

## CHAPTER 7

## Transforming Rehabilitation

### A Critical Evaluation of Barriers Encountered by an Offender Rehabilitation Program for South Asian/Muslim Offenders within the New Probation Service Model

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**I**n this chapter, I present observations and outcomes from a proposed evaluation of an offender rehabilitation program, ReachingOut, in the north-west of England, delivered by a third-sector organization, Arooj. As a small, non-profit agency, Arooj works within the wider, established criminal justice system of state, private, and voluntary-sector partnerships that have evolved over time into a “mixed economy” model of service provision within the criminal justice system (Corcoran & Hucklesby, 2012, p. 1). The term “mixed economy” was first used by Prime Minister Tony Blair, leader of the Labour government from 1997 to 2010, to introduce the government’s policy agenda of creating public and private partnerships as a means of funding public sector services. Since then, successive governments have continued to adopt this policy approach, to increasingly incorporate the role of voluntary, charitable, and non-governmental (i.e., third-sector) organizations in delivering criminal justice services (as well as a range of health and social services). Therefore, the increased involvement of the third sector in providing services to offenders and their families, both in prisons and in communities, is a well-established fact (Meek et al., 2013, p. 340).

Arooj’s mentors have worked on a voluntary basis with Her Majesty’s Prisons (HMPs) throughout the region and in the local communities, since 2007, to support South Asian/Muslim offenders and ex-offenders through the

processes of re-entry and reintegration into their communities after release from prison. Resettlement and reintegration remain contested terms (Meek et al., 2013, p. 359) as, among other arguments, the very words imply that ex-offenders were “well settled or integrated” into their communities before they went into prison, which is often not the case. This experience was illuminated by South Asian/Muslim ex-offenders living in north-west Lancashire who were asked in a 2014 Arooj survey: (1) what they believed led them to offend; (2) their views, after their release from prison, about the support services available; and (3) the consequences of their offending upon their family and community (see Mahmood & Mohammad, 2014, p. 7). In fact, 63 percent of the respondents had been unemployed and over 30 percent had been involved in drug and alcohol misuse (Mahmood & Mohammad, 2014), revealing that there was already a significant amount of “unsettlement” in their lives before they offended.

Arooj’s work was initially funded in 2007 by a grant from a private charitable trust, which ended in 2013. In 2014, they were granted further funding from our local Probation Trust and the National Offender Management Services for the purposes of evaluating ReachingOut, Arooj’s mentoring support program for South Asian/Muslim offenders and ex-offenders. This chapter reflects the obstacles encountered during the first six months of the project’s proposed evaluation, which thwarted the organization’s progress. This chapter reflects the obstacles encountered during the first six months of the project’s proposed evaluation, which thwarted the progress of the evaluation itself. These obstacles are discussed critically with regard to the government’s Transforming Rehabilitation agenda and the negative impact this may have on the longer-term support available to prisoners and ex-offenders in their re-entry and reintegration after prison. The focus will therefore be on the potentially negative implications of the new Transforming Rehabilitation arrangements for probation supervision nationally and, at a regional level, for the disproportionately high numbers of South Asian/Muslim offenders in the criminal justice system (Mullen & Young, 2014), whose presence in the United Kingdom has almost doubled since 2002.

The successful processes of rehabilitation and desistance are the crucial means by which former prisoners are able to escape the social exclusion too often associated with imprisonment and reclaim the basic elements of social justice, such as regaining access to “accommodation, family relationships and mental health” (Ministry of Justice, 2013b, p. 13) for themselves and their families. As is evidenced from the chapters in this collection, employment is another critical pathway towards reintegration and contributes to desistance from crime. Arooj’s mentoring support services are designed to

help former prisoners reintegrate into their families and guide them in the processes of preparing for employment, through drawing on the range of their own professional skills and experiences. The mentors provide advice and guidance on: volunteering opportunities offered within Arooj itself; writing business plans to support clients throughout the entire process of starting their own business; accessing benefits and any local council-related allowances (such as council tax and similar); and recommending clients to business contacts within their own community for potential job opportunities. These particular employment-related activities are incredibly important for former prisoners as the results of Arooj's survey revealed that over 60 percent of the respondents report that being able to work in a self-employed capacity would help them to desist from re-offending (Mahmood & Mohammad, 2014). In response, mentors also provide guidance and help with the process of applying for self-employed status. However, these stages of the re-entry and rehabilitation processes are reached only after Arooj and their clients have negotiated the complex and often protracted processes of the early stages of mentoring, which involve developing trust between client and mentor, assessing clients' needs, and rebuilding bridges between them and their families (Mahmood & Mohammad, 2014).

In this chapter I discuss how the government's Transforming Rehabilitation policies and processes restricted both Arooj's support of South Asian/Muslim former prisoners, and the extent to which these ex-prisoners were able to meet their rehabilitative and reintegrative needs. In the absence of any referrals to Arooj's services resultant to the implementations of the government's policies at regional level—either by local case managers or other local support providers—this particular group of former prisoners will have missed out on the important “building blocks” of support for successful re-entry, such as cultural and religious support, drug and alcohol treatment, as well as employment-related skill building and opportunities. In these times of heightened security awareness globally, these negative outcomes also present a wider cause for consideration. At the time of writing, the reverberations of the November 2015 coordinated terrorist attacks on Café Le Carillon and other public venues in Paris were still being felt across Europe and the rest of the world. As a result of these events, some members of the public have come to indiscriminately associate terrorist groups with individuals of the Muslim faith. Any central government policies that restrict or prevent community-based support for South Asian/Muslim offenders are in danger of further alienating this group at local, national, and global levels, and of propagating further prejudice against them within the criminal justice system. Problematic outcomes are discussed later in the chapter within the context of the

continuing neo-liberal, market-led governmental approach to cost-cutting across public services generally and the criminal justice sector specifically.

