07_Chapter7: Resettlement: A people first approach to community (re)integration

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Abstract

This chapter applies the four forms of rehabilitation to resettlement. We begin with a critical reflection on the history of resettlement, setting this out as an intractable problem, with a litany of failed policy attempts to bring greater cohesiveness between prisons and probation. This review includes the recent attempt of 'through the gate' initiatives from the *Transforming Rehabilitation* reforms and the current Offender Management in Custody reforms. The chapter then focuses on the four forms of rehabilitation. Personal resettlement should focus on the quality of practical support offered and be more responsive to intersectionality. A judicial approach should be a process of requalification – helping the individual overcome the practical barriers of re-entry. A social approach foregrounds the importance of social bonds and tasks practitioners with bonding and bridging people to support in the community. Lastly, a moral approach surmises that practitioners should help individuals overcome barriers to resettlement, rather than put extra barriers in place. We then turn to ways to reduce penal excess, suggesting a reduction in the use of recalls to custody, and a reduction in the use of short sentences. We conclude by highlighting several individual projects that undertake positive resettlement work but find these are undermined by a lack of funding from central government and the absence of a wider culture in prisons and probation that takes a desistance-based approach to resettlement.

Introduction

This chapter seeks to explore the complexities of resettlement, using the four forms of rehabilitation (McNeill 2012) to help us understand the potential productiveness of practice in this area. Firstly, we provide a brief critical history of resettlement policy and practice in England and Wales, noting the difficulties of forming a cohesive and effective platform for resettlement. We then review the most recent iterations of resettlement policy: *Transforming rehabilitation* (TR) and Offender Management in Custody (OMiC). We outline that TR has fared little better in its attempts to improve resettlement outcomes, as well as convey concerns over the viability of OMiC without better government funding for pathway services. We then move on to assess the applicability of the four forms of rehabilitation

for resettlement practice, finding a clear use of these four forms to help us understand how we might improve on current resettlement practice.

We find that for effective resettlement to take place, that the four forms of rehabilitation cannot be viewed in isolation and that an integrated approach is crucial to help an individual to transition back into society. We conclude by outlining good areas of practice and areas for development, finding that although individual areas of good resettlement practice exist, these are ultimately undermined by a lack of cohesive government support or a wider culture in prisons and probation supportive of a strengths-based resettlement practice.

Firstly, a brief word on the terminology used in this chapter. There is no universal definition of resettlement – or what American audiences commonly refer to as re-entry. However, Maguire and Raynor (2017) describe resettlement as a multi-stage case management process that should begin in prison and continue into the community. While Visher and Travis (2003) describe re-entry as a transition from prison into the community that is both a process and a goal. It is also important to note that many academics find that the terminology used to describe *re*-entry or *re*-settlement or *re*-integration problematic. Specifically, that this implies individuals were previously settled in the community prior to their imprisonment and inhabited a social status that should be restored, rather than a perennially socially and economically disadvantaged individual, whose main goal would be to settle for the first time (Carlen and Tombs 2006).

There have been different terms used to describe what we now refer to as resettlement. Historically, resettlement was called prisoner aid or prisoner relief, it then became commonly referred to as throughcare, or aftercare (Maguire and Raynor 1997). However, the term resettlement was first used in government literature in a 1998 prisons and probation review, with the rationale that the term throughcare could be confusing to the general public and more associated with the *caring* services

(Home Office 1998). The various uses used to describe this process of leaving prison and integrating back into the community helps demonstrate how government and societal attitudes have shifted towards prison leavers.

A brief history of resettlement

A brief historical analysis of resettlement policy and practice in England and Wales demonstrates the difficulties of providing effective support to individuals as they leave the prison gates. Indeed, Crow (2006: 1) describes resettlement as an 'intractable problem' with concerns of its effectiveness dating back from the emergence of the modern prison system in the nineteenth century, where the demise of transportation meant for the first time society had to take responsibility for individuals after their incapacitation.

