

Rebuilding Trust after Recall
Kate Parsons

Sir Graham Smith
Research Reports Series

Contents

Foreword	3
Acknowledgements	4
Abstract	5
1. Introduction and context setting	6
2. Literature review	7
2.1 Compliance	7
2.2 Being on licence/ reintegration	8
2.3 Desistance	8
2.4 Procedural justice	9
3. Methodology	10
3.1 Limitations of the interviews	10
4. Findings	11
4.1 The process of recall	11
4.2 Being on licence	14
4.3 Other findings	16
5. Discussion	17
6. Conclusions	18
7. References	19
Appendix 1 Participant information sheet	21
Appendix 2 Consent form	24

Foreword

This report was commissioned by the Probation Institute under the Sir Graham Smith Research Awards Scheme in 2019. The copyright is jointly owned by the Probation Institute and the author. We are grateful to the employers, line managers, mentors, the Probation Institute Research Committee and, most of all, the authors for the research reports, published by the Probation Institute.

The Sir Graham Smith Awards Scheme is a well established programme supporting and enabling practitioners to complete small practice-based research projects. This type of research is of real significance to strengthening practice across probation and the voluntary and community sectors. The Probation Institute also publishes and launches each report.

Helen Schofield

Acting Chief Executive Officer
Probation Institute

May 2020

PROBATION INSTITUTE

2 Langley Lane
Vauxhall
London SW8 1GB

0203 0533 551
admin@probation-institute.org

Acknowledgements

I would like to thank the Probation Institute for the opportunity to undertake this research - in particular Lol Burke, Jake Phillips and Jane Dominey for their support, feedback and encouragement along the way. I am grateful to HMPPS for allowing me to undertake the research, with special thanks to Sarah Chand and her colleagues in the Midlands, in particular those who were involved in facilitating the interviews. Finally, I am immensely grateful to the individuals who gave up their time to share their experiences and thoughts with me. It was a privilege to meet them and listen to their stories.

Abstract

This research was undertaken as part of the Sir Graham Smith Research Award scheme and is sponsored by the Probation Institute. This research is a scoping exercise to explore the impact of licence recall on future supervision. Semi-structured interviews were used to explore experiences of those who successfully complete a period on licence from prison, having previously been recalled. This research had two aims: firstly, to increase general understanding of the experience of being supervised on licence by the National Probation Service, and secondly, to capture the stories of success. Therefore, the questions focused upon the experience of being recalled and of subsequent supervision from the perspective of the individual subject to licence with a focus upon the perception of the role of supervisor in supporting or hindering successful completion of licence. Capturing stories of success provides an opportunity to begin to build a narrative of success on licence which can then be shared with those commencing a period on licence. The research finds that those recalled in connection to new offences, as opposed to a breach of licence conditions, were less likely to perceive the process as procedurally unfair. Furthermore, key messages participants would give to those about to be released on licence were concerned with trusting their officer, being open and accepting the help on offer.

1. Introduction and context setting

As noted in the Chief Inspector of Probation's 2019 annual report, whilst approximately 6000 people are released from prison every month about 2000 on licence from prison are recalled. The increased numbers of people recalled is predicted to continue to rise (Ministry of Justice 2018, p5). This continues the wider trend set out in the Ministry of Justice summary 'The story of the prison population 1993-2016' which shows a long-term trend from a population of around 150 recalled offenders in 1995 to 6,600 by 2016 with the increase primarily attributed to legislative changes (2016 p15-16). Given the scale of the increase it has received a relatively low level of academic and political attention. Writing 13 years ago Padfield and Maruna (2006) commented upon the increased volume of recalls and at that point state that legislative changes alone cannot account for the increase. Overall the upward trend has continued since 2006 and whilst there was a period of decline in numbers of recall between 2009 and 2014, resulting from the introduction of the fixed term recall, numbers have once again continued to increase since 2014, with the introduction of the Offender Rehabilitation Act leading to a greater number of offenders now being eligible for recall. Currently seven per cent of the prison population are there because they have been recalled on licence.

Two key pieces of research which explored the experiences of recall involved interviewing recalled prisoners. Both found procedural justice to be significant in experiences of the process of recall (Digard 2010; Padfield 2012). Digard's study also identified that one impact of a perception of a lack of procedural justice was that individuals stated they were less likely to engage well with future supervision in the community. This research seeks to highlight an alternative perspective, that of those who have previously been recalled and are now successfully reaching the end of licence. Conducting interviews with people in this group can complement academic literature around recall and influence probation practice. Her Majesty's Prison and Probation Service have produced two guidance documents in recent years around recall practice: 'Alternatives to Recall Guidance' (2016), which encourages practitioners to consider other action prior to a decision to recall and 'Best Practice in Working with Recalled Prisoners' (April 2019), which sets out how to work effectively with those who have been recalled. At present little is known about those who successfully comply post licence.

