between the CRC and the TSO, with no direct managerial oversight to resolve issues.

An additional frustration caused by transferring a case onto a new practitioner was that it severed any relational gains made during the licence period. For service users, this felt like a form of pass-the-parcel supervision where they were forced to constantly re-start the resettlement process at each

juncture of the sentence. This could mean resettlement became a constantly stalled process and the different community-based elements of the sentence were often experienced as a fractured and disconnected process, with wasted and repetitive processes.

The frustrations of this sentence were further impacted by the move to supervise anyone on PSS with what was termed a light touch. This entailed a reduced intensity of sessions, which was interpreted differently by each practitioner. Light touch supervision encouraged a more distant approach to the service user, however, some practitioners questioned how a light touch approach could be feasible with a service user group who encompassed so many multi-systemic needs. The light-touch approach was also reliant on a signposting model, however with services poor or non-existent, PSS offered little rehabilitative value to service users.

These interrelating ambiguities of PSS led CRC practitioners to question the efficacy of the third sector practitioners to produce any meaningful outcomes and articulated wider concerns regarding the efficacy of PSS and the motives of the third sector organisation charged with facilitating PSS. In particular, the stated aim of rehabilitation for this sentence was not grounded in any tangible activity or concrete framework. These concerns contributed towards the failure to form a collective brand for the two elements of post-release support in the community, instead, they were viewed as two disparate entities.

The responsible officer tasked with facilitating PSS in the case study CRC asserted her own perspectives regarding the on the ground difficulties with CRC practitioners. In particular, the RO felt that CRC practitioners were primarily concerned with completing their own inputs and targets, rather than facilitating resettlement. This meant that once a new case was transferred to her, she effectively had to start from fresh with the service user. The result of this meant that resettlement work only really began once an individual made it to the last element of the short sentence.

This chapter outlined how all stages of the short sentence contained significant difficulties and roadblocks which inhibited continuity. This severely curtailed the ability of practitioners to effectively facilitate resettlement and led to a form of responsibilised resettlement, where the sentence becomes fragmented as the limited time and resources each practitioner faced, meant responsibility was

constantly passed onto the next stage of the sentence, as practitioners felt 'nothing could be done' to address the multi-systemic issues of the short sentence cohort. However, in response to these evident failings, practitioners responsibilised the failures of resettlement onto others.

In the case study area, responsibilisation took place vertically down to the service users and horizontally as practitioners sought to shift blame and responsibility towards other actors involved in the management functions of the short sentence. These two forms of responsibilisation took place simultaneously. The lack of agency that these actors possessed to affect change, played a crucial role in responsibilisation. The numerous actors involved in resettlement - including the introduction of new agencies such as the TSO - meant it was difficult to determine who took central responsibility for this intractable task.

Despite a widespread acknowledgement of the numerous structural failings in resettlement support, practitioners still advocated a belief that the success or failure of a service user's resettlement was dependent on the individual. These staff bifurcated service users between those deemed ready and able to engage, from those that were viewed as unmotivated. Practitioners asserted that they could only effectively work with an individual once they were ready. In this sense, service users were responsibilised to become ready to actively engage, effectively minimising the motivational role of practitioners. This ultimately left individuals on a short sentence to fend for themselves. The next chapter explores this issue in further depth, providing the service user perspective of resettlement.

Chapter Six: The pains of a short prison sentence

6.1 Introduction

The previous chapter explored the perspectives of practitioners and service users of the nascent community elements of the short sentence. It outlined the difficulties that practitioners experienced in communication between agencies and how these difficulties harmed continuity between the various stages of the post-prison sentence. This chapter provides a more explorative analysis of how service users experience through-the-gate (re) integration in the community, the perspectives of all 16 service users from the case study area are featured, encompassing 8 interviewed in prison and 8 in the community.

The chapter explores how the processes of through-the gate-support have rendered service users invisible and insignificant. It argues that these particular painful conditions cause service users to internalise a sense of reliance for their own resettlement. However, the ability to achieve this is predicated on possessing the necessary capital. This capital consists of social, physical, human and cultural capital, also referred to as recovery capital (Cloud and Granfield, 2008) or resettlement capital (Hall et al., 2018). Paradoxically the more a service user cycles around the revolving door of repeat short prison sentences, the more this capital becomes eroded, leading to the particular pain of burnout.

This chapter also explores service user experiences of the revolving door of repeat sentences, understanding the ways in which individuals circulate and re-cycle between a range of services and agencies in the community. Collectively the array of services involved in an individual's resettlement form a 'resettlement net', which segregates service users in the community through control and surveillance functions. Navigating around this net presents service users with particular difficulties and challenges, these will be explored in more depth.

6.2 The pains of invisibility and insignificance

As argued in the literature review, individuals subject to a short sentence have been rendered invisible and insignificant historically in penal policy priorities and theoretically in penal research, as the longer and heavier sentences have tended to receive the most focus. TR and the introduction of the ORA

2014 were largely designed to address these imbalances. However, fieldwork in the case study area demonstrated how various blockages, barriers and processes interconnected to inhibit resettlement.

For instance, the spatial conditions of the prison, combined with austerity cuts, left prisoners feeling abandoned by staff and unable to receive meaningful support within its vast and depersonalised space. These conditions rendered the individuals which resided within the prison to feel invisible and insignificant. For many individuals, the struggles of the prison to provide resettlement help was perceived as disinterest, leaving prisoners to feel unrecognised by staff. Jermaine outlined these experiences in custody:

> *The prison needs to understand who they're dealing with. If they had spoken to me inside, they would have realised that I'm part of society already, they would have realised that this guy works, is family orientated, he's not really going to offend as long as they push him and give him the right tools to continue with life and help him to reintegrate back into society* (Jermaine, service user 1).

Jermaine further outlined his experiences of being ignored and neglected while in prison as being left to his "own devices". Several prisoners revealed a sense of feeling lost within the prison system and serving their sentence in a space where they felt unseen by staff. These perceptions of insignificance and invisibility have seemingly followed service users out into the community. Several service users felt that their supervising officer did not show interest or understanding into their needs and their resettlement. This indicated that the unrecognised status that prisoners felt extended out into the community and became a pervasive experience of the extended short sentence. James further discussed this perception of invisibility while on supervision:

> *If you're a probation officer understand that person and show you can help them. Keep in contact with them, sometimes it's just a text; 'this job is going, I've seen this flat in the newspaper'. Those little things help you and show you probation are involved and show that they care* (James, service user 3).

Service users asserted that supervising officers had failed to understand them and visibly display that they actively cared about their resettlement. Fieldwork explored these community elements of the short sentence and the many blockages and barriers service users faced in their transition back into

the community. Often their initial experiences through-the-gate were not positive, with insignificant or non-existent support that often resulted in little more than individuals being given reporting instructions to probation. Caseload pressures and underfunded pathway services further inhibited resettlement support and the subsequent transfer to a third actor for the PSS sentence was akin to a pass-the-parcel experience. Several service users reflected that supervision was an unproductive waste of time, reflecting this when asked whether probation was helping him, Luke shared his thoughts of supervision in the community:

> *I'm just another appointment. I just sit down, they ask me how things have been, where I've been, just shit really* (Luke, Service user 6).

Several service users outlined experiences of insignificance similar to Luke, of feeling "just another appointment" on an officer's caseload. The constraints that officers faced in their workloads and the resulting effect this had on supervision, culminated in a form of supervision which was very perfunctory and experienced by service users as remote and uncaring, exacerbating pervasive feelings of insignificance. Other service users, such as Ben, outlined their perspectives of being subject to post-release supervision:

> *Probation have been ok, but what can they do for you, I'm just a statistic* (Ben, Service user 5).

These comments suggested a perception of being "dividualised" (Deleuze, 1992) into a statistic. Service users asserted a belief that they were not seen as an individual with specific needs, but as part of a larger homogenous mass of service users, lost and abandoned to an uncaring system. The sense of homogeneity for the short sentence population was partly formed through the disproportionate numbers that continued to circulate through the system and through practitioner caseloads, giving these individuals a sense of mass and collective - rather than individual – weight, corresponding to the views of 'mass supervision' of McNeill (2019).

Data from fieldwork suggested that despite efforts to provide enhanced support for a long-neglected cohort, individuals subject to a short sentence remained abandoned and unrecognised in the re-designed system under TR. This was exacerbated by the conditions of the prison and CRC and the mass numbers that entered and re-entered the system. These factors reproduced a system which

caused the distinct pains of invisibility and insignificance. Similar pains have previously been explored in contemporary penality. McNeill's (2018; 2019) research into mass supervision explores how community sanctions could lead to the misrecognition of service users in penality. However, this research argues that individuals subject to a short sentence are not just misrecognised, but become unrecognised by the system they are engulfed in. It was within these conditions that individuals in the case study area began to internalise their own sense of responsibilisation for their resettlement.

6.3 Responsibilised resettlement

Within these adverse conditions for resettlement, service users were compelled to plan and progress their own resettlement. The previous chapter noted how practitioners responsibilised service users for their own resettlement and data from these service users suggested that in the absence of any help or support from prison or community-based practitioners, service users had to facilitate their own reintegration back into the community, internalising their own sense of responsibilisation. One such example of this was Simon, who provided his perspectives of his planned release from the case study prison:

> *I've been wanting to talk to probation, talk to my offending officer, but there isn't anyone, I've been doing everything by myself. I'm fortunate to have a job waiting for me, but these are the sort of things I'm sorting out for myself* (Simon, prisoner 5).

Simon claimed that he had not served a prison sentence for over 20 years and in this time he had gained skills and contacts in information technology. Simon was clearly seeking guidance within the prison, but in its absence had been able to draw upon contacts to secure employment upon his release. This had been achieved without the assistance of any careers advisor or ETE practitioners operating within the prison. Other service users shared similar experiences of having to rely on support from outside of the formal agencies. A further example of internalised responsibilisation in the face of invisibility within the prison involved Carl who entered the case study prison with substance misuse issues and relayed his experiences of detox from heroin and his methadone prescription:

> *I chose to do the detox myself, but there was no backup support or nothing, no one from the drugs team came to see me and ask if I'm ok, or get on this course as soon as possible. It wasn't until a week ago that the officers knew at all that I was on drugs and doing a dry*

cluck![23] *I was on 40 ml on the out, so I went from 40 to nothing straight away. And no support from the prison service at all, or the medical side of it. It's not the officers' fault, they've not been informed* (Carl, prisoner 6).

Carl undertook this potentially medically harmful action on his own, without the knowledge of prison staff, or any medical interventions or assistance from the prisons substance misuse team. Again, he demonstrated an example of internalising responsibility for his own rehabilitation and resettlement in the absence of support. Carl stated that the motivation for this detox was his partner and daughter, who he wanted to be there for when released. Another prisoner in the case study prison, Lee, outlined his plans for release and the level of involvement prison and probation have had in his plans:

Fuck all mate. Everything I've done, I've done myself or my mum has helped me. I've got a place in the ___ project, but that's all through my mum calling them and getting it set up. The prison haven't helped me at all. The way I look at it is, if I'm going to change, it's going to need me to do it (Lee, prisoner 7).

Lee had secured a place in a residential project for young homeless people, without any assistance from the prison. He was able to draw on help from his family, but the prison or probation were not aware of his release plans. Although the importance of developing a positive narrative regarding making change has clearly been outlined in the desistance literature (see for example: Maruna, 2001; Burnett and Maruna, 2004, (on desisters and positive self-identity)), if a positive desister narrative was achieved, it had been done despite the actions of the prison, as these individuals felt they had to take it upon themselves to resolve any issues regarding their resettlement needs.

However, when prisoners were burdened with pursuing their own resettlement plans, some were more equipped than others to be able to successfully navigate the complexities and difficulties of resettlement. For example, Jon, serving his first custodial sentence, previously spent twelve years in the military. Jon believed that his previous life experiences and skills provided him with an advantage in his resettlement planning:

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[23] A clean or dry cluck, is a slang term for suddenly and completely stopping all use of a particular substance with no assistance from any other medications. It is also known as going cold turkey and if done unsupervised, can be highly dangerous (Foundation for Recovery Network, 2019).

I got on a RAPt[24] programme within two weeks of being in here, but I know guys who have been waiting for years. I don't know if it's because of my background, or if it's because I said 'look, I'm fucked, I need help'. There's a small community here of ex-military and some officers here are ex-military, so come to see me from time to time. There's also been a military charity that have come into the prison to see me twice, will fund some of my rehab and help with housing (Jon, prisoner 2).

The military background of Jon opened up access to a set of resources which were supporting his resettlement and had subsequently enabled him to address his substance misuse needs while in custody. This indicated a recognition that to successfully resettle and desist significant sums of social and physical capital were needed in order to overcome the insignificance and invisibility that had become inherent to a short sentence within the case study prison. This capital could be in the form of family support (Lee and Carl), connections in the community (Simon), or resources and status through past employment history (Jon).

Capital also played a crucial role in being able to navigate around the remote bureaucratic system of prison and probation, in order to alleviate the frustrations and complexities that this entailed. Jon also had reserves of human and cultural capital that helped him operate within these adverse spatial conditions of the prison and specifically demonstrated resilience and patience in order to persevere when issues occurred:

Last week I was supposed to have a phone call with my probation officer, but I didn't get the movement slip in time. But two days after the phone call date, the movement slip gets put through my door. Now because I'm grounded and I get it, I know staff haven't done that deliberately and staffing levels are short. An angry person would of torn someone to pieces over that and because they've been failed so many times they'd say 'fuck this' and not bother again (Jon, prisoner 2).

Jon subsequently understood that he had a level of patience and understanding for the wider structural issues that existed within the prison and did not take this communication failure personally.

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[24] RAPt (rehabilitation for addicted prisoners trust) is a 12-step prison-based treatment programme for substance misuse.

He was able to demonstrate resilience, which is a crucial factor in responsibilised resettlement. However, he also recognised that had he been failed multiple times, this setback might have had a bigger impact upon his outlook. Jon explained that he was able to rectify the situation with his probation officer by sending weekly letters to update on his resettlements plans. Again, this demonstrates the use of capital and resources he can rely on to help aid his resettlement. He considers himself "lucky" in comparison to others, who have clear deficits in these areas, including not being able to read and write. Jon also realises that prisoners without these tools and resources at their disposal face significant struggles to overcome these barriers and become stuck in the system and unable to move on.

Jon's experiences were reflective of a wider understanding that to successfully navigate through the resettlement system a set of tools and resources were crucial. Social and physical capital were required to attain fundamental resettlement needs such as housing and employment, but human and cultural capital were just as important, as these equipped individuals with reserves of resilience and patience to persevere with responsibilised resettlement when inevitable barriers presented themselves. In effect, the four forms of capital interconnected and complemented each other.

To illustrate the importance of resilience and patience, Jermaine, a service user in the community, relayed his experiences of navigating probation in the community. Upon his release, he was given reporting instructions to go to an area that his licence banned him from going to. Jermaine outlined the difficulties he had to go through in order to correct this mistake:

> *A week after release, probation hadn't even contacted me. So I contacted them, remember I was on licence and I was worried about breach, so the officer promised to get onto them. She got back to me and said someone from that probation will call you. Another week past and I still hadn't been contacted and I thought, why I am making all this effort when it's their job to do that. I then called this office, got the manager's number and they promised someone would call me, but they didn't and I had to contact the officer again, who eventually got a meeting set up for me to come here* (Jermaine, service user 1).

Jermaine also had previous experience of skilled employment and a family and was able to draw upon reserves of capital to show resilience and patience in navigating the frustrating bureaucratic system

of the CRC, in order to resolve this issue. However, individuals without these reserves of capital were left in a difficult position.

6.4 The pain of burnout

Paradoxically, the more one continued to re-cycle between prison and the community and experienced multiple failures to successfully resettle and the more the individual was exposed to the bureaucratic failings of the prison, then the more one's capital eroded. This could result in the individual becoming increasingly more jaded and cynical towards successfully reintegrating. This was a process that occurred cumulatively and could lead to burnout, which was a unique pain experienced gradually over multiple short sentences, corroding capital and resilience each time an individual revolved around the prison gate.

Burnout further inhibited resettlement and desistance, particularly in fostering motivation, cognitive transformation and self-efficacy. In place, a sense of despondency and negativity was fostered, as optimism regarding achieving meaningful change was gradually worn down over years of repeat sentences. The more the individual revolved around the system, the more pessimistic one became over their future and their belief in the criminal justice system to help make a positive difference was eroded. Reflecting this sense of burnout, Chris, serving a short sentence for his second breach of licence conditions, explained his lack of optimism after receiving multiple custodial periods over several years:

> I'm coming back [to prison] 100%. Anyone that would tell you otherwise is wishful thinking. It gets to a point where they don't know what to do with you anymore, so they just send you to prison. You get into a cycle where you don't know anything else, all you know is prison. Prison has turned me into a worse person than I was before. It's made me bitter and angry and pissed off and I can see myself coming back in the future (Chris, prisoner 3).

The pain of burnout further complemented research on short sentences which encapsulated the cumulative pains of serving multiple repeat sentences over several years, could lead to the accumulation of social needs and entrenched psychological effects of repeat failures to integrate into the community (Howerton et al., 2009:440; Armstrong and Weaver, 2010; 2013). This research contends that as individuals circulate repeatedly through the prison gates, short prison sentences become simultaneously harder and easier. They become easier to adapt to, but it becomes harder to reintegrate at each release back into the community.

Firstly, they become easier, in the sense that the individual learnt to gradually adapt to the hardships of the prison sentence. Many prisoners in the case study prison who had served multiple sentences, echoed a mantra of "getting your head down and getting on with the sentence" (Tony, prisoner 1). This included concentrating on getting a prison job that would get you out of your cell and generally submitting to the realities of the prison sentence, looking to progress to a lower security prison, or within the IEP regime of the prison. In effect, their immediate concerns were about coping and adapting to the present reality of the prison. By serving multiple sentences, these individuals had learnt what to expect from a prison sentence and had therefore accrued the resources and mental capacity to cope with the pains of these sentences. In this sense, short sentences did not feel like a shock, but as something that could be understood and anticipated and thus adapted to. For several service users, this adaptation often came with a resignation that serving multiple short sentences was an inevitability. Imran provided an example of this attitude:

> *I've been going round in circles for 10 years, just in and out of jail, in and out of jail. Just short sentences, short sentences* (Imran, service user 2).

However, for these individuals, the sentence became harder because this outlook took them further away from resettlement planning and from contemplating a future and life back in the community post-prison sentence. In this sense, burnout meant the corrosion of resilience, patience and a belief in change. These factors inhibited upon their ability to resettle and increased the likelihood of returning to prison.

These repeat periods of short term imprisonment could cumulatively become very painful and leave an individual subject to the ORA 2014 trapped in a cycle of prison sentences and licence restrictions. This could become particularly frustrating as the short period in prison did not provide adequate time to address needs or challenge behaviour, which subsequently exacerbated and increased the likelihood of a return to custody once back in the community. David, who had experienced multiple short sentences over numerous years, encapsulated this experience:

> *That licence they give you is stupid. If you serve even one day in prison you get out to an automatic 12-month licence. For some people, that's a life sentence. Just a never-ending circle. You get recalled for two weeks at a time, but you haven't got enough time to sort yourself out and get anything in place for when you get out. What's two weeks in here, it's*

nothing. Then you get out and it starts all over again another 12 months. You're never going to be free of it unless you manage to do a whole 12 months outside. For some people, that's impossible (David, prisoner 8).