### **THE OVERREPRESENTATION OF PEOPLE FROM SOUTH ASIAN/MUSLIM COMMUNITIES IN THE CRIMINAL JUSTICE SYSTEM**

Researchers have shown that individuals from Black and Asian ethnic minority communities are overrepresented at almost all stages of the criminal justice process (Her Majesty's Chief Inspector of Prisons, 2015; Mullen & Young, 2014; Prison Reform Trust, 2013). The number of Muslim prisoners has doubled in England and Wales since 2002, and South Asian female offenders in particular have been increasing in recent years (Prison Reform Trust, 2013). The rising numbers of South Asian/Muslim individuals in the prison population has been further evidenced through research findings: 26 percent of prisoners are South Asian/Muslim while they make up only 14 percent of the national population; 14 percent of prisoners are Muslim whilst only 4 percent of the national population are. South Asian/Muslim prisoners also continue to have a worse experience during incarceration than the rest of the prison population. For example, former offenders interviewed for a report investigating the Transforming Rehabilitation's impact on minority groups described their experiences in prisons as comprising: discrimination and racism evidenced by differential treatment due to their race, ethnicity, or faith; being stereotyped as drug dealers; and the stereotyping of Muslims as extremists (Mullen & Young, 2014). The interviews for this report were conducted over the span of one year beginning in Autumn 2013, and as such, the data relates to the time immediately prior to the implementation of the Transforming Rehabilitation arrangements (i.e., February 2015). Data was captured through discussion groups with service users, in prison and community settings, and in collaboration with organizations that provide services to them (Mullen & Young, 2014, p.11).

It is unlikely that the experiences of the former offenders, interviewed for the report, titled the Young Report, were shaped significantly by the changes afoot under the Transforming Rehabilitation agenda at that time. The recommendations from the report were released in December 2014 and were strongly critical of the "assumptions based on crude stereotyping" (Mullen & Young, 2014, p. 11) encountered by South Asian/Muslim offenders and the negative impact these assumptions have on their ability to resettle and reintegrate successfully. These recommendations are based on data collected before the Transforming Rehabilitation agenda became fully operable and so reflect an already highly negative picture of the prison experiences of South Asian/Muslim offenders. Our experiences with ReachingOut coincided with the

Transforming Rehabilitation arrangements and thus serve to compound this overall negative picture by suggesting a worsening prospect for the re-entry and resettlement outcomes of South Asian/Muslim offenders/ex-offenders.

### **The Specific Needs of South Asian/Muslim Offenders and Their Families**

The needs of South Asian/Muslim offenders differ from those commonly attributed to the wider population of White, working-class offenders. The factors that contribute to the profile of the wider prison population include: broken homes; drug and alcohol misuse; generational unemployment; abusive relationships; childhoods spent in care; mental illness; and educational failure (Ministry of Justice, 2013b, p. 5). Whilst there will inevitably be some overlap, in addition to the unique needs of South Asian/Muslim offenders mentioned above, Mahmood and Mohammad's (2014) survey revealed that 75 percent of respondents felt they had lost respect with their families as a result of their offending, and 36 percent stated that specialist cultural and religious support would help them to stay out of trouble in the future. These are distinctive areas of need for South Asian/Muslim prisoners and ex-offenders. Indeed, while some similarities can be identified between the overall needs of South Asian/Muslim ex-offenders and the seven "reducing reoffending"<sup>1</sup> pathways (Meek et al., 2013), which have underpinned offender management from 2004 in England and Wales, these factors of faith, family respect, and cultural and religious support remain specific to this particular cohort of prisoners and ex-offenders.

Cultural, family, and religious values are particularly significant to many Black and minority ex-offenders in their journey towards desistance from crime (see Calverley, 2013). The significance of these particular factors is evident in what past clients have said about Arooj's work and how valuable it was to them. It is important to say here that the Arooj professionals are South Asian/Muslim themselves, and therefore representative of the community they serve. This fact is prioritized in the Young Review (Mullen et al., 2014), where Baroness Young makes it clear in her introduction that the criminal justice system "does not represent the diverse backgrounds of offenders" (p.12). As such, the extent to which the involvement of representatives from the offenders' own communities and faiths can play a substantial role in improving confidence in decision-making processes and other procedures is undeniably important. This kind of specialist support can be crucial to a South Asian/Muslim family in overcoming their own cultural and emotional difficulties over a family member's incarceration. As an example, the father of one young South Asian/Muslim prisoner felt he needed Arooj's close support to help him begin to re-build his relationship with his son. With the assistance

of Arooj's mentors, he was able to start the process of supporting his son's reintegration into the family and their community (Vaughan, 2000, as cited in Fitzgibbon & Lea, 2014, p. 34).

