

the Howard League for Penal Reform

Early Career Academics Network Bulletin

November 2016 – Issue 31

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ECAN Facebook Group



The Howard League for Penal Reform is active on [Facebook](#) and [Twitter](#). There is a special page dedicated to the Early Careers Academic Network that you can reach either by searching for us on Facebook or by clicking on the button above. We hope to use the Facebook site to generate discussions about current issues in the criminal justice system. If there are any topics that you would like to discuss, please start a discussion.

News

The Howard League 150th birthday party!

On Wednesday 30 November 2016 we are having a party at the King's Fund (11–13 Cavendish Square, London W1, 5-7pm) to raise funds and celebrate Howard League's 150 years.

Find out how to join us at our [150th birthday party](#).



Ending the criminalisation of children in residential care

The Howard League is undertaking a [two year programme](#) that will explore best practice within the police service and the residential care sector and build on the charity's work to keep as many boys and girls as possible out of the criminal justice system.

This follows our [research](#), which found that children living in children's homes were being criminalised at higher rates than other boys and girls, including those in other types of care.

Children aged 13 to 15 living in children's homes were found to be almost six times as likely to be criminalised as looked after children of the same age in other placements – and almost 20 times more likely to be criminalised than non-looked after children.

Frances Crook, Chief Executive of the Howard League for Penal Reform, said: "There are two major questions we shall seek to answer. Firstly, how can children's homes be encouraged to manage children's behaviour without recourse to the police? And secondly, in those cases when the police are called out to homes, what can be done to avoid a child being unnecessarily criminalised?"



the Howard League for Penal Reform

Key points

- 'Looked after' children living in children's homes are being criminalised at alarmingly high rates compared to all other groups of children, including those in other types of care
- Staff in children's homes are too frequently calling out the police, often over minor incidents
- Exposure to the criminal justice system affects the already damaged life chances of these highly vulnerable children
- Three quarters of England's 1,700 children's homes are run by private companies
- Lack of transparency, particularly in relation to private children's homes, means that homes are not accountable, and neither are police and children's author
- These children are widely recognised by the government, the police, local authorities, Ofsted and other relevant authorities but they are not being addressed
- In 2014, 9,220 children were living in children's homes. The number of children going into care is at its highest point in 30 years

John Sunley Prize 2017

Each year the Howard League's [Sunley Prize](#) celebrates the research undertaken by Masters students. As this year's winners are about to be announced it is time to start the search for next year's

winners. If you have just completed a Masters or have taught Masters students, take a look to see if they can enter: the prize is £1,000 and publication of the dissertation.

John Howard – relevant today?

In early September John Howard would have celebrated his 290th birthday. As part of our own birthday celebrations we published a pamphlet, [Asking new questions: Lessons learned from John Howard](#), looking at John Howard's life and methods to see what they might tell us about prisons today.



The pamphlet was written by Prof Tom Vander Beken, from Ghent University, who drew on his own research following in the footsteps of John Howard to look at prisons across Europe. He concluded “John Howard was a fascinating person and his curiosity, resolve and commitment are a lasting source of inspiration for those who are interested in prison. There is a strong argument to make for the added value of carceral tours in the way he pioneered them. Indeed, there are ethical and epistemological issues that deserve attention and limitations to the information such visits can provide.

But there are things to learn through prison visits that other sources cannot reveal.”

Breaking point: prison staffing

The Howard League published a [briefing](#) highlighting the number of frontline officers working in public-sector prisons has fallen over the last year, despite Ministry of Justice plans to recruit additional staff to help respond to the highest levels of violence, suicide and self-injury since recording practices began.

Statistics seen by the Howard League for Penal Reform showed there were 14,689 frontline officers (full time equivalent) in England and Wales in June 2016, down from 15,110 a year earlier.

Andrew Neilson, Director of Campaigns at the Howard League for Penal Reform, said: “Reducing resources while allowing the prison population to grow unchecked has created a toxic cocktail of violence, death and human misery. These figures show how reductions in staffing and problems in recruiting and retaining new staff are feeding the problems behind bars.”

The Carlile Inquiry 10 years on

Earlier this year Lord Carlile published an incredibly timely look at the state of play in children's prisons. It followed his landmark report a decade earlier into the use of restraint, solitary confinement and strip-searching in child prisons in England and Wales.

The [2016 report](#) revealed that the majority of children in custody are detained in institutions where restraint is routinely – and unlawfully – used to get them to obey orders. Children have

suffered 4,350 injuries in the last five years while being restrained. Although the number of boys and girls in custody has fallen, the rate of restraint has more than doubled.

Lord Carlile’s team recommended that restraint should never be used as a punishment or to secure compliance. The courts have since held that using physical force on a child to get them to do as they are told is unlawful. It has been supposedly banned in secure training centres and it is not used in secure children’s homes. The report found this unlawful practice is widespread in young offender institutions, however, and accounts for 22 to 34 per cent of all times force is used on children.

In one incident in Cookham Wood prison, Kent, a boy was restrained for refusing to leave a room after a review into whether he was at risk of harming himself. Inspectors found that force was instigated quickly and escalated to an officer causing the boy pain by kicking him.

Speaking at the publication of the report Lord Carlile of Berriew QC said: “A healthy response to children in trouble with the law, which has their welfare at its heart, would recognise this use of violence by adults as an admission of failure.”



**The Carlile Inquiry
10 years on**
The use of restraint, solitary confinement and strip-searching on children

the Howard League for Penal Reform

Key points

- In 2006 the Howard League published the findings of an independent inquiry, chaired by Lord Carlile, into the use of restraint, solitary confinement and strip-searching in penal institutions for children
- In child prisons, adults can use physical force on children. The majority of children are detained in institutions where restraint is routinely used to get children to do as they are told. This is unlawful
- Despite a decrease in the number of children in custody, the rate of restraint has more than doubled in the last five years
- Force that causes the deliberate infliction of pain on children account for over a third of all approved ‘techniques’ that can be used on children. Pain is being used legally to secure children’s compliance
- 4,350 injuries have been sustained by children while being subject to restraint between 2011 and 2015
- The current crisis in children’s prisons has given rise to the widespread practice of holding children in conditions of solitary confinement on main prison wings, locked in their cells for 23 hours a day
- Conditions in segregation units have not improved since 2006, when the Carlile inquiry described them as ‘18th more than bars, dark and dark cells that exacerbate underlying pain and vulnerability’. Segregation units should be immediately closed
- Routine strip-searching has ended and been replaced by a risk-led approach. In 2015, however, there were 267 strip-searches of boys in prison

Features

The Free Prisoner – from removal to inclusion

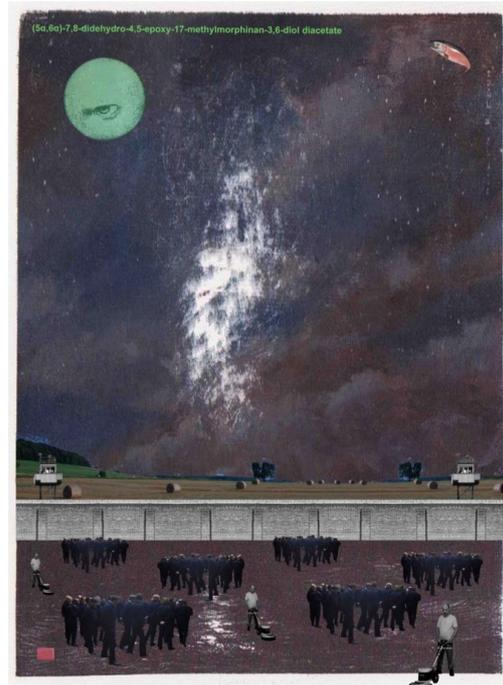
A feasibility study that places prisoners in the heart of their communities as the catalyst for change while reshaping the penal and social landscape.

Claire Shepherd and Karl A Lenton

Introduction

The Government recently announced the closure of nine inner city prisons to be replaced with 10,000 places in new build prisons (Gove and Osborne, 2015). From recent trends seen at HMP's Oakwood and Berwyn we could expect 'supermax' design, located in rural areas. The argument for building supermax prisons is said to be economic, releasing money from the sale of the inner city land and utilising cheaper land prices; with potential economic benefit to rural communities (Payne, 2015). The Government's announcement comes at a time of high unrest in prisons, cuts to prison staffing and a stubborn lack of progress on reducing reoffending (Crosse et al, 2016), suggesting that the current model is not working and that it requires a radical rethink.

The Howard League has energised debates to rethink penal models through their '[What is Justice? Re-imagining penal policy symposium](#)' and 'Justice and Penal Reform: Reshaping the penal landscape' conferences in 2013 and 2016 respectively. The Prison Reform Trust's 'Transforming Women's Lives' (2015a) and the Royal Society of Arts 'Future Prisons' projects (O'Brien and Robson, 2016), are also generating collective expertise to influence



Drawing One: Removal from the city (2014)

penal policy and rethink our penal models.

One idea put forward by prison reformers is to replace the current estate with small community hubs close to prisoners' homes and communities (Prison Reform Trust 2008). We support this idea and will argue that to truly tackle offending, a community prison model, embedded in principles of social justice, reparation, community cohesion and community regeneration, is required. We will highlight key issues in the current system for

adult men and women, the factors that can support people to stop offending and the needs of the victims of crime and high crime communities, in penal reform. We will go on to offer our reimagined community penal model, 'The Free Prisoner', with its purpose to add value, rehabilitate, regenerate, and integrate and ultimately reduce offending.

Our model is written in the context of current sentencing patterns and the resulting use of imprisonment. The crime rate in 2015 had been steadily falling for 20 years, in common with much of the western world, and was 15% lower than 2013. However, the Ministry of Justice (2014) estimate that by 2020, 89,900 people will be imprisoned in England and Wales at any one time, a near doubling of prison numbers in the past two decades. The Prison Reform Trust (2015) suggests that a key driver has been the rapid increase in the use of indeterminate and long sentences. However, troubling as this is, it is not in the scope of this paper to tackle current sentencing guidelines or to make assumptions about what, or when, changes or 'overhauls' may or may not occur.

Our model requires an ideological shift in how we see crime and justice in England and Wales and challenges us ethically, culturally and politically.

Prison context

Prisons in England and Wales are facing major challenges. In January 2016 there were 85,461 people in prison and, according to HM Inspectorate of Prisons (2015), prisons were in their worst state for ten years. Deaths, assaults and

self-harm have all increased significantly, resulting in dangerously low safety levels and a reduction in the purposeful activity that contributes to rehabilitation and resettlement.



Drawing Two: The isolation of imprisonment (2014)

Many prisoners have poor physical and mental health. Over 70% of adult male prisoners have two or more mental co-morbid conditions (Singleton et al, 1998, Borrill and Taylor, 2009) and there are higher levels of chronic diseases and substance misuse compared to the general population (Crosse et al, 2016).

Since 2010, assaults in prisons have risen by 13%, serious assaults have increased by 55% and assaults on staff have increased by 28%. In 2015, there were 256 deaths in custody, the highest number on record and one third of these deaths were suicide (Inquest, 2016). The number of suicides is now 40% higher than it

was five years ago and rates of self-harm have increased by almost a third since 2010 (HM Inspectorate of Prisons, 2015).

In 2015 Certified Normal Accommodation (CNA) levels indicated overcrowding levels at 60% in prisons in general (Ministry of Justice 2015b) and at over 165% in the five most overcrowded (Ministry of Justice 2015c).

Women experience criminal justice very differently from men; 53% have experienced childhood abuse (sexual and physical), 50% have observed violence, 31% have been in care and have a history of substance misuse and homelessness (Carlen and Worrall, 2004). Women are imprisoned further from home than men and receive fewer visits (Women in Prison, 2013). They accounted for 26% of all self-harm incidents in 2014, despite representing just 5% of the total prison population (Ministry of Justice, 2015).

These statistics represent a worrying trend of poorly performing and dangerous prisons, filled with people with complex issues, unable to deliver the outcomes that we require of them; to keep people safe and reduce reoffending. This trend has resulted in significant pressure on the government to act and make changes in policy to reform our penal system.

Policy context

In recent years, there has been a move towards rehabilitation and reform in penal policy with some decentralisation.

The Transforming Rehabilitation strategy (Ministry of Justice, 2013) has seen a radical rethink in how to

manage offenders in the community. Those deemed low or medium risk are managed by one of 21 private and third sector local Community Rehabilitation Companies (CRCs), whilst the National Probation Service manages high-risk offenders. The Transforming Rehabilitation agenda is still in its early days, the success of which will depend on how CRCs 'create the conditions and incentives to reduce re-offending' (NAO, 2016).

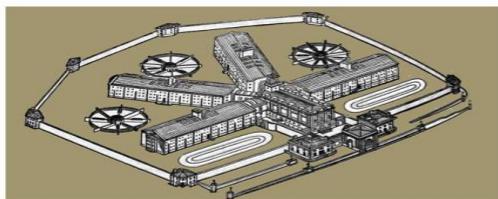
Plans for reform are to be brought before Parliament in 2017 (O'Brien and Robson, 2016) and are likely to include significant change to leadership and autonomy for prisons. A 'devolved' model of leadership, currently being piloted at six reform sites, is to be extended to other lower risk category prisons by 2020. Executive Governors will have greater control over budgets, commissioning and how their prisons are run.