Initial provisions for resettlement were provided on a voluntary basis by small independent Discharged Prisoners' Aid Societies (DPAS). However, these services did not exist in all areas and were described as inconsistent in the level of support offered (Bochel 1976). Despite these shortcomings, Maguire *et al*. (2000) report that well into the mid-twentieth century DPAS remained the main source of resettlement help and support for prisoners. However, 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). 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 and up to half of a probation officers' caseload could be voluntary clients (this often consisted of individuals who

were homeless and suffered from substance addiction) to whom the service had a statutory responsibility with an emphasis on providing practical support as individuals left prison. 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 of harm and longer-term prisoners (Maguire *et al.* 2000).

Despite the demise of voluntary aftercare services, there have been intermittent resurgences of political interest in resettlement. These efforts include 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 2008: 114) and entailing a greater integration of prison and probation. The 1991 Act was viewed as a revival of throughcare (Hedderman 2007). However, these reforms were designed for individuals serving sentences over 12 months, meaning individuals serving short sentences[1] were demoted to rapidly declining voluntary services (Maguire *et al.* 2000). Maguire and Raynor's (1997) review of the 1991 Criminal Justice Act, outline how the ideals of the seamless sentence were undermined by a lack of joined up working between prisons and probation and led to tokenistic and poorly developed sentence planning. Most significantly, the authors argue that the Act saw the altering of probation culture away from a traditional rehabilitative casework model, and towards a more managerialistic model that viewed post-release supervision as a means to extend control and surveillance into the community, via compliance with licence conditions.

The next significant iteration of resettlement policy came under the New Labour government, who sought to reimagine the *seamless sentence* under the guise of *end-to-end* offender management. Several reports were published that identified significant weaknesses in resettlement work and the

lack of continuity between prisons and probation (HMI Prisons and Probation 2001; SEU 2002) and in response, the Carter Review (Home Office 2004a) was implemented and led to the amalgamation of prisons and probation into one organisation – the National Offender Management Service (NOMS). Burke and Collett (2010: 243) saw this move as part of a 'correctional drift', where probation moved away from its social work ethos and became a 'law enforcement agency'. 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 seven critical pathways introduced include: accommodation, education training and employment, health, drugs and alcohol, finance benefits and debt, children and families and attitudes, thinking and behaviour. However, despite the introduction of these pathways, resettlement planning was characterised as increasingly standardised and generic, often implemented in a *one-size fits all* framework (Hucklesby and Hagley-Dickinson 2007).

New Labour also saw a resurgence in interest in the short sentence population, notably after several reports were critical of the lack of support for this group (HMI Prisons and Probation 2001; SEU 2002). In response, Labour firstly introduced the Pathfinders project – 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, these initiatives were never followed up on. Under the 2003 Criminal Justice Act, the Custody Plus sentence was also introduced. This sentence would provide a 12-month post-sentence Community Order for individuals serving short prison sentences. However, Custody Plus was never enacted and was shelved in 2006, with the rationale that resources were needed for the higher risk prisoners (Home Office 2006). There wasn't any serious political attention paid to the short sentence cohort – or resettlement more generally - until the TR reforms were enacted in 2013.

The current policy context

The most recent resettlement policy initiatives of *Transforming Rehabilitation* once again saw a resurgence in political interest in resettlement. These reforms were designed – in part – to fill the gap in provisions for the short sentence cohort. TR saw the introduction of the Offender Rehabilitation Act 2014. This act extended post-release supervision to the short sentence cohort; this involved a licence period, followed by a top up period of post-sentence supervision (PSS) (MoJ 2014). Alongside the ORA 2014, over 70 prisons in England and Wales were re-designated as resettlement prisons (MoJ 2013b), where *through the gate* services would be implemented to help individuals plan for their release back into the community. Many of these through the gate services would be managed by community rehabilitation companies (CRCs), private companies operating under payment-by-results (PbR) contracts, ostensibly designed as a mechanism to encourage innovative practices and reduce the high rates of re-offending (MoJ 2013a).

