

RSA TRANSITIONS...

# The key worker in transforming rehabilitation

John Podmore  
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## About the RSA

The RSA (Royal Society for the encouragement of Arts, Manufactures and Commerce) is an enlightenment organisation committed to finding innovative practical solutions to today's social challenges. Through its ideas, research and 27,000-strong Fellowship it seeks to understand and enhance human capability so we can close the gap between today's reality and people's hopes for a better world.

[www.thersa.org](http://www.thersa.org)

## About Transitions

The project seeks to find new approaches to reducing reoffending by unlocking physical and social assets linked to prisons. The RSA published *Transitions*, its vision for a 21st century prison in 2011. This included the development of 'Transitions Parks' through bringing back to life unused assets – buildings and land – owned by the Ministry of Justice. The RSA is now working with a public prison in testing this proposal.

For more information about the project please visit: [www.thersa.org/transitions](http://www.thersa.org/transitions)

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## About the author

John Podmore is Professor of Applied Social Sciences at the University of Durham. John works as a consultant, writer and is a criminal justice expert with 25 years experience working as a practitioner. John has headed up three of the UK's most secure – and difficult – prisons, worked as a prisons inspector, a prison health consultant and led the Prison Service's anti-corruption unit. With extensive experience of organisational design and effective management practice, he has worked as a consultant across Africa, India, Europe and Australia. He writes about criminal justice matters regularly and published his first book, *Out of Sight, Out of Mind: Why Britain's Prisons are Failing*, in 2012 (Biteback 2012). John teaches on a number of Masters degree courses in British universities.

# Transitions

## Background

In 2011, a small group of RSA Fellows working within justice services and social enterprise developed *Transitions* (RSA 2011). Our starting point was to explore the innovations taking place within prisons but which were largely uncelebrated and evidenced. What would happen if, instead of piecemeal innovation via stealth, the best approaches were brought together and the evidence base on impact strengthened? How could the public be brought closer to the realities of the prison system and wider justice services?

In the context of reduced public spending, our focus was on unlocking potential social assets within prisons (service users, families and the workforce) and the wider community (the public, employers and services), and on physical assets owned by the Ministry of Justice (MoJ) but laying fallow. Could providing a co-location space for agencies and others to work closely alongside prisons, but from the ‘outside in’, increase capacity and improve the chances of rehabilitation?

## HMP Humber

Since 2012, with funding from the Esmée Fairbairn Foundation, the Tudor Trust and the Garfield Weston Foundation, the RSA has been working with HMP Humber to answer this question. Our aim has been to refine and ultimately to realise the *Transitions* model in relation to a 45-acre site adjacent to HMP Humber, a male resettlement prison in East Yorkshire that provides services for up to 1,062 people at any one time and releases over 1,000 people each year.

## Transforming Rehabilitation

This work has been taking place against a backdrop of significant changes to justice services, in particular, the Government’s Transforming Rehabilitation agenda.

Existing individual probation trusts are in the process of being reorganised into a single national public sector probation service and 21 new government-run community rehabilitation companies (CRCs). These are in the process of being competitively tendered with new providers expected to be in place by the end of 2014.

The National Probation Service (NPS) will retain responsibility for the supervision and support of high-risk offenders, including those subject to Multi-Agency Public Protection Arrangements (MAPPA), while new CRCs will be responsible for managing low to medium risk offenders. Transforming Rehabilitation also changes the licensing arrangements for offenders serving less than 12 months who will now receive some kind of supervision when they are released from prison.

It is anticipated CRCs (tier 1 providers) are expected to sub-contract resettlement services (focused on meeting the multiple needs of offenders) to tier 2 and 3 providers, including voluntary and community sector (VCS) organisations. Contracts to tier 1 providers will be awarded on a payment by results basis, which will reflect reductions in re-offending levels.

## Rehabilitation culture and capital

In developing our proposals, we consulted with hundreds of stakeholders, many from the sub-region, including prisoners, families, staff, employers, local statutory and voluntary services, civic leaders and the wider community.