For many service users, once trapped within the confines of the sentence, it was very difficult to escape from its clutches and to successfully comply with the post-sentence requirements, effectively condemning individuals to cycle between prison and probation supervision. Several respondents subject to this repeat experiences became increasingly cynical of the abilities of probation to assist them and felt that probation supervision was not a tool of support, but of surveillance.   In effect, burnout meant a more detached and cynical perspective towards probation. Michael reflected on his experiences of the support he had received from his officer:

You just come here every few weeks for half an hour and then you're gone. I hate wasting my time and that's what I keep saying to them, 'why do I have to come here?' Nothing happens, nothing changes and nothing progresses. But I still have to come here and sit and talk to someone who writes it all down, then I come back and they write down all the same things. If I could literally speak to them over the phone then I would. But obviously, they need to see me and write things down (Michael, service user 4).

Data from respondents suggested that there were differences in attitude towards resettlement, contrasting between individuals who had served multiple short sentences and individuals serving their first sentence. For those who were experiencing their first short sentence, the concerns about resettlement were more acute and imminent and were future-orientated towards their release. These individuals tended to be more proactive in seeking support and more hopeful that post-release supervision would be beneficial. These findings further develop the work of Trebilcock and Jaffe (2016) discussed in the literature review, who made distinctions between first-timers and frequent flyers.

However, in contrast to these authors, individuals who had served multiple sentences were more settled within the prison environment and were more concerned with making the custodial element of the sentence as least painful as possible. They could be categorised as prison-orientated. While individuals serving their first sentence were more orientated towards ensuring their future was as

least painful as possible. They could be categorised as community-orientated. Tony, who had served multiple short sentences over several decades, displayed his overriding concerns in prison:

> *In prison, unless you've got a job you're banged up by yourself all the time. If you're a young person on your first sentence, being banged up all the time can't be very good for them. It took 6 weeks before I got a job, 6 weeks of solid bang-up behind the door. It doesn't bother me, but some people are not as strong in the head as others* (Tony, prisoner 1).

Tony's concerns were related to the present realities of the prison sentence and explained how he was more acceptable of and adaptable to the "blank time" (Armstrong and Weaver, 2013:293) that was inherent to the short sentence. However, in contrast, Mark who was nearing the end of his first sentence had a different set of concerns. Mark was far more concerned about his future and his life post-release and the challenges that he would face in reintegrating back into the community. His concerns were not focused on the immediate realities of the prison:

> *I think it's going to be a long term punishment. I've lost my home, I've lost my job, I can't drive because they took my driving licence away, so I can't go back to my job. So I've got to rebuild my life when I get out and start again from the beginning* (Mark, prisoner 4).

This distinction between individuals serving their first sentence and those who have served multiple short sentences showed that pains were experienced in different ways. First-time prisoners felt the disruptions and uncertainties of the anticipations of resettlement more acutely, but tended to also be more proactive and have more available recovery capital to help with resettlement. Revolving door prisoners, however, felt fewer tensions regarding release, but their recovery capital had gradually eroded over multiple sentences, leaving them cynical about their future and more likely to return to custody. The next section explores how the revolving was experienced by service users, outlining the reach and intensity of the services charged with providing support to individuals in the community.

6.5 Revolving door imprisonment and the 'resettlement net'

Revolving door imprisonment has been described as a linear process, often managed through the "back door" of licence recall (Padfield and Maruna, 2006; Weaver et al., 2012). However this research contends that the route between prison, the community and back again, was not a straight linear

process, but often deviated between different forms of social control, which existed in and beyond the direct reach of the criminal justice system.

Many individuals released from a short sentence in the case study area circulated and re-cycled in the community between different agencies and forms of formal and informal support and control. This support could be situated in or outside the remit and control of the criminal justice system, local government, the NHS, community mental health teams, or other third sector bodies. Several service users frequently moved between or beyond these various organisations, circulating around a variety of agencies while in the community, often for a matter of weeks, months or even years, before eventually returning to custody. This circulation could sometimes entail coming into the remit of formal criminal justice sanctions, or being accommodated by a range of third-sector or local authority organisations, or even extended periods sofa surfing, or street homeless, existing outside of formal control mechanisms.

The local prison also played a fundamental role in the re-circulation of individuals subject to a short sentence. These prisons acted as the central focal point, which service users flowed in and out of, before moving back into one or more organisation in the community. It was common for service users to move between several organisations during their reintegration, as they were pushed and corralled between a series of overworked and under-resourced agencies, before eventually re-offending or breaching licence conditions, leading to re-imprisonment and then re-circulating into a different set of institutions upon release. These frequent movements between different carceral spaces demonstrated the institutional mobility that many service users experienced in their daily lives. It also demonstrated that the prison was not an end-point in itself, but acted as a temporary stop-off point, before the individual re-circulated back into the community.

This process challenges the concept of revolving door sentencing, which has often been characterised as a continuum between release and prison. In reality, this was only the experience for very few prisoners. More commonly, release involved movement into an expanded network of resettlement services and housing options, which exerted formal and informal control over the lives of individuals subject to a short sentence. These included (but were not limited to): residential rehabilitation facilities and detox centres for substance misuse, hostels, shelters, temporary housing and mental health institutions. Service users recycled through these services, sometimes staying out of the front

door of imprisonment for weeks, months or years, before re-imprisonment and the subsequent exiting back into these services in the community.

The movements of Sean (Service user, 8) demonstrated how this process could work. Sean was released from a short sentence and went immediately to a residential rehabilitation programme for his substance misuse problems. Sean initially progressed well but found the rules of the rehabilitation facility quite stifling and difficult to adapt to. Eventually, after several warnings for minor rule violations, including smoking in his bedroom and not doing his share of the chores around the residence, he returned to the rehabilitation facility one afternoon in an intoxicated state and when challenged by staff was verbally abusive. He was subsequently asked to leave.

Sean next underwent a period of sofa surfing in the community, staying with an array of friends and relatives. Eventually, his addiction issues returned, he was involved in a minor shoplifting offence and he was given a fixed recall to custody. Upon release, he was placed into a hostel run by a third sector organisation that specialised in support for people with substance misuse issues. He was required to attend daily group sessions, given a keyworker and then set-up with a local mentoring agency for extra support. Again, his substance misuse deteriorated and after several incidents of being abusive to staff and breaking the curfew of the hostel, he was moved onto a temporary hostel for the homeless run by the local authority and at the time of fieldwork, was on the waiting list for more permanent housing in his local authority. In the space of 9 months, Sean had re-cycled in and out of prison twice and had been variously housed in a drugs rehab, sofa-surfed, resided in a hostel and lastly a temporary homeless facility. He had also received support and control from a variety of individuals, these included: a CRC officer, substance misuse teams, local authority housing and a mentoring agency.

