HM Inspectorate of Probation

Realising the rehabilitative potential of approved premises

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Foreword

HM Inspectorate of Probation is committed to reviewing, developing and promoting the evidence base for high-quality probation and youth justice services. *Academic Insights* are aimed at all those with an interest in the evidence base. We commission leading academics to present their views on specific topics, assisting with informed debate and aiding understanding of what helps and what hinders probation and youth justice services.

This report was kindly produced by Carla Reeves and Peter Marston, setting out the potential of approved premises (APs) to support desistance and rehabilitation whilst managing risks of harm to the public. Consideration is given to the optimum approach for APs at the system level, community level, and at the establishment level. An individualised approach is seen as vital, with approaches and activities tailored to AP residents, and attention given to their voice and involvement. The importance of community engagement and involvement is also highlighted, providing opportunities for residents which are supportive of longer-term social inclusion, and helping hostels to become embedded within communities rather than feeling imposed upon them.

APs remain one of the least visible and well-known parts of the criminal justice system, and within the inspectorate, we will consider how we can develop the AP evidence base and promote high-quality delivery through our future research and inspection activities.

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Pete Marston became a probation officer in 2004 and a senior probation officer in 2011. He currently manages an approved premises in Cumbria after a number of other roles. He has been a member of the editorial board of the Probation Journal since 2009. He has written on the work of the probation service, legislation, trauma-informed practice and the approved premises system.

The views expressed in this publication do not necessarily reflect the policy position of HM Inspectorate of Probation

1. Introduction

The national network of approved premises (APs) is one of the least visible and least well-known corners of the criminal justice system. They are a key mechanism in the transitional risk management and support for people leaving prison who are assessed as high risk of serious harm and without appropriate safe and secure accommodation in the community (HM Inspectorate of Probation, 2021).

At the time of writing, there are 104 APs – or probation hostels as they are often called – spread across England and Wales. They are rarely the subject of research and yet they are arguably the most expensive and most intrusive resource available to the probation service. There are nightly around 2,200 beds available and the occupancy levels and demand have been at unprecedented heights. In those beds are a cohort of residents of extraordinary complexity, diversity and risk, from those serving short-term sentences of a few weeks to those on life licence, and across a full range of offending behaviours. In the current AP manual (NOMS, 2014), the purposes of APs are listed as both public protection and reduction of reoffending; with perhaps a lack of clarity over which has primacy. However, in setting out how to reduce reoffending, the importance of purposeful activities to achieve this and support reintegration is mandated. Crucially, therefore, it has long been recognised that APs have a very important and valuable role in supporting rehabilitation and broader desistance processes whilst managing risks of harm to the public.

The importance of blending desistance-focused practice with risk management for long-term public safety and reduction of offending has been recognised for some years now (see Academic Insights paper 2021/07 by Kemshall). Recently, efforts to support individuals' building their personal and social resources as part of desistance work through recovery capital have also been highlighted (see Academic Insights paper 2021/06 by Albertson and Academic Insights paper 2022/10 by Kemshall and McCartan). Such work has concluded that theoretically desistance, risk management, rehabilitation and public protection are well aligned. However, although public safety will always need to take precedence, an overly risk-cautious approach that impedes desistance work must be safeguarded against and an appropriate balance in practice found (Kemshall, 2021).

In this *Academic Insights* paper, we outline our thoughts on the prospects for furthering desistance and rehabilitation via the hostel network and how the unique nature of these establishments can support people on probation. This work is grounded in our joint experience as a hostel manager and a researcher in this field and in the contribution we made last year to the book *Reimagining Probation* (Burke et al., 2022). In that book, we argued that 'for APs to reach their potential in supporting personal rehabilitation, they need to be much more explicitly grounded in desistance approaches and focus on the unique supportive impact and value of the wrap-around social context of living in an AP' (Marston and Reeves, 2022; 161). We concluded this because of:

- the challenge in AP practice to focus on rehabilitation in the context of significant financial constraints
- a focus on risk aversion as risk management
- risk management and rehabilitation not being fully operationalised as intrinsically interwoven strands of hostel practice and purpose.