We have drawn, amongst other things, on RSA’s Connected Communities programme, which explores practical social network approaches to social and economic challenges, with a specific focus on how disadvantaged or marginalised groups might become more resilient and involved in designing solutions. This work is based on a growing body of evidence that shows

our connections to other people, the context and nature of these relationships, and the extent to which we have networks of support, matter greatly in shaping our behaviour, life chances and wellbeing.

Our contention is that a significant gap remains in understanding the role that offenders' networks – informal and formal – have on what we call their *rehabilitation capital*. This is, in short, the range of things – personal, social, community and cultural – that will make them less likely to commit crime. Many of these reflect the National Offender Management Service's (NOMS) existing seven resettlement pathways, which include accommodation, finance, health and employment. But we believe that explicitly focusing on networks and how to increase their breadth, quality and strength, could shape how the pathways are approached and help transform rehabilitation.

We argue that similar arguments can be made in relation to prisons themselves, when it comes to strengthening rehabilitation culture. Crime is a social problem and needs a social response. Yet, many working within the prison system lack the external networks and freedoms they need to succeed in what they are, increasingly, charged with doing: reducing reoffending. Rehabilitation is a process of (re) socialisation to active citizenship and this process needs to involve more of 'us'.

As leading criminologist Shadd Maruna has argued, our general belief in rehabilitation is not a given.<sup>1</sup> Historically our focus on rehabilitation has ebbed and flowed, driven by a range of factors including the costs of reoffending in times of austerity. Transitions developed within the context of reduced public spending, government emphasis on a rehabilitation revolution and the Transforming Rehabilitation agenda. Combined, these changes mean asking justice and through the gate services to do more with less. Within this context finding ways to strengthen the culture of rehabilitation within prisons and beyond becomes more pressing.

It was in this context and with these concepts in mind that RSA commissioned a number of authors to explore specific issues raised by the project. This paper is published alongside our full report and master plan, which can be found on [www.rsa.org.uk/transitions](http://www.rsa.org.uk/transitions).

# 1. The prison workforce

The workforce of a prison is far more complex than most people imagine and little has been done to examine its nature and, most importantly, the interaction of the many components. The complexity is increasing with the Transforming Rehabilitation agenda and new contractual relationships with CRCs.

The core component of a prison workforce is the directly employed prison staff, consisting of managers, prison officers and administration staff. The gradings and nomenclature of this component has changed many times over the last five to 10 years. A managerialist approach has revised pay and grading according to the proscribed function of the various institutions. The details of them are publicly available and not for this paper to analyse. They provide a basis for understanding the past but help little in a vision for the future.

The most significant on-going revision by the National Offender Management Service (NOMS) of this component is the Specification, Benchmarking and Costing Programme, designed to review the way day-to-day work processes are carried out and to compare the cost and operation of them in comparable establishments.<sup>2</sup> This follows on from Lord Carter's review of the Prison Service in England and Wales published in 2007, which included the recommendation that the service should aim for: "greater financial control across the prison system and standardising the way that the services provided by public and private sector prisons are specified and monitored."<sup>3</sup> The programme is seen by many as an alternative to widespread contracting out of entire prison establishments as a means of more rapid financial savings.

The next most significant component is that of the 'contracted workforce', which consists for now, primarily of healthcare and education. These contracts have routinely been re-tendered every three years, very often with individual prisons being part of a wider contract package across a geographical area or administrative region. Providers frequently change, resulting in individuals being transferred under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) to a new employer and, potentially, a very different culture. This has resulted in considerable uncertainty for the individuals concerned and very often a lack of client continuity across the services provided.