However, the reality of resettlement under the TR reforms produced a very different set of outcomes to what was envisioned. Several research reports were highly critical of through the gate efforts, meaning needs were not identified and poor resettlement plans meant individuals were often released without their needs addressed (CJJI 2016; CJJI 2017; Taylor *et al*. 2017). Likewise, the resettlement prison re-designation failed to change the culture of prisons towards a more rehabilitative ethos and were undermined by significant cuts to prison budgets (Millings *et al.* 2017; Cracknell 2021b). Provisions post-release fared little better, with a lack of community resources and confusion regarding Post-sentence Supervision (PSS) hampering resettlement in the community (HMI Probation 2019; Cracknell 2020). As a result, the House of Commons Committee of Public Accounts (2018) reported that 19 of the 21 CRCs had failed to meet their Payment by Results (PbR) targets in regard to re-offending rates, with little evidence of the promised innovative practice. Prison recalls also increased

drastically (NAO 2019) and the failure to meet PbR thresholds meant that three CRCs fell into administration, each citing the financial constraints of the CRC contracts as a direct cause (House of Commons Justice Committee 2019). It was finally announced in May 2019 that the failed TR model would be bought to an end. In June 2021 the NPS took over responsibility for all offender management, ending the involvement of CRCs and PbR contracting (MoJ 2019).

Despite thirty years of attempts to improve resettlement outcomes and further integrate prisons and probation, Cracknell (2021a) writes that these resettlement policies share a commonality in failures. This includes a lack of cohesive culture between prison and probation services, under-resourced pathways and underfunding by central government, generic practices and a culture that focuses on risk management beyond rehabilitation and reintegration.

The current policy initiative regarding resettlement that has emerged from the ashes of TR, has been outlined in the recent *Target Operating Model* for the reunified probation service (HMPPS 2021). Offender Manager in Custody (OMiC) has been introduced as the latest iteration of resettlement policy and has made some attempts to address issues involving the disparate cultures of prisons and probation. The OMiC model has effectively abandoned the *end-to-end* model started by the Carter Review. Instead, prison staff take full responsibility for resettlement when an individual is in prison, only handing over responsibility, shortly before the release date (HMPPS 2021). However, concerns remain regarding the resources and capacity for prison staff to play such a key role in resettlement work (Maguire and Raynor 2019).

In the community, individuals serving short sentences will be supervised by specialist short sentence teams, with the aim to provide a greater sense of continuity and minimise the disruption that a short sentence can cause. Alongside these changes, within the operating model a *dynamic framework* has been introduced, obliging the NPS to commission services from the market. This includes unpaid

work, accredited programmes, and *wider resettlement and rehabilitation interventions*. Carr (2019) reasons that this means the logic of outsourcing in probation remains intact and private companies will continue to play a role in resettlement services. However, despite these planned changes, without the availability of additional resources in the community for pathways services including housing, benefits and drug support, then reintegration will remain an intractable issue.

Resettlement and the four forms of rehabilitation

Personal

Visher and Travis (2003: 98) note that 'at the heart of a successful transition is a personal decision to change'. However, this personal decision is just one dimension that influences this transition from prison to the community. The authors contend that equal attention should be paid to environmental and social factors, as well as the interrelated governmental policies that these factors operate within. In this vein, we contend that although a personal rehabilitative approach to resettlement is important, viewing resettlement as merely a personal project that happens in isolation, is insufficient. Resettlement is also a social, judicial and moral project and all four elements need to be combined in order to help the individual resettle – or settle for the first time – back into the community. However, we find that much of the resettlement work currently undertaken focuses exclusively on the personal, often to the detriment of the other three forms of rehabilitation.

However, there is still helpful evidence that assists us in understanding how a personal rehabilitative approach to resettlement might be achieved. Maguire and Raynor (1997; 2017) have long advocated for a holistic approach by practitioners. They find that although helping individuals with crucial practical needs in areas such as housing and employment are foundational building blocks to successfully help someone to resettle back into the community, focusing on this alone is insufficient,

and equal priority should also be given to motivational and therapeutic elements, in order to help reinforce any practical support. Therefore, a personal rehabilitation project should focus on both elements in tandem.