### **AROOJ'S OFFENDER REHABILITATION MODEL**

Arooj is a small charity (or third-sector organization) founded in 2007 to support South Asian/Muslim offenders and ex-offenders in the processes of their re-entry, resettlement, and re-employment during and after their involvement with the criminal justice system (Mahmood & Mohammad, 2014). In the course of their work, Arooj has developed a model of mentoring and support that comprises three stages, each consisting of elements similar to those of an evidence-based model of case management known as assertive outreach (AO; Griffiths & Harris, 2008). Also known as assertive community treatment (ACT), this model of support was originally designed to meet the needs of service users with severe mental illness who did not "readily engage with mainstream mental health services" (Griffiths & Harris, 2008, p. 479). Arooj's clients can be categorized similarly, insofar as without the initial mentoring and befriending support in prison and the referrals to health, drug, and alcohol support groups, clients would be unlikely to seek support for themselves by going through the acknowledged mainstream routes.

During the first stage of what is essentially a three-stage model, the Arooj mentors work toward establishing a relationship of trust with prisoners nearing their release date, in order to establish open lines of communication and support for them and their families. Arooj's service is independent from the criminal justice system, but mentors have the security clearance needed to go into prison to work directly with South Asian/Muslim prisoners. According to one former Arooj client, Iqram,<sup>2</sup> Arooj is often the only Asian support group working in a prison.

*They provided a non-judgmental ... befriending and mentoring service ... for as long we needed ... without any strings attached.... They were there for our benefit—not their's or the prison's. They would come in every Friday, after Juma prayers,... and arrange to see us separately if there were personal issues. (British Broadcasting Company, 2014, p. 5)*

The shape of this service provision is significant to its recipients because their perception is that the Arooj mentors support them individually, rather than as part of the "system" of rehabilitation and resettlement that operates inside prisons.

The second stage of the model is equally significant. Here, Arooj refers their clients to multi-agency groups, such as drug and alcohol support, that

offer help toward their rehabilitation and community re-entry. They work closely with clients to help them prepare for employment opportunities and interventions with their families and to encourage their acceptance back into the family network.

The third stage may continue indefinitely, depending on the length of time the offender and their family require, and appear to be benefitting from, Arooj's support. Iqram spoke very positively about this stage of the support:

One of the Arooj workers came to see me at home upon release ... he spoke to my parents and brother and gave reassurances to them that I would not be on my own ... he would support me in any way he could ... (British Broadcasting Company, 2014. p. 5)

Visiting clients at home and with their families is an integral and important part of Arooj's mentoring services; as demonstrated in Iqram's words: "it is how they continue to build 'bridges' between clients and their families." By extending mentoring support from prison to the home and family, Arooj helps clients make the difficult transition from incarceration back into their family and community network. With this continuum of support, former prisoners are also more likely to act on advice and guidance about future employment opportunities, provided as part of their support services. This holistic support is also a distinctive feature of the original assertive community treatment model developed in the 1970s (Bond, Drake, Mueser, & Latimer, 2001, p. 142), which provides a useful comparison with Arooj's model. With assertive community treatment, the mental health professionals' preferred way to make (and maintain) contact with patients was to visit them "in vivo," or in the "natural settings" where they lived and interacted with family and/or friends. Bond et al. (2001) argue that this is a far more effective approach than trying to maintain contact with patients in hospital or office settings, because the skills "taught in the hospital or clinic do not always transfer well to natural settings" (p. 144). Similar to the range of Arooj's support services, the assertive community treatment model provides patients with help in relation to medication, housing, finances and anything else critical to the practicalities of living and finding employment (Bond et al., 2001).

Although they can be relatively easily defined, Arooj's services are not really offered in discrete stages; it is together that they comprise the holistic model of support that Arooj considers a crucial contributing factor to its success. Through establishing the initial, trusting relationship with their clients in Stage One, the Arooj professionals are then able to contact the individuals'

families and support them, both practically and emotionally, through to Stage Two. The families of South Asian/Muslim offenders often have difficulty coming to terms with their own feelings towards their sibling/son/daughter/partner because of the sense of dishonour that a criminal offence brings upon the family (Calverley, 2013, p. 71). Mohammed's son, for example, was in prison as a result of which Mohammed himself was introduced to Arooj, and he explains how his son's offending had brought shame and dishonor on the family: "I still find it hard to talk to him ... the shame and disgust goes on for years" (British Broadcasting Company, 2014). As a parent, Mohammed gained a great deal of courage from being able to discuss his son's circumstances with Arooj. This helped him to overcome his own (and his family's) feelings of shame towards his son and, with Arooj's support, he felt able to visit his son in prison. "Asian families do not talk freely to outsiders, but Arooj is trustworthy and so the families feel relieved" (British Broadcasting Company, 2014). The fact that Mohammed eventually felt able to visit his son in prison was a significant outcome for him and a reflection of the value of Arooj's support in helping him to address the culturally sensitive issues that underpinned his and his family's feelings of shame.