However, we argue that basing AP work in a theoretical and practical understanding of desistance facilitates this connection and centralises rehabilitation, whilst still managing the risks to public protection. We contend that APs are uniquely well placed to do this if reconceptualised as places of desistance and rehabilitation.

2. APs as places of desistance and rehabilitation

Desistance has increasingly become a central purpose of criminal justice work, underpinned by the belief that people can be supported to stop offending and 'make good' (Maruna, 2001). However, desistance-supportive practices have suffered from a long birthing process, complicated by debates and confusions around what exactly it is and how to know if someone has really desisted from crime. To summarise current thinking, desistance can be fundamentally understood in two forms (Maruna and Farrall, 2004):

- the stopping of offending – even if only temporarily (primary desistance)
- the change in self-concept from an offender to a non-offender (secondary desistance).

More recently, Farrall suggested a third form of tertiary desistance, wherein the individual is embedded in the moral and political social community (Ugelvik, 2021).

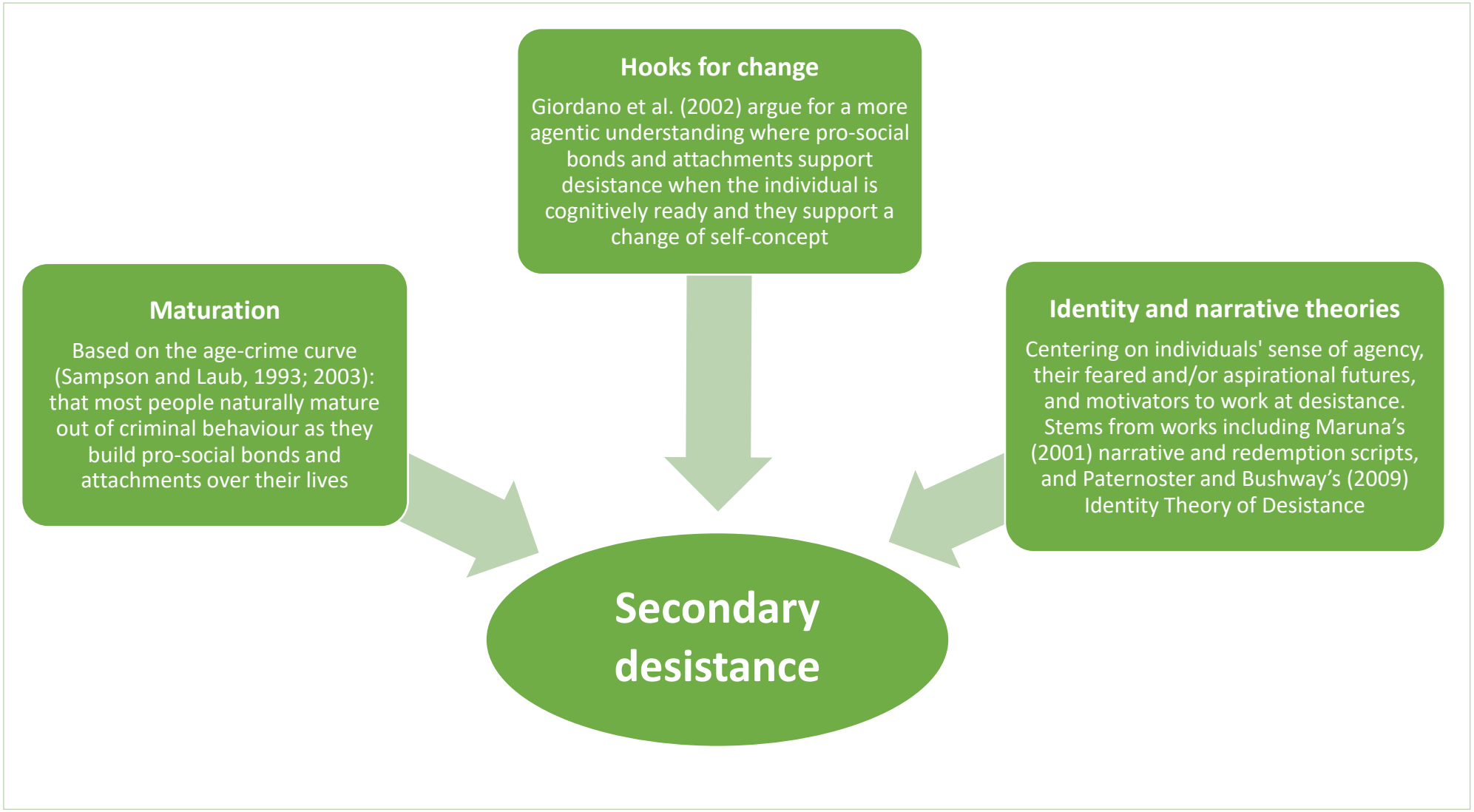
As may be readily seen, operationalising these definitions in practice is very complex, and this is before considering how to best support movement from primary to secondary desistance – the ultimate goal of criminal justice work. Primary desistance may be achieved through interventions aimed to deter or incapacitate an individual, as well as through rehabilitation and facilitating (what could be a short-term) motivation to change. Secondary desistance, on the other hand, requires a much more complex interaction of supportive processes and systems to facilitate the individual to not only want to address their offending behaviours and drivers over the long term, but to be able to do this practically and to maintain this motivation in the face of considerable challenges and hardships.