An initial aim of the research had been to explore what factors made a difference to the compliance of the individuals who were interviewed. Whilst the findings provide some indication as to how the process of recall impacted upon future compliance for these individuals, it is limited. The findings do not support any wider discussions about factors that influenced compliance for these individuals. Rather the individuals viewed their recall as a one-off event and all discussed an external factor which triggered the event. None of the individuals interviewed talked in terms of a shift from non-compliant behaviour to compliant behaviour. This may reflect that within the cohort interviewed the maximum number of recalls was two. Therefore, the aims of the research were reviewed and the findings presented here focus instead upon experiences of being supervised on licence and stories of success.

2. Literature review

Empirical research specifically focused on recalls is limited to the studies mentioned above. However, there are several related areas with greater bodies of research; compliance with supervision, being released on licence, legitimacy (including procedural justice) and desistance from crime. A summary of the relevance of each area of research to recall on licence is provided here.

2.1 Compliance

Whilst some research has been undertaken around compliance, limited attention has been given specifically to compliance with licence (as opposed to other community orders) in England and Wales. There is a wider pool of empirical research concerned with compliance with community supervision (see, for example, Ugwudike and Raynor 2013). An enduring concept within this arena is the typologies of compliance offered by Bottoms (2001) which distinguishes between instrumental and normative compliance. This was further built upon by McNeill and Robinson (2012) who weave together Bottoms typologies and the work of McBarnet (2013) around the motivations for compliance with tax authorities, and in doing so relate the typologies and motivations for compliance with perceptions of legitimacy. Importantly they emphasise the fluid nature of motivation, legitimacy and compliance, reminding us that all three constantly ebb and flow throughout the duration of community supervision and that, at least with regard to the legitimacy and compliance, the relationship with the supervisor is the conduit through which this happens. This relationship was also found to be important with regard to compliance by both Ugwudike (2011) and Rex (1999) whose studies both found a good relationship to be an enabler to other factors which support compliance. For example, a good relationship means that the service user and supervisor were more likely to have collaborative discussions about problems. For those in Ugwudike's study supervision as a space to problem solve was as important a contributor to compliant behaviour as the deterrent effect of enforcement action. Ugwudike and Phillips (2020) advocate for the importance of participatory strategies for compliance, which require the use of relational skills, as opposed to practitioners assuming the primary role in ensuring compliance through problem solving on behalf of the service user. Participatory strategies involve both parties working together towards compliance and avoiding a sense of dependency for the service users upon the probation worker.

Given the general absence of research specifically around compliance with licence we do not know the extent to which it differs from compliance with other community supervision. Crewe (2011) asserts that prisoners' experience of risk assessment in prison creates a pervasive sense of 'tightness'. Given those on licence will have experienced this pre-release, and the ever-present threat of immediate return to custody, the assumption that those on licence and those serving community sentences can be considered one homogenous group of people subject to 'community supervision' requires further exploration.

Two areas where compliance with licence is specifically given attention is Appleton's (2010) work with lifers and Weaver and Barry's (2014) work around MAPPA level 2 and 3 cases. Appleton's study around the experiences of those subject to life licence identified factors that predicted recall based upon the sample in the study, with alcohol misuse, age at first conviction, previous convictions and psychopathic traits all being predictive of recall (2010).

Secondly, the sample for Weaver and Barry's (2014) study, although not exclusively those on licence by virtue of the sampling criteria (MAPPA level 2 and 3 cases) did contain a significant number of participants who were subject to licence in the community. They found that for some the threat of recall was a hindrance to change and 'rather than incentivising cooperation, the implicit threat or risk of recall can breed resistance, withdrawal, anxiety and a reluctance to engage for fear of the reaction that self-disclosures might engender' (p288). It is not known whether those within the sample had previous experience of being recalled.

2.2 Being on licence / reintegration

Within literature about reintegration Crewe's (2011) concept of 'tightness' of risk assessment is echoed in the work of Werth (2012) and Halsey et al (2016) considering those subject to community supervision. Werth (2012) considered the experiences of those subject to parole conditions in the US and found that for some their parole conditions were a barrier to agency and self-determination over the process of desistance. Durnescu's (2018) work on re-entry in Romania identified a five-stage process to re-entry, where different factors were important at each of the stages; immediately following release people were primarily concerned with family, and later began to think about employment, identifying that for those on licence the focus shifts as they progress. Likewise, some of those considered by Halsey, Armstrong and Wright (2016) were subject to licence and they used findings from three previous studies to consider 'setbacks' in the process of desistance. The article explores how the fragility of the process of desistance provides an 'omnipresent threat of the derailment' (p.1041) and explores this through Matza's (1990/1964) concept of a 'mood of fatalism'. This omnipresent threat related to both those on licence and those who weren't but, given the concept of 'tightness' described by Crewe, consideration should be given to whether it is experienced more acutely by those on licence. The immediate and predictable consequences of non-compliance for those on licence may further compound this.