The links between the assertive outreach model of patient support and Arooj's services show that, overall, both these community-based programs cover clients' holistic needs. I am suggesting that this holistic approach is an important contributory factor to successful, longer-term outcomes regarding the re-entry and employment of ex-offenders. If support and guidance cover clients' emotional, social, health, and practical needs in the non-threatening environment of their homes and communities, they are far more likely to "see through" the processes of full reintegration. The excerpts used here, from Iqram's and Mohammed's stories, are taken from an interview conducted with Arooj, myself and the British Broadcasting Company's Asian radio network, for the purposes of promoting the rehabilitation work Arooj provides to South Asian/Muslim ex-offenders in north-west Lancashire.

Calverley's (2013)<sup>4</sup> research also discusses the significance of the family in the process of desistance describing it as complex, because it requires the specialist interventions of probation officers who have "insight into the community pressures and dynamics of family obligations facing Indian desisters" (p. 194). The families that the Arooj mentors work with come to regard them as trustworthy confidantes to whom they can talk freely because they share the same culture and faith. Therefore, the involvement of South Asian/Muslim former prisoners' families in the rehabilitation process is an additional, essential factor in Arooj's delivery of their model of support.



Their three-stage model of rehabilitation is predicated on the notions of inclusion and social justice (e.g., social and family networks, employment, and housing) as referred to by Chris Grayling, the former minister for justice, in the original Transforming Rehabilitation document (Ministry of Justice, 2013c, p. 13). The first two stages address the specific needs of offenders and their families in their rehabilitation and resettlement processes. In the transition from stage two to three Arooj continues to empower ex-offenders taking a step from the “transformative issues of welfare provision, such as individual need, diagnosis and rehabilitation” (Clarke, Gerwitz, & McLaughlin, 2000, p. 178) to becoming independent. Arooj mentors have the capacity to help their former prisoner service recipients towards this final stage through sourcing potential employment opportunities. They often do so by drawing on their own contacts within the local business community.

Arooj’s holistic model of support resembles the “ethical entitlement”<sup>5</sup> discussed by Frazer et al. (2014) who express concerns that the government’s Transforming Rehabilitation agenda proposals may be implemented at the expense of high-quality probation support services for the offender population (p. 94). Burke (2012) explains this further by saying that the support and help for individuals towards achieving a “better life” is not an instrumental, “cause and effect” process; it requires a far more humane approach that acknowledges individuals’ rights and needs, rather than focusing on reducing reoffending at the lowest possible cost. The frustrated attempt to conduct the evaluation of Arooj’s model of support indicates that the new payment-by-results structure may well already be bringing about a reduced “ethical entitlement” of support for offenders and former prisoners. The absence of referrals of South Asian/Muslim offenders to Arooj when we attempted to commence the evaluation suggest this particular cohort had no access to support for their own rehabilitative and reintegrative needs, including employment, which in turn suggests they are more likely to re-offend when released from prison. Thus the number of South Asian/Muslim prisoners is likely to remain high.

## **TRANSFORMING REHABILITATION AND CHANGES TO THE PROBATION SERVICES**

The logistics of conducting the proposed evaluation of Arooj’s rehabilitation model required the organization’s services to be positioned within the local operational framework of the Community Rehabilitation Company that, at the time (i.e., mid-2014), had been experiencing major structural changes as a result of the government’s Transforming Rehabilitation agenda. These changes resulted in a significant curtailment of the modus operandi of Arooj’s

original model, in order to align with the local Community Rehabilitation Company structure and that of its community-based providers. From January 2013, the coalition government had set in motion fast-paced changes that led to the re-structuring of the former Probation Trusts into Community Rehabilitation Companies, followed by the final change: the transfer of the companies “from public to private, voluntary or social sector ownership” (National Offender Management Services, 2014, p. 22). The changes to the way individuals involved in the criminal justice system are to be managed under the new Transforming Rehabilitation arrangements are the outcome of the coalition government’s “... approach to driving down the rate of reoffending and delivering better value for the taxpayer” (Ministry of Justice, 2013b, p. 3). The role of these newly privatized Community Rehabilitation Companies is to provide community-based case management and rehabilitation services to former prisoners who are assessed as low–medium risk, while those categorized as presenting a high risk of serious harm will remain under the supervision of a publicly managed but newly-constituted (and smaller) National Probation Service (Ludlow, 2014, p. 67).

The National Offender Management Services agency was responsible for overseeing the implementation of the Transforming Rehabilitation agenda and the competitive tendering process that led to the application of “contract mechanisms” (Ludlow, 2014, p. 68) to the management of the newly-structured probation services. The successful bidders for the 21 Community Rehabilitation Company contracts throughout England and Wales are described as “global security corporations” (Fitzgibbon & Lea, 2014, p. 24) and include Sodexo, A4E, and Ingeus, whose expertise includes the outsourcing of public services—which made them adept at competing for new probation contracts. Fitzgibbon and Lea (2014) perceive this new wave of privatization as reinforcing top–down managerialization processes, introduced into the public sector from the late 1970s, and continuing the de-skilling of probation practitioners down to the level of “box-ticking” and “formulaic risk management” (p. 25). A requirement of the competitive bidding process was for these corporations to establish joint ventures with social enterprise groups, charities, and similar voluntary and community organizations. These collaborations were exhorted by Chris Grayling, the former minister of justice, who emphasized that “it will be crucial that providers work closely with all local partners to ensure that the service delivered to achieve the reducing reoffending outcomes are aligned with other local services” (Ministry of Justice, 2013b, p. 14).