Figure two: Sean's resettlement journey

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┌──────────┐      ┌──────────────┐      ┌──────────────┐      ┌──────────────┐
│  Index   │ ───▶ │ Local prison │ ───▶ │ Residential  │ ───▶ │ Sofa surfing │ ─┐
│ offence  │      │              │      │ rehabilitation│      │              │  │
└──────────┘      └──────────────┘      └──────────────┘      └──────────────┘  │
                                                                                 │
┌────────────────────────┐      ┌─────────────────────┐      ┌──────────────┐  │
│ Temporary homeless     │ ◀─── │ Substance misuse    │ ◀─── │ Local prison │ ◀┘
│ hostel                 │      │ hostel              │      │              │
└────────────────────────┘      └─────────────────────┘      └──────────────┘
```
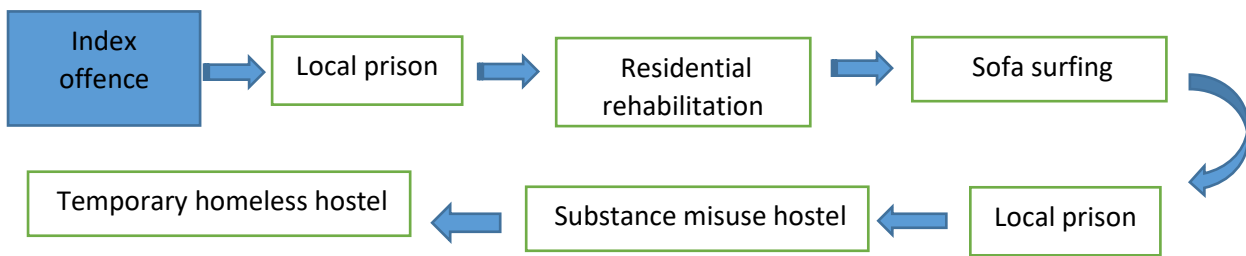
All these services performed control and surveillance functions of different intensities. For example, Sean found difficulties adapting to the rules and structures put in place by the rehabilitation facility he was placed in after his initial release. The rehabilitation facility had a keyworker who would regularly communicate and liaise with Sean's CRC officer and his licence conditions specified engagement with the rehab:

> *It was just stupid, they treated me like a little kid. All these silly rules they give you - when you can leave when you have to be back, what you can do. I felt like they were constantly trying to trip me up. That's on top of all those group sessions I had to attend. I might as well have been in prison. It's like you've got one foot in jail still, you're free, but you're not properly free* (Sean, Service user 8).

For several service users, services ostensibly designed to provide resettlement support where a potential trap, restricting freedom and confining individuals within a system of control. In this sense, institutions such as rehabilitation facilities were not exclusively viewed as unadulterated help and assistance existing to mediate and alleviate the difficulties of transitioning from prison to the community, but could also be experienced as services which negatively shaped resettlement in the community, further reinforcing and expanding carceral control.

This demonstrated the blurred boundaries that existed through-the-gate between freedom and confinement, undermining the perspective that these were two contrary experiences with a clearly demarcated line between the two. For many, through-the-gate reintegration could be experienced as a transition from custody to a different form and gradient of control, rather than a move to unrestricted freedom, with several resettlement services playing a central role as regulating released prisoners in the community.

Many of these organisations also played a surveillance function and had a variety of formal or informal relationships with the CRC. In this respect, the CRC played a role as a convenor of different resettlement organisations in the community. A partnership manager outlined one such organisation that existed within the case study area and the role it played in surveillance of service users, it was called 'The Hub' and placed multiple services in a single site, this was ostensibly for the convenience of service users, but it also allowed other functions:

> CMHT (Community Mental Health Team) is there, housing is there, social services are there. It's literally around the corner and they can see a nurse, they can get advice from DWP (Department for Work and Pensions), they can do courses. A lot of clients can drop in there and that means we can keep an eye on them and know what they're doing (CRC partnership manager, CP.8).

These findings support Robinson's (2008) discussion of the adaption and transformation of rehabilitation into three late-modern penal narratives: utilitarian, managerial and expressive. Many resettlement services in the case study area had adapted their ideals into managerial control and surveillance functions in order to play a functional role within the resettlement net. This entailed the envelopment of resettlement support, alongside forming close relationships with the formal criminal justice agencies and keeping "an eye" on service users.

Another service user in the community, Gary (service user 7), demonstrated his experiences of release from a short sentence. Initially, upon release, he was living with his mum and sister, but a breakdown in the family relationship led to a period of street homelessness. He was eventually picked up by a street homeless team and was placed in a temporary homeless hostel. However, during a police stop and search, he was found in possession of class A drugs and returned to custody. On his release, the local CMHT became aware of him and he was housed in specialist supported housing for dual diagnosis clients. While in the hostel he was put on the waiting list for a drug rehabilitation place. However, this fell through and he left the hostel after disagreements with staff and returned to live with his mum. At the time of the fieldwork, he was under the impression that his stay at the family house was conditional on it being a temporary arrangement and he was looking for more permanent accommodation. The range of services he had cycled through included the prison, the CRC, a street homeless team, a homeless charity, the local authority and the mental health team.

Figure three: Gary's resettlement journey
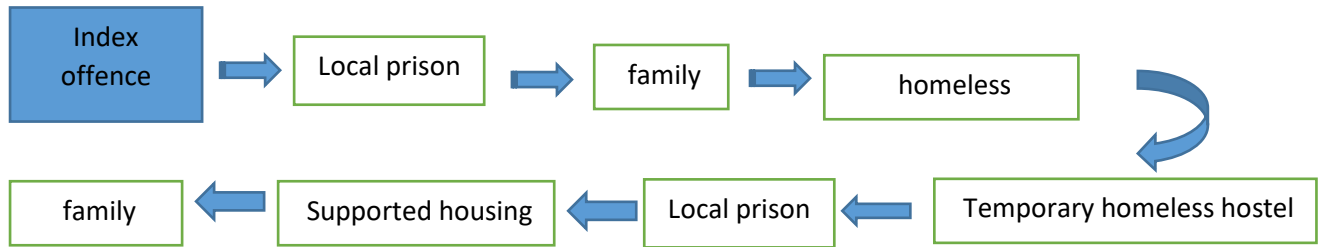
Gary and Sean's experiences helped to conceptualise a different understanding of how through-the-gate was actually experienced, underlining that it was not experienced as a binary process between prison and complete freedom, but a series of transitions to different sets of controls, rules and standards to meet. The experiences of these two individuals also underlined that it was difficult to exit this process.

The continual recycling through different services underlined a failure to permanently form a stable base in the community. In this respect, the experience of re-circulation was a form of carceral segregation in the community, a painful experience where individuals were existing and often isolated alongside society but were not fully autonomous members of it. Collectively, the various organisations and services that formed this process acted as a 'resettlement net' trapping individuals within it.

Echoing the work of Cohen's (1985:41) on social control and the "deviancy control system" and also the work of Foucault (1977:113) on the dispersal of discipline, the concept of the resettlement net is used to describe the invisible net of control and surveillance that trapped individuals serving short sentences, acting as a carceral continuum, with escape from its clutches increasingly difficult once an individual had entered its web.

This net was cast by an array of actors operating in the community, including CRC probation practitioners, CMHT staff, local authority housing staff, street homeless teams, DWP staff, substance misuse practitioners and volunteer mentors. Through the signposting model that the CRC utilised, many third sector organisations had been pulled into the orbit of control of offender management, supplementing the functions of probation and blurring the boundaries between care and carceral

control. The concept of the resettlement net also demonstrated the power of the carceral state to disperse and penetrate into the lives of individuals serving short sentences.

The ORA 2014 was envisioned as a means to provide an additional safety net to a neglected cohort, however, for many service users, the extension of post-prison supervision further entangled them within the criminal justice system and made it harder for individuals subject to it to free themselves from these forms of social control. This net was often masked and disguised as support, but the thinning of the mesh and the lengthening of this net gripped individual's tighter, not allowing escape from its cast. Instead, service users were intensively re-processed by the "production line" of the "recycling industry" (Cohen, 1985:42) of probation practitioners, responsible officers and through-the-gate supervisors, often involving multiple short stays in custody and then re-cycled and thrown back into the resettlement net.

Figure four below provides an illustration of the resettlement net in the case study area. The next section discusses the difficulties that service users face in negotiating this resettlement net.

Figure four: the resettlement net

173
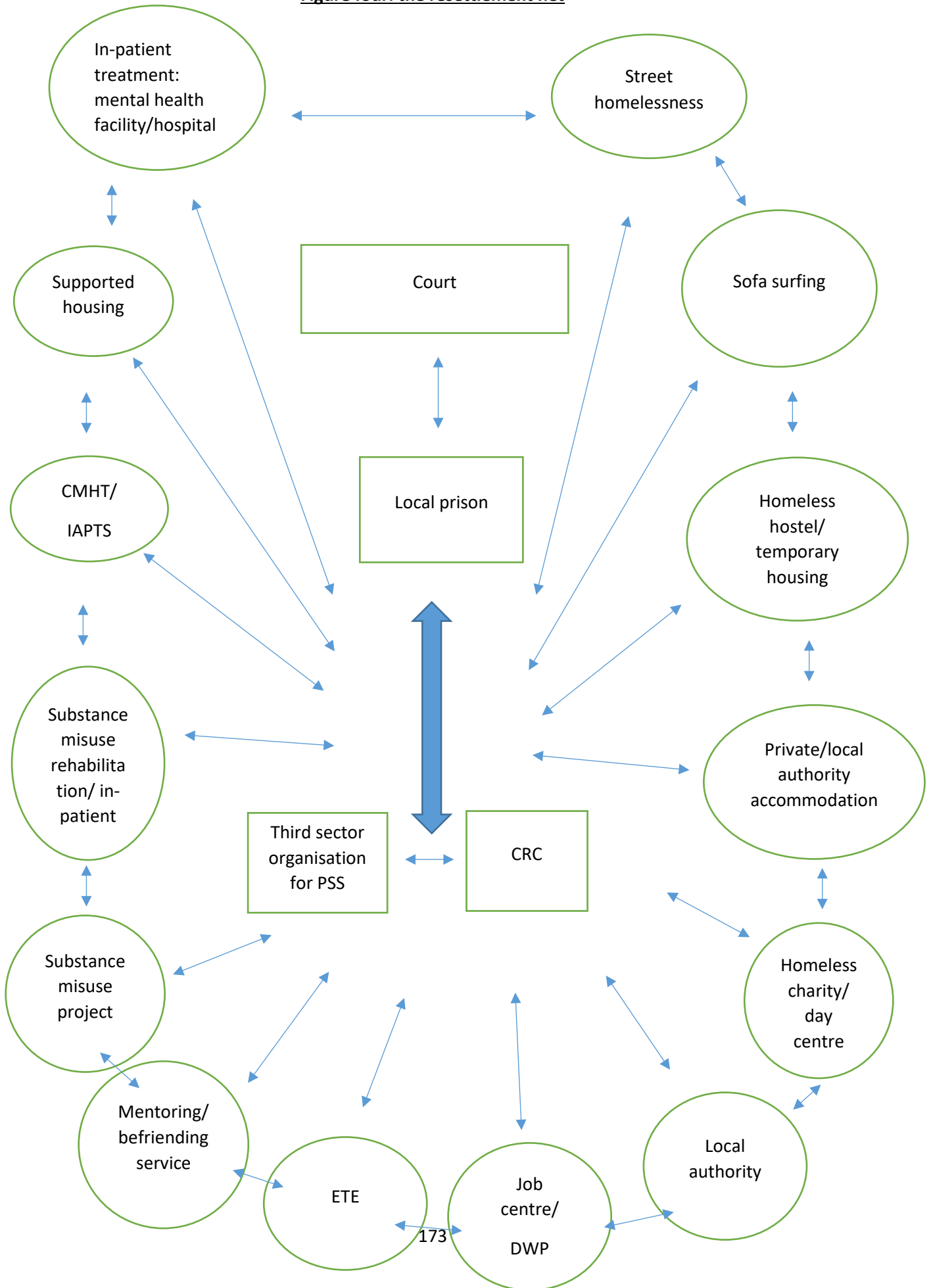
6.5.1 *Navigating and negotiating the resettlement net*

As highlighted above, service users were often self-responsibilised for their own resettlement, resulting in the navigation of the resettlement net being experienced as an impenetrable bureaucratic minefield. The experiences of men in the case study area in navigating their resettlement in the community supported Halushka's (2019) exploration of the challenges facing formerly incarcerated men and Henley's (2018) research into the formal exclusion former prisoners faced. However, this chapter develops these themes to outline how informal processes could exacerbate the difficulties in navigating and negotiating the resettlement net.

Successfully navigating and negotiating around this complex system, required a set of resources and tools at one's disposal. One crucial key to unlocking the bureaucratic processes required the possession of valid photo identification. Without it, individuals could not set up benefits or housing support and became effectively locked out from accessing support. If an individual had no ID (Identification Document), acquiring one was a very difficult and timely process. Increasingly ICT skills were also needed in order to apply for benefits and search for employment and housing, but this could also present as a difficulty, as Carl explained.

> *It's all on computers now and it's difficult for me to get access to them. You used to be able to just go into the office and speak to people face to face, but now it's online, or you wait ages speaking to a call centre* (Carl, prisoner 6).

Not every service user had access or the skills and knowledge to use a computer. Without these abilities, navigating the resettlement net could be a very difficult and challenging process. Access to services was also reliant on accurately filling out endless streams of paperwork. Particularly for securing housing, this was an unavoidable part of the process. This process could be frustrating and repetitive and required reserves of patience and resilience (which could burnout the more an individual was continually exposed to this, as explored above). Several service users felt this process could often trip you up if it was not carefully managed. Ben outlined some of the complexities and difficulties he had endured during his release:

> *The jobcentre sent a letter with one date for my next appointment, they then sent me another letter with a different date. I called them up and they told me to ignore the second letter, that it was sent by mistake. But when I didn't go to that appointment, they sanctioned me anyway. Now I've got to try and sort this all out* (Ben, service user 5).

For several service users, conflicting appointments and paperwork errors were a commonplace problem and much time was spent trying to avoid falling foul of these issues. These mistakes and miscommunications were often exacerbated by overworked staff, often with poor or inconsistent relationships with other agencies. Informal barriers such as possessing ID, accessing ICT and navigating bureaucratic paperwork systems were all potential roadblocks that could inhibit resettlement and act as a painful source of informal exclusion from successful reintegration.

Navigating the multiple agencies involved in a service users life could pre-occupy the majority of their time and could forcefully penetrate into the life of a person released from custody. Gary provided an overview of the interactions he had with formal agencies in a normal week:

> *In any given week I'll have a keywork session at the hostel, see my worker at the CMHT, go to the GP, I'll have the jobcentre to deal with and on top of that, I've still got to go to probation, nod my head and say the right things. It's hard to keep on top of it all, be at the right place at the right time, keep them all happy and make sure I get what I need out of them* (Gary, service user 7).

When service users faced various commitments in their resettlement, they could often be seen as an indistinguishable mass to be negotiated through, rather than viewed as multiple sources of support. These multiple appointments were all played out as a series of negotiations that required service users to successfully navigate through in order to progress and remain out of prison. All these services had requirements and rules keep in order for the individual to maintain their place in the community. This meant service users had to work hard to juggle these appointments and keep the individuals who exerted control over them onside. Amongst the multiple appointments a service user might have to navigate in any given week, the probation officer existed as just one of the numerous faceless bureaucrats to navigate.

6.6 Conclusion

TR promised to provide extra support to a long-neglected cohort of service users. Based on interview data with service users' pre and post-release, the extension of support served to further trap and encase the short sentence population further into the net of social control and produced unique pains that service users faced in their resettlement.

The structural barriers and blockages to providing effective resettlement that practitioners faced, served to render service users invisible and insignificant. These particular pains were first actualised in the prison, as the spatial conditions, combined with wide-scale economic cutbacks and severely curtailed opportunities for engagement and meaningful work with prisoners. Individuals felt they were left alone to navigate this bureaucratic and depersonalised space. These issues continued into the community, as large practitioner caseloads, underfunded pathway services and numerous issues regarding the transfer to PSS, resulted in service users feeling like a statistic, or just another appointment to their overburdened probation practitioner.

The absence of any meaningful support as individuals traversed through-the-gate, responsibilised service users for their own resettlement. In this environment respondents related how they took it upon themselves to secure employment or accommodation upon release, plan their own resettlement, or even detox from heroin on their own. However, when responsibilisation occurred, an individual's recovery capital became a crucial factor in determining one's success in resettlement. This included the physical capital of resources, the social capital of relationships, the cultural capital of belief and positive attitude and the human capital of resilience needed to navigate through this bureaucratic process. Consequentially, the more an individual rotated through the revolving door of repeat short sentences, the more this capital eroded, further inhibiting resettlement. When this process repeated over several years, with the individual repeating multiple sentences, then burnout could occur, a pain unique to revolving door short sentences, where a sense of cynicism and pessimism pervaded, leaving an individual unable to foresee a positive future, free of the revolving door.

Lastly, this chapter explored the lived reality of the revolving door. Typically it has been described as a linear process between prison and the community. However, for service users, it was frequently experienced as a process of re-circulation. Often, service users flowed and re-cycled between different agencies and bodies of support in the community. Service users demonstrated institutional mobility as they transitioned for weeks, months or years between different organisations, before often returning back to prison. This process further positioned the local prison as a central point of re-circulation which service users flowed in and out of.

These organisations in the community were also able to exert forms of surveillance and control over service users, segregating them in the community, a painful experience which trapped service users

alongside the community, but not autonomous members of it. This was conceptualised as the 'resettlement net', providing an understanding of how the movement from prison into the community was often not experienced as a clean break, but as a movement into a different gradient of support and control. Ostensibly designed as a safety net under the ORA 2014, its cast caught individuals up within it, entangling them tighter into this net, trapping and re-processing them.

To navigate and negotiate around the resettlement net was a considerable challenge which required the service user to circumnavigate multiple structural barriers and exclusionary practices. This included access to ID, IT skills and the ability to negotiate often complex and frustrating bureaucratic systems. These informal processes were a potentially painful roadblock to successful reintegration. Service users navigating the resettlement net often had an array of appointments to abide by, amongst them was their probation officer, who became seen as merely one of the multiple individuals who exerted control over them and needed to be navigated around. The next chapter explores probation practice and supervision in more depth, featuring the perspectives of probation practitioners.

Chapter Seven: Running on the treadmill: supervising individuals on short sentences and the implications for CRC practice and probation values

7.1 Introduction

The previous chapter explored the unique pains of the short prison sentence from the service user perspective. This chapter now considers CRC practice in the community and how the policies of Transforming Rehabilitation have shaped the values, organisational identity and working culture of practitioners in the CRC and how this may affect the quality of post-release support and supervision provided to individuals serving short sentences. The views and experiences of 9 CRC practitioners from the case study area are featured in this chapter. This included a CRC business manager, as well as probation officers and probation service officers (PSOs) with extensive experience pre-TR and those who joined the CRC after TR. These views have been captured in order to understand CRC practice on the ground.

This chapter firstly examines initial attempts at innovative practice in the case study CRC. It then explores the various factors, including Payment by Results (PbR), which have contributed towards the curtailment and constraint of a more expansive model of engagement. This chapter then underlines the implications that this has for practice in the CRC within an organisational culture that is increasingly top-down, managerial and de-skilled. In this context, many experienced practitioners struggled to work in a way that was conducive to their values, with limited opportunities to engage meaningfully with service users. Subsequently, this managerial and administrative model eroded the probation value base and curtails the autonomy of individuals who self-identified as being 'old school' practitioners and subscribed to a set of probation values.

This chapter concludes by exploring how the organisational demands of a target-based culture enforced a system of practice that prioritised meeting audits and inputs over achieving purposeful resettlement. This approach was compared to a treadmill by several practitioners and employed within this chapter as a metaphor to analyse practice in the CRC as generic, monotonous and relentless, undermining the original intentions of innovation and practitioner freedom proposed by the architects of TR. The failings of this practice have served to marginalise the resettlement support provided to individuals on short sentences, to a form of post-sentence supervision that was limited in its scope and ambitions. CRC practice has also constructed individuals subject to short sentences as

an undesirable and devalued recipient of post-sentence measures. The chapter begins by providing a brief overview of the challenges the CRC faced in retaining probation values post-implementation of TR.

7.2 Institutional memory and probation values in the CRC

The literature review outlined a shared set of values within probation, otherwise known as a probation habitus (Grant, 2016) which can be perpetuated through policy, practice and training, collectively helping to sustain and transmit these values (Canton and Dominey, 2018) and embedding them within institutional memory (Worrall and Mawby, 2013b). These factors contributed to the durability of probation values through multiple 'penal turns' of late modernity (Grant, 2016:756). The most recent penal turn that probation has faced is the part-privatisation of the service implemented under the TR reforms. The MoJ promoted TR as an opportunity for renewed creativity and innovation, free from the constraints of centralised top-down management, bureaucracy and report writing (MoJ, 2014b). This led to assertions that CRCs would have the most scope to undertake edgework in practice (Burke and Collett, 2015; Worrall, 2015), indicating that CRCs were well placed to continue as torchbearers for sustaining the probation habitus.

However, practitioners in the case study CRC endured particular challenges in maintaining the organisational identity of probation and its related ethos and value base. This was due to the presumption that the publicly run NPS was deemed to be the service that retained the probation 'brand'. This left the CRC in the difficult position of starting again and forging its own identity, as the institutional memory primarily continued with the NPS. For example, one CRC business manager was concerned that the probation knowledgebase was lost in the new CRC:

> *When we transitioned from the probation trust to the CRC, instead of picking up where our probation trust was, we bottomed out at zero…. [We had to] rebuild the organisation from the ground up, because we didn't carry over any of the momentum, or skill or competency from our probation trust* (CRC business manager, CP.9).

The perception that the CRC had not sustained the probation values, produced a further challenge to its practitioners working on the ground, with uncertainties over how to re-build an identity and culture that was consistent with probation values, while adapting to the new realities of TR.

7.2.1 *Adapting to new realities and forming organisational legitimacy*

The initial academic research which emerged from the immediate period post-implementation of TR captured a probation service in mourning for the loss for its former self and unsure of its future and its identity (see for example: Deering, 2014; Deering and Feilzer, 2015; Robinson et al., 2016; Burke et al., 2017). These important studies featured CRC practitioners who were understandably experiencing a sense of loss of a unified probation service and a sense of liminality caused by the uncertain future of the part-privatised system that had replaced it.

However, the fieldwork undertaken for this thesis took place almost four years after TR, with several practitioners from the case study area indicating that they had now "moved on" from the initial upheaval and uncertainty that followed the implementation of TR. Furthermore, the CRC where the fieldwork was undertaken had numerous newly recruited staff who had no institutional memory of the former unified probation service. The staff who did have that prior experience had now broadly accepted the situation and had even come to embrace a new pro-CRC identity in some circumstances. For example, a probation officer with over ten years of experience described how her feelings of workplace identity had evolved since the split:

> *Like everyone else I wanted to go to NPS, only because it was more of a known quantity. Post-split I'm really glad I got CRC, the NPS have just as much turmoil as the CRC and I don't like the kind of cases they've got and the kind of work they end up doing. I much prefer to be doing frontline work. A lot of their [NPS] work is reports, long prison sentences and parole, where we're much more on the ground* (Probation officer, CP.5).

Practitioners in the CRC differentiated the type of cases and work that both organisations undertook, framing the distinction of the two organisations through the lens of risk. The heavier longer sentences and parole cases were compared unfavourably to the type of cases the CRC supervised. This distinction of risk outlined by the above practitioner was an instrumental factor that had been used to divide the two services and was of fundamental importance regarding how probation work became measured and valued. However, using risk as the means to divide the services contributed towards an artificial division over the perceived value of the two services. According to Clare (2015:50), this led to CRC staff feeling de-skilled and like "second-class officers" compared to the "elite" NPS staff. In this sense, an impact of TR was the solidification of risk as a commodity which carried an intrinsic value

and gave risk a currency that determined a probation officers legitimacy and value as a skilled practitioner.

The perception of risk retaining a specific value explicitly linked to job status in CRC practice was further realised through frontline staff promoting their specialist areas of work with specific groups within probation caseloads.   This involved frontline practitioners in the case study CRC to cite a preference to work with groups such as young adults, domestic violence perpetrators, or IOM (integrated offender management) cases. A PSO provided their perspectives on the types of cases they preferred to work with:

> Your caseload was either going to be IOM, young people or domestic violence. I went down the IOM route. You do get a chance to develop quite a nice working relationship with some of them and I do think that's massively important…. Then if they're IOM there's that extra support from the police, extra support from housing. A wraparound service basically. If it works, it works well (Probation service officer, CP.2).

Each of these specific groups (IOM cases, domestic violence, or young people) often entailed working with individuals with identified risks and were largely seen as the highest risk cases within the parameters of the CRC risk boundaries. Specialist work often entailed multi-agency collaboration, safeguarding concerns and an opportunity to "develop a working relationship" over a sustained period. The specific attributes of these types of cases gave a defined meaning to probation work that provided an opportunity for CRC practitioners to perform a particular skill-set and possess a knowledge-base in a specified area.

These attributes also re-affirmed the idea of what a skilled probation practitioner was, namely an autonomous and skilled individual, with the opportunity to develop a specialism, utilise interpersonal skills and perform probation values in an everyday practice context (Worrall and Mawby, 2013a). These types of cases also provided an opportunity for officers to practice and sustain probation values. In this sense, TR contributed towards risk having a particular capital or worth and the more risk one was deemed to inhabit, the more the CRC practitioner was able to practice their full probation skillset and retain the probation habitus.

7.3 CRC Practice Mark 1.0: The cohort model