A third component is that of the voluntary, community and social enterprises (VCSE). These organisations work directly with prisoners either in the context of discreet projects, often in art, drama and music, or as longer-term programmes in, for example, housing and employment schemes. There are also mentoring, visiting and befriending schemes, many of which have operated for decades under the auspices of the prison chaplaincy. The vast majority of funding for this work has come from charitable trusts and foundations. Some estimates have put the value of such funding as high as £35 million per year. It remains to be seen which of these activities will be swept into the new CRC arrangements and what will happen to those that remain and in particular whether, if they can obtain some funding, they will be allowed to continue. It is clear that trusts and foundations will not fund VCSEs as *de facto* subsidies for large government contracts.

## 2. Transforming Rehabilitation

The other given in the new workforce landscape is the Government's Transforming Rehabilitation agenda: in particular, the reorganisation of the probation service. The MoJ has expressed its desire to see VCSEs playing a full role in the new arrangements. This is likely to be in the role of a sub-contractor to the large multi-nationals and conglomerates that have passed the first stage in the competition process and there is widespread concern within the sector as to the future role they may play and what will happen to those not incorporated into the CRCs.

A potential outcome of these changes will be the continuing fragmentation of the workforce into silos. As the various components come to operate according to pre-determined contracts, the focus will inevitably be towards the delivery of the contract, the avoidance of penalties, payment by results and the regular, successful re-tendering of the contracts themselves. The extent to which this can be successfully joined together and strategic remains to be seen.

It could be argued that this challenge will be overcome by the Offender Management Model, which underpins the very basis of NOMS. When NOMS was set up it was done so on the basis of 'end-to-end' offender management: the placing of the service user at the heart of the process. In the early days this was described as the merging of the prison and probation services. Most would accept that initially there was little more than a subsumption of the probation service by the prison service. We now see the privatisation of most of the probation service apart from a component left with responsibility for supervising the most dangerous and high profile offenders. The group of prisoners they will be responsible for and how such prisoners migrate into and out of such a group is still to be determined.

So while the management of offenders within the prison walls will remain part of the establishment's (public or private) core work supported

by contracted in services the management of prisoners through the gate, the key transition from prison into the community will be the responsibility of bodies even less integrated than the traditional probation service.

### **Multi-agency working**

There have been significant tensions between the prison and probation services over the years. In the late 1980's Shared/Social Work in Prisons (SWIP) was introduced as a means of integrating the two workforce components with the prisoner at the heart of all activities. Most prisons at that time had a cohort of seconded probation officers, some doing specialised work around remand prisoners or sex offenders. Others were based on wings and addressed the complex personal problems of prisoners leading not just criminal lives but also hugely chaotic social lives. Some prison officers working in tandem with probation exhibited huge skills in such work but their attributes were not the norm, nor part of the training they received.

Attempts were made to formalise the relationships between prison and probation officers and SWIP officers were created. This involved joint training. Internal review boards examined all aspects of the lives of prisoners and were chaired by governing governors assisted by probation officers, landing officers, principal officers, psychologists, teachers, work instructors and members of the Board of Visitors (latterly the Independent Monitoring Board). It was a comprehensive process now replaced by the report of a single offender manager. Wider input to such reviews is a matter of debate but often described by parole board members as minimal.

The process seemed to work best with lifers and prisoners serving long sentences but we should not assume there were halcyon days of multi-disciplinary working. Rather, what we can take away is the explicit focus of the prisoner at the heart of the process, with all staff working

with him or her ‘in the loop’. Problems at work were understood not just by workforce instructors but also by teachers, doctors and staff in residential units. The ability of an individual prisoner to play one member of staff or one department off against another was greatly reduced. The prisoner played a part in the process in being able to both address the board and listen to its views. Responsibility for progress was taken by all of those the prisoner came into contact with as well as – most importantly – by the prisoners themselves. There was considerable individual learning. Teachers understood the demands of a landing officer to manage the day-to-day lives of chaotic individuals. Prison officers learnt something of the complexity of risk assessments and for some it promoted career aspiration.

What is most important to note is that within this process all members of the workforce were directly employed by the prison service. The fundamental difference is that today only a minority of such participants, even if they were to meet in such a context, would be directly employed by the prison. More and more are now employed in a variety of contractual arrangements with priorities not necessarily related to the individual progress of the prisoner.