Frazer et al. (2014) argue that good rehabilitation can only be achieved if the Community Rehabilitation Companies supply chain “and their own commissioning activity can identify and harness local interventions ... that will

respond effectively to offenders' [and former prisoners'] needs and issues ... and help them forge a new, non-criminal identity" (p. 101). This reaffirms the importance of local, third-sector organizations to the successful rehabilitation and resettlement of former prisoners and is reflected in Arooj's mission statement that, at its core, aims to support "the re-entry, resettlement and reintegration of South Asian/Muslim ex-offenders back into society" (Mahmood & Mohammad, 2014, p. 11). These three aims reflect the continuum of support and guidance that Arooj provides to their clients. Their mentoring work is grounded in their local South Asian/Muslim communities wherein they have many networks to draw on in their support of former prisoners (i.e., welfare agencies, the local council, and local businesses) during these processes.

The preferred bidders for the new probation contracts were announced by the minister of justice in October 2014 and the contracts were awarded in December 2014. The outcomes have been that the probation services in England and Wales have now been sold off, in the form of 21 regional Community Rehabilitation Companies, referred to previously, to a small number of corporate "global security companies" who have mostly set up partnerships with the larger national charities (and some with social enterprise groups). Fitzgibbon and Lea (2014) describe this set of changes as a move that will serve to distance the probation and voluntary sector further from their traditional purpose. The rationale here is that the new structure will make "risk management and security strategy" dominate over the more traditional, values-based skillsets that have always characterized the role of the third-sector organizations (p. 29). This eclipsing of the traditional partnership between probation and third-sector organizations by a quantitative, target-driven approach is inevitable under the new payment-by-results system. Fitzgibbon and Lea (2014, p. 32) go so far as to describe this system as portending the "death knell" of third-sector organizations and, certainly, its impact on their demise is a serious consideration in the discussion of the outcomes section later on in this chapter.

Payment-by-results is not a new concept. It was introduced as a policy into the education system in 19th-century Britain with the intention to "bring schools and teachers under the 'laws of supply and demand'" (Jabbar, 2014, p. 220). Jabbar (2014) compares this to the 21st century approach of "incentivizing" teachers through performance-related pay, which she describes as adhering to the "business principles of management" that focus on control and measureable performance outcomes, such as results in tests and examinations. Opponents of performance-related pay argue that this approach diminishes, rather than encourages, teachers' intrinsic motivation. In other

words, teachers become focused on “teaching to the test,” to produce higher performance levels, rather than on a more pedagogical, inclusive approach that addresses the broader aspects of education, such as supporting pupils’ different learning needs (Jabbar, 2014, p. 221). These “business principles of management” entail centralized control, imposed by the government, through payment that is dependent on measurable performance outcomes.

This model of management was at the heart of the trend towards the managerialization of the public sector, which commenced with the Conservative government in the late 1970s and continues across successive governments. Consistent with this, the Transforming Rehabilitation agenda is based on the managerialistic principle of a centralized control of payment that depends on the Community Rehabilitation Companies’ providers meeting measurable targets of reduced re-offending through their support of cohorts of former prisoners. The reduction of costs, resources, and expenditures, such as those associated with the provision of expensive casework-based rehabilitative support services, are most likely to be the first priority of the Community Rehabilitation Companies in order to meet these prescribed targets of reducing re-offending at the least cost. Thus one of the ultimate outcomes of the Transforming Rehabilitation agenda may well be that voluntary organizations are absorbed into the system and find themselves curtailing or “reforming their own advocacy roles and functions in order to facilitate their involvement” within the Community Rehabilitation Company structure (Corcoran & Hucklesby, 2012, p. 3). This suggests the potential erosion of the role of third-sector organizations when incorporated into the corporate structure of the Community Rehabilitation Companies. Indeed, this reality comprises a significant outcome of our thwarted small scale and regional project. The same picture, however, is beginning to emerge nationally, across the third sector (Clinks, 2015). This cannot help but have a significant negative impact on the reintegration and employment prospects of South Asian/Muslim former prisoners across the country.

### **ORIGINAL AIMS OF THE REACHINGOUT EVALUATION PROJECT**

As I have detailed so far, none of the initially proposed analysis work has taken place, due largely to the major structural changes that define the criminal justice system over the last 12 to 18 months in consequence of the Transforming Rehabilitation arrangements. The evaluation was to be a potentially significant piece of research into factors that influence the reintegration and rehabilitation of South Asian/Muslim prisoners and former prisoners after incarceration. There is a dearth of current research into the cultural and faith-based values that influence the successful/unsuccessful desistance of

this cohort, apart from Calverley's (2013) work. With the wider, global implications of the growth of suspicion, stereotyping, and isolation of South Asian/Muslim former prisoners and their families within the criminal justice system (and society at large) this can be seen as, more or less, a sin of omission. The primary research opportunity presented by the funding for ReachingOut would have provided much-needed findings that could have helped to inform the debate about the wider issues faced by South Asian/Muslim communities locally and nationally. Unfortunately, it is unlikely that an opportunity to conduct an evaluation of ReachingOut will arise in the future as Arooj has ceased to deliver their mentoring model of support to South Asian/Muslim prisoners/former-prisoners. This decision was taken partly in response to the continued absence of funding to support their work but also in light of what they learned from the negative outcomes of our attempt to evaluate ReachingOut. The future for small third-sector organizations that work in the criminal justice system is not promising and it is likely that they will now pursue more consultancy-based work opportunities.