The notion of CRC practitioners developing a specialism was further reinforced through the cohort model that was initially introduced into the case study CRC shortly after the implementation of TR. The cohort model divided the areas entire caseload (approximately 20,000 individuals) into five categories, with practitioners working within one of the five cohorts:

1. Women

2. Young Men (aged 18-24)

3. Adult Men (25-49)

4. Older Men (50+)

5. Mental Health

IOM cases and domestic violence cases were also separated out into specific cohorts within the case study CRC

As part of a wider move within CRCs that encouraged "agile working" (McDermott, 2016:193) the cohort system was run geographically, so staff would travel around the case study area, dependent on where their cases resided. The idea of probation staff engaging more proactively with local communities was strongly encouraged in the TR strategy paper (MoJ, 2013a). However, there were numerous logistical issues with the cohort model and it was eventually disbanded. Several practitioners were highly critical of this model. For example, one practitioner called the cohort model a "disaster" (CP.8) and a CRC business manager commented that the geographic distances caused significant barriers to staff communication and managerial oversight:

> *Instead of having their staff in one building, they were scattered into over 30 different offices. Our entire organisation was moving all over this area and we spent our whole time commuting. There was just no coherency between staff feeling like they were together, or managers didn't feel like they had good oversight over all their people. The geographic distances made it fail* (CP.9, CRC business manager).

Although the cohort model was no longer in use at the time of the fieldwork, practitioner caseloads still reflected their previous assigned cohort and many still claimed a preference or suggested they were better suited to work with a particular cohort. In effect, a decision taken locally by the CRC to

divide all cases according to their needs, further reinforced the notion that the opportunity to develop a specialism with a specific group carried an intrinsic value and worth to probation work. For example, one probation officer who used to work within the young adult cohort contended that his preference was to work with this particular group, as it provided a chance to make a difference and impression on individuals at a more formative stage in their life. As such his caseload was still very much reflective of this:

> *The cohort system is gone, well, in theory, it's gone, in practice, it still exists* (Probation officer, CP.4).

An additional cause of the failure of the cohort model was the inconsistency in caseloads between the different cohorts. The mental health cohort had a very small number of individuals (one business manager estimated less than 90 for the entire CRC), which barely justified its status as a separate category, whereas the adult male cohort became the most populous cohort. One CRC business manager estimated that contained within the adult male category, were:

> *About 70% of all service users. It just became this generic catch-all they got thrown into* (CRC business manager, CP.9).

The bulk of the total CRC caseload ended up in one cohort and the majority of this work was labelled as "generic" by practitioners. This cohort did not often require an officer to utilise the full array of the probation practitioner toolkit, including multi-agency work, safeguarding, relationship building, or a specialist knowledge base. Frequently, it was those serving short sentences (with some caveats) who would be penned into this large catch-all cohort.

7.3.1 *Short sentences as an undesirable addition to caseloads*
The absence of a particular unique risk profile for many serving short sentences, left a large number of these individuals to fall between the gaps of desirability of probation supervision. Specifically, the "generic" status of the adult male cohort that the majority of individuals serving short sentences were placed into, gave a perception that specialist and skilled practice was not applicable, with little opportunities for a probation practitioner to utilise their full range of tools in their probation skillsets. Several practitioners in the case study area explained that individuals serving short sentences often did not present with high levels of risks that needed managing, require multi-agency work, or cause

safeguarding concerns. For a PSO, this often meant their needs were deprioritised in contrast to other cases who had more overt and identifiable risks:

> *My focus isn't really on short sentence offenders. With the cases that I tend to get, it's normally domestic violence cases that take up most of my time* (Probation service officer, CP.2).

The undesirability of the short sentence population resulted from their generic status and lack of an expansive risk profile. It was further compounded through a perception that these were service users that required a lot of resources, time and effort, but frequently provided little end reward or successful outcomes. This population were deemed by many practitioners as time-consuming, particularly in relation to the number of needs they often retained. However, as these needs often did not translate into specific risks, this could leave CRC practitioners to manage this population alone. A probation officer explained how individuals subject to short sentences did not attract the additional support that higher-risk individuals might receive:

> *In general short sentence people tend to be more problematic than higher-risk people, you tend to do more work with them. With a higher risk person there tends to be more agencies you're working with. With the lower-risk people, they tend to have no job, no home, so there's a lot more practical work that you've got to do. Often they don't want to be here, so they become quite problematic* (Probation officer, CP.3).

The extent of the "practical work" needed with this cohort did not appear to be valued by practitioners and detracted from what was deemed to be more valuable multi-agency work with higher-risk individuals. This indicated individuals on short sentences were seen to hold less worth, particularly as they nullified and negated the ability to utilise practitioners' probation skillset. Subsequently, cases with identifiable risks provided increased opportunities for practitioners to practice and perform probation habitus. Other cases, particularly individuals serving short sentences, often did not provide these opportunities, relegating them as an undesirable figure of practice.

The undesirable label given to individuals on short sentences was further reinforced through the dichotomy between the extensive needs and the perceived lack of motivation of the short sentence population. The multi-systemic issues that many individuals serving a short sentence presented with,

labelled this cohort as particularly unique and challenging within the system, requiring unique levels of support in turn. However, simultaneously the short sentence was often the most common sentence on practitioners' caseloads, making them extraordinary in needs, yet ordinary in numbers.

This dichotomy was further reinforced through their initial consignment and marginalisation to the generic catch-all cohort of 'adult male'. Yet due to the relatively low levels of risk of harm that this cohort possessed and the related public protection mantra that "resources follow risk" (Maguire and Raynor, 2017:149), this presented the practitioner tasked with their resettlement with a daunting challenge in providing adequate levels of support. A probation officer noted a perceived difference in approach to cases within the NPS and practice in the CRC, again drawing distinctions through the lens of risk:

> *It is a lot harder because NPS clients have access to a lot more resources. They have approved premises and there's a lot more planning in regards to their release. Because they often have to go through parole and because they're higher risk, people want plans to be in place. Whereas for our clients on shorter sentences, they don't necessarily get that, it's more like, 'ok you've done your 6 weeks, off you go' and that's it. So they are at a disadvantage* (Probation officer, CP.4).

Practitioners often drew a distinction between the differences in attitude and approach to resettlement for individuals serving short sentences, from those serving longer sentences with the NPS. This perception was borne out of two distinct measurements in facilitating resettlement, resources and time. CRC practitioners held a view that NPS service users retained more value in terms of resources, due to their higher risk profile. This included specialist and dedicated planning pre-release, in order to mitigate risks in the community. However, practitioners felt that individuals serving short sentences did not receive the same level of support, because of their generic status, their lack of identifiable risks and the sheer volumes within practitioner caseloads. This contributed to a narrative that supervising short sentence cases was a devalued practice.

The longer sentences of NPS clients, also afforded these practitioners more time to form resettlement plans and to build a professional relationship. However, the brevity of the short sentence meant this was not a possibility and CRC practitioners complained of very limited timeframes to put resettlement

plans into place. This distinction further highlighted the presumed disparity between the CRC and NPS and presented an additional factor in the devaluation of CRC work with short sentences.

Probation practice has commonly been described as "people work" (Annison et al., 2008:260). However, Worrall and Mawby (2013a:8) assert contemporary probation work is increasingly seen as "dirty work", namely work that is necessary in society, but increasingly losing status and is devalued due to its proximity with the management of undesirable individuals. In this context, working with individuals on short sentences, with their array of attendant needs, mass volumes and high rates of re-offending, exemplify the increasingly degraded "dirty work" of CRC practice in comparison to the high risk and high-value work of the NPS. Within this impaired and under-resourced practice, many serving short sentences were left to churn and recycle through practitioners' caseloads. Practitioners seemed unsure of how best to support these individuals and provide adequate resettlement support to stop the revolving door of re-offending, this was illustrated by one officer:

> I've got one at the moment… Soon as he goes in, he comes out, soon as he comes out he's back in. He came out again last week and in less than a week he's back in again, for re-offending. That's because the licence period isn't long enough and there isn't much you can do on it. Because his licence period is a week and a half or two weeks (Probation officer, CP.4).

The reality of seeing people on short sentences quickly transition between prison and community multiple times meant that for many practitioners, these sentences dominated their caseloads and time. However, there was also a tangible feeling of exasperation that practitioners were unsure of how to help these individuals. This was further reinforced through the limited time officers had to work with these individuals, inhibiting the opportunity to build a trusting working relationship, an important factor in probation practice and in performing probation values.

The exasperation of working with individuals serving short sentences and their relative unattractiveness as a type of sentence to effectively engage had also been realised on a wider level by the managerial team of the case study CRC. A business manager outlined the difficulties the CRC had in effectively managing this group, the uncertainty regarding what worked to reduce re-offending and the negative impact of the inability to achieve any tangible results in reductions in reconvictions:

We really got handed our asses with the short sentences... this service user group has the highest and most prolific offender characteristic set, 60-70 previous offences sometimes. This is the group that causes the most problems, disproportionally most of the re-offending is coming from this group, which has been over and over and over through the prison revolving door and no one can ever really figure out what to do with them. And those really screw up our re-offending rates (CRC business manager, CP.9).

The inability to "figure out what to do" regarding the engagement and management of the resettlement needs of short sentence individuals, resulted in serious financial consequences for the case study CRC. The inability to meet the prescriptive PbR financial targets of reducing reconviction rates of individuals on short sentences was particularly problematic and an issue that affected multiple CRCs nationally[25] (National Audit Office, 2019:6). The financial imperatives of missing these targets led to a reconfiguration of what was possible in CRC practice and had a resulting effect on staff skills and a curtailment of innovative practice.

7.3.2 *Payment by results and the retreat from innovation*

PbR was a central element of the TR reforms. The much-lauded mechanism was introduced to incentivise CRC providers to reduce re-offending. However, the reality for CRCs delivering services on the ground, found the short sentence population continued to maintain the highest proven reconviction rates within the adult prison system (Prison Reform Trust, 2018a:48). The binary measures of the re-offending metrics of PbR acted as a financial "straight-jacket" (Webster, 2015, paragraph 17) on CRCs and the case study area was no exception from this. Data gathered in fieldwork included the perspectives of two individuals who had managerial responsibilities in the CRC and their roles involved knowledge of the effects PbR had on practice. For example, a business manager outlined the extent to which PbR provided a lack of scope for measuring marginal gains or improvements and subsequently failed to capture the intricacies of the process of desistance:

It's just a binary measure of 'did they re-offend, yes or no?' A much more effective way would be a qualified re-offending rate, 'was the intensity or the dangerousness of the re-offence less and was there a bigger gap between re-offending'? But that doesn't matter as far as

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[25] The March 2019 report from the NAO noted that CRCs had failed to achieve MoJ targets. CRCs were expected to reduce re-offending by 3.7 %. However, only 6 of the 21 CRCs had managed this, with an overall 2.5 percentage point reduction in the proportion of proven re-offences. There was also a 22% overall increase in the number of proven re-offences per reoffender (National Audit Office, 2019:6).

MoJ is concerned, he's a loss, he's counted against us. If you read the desistance literature, people don't just stop offending, it's a transition and it takes time. It's unrealistic to think you can stop a prolific offender cold from ever re-offending again (Business manager, CP.9).

The perspectives of the business manager suggested that PbR reproduced re-offending as a zero-sum game. This subsequently did not allow for the lapses and relapses common in an individual's often complex pathway in behavioural change, which had been outlined extensively in the desistance literature (Maruna, 2001). Crucially, the binary measurements meant that if an individual did re-offend, any work practitioners undertook to tackle needs or reduce risks were not taken into account.

The failure to meet these pre-prescribed targets had a wider effect on the case study CRC and led to a reconfiguration of the level and intensity of the support and resources that the CRC was able to offer. This ultimately resulted in a retraction towards a more limited and modest framework of CRC practice. This new model would no longer seek to seriously engage with CRC service users on a meaningful or sustained level but instead would place greater importance on maximising company profit, at the expense of providing services to meet the often multi-systemic needs of the short sentence population. The business manager further explained the financial realities caused by the failure to meet PbR targets and how this was filtered down into on the ground practice:

Our payment structure was to get reimbursed for the cost of running probation business. On top of that, there's bonuses [for achieving PbR metrics]. That is supposed to be where the payments come from, but we didn't get any income from that. So to make the company profitable it had to be 'well we're already paid for the service by the MoJ, we'll have to do it for that minus 10% and that's how we're going to make our money'. It's just by providing a service at a cost under what we're reimbursed for (CRC business manager, CP.9).

The macro-level policy of the PbR framework had ultimately served to undermine and disincentivise the case study CRC from providing a more impactful and innovative service that was originally intended by the architects of TR. This led to the case study CRC moving away from trying to meet PbR targets and towards a cost-cutting framework. The binary mechanism of PbR and the failure of the case study CRC to achieve these targets made providing innovative and responsive resettlement services for those on short sentences too much of a financial risk and affected practice on a micro-

level. A partnership manager outlined the realities of this new cost-cutting framework and how this impacted upon the CRCs ability to promote innovative practice:

> *I think it's been curtailed. The MoJ has really come back from that innovation stance that they wanted early on. Now they just say 'we just want basic, do these things in these timeframes and we're going to dictate all of that and standards too, so just do that effectively', that's the new message. I don't think any of these CRCs have really found their attempts at being innovative have been that fruitful. It's a risk. I think most CRCs are just trying to retract a little bit* (CRC partnership manager, CP.8).

The failure to successfully meet PbR targets resulted in a retreat away from a bold and innovative model, towards a less ambitious, simplified and mechanistic service design that was primarily concerned with meeting data-driven input targets. The MoJ seemingly played a central role in spearheading this volte-face in CRC practice, leading towards a top-down managerial system, with less autonomy and greater accountability, engendering the opposite approach to which was originally intended under TR. Bennett (2019:45) remarks on the resilience of managerialism in contemporary penality and describes this process as "managerial clawback". In relation to the intentions of central government for the TR model, the original plans of freedom and innovation for CRCs witnessed its own clawback to a more top-down, prescriptive managerial model.

The re-positioning of probation practice away from an innovative stance and towards a more simplified and standardised back to basics model, indicated the changing priorities for the CRC. It also had wide-ranging implications for CRC practice and the level of resettlement support offered for individuals serving short sentences. This new elementary and rudimental approach had been filtered down onto the ground and into frontline practice, impacting on the resettlement of the short sentence population in multiple ways. This included alterations to the intended scope and level of intensity of supervision, the required skills of the practitioner, the targets and priorities of these practitioners and the culture of practice that is a result of these interrelating factors. All of these changes signalled a back to basics approach for CRC practice.

7.4. CRC practice mark 2.0: Back to basics and back to the office, with plan, meet, record

The failure of the geographic cohort model and the subsequent failure to meet PbR targets meant that the ambitious plans for community-minded and autonomous staff proactively engaging in their local communities and away from central government oversight was replaced with a more centrally accountable administrative system. The model that replaced it was reported by practitioners as having led to an overtly office-based and desk-bounded administrative staffing culture, ultimately serving to restrict practitioner autonomy. This system ensured that officers were primarily tasked with producing timely statistical inputs and ensuring all IT data systems were accurately maintained. These activities took precedence over meaningful engagement with service users.

One of the primary indicators which encapsulated the re-configuration of the practitioner role as administratively focused, was through the implementation of a planning and engagement system called plan, meet and record or PMR. This system was introduced by the management of the case study CRC in order to ensure practitioners could effectively manage their time and keep accurate records of all service user contact. Particularly with the large caseloads officers had, PMR had been used as a means to ensure practitioners did not spend too much time with their caseloads and were able to undertake multiple supervision sessions in a working day. In essence, it was a mechanism used to simplify supervision and reduce its status and value to an assembly line process, breaking it down into three clear stages of production. These included: planning the meeting with the service user, meeting the service user and then recording the meeting. All three parts should have taken place within a one hour window to ensure practitioners time was used productively. The use of this system indicated a move towards efficiency as a priority in CRC practice.

A poster (see figure 5 below) promoting the use of PMR was very visibly displayed on a notice board in the main open-plan CRC office. The poster used very clinical language to advertise the use of this framework, using the imagery of a "one-a-day' tablet that comes "clinically recommended" for any practitioner who may be seeing their service users "too frequently".
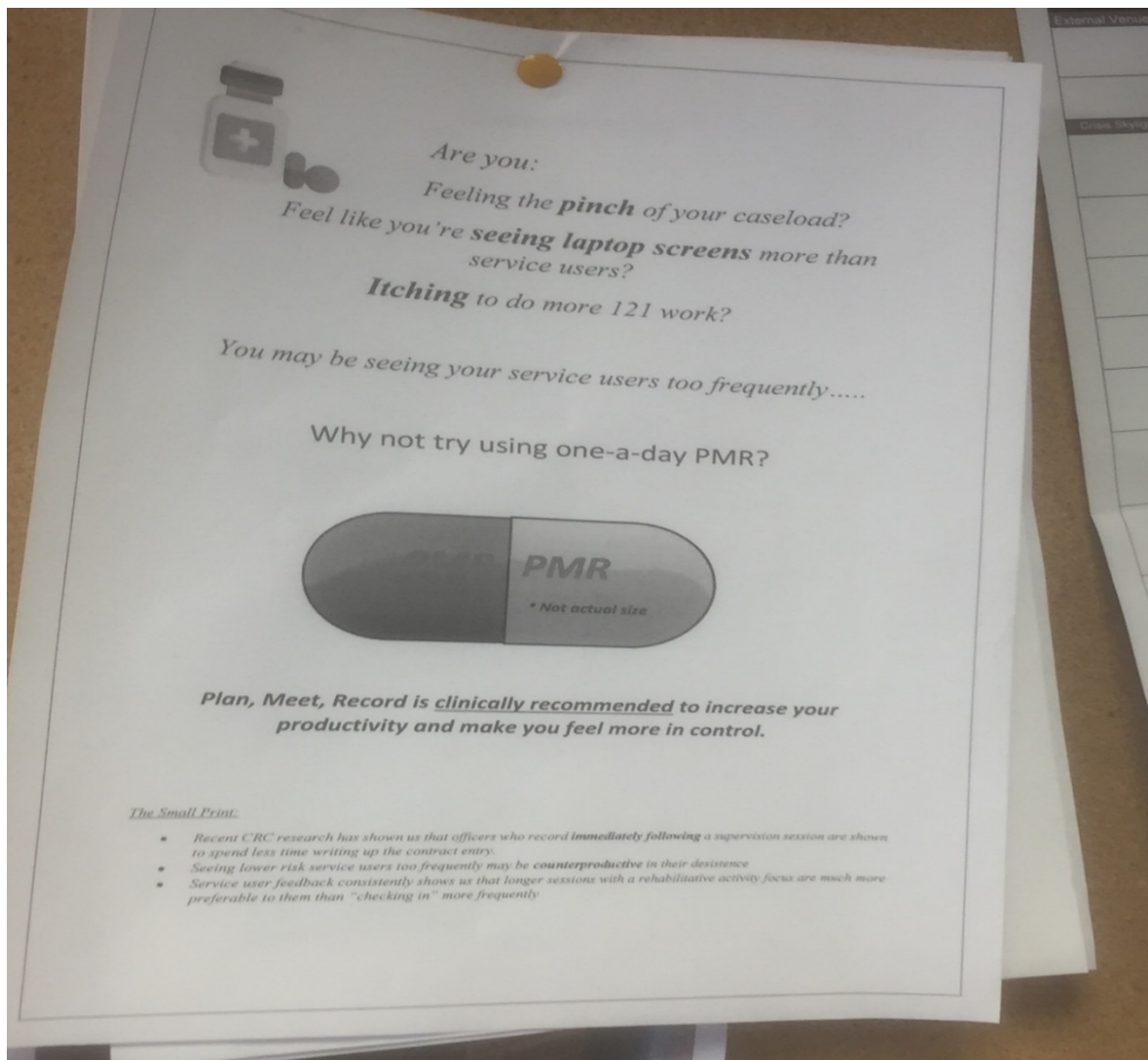
A business manager outlined the necessity of introducing this standardised system, asserting that PMR was the result of a perceived need to return to the basics of practice within the service and rebuild a framework of practice and core competency, rather than expanding probation work to something more meaningful and expansive:

> *A lot of basic skills and basic recording on Delius[26], the bare minimum was not being done. We had to go through a process of re-teaching the basic skills and management was preoccupied with just getting us to be sufficient on a minimum level, rather than trying to go above and beyond and try to do more complex and time-consuming engagement work. It*

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[26] nDelius is the main IT case management recording system for the probation services.

was more just about trying to maintain basic competencies and part of that was plan, meet, record (CRC business manager, CP.9).

A consequence of the implementation of the plan, meet, record one hour window, was its restrictions upon the scope and remit of the supervisory relationship, limiting it to a highly regimented and transactional practice, which rarely provided opportunities to explore anything beyond signposting to address immediate practical problems. This resulted in relegating the importance and centrality of supervision within probation practice and ensured supervision became a more clinical undertaking. For example, a PSO provided an overview of what supervision sessions usually consisted of with her service users and what the aims and scope of these sessions were:

See where they are, see if they've had their housing sorted out, see if they've had their benefits sorted out, see if there's issues with their accommodation, see if they are attending their appointments with the drugs agency and they are engaging. Making sure that if they need assistance with their employment, we can direct them through our ETE referral process (Probation service officer, CP.1).

Within this model of practice, the role of the probation officer became limited to identifying practical issues and signposting to appropriate agencies. The relational aspect of the supervisory relationship was replaced with a more distant experience, where the practitioner operated a series of pulleys and levers to ensure the service user was redirected towards the most appropriate agency. By concentrating on practical issues and breaking resettlement down into a disparate set of needs to be met, important motivational and therapeutic aspects of supervision became neglected. These are aspects that Maguire and Raynor (2017) contend are crucial for effective resettlement.

The priorities of the supervising officer could shift away from facilitating meaningful and long term change, towards fulfilling a far more modest set of administrative inputs and processes, ensuring the basic management of the case. This altered supervision to a means to an end to meet central MoJ targets. The signposting system also limited the role of the practitioner, making their former position as an agent of change redundant and re-configured their role into a broker and facilitator that re-directed the service user to the most appropriate resettlement expert. This served to foster a sense of detachment between the service user and practitioner, which did not provide a positive grounding for a meaningful therapeutic relationship.

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In line with Robinson's (2017) research on court-based probation staff, supervision had been disassembled into factory-like processes and its attendant model of plan, meet, record could be seen as an attempt to 'McDonaldize' (Ritzer, 2015) probation supervision. PMR created the most efficient way of processing its consumers through their licence (efficiency). It emphasised a quantitative value over qualitative for supervision (calculability). It broke down supervision into a series of discrete sequences and steps like an assembly line process in a predefined manner (predictability). And the target setting culture and administrative IT systems provided a "technological scaffolding" (Robinson 2017:11) which structurally reinforced the necessity of the practice. By enforcing a factory-like production line to supervision, it severely curtailed any therapeutic potential and limited it to a system of monitoring and management of the case.

The limitation of the practitioner role in CRC practice was further reinforced through the priorities handed down by senior staff. Practitioners felt that there was no encouragement from management to achieve any purposeful sense of change with their cases. The priority instead was to achieve a series of data-driven targets, thus ensuring adherence with minimum standards of engagement and compliance set out by central government. Again, these did not conform to any expansive or meaningful goals that were originally envisioned under TR. A probation officer outlined the priorities her seniors emphasised to her:

> *Pressure isn't on quality of work, it's just about meeting targets. Targets are focused towards*
> *compliance with the licence, instead of any end result. So you would just get them through*
> *their licence period so that someone doesn't need to be recalled* (Probation officer, CP.3).