Although we fully concur with these findings, on a practice level we would like to make two pertinent points. Firstly, there needs to be an awareness of when is the most appropriate time to undertake motivational and offence focused work; if an individual has just been released from custody, has no stable accommodation, and is waiting for their universal credit benefit payments to be paid, then this does not suggest a suitable platform to explore deeper therapeutic work. In effect, practitioners should first provide assistance to help the individual build a stable base and then commence more in-depth work. Secondly, more attention needs to be paid to the *quality* of the practical provisions offered. For example, an individual may report they have accommodation, but how stable, secure and appropriate is this accommodation? Frequently, an entrenched tick-box culture in modern practice has negated quality over meeting statistical outputs.

Furthermore, in assessing the applicability of personal rehabilitation, it is important to recognise that different groups and communities in society face additional barriers in their reintegration. Bunn (2019) outlines how the particular challenges of re-entry are often exacerbated by a range of structural barriers including gender, race, class and age and urges us to look at resettlement through an intersectional lens. For example, empirical evidence involving the resettlement experiences of black and ethnic minority groups, suggests that these individuals find that their ethnicity affects their resettlement experience, principally that their needs and experiences are amplified by racism and discrimination (Jacobson *et al.* 2010). A recent HM Inspectorate of Prisons report (2020) on this issue highlighted that prison staff had an insufficient understanding of ethnic minorities' distinct experiences of imprisonment and that these prisoners reported poorer experiences of rehabilitative support and prison life. These prisoners felt that this had a negative impact on their resettlement and

rehabilitation. Greater awareness of these issues is particularly important, as The Lammy Review (2017) reminds us that black and ethnic minority groups are over-represented in the prison population and under-represented in staffing levels[2].

Equal recognition also needs to be given to the distinct resettlement needs of women (Gelsthorpe and Sharp 2007). Gelsthorpe and Sharp's empirical research tells us that woman within the criminal justice system have multiple needs that are often different to men, located within areas such as victimisation, paternalistic power relations and distress. However, in a prison system dominated by males, these are often under-explored. Corston (2007) has long called for a more gender-responsive criminal justice system that fully recognises the specific needs of women, which would entail better community support, coordinated multi-agency provisions and greater awareness that many women have childcare responsibilities. However, ten years after the landmark Corston report, *Women in Prison* (2017) argue that although some progress has been made, more work needs to be done to implement a joined-up approach that addresses the root causes of women's offending.

Taking these important factors into account, a personal rehabilitative response to resettlement should recognise differences and be culturally and gender responsive. Good practice also suggests that a holistic multi-agency response to resettlement is imperative to address multiple needs. Lastly, more recognition needs to be given to the importance of practical help, and assisting individuals to form a stable base, before then exploring motivational and offence-focused work.

Judicial

Judicial rehabilitation and the requalification of individuals to their full status as citizens is a central aspect of effective resettlement. However, a failure to properly requalify a citizen presents as a central barrier to reintegration. Indeed, Henley (2017) writes that the discrimination that individuals

experience upon release can be equally or more painful than the original penal sanction. Henley (2018b) subsequently sets out the different ways in which individuals with convictions are discriminated against and marginalised in society, principally through the stigma of a criminal record and how this leads to exclusion and restriction in accessing vital services in areas vital to resettlement. These include: employment, and the criminal records background checks and exclusion from some occupations; banks and financial services which may deny loans or mortgages; housing, specifically private landlords denying a tenancy and local authorities restricting access to social housing; restrictions on international travel; exclusion from educational opportunities; and from civic participation, such as limitations on a right to stand for office, serve on a jury or sit as a trustee for a charity.

Combined, the criminal record checks act as a powerful means to exclude an individual from society and inhibits the ability to resettle back into the community. Henley (2018b) finds this not as a collateral consequence, but a central process of punishment. The consequences of this are twofold; firstly, the stigmatisation can frustrate an individual's ability to create a pro-social identity and leave behind the *criminal self*, which is a crucial part of the earlier stages of the desistance process. However, secondly Henley (2018b) finds long term consequences, as the expansion in the use of criminal record checks means a previous conviction can be inexorably tied to an individual for decades. These exclusionary policies mean that individuals become 'carceral citizens' (Miller and Stuart 2017) and are denied the full opportunity to become full autonomous members of society.