2.3 Desistance

The body of work on why and how people desist from offending has focused primarily upon a shift from a lifestyle which incorporates offending behaviour to one which does not, whereas for some of those serving longer sentences their offence was a one-off event rather than an entrenched lifestyle. Furthermore, for those to whom the concept of desistance may be applicable the process of identifying change from 'an offender' to 'a desister' may have been ongoing throughout the prison sentence with significant change happening pre-release. Nonetheless the fact that desistance research is concerned with moving from non-compliant behaviour to compliant behaviour means it may offer some parallels to the current study. Desistance research has been a significant area of criminological study over the past 20 years and whilst some of the resulting theories focus upon different aspects of the process many now see it as an interaction between agentic and structural factors (for a summary of Desistance research see Weaver 2019). Of particular relevance here is the concept of assisted desistance which explores the role of probation officers and identifies that they can have a positive impact upon the process, in particular by acting as a catalyst for change and supporting the development of new pro-social identities (King 2013). King also identified that 'probation can act to enable individuals by nurturing certain agentic skills. These could be, for example, improved decision-making skills' (p147). Whilst agency, and hope as a component of it, are seen as key in the process of desistance (Healy 2014 p873), the extent to which they influence successful outcomes is not fully understood.

However, there are indications that it may be a key factor with one study concluding that 'The primary difference between offenders and desisters may not be located in their thinking styles, social circumstances or past behaviour but rather in their capacity to imagine a credible future self' (Healy 2014 p888).

2.4 Procedural justice

Digard (2010) and Padfield (2012) both found that those they interviewed post-recall perceived the process to be procedurally unfair. The significance of procedural justice as a component of perceptions of legitimacy within criminal justice was first considered by Tyler (1990) who found that most people obeyed the law, not for instrumental reasons (fear of the consequences of not obeying it) but out of a belief that law enforcement agencies are acting legitimately and that their actions are fair. This sense of fairness was particularly important - it mattered more to the people in his study that there had been a procedurally just process, than whether the outcome of that process had been favourable to them (Tyler 2006).

There have been numerous further studies demonstrating the importance of procedural justice by law enforcement agencies in securing compliance with the law (Paternoster et al. 1997, Tyler 1990, Sunshine and Tyler 2003, Tankebe 2009). However, these focus upon policing and the courts, so dealing with singular events, rather than an ongoing relationship. There remains an absence of empirical research into the impact of procedural justice within a relational context such as supervision by probation. Whilst Digard and Padfield both demonstrate that the recall process, for many, is felt to be procedurally unfair and participants in their studies indicated that this would impact upon their future compliance, we do not know if or how it actually did go on to impact. Irwin-Rogers (2017) ethnographic study considered those recently released on licence and residing in Probation-run Approved Premises observed over a 3 month period. He argues that positive outcomes (employment, housing, rebuilding family relationships) are dependent upon there being procedurally fair processes in place, whereby 'procedure-based legitimacy facilitates constructive relationships, which, in turn, give supervisors ample opportunities to work toward desirable outcomes, whereas poor quality relationships do not' (p67).

As can be seen, the theme of the importance of the relationship with the supervising officer recurs across various areas of probation-related literature: 'As indicated by previous research, the success of sanctions implemented in the community often turns on the quality of relationships between offenders and their supervisors who are responsible for implementing these sanctions' (Irwin-Rogers 2017). McNeill and Robinson (2012) describe it as the 'key site or resource within which to develop legitimacy'(p.122).

3. Methodology

Five individuals were interviewed for the study, using semi-structured interviews, as this allowed for flexibility to follow up specific subjects within each interview (Westmarland 2011). Semi-structured interviews can be particularly useful when seeking to develop an understanding of people's perspectives on a given topic (Wincup and Noakes 2017, p98-99). This meets the aims of the research in that the intent is to understand an individual's experiences as well as their views on what advice to give others coming out on licence. This method allowed for exploration of what was raised as significant by individual participants. Each interview lasted between 30 minutes and 1 hour and 15 minutes. The criteria for inclusion in the sample was individuals who were within three months of the end of their licence, so were likely to be looking forward to a period without licence conditions, who had been out on licence for at least nine months, so had sustained a period in the community without being recalled, and they must have been previously recalled (on this or a previous licence). The research took place within one local delivery unit (LDU) in the Midlands Division of the National Probation Service (NPS). The case recording system was used to identify cases within that LDU which met the criteria, of which there were eleven individuals. They were all approached via their NPS Offender Manager. In two of the cases supervision had been completed by the point at which the Offender Manager was asked to make contact with the individual, and as a result the Offender Manager declined to make contact. Seven of the remaining nine agreed to be interviewed. However, in two of these cases it was not possible to find a mutually appropriate time for the interview to take place and despite several attempts the interviews did not happen. Therefore five individuals were interviewed using the Offender Manager as the gatekeeper to access participants. This was necessary but did mean I was not in control of the messages given to potential participants about the research, which may have influenced the decision of the participants who did not wish to take part.

Interviews were undertaken at the probation office where the individual attended for routine probation appointments. Prior to commencing the interview all participants were asked to read a participant information sheet (Appendix A) and to sign a consent form (Appendix B). The interviews were fully transcribed and then manually coded. They were analysed using thematic analysis - an accessible method of analysing data suited to those new to research, which also allows for the results of the analysis to be communicated to policy makers with relative ease (Robson and McCarten 2016, p470).