When discussing desistance and how to support desistance processes and change for individuals, it is almost invariably secondary desistance that is meant. In this paper, for readability, we also use 'desistance' to mean 'secondary desistance'. We first set out the conceptual relationship between desistance and rehabilitation, before exploring the challenges and best practice in operationalising this in the context of probation APs.

2.1 Interconnecting desistance and rehabilitation

Theories and research on desistance have developed significantly over the last few decades, with three broad perspectives emerging (see Figure 1). These are not mutually exclusive and have built upon one another to develop a fuller and more integrated understanding of the process of desistance change for individuals as dependant on a range of external and internal factors.

Figure 1: Three primary perspectives theorising desistance



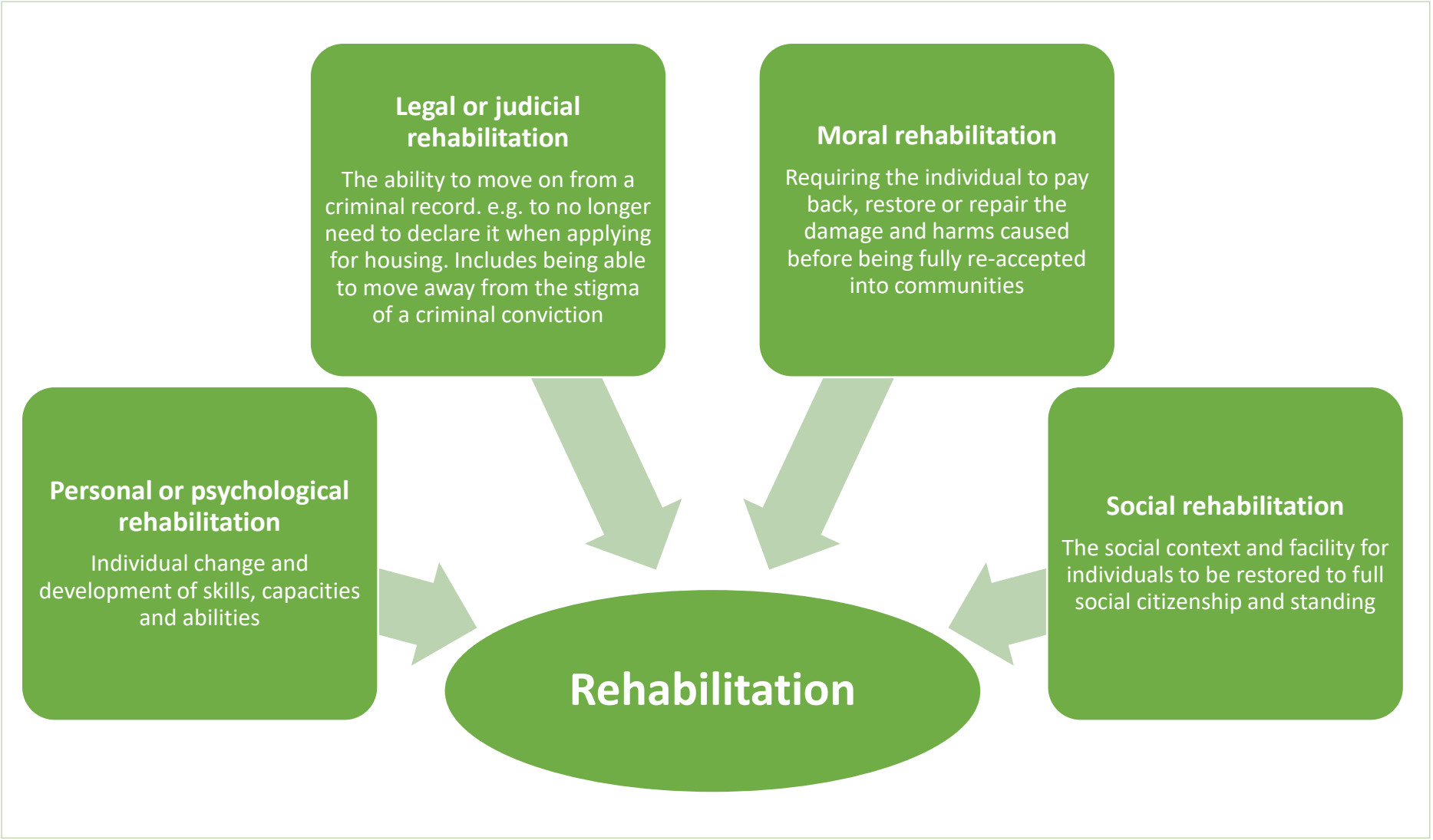
The practice implications of these perspectives on how people move towards and achieve secondary desistance varies. Crucially, over time, there has been a recognition that whilst desistance is supported (and perhaps predicated) by practicalities of marriage, stable accommodation, financial security, and family relationships, for example, it is what these mean subjectively to the individual and how they relate to their self-narrative (their story of their past, present and future life) that is really important. It is the impact that they have on motivating someone to want to work towards a pro-social and non-criminal life and helping them recast their sense of self, that really makes a difference.

