

Written evidence from the Centre for Crime and Justice Studies (RAR0055)

1. About us

1.1 The Centre for Crime and Justice Studies is an independent educational charity that advances public understanding of crime and criminal justice. We create lively spaces for collaboration and learning, where conventional criminal justice policy agendas are scrutinised and challenged, fresh knowledge and ideas are discussed, and transformational solutions are developed.

2. Reoffending statistics

2.1 The proven reoffending rate was 26.4 per cent for offenders released or sentenced between October and December 2022.¹ This marks a 1.0 percentage point increase from the same period in 2021 and a slight 0.1 percentage point decrease from the previous quarter.

2.2 However, it would be false to assume that these statistics are an accurate measure of reoffending. Rather, these statistics are a measure of reconviction rates, as defined in the latest proven reoffending statistics release: ‘a proven offense is defined as any offence committed in a one-year follow-up period that leads to a court conviction, caution, reprimand, or warning in the one-year follow-up or within a further six-month waiting period to allow the offence to be proven in court’².

2.3 The 2016 government report, *Proven Reoffending Statistics: Definitions and Measurement*³, acknowledges that these reoffending statistics ‘underestimate the true level of reoffending because only a proportion of crime is detected and sanctioned, and not all crimes and sanctions are recorded on one central system’. This highlights the issue of the ‘dark figure of crime’, referring to the number of unreported or undetected offences. Consequently, a perceived decrease in reoffending rates may not accurately reflect an actual reduction in reoffending behaviour. This demonstrates the importance of considering the limitations of recorded data when evaluating the effectiveness of criminal justice interventions.

3. Rehabilitation in prisons

3.1 Reform and rehabilitation are one of the five purposes of sentencing, alongside punishment, crime reduction, public protection and reparation. However, the current conditions within UK prisons present significant challenges to the effective implementation of rehabilitative programmes. Overcrowding, inadequate staffing, and limited access to educational and vocational training underscore the inadequate care provided to prisoners and present a significant obstacle to effective rehabilitation and release planning. These conditions suggest that, under the current system, imprisonment in the UK is not fulfilling its intended rehabilitative purpose.

3.2 While prison rehabilitation programmes have the potential to be effective, poorly designed, badly resourced, or improperly targeted programmes, especially if delivered by inadequately trained or overstretched staff, can mean that prisoners do not have the tools needed for rehabilitation. Additionally, prisoners can have difficulty accessing these programmes while in custody. For instance, the lack of available rehabilitation programmes has prevented IPP prisoners from demonstrating reduced risk, thereby prolonging their time in custody. While completion of

¹ Ministry of Justice. (2024) *Proven Reoffending Statistics: October to December 2022*. Available at: <https://www.gov.uk/government/statistics/proven-reoffending-statistics-october-to-december-2022/proven-reoffending-statistics-october-to-december-2022> (Accessed: 13 January 2025)

² *ibid*

³ Ministry of Justice. (2016) *Proven Reoffending Statistics: Definitions and Measurement*. Available at: <https://assets.publishing.service.gov.uk/media/5a8083fbed915d74e33fae03/proven-reoffending-definitions-measurement-Oct16.pdf> (Accessed: 13 January 2025)

rehabilitation programmes is essential for an IPP prisoner's release, access to these programmes has been inadequate⁴.

3.3 Factors such as staffing shortages and the backlogs in the criminal justice system have contributed to the slow return to normal regimes following the restricted regimes introduced during Covid-19 pandemic. Prisoners continue to be frequently confined to their cells for extended periods, limiting their engagement in purposeful activities essential for rehabilitation. A 2024 annual report by HM Inspectorate of Prisons⁵ found that 30 out of 32 prisons inspected were 'poor' or 'not sufficiently good' in ensuring purposeful activity, with over two-thirds of inmates spending most of their days in their cells with minimal occupation. The report argues that there is a correlation between the amount of time prisoners spend unlocked and engaged in purposeful activities and their self-assessed likelihood of reoffending.