The announcement of the closure of nine inner city prisons saw the first steps activated in May 2016, when women were moved from HMP Holloway. This move is part of a proposal to reduce the number of women in custody (O'Brien and Robson, 2016) and to develop smaller community units as recommended in Baroness Corston's report (2007).

At the time of writing and with the recent changes in Government it is not clear the extent to which reform will be continued, or the appetite to replace inner city prisons with new builds and smaller units and, how the design of these might be considered.

Prison environments and design

Removal



HMP Pentonville 1842



HMP Oakwood 2012

Drawing Three: Static penal typology over 170 years

Prison design has changed little in the last 200 years (Cottam 2006) and remains 'mentally and emotionally repressive'. Prisons are not nurturing places, they are forbidding from the outside, visually impoverished on the inside (Ginn 2012), starved of natural light and constructed from materials that amplify sounds and suppress the senses (Ginn, 2006). They could be referred to as 'anti-therapeutic' (Scott, 2004), presenting unique challenges for prisoners and prison staff. Whether inner city and historic (HMP Pentonville) or rural and modern (HMP Oakwood), prisons have been designed around an economic model of mass imprisonment, observation and control, rather than rehabilitation.

The economic arguments for building prisons in rural areas are on the surface compelling, however in practice there are downsides. These include the difficulty in attracting qualified personnel, the problems in making regular visits for prisoners' families and attending to medical emergencies (U.S. Department of Justice, 1992), as well as the lack of general infrastructure required to maintain a prison (Courtright et al, 2006). Job

creation is often the top reason cited for placing prisons in rural communities (Imhoff, 2002) yet Hooks et al (2004) concluded that "neither established nor newly built prisons made a significant contribution to employment growth in rural counties" (Hooks et al, 2004: 51).

Prison design however is not global, with other countries delivering alternative models. For example, West Kimberley aboriginal prison in Australia, where prisoners live in self-care houses and have access to education, training and rehabilitation programmes. The significance of West Kimberley for us, is that it was designed by its aboriginal communities to reduce high rates of depression, suicide and poor rehabilitation of aboriginal prisoners, by keeping them closer to home, giving them access to their families, elders and Lore and developing skills to gain employment upon release (Iredalepedersen hook, 2016).

In the UK, when assessing the riots in Strangeways in 1990 Lord Justice Woolf (1991) recommended an alternative blue print for prisons, including accommodating prisoners in community prisons in units

holding 50–70 people, located as close to home and families as possible. The Prison Reform Trust in 2008, suggested that smaller prisons tend to be safer and advocated that holding people closer to home, with a higher ratio of prison staff to prisoners, is more effective than incarceration in larger establishments.

This idea of effectiveness of prisons might reflect both the safety and management of prisoners whilst imprisoned but also relates to the part prisons can play in reducing offending on their release.

Reoffending and desistance



Drawing Four: Welcome home'. The cycle of reoffending (2014)

Prison has a poor record for reducing reoffending with 45.2% of adults reconvicted within one year of release and, for those serving sentences of less than 12 months, this increases to 57.5% (Ministry of Justice, 2014b).

Desistance from crime is a complex process occurring over time. What

starts people in crime is often different than what sees them stop or desist from criminal activity (McNeil et al 2012). Sampson and Laub (1993) suggest that developing social bonds and engagement in work, marriage, family, education or military and religious institutions with law abiding peers, provides people with a stake in conformity and reasons to desist or avoid crime.

Desistance is about more than criminal justice. Desistance requires engagement with families, communities, civil society and the state itself. All of these parties must be involved if rehabilitation in all of its forms (judicial, social, psychological and moral) is to be possible. (McNeill et al, 2012)

Desistance is likely to occur when self-image changes, when people no longer see themselves as an offender (Rocque, 2014) and instead develop a coherent pro-social identity (Maruna, 2001) in which people develop high levels of agency, self-efficacy, a sense of purpose and a way of viewing their old offending lives that 'makes sense' of them and provides a 'redeeming value'. Research suggests that the protective factors that support men to desist from offending are not the same as for women. Giordano et al's (2002) longitudinal study found that factors supporting women to desist from offending included access to a range of social capital opportunities that enable a woman's perceptions of herself to alter and to manifest a readiness to change. We would argue that desistance is, therefore, gender specific and located within social capital where people acquire a sense of self, through developing new and positive identities that

foster engagement, inclusion and active participation in their communities and society.

If communities are central to ending offending, penal reform and policy has a responsibility to recognise the impact of crime on these communities and the potential role they have in desistance and in reducing offending.

Impact of crime on communities



Drawing Five: Disincentive to occupation (North West and Picture LTD)

Communities have a significant role, responsibility and stake in the success or failure of policies to reduce crime and in rehabilitating offenders. Most people from deprived areas do not commit crime, nor do all people from privileged backgrounds refrain from crime. However, the greatest majority of people within the criminal justice system are from the poorest areas of cities and people living in the poorest neighbourhoods are generally more likely to be the victims of crime (Webster and Kingston, 2014).

According to Delgado (1985) there is a correlation between environmental circumstances and criminal behaviour. High levels of crime and deprivation in communities have a serious impact

on their viability and result in a disincentive to occupy, increasing vandalism, falls in the levels of equity of housing, empty properties and the collapse of local businesses (Wilson, 2013) creating a spiral that further increases crime. Where there are high rates of unemployment and crime, communities can lose a sense of identity and cohesion (Delgado 1985).

Wedlock (2006) found that community cohesion has a significant role in developing strong and healthy communities. Cohesive communities enjoy a sense of identity and belonging, where diversity is valued and all groups have access to similar life opportunities, positive relationships and the chance to influence political decisions.

These factors combined indicate that involving communities and working to develop community cohesion within a new penal model would increase the likelihood of reducing offending.

Our vision

The picture we have painted of the state of the penal system and the impact crime has on communities represents an opportunity to reimagine the penal and social landscape. We present a vision that is principled and uses evidence bases of what works to build a new penal model that will serve local communities, make reparation to victims and reduce offending.

The vision stems from the principle that everyone has a value, or 'social capital'. Social capital is defined as the economic and community worth or value where



Drawing Six: 11 guiding principles

social networks are central and relationships and commitments are marked with reciprocity, trust and co-operation (Woodcock, 2000).

Prisoners would be valid and responsible members of their community, producing goods and services for their rehabilitation and the common good. It would be a

locally controlled and determined system.

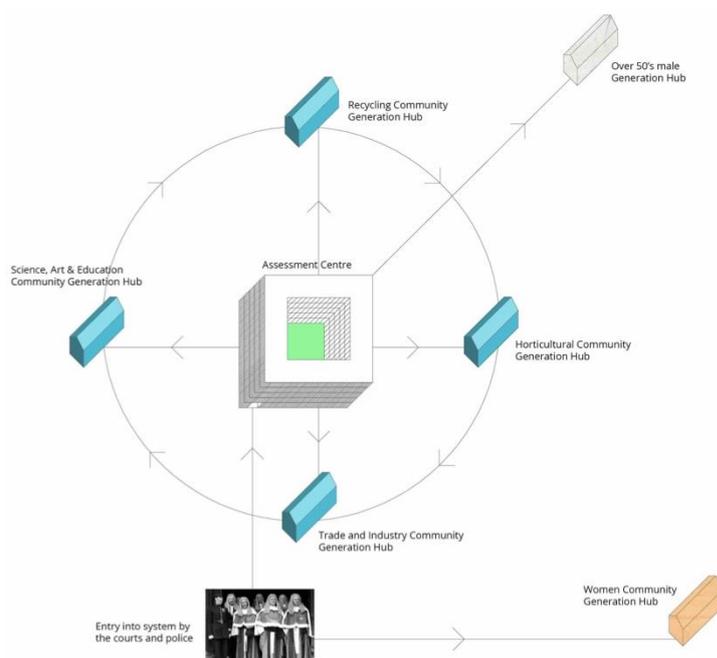
We envisage an inclusion model where boundaries, buildings and thresholds become blurred as the penal model acts as a catalyst for change within communities. Regeneration would occur through building projects, social enterprise, volunteering and employment, thus boosting economies and generating tax. People who have committed offences and are sentenced to prison would serve their sentence in their home region, enabling reparation to victims and the community, contact with families, maintaining employment or education and gaining employment or education to be continued upon release. We see a dynamic ‘community generation hub’ model¹ in domestic scale buildings. These hubs would facilitate access to education and training in local areas during the sentence, increasing the likelihood of smooth transition after release.

Although prisoners would experience more freedoms than in the current system, this model requires commitment from prisoners and is not an easy option. In his article looking at the impact of new generations of prisons in Scandinavia, where freedoms of prisoners are increased, sociologist Shammass (2014) found that the ‘pains of freedom’ were

¹ We debated long and hard about the name for the community hubs, interchanging the words ‘rehabilitation’, ‘regeneration’ and ‘generation’. However, we find the first two imply that there is a return to what ‘was’, rather than a turn toward what ‘could be’, with the latter for us implying making, producing, creating, inventing something much more than what was; something aspirational.

occasionally experienced as bittersweet, tainted and ambiguous. Supporting prisoners through this process would, therefore, require being realistic about the complexity and difficulty, individualising support for change and building sustainable hope (McNeill et al, 2012).

The Free Prisoner model



Drawing Seven: The Free Prisoner model (2016).

The drawing above shows the pathway in a typical city from its court, through the assessment centre and out to an option of community generation hubs located in areas of need or in areas highlighted through the local authority’s strategic city plan.

The model is designed for adults who commit crime and who would, under the current sentencing guidelines (Crown Prosecution Service 2016, Sentencing Council

2016²), be committed to prison by the courts and who, within the prison system, would then be deemed as low or medium risk. This model is *not* referring to offenders who would be on community orders, probation or in the CRC system. Although not the focus of this paper, those prisoners currently deemed high-risk and dangerous, requiring intensive programmes of rehabilitation prior to integration, would remain in a specialised and expert national prison and probation system until such time as those prisoners' risk levels have been assessed as lowered. In these cases and through sentence progression and planning, a progression pathway into community generation hubs would be considered.

The Free Prisoner model would replace the majority of the current prison system. Prisoners would be transferred from court to an initial Assessment Centre when, after assessment and stabilisation and through an individualised care plan, they would move into a community generation hub. These hubs would be designed, led and managed locally with prisoners supported within their community through their own evolving and holistic sentence plan, and, in a reciprocal process, prisoner would support the regeneration of their community.

Assessment Centre

The assessment centre would be located in a city easily accessible to existing facilities, such as hospitals, solicitors and courts. It would be

² The Sentencing Council for England and Wales produces guidelines on sentencing for the judiciary and criminal justice professionals and aims to increase public understanding of sentencing.

people centred, with high resource input. It would be secure, with skilled centre staff and clinicians making holistic assessments of the health, risk, readiness to change, aspiration and potential of each prisoner, preparing and supporting them ready for their move to a community generation hub. A prisoner's sentence progression plan (a holistic care, education, employment, risk plan) would be agreed and map pathways through their sentence, managed by dedicated prisoner case managers.

Prisoner case managers would have security and additional skills to liaise with local health services, education, employment agencies, businesses, families, victims' services and other local authority services. Prisoner case managers 'stay with' that prisoner throughout the duration of their sentence and beyond, where required, to build trust and facilitate a consistent personalised experience for those who offend, victims and the community.



Drawing Eight: Assessment Centre (2015)³

The assessment centre would be designed on the aesthetic and architectural principles of Maggie's cancer centre, where harnessing the power of space and light is

³ Adapted from *The Ideal City* by Fra Carnevale 1480-84

accepted as redemptive (Heathcote, 2006). The health sector has long recognised the impact of the built environment, architecture and design on wellbeing and performance (Herzog et al, 2003).

Psychosocially supportive design can stimulate and engage people, provides a sense of coherence and instigates a change in mental process that fosters positive psychological emotions and reduces anxiety (Dilani, 2008).

The building would be a civic space and an asset to the city, potentially streamlining other front line services by locating them in one place for example, the assessment centre could provide additional facilities to the police for section 136⁴ purposes and non-secure residential alcohol and drug rehabilitation services.

This highly intensive, purpose built centre would efficiently facilitate prisoners' readiness for their transition to the next element of their sentence in a community generation hub.