For example, one of the traditional seven pathways to reduce reoffending and support resettlement (Social Exclusion Unit, 2002) is stable accommodation. But in itself, it is only a negative aspect of primary desistance in that it can remove a reason for reverting to crime (insecure housing or homelessness). To support secondary desistance, it is what the accommodation can represent in the individual's life course narrative that needs exploring. For example, one of the authors recalls talking to an individual moving out of prison and their desire to 'make good' – for them stable accommodation was vital to trying to work towards an aspirational self as 'good father' (and a feared self of being like their own absentee father). Having a flat with a second bedroom was essential to being able to work towards having their child over for weekend visits and achieving a marker of this 'good father' identity. Only securing a single bedroom flat, therefore, was a significant obstacle that jeopardised their ability to see a trajectory in which they could achieve this aspiration. As such, whilst a success to their keyworker, the individual saw this as a failure and a (further) example of society placing barriers in their way, leaving them demotivated – and so more likely to reoffend.

Underpinning this growing understanding of the desistance process, therefore, is an appreciation of the complexity of the interaction between social contexts and structures, and the internal narrative a person has about themselves and their lives. Work to support desistance, therefore, is not just about the individual and their change in behaviour, but their change in how they see themselves. How they see themself and how they can change this in the future (their future self) is intrinsically linked to what they can see as possible in their social contextual structures: their communities, their relationships, their opportunities, and their ability to affect change in their lives. Whilst personal agency is vital, so is the ability for them to be fully part of communities in the future.