A more proportional means of approaching resettlement would involve the reduction in the use of criminal record checks and the 'civil purgatory' that it produces (Henley 2018a). Henley forcibly reminds us that for sentencing to be just, there is a moral duty to return people back to society unencumbered by the stigma of their punishment and to ensure they genuinely receive a second chance. Maruna (2011) argues that a way to help resolve the stigma and discrimination that

individuals face post-release is for greater use of rituals as a means of de-labelling and supporting people as they re-enter communities. Maruna writes that this can help individuals feel part of a community, and at the same time, help communities to forgive and welcome ex-prisoners back into society. For a practitioner, this could involve formally acknowledging efforts that have been made to *make good*, alongside recognising achievements and how the individual has overcome challenges since their release. This may help to focus the individual on their future and not on their past crimes. On a wider level, Maruna (2011) suggests a *certificate of rehabilitation* to demonstrate that an individual has paid their debt to society. Such a certificate might help to remove the barriers of exclusion highlighted above by Henley.

Social

Developing and strengthening social bonds and pro-social networks is a fundamental aspect of resettlement (Best *et al.* 2018). Indeed, the Farmer Report (Farmer 2017), which provides a review of the role of families in supporting rehabilitation, makes clear that families and family support provide a crucial role in reducing re-offending and forming a pro-social identity. The report calls for families to play a central role in release planning. In this respect, resettlement practice should place social rehabilitation as an intrinsic aspect of any community reintegration plan.

Relatedly, Hall *et al*. (2018) have reviewed a best-practice approach to developing social capital. The authors note that developing social capital is crucial in bridging the gap between prison and the community, as it helps foster crucial resources, pro-social relationships and social cohesion. As such, resettlement programmes must be developed to help address these barriers. The authors recommend that resettlement support needs to move away from risk-oriented approaches and move towards strength-based support which is coordinated with family and community resources. Doing so will help develop 'resettlement capital' (Hall *et al.* 2018: 518). This involves the individual drawing on

a set of 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 *bonding* individuals to networks of family and community support. Such an approach helps place the practitioner in a central role of connector and advocate with an individual's families and local community, to help navigate a person through their resettlement journey.

Similarly, Moore (2011) explores a more theoretical approach to resettlement, placing resettlement into a desistance-focused context and emphasises the role of society in the resettlement process. Moore outlines a three-phased approach to resettlement. The first phase *social re-entry* involves developing the social and human capital that is required in order to navigate the various challenges that an individual faces. 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 that encompasses a more extensive level of inclusion. This includes a personal narrative not to re-offend, a supportive society and structural opportunities to reinforce both.

However, as Moore (2011) rightly points out - individuals face insurmountable problems and often have insufficient capital to manage the demands of the transition, which leaves many caught up in the revolving door of re-offending. Therefore, it is crucial that the state too plays its role in helping individuals to reconnect with their communities. However, recent austerity measures enacted by the government, including cuts to the benefits system, housing and pathway services, have been severely detrimental to resettlement outcomes, and effectively undermined the ability to maintain an effective resettlement policy (ACMD 2019). We contend that for the principles of social rehabilitation to be assimilated into practice, then we should revisit the ideas of *state obligated rehabilitation* (Cullen and

Gilbert 1982; Rotman 1990), which argues each individual has a right to be helped to become a better citizen, the state also holds a moral duty to provide rehabilitation to mitigate the damage done by imprisonment and should seek to eliminate any hindrances to reinstatement into the community. We advocate for this *two-way street* where the focus should not be exclusively on the wrongdoing of the individual but should additionally place responsibility on the state to provide a proper safety net to individuals as they leave prison and settle in the community.

Moral

One of the main complexities of resettlement is that there are often contentious ideas of what this process should entail, with practitioners often asked to prioritise a contradictory set of aims that could include: risk management, crime reduction, public protection, inclusion or integration (Raynor 2007). In particular, for individuals who are assessed as a higher risk of harm, and are serving lengthier sentences, this balance of priorities can often be shifted towards containment of risk, and away from rehabilitative goals.