Community Horticultural Generation Hubs

Community generation hubs (CGH) would be located within the heart of communities. CGHs would house prisoners whilst facilitating restorative justice interventions, deliver community regeneration projects, develop local industry and social enterprise, provide a resource to the community whilst

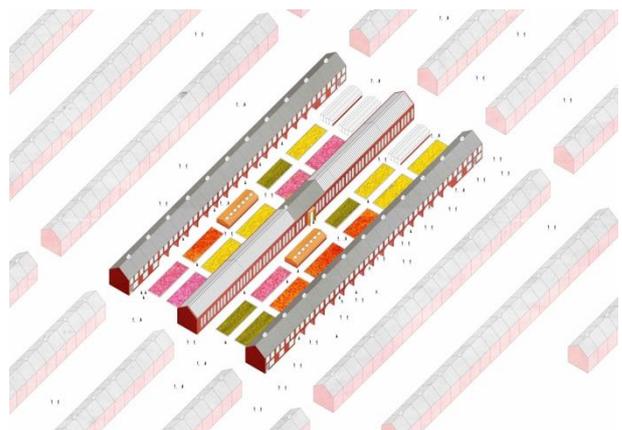
⁴ Section 136 of the Mental Health Act gives the police the authority to take a person from a public place to a 'place of safety', either for their own protection or for the protection of others, so that their immediate needs can be properly assessed.

building positive and sustainable prisoner, family and community relationships.



Drawing Nine: Community generation hub, the heart of the community (2016)

Restorative justice is a process whereby parties with a stake in a specific offence or issue collectively resolve how to deal with the aftermath of the offence and its implications for the future (Marshall, 1999). 85% of victims of crime who participated in restorative justice said that they were satisfied with the experience and those who received restorative justice offended less frequently than matched offenders who did not. Shapland et al (2008) found that face-to-face meetings between the victim and offender seem to work better than other forms of restorative justice.



Drawing Ten: Community horticultural hub axonometric drawing @ 1:300 (2016)

Hubs would be designed dependent on need, harmonising design with purpose (Jewkes, 2007). For example, one hub might

specialise in education (drawing fourteen) located with easy access to colleges and universities. Another might specialise in vocational training and apprenticeships and located near industrial areas (drawing fifteen). Hubs for horticulture might be set up as a community farm (drawing ten).

The design and layout of hubs would be there to offer goods and services to the whole community. For example, a hub may include an open plan market stall area for the sale of products and services generated within the community (drawing twelve), as well as rental spaces that may be used for social enterprise, pharmacy, GP surgery or Citizen's Advice Bureau available to the whole community (drawing sixteen). Local shops could supply prisoners' 'canteen'⁵ and local markets might supply the hub kitchens.



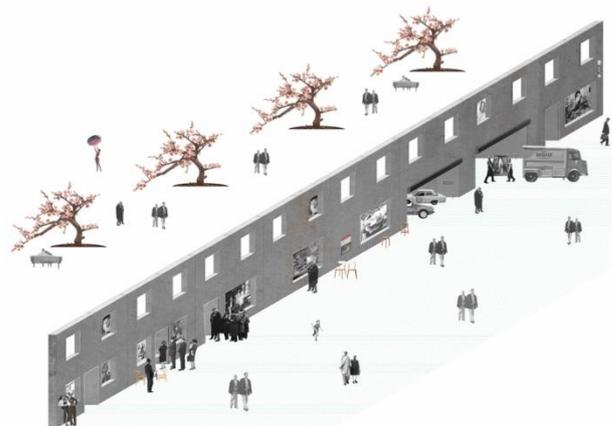
Drawing Eleven: A common space (2016)

This blurring of the boundaries between prisoner and citizen, prison and community is not new. For example, in HMP Highdown the public visit the prison for Clinks restaurant and in HMP Brixton, Bad Boys Bakery social enterprise

⁵ Prisoners currently have access to a weekly 'shop' referred to as 'canteen' for items including snacks, cigarettes, toothpaste and homely remedies.

supplies the Brixton Clinks restaurant and over 200 local cafes, delis and stalls⁶.

All hubs would create an important interface between the community, victims and perpetrators of crime. Those convicted of offences would no longer be locked behind high walls removed from society but, in this transparent system, would be available, responsible agents in



Drawing Twelve: A social interface (2014)

their rehabilitation and involved in the reparation for their actions.

As the prisoner progresses through their sentence plan they might move from hub to hub in their city, dependent on need, for example to complete an educational package in one hub and a vocational skills placement in another.

Older men

People aged over 50 are the fastest growing prisoner population age group since 2002 (Prison Reform Trust, 2015). Older people often have distinct and complex health and social care needs that are hard to meet in an ill equipped prison system. Older prisoners and those with significant health and social care issues would be located

⁶ See: The Brixton Blog.com.

in a community nursing hub, designed specifically for their needs and serviced by local district nursing teams.



Drawing Thirteen: A whimsical community nursing hub

Women

Most of the solutions to women's offending lie outside prison walls in treatment for addictions and mental health problems, protection from domestic violence and coercive relationships, secure housing, debt management, education, skills development and employment.
(Prison Reform Trust, 2015a)

Fewer women are imprisoned and the significant majority for non-violent offences, with over half sentenced for less than six months (Prison Reform Trust 2015b), and only 5% of women prisoners' children stay in the family home compared to 90% of male prisoners' children (Caddle and Crisp, 1997) a unique approach is required to cater for the needs of both women and their children.

Women who are sentenced to imprisonment would bypass an assessment centre and go directly from court to a women's community hub where they would have access to shared facilities, courses and skills, education and employment

opportunities⁷. Support targeting women's sense of self, their experiences of trauma, domestic and other violence and debt, would be delivered within the hub (Giordana et al 2002). Women's agencies would be co-located within the hubs and these services would be available to all women in the community.

Every year as many as 18,000 children in England and Wales are separated from their mothers as a result of imprisonment (Howard League for Penal Reform, 2011). This separation can bring about long-term emotional, social, material and psychological damage for both mothers and their children (Jones et al., 2013).

A survey by Goitom (2014) of 97 countries' laws regarding children residing with parents in prisons found that as women are often the primary or sole carers many countries allow children to temporarily reside with their mothers. In practice there are usually time/age limits for example in Cuba only children under one year old stay with their mothers where as in Turkey, Mexico, Fiji and Cambodia children can stay with them until the child is six. Sweden and Switzerland on the other hand make assessments of the length of stay for children

⁷ We have chosen not to include our drawings for women's hubs. This is deliberate. The recommendations from Baroness Corston, the closure of Holloway and the example from Scotland where the Scottish Prison Service are pursuing community hubs leads us to believe that the next step is to work with women, women's groups, a local authority, NOMs and the Prison Reform Trust to design the women's community hub model. We intend to be involved with and energise this process.

based on what is in the best interest of the child.

We would propose a model where assessments are made in the best interest of the child and, where appropriate, with the child's wishes considered. Small hubs would be designed with the needs of mothers and children in mind and with consideration of the security and safety of the women and children balanced against normalising childhood, access to playgroups, friends and schools. Our model would require legislative change (where currently babies born to women in prison can reside with their mothers up until 18 months old) but could reduce the long-term impact of separation and loss felt by children (Jones et al., 2013), whilst supporting and developing parenting skills for mothers who require this and provide safe and secure accommodation.

So community generation hubs would be designed as community resources, enabling an interface between prisoner and community offering goods and services to the local community whilst offering prisoners the benefits of staying close to home, building relationships with non-offenders and accessing goods, services, education and employment locally.

Education, employment, volunteering

Education and employment are significantly important elements to reduce offending. The Prison Reform Trust (2015b) reported that people are 33% less likely to reoffend if they have a qualification (MOJ 2012). In her recent review of education in prisons, Dame Sally Coates said that 'if education is the engine of social mobility, it is also

the engine of prisoner rehabilitation' (Coates 2016). She states that education must offer a broad curriculum, including creative arts and personal and social development, if it is to be accessible to all those in prison, to build self-knowledge and confidence that also support reduced offending.

How education is delivered to ensure prisoners receive an appropriate level to be meaningful is a key question and driver for us. Only 16 of the 42 men's prisons inspected by Her Majesty's Inspectors of Prisons in 2014–15 had sufficient activity places for their population and those that were available were often badly used due to a combination of staff shortages, poor allocation processes and failure of staff to challenge non-attendance (2015).



Drawing Fourteen: Education scape (2015)

The Free Prisoner model would ensure prisoners, dependent on their needs, ability and readiness, have access to the full range of learning from local education institutions on offer in their area. Prisoner case managers acting as facilitators between institutions and the prisoner would support prisoners to access to basic literacy

courses, building colleges, arts schools or colleges and university places.

We would surmise that The Free Prisoner model for education would reduce costs by accessing education that is already there and funded, providing meaningful courses taught by skilled professionals and enabling prisoners to continue with their educational journey through their release.

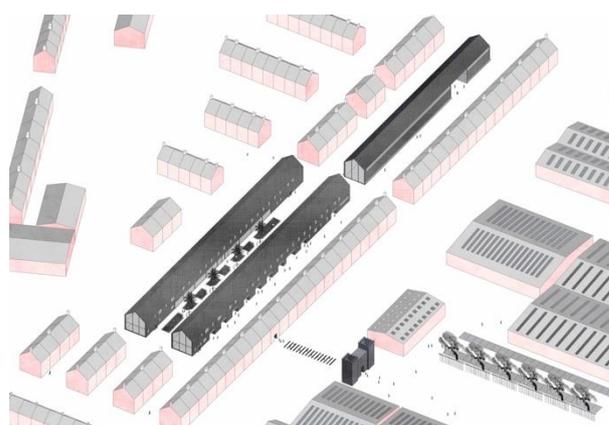
Employment and volunteering would follow a similar model. The Prison Reform Trust, in its Bromley Briefing 2016, reported that fewer than three in 10 people (29%) said they would have a job to go to on release (Brunton-Smith and Hopkins 2014), yet a third (32%) of people reported being in paid employment in the four weeks before custody (MOJ, 2012). Meaningful employment and volunteering benefits the wider community and the individuals involved. We propose a model that is aspirational; of apprenticeships with local businesses, volunteering and reparations programmes, social enterprises, self-employment, full employment or maintaining previous employment.

Working prisoners within the community generation hubs would pay their way. Current open prison, 'release on temporary license' (ROTL), conditions offer financial benefits to both the prisoner and the state. The Prisoners Earnings Act 1996 was implemented in 2011 enabling governors to impose a levy on up to 40% on the wages over £20.00 of ROTL prisoners. In 2013/14, £1,033,711.00 was raised for Victim Support from the salaries of 1,155 working prisoners. These

would be returned into this system to cover investment in the community, future growth and regeneration.

This Free Prisoner model sees prisoners' rehabilitation delivered within the community, whilst servicing their sentence which inherently presents a number of challenges. Careful consideration is therefore required to balance a vision for more autonomy and agency in prisoner rehabilitation with the immediate and legitimate concerns for public safety and our sense of safety and justice.

Risk, safety and security



Drawing Fifteen: Pathway to industry, working in the community (2014)

Fear of crime is generally accepted as the driving force underlying the turn to punitive criminal justice systems (Cullen et al, 2000). Although reducing the fear of crime and victimisation reduce this tendency, Baker et al (2015) found that the majority of the public prefers putting resources toward rehabilitative crime policies. As long as citizens perceive that legal processes and procedures are fair, both positive and negative (legal) outcomes will be viewed as acceptable (Miller and Hefner, 2013).

Managing prisoners working within communities in a constructive way may therefore be more acceptable than we might expect, and is not new. The current prison system utilises ROTL and open prison conditions to enable prisoners nearing release to experience a stepped transition from secure prison to release. Statistics show that less than 1% of the 485,634 ROTLs in England and Wales between October 2013 and September 2014 failed and, of these, 6.1% involved arrestable offences, equivalent to five arrests per 100,000 (Prison Reform Trust, 2015b). Although relatively low, any recidivism raises concerns for the public. Weak risk assessment and planning in the ROTL process has put it at risk (HMIP 2015) and learning from incidents would be key to organising the new system to best effect.

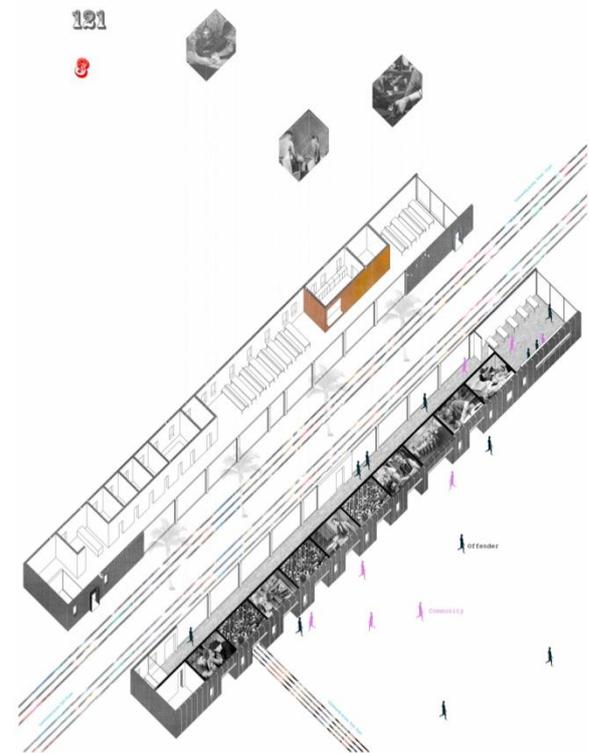
One way to reduce these risks could be the use of technology as part of a care planned service. Some European police forces have experimented with the use of Global Positioning System (GPS) tracking on a voluntary basis with 'persistent and priority' offenders (Dunt 2014). Scandinavian countries have the use of tracking as part of a holistic package that include community activities and intensive personal support for their conditional prison sentences, supporting existing rehabilitation services for offenders (Nellis 2014). In our model we propose to use GPS as a positive and planned mechanism to support a prisoner's pathway to desistance.