The practitioner demonstrated a model of supervision that only required minimal levels of engagement and compliance, rather than seeking a more comprehensive sustained level of engagement that could potentially facilitate positive long-term change. A more substantial level of compliance was not required in this clinical and administrative system, as it was too complex and time-consuming and only served to detract from the core priorities of ensuring targets were met. This minimal adherence to compliance promoted what Bottoms (2001:92) describes as "constraint-based compliance". This was a more subdued and muted form of compliance that does not seek a normative internal acceptance, engagement and legitimacy of supervision. Instead, this form of engagement can lead to practitioners encouraging the minimal amount of engagement, to see someone through an order. This model could effectively devalue the purpose and meaning of probation and indicated to

the service user that supervision was unimportant. It also further contributed towards the devaluation of the short sentence service user, to a case to be moved on and moved through to someone else.

7.4.1 *CRC target culture: Offender management superseding offender engagement*

The notion of merely seeking to "get someone through" their sentence and limiting supervision to a basic monitoring system, entailed a clear distinction between what one business manager referred to as offender management as opposed to a more meaningful process of offender engagement (CP.9). Offender management was described as a culture of ticking the right boxes and going through the motions, not meaningfully engaging with an individual and developing the relational aspects of supervision. Whereas offender engagement encompassed a much more substantial level of support and involvement with the individual. The realities of CRC practice meant that offender management was the primary model utilised by practitioners in the case study area. The manager commented on what supervision typically entailed when he observed practice:

> *I found at every appointment was that it was very perfunctory, 'how many community service hours do you have left? I told you to call these people and make an appointment, did you do that? Any issues? Ok, you're done'. It was just a tick-box, get through what had to be done to get them finished on probation. It's the difference between offender engagement and offender management. I just feel like we're doing offender management, As opposed to engaging them on a level where we can work through the issues that cause them to offend in the first place* (CRC business manager, CP.9).

The policies and procedures of TR created the conditions that constricted practice towards offender management and eroded opportunities for engagement. Administrative duties and data inputting were promoted, limiting the space for a more expansive model of offender engagement (Rex, 1999; Raynor and Vanstone, 2018). Supervision became constrained to the more limited elements of box-ticking and processing individuals through the system, establishing supervision as a conveyer-belt consisting of a series of repetitive and remedial actions. This effectively relegated effective practice skills such as motivational interviewing and reflective listening as superfluous and redundant and removed engagement as a purposeful goal.

A probation officer provided an example of how this offender management model worked on the ground, explaining how a tick-box culture was realised and manifested into daily practice. In this

example, it had served to reduce sentence plans to a superficial target to be met that were undertaken with no regard for the quality of work produced, or the benefits that it might have had for future resettlement planning. Instead, the overriding priority was to meet targets in a confined timeframe:

Sentence plans are often very superficial, the target is now to have a sentence plan completed within 10 working days, often after their induction. That only leaves one meeting to formulate a sentence plan, which isn't enough time. Often the individual had an oral report at court, so its copy and pasted into the sentence plan, meaning there's no real information on the OASys (Probation officer, CP.3).

Hughes (2012) notes that risk assessments should not solely be about managing harm, but a way to identify how best to work with an individual, acting as a means of achieving effective rehabilitation. However, within the offender management context the case study CRC operates in, the role of risk management is reduced to simplistic form filling and target hitting, leaving this process depleted of its value and purpose and undermining these ideals.

With a focus concerned with the superficial offender management of individuals, as well as the production of statistics to meet government targets, the CRC required a staffing profile that were able to best meet these needs. It is within this context that PSOs became a more central part of CRC practice. Canton and Dominey (2018:273) describe PSOs as "paraprofessionals" who did not have the training and qualifications or hold the same responsibilities as probation officers.

In the case study office, TR oversaw a realignment of job roles and the case administrator role was abolished; these former administrators were retained as PSOs. This reflected the new realities and shifting priorities of CRC practice, away from the relational aspects of engagement and towards a tightly constricted and standardised processing model of management. It is within this model that the former case administrator staff were perceived as best placed to efficiently perform these new core requirements. Several practitioners outlined concerns regarding the proficiency of some of the new PSOs. Reflecting this, a business manager outlined the lack of relational and supervisory skills that the former administration staff possessed:

They had two weeks of training and that's it. So there's something about learning on the job, but they hadn't had any training as far as the essential skills of probation. The training [that

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the new PSOs receive] is just the bare minimum and they're asked to adhere to these standards, these timescales. They wanted staff to be managers of stuff, rather than engaging service users because that's just so much more time consuming (CRC business manager, CP.9).

Here, training was focused towards the basic procedures of managing cases and instilling the importance of timescales and standards, reflecting the back to basics core priorities of the case study CRC. The training focus on administrative processes was to ensure these staff were equipped to record targets that the CRC was required to meet for PbR thresholds. In this respect, PbR had come to dictate probation practice and dominate the overriding aims and scope of the CRC focus.

Canton and Dominey (2018:274) assert that probation training could serve to sustain and transmit probation organisational culture. However, the emerging administrative top-down culture of the case study CRC no longer required the training of practitioners to be skilled in the ethos of engagement and rehabilitation. This was because it was not a core requirement of the CRC practice. This could create a culture of practitioners less willing (or able) to be flexible in their approach or focused on building a professional relationship.

The abolition of the case administrator role also resulted in increasing workload pressures onto existing practitioners, who were now faced with having to undertake their own administrative duties in addition to pre-existing case management duties. Several practitioners outlined the effect this had on them, illustrating this, a probation officer explained how this added further constraints onto already congested caseloads and meant that time with service users had to be curtailed and carefully managed into a more standardised and efficient process:

With the change [TR], resources were getting less, so no more case administrators. Probation has underestimated the fact that you don't have any admin anymore and what that effect is on someone's caseload. So caseloads were already higher, but on top of that, the officers need to do more work because of admin (Probation officer, CP.3).

This new expectation of added administrative duties was particularly challenging for practitioners, who already faced serious time constraints due to the heavy burden of supervising large caseloads of

individuals subject to short sentences. The focus of completing administrative tasks also served to side-line the relational practices and therapeutic skills embedded within the institutional memory of probation. This led to questions of their necessity to CRC probation practice.

Many practitioners, particularly those with extensive experience pre-TR, struggled to adapt to the new realities of practice in the CRC. For these experienced officers, this caused tension between personal values and the organisational imperatives of the restrictive CRC framework. Numerous officers in the case study CRC articulated a struggle to maintain a way of working which was consistent with a set of values and beliefs centred on rehabilitation and engagement. These values often seemed incompatible against the new administrative and technical imperatives that were produced through the monetised realities of PbR and the privatised probation system.

7.4.2 *The struggle of maintaining old school probation values, within the new realities of CRC probation practice*

The ability to maintain core probation values or a "probation habitus" (Grant, 2016) had been severely restricted by the demands instilled through the top-down, managerial and standardised practices of the CRC. Many practitioners articulated a concern that the operational imperatives of the CRC, including the extensive caseloads of officers and the resulting data inputting administrative processes, seriously curtailed the ideals of the therapeutic principles of supervision. Instead, there was an expectation to undertake tick-box work and appointments were formulated into a conveyer-belt of continuous limited check-in appointments, in order to meet the large volumes of cases that practitioners were tasked to supervise. A business manager explained how this operated in practice:

> *We're forced into a model now of everyone gets seen for fifteen minutes, then the next one, then the next one. That's because of the volumes we have. We had to reduce staff and so everybody has huge cases now and nobody has time for anything else beyond tick-boxing. Even though a lot want to do more of the therapeutic engagement stuff, actually working with someone to help change their lives. That's why a lot of them got into it in the first place* (CRC business manager, CP.9).

The realities of TR necessitated a conveyer-belt model of case management which had severely limited and standardised supervision into a one size fits all framework. Within this model, probation practitioners with experience pre-TR struggled to adapt to these new realities and faced considerable

barriers to maintaining an ethos conducive to their own values and beliefs. Experienced officers outlined some of these challenges, as the current conditions of CRC practice enforced limitations within which practitioners must conform in order to operate. For one officer, this meant limiting the scope of probation appointments, which he worried would harm the value of supervision and inhibit trust and communication with the service users on his caseload:

> *It is challenging, managing 60 odd cases. I used to see everyone for an hour. Because that was the ethos of how you work with them. It can't be 15 minutes, if you give them 15 minutes, they will think nobody's interested and just come in and tell you what you want to hear. If you take an hour, they get to know you, you get to know them, you can get something out of them! But now, it's just not possible… It's hard for me and a lot of colleagues to change the way we work. My training was about rehabilitation and now you're telling me I've got to work differently* (Probation officer, CP.4).

Other experienced practitioners in the case study CRC, including a PSO with over 14 years' experience, also appeared to struggle with this conflict between the new practice model and the value base of traditional probation training. The PSO articulated a struggle where the day-to-day realities on CRC practice conflicted with his value base and even inhibited his motivations for the job:

> *You've got certain targets that you need to meet. They say on one hand to spend less time with the service user, but also you still need to produce quality work and it's just not possible. I'm from the old school where I feel like I need to do quality work with people. These are people's lives we're dealing with. I want to go home in the evening and say 'you know what, I did something good'* (Probation service officer, CP.2).

Several experienced practitioners outlined a struggle to make practice meaningful and fulfilling. They felt restricted in their ability to affect change and this led in some instances to dissatisfaction with the job. This struggle existed in a system of practice where service users' needs were secondary to practice imperatives, in effect they were reduced to "things" (Burke and Collett, 2010). Their realities and issues were subsequently reduced to a series of needs identified in tick-box risk assessments, which the practitioner monitored and managed in 15 minutes check-in sessions and then portioned these issues off to an appropriate expert.

The relational value of supervision was clearly still central to several practitioners practice and one officer referred to himself as "old school" (CP.2) probation, viewing probation practice as a vocation that placed importance on the individual and making a positive change. In this respect, these practitioners' experiences and value base were in line with what Worrall and Mawby (2013a) term 'lifers'. Worrall and Mawby (2013b) assert that probation culture had a resilience which has managed to withstand the late modern penal discourses of managerialism and public protection. They contend that practitioners were able to do this by constructing identities "that allow them to believe they are still part of the 'honourable profession'" (Worrall and Mawby 2013b:350). However, the onset of TR and the realities caused by PbR, meant this habitus was slowly being eroded and subsumed by a culture of practice which no longer valued these skills.

Increasingly, the case study CRC had no space for probation lifers who exuded "old school" probation values. Instead, CRCs were more predisposed towards the more pragmatic and adaptable 'offender managers', who according to Worrall and Mawby (2013a) are more office-bound, comfortable with ICT systems dominating their working practice and ambivalent about offender engagement. It was this particular probation identity which better fitted the needs and requirements of modern CRC practice.

In this context, "old school" probation values and practices were struggling to survive and experienced officers felt uncomfortable in adapting to this new culture of practice, as it conflicted with their values. This resulted in experienced practitioners becoming part of a marginalised "probation diaspora" (Burke, Millings, Robinson, 2017:194) who were expected to conform and adapt to these new realities. This ongoing struggle took place against the more adaptable probation practitioners who had not been exposed to probation practice pre-TR and were comfortable operating within the existing managerialist target culture.

"Old school" practitioners in the case study CRC, also experienced frustrations with the types of cases that they were tasked with supervising. Specifically, it was individuals serving short sentences which were the source of these frustrations. Their perceived multiple needs and the brevity of the sentence presented an insurmountable challenge in developing meaningful and trusting relationships. Reflecting this, a probation officer shared his frustrations of the realities of CRC practice:

They keep going around. They come out and they keep rotating on that carousel.   Because of end-to-end offender management, I have a guy who keeps going around this carousel and every time he comes back out he comes to me. He's on event 14 now and that's in the space of 3 years. That's 14 convictions. He's going back to court again next week (Probation officer, CP.4).

The multiple turns around the revolving door that many on short sentences could experience, made it increasingly difficult to implement a style of supervision that was impactful and resembled offender engagement. The circulating and re-circulating through the system, presented as a significant barrier to achieving anything other than simple administrative offender management and monitoring of the case. In the above example, the probation officer is running just to keep up with the rotations on the carousel, which was relayed as a highly dispiriting experience.

7.5 Running on the treadmill, the realities of CRC practice

Commenting on the effects of a target-based culture on CRC practice, now former HM Chief Inspector of Probation, Dame Glenys Stacey (2019:3) stated in a recent speech that "CRCs are understandably focused on meeting those transaction-based targets. They are kept very busy, doing that. Many are running to keep still. Running on the treadmill." The metaphor of 'the treadmill' had also been used by various practitioners in the case study area to describe the nature of their work. It has also been variously been described as a "carousel" by a probation officer, or a conveyer-belt by the author.

A conventional definition of a treadmill would describe it as a machine powered by a conveyer-belt, commonly used to run, walk or climb at a controlled and measured pace while staying in the same place[27]. Unlike conventional running, this activity lacked any conventional end-point. It is often critiqued as a monotonous and generic activity not requiring any particular skill. The use of the treadmill also takes place in an individualised "atomised space", where the human is reduced to "machinelike processes" (Greif, 2016: 360).

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[27] The treadmill has also historically been synonymous as a form of punishment and forced hard labour, with its use widespread in the Victorian prison system. Its popularity was due to its demoralizing and tormenting qualities of non-productive purposes (McConville, 1995:147) and that it reconciled all aims and purposes of punishment by exposing all inmates to the same burden (McGowen, 1995:97). Oscar Wilde famously described the silent terror of the treadmill in his prison allegory 'De Profundis' (Wilde, 1905).

However, in this context, the treadmill is used here as a fitting metaphor to identify the relentless, yet monotonous and often repetitive nature of working with a revolving door of repeat service users. The treadmill encompassed the conveyer-belt of repetitive assessments, standardisations and target hitting data-inputs. It is used to explain the frustrations of constantly working to keep up, but not achieving any significant progress or tangible end-result from the often exhaustive work. The treadmill metaphor helps to describe the atomised nature of supervision practice, which has become disconnected from its intended relational and therapeutic meaning, to become a more emotionally distant practice. The treadmill also denotes the constraints placed on practitioners, where practice was no longer allowed to deviate from the pre-determined path laid out in front of them. Finally, the treadmill represents the increasingly generic and de-skilled nature of the job.

A probation officer used the treadmill metaphor as a way to describe the almost frantic nature of her daily practice, constantly working to keep up, but feeling like she was not able to undertake any meaningful work or achieve any tangible outcomes. This could be a frustrating and often futile experience:

> *I'm trying to do everything on a treadmill. They're just in and out and it can be frustrating as you can't do any meaningful work with those that might need it. Those with the shorter sentences you're always on the treadmill - if they want someone met at the gate, if they need an appointment and support for housing if they need their benefits started. You're constantly on the go of trying to make sure each person sees everyone that they need to see, whether it means anything to them or not* (Probation officer, CP.3).

For many practitioners work was paradoxically generic and de-skilled, as it was simultaneously exhaustive and relentless. In this respect, it was the extensive needs of individuals serving short sentences, combined with the external pressures of high volume caseloads and meeting targets, which inhibited and devalued CRC practice into a treadmill. Practitioners were rarely able to identify any positive achievements or end-results with the short sentence cohort, as the limited time and space did not allow for creative or meaningful skilled work, set outside of the limited managerialist parameters and pressures. Exemplifying the views of other practitioners, a PSO outlined her experiences of running on the treadmill. She captured the lack of autonomy and agency in being able

to provide meaningful support for individuals serving short sentences. Instead, the relentless levels of work leave the PSO just trying to keep up with her workload:

When it comes to really short-term sentences, we don't have time. We have really big caseloads, we've got to get around everyone…When you think you've cleared it, a whole new heap more comes on, it's just continuous (Probation service officer, CP.1).

7.6 Conclusion

Transforming Rehabilitation promised innovative practices and practitioner autonomy to provide enhanced rehabilitative support to individuals serving short sentences. Based on interview data from practitioners within one case study CRC, this research has shown that aspects of TR, particularly PbR, undermined these promises and eroded the probation value base, reducing opportunities to undertake skilled and meaningful work.

The initial section of this chapter examined the enduring nature and characteristics of "probation habitus" (Grant, 2016) that was sustained through a longstanding institutional memory. However, the onset of TR meant starting again for many practitioners assigned to CRC, particularly as the institutional memory of probation was primarily retained by the NPS. This presented as a significant struggle for CRC practitioners to retain an organisational identity.

In the case study CRC, practitioners primarily strived to uphold probation values of practice through working with cases that had specific and identifiable risks. This was further reinforced through the cohort model that was initially implemented by the case study CRC. These cases allowed practitioners an opportunity to perform the values of probation. However, this resulted in risk retaining a value or worth and through this lens, short sentences were devalued and portrayed as an undesirable figure of supervision. Individuals on short sentences were often labelled as unmotivated, suffered from multi-systemic practical needs and dominated practitioners' caseloads and time. Their devalued status also meant that practitioners charged with their resettlement were afforded less time and resources for this task. In this respect, CRC practice could be described as what Worrall and Mawby (2013a:8) call "dirty work", in comparison to the more valued higher risk practice of the NPS.

The inability to construct a framework of practice to meet the needs of the short sentence population through the failed cohort model, translated into a failure to meet PbR targets. This failure had a detrimental impact on CRC practice, leading to a more limited model of constrained and emotionally distant supervision, undermining the originally intended aims of improved freedom and innovation within the sector. In this respect, a macro-level policy has been refracted onto the ground, altering and constricting practice.

The replacement for the cohort model was indicative of a much more administrative and managerial approach, with greater centralised control from the MoJ. This resulted in a focus towards achieving data-led input targets, rather than achieving meaningful change in the individual. This new back to basics model had a detrimental impact on practitioners in the CRC case study area and saw a further de-prioritisation of individuals serving short sentences. Supervision was reconfigured as a limited check-in session to determine practical needs and then refer out to an appropriate agency. This approach shears off any relational value to the supervision process.

Viewed as a further example of the 'McDonaldization' (Robinson, 2017) of probation practice, the plan, meet, record model of practice, transformed supervision into a limited tick-box conveyer-belt designed to get service users through the system as quickly and efficiently as possible. In turn, this only encouraged minimal levels of compliance and engagement from the service user. These factory-like processes disassembled important processes such as sentence planning into meaningless audits, removed of their value as an important part of resettlement planning.

Under this new practice guise, the values of skilled and autonomous practitioners were no longer required and in their place were increasingly de-skilled and inflexible practitioners. These practitioners were viewed as adaptable and comfortable administrating a more limited offender management model over a more expansive offender engagement approach. Many of these staff were PSOs, who had not received the training and qualifications which helped to sustain and transmit probation values.

Many practitioners with experience of probation work before TR struggled to acclimatise to the new constrained realities of CRC practice, finding their probation values, described as "old school"

probation, incompatible with the increasingly standardised, administrative culture of the case study CRC. "Old school" probation values had become eroded, as they failed to fit into the monetised reality of the privatised system, which has curtailed practitioner freedom and autonomy. A central part of this erosion was the limitations placed on the supervisory relationship. The realities of on the ground practice severely curtailed opportunities for this to take place in a meaningful way and downgraded its importance in post-release work. These reduced forms of supervision were created by the wider conditions of TR.

The absence of opportunities for skilled and meaningful work was described as a treadmill by various practitioners. The metaphor of the treadmill was used to denote the increasingly relentless, yet monotonous and generic work of CRC practice, as practitioners were constantly striving to hit targets and meet the extensive needs of the short sentence population.

However, it was those who TR was originally designed for, individuals serving short sentences, who were most affected by the erosion of "old school" probation practice. Their resettlement needs became reduced to a series of tick-boxes, supervision into a brief check-in and their pathway to desistance reduced to a PbR statistic. Despite their multi-systemic needs, they were constructed as an undesirable and unchangeable figure of post-release supervision, left to continue to re-cycle around the revolving door.

Chapter Eight: Conclusion

8.1 Introduction

This chapter begins by summarising and assessing the key contributions that this thesis has made. Eight contributions are outlined, separated into policy and practice and theoretical contributions. This chapter then considers the recent announcement regarding the latest re-modelling of probation that has ended the split model of CRCs. The implications of this new model are considered in context to the findings of this thesis. Taking these future changes in policy into consideration, potential areas of future research are also highlighted. Lastly, in light of the findings of this thesis, a case is made for the abolition of short sentences, as well as an assessment of the likelihood of this happening in the current political climate.