3.4 Numerous prisons have buildings that are in a state of disrepair and which fail to meet maintenance standards. A recent report by the National Audit Office (NAO)⁶ highlights that the maintenance backlog has doubled over the past four years, reaching £1.8 billion. This backlog has resulted in numerous cells being taken out of use due to disrepair, which further exacerbates issues with overcrowding. The poor conditions of prison buildings have a negative effect on rehabilitation, with a 2023 review by the HM Inspectorate of Prisons stating 'governors said they worried about how they could create a rehabilitative culture when they could not even repair floors and showers. For example, overcrowded living conditions coupled with a lack of investment in the fabric of aging buildings in need of repair made it harder to motivate prisoners to behave.'⁷

4. Resettlement in the community

4.1 The probation service is crucial in supporting an ex-prisoner's resettlement journey. However currently the service is under significant strain and lacks the capacity to support ex-prisoners both prior and post release from custody. In London, high vacancy rates across probation services have been described as a "crisis"⁸. These staffing shortages lead to significantly increased caseloads. The issue is compounded by policy changes that have expanded the service's remit. Historically, the Probation Service did not oversee prisoners serving sentences of less than 12 months. The inclusion of this cohort has increased caseloads, further stretching already limited resources. Additionally, high numbers of inexperienced staff working beyond their capabilities exacerbate these challenges. According to a 2023 report by the House of Commons Public Accounts Committee⁹, many probation officers are managing over 70 cases, far exceeding the recommended caseload of 30 to 60. Such pressures impede the ability of probation officers to deliver individualised interventions, adequately assess risks, and effectively monitor compliance. Consequently, the likelihood of successful resettlement for ex-prisoners decreases, undermining the rehabilitative progress made in prison.

⁴ Justice Committee (2022), *IPP sentences*. Third Report of Session 2022–23, HC 266, London: House of Commons.

⁵ HM Inspectorate of Prisons. (2024) *Purposeful Prisons: Time Out of Cell*. Available at: <https://hmiprisons.justiceinspectorates.gov.uk/news/key-findings-paper-digs-deeper-into-the-ongoing-failings-in-purposeful-activity/> (Accessed: 13 January 2025)

⁶ National Audit Office. (2024) *Increasing the Capacity of the Prison Estate to Meet Demand*. Available at: <https://www.nao.org.uk/wp-content/uploads/2024/12/increasing-the-capacity-of-the-prison-estate-to-meet-demand.pdf> (Accessed: 13 January 2025).

⁷ HM Inspectorate of Prisons. (2024) *Improving Behaviour in Prisons: A Thematic Review by HM Chief Inspector of Prisons*. Available at: <https://www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2024/04/Improving-behaviour-in-prisons-web-2024.pdf> (Accessed: 13 January 2025)

⁸ London Assembly Police and Crime Committee. (2023) *Staffing Crisis Threatens London's Probation Service*. Available at: <https://www.london.gov.uk/who-we-are/what-london-assembly-does/london-assembly-press-releases/staffing-crisis-threatens-londons-probation-service> (Accessed: 13 January 2025)

⁹ House of Commons Committee of Public Accounts. (2023) *Resettlement Support for Prison Leavers*. Available at: <https://publications.parliament.uk/pa/cm5803/cmselect/cmpubacc/1329/report.html> (Accessed: 13 January 2025)

It is evident that some of the capacity issues could be addressed by increasing staff numbers. Another potential solution involves reducing the level of bureaucracy within the service, which may alleviate some of the strain on staff. For instance, the paperwork involved for processes like Approved Premises referrals or home visits, though intended to support the service's function, are excessively time-consuming. These administrative burdens divert valuable time and resources away from direct engagement with ex-prisoners. By streamlining these processes and reducing unnecessary steps, the Probation Service could create more capacity for meaningful resettlement work while maintaining essential safeguards.