#### **HOW THE TRANSFORMING REHABILITATION ARRANGEMENTS MAY ALREADY BE REDUCING THE QUALITY OF SUPPORT FOR EX-PRISONERS**

A combination of factors, including the uncertainty of the future roles of the former probation officers now incorporated into the new Community Rehabilitation Companies and the sheer speed with which the Transforming Rehabilitation changes were imposed, precluded the evaluation of Arooj's support program. Before the attempt at the evaluation had even begun, the new Transforming Rehabilitation arrangements meant that the local Community Rehabilitation Companies needed to incorporate Arooj's services into a pilot, regional program for reducing reoffending. This resulted in the subjugation of Arooj's role from that of an established community-based service provider to that of an organization "in waiting." During the first six months of the project, we felt we were waiting for Arooj's services to be "launched" within the operation of the local Community Rehabilitation Companies, but this never happened. First, at the outset of ReachingOut, the Community Rehabilitation Companies reduced Arooj's three-stage model of rehabilitation of support to one, which meant that offenders would only be referred to them after their release from prison. As a consequence, Arooj was unable to select respondents for the ReachingOut evaluation, due to the lack of opportunity to establish relationships with offenders prior to their release from prison.

Second, the pilot program of local third-sector organizations and rehabilitation providers—convened to provide a "dry run" for the new Transforming

Rehabilitation arrangements—provided no official guidance to the other partners as to how they might refer any South Asian/Muslim ex-offenders for Arooj’s specialist rehabilitation services. Arooj’s history of working to support South Asian/Muslim prisoners and former prisoners in their social rehabilitation has had positive outcomes for many because, as a small third-sector organization they have been able to work independently of centrally-imposed systems and processes. As such, they are able to focus on the more values-based issues, such as strengthening, or mending, the relationships between service recipients and their families. The pay-by-results system that underpins the Transforming Rehabilitation arrangements has already been pressuring Community Rehabilitation Companies to focus on cost cutting in order to produce the most financial benefit. This “leveraging” of resources, or securing of a “bigger bang for the buck” (Hamel & Prahalad, 1993, p. 75), will inevitably begin to squeeze out many of the smaller third-sector organizations from the new corporate model of offender rehabilitation, because they will find themselves competing with the larger charitable organizations for contracts with the Community Rehabilitation Companies.

This discouraging picture is also reflected in the findings from a recent survey conducted by Clinks (2015) in which third-sector organizations were asked to provide responses to questions about how the Transforming Rehabilitation agenda was affecting their own future prospects. The responses reflected the third-sector organizations’ concerns that the new Community Rehabilitation Company contracts were very restrictive and that they would be forced to change their service to “fit the contract.” Others said that while their contracts had been extended by the Community Rehabilitation Companies, there was no guarantee of work in the future (Clinks, 2015, pp. 6–7). Although these are early days, these recent survey findings and the unsuccessful attempt at evaluating ReachingOut, fail to paint a promising picture for third-sector organizations in the new world of Transforming Rehabilitation. Community Rehabilitation Companies are still in the process of restructuring their services, which has already involved terminating existing contracts, usually for smaller third-sector organizations, and creating ‘redundancies’ amongst the probation officers they employed from the former Probation Trusts.

This latter issue has been taken up vigorously by the general secretary of the National Association of Probation Officers. At a recent national conference, Lawrence (2015) announced that some Community Rehabilitation Companies are still struggling to recruit staff, despite the number of current vacancies for former prisoner managers. A number of Community Rehabilitation Companies have already made significant numbers of case manager

positions redundant (Lawrence, 2015, p. 2), which doubtlessly reduces the effectiveness with which referrals are made to community-based rehabilitation support groups. These developments have contributed to growing feelings of uncertainty about the future amongst former probation officers and will, in turn, have a negative impact on the longer-term outcomes of the reintegration and employment of all former offenders under the new payment-by-results regime.

## **DISCUSSION OF THE OUTCOMES OF REACHINGOUT**

### **Impact of the Payment-by-Results System**

Since June 2015, the new contract holders/owners of the Community Rehabilitation Companies throughout England and Wales have become subject to the payment-by-results system. The income for these new contractors will now be dependent, to a large part, on their meeting the quantitative targets and outcomes, set by the Ministry of Justice (2013c), to show that they are reducing “re-offending rates significantly beyond historic levels” (p. 7). To be eligible for the payment-by-results bonus payments, service providers are expected to demonstrate: “both an agreed reduction in the number of offenders who go on to commit further offences and a reduction in the number of further offences committed by the cohort of offenders for which they are responsible” (Ministry of Justice, 2013c, p. 15). The former is described as the frequency metric that “measures the rate of offences committed by offenders within a cohort within a 12- month period” and the latter as the “binary metric” that measures the “percentage of offenders that are convicted of an offence within a 12 month period.... Payment-by-results payments will be allocated on the basis of performance against the binary measure and the frequency measure, with a percentage of the total funding available linked to each” (Ministry of Justice, 2013c, p. 8). Therefore service providers will “only be paid for frequency reductions as long as the binary reoffending rate at least stays constant and does not increase” over 12 months (Frazer et al., 2014, p. 97). According to Frazer et al. (2014), the required binary measure is in danger of encouraging the new providers to concentrate on ensuring a reduction in reoffending across this “relatively short period of time,” instead of “supporting the more complex and uneven [and longer-term] processes of secondary desistance” (p. 98).