8.2 Policy and practice contributions of this thesis

As previously acknowledged within the methodology (please see section 3.7 on limitations of this study for more information) the findings for this thesis are taken from one case study area, at one specific point in time, with sampling – in-part – guided by gatekeepers, and as such are not necessarily generalisable to experiences in other probation areas in England and Wales. For example, HM Inspectorate of Probation (2019) underlines individual CRCs have different models of post-release supervision for service users and do not use the sub-contracted model featured in this thesis. Women serving short sentences may also experience vastly different journeys to the men featured in this research. However, findings from this thesis have also corresponded to research that has taken place in other CRC areas, suggesting some of the findings may reflect wider experiences. More specifically, this includes experiences in a local prison (Taylor et al., 2017; Millings et al., 2019), experiences of PSS (HM Inspectorate of Probation, 2019) and experiences of on the ground practice in a CRC (Tidmarsh, 2019).

1. An in-depth qualitative understanding into all elements of the short sentence under the ORA 2014, featuring the views of practitioners and service users in prison and the community.

This research captures how this policy is enacted and experienced on the ground in one case study area and finds that there is a significant gap, or dissonance between the policy rhetoric, concerning the aims and ambitions of TR and on the ground practice reality; this has been realised at all three stages of the short sentence.

a) Resettlement prison

The case study prison, one of an initial 70 in England and Wales, was re-designated as a resettlement prison. This policy was intended to result in individuals serving short sentences "working towards their rehabilitation" from the moment they were imprisoned and being provided with a "tailored package of supervision and support" in the form of through the gate resettlement services (Ministry of Justice, 2013c, paragraph 8).

However, in practice, practitioners experience significant tensions over the purpose and status of the prison and are pulled between institutional demands of the inveterate local functions of facilitating court transfers and managing remand prisoners and the nascent ideals of providing resettlement support. Practitioners feel the prison is not sufficiently equipped to provide this additional support. This results in prisoners becoming trapped within a prison unable to meet their needs and denied a sense of progression to a lower security facility, cementing individuals into the local prison system. The spatial conditions of the prison, combined with the mix of prisoners that the prison houses, causes a widespread sense of churn, reinforcing the idea of the prison as a warehouse, endlessly processing and moving individuals. These conditions necessitate a bureaucratic framework which depersonalises prisoners and inhibits their ability to communicate needs and the accessibility to staff and services.

Frontline prison officers fail to recognise resettlement and rehabilitative work as a core part of their working remit. Instead, resettlement is largely understood as a technical process to be administered by a specific department, rather than through a whole prisons approach. This indicates a failure to alter the role of officers beyond a security approach. For practitioners with a resettlement focused role, their knowledge and involvement of resettlement is usually limited to their specific pathway, reinforcing a silo-based approach to resettlement. Managerial attempts to implement a resettlement ethos are primarily top-down and reliant on targets, indicating a failure to assimilate these ideals onto the ground level, with frontline staff failing to buy into this cultural change. Some practitioners fear that there is a significant fragmentation between frontline staff and managers. This has been exacerbated by austerity measures which have affected the prison and staffing levels, creating a pervasive culture of ambivalence and acceptance of underperformance. Practitioners are further fatigued by the constant introduction of new reforms that are often introduced before the previous reform has time to properly embed.

There is also a significant disconnection between the procedures set out to identify needs and plan resettlement. Staffing constraints mean The BCST is either not done or completed to a superficial standard. It is primarily viewed as a box-ticking exercise and not a tool used to engage meaningfully with an individual. Although practitioners try to do what they are able to, the limited time practitioners have to provide resettlement support inhibits their ability to facilitate meaningful change. Resettlement pathways are poor or inadequate, concentrated on practical elements and services are frequently closed due to staffing constraints. The inability to provide adequate housing options for prisoners is particularly problematic as this is viewed as a foundational issue which in its absence, no further resettlement can take place. Prison practitioners and community-based prison staff have poor and inconsistent communication. Practitioners also feel that the CRC through-the-gate contracts are no more than rhetoric or a box-ticking exercise. Staff articulate that the services provided have deteriorated under TR and not met the expectations originally set out by the MoJ.

b) Through-the-gate transition to the community and the licence period

The intentions of this policy outlined that support begun in prison would continue seamlessly through-the-gate and into the community. The needs of the individual would be identified in prison and then communicated to a dedicated CRC practitioner, who would put the resettlement plan into action. The officer would undertake regular supervision sessions with the individual to provide support and guidance in the first crucial weeks post-release.

The reality of through-the-gate practice means that CRC staff have little to no contact with the prison, only infrequently receiving a BCST, which is often superficial and of poor quality. CRC practitioners are also not encouraged, or able, to undertake prison visits and establish working relationships pre-release. This re-affirms the adversarial approach between prison and probation staff. The introduction of the custody cohort team has primarily caused more confusion and obfuscation over responsibility and ownership of cases and served to further remove probation staff from the prison.

Service users are often not allocated pre-release, meaning the initial appointment is very brief and uninformative with a member of staff on a duty rota system often not familiar with the case. Once allocated, officers employ a model of farming service users out to pathway services, encouraging an

'arm's-length' distant approach. However, due to austerity measures, many services are often poor and unable to help service users overcome macro-level problems related to housing or accessing benefits. Large caseloads and pressures to meet targets such as OASys, mean that supervision during the licence period is very perfunctory and something to 'get service users through' and onto PSS as painlessly as possible.

c) Post-sentence supervision

With the expressed aim of rehabilitation (NOMS, 2014), PSS should be facilitated by a specialist worker from a third sector organisation, who has access to a range of specialist providers. This final element of the sentence should allow the service user to consolidate their resettlement plans as they reintegrate back into the community.

The reality again demonstrates a very different picture. The PSS sentence is experienced as ambiguous by CRC staff and service users subject to it. Both staff and practitioners fail to understand what PSS is, what its purpose is, what distinguishes it from the licence period and feel it lacks sufficient penal bite in comparison to the licence. This means that CRC staff are largely unsupportive and believe the sentence lacks clarity and value. There are further ambiguities over the transfer process and eligibility criteria for PSS and many practitioners experience poor communication with the third sector staff, leading to an antagonistic relationship between CRC and third sector staff.

This means there is a lack of continuity and efficient communication at all levels of the short sentence, encompassing prison, through to the community. CRC practitioners also underline that handing over the service user to a third actor often severs any relational gains made. Service users experience the three elements of the short sentence as three disparate elements, where resettlement work becomes stalled at every juncture of the sentence and then needlessly repeated. This is experienced as a negative pass-the-parcel process, with the individual repeatedly moved onto different practitioners and agencies throughout the sentence.

The expressed aim of rehabilitation is not grounded in any tangible outcome or specific method of practice. Instead, service users are seen on a light-touch basis, an ambiguous term with multiple interpretations. Third sector staff feel that they were placed in a very difficult position, as the cases

they take on have received little pre-existing resettlement support, yet are still charged with starting again with the service user, with the same access to austerity-hit pathway services as every other practitioner.

2. The dissonance between TR policy rhetoric and the reality of practice on the ground is caused by a set of interconnected institutional, temporal and political-economic barriers. Prison and community-based practitioners operating at the micro-level lack the agency to overcome these barriers.

Institutional barriers in the prison include the institutional imperatives of serving the court in the local prison, which often takes precedence over resettlement work; the spatial conditions of the prison, replete with the mix and churn of the prison population; the predominance of security over a more rehabilitative ethos; and the use of the pervasive KPTs to encourage a resettlement focus. In the community institutional barriers include: caseload pressures of CRC staff; these pressures encouraged an 'arm's length' approach to supervision and are a significant barrier in being able to work with individuals pre-release; and a managerial focus on meeting process targets and completing risk assessments.

Institutional barriers are often longstanding factors related to local prison or probation practice that existed before the introduction of TR. All these institutional barriers, such as facilitating court movements in the prison, or completing OASys risk assessments in the CRC, have to be managed alongside new demands introduced under TR for the short sentence population. This means that despite promises of greater autonomy and room for innovation under TR (Ministry of Justice, 2014b), these reforms create additional demands on practitioners and placed further restrictions on staff time.

Temporal barriers include the brevity of the short sentence. This is an unavoidable factor which affects practitioners at all junctures of the sentence. Practitioners often feel they have insufficient time to undertake any meaningful work or make progress with resettlement planning. Practitioners in the local prison only have time to flag-up any needs the individual may have. Once in the community, the licence period is often very brief and with high caseloads and expectations regarding completing risk assessments, CRC practitioners struggle to build a meaningful relationship with their cases, before they are then passed onto PSS practitioners who effectively have to start again with these individuals.

These temporal barriers are a fixed element of the 'short' sentence that the literature review has uncovered as a longstanding central flaw of the sentence that makes it difficult to undertake the required resettlement work that could impact upon the multi-systemic needs these individuals often present with (NAO, 2010; Stewart, 2008). In this respect, time is often seen as a commodity, particularly as CRC practitioners compare the lack of time they have with individuals in their caseloads with NPS practitioners. As argued elsewhere (Cracknell, 2018), reforms designed around short sentences are a form of 'carceral clawback' (Carlen, 2002) used to re-affirm and re-legitimise the use of imprisonment, often achieved within a cloak of rehabilitative language. In this sense, the ORA 2014 has been used to legitimise a prison sentence with a fundamental flaw of its brevity.

The central political-economic barriers include austerity measures, which have impacted on prison-based and community staff and acted as a significant barrier to addressing the needs of individuals on short sentences. Political-economic barriers are a central cause of staff cuts in the prison; the deterioration of pathway services; poor housing provisions; and the introduction of universal credit, which negatively affects the crucial first weeks of resettlement. These political-economic barriers highlight how the government actively undermines their own policy plans of TR, by advocating for a resettlement-based approach for individuals subject to short sentences, but simultaneously creating an environment in the prison and in the community which is not conducive to achieving those aims.

Collectively, the barriers and blockages are an enduring feature present at all stages of the short sentence and curtailed the ability for prison-based and community-based practitioners to achieve any meaningful change with individuals subject to short sentences. Instead, practitioners often adopt pragmatic attitudes, bifurcating between individuals that are deemed able to successfully desist and those that are not. For those that are not, practitioners often neglect their needs or are ambivalent regarding their inevitable return to custody.

3. TR is the latest iteration in a series of resettlement policies that have struggled to provide continuous support between prison and the community, with a recurring thread of issues which lead to their failure.

These iterations of resettlement policies include the 'seamless sentence' (Criminal Justice Act 1991), 'end-to-end offender management' (the creation of NOMS and custody plus under New Labour) and the current Transforming Rehabilitation through-the-gate reforms. The intermittent interest in the resettlement of individuals and attempts to improve continuity between prisons and probation have a common thread of issues which lead to their failure. These include poor communication and information sharing across the prison gate; the pace and scale of changes which provide inadequate time to properly embed reforms; under-resourced services; the implementation of policy changes that materialise top-down in a one size fits all standardised format, rather than organically from the ground level. TR has not been successful in resolving these pre-existing issues with resettlement policy, despite its aims to further integrate prisons and probation through-the-gate.

4. The wider privatisation agenda, including the organisational split and the use of PbR, have had broader consequences for probation practice.

These impacts need to be viewed beyond framing TR as the latest failed attempt of resettlement and will have wider implications for the future of practice. This thesis has identified four key elements of TR that have specific consequences: the organisational split, the use of PbR, the use of the third sector and the impact on daily practice, particularly supervision.

The use of risk as a central means to divide the NPS from the CRC means risk retains a value and currency. The more risk a service user is deemed to inhabit, the more opportunities an officer has to perform their full probation skillset of specialist knowledge and multi-agency work and retain their 'probation habitus' (Grant, 2016). However, when viewed through this lens, individuals serving a short sentence provide few opportunities for this skillset and are seen as an undesirable figure of supervision due to their multiple needs and unmotivated attitudes. Combined with their mass numbers, they are viewed as a generic addition to caseloads. This optimised the undervalued and denigrated "dirty work" outlined by Worrall and Mawby (2013a). CRC practitioners also feel that NPS service users are provided with more resources and NPS practitioners have more time to develop resettlement plans, further devaluing the work of the CRC.

The inability to adequately address the reconviction rates of individuals serving a short sentence has resulted in a failure to meet PbR targets. This failure has led to a radical curtailment of any expansive aims and practices, towards a more constrained and limited form of practice, which is very

administrative and managerial in its approach. As a result, supervision becomes a much more limited tick-box and perfunctory process and opportunities for autonomy and innovation are side-lined in favour of meeting centrally administered targets. This also engendered a more muted form of "constraint-based compliance" (Bottoms, 2001:92) that only requires minimal levels of engagement, rather than seeking a more comprehensive sustained level of compliance that can potentially facilitate positive long-term change, instead practitioners often sought to see someone through their time on probation as quickly as possible.

The addition of a third sector organisation into the supervision of the short sentence cohort has had a particularly detrimental effect on the facilitation of PSS. The third sector organisation are perceived by CRC staff as lacking legitimacy and are viewed as a third-class operator in the marketised and competitive CRC model. The role of third sector organisation in facilitating post-sentence supervision causes fragmentation to occur within the CRC between the different practitioners. Previous literature concerning TR, outlines fragmentation occurring externally between NPS-CRC, with the CRC seen as second class operators in comparison with the elite NPS (Kirton and Guillaume, 2015). However, the introduction of the third sector into the short sentence has been beset with issues. CRC practitioners feel the TSO lack legitimacy and doubt the ability of the third sector workers to engender any meaningful form of change. In this respect the CRC staff define their legitimacy as probation staff against the TSO, outlining TSO as a lower third level operator. The marketised reality of probation acts as a catalyst for this tension, as these two agencies compete for legitimacy. This also clearly showcases an inability to form a collective 'brand' around the two community elements of the sentence.

TR has also impacted on the ground practice for CRC practitioners. The absence of opportunities for skilled and meaningful work is described as a treadmill by various practitioners and used to describe the limitations CRC practice has on probation values and practices. Many practitioners, particularly more experienced officers who have experience pre-TR (self-subscribed as "old school" probation) struggle to conform to this more limited and constrained form of practice and liken the experience to a treadmill, a metaphor used to describe the monotonous, generic and relentless nature of probation work. This can be viewed as part of a longstanding erosion of the values and practices of probation and will have implications for the future of the service. In particular, these aspects of TR have created a set of conditions which has led to the erosion of the supervisory relationship. Throughout probation's history, supervision has been a cornerstone of its practice, however, opportunities to

foster a meaningful relationship with service users has been significantly curtailed by TR. This also further signifies the change in occupational cultures of probation practitioners, with a demotion of the skills and outlooks of 'lifers', to a service with more need for the pragmatic and adaptable 'offender managers' (Worrall and Mawby, 2013a).

8.3 Theoretical contributions of this thesis

1. The development of our theoretical understanding of the short prison sentence, with the distinct pains of invisibility and insignificance.

The literature review for this thesis underlines individuals subject to a short sentence have been rendered invisible and insignificant in penal policy and theoretical discourse. Moreover, despite ostensibly providing additional support to this neglected cohort, the conditions for invisibility and insignificance are reproduced in the case-study area. The inability to overcome the institutional, temporal and political-economic barriers that practitioners face, are interpreted by service users as staff disinterest in their resettlement. This serves to make these individuals feel invisible and insignificant, distinct pains of the short sentence.

Short sentences have often been undertheorized by penologists, as 'heavier' sentences typically receive more focus. However, this thesis has theorized the short sentence as being characterised by a particular and distinct set of pains: the pains of invisibility and insignificance. Although other sentence lengths will also cause these pains, it is the particular status and perception of the individual subject to the short sentence - that they were an undesirable figure of practice, exacerbated by the limited time to work with them on their needs and the sheer numbers that enter the prison each year - that makes these more distinctive pains for this particular cohort. The various processes that allow these pains to establish itself are set out below.

Within the case study prison, the brevity of the sentence means service users do not receive a sentence plan. If individuals start their sentence on remand, at court they are often then released into the community having been given a short sentence, meaning their needs have not been picked up in the prison and the CRC are not aware of them. Short sentence prisoners also become part of the wider churn of the prison, lost within the vast impersonal bureaucratic system, becoming an

indivisible mass. Prison officers often seem disinterested and uninvolved in wider resettlement needs and inadequate staffing levels within the prison lead to a poor daily regime with many services often closed or of insufficient quality. Screening tools are often not used when they should be or are completed poorly with little engagement from staff. Prisoners indicate that probation staff rarely engage or visit while in prison.

In the community, through-the-gate services are often poor or non-existent, leading to prisoners often released homeless and with no support networks in place, meaning service users are largely left to navigate the initial days post-release alone. Service users are often not allocated an officer until after release and staff are unaware of them. Once allocated, these individuals become viewed as part of a big pile of cases, leading to very perfunctory supervision sessions and are readily farmed out to poor and inadequate pathway services, who are not equipped to solve complex needs. Individuals are finally passed onto a third sector practitioner, who supervise with a 'light touch'. Within these circumstances, service users articulate a sense of feeling like a statistic and their needs unimportant. These findings contribute to the body of literature on Sykes' (1958) on the pains of imprisonment and also help place the unique experiences of short sentences into a theoretical context.

2. Responsibilisation is multi-directional in its use, applying to both practitioners and service users.

The multiple barriers to providing adequate resettlement services, (as described above, in policy and practice contributions) and the collective lack of agency to tackle these issues, lead to practitioners advocating a responsibilised attitude towards resettlement to service users. Responsibilisation works horizontally as practitioners push responsibility for resettlement - and blame for its failings - away from themselves and across to other agencies and actors involved in the short sentence. In this respect, the introduction of multiple agencies and different elements into the short sentence, act as a catalyst for practitioners to responsibilise to others. Practitioners also responsibilise vertically down to service users and bifurcate between those able to successfully comply with their sentence and resettle and those that are not; these individuals are quickly recalled back to custody. Practitioners accept this as 'part of the job' with this cohort and are ambivalent with its use.

These findings help to expand our understanding of the responsibilisation literature, particularly the impact of introducing multiple agencies into a sentence and how this obfuscates individual

responsibility for resettlement. This also demonstrates how responsibilisation is multi-directional, shifting towards service users and other criminal justice agencies.

3. Multiple short prison sentences can erode recovery/resettlement capital and lead to the distinct pain of burnout.

The particular pains of invisibility and insignificance mean that service users feel they are left to navigate resettlement alone. In response to this, many service users take it upon themselves to organise resettlement plans, often without the knowledge or assistance of practitioners. However, when left responsible for their own resettlement, the possession of recovery/resettlement capital is a crucial factor in determining the chances of successful resettlement. In particular human and cultural capital are crucial factors in helping an individual to navigate around the complex bureaucratic systems of resettlement.

However, the more one repeatedly cycles around the revolving door, the more this capital becomes eroded, paradoxically making resettlement harder to achieve and further away from reintegrating back into the community. This leads to a distinct pain of burnout, where the service user feels jaded and cynical towards their resettlement and the ability for practitioners to assist them.

This subsequently leads to a distinction between service users whose concerns are more future-orientated towards release and ensuring the expected pains of reintegrating back into the community are successful and those whose concerns are orientated towards the immediate and ensuring the pains of the prison sentence are more tolerable. These findings help to develop the existing literature for recovery/resettlement capital, demonstrating the impact multiple short sentences can have on an individual.

4. Short sentence prisoners are required to navigate a particularly complex 'resettlement net'.

Our understanding of the revolving door between prison and the community should be expanded away from being viewed as a binary experience and instead reflect that service users cycle between different organisations in the community. This process reflects the institutional mobility of service users between different forms of carceral control. These organisations exert different forms of formal and informal surveillance and control and collectively these organisations form a 'resettlement net',