The intention had been to use Bottoms's typology as the basis for the coding themes. However, the data collected did not fit these themes. A more iterative approach was used with the data coded initially using descriptive codes from which more analytical themes then emerged.

3.1 Limitations of the interviews

The participants were approached via their Offender Managers and the interviews took place in the probation office. It is acknowledged that this is likely to have an impact upon the responses. Whilst I made clear that this research was independent of probation, the experience of the interview is likely to have had many sensory indicators which mirrored the process of probation supervision - the room, the smell, the lighting etc. It is not possible to know the extent to which this impacted upon the answers given but the relationship between a probation officer and a service user is one with power imbedded within it and for some this may have influenced the answers given.

The participant information sheet was designed to make clear that the research was independent from the NPS and participants were reassured both with their officer present and without them present that nothing from the discussion would be shared. Nonetheless it is recognised as a limitation.

The low number of interviews limits the ability to generalise to a wider population. However, as a scoping exercise it does provide an indication of areas for further research.

4. Findings

To protect the identity of the participants, names have been changed and pseudonyms used instead.

4.1 The process of recall

As described above, none of the participants situated their recall within a wider pattern of non-compliant behaviour but rather they described it as a discrete event. Two of the five interviewed reported that they had been recalled in relation to a new offence (Phil and Tommy) and the other three were recalled in relation to other licence conditions (Lee for contact with a child and for associating with another known sex offender, and Liam and Jason for not residing where directed). Of the two who were convicted of a further offence, one participant, Phil, described how the new offence had come about as a consequence of historic debts. After the process of recall his Offender Manager had talked to him about the help that may have been available to him if he had shared the information about the debts. Whilst Phil accepted responsibility for the offence, he did also state that had he had this information in advance, he would not have committed the offence, thereby trying to place some responsibility upon the Offender Manager for not providing this information at an earlier point. Tommy on the other hand did not accept that he had committed a new offence, but had chosen to plead guilty nonetheless, as his co-accused were family members and he believed (rightly as it turned out) that by him accepting responsibility he alone would be prosecuted. This gave Tommy a sense of agency over the process. Despite receiving a considerable new sentence, the recall on the current licence was only for 28 days. Tommy remained very positive about his Offender Manager, understanding that they were required to recall him and appreciating it was a fixed term recall. He was the only one of the participants who did not identify any factors in relation to his recall which he perceived as procedurally unfair.

In contrast the three participants who were recalled for breaches of other licence conditions did all feel the recall was unfair. The strength of this feeling varied, with Liam, who was recalled for 7 days for not residing at the hostel (he states that he was residing there) being the least animated, but noting the procedural unfairness of the process, describing having little information and being unable to put his side of the story across. Jason was recalled after the Offender Manager went to undertake a home visit only to be told by the elderly resident that he wasn't living there. Jason remained adamant that he was residing there and like participants in Digard's study, believed there should have been a process of investigation where he could put his views across prior to recall action being taken:

'When I got my 28 day recall and it wasn't in my power to control it or to avoid it, it was a piss take. I knew that I had to go to jail, I knew that my recall papers had been sent off I didn't get a chance to say nothing. I was going down, that was the part which I think was really unfair ... because he said I don't live there that shouldn't be enough for someone that's not even my probation officer, that's covering my officer, to sign my recall papers and send it off to the Home Office and get me recalled ... I wouldn't even mind the process of being arrested, questioned and interviewed because I'm on licence. I'm still under my sentence period, so I can understand being arrested, I can understand having an interview I can, that is understandable, but getting sent back to prison back to the hole that you came back out offor no apparent reason, is not fair.'

Finally, Lee had been recalled twice and despite having now been out on licence for 4 years remained very angry about the previous recall decisions. He talked at length about how they had come about. In both instances he believed he had followed the correct process, firstly in spending time with another hostel resident, which he said his Offender Manager had suggested he do, and secondly, when having contact with a friend with a child where he believed he had correctly informed his Offender Manager about this contact. Lee states his Offender Manager lied and he accused the local police of specifically targeting him. What is noticeable is that Jason and Liam both served relatively short periods back in custody compared with Lee. Liam himself recognised that this helped him to move on from the experience more quickly than others had:

'Just kind of happened and it was a mistake I guess, maybe it's coz it's a week. I know some people doesn't get sorted out for ages and then it gets harder and harder I think to get your head round, well it was only a week but it's still a week ...but there's nothing I can do about it just have to move on don't you.'

In common with those in Digard's study the lack of opportunity to put their side across combined with a lack of information was a source of frustration:

'Recall report is never delivered that's meant to be there in 24 hours, that never happens.... we missed out on the representations, you got no post or can't get credit on the phone kinda feels like this big machine takes over.....yeah I think we had 3 meetings with the (inside) probation officer he came on the wing and just said there's no news. I just said to him in the end, look don't bother coming down mate, I don't want anything to do with you if you've got anything to say, say it to my offender supervisor, they can come down, the probation officer went back and wrote loads of notes about me.' (Lee)

The idea of having 'notes' written is part of the concept of 'tightness' described by Crewe, where when those in prison respond to events in what may otherwise be a usual response, it is 'noted', 'recorded' and forms part of a file and they never know when it may get used against them in the future (2011, p518).