For the purposes of this chapter, the question arises whether this payment-by-results system of “pass/fail” performance metric is the most effective means of evaluating the process of desistance and, ultimately, the rehabilitation, reintegration and employment prospects of former prisoners. An ex-prisoner’s journey towards desistance can be subject to many complex

and intangible factors, such as the psycho-social aspects of their behaviour and their (often chaotic) personal circumstances. Researchers emphasize “the role of the individual agent in the desistance process” (King, 2013, p. 142) which elucidates that an individual’s willpower to desist/not desist is a significant consideration. These types of influences are very difficult to quantify because they are linked intrinsically to an individual’s own agency or motivation and are, perforce, closely aligned to their personal values and beliefs. In this context, Frazer and colleagues (2014) describe the process of rehabilitation as an increasingly “complex process that can support or hamper, but cannot command or compel” (p. 96), which also applies to the value of the advocacy support that Arooj provided to their clients.

As mentors, Arooj support ex-prisoners through a medium of trust, rather than through threat or coercion. Therefore their clients work with them on a voluntary basis. This is one of the reasons why Arooj’s past clients feel they are effectively supported, as demonstrated earlier in the comments from Iqram and Mohammed. Their clients are encouraged to want to desist from re-offending and are supported individually at all stages of the rehabilitation journey. Such an approach is expensive, in terms of time and resources, so is likely to prove incompatible with the payment-by-results regime of cost-cutting, value-for-money and meeting targets within a specific timeframe. Under the payment-by-results system, success will be determined based on whether the Community Rehabilitation Companies achieve a quantifiable measure of reductions in reoffending within a specified timeframe, rather than addressing the reasons why clients reoffend. This was apparent in the regional pilot partnership that Arooj was attached to, evidenced through the reduction from their three-stage model of support to a one-stage model.

### **Primary and Secondary Desistance**

King (2013) describes primary desistance as “a crime-free gap or lull in offending” (immediately after release from prison) and secondary desistance as involving “the assumption of a non-offender identity” (p. 137). Secondary desistance is the longer-term process and is more “complex and uneven,” as described by Frazer et al. (2014). Using this understanding of desistance, it is possible to see how, through their three-stage model of rehabilitation, Arooj works to address aspects of both primary and secondary processes of desistance. They help clients through the early stages of re-entry preparation while they are still in prison, “through the gate,” and then, in the longer term, through their intervention with families and multi-agency support groups and, ultimately, through their contacts within the wider community, to explore potential opportunities for employment. Fitzgibbon and Lea (2014)



caution that the payment-by-results system is in danger of providing “an incentive, on the part of all concerned, to fail to report breaches and re-offending” (p. 33) because the corporate providers are likely to view the process of making significant reductions in recidivism as “a high-stakes gamble” on which they will be loath to risk large amounts of money in those areas of provision that will not guarantee the bonus payment that is their main incentive. The expense of providing support for longer-term, secondary desistance may prove too much of a financial risk and, thus, the Community Rehabilitation Company providers may focus all their attention on the shorter-term, primary desistance programs that are unlikely to be sustainable in the longer term. This may reduce the ability of ex-prisoners to successfully reintegrate into their communities and access opportunities for potential employment.

### **Erosion of the Role of Third-Sector Organizations under the Transforming Rehabilitation Arrangements**

Fitzgibbon and Lea (2014) foresee the opening up of the probation services to a mix of providers as potentially damaging to the future of the voluntary sector. These new alliances, forged between the Community Rehabilitation Companies and smaller voluntary and social enterprise groups, will result in open competition for funding where the larger, corporate providers (who have won the Community Rehabilitation Company contracts) are all experienced contractors (A4E, Capita, and Sodexo amongst others). They have a wealth of experience in bidding for contracts, sub-contracting out a range of services, and are better placed to withstand the financial risk tied to providing initial capital outlay in comparison to smaller third-sector organizations, that mostly depend on short-term streams of funding to support their work (Clinks, 2015).

The consequences of the competitive bidding process for the Community Rehabilitation Company contracts will very likely mean the inevitable erosion of the traditional role of third-sector organizations, which is one of non-judgemental advocacy. In the new world of Transforming Rehabilitation and the marketization of the probation services, the traditional role of the third-sector organizations is in danger of being subsumed into a range of operational processes, such as classification, risk assessment, and resource management (Clarke et al., 2000)—traits that now characterize the business-based working model of the new contract holders that presently own the Community Rehabilitation Companies.