segregating service users in the community. These individuals circulate for weeks, months or years between organisations, before returning to custody. This undermines the notion that the revolving door is a simple a-to-b process, or that prison is an endpoint in itself. Instead, prison should be viewed as a central point of re-circulation that prisoners flow in and out of. Although the ORA 2014 was introduced as a safety net of additional support for a neglected cohort, instead it is often experienced as a net that entangles individuals within it, trapping them within a system of carceral control, to be re-processed by an array of actors.

Navigating the resettlement net presents with significant challenges, as service users face a series of exclusionary practices and barriers as they circumnavigate this bureaucratic system. Instead of being seen as a guide to this difficult process, officers are viewed as another individual to navigate around. This research has further contributed towards our understanding of revolving door imprisonment and used the net widening literature (Cohen, 1985) to help explain the experiences of returning and resettling back in the community.

8.4 Implications for future policy and practice

The recent announcement regarding an end to TR and the part re-nationalisation of the probation services (HMPPS, 2019) is a welcome and necessary step. However, this should not be viewed as a panacea which will in itself solve the issues outlined in this thesis. There are numerous challenges involved in improving the resettlement of individuals on short sentences and improving current probation practice.

This thesis has explored the failures regarding the re-designation of local prisons to a new resettlement status, alongside the introduction of a through-the gate-model. The ability for staff to provide effective resettlement support is undermined by significant budget cuts to prisons and the resulting staff shortages. Without significant funding and a return to adequate staffing levels, insurmountable challenges will remain to turn the ideals of the resettlement prison into reality. Careful thought needs to be given as to what we can realistically expect from local prisons in this financial climate, in any expansion of roles beyond core custodial duties and facilitating courts. If we are to ask these prisons to do more in terms of resettlement, then staffing levels need to be re-assessed in order to properly achieve these aims, as well as further consideration as to how a resettlement culture could be assimilated throughout the frontline staff. Indications from this data

suggest that any change in the culture will need to be more meaningful than trying to instil change from the top through targets and processes.

Through-the-gate work also needs to improve, particularly in areas regarding the substance and quality of the support offered and in the consistency of communication and information sharing that exists between prisons and probation. The MoJ is planning to introduce an offender manager in custody model (OMiC) which will involve prison-based offender managers managing the custodial portion of a sentence, rather than the current system of allocating officers once in the community (HMPPS, 2018). This model appears to be similar to the custody cohort model that exists in the case study area. It is important that any new framework of practice that is introduced nationally does not replicate the issues that exist locally in the case study area. There needs to be clear guidelines and parameters for all OMiC staff, to ensure effective lines of communication between prison and the community are in place, as well as practitioners understanding where responsibility lies for all resettlement plans. This may help to avoid the common pitfalls of other past resettlement models.

Community-based CRC staff need to ensure that they have received requisite training and skills development to ensure probation work and supervision is not limited to tick-box exercises but has a more foundational route in rehabilitation and engagement. In particular, training on the issues of motivational skills will be necessary. This will be a particular need for CRCs as they currently employ a large amount of PSOs, who will need to receive adequate training to ensure they can work with a wider variety of clients. Consequently, staff caseloads need to be managed to ensure meaningful supervisory relationships can be developed, to something more significant than 'light touch' supervision. Alongside training, there are uncertainties regarding the level of supervision that individuals subject to a short sentence will receive and who will be responsible for this in the re-modelling of the service. However, it is vital that this work is not devalued, or given exclusively to unqualified staff to manage.

This thesis also underlines some of the issues concerning post-sentence supervision. These issues have been recognised as occurring on a wider scale (HMIP, 2019) and a recent Justice Select Committee report (HoC Justice Committee, 2018) made three pertinent suggestions regarding how this sentence might be reformed. These options include a mirrored approach, which mirrors the length of the sentence in the community with the original prison sentence. This would mean a 3-month prison sentence would attract a 3 month period on licence in the community. Although this offers a sense of proportionality, it is inflexible and limits the opportunity to provide support. The second

alternative is a split approach. This offers a short sentence followed by a Community Order (a similar design to the original custody plus plan). The third option is an assessment-based approach, which provides post-release supervision according to need and determined by individual assessment. Although this final approach is more flexible, it is potentially open to the assessment becoming gamed, or the need being unclear if the assessment is of poor quality. Although recognising that these suggestions could be viewed as "tinkering… [which would] likely confuse magistrates rather than clarify things for them" (Burke et al., 2018:443). If PSS is to be kept, then reform for this sentence is needed to ensure it is used in a more flexible way.

Beyond the fundamental structure of PSS, the aims of rehabilitation for this sentence should be clearly articulated into a more concrete and realisable form. Furthermore, the role of third sector organisations in the supervision of individuals on PSS needs to be considered, particularly in light that this study contends that service users found transferring to PSS a stalled process and there is a lack of collective understanding regarding the two post-release elements of the short sentence. Data from this thesis suggests that having the service user assigned one single practitioner, that begins work pre-release and then supervises them through the licence period and PSS would potentially lead to better outcomes for developing a productive relationship and resettling back into the community.

TR expanded the role of third sector organisations in probation practice, with mixed success (Clinks, 2017, 2018; Corcoran et al., 2019; Maguire et al., 2019). The new model of probation has called for innovative partners to work alongside probation (HMPPS, 2018). There are uncertainties regarding what work these innovative partners will undertake beyond unpaid work and accredited programmes. It is also unclear as yet, what role, if any, these organisations might play in wider supervisory practice and resettlement work, or if PbR will play a role in the financial structure of these agencies. However, research from this thesis suggests CRC practitioners question the legitimacy of these organisations and the perceived quality of their work. The next probation model will need to carefully consider what exact role third sector organisations play and how they work alongside individual practitioners to ensure fragmentation does not happen.

Furthermore, with complaints that many smaller third sector organisations were pushed out of TR (Clinks, 2018), commissioners of these innovative partnerships need to ensure any new contractors possess specialist local knowledge and are filling specific skills gaps. This will be particularly challenging considering the new probation model splits all of England and Wales into 11 geographic areas (HMPPS, 2019). Smaller independent organisations might find they lack the capacity, meaning

once again, larger organisations dominate contracts. If PbR is used for these contracts, providers need to ensure that this will not lead to adverse incentives to cost-cutting or curtailing innovative work if targets are not met.

When TR was originally implemented, many staff reportedly felt poorly treated, with evidence of animosity between NPS and CRC staff and with many CRC staff still feeling very bruised by the split (Kirton and Guillaume, 2015; 2019). Re-merging staff back together again will present as a significant challenge. Leaders need to ensure that an overarching probation ethos and culture is still intact and foster and maintain this culture. They also need to work closely with staff to ensure that the wounds caused by TR are healed. Former CRC staff will need to feel valued and it is important that probation offices do not maintain an artificial split between staff.

The last 20 years of probation reform has seen several re-incarnations and re-imaginings of the overriding structure of probation. From a national service, to trusts, to TR and the service split and now to the next impending phase. The re-design needs to be implemented in a way that avoids change fatigue and ensures that these reforms are not just the latest turn of the revolving door of policy changes that probation has faced, but leads to a more stable infrastructure, underpinned by a set of values which promotes a humanistic approach, is rooted in the relational value of supervision and supports the development of staff skills, practitioner autonomy and provides space for innovation. This will mean moving away from a system dominated by actualisation and processing inputs. A recent Justice Committee report emphasized the need to ensure a smooth transition to the next phase of probation, stating "hard-working probation staff have suffered enough change—now we want them to be able to get on with their jobs" (HoC Justice Committee, 2019:1).

8.5 Areas of future research

The latest policy announcement regarding probation, which brings all supervision back under control to a single NPS (HMPPS, 2019), offers ample opportunity for future research. Given existing research indicates a cultural divide and fragmentation between these services (Kirton and Guillaume, 2015), it could also include exploring how CRCs and NPS practitioners re-acclimatise to becoming one single service again and how this cultural divide might be healed. It could also include exploring the next iteration of through-the-gate reforms that will exist within the new probation framework. Currently, it is unclear what this will look like, which organisations will be made responsible for through-the-gate work and the level of support individuals subject to a short sentence will receive. However, an earlier HMPPS (2018) paper suggests that an offender manager in custody model could be used. Once this

has been established, research should be undertaken to better understand how this works in practice and the extent to which this policy is able to bridge the divide between prison and probation.

This policy announcement also offers further opportunities to explore the future of short sentences and what level of support and supervision these individuals are provided with under the new probation framework. More specifically, a greater understanding of PSS - or the next iteration of PSS - if it continues to be used would be an important future focus of research. Finally, to expand on this existing research and to ascertain if the theoretical contributions made in this thesis could be applied on a broader basis, more wide-scale research regarding short sentences that encompasses multiple prison and probation sites and which interviews individuals on a longitudinal basis would help to develop our knowledge on the experiences of short sentences.

8.6 Making the case for the abolition of short sentences

Having considered the implications for future practice, the author advocates for the abolition of short sentences but deduces that it is unlikely to occur in the current political climate. This thesis has underlined that short sentences entail numerous inherent flaws, which no resettlement policy can remedy. The crisis in prisons has also led to calls to lower the prison population, with ending short sentences seen as a suitable means of achieving this and lessening the 'churn' experienced in many prisons (Crook, 2019). An argument in favour of substituting a short prison sentence for a Community Order has been well-established, with evidence that it would be far more beneficial and cost-effective to society (Make Justice Work, 2009; Mills, 2010) and countries including Scotland (Tata, 2016), Belgium (Expatica, 2015) and the territory of Western Australia (Trevena and Weatherburn, 2015) have introduced presumptions against the use of the short sentence.

However, evidence suggests that the presumption in Scotland has not been as effective as hoped, with limited impacts on prison numbers (Brangan, 2019; Mills, 2019). Mills (2019) contends that for a presumption to be more effective, the level of sentencer discretion to imprison needs to be carefully defined. In a comparison between Scotland and Germany, Mills (2019) outlines that in Scotland previous non-compliance is given as a valid reason to sentence to custody instead of a Community Order, meaning the short sentence remains a default for the individuals that society does not know how to deal with. While in Germany, a short sentence is only permissible if it better fits the objectives of the sentence (Mills, 2019:4). Therefore, if such a presumption was to be introduced in England and

Wales, more consideration is needed regarding how to clearly define sentence powers and the exceptions that would allow a short period of custody.

There are also several potential Implications for introducing a presumption against the use of short sentences that require careful thought. Firstly, is the potential for sentence inflation or 'up-tariffing'. Eley et al. (2005) discuss how the introduction of a presumption against short sentences in Western Australia led to individuals receiving longer sentences. To guard against this, Community Orders should be strengthened in order to effectively advocate for their use as a more meaningful and impactful sentence than a short stint in prison. This will entail its challenges, as there is ample evidence which suggests that since TR sentencers are losing trust in the ability of probation services to provide meaningful change through Community Orders (Whitehead and Ely, 2018[28]).

A focus on strengthening Community Orders leads to the second implication, that in response to a presumption, community sentences need to be seen as sufficiently onerous in order to retain the confidence of the courts, with swift punishment for non-compliance - as has previously been suggested by the policy advisor group Crest - (Du Mont and Redgrave, 2017). In my view, to go down this route of 'tougher' community penalties would be a mistake and inevitably lead to individuals entering the prison through the 'back door' of non-compliance (Padfield and Maruna, 2006; Weaver et al., 2012).

Furthermore, there have been numerous failed attempts to make community sentences sufficiently legitimate and punitive in order to replace short sentences by making these orders increasingly onerous (Mills, 2010). However, a historical disposition regarding who were 'deserving' of a Community Order (Mair and Burke, 2012) combined with a belief that the public never bought into community sentences as a robust form of punishment (McCulloch and McNeill, 2007), have meant that Community Orders - no matter how robust or restrictive - "cannot compete with the iron bars, high walls and razor wire of the prison battle for being the 'toughest'" (Maruna and King, 2004:104).

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[28] The report by the Centre for Justice Innovation suggests that there has been a 24% drop in the use of community sentences, with sentencers losing trust in the probation services to effectively deliver these sentences.

Instead of fighting a losing battle against the prison to be the toughest, significant funding needs to be given to probation services and related community services including those concerned with housing, mental health and substance use, in order to make Community Orders more attractive and viable to sentencers. This will help to ensure that the short prison sentence does not remain the dominant form of punishment for the petty persistent offender. One recent initiative to address this has been the Community Sentence Treatment Requirement Protocol (Ministry of Justice, 2018c). This pilot programme recognises that mental health and substance use are prevalent issues amongst offenders, but that suitable community requirements have been significantly underused, primarily due to barriers to accessing these services and a resulting lack of confidence amongst sentencers. To mitigate these issues local panels of psychologists and health experts sit alongside sentencers to improve collaboration. Initial results from these pilots suggest they have been successful in reducing the use of "ineffective" short sentences and as having led to lower rates of re-offending (Ministry of Justice, 2018c, paragraph 2). This suggests that extending the use of the Community Sentence Treatment Requirement Protocol nationally may help to encourage the use of community sentences over a short prison sentence.

However, in this current political climate, the likelihood of a presumption against short sentences being introduced seems highly improbable. In the previous government, there has been significant contestation by the various Justice Ministers regarding the effectiveness of short sentences. Kenneth Clarke initially spoke against them (Kirkup and Whitehead, 2010) and David Gauke advocated for a presumption against short sentences while Justice Minister (Ministry of Justice, 2019c). However, before any concrete reforms in this area could be enacted, both left their positions and were replaced by ministers who took a tougher approach. For example, the current Justice Minister, Robert Buckland QC, has once again shifted the focus towards high risk violent and sexual offenders[29]. Furthermore, the populist rhetoric of the current Conservative government, suggests there may be a move away from a presumption against short sentences or any notions of what might be perceived as 'soft justice'. The result is that once again, individuals serving short sentences continue to be insignificant in policy discourse.

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[29] This re-direction, echoes the demise of the custody plus sentence, which was eradicated in-part, due to a perceived need to focus resources on public protection cases (See Cracknell, 2018 for more details).

Buckland is the 6th MP to hold this post since this thesis was started and the 7th since May 2010 when plans for a 'rehabilitation revolution' were first imagined. The revolving door of Justice Ministers means that there has been no clear direction in policy. Instead, a series of individuals have temporarily inhabited the position, with each trying to steer policy in their own individual direction. This means an inconstancy between a more traditional tough on crime stance, supportive of the use of prison and a bolder approach that seeks to actively reduce the prison population.

This underlines the direction of penal policy as a continual struggle, resulting in perpetual conflict and contestation over a dominant penal orientation (Goodman et al., 2015; 2017). This continual contestation means policy reforms are never implemented in practice as intended, resulting in 'messiness' on the ground and the meshing of various - often contradictory - rationales, leading to an absence of consensus over who and how to punish. This struggle has been played out for many years and has resulted in no clear consensus or direction of travel over how the best to treat individuals who continually circulate around the revolving door of short term imprisonment. Before any further reforms of policy take place, a genuine and structured commitment to resolving this problem is needed. As things stand, the reforms put in place under the ORA 2014, have failed to sufficiently provide an answer.

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Appendices

A.1 Middlesex University ethics approval form

REC Number: LAW160216

Research: Resettlement through care and desistance with short-sentenced offenders

Researcher: Matthew Cracknell

This letter confirms that the study - resettlement through care and desistance with short- sentenced offenders - is being undertaken as part of the Doctoral studies of Matthew Cracknell at Middlesex University.

The study has been reviewed by the School of Law Research Ethics Committee of Middlesex University and approved on the 10th March 2016.

Professor Sarah Bradshaw
Chair School of Law Research Ethics Committee Middlesex
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National Offender Management Service
National Research Committee
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</div>

31st January 2017

APPROVED SUBJECT TO MODIFICATIONS – NOMS RESEARCH

Ref: 2016-376
Title: Resettlement, Through care and Desistance with short-sentenced offenders.

Dear Mr Cracknell,

Further to your application to undertake research across NOMS, the National Research Committee (NRC) is pleased to grant approval in principle for your research. The Committee has requested the following modifications:

- Consideration should be given to the need for stratification when sampling to ensure that a sufficient range of views is obtained. Attempts should be made to ensure samples are representative of the wider population.
- Access to P-Nomis or NDelius should be discussed with the relevant prison/probation area.
- The following should be included in all participation information sheets/consent forms:
  o Participants should be asked for their consent to the use of audio-recording equipment.
  o Participants should be informed that there will be neither advantage nor disadvantage as a result of their decision to participate or not participate in the research.
  o It must be made clear to research participants that they can refuse to answer individual questions or withdraw from the research until a designated point and that this will not compromise them in any way.
  o Participants should be informed how their data will be used and for how long it will be held.
- The following should also be included in the participation information sheets/consent forms for offenders:
  o It needs to be clear that the following information has to be disclosed: behaviour that is against prison rules and can be adjudicated against, illegal acts and behaviour that is potentially harmful to the research participant (e.g. intention to self-harm or complete suicide) or others.
  o Potential avenues of support should be specified for those who are caused any distress or anxiety.

- o The respondent should be asked to direct any requests for information, complaints and queries through their prison establishment/community provider. Direct contact details should not be provided.
- If any individuals are being approached due to their very specific roles, particular attention should be given to ensuring their anonymity. If anonymity cannot be guaranteed, respondents will need to be fully informed about this prior to providing their consent.
- Under the Prison Act (as amended by the Offender Management Act 2007), mobile phones, cameras and sound recording devices are classified as list B items, requiring authorisation from Governing Governors / Directors of Contracted Prisons (or nominated persons) to take them into and use them in prison (PSI 10/2012 Conveyance and Possession of Prohibited Items and Other Related Offences).
- When using recording devices, the recordings should be treated as potentially disclosive and it is recommended that devices with encryption technology are used. Recordings should be wiped once they have been transcribed and anonymised unless there are clear grounds for keeping them any longer.
- In the final research reports, the limitations should be clearly set out (e.g. the samples may not be fully representative, limited to one region only).

Before the research can commence you must agree formally by email to the NRC (National.Research@noms.gsi.gov.uk), confirming that you accept the modifications set out above and will comply with the terms and conditions outlined below and the expectations set out in the NOMS Research Instruction
(https://www.gov.uk/government/organisations/national-offender-management-service/about/research).

Please note that unless the project is commissioned by MoJ/NOMS and signed off by Ministers, the decision to grant access to prison establishments, National Probation Service (NPS) divisions or Community Rehabilitation Company (CRC) areas (and the offenders and practitioners within these establishments/divisions/areas) ultimately lies with the Governing Governor/Director of the establishment or the Deputy Director/Chief Executive of the NPS division/CRC area concerned. If establishments/NPS divisions/CRC areas are to be approached as part of the research, a copy of this letter must be attached to the request to prove that the NRC has approved the study in principle. The decision to grant access to existing data lies with the Information Asset Owners (IAOs) for each data source and the researchers should abide by the data sharing conditions stipulated by each IAO.

Please quote your NRC reference number in all future correspondence.

Yours sincerely,
National Research Committee

Version Number…

Participant Identification Number: **LAW160216**

CONSENT FORM

Title of Project: Resettlement, throughcare and desistance with short-sentenced prisoners

Name of Researcher: Matthew Cracknell

Please initial box

I confirm that I have read and understand the information sheet
dated ....……………….…for the above study and have had the

opportunity to ask questions.

1

I understand that my participation is voluntary and that I am free to

withdraw at any time, without giving any reason.

2

I understand that my interview may be taped and subsequently transcribed and

anonymised quotes can be used within the study.

3

4.	I agree to take part in the above study.

_____	_____	_____

Name of participant	Date	Signature

_____	_____	_____

Name of person taking consent Date	Signature

(if different from researcher)

_____	_____	_____

Researcher	Date	Signature

1 copy for participant; 1 copy for researcher;

MIDDLESEX UNIVERSITY

SCHOOL OF Law

Information sheet for:

Resettlement, Throughcare and Desistance with Short-Sentenced Offenders

You are being invited to take part in a research study. Before you decide if you want to take part, it is important for you to understand why the research is being done and what it will involve. Please take time to read the following information carefully and discuss it with others if you wish. Ask me if there is anything that is not clear or if you would like more information. Take time to decide whether or not you wish to take part.

Thank you for reading this.

1. What is the purpose of the study?

The aims of this research are to get an understanding of how service-users and practitioners are experiencing the Offender Rehabilitation Act (ORA) 2014, which provides statutory post-release supervision for offenders sentenced to less than 12 months imprisonment.

My research will critically assess the form of resettlement that is used with individuals subject to a short sentence.