All hubs would promote and encourage free movement as part of the prisoner's sentence plan.

However, to manage the ebbs and flows of risk, each hub would have secure areas where prisoners would be located when individual behaviours or risk issues demanded higher security management. These would temporarily remove people from the personal benefits of the system until full engagement was reinstated and risk reduced.

The Free Prisoner would therefore embed risk management systems within its design, fundamentally enabling the benefits of an inclusion model, where prisoners serve their sentences in their communities, to be realised. To achieve this high performing leadership will be required, a skilled and experienced workforce and control over budgets that enables strategic local planning across sectors.

Devolution, leadership, workforce



Drawing Sixteen: Exchange and social enterprise (2014)

The prison system is currently centrally funded. To some degree this is wise where decisions over elements of security would not waver across the (O'Brien and Robson, 2016). However, a whole systems approach that has centralised control does not allow for effective pooling of local budgets to enable value for money commissioning.

Using the Local Governments Devolution Bill 2016 and building on the recent reform agenda, commissioning budgets would be devolved to be coterminous with the courts of the region, co-commissioning partnerships between Local Authority/Police and Crime Commissioner (PCC) and employing Executive Governors directly. This 'intelligent' commissioning of pooled budgets to local knowledge would achieve economies of scale, engagement with and boosting of local economies for businesses and services, whilst normalising rehabilitation. Furthermore with PCCs and local authorities responsible for costly prison places, there will be increased incentive to work with sentencers and probation to increase local prevention provision that will reduce the numbers entering custody (O'Brien and Robson, 2016).

We would envisage a social enterprise model for each hub, serving its community, generating income and managing itself within an enterprise and business model. Hubs might be delivered through a partnership of local services and charities. Supporting Executive Governors and their hub leadership teams, each hub would have its locally constituted management

and advisory board, made up of community leaders, businesses, education, local statutory and non-statutory services, victims, ex/offenders and families. The hub's workforce would be TUPE'd⁸ from the current prison system into local hubs, bringing with them experience, expertise and skills invaluable to the system, with further training to deliver the extended case management role and liaison with community services and providers.

Involving and engaging communities and services early in the development of a devolved system, would be central for its efficacy and inherent in the design of the Free Prisoner model.

Engaging Communities

The process that authorities would adopt when considering the location of a hub would fundamentally influence the extent to which communities are satisfied with the plan (Farkas 1999). Courtright et al (2010) suggest that three distinct considerations are required a) the extent or not of the impact on local communities b) the extent to which the community would welcome a prison within their locality and c) issues related to siting a prison in a community. They suggest community involvement is of paramount importance in obtaining community support or at least tolerance. When the community is involved with and takes an active role in the process, the stage can be set for strong

⁸ TUPE refers to the "Transfer of Undertakings (Protection of Employment) Regulations 2006" as amended by the "Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 2014.



Drawing Seventeen: A community resource

community–prison relations that have long-term benefits for both (Thies, 2000).

We would suggest therefore that a coproduction model with stakeholders on both prison design and location is central (Young, 1998).

Logistics

Reoffending has economic repercussions and currently costs the economy between £9.5 and £13 billion annually (Ministry of Justice, 2015d). The average cost per place of holding a prisoner for the year in 2014/15 was £36,259.00, with total costs at £2.8 billion (Ministry of Justice, 2015e).

The Free Prisoner is as yet uncosted. Understanding devolved budgets, capital costs for new builds, the funding available within PCC and local authority budgets to the pooled pot is complex. A scientific approach would be required using tools and guidelines that help calculate cost and benefits of public service transformation for example by Public Service Transformation Network (2014) or the Green Book ‘appraisal and evaluation in Central Government’ (HM Treasury, 2011).

It is beyond this paper’s scope to undertake a cost benefit analysis, however that would be the next step.

Conclusion

This paper suggests an alternative to assumptions that prisons should be removed from communities and built on a supermax scale and challenges the reform agenda to be bolder.

The current prison system is barely reducing re-offending. It is hugely expensive with money targeted at individual offenders and little invested into the communities from where they come and the victims of their crimes. Whilst communities and victims are thought to want only punitive systems, evidence suggests that they would be satisfied with a fair system that takes their needs into account and involves reparation for their suffering. Too many prisoners on release return to these communities’ jobless, homeless and without sufficient support to desist from crime. Sustained desistance has been argued to require a fundamental and intentional shift in a person’s sense of self. Developing penal policy that supports change, recognises identities are fluid not static and evolving over time enables value to be applied to not just who they are through their criminal actions, but who they could become as valued and functioning members of their communities.

The Free Prisoner model of locally serving community generation hubs presents a holistic alternative,

investing in an evidence based approach, devolving and pooling community and criminal justice budgets, endowing responsibility in local services and agencies. It is couched in the restoration for victims, regeneration of deprived areas, addressing the needs and rehabilitative function of families and evidence on what reduces reoffending, bringing benefits to the whole community.

This model is perhaps crude in its calculations, with room for development and we make no apology for that. We present this not as a utopian vision but as a genuine contender to be explored as an alternative to the current and out dated, costly, failing penal system.

Please note: Drawings and original concept by Karl A, Lenton, SAFE Innovations Ltd 2014-2016. Model developed and designed by Safe Innovations Ltd. Copyright© SAFE Innovations Ltd 2015. All rights reserved.

References

- Baker T., Metcalfe C.F. Berenblum T., Aviv G., and Gertz M. (2015) *Examining Public Preferences for the Allocation of Resources to Rehabilitative Versus Punitive Crime Policies* Criminal Justice Review 2015, Vol. 26(5) 448-462 SAGE Publications
- Borrill J., and Taylor D. A., (2009) *Suicides by foreign national prisoners in England and Wales 2007: Mental Health and Cultural Issues* Journal of Forensic Psychiatry and Psychology 20(6) (pp 886-905)
- Brunton-Smith, I. and Hopkins, K. (2014) *Prisoners' experience of prison and outcomes on release: Waves 2 and 3 of SPCR*, London: Ministry of Justice
- Carlen, P., and Worrall, A. (Eds.). (2004). *Analysing women's imprisonment*. Portland, Or: Willan Publishing.
- Caddle, D., and Crisp, D. (1997). *Mothers in Prison* (Research Findings no. 38). London.
- Clark, C., Sörqvist, P. (2012). A 3 year update on the influence of noise on performance and behavior. *Noise Health; 14*(61), 292-6. In University of Minnesota How does your personal environment impact your wellbeing? <http://www.takingcharge.csh.umn.edu/enhance-your-wellbeing/environment/your-personal-environment/how-does-your-personal-environment-imp> accessed 12/11/15
- Corston J, (2007) *The Corston Report A Report by Baroness Jean Corston of a Review of Women with Particular Vulnerabilities in the Criminal Justice System*. Home Office
- Coates, S. (2016) *Unlocking Potential: A review of prisoner education* Ministry of Justice May 2016
- Cottam H., (2006) *Unlocking Public Service Reform: The Prisons Crisis Renewal*. Volume: 14. Issue: 3. Publication: Autumn 2006. P: 38
- Courtright, K.E., Packard, S.H., Hanna, M.J., and Brennan, E.T. (2010) *Prisons and Rural Pennsylvania Communities: Exploring the health of the Relationship of Improvement*, *The Prisons Journal* 2010, 90(1) 69-93 SAGE Publications
- Crosse J Dr, Shepherd H C, Lenton K A, and Parmar P (2016) *Planting seeds A feasibility study of the social and economic benefits of seedS a mobile therapeutic healing environment designed for prisoners* *Prison Service Journal* January 2016 special edition *Unlocking Prison Research* No 223.
- Crown Prosecution Service (2016) *Mandatory and Minimum Custodial Sentences* accessed 19/9/16 http://www.cps.gov.uk/legal/l_to_o/mandatory_and_minimum_custodial_sentences/
- Cullen, F. T., Fisher, B. S., and Applegate, B. K. (2000). Public opinion about punishment and corrections. *Crime and Justice*, 27, 1-79.
- Delgado, R. (1985) *'Rotten Social Background' Should the Criminal Law Recognize a Defense of Severe Environmental Deprivation?* *Law & Inequality* Vol. 3 (1985) http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2111695

- Dilani, A. (2008) *Design and Health - A Health Promoting Approach on Prison Environments*. Sweden: Karolinska Institute
- Dunt I., (2014) *Comment: Secret plans to GPS tag 75,000 people show privatisation is out of control* 22 August 2014 7:39 AM in Politics.co.uk accessed 1/2/16
<http://www.politics.co.uk/comment-analysis/2014/08/22/comment-secret-plans-to-gps-tag-75-000-people-show-privatisa>
- Farkas, M. A. (1999). Not in my backyard: The issues and complexities surrounding prison siting. *The Justice Professional*, 12, 95-109.
- Ginn S (2012) Prison environment and health *British Medical Journal* Sept.2012
- Giordano, P., Cernkovich, S., and Rudolph, J. (2002) 'Gender, Crime and Desistance: Toward a Theory of Cognitive Transformation', *American Journal of Sociology*, 107 (4): 990–1064.
- Goitom H., (2014) *Can Children Live in Prison with a Parent*, Custodia Legis law Librarians of Congress
<https://blogs.loc.gov/law/2014/08/can-children-live-in-prison-with-a-parent/>
Accessed 7/9/16
- Gove, M. and Osborne, G. (2015) Prison building revolution announced by Chancellor and Justice Secretary
<https://www.gov.uk/government/news/prison-building-revolution-announced-by-chancellor-and-justice-secretary>
- Heathcote, E. (2006), Maggie's Centres *BMJ* 2006; 333:1304
- Herzog, T. R., Maguire, C. P. and Nebel, M. B. (2003). *Assessing the restorative components of environments*. *Journal of Environmental Psychology*, 23, 159-170.
- Hipp J.R., and Steenbeek W., (2015) *Types of Crime and Types of mechanisms: What are the Consequences for Neighbourhood Over Time?* *Crime & Delinquency* September 9, 2015 0011128715604168
- Hirschfield, A. and Bowers, K. J. (1997) The Effect of Social Cohesion on Levels of Recorded Crime in Disadvantaged Areas. *Urban Studies*. 34: 1275 – 1295.
- HM Inspectorate of Prisons (2015) *HM Chief Inspector of Prisons for England & Wales Annual Report 2014-15*.
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/444785/hmip-2014-15.pdf Accessed: 11/8/15)
- HM Inspectorate of Prisons (2016) *Annual Report 2014-15*
- HM Treasury (2011) *The Green Book Appraisal and Evaluation in Central Government*. Treasury Guidance London.
- House of Commons Justice Committee (2013) *Older Prisoners Fifth Report of session 2013 – 2014* House of Commons London: The Stationary Office Limited 12 September 2013
- Howard League for Penal Reform (2011) *Voice of a Child: The Impact on Children of Their Mother's Imprisonment*. London.
- Imhoff, E. C. (2002). *Determining the socioeconomic impacts of prison construction on rural communities: A case study of Somerset, Pennsylvania*. Unpublished master's thesis, Pennsylvania State University
- Iredalepedersen hook 2016 West Kimberley Regional Prison
<http://iredalepedersenhook.com/?portfolio=derby-prison>
- Jewkes Y (2007) *Handbook on Prisons* Paperback William Publishing
- Jones, A., Gallagher, B., Manby, M., Robertson, O., Schützwohl, M., Berman, A and Christmann, K. (2013). *Children of prisoners: Interventions and mitigations to strengthen mental health*. United Kingdom.
- The Kings Fund (2015). *The Enhancing the Healing Environment (EHE) programme*.
<http://www.kingsfund.org.uk/projects/enhancing-healing-environment> Accessed:8/9/15
- Leverentz, A. (2007) 'The Love of a Good Man?' *Journal of Research into Crime and Delinquency*, 43(4): 459–488.
- Marshall, T. (1999) *Restorative Justice: An overview*, Home Office in Newby R. (2012), 'Better Outcomes Through Victim-Offender Conferencing (Restorative Justice) Commissioning Strategies Group, National Offender Management Service
- Maruna, S. (2001) 'Making good. How ex-convicts reform and rebuild their lives'.