In contrast, the work of voluntary groups such as Arooj have historically focused on more “transformative issues’ like individual need, diagnosis and rehabilitation” (Clarke et al., 2000, p. 178). However, there is the danger that,

far from harnessing “local interventions ... that will respond effectively to [offenders’] needs and issues” (Frazer et al., 2014, p. 101), the Transforming Rehabilitation agenda may reduce even further the likelihood of any commonality between the vision and aims of third-sector organizations and those of the Community Rehabilitation Companies. “Since the 1980s, successive governments have seen contractual mechanisms ... as a route to more efficient and effective public services” (Gash & Panchamia, 2013, p. 3). The term “marketization” refers to the opening up of “service provision to competition” across both “corporate (for profit) and voluntary (not for profit) providers” (Clarke et al., 2000, p. 3) and this was the basis of the competitive bid process for the new Community Rehabilitation Company contract holders. Different governments, since the mid-1980s, have insisted that restructuring public services to conform to a more business-based model will provide greater value, effectiveness, and efficiency for money spent (Fitzgibbon & Lea, 2014; Gash & Panchamia 2013; Ministry of Justice, 2013a). Efficiency and effectiveness, however, imply a focus on the relationships between inputs, outputs, and outcomes (Mandl, Dierx, & Iltzkovitz, 2008), which is an approach better suited to quantifiable, manufactured items and products rather than the complexities of human agency and well-being. Therefore, this kind of business model is not an appropriate means for evaluating the quality of services specifically provided to meet the needs of vulnerable groups and individuals (such as prisoners or former prisoners and their families). The terms “outputs” and “performance” imply that the processes of rehabilitation and desistance from crime can be measured or quantified, but this reductionist approach belies the complexity and multi-faceted nature of the welfare needs of this vulnerable cohort of service users. Gash and Panchamia (2013) discuss the complications that arise when trying to measure the value multiagency providers, like health services, add. It becomes difficult to assess whether an outcome was generated by the provider, would have happened anyway, or was the outcome of the collaborative actions of other service providers.

Under the new Transforming Rehabilitation structure, then, the need for Community Rehabilitation Companies to be accountable for their rehabilitation services may become problematic—Arooj presented this to our ReachingOut evaluation as a central difficulty. The Community Rehabilitation Companies now operate by commissioning the services of different community-based support services for their cohort of offender clients, many of whom will have physical and mental health difficulties, such as drug and alcohol dependence. These needs create challenges for many releasees as they try to conform to the day-to-day requirements of resettlement. Many former prisoners follow mental health, drugs, and/or alcohol treatments and

other support programs while incarcerated, which they continue with after their release. Therefore, there will often be a range of different agencies (such as Arooj) involved in the overall rehabilitative support of releasees in the community. The work of these agencies comes at an additional cost to the Community Rehabilitation Companies, and their contribution to any resettlement and reintegration may be piecemeal and fragmented. This would make it difficult for the Community Rehabilitation Companies to account for how they attribute service outcomes to which provider and thus measure success/failure in terms of the input of these different agencies. In light of this, the Community Rehabilitation Companies may well decide to forego these additional agencies' services, which might prove an attractive option as a means of cutting costs. In turn, this would mean the smaller, local-community, third-sector organizations will cease to exist if they cannot access new streams of funding to continue their rehabilitative support work. The Clinks (2015) report on the role of the voluntary sector in the new Transforming Rehabilitation arrangements already reveals this emerging trend in the voluntary sector, to which the ReachingOut experiences now add further evidence.

## REFLECTIONS

The outcomes of the proposed ReachingOut project are based on a small-scale, regionally-based set of experiences and therefore cannot provide the basis for any general assertions or deductions about the impact of the Transforming Rehabilitation agenda nationally. These experiences, however, have already had a profound impact on Arooj's proposed future work and determining if their work as service providers for South Asian/Muslim releasees working toward desistance, reintegration, and employment—the aims at the core of Arooj's work—is sustainable. How and where their expertise in this area develops will depend on the direction they choose to take in the future, although it is highly likely that they will cease to work as front-line providers of rehabilitation services because of the lack of funding made available to them under the new Transforming Rehabilitation arrangements.

In this chapter, I have outlined some of the troubling outcomes from yet another government policy initiative to outsource and marketize a significant area of provision in public services, the criminal justice system. With its drive toward cutting costs and adopting a more business-based model of payment to providers, I highlighted some of the more drastic implications these changes will bring to bear on the holistic support offered to releasees in the processes of resettlement, reintegration, and employment. It is therefore perhaps fitting to leave the last word with a Member of Her Majesty's government, the British Labour Party Member of Parliament for Aberavon, Stephen

Kinnock. Recently in session at the Westminster Hall Commons Chamber (Kinnock, 2015), he spoke disparagingly about the lack of consultation that preceded the unseemly haste with which the Transforming Rehabilitation changes were introduced. He berates the government's decision to dismantle the former probation services in England and Wales, which were of outstanding quality, and replace them with a new, business-based model of provision that lacks coherence and disenfranchises third-sector organizations.

## NOTES

- 1 These seven pathways were formulated from a list of factors that had been identified as influencing reoffending (Social Exclusion Unit, 2002) and formed the basis of the service provision for offenders' re-entry as provided by National Offender Management Services (NOMS) from 2004. The pathways include: accommodation; education, employment and training; health; drugs and alcohol; finance, debt and benefit; children and families; attitudes, thinking and behaviour (Meek et al, 2013, p. 339).
- 2 Name is fictitious.
- 3 Name is fictitious.
- 4 Calverley's research was published just before the CRCs took over the Probation Trusts.
- 5 "Policy debates around probation practice cannot and should not be merely limited to instrumental means. Supporting and helping individuals towards achieving a better life and treating them with humanity is an ethical entitlement and not one contingent upon reducing reoffending at the lowest possible cost." (Burke, 2012: 319)

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