In two of the five cases in the study the recall action had not been taken by the allocated Offender Manager and both individuals experienced this as procedurally unfair. They believed if their own Offender Manager had been at work recall actions wouldn't have been taken, or at least their side of the story would have been listened to. In the view of the participant this seemed to have been confirmed by the discussions they had with their officer after the recall, as Jason described:

'My PO (Probation Officer) said she didn't do the paperwork. I didn't hand myself in until I'd spoken to her but she said it's done now and you just have to do it.' (Jason)

For him this appeared to indicate that his officer did not support the decision to recall him. Whilst this may have avoided conflict in the relationship between Jason and his officer in the short term, this may have been at the cost of an erosion of the legitimacy of the Probation Service as a whole. The conversation itself obviously wasn't observed and the officer has not had opportunity to explain their position. However, the consequence for Jason is a perception of rules which impact upon his liberty being applied arbitrarily.

The way the return to prison had happened was also problematic for some participants. Two participants identified long-term mental health issues as consequences of the recall.

'I've got PTSD now from probation, from the police, I'm so scared of them locking the door and taking me away.' (Lee)

Those participants who were recalled for breaching licence conditions (as opposed to new offending) tended to describe shock and disbelief that their liberty could be removed so easily:

'I remember the next night I was there sleeping and the police just came in and knocked on the door and said "Oi you've not been staying here – you've have been recalled".' (Liam)

'Licence conditions before, you know, they were all new to me. I thought if you committed an offence you go back to prison, I was in shock, the chaos, in disbelief.' (Lee)

Similarly, to those in Padfield and Digard's studies there were a number of factors present for participants which appeared to impact upon their perception of procedural justice: a lack of a formal process prior to recall; a lack of information post recall; the manner in which the recall physically happened; and, the fact that their own officer whom they had a relationship with did not appear to fully support the recall. However, this group were all now at the point of completing their licence. Interestingly, they all also reported having good relationships with their current probation officer and for these individuals the perceived procedural unfairness did not appear to have had such a significant effect on their supervision as one might expect from other research.

4.2 Being on licence

As part of the interview, participants were asked about what it was like 'being on licence'. Initially, this was interpreted as 'supervision'. When prompted as to whether they had other licence conditions, some respondents did and some had previously had them, but they no longer appeared to feel significant to them. Where they still existed, they related to lifestyle choices which they felt they would be making irrespective of the licence conditions e.g. to keep away from certain people or places:

'I did at the start, I weren't allowed in the area, I weren't allowed to see so and so but none that have been a worry to me or been a problem to me.' (Jason)

With regard to supervision, all participants spoke positively about their current Offender Manager. As noted above, my contact was made with them through their Offender Manager and so this may have influenced what participants said to me. That said, these individuals had successfully navigated to the end of their licence and perhaps their ability to build a successful working relationship with their officer is part of the reason why. When talking about rebuilding trust after recall participants identified the need for honesty, mirroring previous findings where probation officers identify the need for honesty within the relationship (Phillips 2013):

'I was like you know if I don't, if you don't bullshit me I won't bullshit you, let's get our cards on the table, if you've got an issue (with probation) tell them.' (Lee)

'I think that's the best way to be with your probation is if you're honest and open with them they're not finding out anything that you shouldn't be doing or that you've done something and they just find out. You know just be open and honest with them, at least then they know everything and they know you're being truthful as well and they trust you. I think that's quite important, if you build trust with your probation then they know they're not lying to them' (Liam)

Alongside speaking positively about their current officer, the key message, they would give to those about to be released on licence was around trusting their officer, being open and accepting the help on offer:

"The way I see it is like, when you're out now and you know you're going on licence and you're going to go and see probation.... if you wanted to change and not go back to your old ways, you need to look at the bright side of it, at what the side of it is you need to change as you've got someone there who, he can't hold your hands and show you and do everything for you, but he can guide you in a way that's right. If you want to go and look for work or training or do this or you need more help with drugs or support with alcohol or anything like that probation are the place that can help you in these kind of things.' (Tommy)

The attitude or approach that people take to the supervision was also significant for some:

'Probation's good but it can only be good if you want to help yourself. If you don't want to help yourself then nobody can help you.' (Tommy)

'I've been in and out of prison a few times and I was doing bad things like firearms and things like that and I've learnt along the way if you're an idiot and you mess around and you mess your probation around, when you go out with attitude, then you're just going to trip yourself up because you're already looking for problems. If you go out there with the right attitude and you're positive and you build up a decent relationship with your probation you're not going to go wrong.' (Liam)

These statements are suggestive of a change that the participants themselves may have made, echoing research into the role of agency in desistance (Healy 2014).