This is where we can link to rehabilitation. Rehabilitation is about how people can make this change in themselves, their behaviours, thinking processes, and social skills and resources. As with desistance, current understandings of rehabilitation have identified that this as a complex endeavour which situates the individual within their social, legal and moral context. As shown by Figure 2, McNeill (2012) sets out four interconnected forms or aspects of rehabilitation.

Figure 2: The four forms of rehabilitation



These forms of rehabilitation are in no particular order and require the active support and engagement of the individual, their social networks and their family, as well as broader community and supportive social processes. The crux of this typology of rehabilitation is to identify that rehabilitation is not all about the individual and what they do or don't do to change themselves. Of course, they have a central and active role in which their agency is core, but social structures and community reactions are equally as vital in supporting successful rehabilitation.

2.2 Operationalising desistance in APs

As McNeill has stated, 'the relevance of desistance research for thinking about rehabilitation seems obvious; securing desistance is, after all, a central objective of rehabilitation' (2012: 9). He refers to rehabilitative practices in probation work as representing 'assisted desistance' (ibid) and identifies six themes (p.10) from research for desistance-based practice, which can be summarised as follows:

1. desistance is an individual process and must take into account personal difference
2. practitioners need to focus on supporting individuals to have hope for the future and their ability to desist
3. successful desistance is predicated on successful and pro-social relationships between individuals and practitioners/others
4. individuals should be supported to recognise and build on their strengths and resources, alongside the addressing of risks and needs
5. individuals need to recognise and be supported in having self-agency
6. desistance requires building an individual's social capital as well as their own human capital.

Despite these themes being developed over a decade ago, practice still struggles to integrate understandings of desistance into the work of rehabilitation. Importantly, desistance has never been conceptualised or understood as a linear process in which someone, at some point, stops offending and progresses through stages or steps towards secondary desistance and identity change. And yet, the practice of rehabilitative work, as embedded in criminal justice and hostel practice assumes that, and that success of interventions may be measured by recidivism (or proxies, such as re-arrest, recall or reconviction). Villeneuve et al. (2021) criticise this approach and propose an updated model of measuring the impact of assisted desistance which embeds the current knowledge of desistance and rehabilitation into practice. We would support such efforts.

The implementation of good rehabilitative practice as assisted desistance has been explored in research in a variety of criminal justice contexts: prisons (Ugelvik, 2021), probation supervision (King, 2013), community re-entry (Blagden et al., 2018), and the offender personality disorder pathway (Blagden et al., 2023). This body of work highlights types of practice that accord with the above principles of rehabilitation and desistance, emphasising that formal structures need to pay attention to both the individual and their social relationships. King (2013) stresses the importance of supportive interpersonal relationships between probation staff and their supervisees to support not only building skills and capabilities, but also their motivation, sense of agency, self-confidence and decision-making.

Blagden et al. (2023) highlight the need to support the reimagining of the self and life narratives as pro-social and with positive future potential. Further, Blagden et al. (2018) emphasise the need to combat the social exclusion of offenders (particularly those most 'othered', such as with sexual offence convictions) through work to support community

inclusion and social capital, which also links into agency, motivation and pro-social identities. Whilst this latter work is based on Circles of Support and Accountability (CoSA), which involve community volunteers to facilitate inclusion, it nevertheless focuses on how the individual is supported to make these pro-social connections. There remains little in the literature, however, on the responsibilities of the community or social structures to assist desistance, or how they can do this, despite Maruna having long advocated for mechanisms in which communities engage actively to allow and enable desistance through, for example, redemption ceremonies (Maruna, 2001; 2011).