4.2 Effective joint working across services such as housing, employment, and substance misuse support is key to ensuring stability for ex-prisoner's post-release and reducing the likelihood of reoffending. However, many of these services are currently operating beyond their capacity, managing high caseloads that limit their ability to provide support.

A significant barrier to effective joint working is the lack of efficient data-sharing mechanisms between key services. Currently, there are no common platforms connecting probation, police, prisons, or external support providers. As a result, information sharing is a time-consuming, administration-heavy process, and while it is intended to ensure appropriate safeguarding, could be streamlined for greater efficiency.

4.3 In the probation service, trauma-informed practice has been formally integrated into support for female ex-prisoners. This approach recognises that many women involved in the criminal justice system have experienced traumatic backgrounds, including adverse childhood experiences (ACEs). Trauma-informed strategies and training are crucial in addressing these underlying issues. However, there is currently no equivalent formalised approach for male ex-prisoners, despite the prevalence of trauma among this group. The lack of consistent trauma-informed practice for men is a missed opportunity to address critical factors influencing reoffending rates.

4.4 To some extent, the successful resettlement of an ex-prisoner hinges on their ability to satisfy Maslow's *Hierarchy of Needs*¹⁰. At the most fundamental level, this requires access to shelter, followed by financial security. Without meeting these basic needs, the higher goals of resettlement, such as personal growth and societal ties – both linked to successful community reintegration – become increasingly difficult to achieve.

The foundational issue, access to shelter, remains the most difficult to achieve for most ex-prisoners. Upon release from prison, many ex-prisoners face homelessness, relying on temporary or supported housing. Securing stable accommodation is a priority for successful reintegration; without it, ex-prisoners struggle to engage with resettlement services, including attending probation meetings, which can affect their risk of breaching licence conditions. The introduction of the probation-housing service, CAS3, provides ex-prisoners facing homelessness with 84 days of accommodation post release from custody. This 84-day period allows the released prisoner, and the probation officer, to find a more permanent means of accommodation. Unfortunately, the UK housing crisis means that many ex-prisoners, who are often considered as 'undesirable' tenants, still struggle to find long-term housing.

4.5 Probation officers recall released prisoners in line with policy, and so the recall process involves several levels of authorisation. The context behind minor breaches, such as missing probation appointments or curfews at Approved Premises, is often taken into consideration, provided a reasonable explanation is offered.

However, the extensive list of licence conditions imposed on released prisoners can create challenges. These conditions, while intended to encourage accountability and public safety, increase the risk of

¹⁰ Maslow, A. (1943). A Theory of Human Motivation. *Psychological Review*, 50 (4), 370-396

breaches due to their sheer number. The need for such detailed conditions arises from a process known as the Effective Proposal Formulation (EPF)¹¹, which is a digital tool designed to ensure that licence conditions are in line with policy guidelines and reduce the risk of bias. Probation officers can input the details of the prisoner into this tool (such as age, gender, geographical location, offence, risk level), and the EPF will provide a list of recommended licence conditions. While this allows for appropriate safeguarding, it also means that licences are not always tailored to the individual. Probation officers do have the authority to override the EPF recommendations, but with their limited capacity, this can be a time-consuming task, and would reflect poorly on them should the ex-prisoner reoffend. As a result, excessive licence conditions can become overly restrictive, and be easily triggered.

To make licence recall conditions more effective on resettlement, reforms should focus on balancing the need for accountability with the importance of stability and rehabilitation. Simplifying and prioritising licence conditions, alongside providing probation officers with the necessary resources and manageable caseloads, could help ensure that recalls remain a tool for safeguarding rather than barrier to reintegration.

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¹¹ HM Inspectorate of Probation. (2024) *The Quality of Pre-Sentence Information and Advice Provided to Courts – 2022 to 2023 Inspections*. Available at: <https://www.justiceinspectorates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2024/08/The-quality-of-pre-sentence-information-and-advice-provided-to-courts-%E2%80%93-2022-to-2023-inspections.pdf>