For practitioners operating in the late-modern period, probation occupational culture has shifted from its social work foundations, towards an approach that prioritises public protection and risk management (Mawby and Worrall 2013). In particular, Trebilcock and Worrall (2018) find that for many violent and sexual offenders, public protection, rigorous monitoring and strict compliance with licence conditions become prioritised, making throughcare and resettlement a secondary priority. This approach can have negative consequences and potentially calls into question how moral post-release supervision is perceived by those subject to it, with individuals finding licence conditions to be overly restrictive and that they have been set up to fail, often leading to recall to custody.

This can in turn lead to individuals being supervised post-release to feel a sense of resentment and injustice – inhibiting or undermining the process of change (Weaver and Barry 2014). Indeed, we find that approaches to resettlement are often balanced towards the wrongs of the individual, and not on the harms caused by the institutions responsible for resettlement and reintegration. An overtly punitive and inflexible response from practitioners can undermine legitimacy and procedural fairness – having a long-term impact on attitudes towards resettlement. Indeed, a perceived lack of procedural fairness can create a lot of anger and resentment towards probation supervision (Digard 2010).

In particular, for individuals with drug and alcohol addictions, lapses and relapses can be a common element in an individual's often complex pathway of behavioural change (ACMD 2019). As such, it is crucial that post-release supervision can allow for second, third or fourth chances. A moral approach to resettlement will understand that the desistance journey is often not a straight path, but more resembles a zigzag (Weaver and McNeill 2010), as such a practitioner should ascertain where the individual is on that journey and maintain a consistent approach from practitioners that allows a trusting relationship to develop, alongside a flexible approach to respond to issues as they occur (Malloch *et al.* 2013). There is a lack of flexibility in contemporary practice, regarding the mistakes individuals make, with many recalls for procedural failures like missed appointments, rather than further offences (HMI Probation 2020). A moral approach should help individuals to overcome barriers to resettlement, not put extra barriers in place.

To help foster a sense of legitimacy in post-release supervision, and to enable resettlement to become a moral enterprise, further emphasis should be placed on promoting a relational and co-productive approach to resettlement, fostering a genuinely collaborative approach between the individual and practitioner (Raynor 2007). Here, there is worth revisiting McNeill's (2006) *desistance paradigm* and how it can be applied to resettlement. This framework promotes several elements of good practice for resettlement practitioners, including the practitioner implementing early individualised

preparation for release which involves the individual in release plans; a positive collaborative approach from the practitioner that is flexible and realistic – particularly in the face of setbacks; and providing help and advocacy in accessing resources. It is important that the individual feels listened to and respected, with sentence plans goals co-produced and co-owned by the practitioner and the desister.

Reducing penal excess

In examining the applicability of the four forms of rehabilitation to the area of resettlement, several pertinent means of reducing penal excess have emerged. Below, we focus on two ways resettlement could be more proportional. These two suggestions lie at opposite ends of the scale of penal sanctions. Firstly, reducing penal excess involves addressing the use of recalls to custody. This is becoming an increasing issue at the *higher end* of custodial sentencing. In particular, for individuals serving indeterminate sentences for public protection (IPP)[3], there are currently more people serving an IPP sentence that have been recalled than are released into the community, with over 1,200 recalled in 2019 (Bromley Briefings 2019). A recent review of recalls by the Probation Inspectorate (HMI Probation 2020) outlines that 12 per cent of the prison population in England and Wales (over 9000) had been recalled to custody. The review has also outlined how recalls can undermine meaningful engagement and legitimacy of the process. Barry (2021) notes that in order to provide a more proportional response to the use of recalls, then licence conditions set should have a more even balance between risk and rehabilitation, be more responsive to individual needs and concerned with risk reduction rather than an elusive risk elimination. Practitioners, Barry further reflects, need to feel they are working in a supportive environment, and don't have to be overly cautious in order to avoid a serious further offence.