This situation is not going to change. Whether the prison is public or private, work inside the establishment and through the gate is going to be a complex mixed economy. So, in developing a realistic and practical vision for a workforce of the future, the task is to examine how best this mixed economy can work with the prisoner at the heart of the process.

### The key worker

Whether it is in health, education, employment or criminal justice the most widely accepted theoretical model for making something most effective lies in the concept of a ‘key worker’, whose task it is to bring workforce components together for greatest effect. Following recent controversies in relation to health and social care, the key worker concept is being re-invented. In November 2013 the Health Secretary, Jeremy Hunt announced that all patients over 75 would get a named, accountable GP.<sup>4</sup> The theory is that if you are in any sense a ‘client’, it is vital to have someone assigned to you to see through and co-ordinate all the help, treatment and support you need. Schools have always had

form teachers, employees have line managers and once upon a time we knew who our bank manager was.

However, the increasing use of contracted out services alongside reductions in funding has meant that the ever-changing supplier of services has brought with it rapidly changing personnel, often with less face-to-face time with service users. This has been made worse by the employment of people on short-term contracts, zero hours contracts or through ‘slimmed down’ services with employees faced with, or seeking redundancy. The theory then has been overwhelmed by changing practice.

Within the justice context, caseworker models have fared no better than in the wider community. As probation services have changed over the years it has been ever more impossible for a probation officer in the community to keep in contact with a prisoner, often moving around an over-crowded prison system. Even if an individual probation officer’s caseload made provision for it, the distances involved and the finances of frequent travel would either restrict or prohibit it. Increasing sentence lengths make matters worse with prisoners serving decades rather than years. Contact with so-called ‘home’ probation officers in such circumstances has become totally unrealistic.

In prisons, ‘personal officer’ schemes have been advocated, implemented and, at times, they have briefly worked, in particular within small units and with young people. There were some notable successes with juveniles serving short sentences supported by community components overseen by youth offending teams (YOTs). They remain models that still offer learning for the future but such schemes are unlikely to prosper or proliferate within the context of current system changes. Staff/prisoner ratios are decreasing and with that will be the ever more difficult task of ensuring individual prison staff work predominantly in one location within an establishment.

Nonetheless, the role of the personal officer/key worker needs to be bolstered and placed at the heart of how a future justice workforce should operate if it is to be effective. There is widespread consensus and strong evidence to suggest that alongside key aspects such as relationships with family and links to employment, offenders’ value and do better when they can develop a consistent and trusting relationship with an individual who

can ‘hold’ the required knowledge of the offender, his or her needs, setbacks and progress.

Getting the language right here is important. The term ‘personal officer’ in the justice context, whilst at first sight entirely appropriate helps to perpetuate roles rather than responsibilities. Placing the term ‘officer’ at the heart of the process underpins one of the key problems within the prison service, namely the emphasis on security as the most important part of the system.

## **Security and rehabilitation**

For many years, placing security as the first, second and third priority has stood in the way of any rehabilitation revolution. It is a given that security in prison is important not only for the safety of the establishment but also for the wider community. That security should be the primary focus for some individuals and some institutions is beyond question. But given that some 80,000 prisoners a year are released into the community, there is a significant proportion of the prison population that is within a few months of release at any one time. Here the focus should be on getting them out rather than keeping them in. Indeed the security and safety of their communities is in part predicated on the successful transition of these individuals.

There is another significant cohort of the prison population that should be considered in this context and that is those serving indeterminate sentences. This includes those serving mandatory life for murder and those serving a range of other indeterminate sentences most notably the IPP (the Indeterminate Sentence for Public Protection). This is a group who are in an increasingly Kafkaesque position needing to persuade the parole Board of their suitability for release but often unable to access the key interventions and assessments to provide the proof. This is a group in grave danger of being locked up for life and not necessarily because of their dangerousness but because of the system’s inability to assess and manage their risk.