- Washington DC: American Psychological Association
- Maruna, S. and King, A. (2004). Public opinion and community penalties. In A. Bottoms, S. Rex and G. Robinson (Eds.), *Alternatives to prison: Options for an insecure society* (pp. 83-112). Cullompton: Willan.
- McNeil F., Farrall S., Lightowler C., and Maruna S. (2012) *Insights evidence summaries to support social services in Scotland how and why people stop offending: discovering desistance*, Institute of Research and Innovation in Social Services Economic and Social Research Council (ESRC). Grant reference: RES-189-25-0258 <http://www.iriss.org.uk/sites/default/files/iriss-insight-15.pdf> Accessed 18/1/16
- Miller S. L. and Hefner M. K. (2013) *Procedural Justice for Victims and Offenders? Exploring Restorative Justice Processes in Australia and the US* Published online: 22 Jan 2013 Justice Quarterly Vol 32 Issue 1, 2015
- Ministry of Justice (2012) The pre-custody employment, training and education status of newly sentenced prisoners, London: Ministry of Justice
- Ministry of Justice (2013) Transforming Rehabilitation A Strategy for Reform response to consultation CP@16/2013
- Ministry of Justice (2014a) Experimental statistics from the 2013 MoJ /DWP /HMRC data share: Linking data on offenders with benefit, employment and income data, London
- Ministry of Justice (2014b) Proven Re-offending Statistics Quarterly Bulletin October 2011 to September 2012, England and Wales, London: Ministry of Justice, 31 July 2014 in Prison Reform Trust (2015) Inside Out Release on temporary license and its role in promoting effective resettlement and rehabilitation London
- Ministry of Justice (2015a) Safety in Custody Statistics Dec 2014
- Ministry of Justice (2015b) Bulletin March 2015
- Ministry of Justice (2015c) prison population statistics – Aug 2015
- Ministry of Justice (2015d) *Policy paper 2010 to 2015 government policy: Reoffending and rehabilitation* [https://www.gov.uk/government/publications/2010-to-2015-government-policy-reoffending-and-rehabilitation/2010-to-2015-government-policy-reoffending-and-rehabilitation/2010-to-2015-government-policy-reoffending-and-rehabilitation](https://www.gov.uk/government/publications/2010-to-2015-government-policy-reoffending-and-rehabilitation/2010-to-2015-government-policy-reoffending-and-rehabilitation/2010-to-2015-government-policy-reoffending-and-rehabilitation/2010-to-2015-government-policy-reoffending-and-rehabilitation)
- reoffending-and-rehabilitation/2010-to-2015- government-policy-reoffending-and-rehabilitation Accessed 12/8/15.
- Ministry of Justice (2015e) *Costs per place and costs per prisoner National Offender Management Service Annual Report and Accounts 2014-15 management Information Addendum* Ministry of Justice Information Release, 29 October 2015
- Ministry of Justice (2015f) *Offender management Statistics Quarterly July to September 2014*, Table 3.4, London: Ministry of Justice
- Monterosso, S. (2009). Punitive criminal justice and policy in contemporary society. *QUT Law and Justice Journal*, 9, 13-25.
- NAO (2016) Transforming Rehabilitation: Report by the Controller and Auditor General
- Nellis M (2014) Understanding the electronic monitoring of offenders in Europe: expansion, regulation and prospects Crime Law and Social Change November 2014, Vol 62, Issue 4 pp489-510
- Newby R. (2012), 'Better Outcomes Through Victim-Offender Conferencing (Restorative Justice) Commissioning Strategies Group, National Offender Management Service
- O'Brien R., and Robson J. (2016) The Future Prison Scoping Paper Royal Society of Arts
- Payne S (2015) The Economic Impact of HMP Berwyn on accessed on 3 October 2016 <http://www.wrexhamprison.com/the-economic-impact-of-hmp-berwyn-video/>
- Prison Reform Trust (PRT website <http://www.prisonreformtrust.org.uk/ProjectsResearch/Olderpeopleinprison>)
- Prison Reform Trust (2008) Titan prisons: a gigantic mistake, London: Prison Reform
- Trust in Day, M, Hewson, A and Spiropoulos C, 2015, *Strangeways 25 Years On achieving fairness and justice in our prisons*, London: Prison Reform Trust
- Prison Reform Trust (2013) [Bromley Briefings Prison Factfile: Autumn 2013](#)
- Prison Reform Trust. (2015a). Why focus on reducing women's imprisonment? London

- Prison Reform Trust (2015b) *Prison: The Facts Bromley Briefing Autumn 2015*. Available at: <http://www.prisonreformtrust.org.uk/Portals/0/Documents/Bromley%20Briefings/Factfile%20Autumn%202014.pdf> Accessed: 8/9/15
- Public Service Transformation Network, HM Treasury, New Economy (2014) Supporting Public Service Transformation cost benefit analysis guidance for local partnerships, Crown Copyright 2014 public.enquiries@hm-treasury.gov.uk.
- Roberts, J. V., and Stalans, L. J. (1997). *Public opinion, crime and criminal justice*. Boulder, CO: Westview Press.
- Rocque, M. (2014). The lost concept: The (re)emerging link between maturation and desistance from crime. *Criminology and Criminal Justice*. <http://dx.doi.org/10.1177/1748895814547710>
- Radcliffe P. and Hunter G. (2014) *Imagining penal policy for women: The case for Women's Community Services* Howard League What is Justice? Working Papers 4/2014 Safety-custody-assualts-statistics-0710 <https://www.gov.uk/government/...data/.../saftey-custody-assaults-statistics-0710.xls> Accessed on 27/6/16
- Sampson, R., and Laub, J. (1993). *Crime in the making: Pathways and turning points through life*. MA: Harvard University Press.
- Scott S. (2004) Opening a Can of Worms? Counselling for Survivors in UK Women's Prisons. *Feminism & Psychology* 14 (4):605-608.
- Sentencing Council (2016) accessed on 19 September 2016 <https://www.sentencingcouncil.org.uk>
- Shapland J, Atkinson A., Atkinson H., Dignan J., Edwards L., Hibbert J., Howes M., Johnstone J., Robinson G., Sorsby A (2008) Does restorative justice affect reconviction: The fourth report from the evaluation of three schemes, Ministry of Justice Research Series 10/08, June 2008.
- Shammas, V. L. (2014) The pains of freedom: Assessing the ambiguity of Scandinavian penal exceptionalism on Norway's Prison Island Sage Journals Punishment and Society
- <http://pun.sagepub.com/content/16/1/104.abstract>
- Sims, B., and Johnston, E. (2004). Examining public opinion about crime and justice: A statewide study. *Criminal Justice Policy Review*, 15, 270-293.
- Singleton N., Meltzer H., Gatward R., Coid J., and Deasy D. (1998) *Psychiatric Morbidity of prisoners in England and Wales* London: ONS in
- Thies, J. M. (2000). Prisons and host communities: Debunking the myths and rebuilding community relations. *Corrections Today*, 62, 136-139.
- U.S. Department of Justice. (1992). *Issues in siting correctional facilities*. Washington, DC: Government Printing Office.
- Wedlock, E. (2006) *Crime and Cohesive Communities* Research Development and Statistics – Communities Group Home Office Report 19/06
- Webster, C. and Kingston, S. (2014) Anti-poverty Strategies for the UK. Poverty and Crime Review. Joseph Rowntree Foundation Centre for Applied Research Leeds Metropolitan University
- Wilson W (2013) Sources: DCLG. Live table 615 in House of Commons Library June 2013 Social Policy Section SN/SP/3012 Standard Note on www.parliament.uk/briefing-papers/sn03012.pdf Accessed 27/4/15
- Woolf, Lord (1991) 'The Woolf Report A summary of the main findings and recommendations of the inquiry into prison disturbances' Penal Reform Trust www.prisonreformtrust.org.uk/Portals/0/Documents/Woolf%20report.pdf
- Woodcock, M. (2000) The Place of Social Capital in Understanding Social and Economic Outcomes Development Research Group, The World Bank, and Kennedy School of Government, Harvard University.
- Women in Prison. (2013). State of the Estate. Women in Prison's report on the women's custodial estate 2011-2012.
- Young, M. G. (1998). Rethinking community resistance to a prison siting: Results from a community impact assessment. *Canadian Journal of Criminology*, 40, 323-327.

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Claire Shepherd is a highly experienced leader of services in health, criminal justice and social care working for homeless women, women experiencing violence, drug users, young offenders, prisoners and asylum seekers. She led the healthcare service in three prisons transforming their health care services from 'poor' performing to 'good' and 'excellent' as evidenced in HMIP inspections. Her services have won nine national awards using engagement and innovation to improve outcomes for service users. Claire

initiated and hosted with Royal College of General Practitioners the 1st International Prisons Health and Justice Conference in 2013 and has presented at a number of national and international conferences on improving access to services for vulnerable people, peer involvement, patient safety and prison design.

Karl Lenton spent six years in architectural education in Leeds and London, winning the John CASS Award for Social Entrepreneurship in 2014. He is the Creative Director at Safe and co-founder of architectural practice Burr Lenton Architecture (BLA). Karl was shortlisted for the RIBA South West Regional Live Project Award in 2014 and long listed for the RIBAJ MacEwen Award: Architecture for The Common Good in 2016 for his work on projects for vulnerable people. Karl has recently been appointed to the Leeds Business Improvement District and is an active member of the Free Unit

Rage to Reason – Creating a restorative prison culture

Lisa Rowles and Simon Fulford

The rationale for a restorative practice model

Prisons are undergoing significant and unprecedented change. The Transforming Rehabilitation agenda (Grayling 2013) put the prison estate under considerable pressure to reduce cost, restructure and still deliver against increased targets. The former Secretary of State, Michael Gove had a vision for rehabilitation and re-education for those in custody. To achieve this, there is a need to support prison officers more effectively to reduce violence in the prison system and foster conditions conducive to offender engagement.

Prison staff play a vital role as the prison authority. They are in the strongest position to encourage a shift in prisoner perspective and have the power to both reinforce a prisoner's mind-set and to radically challenge it. They are the game changer. Khulisa believes that by developing a restorative relationship between staff and prisoner - valuing integrity, respect, honesty and fairness (Liebling 2004) both offender accountability and the likelihood of rehabilitation increase dramatically.

The restorative prison concept applies this restorative approach gradually and systematically to

whole wings and ultimately across the prison. This cultural shift puts the ethos of rehabilitation into every interaction – from first night reception to conversations on wings. Restorative skills enable staff to build offender capability, increasing a prisoner's personal responsibility and developing skills which improve their wellbeing and outcomes – for example, reduced substance misuse and engagement in education.

Fortunately, new and innovative models for systemic change within UK prisons are already being developed. The National Offender Management Service (NOMS) is piloting new approaches, such as PIPEs (Psychologically Informed Planned Environments) and EE's (Enabled Environments). Both focus on a specific offender type, rather than the whole prison, but they have been shown to help staff understand the impact of their responses on the way offenders think, feel and behave. Staff surveyed in the PIPE pilot confirm that prisoners appeared to take greater responsibility for their actions and behaviour, were recalled less and demonstrated increased compliance with licence conditions (Ministry of Justice 2013).

PIPEs (Psychologically Informed Planned Environments) and EEs (Enabled Environments)

EE's are 'positive and effective social environments'. The Royal College of Psychiatrists (RCP) guidelines state that these are places where:

- *Positive relationships promote well-being for all participants*
- *People experience a sense of belonging*
- *All people involved contribute to the growth and well-being of others*
- *People can learn new ways of relating*
- *(We) recognise and respect the contributions of all parties in helping relationships*

The PIPE concept focuses on the creation of a wing within a prison, capturing the essence of the EE; yet specifically aimed at managing those with severe personality disorders (SPD). NOMS (2013) state: 'The PIPE concept recognises that the way in which staff interact with offenders can have a significant impact on offender's psychological and social progress (Bolger & Turner, 2013). As such, staff have a key role to play in encouraging and modelling pro social living, providing positive social experiences, challenging inappropriate behaviour'

For more info, see the [RCP website](#).

Obvious gains include the cumulative positive impact on the attitude of prisoners toward staff and therefore on staff wellbeing. Increased understanding between staff and offenders can only enhance offender engagement, personal responsibility and inevitably decrease the prospect of violent incidents. If a psychologically-informed approach (mirroring a restorative ethos) can have such a constructive impact on offenders with serious Personality Disorders, it's reasonable to expect an even more favourable response from the remaining offender population.

Aligning best practice from PIPE's, therapeutic communities and other restorative models, it seems a restorative prison is statistically and morally worth pursuing.

A restorative practice model mirrors the core principles of each of these examples, whilst being applicable to the entire prison population – not a specific offender demographic.

It's a top-down and bottom-up approach; focused on reducing harm, promoting pro-social re-integration and treating 'residents' as we want them to behave on release – contributing members of society.

The evidence – where restorative practice works

Outside of the custodial setting, restorative approaches have shown significant impact when implemented systemically, as opposed to a 'bolt-on' intervention. Best practice examples include Norfolk Council, where a similar approach with children's homes aimed to reduce young people's activities being criminalised. This resulted in a 52% drop in charges and a 19% drop in calls to address violent incidents at children's homes (Hannah 2012). Atkinson Secure Children's Home in Devon embedded restorative approaches throughout the service, which has helped them achieve outstanding academic results, some in line with mainstream education.