2. Why have I been chosen?

I have applied for approval from HM Prison and Probation Service (HMPPS) to interview people undertaking a short-sentence of fewer than 12 months and a variety of practitioners working with this cohort in this area. You have been approached as you have been identified as either serving a short-prison sentence, or a practitioner working with people serving short-sentences.

3. Do I have to take part?

It is up to you to decide whether or not to take part. If you do decide to take part you will be given this information sheet to keep and be asked to sign a consent form. If you decide to take part you are still free to withdraw at any time and without giving a reason.

You are completely free to withdraw from this research at any time, without having to give a reason and without any penalties or negative consequences. This includes if you are serving a sentence or a practitioner. there will be neither advantage nor disadvantage as a result of your decision to participate or not participate in this research.

4.   What will happen to me if I take part?

If you agree to take part in the research, then you will be asked to undertake a short interview with myself. This interview will be recorded if you give permission on an encrypted Dictaphone, which will be kept securely when not in use.

5.   What do I have to do?

The interview will last approximately 30-60 minutes. I will ask you questions in relation to what your experiences are of short-sentences, or working with people serving short-sentences; particularly in relation to resettlement. You can refuse to answer individual questions or withdraw from the research until a designated point and that this will not compromise you in any way.

6.   What are the possible disadvantages and risks of taking part?

With regard to possible disadvantages and risks; there is no known risk in participating in this project. None of your views or experiences will be passed on to any other staff member or service user. Should you divulge upsetting and personal information you will be encouraged to access relevant services.

7.   What are the possible benefits of taking part?

I hope that participating in the study will help individuals to better understand what the resource needs are for people serving short-sentences and what is effective in working with people serving short-sentences. However, this cannot be guaranteed.

If you chose to take part in this study, your involvement (or non-involvement) in this research will have no effect on your sentence plan, release plan or risk category in any way.

8.   Will my taking part in this study be kept confidential?

All information that is collected about you during the course of the research will be kept strictly confidential unless information is disclosed that in my judgement makes me believe that you or someone else is in danger of causing harm to self or others, at this point, I will be bound to make the

relevant supervising agency aware. Or behaviour that is against prison rules and can be adjudicated against, including illegal acts.

If you agree I will use anonymised quotes in my study, but any information about you which is used will have your name and personal details removed so that you cannot be recognised from it. My research will also not make reference to the Prison or probation area so you cannot be identified. All data will be stored, analysed and reported in compliance with the Data Protection Act (1998) and the legal or regulatory requirements of the UK.

9. **What will happen to the results of the research study?**

The results of the research will initially be published in a PhD thesis that aims to be published in February 2020. A report will also go to HM Prison and Probation Service (HMPPS). Part of my findings may also be published in a peer-reviewed journal article or book. No participants will be identified in any reports/publications. You can obtain a copy of the published results, by contacting the researchers (contact information is given below).

10. **Who has reviewed the study?**

The full name of the Research Ethics Committee which reviewed the study is the Middlesex University, School of Law Ethics committee. Full permission granted by HM Prison and Probation Service (HMPPS).

11. **Contact for further information**

Please direct any requests for information, complaints and queries directly through your prison establishment/community provider.

Matthew Cracknell

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Thank you for taking part in this study!

Please keep a copy of the information sheet and a signed consent form to keep.

C. Interview schedules

C.1 Prison practitioners

1. What is your role within the prison service and how does it relate to working with individuals serving short sentences and resettlement more generally?
2. What are your main targets and priorities when working with this cohort?
3. Are you supportive of the new ORA legislation where individuals on short sentences now receive post-release supervision- what do you think it is trying to achieve? Is there a need for it?
4. Do you think that supporting short sentence prisoners with resettlement work will have any positive effects or benefits, if so what?
5. How has the ORA 2014 been implemented in your prison- and have there been any noticeable changes?
6. Do you feel short sentence prisoners have any particular needs- in comparison to other groups?
7. What needs do individuals subject to short sentences present with and how are these needs assessed? How are sentence plans formulated?
8. What resettlement services are available in your prison? Are these services adequate in your opinion? Are there any pathways better presented than others?
9. What does good resettlement require? What services are needed?
10. Are prisoners prepared for release, what would help to prepare them for release?
11. What has been your level of involvement with probation services before an individual is released? Were they involved in any resettlement plans?
12. Do you believe compliance will be an issue with post-release supervision for the short sentence cohort? And how are you able to work in order to incentivise engagement and compliance?
13. Where should rehabilitation take place and whose role is it to help with rehabilitation?
14. Are you able to build a relationship with your service users, are they receptive to support?
15. Can people on short sentences change? What are realistic achievements?

1. What is your role within the probation services and how does it relate to working with individuals subject to a short sentence under the 2014 ORA act?

2. What are your main targets and priorities when working with this cohort?

3. Are you supportive of the new ORA legislation- what do you think it is trying to achieve? Is there a need for it?

4. How has the ORA 2014 been implemented in your probation area- and have there been any noticeable changes?

5. Do you feel short sentence prisoners have any particular needs- in comparison to other groups?

6. What needs do short sentence offenders present with and how are these needs assessed? How are sentence plans formulated?

7. What was your level of involvement with resettlement services in prisons before an individual is released? Were you involved in any resettlement plans?

8. Are prisoners prepared for release, what would help to prepare them for release?

9. What resettlement services are available in your probation area? Are these services adequate in your opinion? Are there any pathways better presented than others?

10. What does good resettlement require? What services are needed?

11. Where should rehabilitation take place and whose role is it to help with rehabilitation?

12. Do you think that supporting short sentence prisoners with resettlement work will have any positive effects or benefits, if so what?

13. Can people on short sentences change? What are realistic achievements?

14. Has compliance been an issue with the short sentence cohort? And how are you able to work in order to incentivise engagement and compliance?

15. What is supervision like with the short sentence cohort?

16. What have been your experiences of PSS? How is it different from the licence period and what is your relationship with the organisation that run PSS?

17. Are you able to build a relationship with your service users, are they receptive to probation?

1. What (if any) are your previous experiences of short prison sentences and the probation service?

2. Do you think that your experiences of your short sentence will be different this time? If so why? (*only applicable if answered yes to q1*)

3. What do you think is the purpose of imprisonment for short sentences? What is it trying to achieve?

4. Do you think your sentence is fair?

5. Are prisons places that can change lives? What role do prisons play in this?

6. Upon entry to the prison, did you meet with anyone to speak about your needs, or start up a resettlement plan?

7. What do you perceive as your needs and are they being addressed in prison?

8. Have you received or been offered any support since being sentenced? Is there effective work being done to prepare you for release? If so which services have been involved?

9. What services have you been involved with in prison?

10. Who is the best person/service to go to get help while in prison for your resettlement needs?

11. What support do you need on release and what support do you think you will receive from probation?

12. Has probation been in contact with you?

13. What do you think are the purposes of supervision?

14. Do you feel you need post-release supervision and do you feel you will benefit from this?

15. Do you think you will comply with your supervision when released? What will help you to comply and engage with services?

16. What will your first day of release be like? Will there be any agencies supporting you on your first day(s) of release?

17. What are your main priorities upon release?

18. How hopeful/optimistic/confident do you feel about your release and your future?

1. Was your time in prison constructive, were there any positive effects, has it helped you for your release?

2. Did you receive any help or support in prison, if so who from?

3. Did your probation service contact you in prison, did anyone help you to prepare for your release?

4. What was your experience on the day of release? Did you receive any support from any agencies?

5. What's been the most difficult issue for you since release?

6. What resources/services do you most need post-release?

7. What have your experiences been of supervision?

8. What do you think is the purpose of supervision?

9. What have been your experiences of post-sentence supervision (PSS)? Is it different from the licence period? If so, how?

10. Are there any particular benefits or negative effects- is it stopping you from re-offending?

11. Are you able to communicate with your probation practitioner, who do you go to with any problems?

12. Has compliance been an issue? What will help you to comply and engage with services?

13. Is your Probation officer able to invest adequate time with you?

14. Has your situation improved since release?

15. How hopeful/confident/optimistic do you feel about completing your license period in the community and how hopeful do you feel about your future?

D. Timeline: a short history of short sentences

- 1718 Transportation Act passed, sending individuals convicted of offences, including petty crimes, to America.
- 1776 transportation to America ends after American independence.
- 1857 Penal Servitude Act, cements prison as the main form of punishment in England (O'Donnell, 2016).
- 1862 Prisoner Aid Act, the first act that legislated on resettlement (Crow, 2006).
- 1865 prison act, amalgamates houses of correction and jails, labelled the 'birth of the modern prison' (Mair and Burke, 2012)
- 1868 transportation to Australia ends, although the use of transportation had become uncommon for several years.
- 1871 the first conference of the Discharged Prisoners' Aid Societies (DPAS), a group of small independent societies who had provided aftercare to prisoners since the beginning of the nineteenth century.
- 1876 Robert Reiner funds The Church of England Temperance Society (CETS), the origins of the modern probation service. Missionary work undertaken included meeting prisoners on release from custody (Vanstone, 2004).
- 1878 Prison Act, local prisons now under government control.
- 1887 probation of first offenders act: applied only to individuals serving less than two years, with no previous convictions, youth and character taken into particular consideration (Bochel, 1976).
- Gladstone Committee 1895: introduced reformation as an aim of imprisonment, individual treatment and classification of prisoners (Mair and Burke, 2012), as well as attempts to centralise and improve resettlement provisions (Crow, 2006).
- 1918 Central Discharged Prisoners' Aid Society was established, making it a requirement that societies involved in resettlement complied with regulations (Crow, 2006).
- 1921 Reformatory movement The Howard League for Penal Reform founded, citing disenchantment with the widespread use of prison, particularly use of short sentences (Mair and Burke, 2012).
- 1923 Evidence from the Prison Commissioners for a Home Office report recommended the use of probation as an alternative to short sentences, particularly for young offenders (Home Office, 1932).

- 1928 the Advisory Committee on Probation added 'aftercare' to its title, denoting the probation service as the dominant organisation involved in providing aftercare.

- 1932 Home Office Departmental Committee formed in order to investigate methods of dealing with repeat persistent offenders sentenced to multiple short sentences. The committee recommended setting up a single organisation with responsibility for aftercare (Mair and Burke, 2012).

- 1948 Criminal Justice Act gave the probation service statutory duty to provide aftercare services for released prisoners, "setting the service on a course closer to the custodial elements of the penal system" (Bochel, 1976:185). The stated purpose of probation becomes to 'advise, assist and befriend'.

- 1955 Criminologist Herman Mannheim was highly critical of the use of short sentences, explaining that probations failure to eliminate short custodial sentences was due to public anxieties about crime and sentencers not wanting to be seen as being soft on criminality (Mannheim, 1955).

- 1957 Home Office report produced on *Alternative to short terms of imprisonment* in response to overcrowding concerns in custody. The report recommended non-custodial alternatives for young people, alcoholics and people with mental illnesses (ACTO, 1957).

- 1963, the Home Office renames the Probation Service, as the 'Probation and Aftercare Service' ensuring much of probations work was moving away from the courts and closer to post-release penal welfare work (Bochel, 1976). The service was given primary responsibility for voluntary and statutory aftercare, bringing the DPAS services to an end.

- 1966, The National Association for the Care and Resettlement of Offenders (NACRO) was set up, based on Home Office recommendations for a national voluntary organisation to work with the probation service (Crow, 2006)

- The 1967 Criminal Justice Act focused on keeping individuals out of prison, expanded the role of probation and introduced the suspended sentence and community service as a cheaper and more constructive alternative to short prison sentences and as a more inclusive and reparative model of intervention (Mair and Burke, 2012).

- Criminal Justice Act 1972, probation moved away from a focus on rehabilitation, to a service that provided a robust and punitive diversion from custody. This was due to concerns of prison overcrowding and in light of evidence that probation did little to reduce high rates of recidivism (Martinson and nothing works, 1974[30]).

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[30] Martinson recounted his findings five years later (Martinson, 1979) believing his original research was misconstrued.

- 1977 Home Office report, 1978 House of Commons Expenditure Report and 1979 Home Office enquiry into the state of the prison service, all made the reduction of the prison population the main focus of criminal justice policy, as the system was viewed as being under severe strain (Mair and Burke, 2012). Recommendations included better partnership working, improved services for alcohol misuse and more help with accommodation for released prisoners. However, there was a lack of resources to develop further alternatives to custody.

- 1979 election of Conservative Margaret Thatcher, who promised a return to the rule of law, which she claimed had been undermined by the previous Government. Introduced the 'short, sharp shock' prison sentences for young offenders.

- 1982 Criminal Justice Act. The Probation Service lost aftercare from its title. New requirements added to probation orders to make them more rigorous and robust, so they were more attractive as alternatives to custody (Goodman, 2012).

- 1984 Statement of Objectives and Priorities (SNOP), saw the demise of aftercare and set the priorities of the probation service to work primarily with individuals serving longer periods in custody, instead of those serving short sentences (Goodman, 2012).

- 1988 Home Office report *Punishment, Custody and Community* (Home Office, 1988) began the process of explicitly linking punishment and the community and reasserted the probation service as a criminal justice agency, offering creditable and demanding Community Orders as an alternative to custody.

- 1989 National Audit Office report found that the use of probation orders had not reduced the use of custody, but the use of fines instead (NAO, 1989).

- 1991 Criminal Justice Act introduced a 'just desserts' approach to sentencing which would specifically consider an individual's criminal history, promoting the concept of a progressive loss of mitigation for more persistent offenders (Player, 2010). Lewis (2005:120) describes the act as "officially marking the end of the rehabilitative era". The Act also introduced the 'seamless sentence' by providing automatic conditional release (ACR) to individuals sentenced to prison for between 1-4 years, with half the sentence served in the community under probation supervision. Critics claimed the sentence was introduced as a way to tackle overcrowding (Maguire and Morgan, 1997), but led to a further downgrading in priorities for short sentences and voluntary aftercare provisions (Maguire et al., 2000).

- 1991, the Strangeways prison riots occurred. The Woolf report was produced in response to this and found that severe overcrowding, poor conditions and regime and poor liaison between outside agencies such as the probation service, were the underlying reasons behind the riots. Woolf made twelve recommendations, including improved communication between

criminal justice agencies and an improvement on 'intolerable' conditions inside the prisons (Woolf and Tumin, 1991).

- 1993 Michael Howard becomes Conservative Party Home Secretary, leading to the infamous 'prison works' speech. Howard saw the end of the social work link with the probation services and the beginning of the 'penal arms race' between Conservative and Labour parties, with future prime minister Tony Blair as shadow Home Secretary. Prison numbers grew exponentially from 1993 onwards (Vanstone, 2004).

- 1998, the first criminal justice act of the New Labour Government, the crime and Disorder Act 1998 introduced Drug treatment and testing orders (DTTO's) seen as part of a drive against the high offending rates of problematic drug users. Mair and Burke (2012) commented that the introduction of the DTTO showed how far Probation had moved on from its traditional welfare role

- 1999 Home Office funded the Crime Reduction Programme. Central to this was the short-lived Pathfinder projects, which were designed to test new approaches towards prisoners sentenced to imprisonment for less than twelve months and not subject to any statutory post-release supervision and support. The Pathfinders project was viewed within the context of the what works initiative. Although there were some limited successes from the initiative (Lewis et al., 2003; Clancy et al., 2006), the projects were generally considered a failure (Raynor, 2004).

- 2001 Halliday report *Make punishment work,* recommended the use of community sentences instead of short sentences and argued for the implementation of a

- the custody plus sentence, which consisted of a short term in prison followed by mandatory post-release supervision (Halliday, 2001).

- 2003 Criminal Justice Act, introduced the community sentence order, including the suspended sentence order and the custody plus order.

- 2004 Carter review (Home Office, 2004a) made the recommendation of an 'end-to-end' service which amalgamates the prison and probation service with one chief executive. The recommendation is implemented and The National Offender Management Service (NOMS) is formed. The service creates the NOMM model 'one sentence: one manager' (NOMS, 2006) and emphasis the four c's of offender management; continuity, consistency, consolidation, commitment. The Carter review also recommends contestability in probation work (Raynor and Maguire, 2006, argue this was the fifth c of offender management), signalling the beginning of privatisation, this is also implemented. Finally, the review finds that too many low-level individuals were being dealt with by prisons and probation. Carter recommended

community sentences in place of short sentences and fines in place Community Orders (this last recommendation is not implemented).

- 2006 custody plus is indefinitely delayed, without ever being implemented. Home Secretary John Reid claims that priority needs to be given to public protection and higher risk individuals (Home Office, 2006).

- In the wake of several high-profile murders caused by individuals subject to probation supervision and more general criticism of the probation service (Mair and Burke, 2012:175), the 2007 Offender Management Act is introduced. This Act opens probation work up to competition and is later widely acknowledged as the Act that effectively provided the conditions for Transforming Rehabilitation to take place (Burke et al., 2018).

- 2007 a second Carter review is implemented in response to growing prison numbers. The report focused on building new prison places instead of looking at alternatives to custody (Carter, 2007).

- 2008 Justice Committee report found that the hopes that the 2003 Criminal Justice Act would replace many short prison sentences with Community Orders have not materialised (House of Commons Justice Committee, 2008).

- 2010 Kenneth Clarke becomes Justice Secretary and talked of a 'rehabilitation revolution' offering a more pragmatic response to offending (Ministry of Justice, 2010a; 201b) and suggesting the end of highly unproductive short prison sentences (Kirkup and Whitehead, 2010).

- 2012 Pilots are undertaken in Peterborough and Doncaster prisons to provide through the gate support for prisoners serving short sentences, the pilots are run on a payment by results basis. Initial results show no discernible improvements in re-offending rates (Ministry of Justice, 2014b).

- 2012 Clarke is replaced by Chris grayling after a media outcry that he was soft on crime (Whitehead, 2012). Grayling begins the implementation of the Transforming rehabilitation model which privatises a large part of the probation service, splitting it into two- Community rehabilitation companies (working with low-risk individuals) and the National Probation Service, working with higher risk individuals (Ministry of Justice, 2013a; 2013b).

- 2013, In 2013 the ministry of Justice announced that 70 of the 123 prisons in England and Wales were to be re-designated as 'resettlement prisons'

- 2014 The Offender Rehabilitation Act is implemented, which ensures through-the-gate support and post-release supervision for individuals sentenced to short prison sentences (Ministry of Justice, 2014b; 2014c).

- 2015, the Ministry of Justice suffers reductions in its budget due to austerity-related policies of the government. This includes budget reductions of over 23%, resulting in a 27% reduction in frontline prison officers (Garside and Ford, 2015).

- 2016, The CJJI produce a critical inspectorate report of the support provided to short sentence prisoners (CJJI, 2016). This is alongside several further critical reports (HMI Probation, 2016a; 2016b; NAO, 2016; HoC Committee of Public Accounts, 2016).

- 2017, Justice Secretary Liz Truss abolishes NOMS and replaces it with HM Prison and Probation Service (HMPPS) (Ministry of Justice, 2017).

- 2018, CRCs were given an additional £342 million due to issues with contracts. This led to a further critical report by the HoC Committee of Public Accounts (2018) and an enquiry from the Justice Select Committee (2018), which found a range of failures regarding multiple aspects of TR.

- 2018, several damning inspection reports on local prisons, including reports of poor and unsafe conditions, drug use, violence and self-harm, led to prisons Minister Rory Stewart claiming in various media interviews that he would resign if the standards in ten prisons he had subsequently focused reforms on didn't improve within the next twelve months (Grierson, 2018).

- 2018, the Ministry of Justice announced that CRC contracts were to be ended two years earlier than originally planned (Ministry of Justice, 2018a). The paper *strengthening Probation, Building Confidence* (Ministry of Justice, 2018b) was published in order to plan the next model of probation.

- 2018, The Community Sentence Treatment Requirement Protocol is piloted, encouraging sentencers to use Community Orders for individuals with mental health and/or drug and alcohol problems, instead of short sentences. Initial results proved positive (Ministry of Justice, 2018c).

- 2019 saw further negative reports regarding TR (NAO, 2019; HMI Probation, 2019; HoC Committee of Public Accounts, 2019) as well as an inspectorate report critical of PSS (HMIP, 2019). Two parent companies of CRCs also entered into administration.

- In May 2019 the Justice Secretary David Gauke ended the CRC organisational split model, by announcing that all offender management would be undertaken by the NPS, (Ministry of Justice, 2019b) alongside the use of 'innovative partners' from the private sector and third sector organisations. A follow-up report by the Justice Committee outlined their concerns regarding the risks and pressures placed on staff for the re-design of probation, as well as the

importance of transparency of funding for private sector services involved in the next probation framework (HoC Justice Committee, 2019).

- 2019, Justice Secretary David Gauke gives a speech outlining a vision to move away from short sentences, stating "The latest evidence suggests that if all offenders who currently receive prison sentences of less than six months were given a Community Order instead, we estimate that there would be around 32,000 fewer proven re-offences a year… this latest research has further reinforced my view that moving away from prison sentences up to six months would deliver real and positive change" (Ministry of Justice, 2019c). A Green Paper was due to be published to further establish a presumption against the use of short sentences. However, due to a change in leadership of the Conservative party, he is replaced by Robert Buckland QC and the December 2019 general election sees a return to promises of tougher sentences for serious offences, including violent, sexual and terrorist offences, potentially further increasing the prison population.