Liam goes on to acknowledge that through the course of his period of licence he 'relaxed' more:

'(The) more you go through your probation the more relaxed you become because the more you learn about what probation is... so as you build that relationship with your probation worker the more you learn about it, you just kind of relax and you just realise if I don't mess it up I won't be going back and that (the previous recall) was just a mistake.'

All participants identified that prior to release the stories they heard about probation were negative. In particular regarding recall decisions:

'When I first came out I was paranoid, you hear probation will try and stitch you up, probation are out to get you.' (Jason)

These stories impacted upon how participants felt initially on licence:

Liam: It makes you apprehensive even about getting out you know.... definitely the worry's there.

Interviewer: What were you worried about, what sort of things?

Liam: About just getting recalled because people tell you so many different stories, Oh you get recalled for like the minor thing.... you're walking on glass anyways.... or you did early on because you're really worried about it.

For Jason this was part of a wider picture around trust:

Jason: You hear loads of stuff in prison, probation will try to catch you out, they're out to get you, it does make you worried, anxious, to start with I couldn't trust no one, not even family as they'd got me into the offence.

Interviewer: That must have been hard?

Jason: Yeah it was really hard, but gradually you trust people again.

The stories and quotes from this research will be used as part of a resource available to probation staff to be used with those at the point of release from custody to provide access to an alternative narrative, one of success on licence.

4.3 Other findings

Whilst the key findings are presented above there were other themes which emerged in some or all interviews which would be worthy of further exploration in future research. When asked about future plans all those interviewed talked of 'getting away', either permanently relocating (in two cases) or a desire to travel (three cases). Whilst this may have connotations of the concept of 'knifing off', where individuals cut ties with harmful environments or undesirable companions, (Maruna and Roy 2007), participants were talking in a positive, forward looking way. It seemed to be about recognising the possibilities of a life free from restriction, as opposed to being driven by a need to move on from their current surroundings. It would be interesting to know if the consistency of this is found across a larger cohort. It poses questions about how the experience of imprisonment and/or subsequent management impacts upon individuals' sense of freedom and agency and a desire to use their freedom to physically change their surroundings permanently or temporarily. Of particular interest was that two participants wanted to relocate at the end of licence, yet both also recognised that this was something they could do whilst on licence. Interestingly these were the same two individuals who reported experiencing PTSD as a result of the experience of recall.

All those interviewed had had at least two different probation officers (often more) during the course of their licence. There appears to be an absence of research around the impact of this upon the service user. For those in this study the impact of this varied, in some cases being a barrier to building trust, in others providing a positive function. Where a previous officer had been responsible for the decision to recall it appeared to be beneficial, in so far as they could separate the recall from their current supervision. However, as noted above, this may be positive in the short term but may impact upon perceptions of legitimacy of the probation service.

5. Discussion

The two key findings appear on some level to contradict each other. On the one hand participants found the process of recall to be procedurally unfair, and yet their advice to others was that they should trust their Offender Manager. There are a few possible explanations:

1. The story of the recall is being retold in a way which presents the participant in a favourable light. This would have echoes of Maruna's narrative theory of desistance. If they are to avoid placing themselves in a position of wrong-doing then it makes sense that the process must be presented as being unfair.
2. The procedurally unfair process is seen as separate or distinct from their current supervision. It was portrayed as a one-off event that happened in the past and the answers given around trusting your Offender Manager offer an explanation about how their current supervision works well, as this trust has been built.
3. This also helps us understand the second piece of advice which was offered by some - which was about the attitude of the individual - if you come out fighting or resisting your supervision then things will go wrong. It was almost as if those interviewed had settled into a routine of supervision, they knew where they stood with their Offender Manager, they weren't resisting supervision, and whilst in the main they did not describe significant benefits from it for themselves they understood it to be better than the alternative (being in prison). All seemed to feel that cooperating with probation was a price worth paying, thus describing Bottoms's (2001) concept of instrumental compliance.

These findings support McNeill and Robinson's (2012) assertion that legitimacy is liquid and at different levels at different points in the licence, and for some of the participants legitimacy had strengthened post-recall.

This does not mean attention should not still be given to the perceptions of procedural (un)fairness. These participants were the ones who experienced the recall process as unfair but were able to continue to engage and move on with their next period on licence despite that experience, where others perhaps did not.

As Digard found with his participants, some identified that alongside licence conditions there were further rules that they were expected to adhere to. As described above, when breach of these rules led to recall the process was perceived as procedurally unfair. For one participant it was not the breaking of the rules that felt unfair but that they had not known in advance of the support that was available to them had they spoken with their officer about their situation pre-recall. Of course, embedded within this is the value of hindsight, but the point being made was that it's not until after the recall has happened that some individuals fully understand what is expected of them and who is available to them on licence. Two participants both suggested that a booklet or more guidance about what you can and can't do on licence and what you can expect from your Offender Manager, was needed, and if they had had that they felt they would not have been recalled.