In the police force, the response is similar. A 2012 study in Yorkshire confirms that 74% of surveyed police felt empowered and confident about a range of restorative approaches (Meadows et al 2012), highlighting 'street-RJ (restorative justice)' – cautionary discussions on the street with potential offenders – as a highly useful tool in reducing offending which saved time and money. With a 'common sense' flexible approach, this can be applied in prisons as 'wing RJ' or 'corridor RJ', where prison officers have restorative conversations with offenders, reducing the likelihood of a more violent altercation.

A restorative mindset – neurogenesis (the science behind the practice)

How does a restorative mindset achieve such a perceptual shift in thinking? The answer lies in understanding cognitive and physiological processes; and acknowledging the brain's neuroplasticity (ability and capacity for change).

Most prison officers will confirm that offenders tend to express their needs and seek to satisfy them in socially destructive (criminal, violent) ways. A learnt behaviour of exclusion and responding impulsively – usually aggressively - becomes the offender's modus operandi. Whilst this may appear to be intentional, the reality is largely a biological response. Too often, a lack of parenting, education, perhaps childhood trauma and increasing sanctions leaves an individual's core needs unmet. These unmet needs have the capacity to reduce us to 'survival' mode. From this state of being, we

operate in 'fight-flight' - driven by the limbic brain (amygdala), which responds impulsively. Also termed as 'amygdala hijack' (Goleman 1998; Hopkins 2016:126-7); this state causes individuals to say, feel and do things they might not otherwise have done. Over time, this becomes a habitual pattern - *'the emotional tail wags the rational dog'* (Kahneman 2014). Automatic responses replace rational cognitively organised responses. In this respect, all humans become different versions of themselves when the 'fight/flight' response is triggered. A high proportion of our offender population is in this energetic state most of the time. Partly, this heightened hyper-arousal state is 'normal' for them (learned behaviour in chaotic lifestyles and insecure attachment (Hopkins 2016; 140-1). Partly, it's inevitable – the prison environment of isolation and segregation unwittingly reinforces the existing aggressive neural pathway; and does nothing to improve an individual's mental state (Reisel, 2013).

Our neurotransmitters (brain signal transmitters) are heavier, stronger and have greater blood supply in an active environment. To reduce hyper-arousal (the stress response) and increase learning capacity, it's critical to engage our offender population in activities that create both movement and pro-social communication. Both are needed on release into society, so it's vital we create neural pathways to foster this personal capability, whilst individuals are in prison custody.

In the brain, recognising the connection between cognition and physiology comes first before a

change in behaviour. It's widely known that thoughts influence feelings, and behaviour ensues as a physical (conscious or unconscious) output. Cognitive processes, like decision-making, are represented in the brain by a series of neural pathways, embedded like well-trodden paths with habitual use. These pathways are our step by step processes we rely on, and are formed through learnt behaviour (Doidge 2007).

Environment and early learning are highly influential. For example, if we were continually scolded or abused as a child at the dinner table, our expectations are that meal-times are a dangerous time when we need to be on high alert - defend or attack - unless we do something consciously to change and rewire this belief and process (what wires together in the brain continues to fire together). Equally, if we lacked support and nurture as a child, our pathways for empathy and non-violent language remain underdeveloped – the data (neural pathway) just isn't there. It requires patience and practice to redevelop these pathways and create an alternative empathic response (Doidge 2007; Hopkins 2016).

Poor executive functioning (the part of the brain responsible for planning, cause and effect consequential thinking, problem solving, attention, memory and organisational skills) is a common factor for offenders. Invariably, for many, this is learnt behaviour borne out of social deprivation, childhood trauma and abusive or violent domestic environments during key periods of brain development. The pathways for planning ahead and organising

(encouraged to develop emotionally and socially, in a nurturing environment) are lost to those young people who are constantly focusing on survival and defence, in the now.

The application of science – re-education and rehabilitation

The education system teaches us to punish 'bad' behavioural errors as deliberate disobedience, as opposed to perceiving them as accidental errors, requiring re-education and new knowledge. We value development of IQ over EQ (emotional quotient) – academic prowess over behavioural capacity.

As a child, if the shame-humiliation affect (eg. the impulsive response to being embarrassed in class, excluded, ridiculed etc) gets triggered repeatedly, the child may form what Donald Nathanson terms as 'shame scripts' (Nathanson 1992 quoted in George 2013). These scripts (avoid, withdraw, attack) behaviourally resemble an angry, sulky and increasingly aggressive or violent child that seeks belonging with others like him/her. Unaddressed, over time, the child may offend, and the violent behavioural strategy becomes their coping strategy – a one size fits all response.

With restorative thinking, we create a space to enable the individual to start to recognise and voice thoughts, feelings and needs at the time when most agitated (amygdala hijack). With compassionate witnessing, we help them to realise another response (ie an alternative neural pathway) is possible. Through dialogue, hyper-arousal decreases, the shame-humiliation trigger receives an alternative response (inclusion, not exclusion)

and new responses and beliefs are wired together in the brain (Doidge 2007). This takes time. Often the individual struggles to voice their feelings and needs – emotional literacy is missing. Over time, this capacity builds, and the reward for this is that some needs can be met without receiving further pain or exclusion.



Take, for example, the violent response at the hot-plate on the wing. The state of mind that learned in childhood that dinner time is dangerous is easily triggered as an adult, unless an alternative state of mind is fostered. A calm, nurturing response can avert an incident, as well as help the individual to think through their own processing of information and recognise an alternative perception of dinner time (cognitively, physiologically and emotionally). This pattern can then be applied in other scenarios – reducing ‘fight-flight’ and developing dialogue (a new non-shameful script) as an alternate response. Finally, the rational dog is enabled to tame the emotional tail. This is an asset-based approach, supporting Ward’s Good Lives Model (Ward and

Fortune 2010; Ward and Garber 2014), a strengths-based method of education and development; also referred to in the NOMS PIPE model and approach.

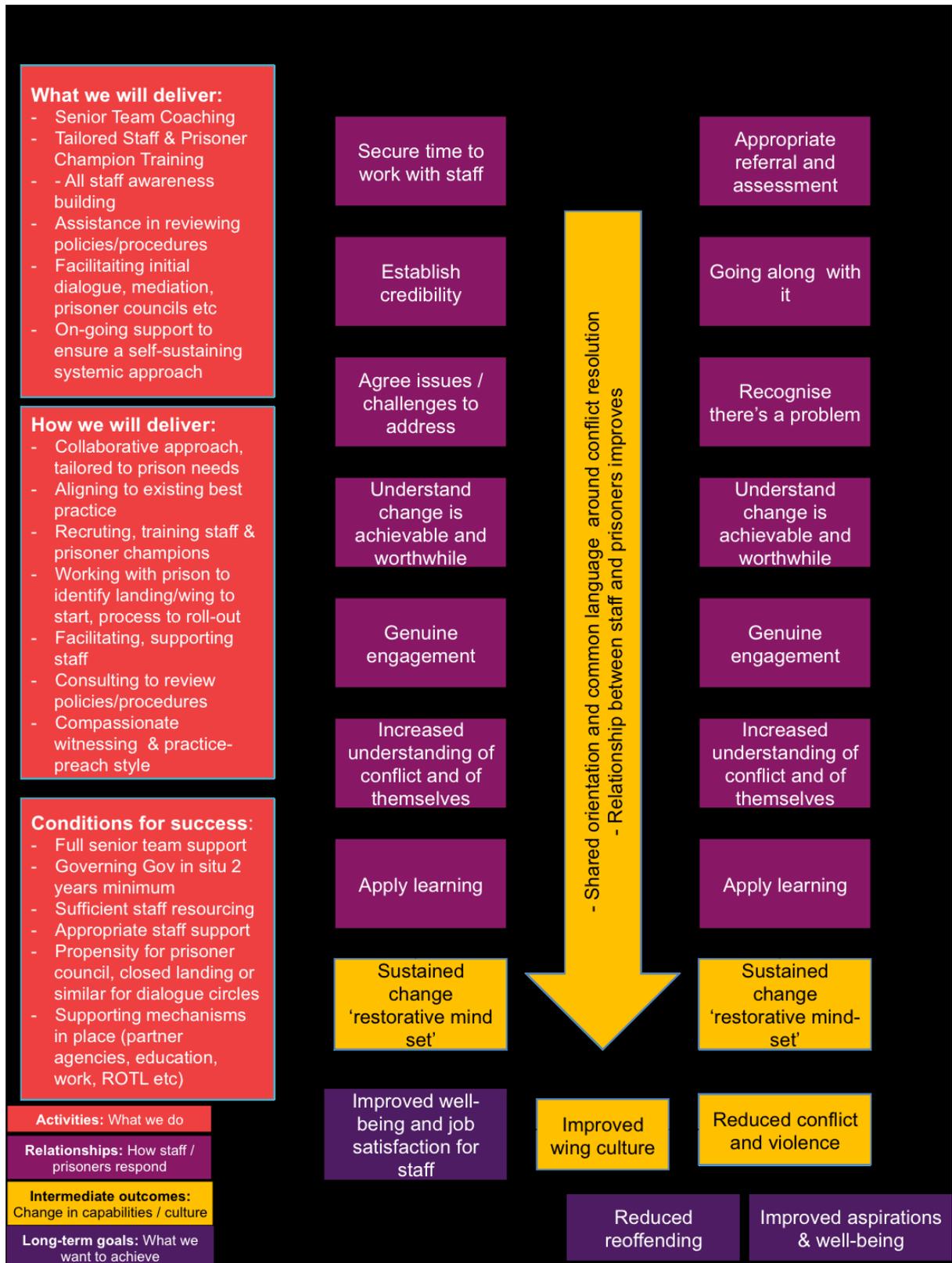
An inevitable conclusion – fostering desistance, rehabilitation and re-education

Using a restorative practice model and applying it to the entire prison population would enhance wellbeing, increase understanding between staff and offenders and inevitably decrease the prospect of violent incidents. This would create a more stable and rehabilitative culture, fostering a greater likelihood of desistance from crime, and increasing chances of contribution to society on release.

For staff, the benefits would be tangible, through improved relationships and a reduction in violent altercations, adjudications and prisoner self-harming. Moreover it would reduce stress and improve morale, which in turn reduces sickness absence. For prisoners, this inevitably enables calmer conversations on wings and improved prisoner self-awareness and coping skills to proactively engage in interventions. Khulisa’s theory of change model (see figure below; Rowles 2015) provides an indication of how this cultural change can occur over time.

The best practice examples show that the restorative prison concept is statistically and morally worth pursuing. It has the potential to transform prisons into fully rehabilitative custodial settings. By embedding restorative practice into their work, prisons can create stable and safe environments in which offenders can learn the skills they need to stop offending.

Rage to reason: A restorative prison concept – Theory of change



Source: Rowles 2015

References

- Doidge, N (2007) "The Brain that Changes Itself" Penguin Books, New York
- George, G. (2013) 'Affect and Emotion in a restorative school' RP for schools
- Goleman, D. (1998) 'Working with Emotional Intelligence' Bantam Books; New York
- Hannah, B (2012) 'Restorative Approaches in Norfolk Council'. Norfolk County Council, <http://www.norfolk.gov.uk/view/NCC127049>
- Hopkins, B. Dr. (2016) 'Restorative Theory in Practice' Jessica Kingsley
- Kahneman, D 'Prospect Theory' in Lemos, G, (2014) 'The Good Prison: conscience, crime and punishment' Lemos & Crane, London
- Liebling, A. (2004) 'Prisons and their moral performance: A Study of Values, Quality and Prison Life', Oxford University Press, Oxford (for CSC)
- Meadows, L., Albertson, K., Ellingworth, D. and Senior, P. (2012) Evaluation of the South Yorkshire Restorative Justice programme (SYRJP). Project Report. Sheffield Hallam University, Sheffield.
- Ministry of Justice, (2013) 'Enabling features of Psychologically Informed Planned Environments'. Available at <https://www.gov.uk/government/publications/enabling-features-of-psychologically-informed-planned-environments>.
- Reisel, D (2013) 'Training the Brains of Psychopaths' Available at <http://blog.ted.com/2013/03/01/training-the-brains-of-psychopaths-daniel-reisel-at-ted2013/>
- Rowles, L. (2015) Rage To Reason: A Restorative Prison Concept: Theory of Change', Khulisa,
- Ward, T. and Fortune, C. A. (2014). The Good Lives Model: A strength-based approach to offender rehabilitation. In D. Polizzi, M. Braswell, & M. Draper (Eds.). Humanistic Approaches to Corrections and Offender Treatment. Carolina Academic Press.
- Ward, T., Fox, A., & Garber M. (2014). Restorative justice, offender rehabilitation, and desistance. Restorative Justice: An International Journal, 2, 24-42.

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Lisa Rowles is the Design and Development Lead at Khulisa, has worked in a number of prisons, YOIs, schools and community projects to build stronger and safer communities.