When thinking about how the network of APs might embed assisted desistance, we considered what might be done at a system level, community level, and then finally at an individual establishment level. As we have written elsewhere (Marston and Reeves, 2022), we would suggest widening the supply of hostel services for those on licence beyond the AP system, and feel that this is one area where non-state providers might be usefully applied. Our hope in proposing such a development was that a greater variety of approaches may flourish, particularly in the areas of risk management and desistance. The introduction of the Community Accommodation Service Tier 3 (CAS3) provision is a welcome move, giving a stepped progression towards independent living for those at risk of homelessness (providing temporary accommodation for up to 84 nights); however, we believe further advances could be made. We feel space exists between APs and CAS3 for a supportive and less risk-averse environment in which residents can evidence greater progress. Such variety would assist in enabling a longer and more supportive hostel journey for individuals, with staged reductions in the intensity of intervention and surveillance.

We also would seek to implement a system that has individualisation at its core. At present, location and length of placement are decided more by availability than individual need. While location is appropriately led by risk management, we feel more could be done to respond to individual needs by providing a greater variety of AP locations. AP locations have traditionally been decided by historic chance rather than geographical need (although there have been some recent improvements here). Likewise, length of placement is currently set more by reference to bed availability than need. Although AP placements can be bitterly resented by some, there are many who, grudgingly or otherwise, appreciate the respite and support given, particularly on re-entry from prison. The devising of a structure which allocates longer placements according to risk and need cannot be beyond reach, with reviews to account for progress. Alongside locations closer to home, this would lead to a more tailored approach across the system. While we are reimagining the formulation of the hostel network, we should also make a bid for smaller establishments. In our experience, but also in research, there is plenty of evidence that smaller institutions are easier to manage and achieve better outcomes and allow for the more tailored approach advocated here (see, for example, Corston, 2007).

At present, our sense is that hostels sit uneasily in the communities which hold them. There could be benefits on many levels if further efforts were made to destigmatise and demystify the establishments. Here, APs are perhaps an example of the disconnect created in a national, centrally controlled service with little local accountability or roots. Outside of the independent APs, we are not aware of any significant community involvement in APs and certainly not as a nationally led policy. We feel this is both a mistake and a missed opportunity; there has consistently been a desire among communities to be involved in the delivery of criminal justice, whether it is the magistracy, youth referral panels, or CoSA, to name just a few. Were such involvement encouraged, steered and applied to hostels, the benefits would be many, providing invaluable community engagement and rehabilitative opportunities to residents. Appropriately resourced and safeguarded, such opportunities could lead to hostels feeling less 'imposed upon' communities and more part of them, while also supporting the desistance of residents.

Alongside this community support, we would advocate more formal scaffolding by placing requirements on other services to consider how they might assist AP residents. At present support provided to APs is mandated or suggested by a variety of policies, contracts and programs in agencies such as JobCentre Plus or NHS integrated care boards, but gaps still exist and pose barriers to desistance for AP residents. Given the intense concentration of risk and need in every AP, combined with the potential for hugely positive (or negative) outcomes, there may be benefit in some form of 'duty to support' being imposed on public sector bodies in the locality around each AP and our envisaged broader hostel network.

Finally, in each AP, there are more rapid, and perhaps less radical, additions that can be made to the variety of good work already underway:

- Attention must be given to increasing levels of service user involvement within hostels and we would advocate that this must be rewarded, both to ensure engagement but also as an ethical recompense for the benefits it should bring. There are a variety of models that might be applied from user councils to residents being involved in recruitment, but increasing a sense of agency, key to both desistance and rehabilitation, among AP residents is a goal that must be vigorously pursued.
- Although by no means a sole answer, we would wish to see employment encouraged and supported within APs by the removal of the differential rates of service charge applied and by arrangements to alter and remove restrictive controls. Relationships should be developed with local employers where possible on similar lines to category D prisons and supporting investments could be made. For example, there are APs with sufficient space to support small businesses or community interest companies. For long-term prisoners, a pathway of prison training and work in a category D prison, followed by releases on temporary licence to work for an AP business, followed by a full placement may provide considerable desistance dividends.