Secondly, at the lower end of sentencing, we suggest that penal excess could be reduced by addressing the use of short sentences and the recent addition of the ORA 2014. Although this was promoted as a means to finally provide resettlement support for a long-neglected cohort, it is alternatively viewed as a *net widener* extending statutory supervision into the lives of this cohort (Cracknell 2018; Cracknell 2021c), with the short licence period providing little time to undertake any productive work (Cracknell 2020). Evidence regarding the use of the ORA 2014, suggests that it has not been successful in its aims of reducing reoffending (House of Commons Committee of Public Accounts, 2018), or improving resettlement outcomes (CJJI 2016; HMIP 2019). Instead, recall rates have increased dramatically (NAO 2019), speeding up the process of revolving door sentencing and burying individuals deeper into the criminal justice system. In light of this, further consideration could be given to abolishing short sentences, replacing them with community orders.

Arguments 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 (Mills 2010; 2019) and countries including Scotland (Tata 2016) 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 (Mills 2019). Therefore, for a presumption to be effective, 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.

Conclusion

In this chapter, we have critiqued the current and historical resettlement policies and practices, broadly outlining that attempts to bring greater cohesiveness between prisons and probation have failed, and ultimately contributed towards a cultural change in probation practice that viewed resettlement as part of its risk management and public protection brief. This has meant missed opportunities to integrate a wider desistance-focused approach to resettlement that emphasises and assimilates the four forms of rehabilitation.

However, although there have been considerable failures in the wider policy initiatives, there is empirical research that outlines a number of individual, small-scale projects that are improving resettlement outcomes. For example, the Kirkham Family Connectors project at HMP Kirkham have developed a resettlement project that engages families and seeks to bridge and bond individuals to community resources (Hall *et al.* 2018; Best *et al.* 2018). Liebling *et al.* (2019) outline the ethos of hope and possibility at HMP Warren Hill, as they provide resettlement support to individuals with complex needs. The HMI Prisons (2020) thematic report on minority ethnic prisoners' experience of resettlement, underlines a small number of individual projects available in a handful of prisons that provide specialist resettlement support. In the community, Dominey and Gelsthorpe (2020) evaluate a women's resettlement project, which provides specialist support in accommodation. Likewise, Vanstone (2021) outlines a series of local projects designed to assist individuals with mental health and drug and alcohol issues. Phillips *et al.* (2020) explain how community hubs have the potential to aid desistance through the co-location of resources.

However, as promising as these projects are, they exist in a vacuum, and there is an absence of a wider political culture supportive of resettlement. Many of these projects are subsequently undermined by inter-related government policies and underfunding in areas such as welfare support, housing and funding for pathway services. The combination of austerity policies and the pressure on

the probation service to be the purveyor of public protection prevents the areas of good practice outlined above to assimilate into a wider cultural re-imagination of resettlement practice.

We conclude with how we as authors would like to see resettlement practice be re-imagined. The brief overview earlier of historical resettlement policy, tells us an important story regarding the Probation Service moving away from a more rehabilitative casework approach, towards one of offender management and public protection. We advocate for a return to the casework era of aftercare (Goodman 2012), which places emphasis on the social context of offending and provides meaningful practical support to individuals, to help them reintegrate back into society (Vanstone 2021). This support would place the human first, where individuals felt respected and listened to and the practitioner focuses on removing obstacles for the individual, recognises their achievements and helps them requalify as autonomous members of society.

Notes

[1] A short sentence is a prison sentence of less than twelve months.

[2] Lammy (2017) includes the gypsy, Roma and travelling community, outlining that the rehabilitative and resettlement needs of this group is often overlooked.

[3] The IPP sentence was abolished in 2012 (but not retrospectively). The sentence was designed for 'dangerous' violent and sexual offenders. An individual subject to an IPP sentence is given a minimum tariff to serve but will only be released via a parole board if they are satisfied imprisonment is no longer required for public protection. Once in the community, the individual is subject to a life licence and can be recalled (Annison, 2018). 9 in 10 individuals subject to an IPP remain in prison after their tariff date (Bromley Briefings, 2019).

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