Simon Fulford, is Khulisa's outgoing Chief Executive, supported Lisa in her research and development of this concept. We would like to thank Simon for his input and wish him great success in his new life in Portland Oregon.

Simon is replaced by Dominique Airey who has recently been named in the Management Today list '35 under 35'. Khulisa is delighted to have Dominique leading our organisation.

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About Khulisa

[Khulisa](#) is a national charity dedicated to cutting crime and reducing reoffending.

Holding the baby: responsibility for addressing the needs of offending pregnant women and new mothers should be shared across the system

Naomi Delap and Laura Abbott

It is estimated that around 600 women receive antenatal care, and over 100 babies are born to women in prison in England and Wales each year. Women in prison are one of society's most disadvantaged groups, suffering severe health and social inequalities. Yet despite several pieces of national and international legislation protecting their health and well-being, many of them do not get the care and support to which they and their babies are entitled. Pregnant women in particular can suffer in a system that often struggles to meet their basic needs.

Birth Companions is a charity providing practical and emotional support to pregnant women and new mothers in prison, on release from prison, and those serving community-based sentences. In May 2016 we launched its *Birth Charter for women in prisons in England and Wales* (Kennedy et al, 2016), which is a comprehensive set of recommendations on aspects ranging from antenatal care and access to birthing partners to breastfeeding, family visits and counseling.

This piece explores the needs of women and babies, and looks at ways these might be addressed across the system; in prison and beyond. It argues that the impact



Naomi Delap

and consequences of reform should to be considered carefully, and that support needs proper planning and resourcing if we are to ensure that women and babies have the best possible outcomes.

Perinatal women in prison

There are six Mother and Baby Units (MBUs) in England and Wales with a total capacity of 64 babies, and babies can stay on MBUs until they are 18 months old. In 2015 100 babies spent time on an MBU. Around 50% women do not apply for, or are unsuccessful in applying for, a place on an MBU and are separated from their baby

shortly after birth (Kennedy et al 2016).

Many women in prison have complex health needs such as drug and alcohol addiction, poor housing, with as many as 80% suffering from some form of mental health illness. A significant proportion of women have been victims of childhood sexual abuse and it is thought that 50% are victims of domestic violence (Abbott, 2015; Albertson et al 2012; Knight and Plugge, 2005).

The babies born to women in prison often experience risks that could affect their care and development and are more likely to experience perinatal mortality and morbidity than the babies of non-incarcerated women (Galloway et al 2014). Birth Companions has been supporting perinatal women in prison for 20 years through pregnancy and early parenting groups, one to one support and birth support. The charity's provision of evidenced-based information and practical and emotional support (including continuous support in labour) has been demonstrated to improve significantly the experiences and outcomes of women and their babies.

Why is a Birth Charter needed?

Birth Companions' experience of working with pregnant women and new mothers in prison has shown that care for these women varies greatly from prison to prison and within prisons. Some women have described how coming to prison enabled them to turn their life around and make a new start with their baby. For others, it proved a stressful experience during which they struggled to meet basic needs,



Laura Abbott

such as adequate food, privacy and dignity; and to focus positively on their baby.

At the heart of the failures to provide appropriate care are a lack of comprehensive guidance in many areas, a lack of application of the rights to which women are already entitled through existing legislation, and lack of understanding of the evidence base around the impact of risk factors on child development during pregnancy and the early years. Crucially, as well as reviewing the evidence base, the Charter provides a voice for women who have experienced pregnancy, birth and early motherhood in custody. This work continues through research undertaken by one of Birth Companions' volunteers, midwife Laura Abbott. Her qualitative doctorate research has involved interviewing pregnant women and new mothers in prison and post release; and prison staff as well as observing the

environment to get a rounded picture of the experience. Becky⁹ is one of the women Laura interviewed. This account of her experiences was first published in *The Practising Midwife* in 2016.

Becky's experience

Becky was 21 years old and 20 weeks pregnant when she was sentenced to 4 years in prison. Like the majority of women in prison (Carlen and Worrall, 2004) Becky's crime was non-violent. She had not been in trouble before and had fallen in with the wrong crowd. She describes how she felt on entering prison

It was a shock, and I was thinking, I have got a baby inside me and I am not going to be free until my baby is walking next to me. When you are faced with that at 21 and you have not been through anything bad really in life it's a lot to take on...

The environment that Becky went into was described by her as "horrible". The stress she felt under was exacerbated by feelings of fear. Becky spoke about how she was scared to eat the food and concerned that the environment would affect her unborn baby. Evidence suggests that stress during pregnancy can have a negative impact on the fetus (Capron et al, 2015; Glover and O'Connor, 2002; Van den Bergh et al 2005) Becky accepted the consequences of her crime; what was difficult was the potential impact on her "innocent baby". Becky described the anxiety of being around some of the other women and feeling vulnerable. There are no hiding places in

prison and when pregnant, a woman may be more visible to others. This feeling of anxiety exacerbated her feelings of guilt

The guilt that [she] had to go through it with me and having no control over the environment to having no control over your life or your pregnancy.

The perception of stigma is common for women to experience when attending hospital for scans and appointments (Abbott 2015). Usually women are accompanied by two prison officers and many describe the experience of being both a prisoner and a mother to be in the public domain as humiliating (Marshall, 2010). The feeling of embarrassment in hospital accompanied by officers has been a common theme brought up by many of the women interviewed. Becky described a situation where she was in her third trimester and needing transfer to hospital for a late scan

I carry big babies and I was ready to drop and I was in handcuffs the most degraded I have ever felt, and that was even worse than being sentenced.

Labour and birth

During labour Becky was accompanied by prison officers. Women are often able to choose officers who they get on with and many talk of the kindness they have received. However, this is not the same as having the birth partner of choice. Many women are held in prisons far away from family members which means many women do not have their birth supporter of choice. The Birth Charter suggests that all women

⁹ Becky is a pseudonym.

should be able to have a birthing partner of their choice (Kennedy et al 2016).

Becky describes her experience of labour

I felt like I was being watched. I wanted to go on those ball things but at the time I didn't want to turn around and say to the officers "can I get off my bed and go on a birthing ball?"

Becky underwent an emergency LSCS (lower (uterine) segment Caesarean section) after getting "stuck" at 8cms. She reflected during the interview that it was perhaps the stress of feeling "under guard" whilst in labour that meant that she could not achieve the normal birth she had wanted.

Bonding, attachment and breastfeeding

Becky had wanted to breastfeed her baby but during pregnancy was considering handing the baby out to be looked after by her partner. This was because she was concerned about bringing the baby back into an environment that she felt might be detrimental to her child. Approximately 50% of women do gain a place on an MBU, but many women are separated from their babies. Becky did gain a place on an MBU and described the moment she first breastfed her baby as feeling a bond that was intense and knew that she needed her baby to remain with her.

As soon as I had her and I put her on my breast, I fed, she was staying with me... as soon as I fed its different isn't it?



Birth Companions provided support for Becky whilst she was in prison. The groups are tailored specifically to perinatal women in prison and cover topics each week such as infant feeding, physiology of labour and birth and relaxation. The groups have been described by women as having a safe space to feel like a "normal pregnant woman". The Birth Charter suggests that such groups should be delivered throughout the female prison estate for women who choose to access them. Becky had received tailored information and support from Birth Companions about breastfeeding which helped her in her decision to breastfeed her baby.

Becky described the groups as a "life line".

The Birth Companions are just so good because they make you focus solely on your pregnancy and it was a bit of escapism.

Becky spent 15 months in prison with her daughter. The three MBUs Becky lived in during her sentence helped to facilitate her bonding and breastfeeding and the support she received from midwives, Birth Companions and MBU staff helped her through a difficult time in her life. Becky was able to breastfeed her daughter for two years. Becky now has another child. When she was pregnant with her second child

on the outside, Becky told me she had flashbacks relating back to the trauma she had (Knox and Burkard, 2009) felt whilst pregnant in prison. Becky is now in a stable relationship and has started her own business. One day she will tell her daughter about her experience in prison.

Reform for perinatal women in prison

We have seen a positive response so far from the National Offender Management Service (NOMS), who are reviewing the treatment of these vulnerable women and their babies. Individual prisons have started to adopt some of the recommendations in the Charter; for instance, introducing 24-hour phone access to midwives for pregnant women, and providing fridge/freezers in their rooms for women expressing breastmilk. These improvements should be replicated across the estate and comprehensive, mandatory guidelines set out for prisons in a Prison Service Instruction for perinatal women.

Out of the frying pan...?

At the same time we argue that more radical reform is needed. Prison is not the place for most pregnant women and new mothers. However a nuanced understanding of the impact of reducing custodial sentences for this group, and the risk of unintended consequences is needed. As Becky's experiences illustrate, many women benefit from the excellent work being done in prison MBUs. We are concerned that the same level of targeted, specialist support is seldom provided for women serving community sentences; either from Community Rehabilitation

Companies/Probation, or universal maternity services. And as the current crisis in the family courts illustrates, women facing severe disadvantage who do not have support to become successful parents now face an even higher risk of losing their children to the care system.

We are calling for adequate funding for the provision of specialist support for this small but very important group of women and babies; whether they are in prison or the community. Responsibility for this provision should be shared across criminal justice, maternal health and other sectors. Small mother and baby units in the community could be one option; provision of holistic support from the voluntary sector in partnership with statutory agencies is another. Whatever the means, providing joined-up support to women during this crucial transition in their lives presents an opportunity to address offending behavior and teach parenting skills; with potential long-term gains for them and for their children's outcomes.

Prison reform is an important first step; sentencing reform a second. But for pregnant women and new mothers like Becky, and their children, we must ensure we hear them, understand them and support them at every stage of their offending and perinatal journey.

Birth Charter for women in prisons in England and Wales

Pregnant women in prison should:

1. Have access to the same standard of antenatal care as women in the community
2. Be able to attend antenatal classes and prepare for their baby's birth
3. Be housed, fed and moves in a way that ensures the well-being of mother and baby
4. Be told whether they have a place on a Mother and Baby Unit as soon as possible after arriving in prison
5. Have appropriate support if electing for termination of pregnancy

During childbirth, women should:

6. Have access to a birth supporter of choice
7. Be accompanied by officers who have had appropriate training and clear guidance
8. Be provided with essential items for labour and the early postnatal period
9. Receive appropriate care during transfer between prison and hospital

Women with babies in prison should

10. Be encouraged and supported in their chosen method of infant feeding
11. Be supported to express, store and transport their breast milk safely, if they are separated from their baby
12. Be given the same opportunities and support to nurture and bond with their babies as women in the community
13. Be entitled to additional family visits

All pregnant women and new mothers should:

14. Be able to access counselling when needed
15. Receive appropriate resettlement services after release from prison

Download a full copy of the Birth Charter report from the Birth Companions website www.birthcompanions.org.uk/Birth-Charter

References

- Abbott, L. (2015). A Pregnant Pause: Expecting in the Prison Estate. In L. Baldwin (Ed.), *Mothering Justice: Working with Mothers in Criminal and Social Justice Settings* (1 ed.). England: Waterside Press.
- Abbott, L. (2015). Maternity Care in Prison. ECAN bulletin. The Howard League website
- Abbott, L. (2016). Becoming a mother in prison: the challenges and implications: Becky's story, The Practising Midwife, June 2016.
- Albertson, K., O'Keeffe, C., Lessing-Turner, G., Burke, C., and Renfrew, M. J. (2012). Tackling health inequalities through developing evidence-based policy and practice with childbearing women in prison: A consultation.
- Albertson, K., O'Keeffe, C., Burke, C., Lessing-Turner, G., and Renfrew, M. (2014). Addressing health inequalities for mothers and babies in prison. *Health and Inequality: Applying Public Health Research to Policy and Practice*, 39.
- Capron, L., Ramchandani, P., and Glover, V. (2015). Does maternal antenatal depression or anxiety predict gene expression of the placental glucocorticoid receptor (NR3C1)? *Psychoneuroendocrinology*, 61, 15-16.
- Carlen, P. (2013). *Women and Punishment*: Willan.
- Carlen, P., and Worrall, A. (2004). *Analysing women's imprisonment*: Taylor & Francis.
- Corston, J. and Britain, G. (2007) *The Corston report: a report by Baroness Jean Corston of a review of women with particular vulnerabilities in the criminal justice system: the need for a distinct, radically different, visibly-led, strategic, proportionate, holistic, woman-centred, integrated approach*. Home Office
- Galloway, S., Haynes, A. and Cuthbert, C. (2014) An unfair sentence: All babies count: spotlight on the criminal justice system. London: NSPCC
- Glover, V., and O'Connor, T. G. (2002). Effects of antenatal stress and anxiety. *The British Journal of Psychiatry*, 180(5), 389-391.
- Kennedy A, Marshall D, Parkinson D, Delap N, and Abbott A. (2016). Birth Charter for women in prison in England and Wales, Birth Companions.
- Knight, M., and Plugge, E. (2005). Risk factors for adverse perinatal outcomes in imprisoned pregnant women: a systematic review. *BMC Public Health*, 5(1), 111.
- Knox, S., and Burkard, A. W. (2009). Qualitative research interviews. *Psychotherapy Research*, 19(4-5), 566-575.
- Marshall, D. (2010). Birth companions: working with women in prison giving birth. *British Journal of Midwifery*, 18(4), 255.
- Ministry of Justice. (2015). Population Statistics, [Press release]
- North, J., Chase, L., and Alliance, M. (2006). *Getting it Right?: Services for Pregnant Women, New Mothers, and Babies in Prison*: Lankelly Chase.
- Van den Bergh, B. R., Mulder, E. J., Mennes, M., and Glover, V. (2005). Antenatal maternal anxiety and stress and the neurobehavioural development of the fetus and child: links and possible mechanisms. A review. *Neuroscience & Biobehavioral Reviews*, 29(2), 237-258.