On a day-to-day basis, most APs provide a programme of purposeful activities. These are often driven and decided by the interests and skills of the staff in each AP, but also by the variable resources available; for example, some APs have extensive gardens while others do not. In considering what activities to support, there is a temptation either to mandate freedom to experiment, or to direct attention to areas of self-improvement such as practical living skills. There are strong arguments on both sides, although we find, given the extreme variety of presentations among AP residents, that any guided group activity is of benefit and the actual content is of lesser importance.

What is perhaps more critical, is the actual resourcing of any such work. While APs currently do much good work providing activities for their residents, the residential workers and keyworkers who often perform these tasks have other responsibilities, particularly around risk management, and those will ultimately dominate. Here, Psychologically Informed Planned environment (PIPE)[1] APs may provide a strong example, with generally smaller establishments and extra staffing resulting in a greater focus on desistance-supporting activities. Since the grouping of APs into a national division, there has been a drive to professionalise and standardise practice across the country and, while desirable, one outcome has been an increase in bureaucratic desk work; to address this, thought should be given to dedicated staffing around rehabilitative activities. Such staffing resource could also be employed in listening to individual residents and thinking about the personal meaning they give to activities or development work. Properly done, this work could be deeply impactful, but it cannot be heaped onto the workloads of already busy staff.

[1] PIPEs offer expert psychological input from NHS clinicians to help APs better manage residents with a suspected personality disorder (PD) and are intended to support effective movement through a clear pathway of psychologically-informed provision.

Finally, it is necessary to add some notes of caution. The network of APs receive almost all their residents directly from prisons, thus issues in prisons will reflect and persist in APs. At the time of writing, prisons are experiencing some considerable challenges, many years in the making, and this is of course impacting on the AP system, illustrating how this relatively small service is at the mercy of wider forces. Equally, probation field offices are facing significant issues and this again is deeply impactful on APs. So, while APs can provide places of hope for the most challenging and challenged ex-prisoners, they will not achieve miracles – or even less lofty successes – without sufficient resourcing and a healthy surrounding ecosystem.

The development of healthy, wraparound ecosystems working alongside APs is thus vital. The work cannot be simply added to the competing demands for risk management with all that entails. Hence, we argue that our vision for restructuring and reenvisaging a broader and more supportive hostel network is essential to providing the environment to enable long-term working to change the most entrenched behaviours and underlying support needs. As, also, is a system built on smaller, more locally-based hostels, as short placements in crowded establishments far from home areas will not produce the best results. Evidently, a fundamental system change requires considered and evidence-based design and implementation and, therefore, is not a quick win. However, crucial to all of this is emphasising that APs and individual residents cannot do it alone; addressing the distance between APs and the community must be tackled. Whilst we conclude system change is needed to maximise and ensure this collaborative working to assist desistance, it is possible to start engaging communities and APs now, if the full importance and value of such effort is recognised.

3. Conclusion

As an area of probation practice, APs are under researched in general and their impact on resident desistance even more so. Further study is needed to delve into the individual meaning and impact of AP placements and to consider what may assist desistance. The suggestions set out in this paper are culled from our own research experience, research in other areas, and practical experience of APs. We feel there is great untapped potential in APs to operationalise and support the desistance journeys of what is a cohort of highly excluded and complex people on probation. Achieving this alongside the necessary risk management requires genuine investment to achieve some sense of parity, with a longer-term view that the two are mutually supportive rather than opposed.

While we have speculated about practical directions, what is more important are the principles that guide any work:

- a greater focus is required on the individual and their story, specifically the meaning of this to them
- APs must be resourced, structured and empowered to work with local community groups to address stigma, provide greater opportunities, and give greater agency to their residents
- further investment is needed in a greater diversity of accommodation choices, building on the good work started by the CAS3 project.

These directions would require expenditure, but this is a cohort of people who cause considerable moral and financial costs when their lives fail, and therefore there is also great potential for savings when they are supported to succeed.

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