6. Conclusions

This research helps to move towards a deeper understanding of experiences of those on licence. All those interviewed described having a good relationship with their officer. For one individual the prospect of future recall still appeared omnipresent, for the other four it had lessened over time and the relationship they described with their officer was one of trust which they had 'relaxed' into. The research indicates that 'relaxing into' your supervision, accepting what is required of you, and recognising it is worth doing, are important factors in completing a period on licence. Whilst the process of recall may be perceived as procedurally unfair, this in itself does not preclude further success on licence. Rather, what is necessary after a recall is to find a way of rebuilding trust and of working with the current supervising officer.

6. References

- Appleton, C. (2010) *Life after life imprisonment*, Oxford, Oxford University Press.
- Bottoms, A. (2001) Compliance and community penalties, in A. Bottoms, L. Gelsthorpe, and S. Rex (eds), *Community Penalties. Changes and Challenges*, Cullompton, Willan Publishing, pp. 87-116.
- Bottoms, A. & Tankebe, J. (2012) 'Beyond Procedural Justice: a dialogic approach to legitimacy in criminal justice', *The Journal of Criminal Law and Criminology*, 102(1): 119-170.
- Crewe, B. (2011) 'Depth, weight, tightness: Revisiting the pains of imprisonment', *Punishment & Society*, 13(5): 509-529.
- Chief Inspector of Probation (2019) *Annual Report* accessed 8/12/2019 at <https://www.justiceinspectorates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2019/03/HMI-Probation-Chief-Inspectors-Report.pdf>
- Digard, L. (2010) 'When legitimacy is denied: Offender perceptions of the prison recall system', *Probation Journal*, 57(1): 43-61.
- Durnescu, I. (2018) 'The Five Stages of Prisoner Re-entry: Toward a Process Theory', *International Journal of Offender Therapy and Comparative Criminology*, 62(8): 2195-2215.
- Halsey, M., Armstrong, R. & Wright, S. (2016) 'F*ck It!': Matza and the Mood of Fatalism in the Desistance Process. *British Journal of Criminology* 57(5):1041-1060.
- Healy, D. (2014) 'Becoming a Desister: Exploring the Role of Agency, Coping and Imagination in the Construction of a New Self', *British Journal of Criminology*, 54(5): 873-891.
- Her Majesty's Prison and Probation Service (2016) 'Alternatives to Recall Guidance' (Internal Document).
- Her Majesty's Prison and Probation Service (2019) 'Best Practice in Working with Recalled Prisoners' (Internal Document).
- Irwin-Rogers, K. (2017) 'Legitimacy on licence: why and how it matters', *The Howard Journal of Crime and Justice*, 56(1): 53-71.
- King, S. (2013) 'Assisted desistance and experiences of probation supervision', *Probation Journal*, 60(2):136-151.
- Maruna, S. & Roy, K. (2007) 'Amputation or Reconstruction? Notes on the Concept of "Knifing Off" and Desistance From Crime', *Journal of Contemporary Criminal Justice*, 23(1): 104-124.
- McBarnet, D. (2013) 'Questioning the legitimacy of compliance', *Legitimacy and Compliance in Criminal Justice*, London, Routledge, pp.71-90.
- McNeill, F. and Robinson, G. (2012) 'Liquid legitimacy and community sanctions' in Crawford, A. and Hucklesby, A. (eds.) *Legitimacy and compliance in criminal justice*, London, Routledge, pp. 125-146.
- Ministry of Justice (2018) *Prison Population Projections 2018 to 2023, England and Wales* accessed 8/12/2019 at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/735428/prison-population-projections-2018-2023.PDF

Ministry of Justice (2016) 'Story of the prison population 1993 to 2016' Ministry of Justice, accessed 08/12/2019 at <https://www.gov.uk/government/statistics/story-of-the-prison-population-1993-to-2016>

Padfield, N. and Maruna, S. (2006) 'The revolving door at the prison gate: Exploring the dramatic increase in recalls to prison', *Criminology & Criminal Justice*, 6(3): 329-352.

Padfield, N. (2012) 'Recalling Conditionally Released Prisoners in England and Wales', *European Journal of Probation*, 4(1): 34-44.

Paternoster, R., Bachman, R., Brame, R. and Sherman, L.W. (1997) 'Do fair procedures matter? The effect of procedural justice on spouse assault', *Law and Society Review*, 31(1): 163-204.

Phillips, J. (2013) 'Understanding "the relationship" in English probation supervision' in Durnescu, I. and McNeill, F, (eds.) *Understanding Penal Practice*. Routledge Frontiers of Criminal Justice, London, Routledge.

Rex, S. (1999) 'Desistance from offending: Experiences of probation' *The Howard Journal of Criminal Justice*, 38(4):366-383.

Robson, C. and McCartan, K. (2016) *Real world research* 4th ed Chichester, Wiley.

Sunshine, J. and Tyler, T.R. (2003) 'The Role of Procedural Justice and Legitimacy in Shaping Public Support for Policing', *Law and Society Review* 37(3): 513-48.

Tankebe, J. (2009) 'Public cooperation with the police in Ghana: does procedural fairness matter?', *Criminology: An International Journal*, 47(4): 1265-1293.