Of course, security cannot be ignored but it needs to be understood and managed rather than hid behind. It may be that physical security in such a setting may not be paramount but procedural security in the form of perhaps background checks or correct judicial authorisation are essential. In any setting the third component of security,

dynamic security, the relationship between all a staff and those in their care is vital.

It is essential to look carefully at an individual and an institution to see where the emphasis should be in terms of sentence management. Is it focused on managing their continued incarceration or is it about transition: a move from arrest and conviction to active citizenship? Arguably at some point all but a tiny minority of prisoners will need support in making this transition. And whilst some institutions should have it as their primary focus – in particular the new resettlement prisons created as a result of Transforming Rehabilitation – all institutions should see this transition as something to which they must inevitably work towards for the majority of people in their care.

The new reforms will focus resources on the most prolific offenders and on resettlement, with an emphasis on the last three months of incarceration. While understandable in the context of diminishing resources, the risk is that other ‘core’ offenders will get less access to the programmes, vocational skills and work opportunities that are shown to have the greatest impact on behaviour, attitudes and resettlement. This makes getting the role of the key worker right even more essential, but requires greater emphasis on embedding a shared culture of rehabilitation across the diverse prison workforce.

## **Rehabilitation culture**

In achieving this, we need a ‘whole prison’ and ‘whole person’ approach. One that increases the entire workforce’s understanding of the kind of transition that prisoners need to make from the time they arrive in custody, if they are to have the best chance of desisting from crime on release. This should draw on models of – such as recovery capital – that allow for a more complex understanding of the ‘ingredients’ involved in rehabilitation and the behaviour and relationships needed to sustain this.

Establishing the key worker role is at the heart of this process and this should not be pre-determined as necessarily as being a prison officer. It might be but it could also be a teacher, a doctor or a drug worker. Equally, the key worker role should not be pre-determined according to need. For example, it would not be necessary for an individual with a chronic drug problem to have a drug worker as a key worker. It might be appropriate

but may also perpetuate the silo mentality. The ability to provide continuity is crucial and probably the biggest challenge. By definition a prisoner is in custody in whatever form 24-hours a day, seven days a week, while even the most diligent of worker cannot be expected to work much beyond 40 hours a week. A key worker should be seen as a reference point, someone ‘holding the ring’ not as a 24-hour custodian.

While such key workers will need to operate within a client-centred structure, it will also be vital to maintain boundaries and for individuals to be challenged as well as motivated and supported. The role must be supported by a robust process managed from above. This must ensure that all those who participate in the offender ‘journey’ do so in a collaborative way around the key worker. The key worker should be a coordinator, not a manager. If contractual and sub-contractual arrangements exist to deliver a particular service then the terms of that contract should incorporate co-operation with the collaborative, key worker approach. That may involve the writing of reports, the attendance at review boards and the general sharing of information.

These processes in themselves may not be new, or complex but they will require one vital component if the system is to work: leadership. The prison governor plays an increasingly complex role and is required to keep many plates spinning with more plates being added all the time. The temptation for any leader is to resort to the short-term management of the key components of the institution, relying on a small group of people to manage today’s problems. Cultural change is a challenge for any institution, not least for prisons. But if Governors are to develop the workforce that many aspire to, and which they will need if they are to effectively manage resources while reducing reoffending, embedding a rehabilitation culture will be critical.

Integrated working is a holy grail often sought but rarely obtained. The inefficiencies in fragmented working are obvious to some but others remain oblivious. Drug workers will still talk of having to interview clients in open corridors because rooms are ‘unavailable’. Appointments in health and education may be vital to a client but a procedural nightmare to ignore for someone required to be a mere turnkey. Payment by results will never override such subtle malfunctions but

a client centered approach arranged at the centre delivered by a workforce operating collaboratively led from the top has a chance.