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More information about [Birth Companions](#)

Intensive Fostering for young offenders: practitioners' attitudes towards the aftercare phase

Katie Le-Billion

Background to the study

The Youth Rehabilitation Order (YRO) was introduced as part of the Criminal Justice and Immigration Act (2008). It is a generic community sentence which "aims to reduce the likelihood of reoffending by tailoring the intensity of the intervention to the young person's assessed risks and needs" (YJB, 2010:5). YROs aim to divert children and young people away from the criminal justice system by using a less punitive and more welfare focused approach (MoJ, 2012b). In contrast to custodial sentences, which "may even perpetuate the offender's exclusion rather than reducing it, thus making rehabilitation more difficult", community sentences are more effective at achieving successful rehabilitation (Nacro, 2011:4). Furthermore, YROs are aimed at addressing the causes of the offending behaviour as well as aiding rehabilitation (Social Exclusion Unit, 2002).

There is no limit on the number of YROs that can be given, with the option to reissue subsequent orders with different requirements if deemed appropriate (YJB, 2010), however a YRO can only be given in response to acts that would ordinarily receive a custodial sentence (Criminal Justice and Immigration Act s.1(4a) 2008). The overall aim of the order is to reduce reoffending the order is automatically spent once it ceases

to be active as it "gives the young person the chance to make amends for the offence and to put the offence behind them" (MoJ, 2012: 16) in order to help young people to start a new life away from crime.

This research paper focusses on intensive fostering, one of 18 possible requirements given under a YRO. Intensive fostering aims to divert young people away from the criminal justice system by "encouraging and reinforcing positive behaviours and diverting young people from delinquent peers" (YJBa, 2010: 3). It is given to those whose home environments are considered to be a contributing factor to their criminal behaviour, and whose actions are deemed serious enough to be otherwise given a custodial sentence should intensive fostering not be an option (SGC, 2009). Intensive fostering can be used for 10-17 years-olds, for a minimum period of six months up to the maximum of 12 months (YJB, 2010).

What is intensive fostering?

There are two stages of intensive fostering: a nine-month foster placement and a three-month aftercare phase. During the initial nine-month phase all contact with friends and family is discouraged and access to mobile phones and the internet is prohibited. The programme uses a points system:

“If they behave well, they are awarded privileges; if they don’t behave well, privileges are taken away” (Action for Children, 2008:1). Points are allocated for completing tasks, for example getting up in time to attend school, or deducted for engaging in poor behaviour (YJBa, 2010).

Throughout the programme the young people, the foster carers and the birth family have access to a range of professionals who facilitate the initiative. The team includes: a programme supervisor; a programme manager; a family placement social worker; an individual therapist (for the young person); a skills worker (to help develop the young person’s academic and employment potential); a birth-family therapist; and an intensive fostering team member who liaises with the foster family to compile a *parent daily report* (YJBa, 2010). The ultimate aim of the programme is to provide a “structured daily living environment, including ... close supervision and setting [of] clear

rules and limits” (Chamberlain and Reid, 1998: 627), to arm the young person with the necessary life skills to desist from crime, whilst developing pro-social behaviours (ibid; YJBa, 2010).

The three-month aftercare phase involves a gradual reduction of input from the support workers involved in the programme, in order to facilitate the young person’s graduation from the foster placement. The young person and their birth family (if applicable) are supported by the skills worker, individual therapist, programme supervisor, and a social worker from the young person’s local authority Youth Offending Team (YOT) — rather than the specific intensive fostering social worker. Sessions become less frequent and the birth family is trained in how to use the points system to ensure the young person “receive[s] consistent parenting and improved parental supervision when they return home” (YJBa



2010:4). The family therapist is essential during the aftercare phase as the focus is on “enhancing parenting strategies that will maintain and support the youth’s success” (Wessex User Guide, undated: 3).

In 2010 the Youth Justice Board conducted a pilot study into intensive fostering and highlighted the aftercare phase as a key limitation of the programme, as positive outcomes are often compromised once the young people move on from foster placements (YJBa, 2010). Despite this, to date there remains minimal research focused on this diversionary method, and those that do exist measure the success of the programme in terms of recidivism rates, with little discussion on the three-month aftercare phase. This research therefore focuses on this area to investigate what works and what could be improved. I was also keen to ascertain how the aftercare phase had developed since the pilot, and to discover examples of good practice, or otherwise, from those that are directly associated with the programme.

Conducting the research

Seven semi-structured interviews were conducted either in person or over the phone with a range of professionals working within intensive fostering arrangements. No two participants had the same role and all had varying levels of experience with the initiative. Although all the participants dealt with intensive fostering in some capacity, the majority (five) came from a social work background. Their roles were a youth offending services practitioner, a programme

supervisor, a local authority social worker, a case manager, a supervising officer, a private fostering agency social worker/ placement coordinator, and an academic. Participants were based in several different regions across the GB, five worked across five different local authorities, and one for a private provider of intensive fostering. The academic had previously worked in a local authority and was now affiliated with a private fostering agency.

Findings and Discussion

Using thematic analysis, the primary data was categorised into three overarching themes: Transition to aftercare; Multi-agency approach; and Birth family involvement.

Transition to aftercare

Participants were asked to discuss what challenges, and examples of good practice, they had experienced during their tenure in intensive fostering. Participants were asked to discuss motivation (in terms of compliance), of the young person and their birth family as this was identified as a barrier to the success of the programme (YJBa 2010). Generally, research participants saw the aftercare provision as insufficient. Of particular concern is the feedback given by one participant who felt that “*there doesn’t appear to be any particular guidance*” regarding the aftercare phase of the programme, with another feeling that the aftercare provision is “*a little bit ad-hoc*”.

The importance of adequately preparing young people for the foster placement to end and the aftercare phase to begin was frequently raised by participants.

Gradually preparing for the next phase helps young people adjust to and accept changes, which can avoid feelings of anxiety related to the change (Altschuler, 2008). Several participants raised concerns over the “*amount of support that just completely ends at the end*” (Eddie¹⁰), which may lead to young people feeling like they had been “*dropped off the edge of a cliff*” (Anna). Indeed Debbie stated that during aftercare young people can feel like they are “*looked after but not really cared for*”.

Multi-agency approach

Although none of the participants were explicitly asked about multi-agency collaboration, it emerged as a key theme in the analysis. All participants discussed the merits of multi-agency working, but none of the participants were exclusively positive about it.

An essential element of the intensive fostering programme is the effective collaboration between multiple agencies, as “no single agency can deal with, or be responsible for dealing with, complex community safety and crime problems” (Berry et al., 2009:1). Aspects of multi-agency collaboration were celebrated by three participants, one of whom (Anna) remarked on the “*brilliant*” communication between Youth Offending Team workers and intensive fostering managers. In particular, Anna commented on how “*everyone seems to be pulling their weight for this young man, which is really, really positive, and obviously the young man can see that in the meeting*”. Not all

participants experienced such positivity, however, with others feeling the multi-agency approach was slightly “*disjointed*” (Freddie).

In a review of effective resettlement programmes, the YJB (2010a: 8) highlighted that it is “often the absence of [multi-agency] partnership and coordination that prevents well-designed aftercare programmes from being successful”. The findings from this research corroborate with such conclusions; all participants referred to difficulties with the multi-agency approach to some degree, and three participants challenged the success of the current intensive fostering programme at achieving cohesive collaboration.

Evidence of agencies withdrawing help once additional support is provided can be found in other research that looks at effective multi-agency partnerships (Gray, 2013). Although it is widely acknowledged that the reasons young people offend are multiple and require holistic support (see Jacobson et al., 2010), data from this study suggest that the participants faced barriers when working with other partner agencies. Indeed, Anna felt that the intensive fostering team’s objectives were compromised by social services.

My main barrier at the moment is social services ... Over the course of the time I’ve known [the young person] he’s had several social workers ... and each doesn’t seem to give each other handover notes or whatever ... and as excited as I get that there’s a new social worker and hopefully they’ll be

¹⁰ Each participant has been given a pseudonym.

able to do what they're supposed to ... that doesn't seem to be the case.

Birth family involvement

Collaboration with the birth family is an integral part of the programme to tackle underlying causes of criminality and to aid a smooth transition from the foster placement (Biehal et al., 2012). The data gathered from this study highlight the impact that birth family involvement can have on young people's resettlement success. However according to the research participants, the current programme did not adequately address the needs of parents, and thus neglects the vulnerabilities of young people who offend.

Common issues discussed by participants included the extent that the birth family engaged with services, and the impact that this could have on the young person's continued motivation. As one participant stated:

I guess [the child's] words were: 'I've done my bit, it's my mum that hasn't changed, and it's not fair that I have to keep coming to these sessions or go to family therapy'" (Bob)

Similarly, another participant said:

Families [who] have found it much harder to continue have had more of their own difficulties as adults... One young person went home and unfortunately the placement immediately broke down, and he ended up going to residential, and then ended up in custody... Although he'd made a lot of progress and the parents had I think made some progress, it felt like [the

parents] needed a lot more... So that was quite sad to see that really... especially for the young person.

Such feedback was echoed by other participants and highlights the crushing effect that the perceived shortcomings of parents can have on young people's self-esteem, motivation and subsequent rehabilitation.

Closing remarks

Despite the celebrated benefits of intensive fostering none of the participants involved with this research were entirely positive about the approach. More effective, cohesive collaborations between agencies need to be fostered to meet the aims of the programme, support children and their families, and divert more vulnerable young people from the secure estate.

According to this study, the success of intensive fostering is reliant on the combined efforts of the young person and the family. Despite the great gains that can be made by the young people during the placement, if the determination is not matched by the birth family that progress is compromised. This is not a criticism of the family; the home lives of young offenders are complex, commonly associated with poverty, dysfunction and mental illness. Based on the findings from this research it seems such issues are not adequately addressed throughout Intensive Fostering, putting the overall success of the initiative in jeopardy. Further research, with a larger sample, would help to develop what could be a supportive welfare focused alternative to youth custody.

References:

- Action for Children (2008) Achieving transformation: fostering solutions for young people who offend.
- Altschuler, D. (2008) Rehabilitating and Reintegrating Youth Offenders: Are Residential and Community Aftercare Colliding Worlds and What Can Be Done About It?
- Berry, G., Briggs, P., Erol, R. and van Staden, L. (2009) The effectiveness of partnership working in a crime and disorder context. London: Crown Copyright.
- Biehal, N., Ellison, S. and Sinclair, I. (2012) Intensive fostering: an independent evaluation of MTFC in an English setting. *Adoption & Fostering* 36, 1, 13-26
- Chamberlain, P. and Reid, J. (1998) Comparison of Two Community Alternatives to Incarceration for Chronic Juvenile Offenders. *Journal of Consulting and Clinical Psychology*. 66(4): pp. 624-633
- Gray, P. (2013) Report of Research on Youth Offending Team Partnerships and The Social Context of Youth Crime. Plymouth: Plymouth University.
- Jacobson, J., Bhadwa, B., Gyateng, T., Hunter, G. and Hough, M. (2010) Punishing Disadvantage. A profile of children in custody. London: Prison Reform Trust.
- Ministry of Justice (2012) Referral Order Guidance. London: The Stationery Office Limited.
- Ministry of Justice (2012b) Youth Rehabilitation Order. Accessed online 26th August at <http://www.justice.gov.uk/youth-justice/courts-and-orders/disposals/youth-rehabilitation-order>
- Nacro (2011) Reducing the number of children and young people in custody. London: Nacro.
- Social Exclusion Unit (2002) Reducing re-offending by ex-prisoners. London: Social Exclusion Unit.
- YJB (2010) The Youth Rehabilitation Order and other Youth Justice Provisions of the Criminal Justice and Immigration Act 2008 Practice guidance for youth offending teams. London: Youth Justice Board.
- YJB (2010a) A Report on the Intensive Fostering Pilot Programme. London: Youth Justice Board.

Acts and Legislation

Criminal Justice and Immigration Act (2008)

About the author

Katie Le-Billon completed her master's in Child Studies at King's College, London, graduating with distinction in 2014. Her current research interests include young people who offend; mental health issues; and homelessness.

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