Developing such a workforce is not at odds with current arrangements. It does not fly in the face of any existing principles. It is merely an existing workforce working smarter under proactive leadership that clearly defines and shares a central vision and works to removes barriers. The benefits for prisoners and staff are obvious: both get a clearer sense of purpose and better continuity of practice. But such an approach should also be welcomed by new CRCs: if contracts have to be developed and delivered more efficiently then this greatly helps the process. Transforming Rehabilitation signals the most significant changes to justice services for some 30 years. But the reforms will not be the last. For change to flow though and work within the complex dynamics of justice services, we need a workforce with the skills and competencies to respond and a culture that enables a collaborative approach.

## Conclusion

NOMS’s vision of an offender manager – overseeing an offender from community through prison and back into the community – was an admirable one, which unfortunately has largely failed. A conveyor belt approach has developed: an individual is arrested, charged convicted, serves a sentence and is released. There is a police service, courts, prison and now CRCs, contracted out companies that are likely to want to deliver with a range of sub-contractors according to the newly defined tiers of service. So, the conveyor belt has got longer and more complex. However laudable some of its aims, the risk is that Transforming Rehabilitation, in the context of fewer resources, fails to change this approach.

Of course, the ultimate test of any conveyor belt is what rolls off the end and remain uncertain how to measure this. Is it a binary measure of reoffending? A reduction in the seriousness of it or should it be more subtle measures around the concept of what RSA is calling rehabilitation capital? Payment by results has been introduced with the aim of holding providers to account and reducing costs: it aims to marketise rehabilitation. The risk is that it translates into a crude and ineffective tool that does not take into account what could have happened at a police station by way of diversion,

what could have happened at court in terms of disposal, what could have happened in prison in terms of treatment and training. It wrestles at the end of the conveyor belt with key components such as employment and training but ignores much more.

Along this conveyor belt is an assembly line of workers, toiling hard at their given task against a backdrop of reduced resources, changing contracts and methods of working. Their engagement with the human being passed along it and their individual responsibility towards the community into which an offender is released is questionable. This is not to decry individual skills, passion or commitment – many prison officers are deeply concerned that in the new world, they will become ever more the ‘turnkey’ – but it is to question the way in which the system makes use of these attributes.

Transforming Rehabilitation represents a significant change to how probation and though the gate services are delivered, with much focus on the potential role of through the gate mentors. But it comes at a time when a range of other changes in policy and practice are taking place, including the Liaison Diversion initiative that aims to better identify offenders’ various needs on arrest. These changes take place within the context of reduced public spending and to work will require new cost effective approaches that add capacity.

The future workforce in any criminal justice setting should centre on the service user. This will be vital to in the context of a more complex contracting system and a more fractured workforce. The terminology will be important and should reflect where that individual is going – his or her transition – rather than where they have been. Their role could be less one of advocate and more of a ‘rehabilitation coordinator’; travelling with the offender from conviction through to release back into the community. He/she would hold all pertinent information and ensure that all those involved can make better informed decisions based on individual offenders’ needs and capabilities as well as knowledge of the resources available. Such an approach would need to take seriously the mix of skills required and the time needed to make use of them.

Within the client centered approach specialisms need to be valued and developed but roles and responsibilities should become more blurred. This means providing the workforce with greater opportunities for developing the range of experience and training needed and sharing tasks where appropriate. A drug worker can count prisoners and a prison officer can make outside appointments. Instead of passing clients along a conveyor belt, the future workforce needs to work with the client at its centre. In doing so it needs to work more collaboratively, learn new skills and develop professionally. The result is a better workforce creating safer communities.

# Endnotes

1. See Shadd Maruna, Creating a Rehabilitation Culture speech at RSA April 2014. [www.thersa.org/events/audio-and-past-events/2014/What-is-a-Rehabilitation-Culture-and-How-Can-We-Make-One](http://www.thersa.org/events/audio-and-past-events/2014/What-is-a-Rehabilitation-Culture-and-How-Can-We-Make-One)
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