Tyler, T.R. (2006) *Why People Obey the Law*, Yale, Yale University Press.

Ugwudike, P. and Raynor, P. (eds) (2013) *What Works in Offender Compliance: International perspectives and evidence-based practice*, Basingstoke, Palgrave Macmillan.

Ugwudike, P. (2011) 'Mapping the interface between contemporary risk-focused policy and frontline enforcement practice', *Criminology & Criminal Justice*, 11(3):242-258.

Weaver, B. (2019) 'Understanding desistance: a critical review of theories of desistance', *Psychology, Crime & Law*, 25(6):641-658.

Weaver, B. and Barry, M. (2014) 'Managing high risk offenders in the community: Compliance, cooperation and consent in a climate of concern', *European Journal of Probation*, 6(3): 278-295.

Werth, R. (2012) 'I do what I'm told, sort of: reformed subjects, unruly citizens and parole', *Theoretical Criminology*, 16(3): 329-346.

Westmarland, L. (2011) *Researching crime and justice: tales from the field*, Cullompton, Willan

Wincup, E. & Noaks, L. (2017) *Criminological research: understanding qualitative methods*, Second edn, Los Angeles, Sage.

Appendix 1: Participant Information sheet

Research project

What factors influence successful completion of licence; from the perspective of those at the end of licence

Researcher

Kate Parsons

Who am I?

I work for HMPPS in the Effective Practice Division and a Quality and Effective Practice Manager. I am not involved in operational decisions and do not have any involvement in individual cases. This research is part of a Sir Graham Smith scholarship from the Probation Institute.

Why am I doing this study?

I am interested in finding out from people on licence what they think made a difference to why they have successfully completed their licence. I am particularly interested in hearing from those who have previously been recalled on licence.

I want to increase understanding of the service user's perspective of what can help or hinder progress on licence. I will then use the result of this research to create materials of stories of success on licence to be used by probation staff with service users.

What will participation involve?

Participation will involve one face to face interview. During the interview you will be asked questions about your experiences of being on licence.

Your answers and the recording of your answers may also be used in a piece of work after the research to produce materials to be used with those starting a period on licence so that they can hear the stories of those who have successfully completed a period on licence.

Do I have to take part in the study?

Your participation is completely voluntary. If you do not want to take part, you do not have to, and this will not disadvantage you in any way.

Are there any risks involved in taking part?

You will not be asked to talk in detail about your own experiences. However, I recognise in answering questions about previous periods on licence, this might trigger some unhappy or upsetting thoughts for some participants. However, you do not have to answer any questions you do not wish to, and time will be given at the end of the interview to discuss anything you may have found difficult. If you find the interview distressing, you can stop at any time, and we can advise you on who, you could talk to about your feelings.

Taking part in the study will not affect any decision about the management of your licence.

Are there any benefits in taking part?

There is no financial reward for taking part in the study.

Through taking part you will be contributing to our understanding of the experience of being on licence. It is hoped that this research will show that those subject to licence have an important contribution to make. It is hoped that in the future there may be more consultation with offenders about probation policy.

Will what I say be kept confidential?

The information you share in the interview will normally be kept completely confidential. However, I will be obliged to pass on to a member of staff any information regarding:

- Any further offences you admit to that you have not yet been convicted for
- Any breach of licence conditions that occurs during the interview
- Anything you say that implies a threat to yourself or to others

In all other circumstances, everything you say will remain confidential. The information you provide will be stored securely, for an indefinite period. The only people who will have access to your interview are the research team and the person who turns the recording of your interview into a typed file.

Will my contribution remain anonymous?

If you agree to the researchers using quotes from the interviews, this will be done in such a way that you cannot be identified. We will give you a different name and will change any details about your life which would 'give away' who you are. .

How do I agree to take part in the study?

If you agree to take part, you will be asked to complete a consent form, confirming that you understand what the study involves and have had a chance to discuss any questions with the researcher. You will also be asked to state whether you are happy for the interview to be recorded.

What if I want to withdraw from the study?

You are free to stop an interview at any time or refuse to take part in any further interviews at any stage during the research process, without having to explain why you want to stop. You can also insist that the content of your interviews so far is excluded from the study, without having to explain why. You may make this decision at any point up until 31st October 2019, when we will begin writing the research findings. If you make this decision, we will destroy your interview recording and any associated material. Making this decision will not be held against you or disadvantage you in any way.

What will happen to the results of the study?

The research will be available from the Probation Institute and may be published in an academic journal. It may also be presented at a Probation Institute conference. The findings from the research will be discussed with managers in the Prison and Probation Service. This will be done in such a way that you could not be personally identified.

What if I want more information about the study, or want to complain about some aspect of it?

Further information about the study can be obtained by contacting me at:

k.parsons@justice.gov.uk

Thank you for your time in reading this information. If you have any further questions at any stage of the research, please do not hesitate to ask me.

Kate Parsons

Appendix 2: Consent Form

Project title

What factors influence successful completion of licence; from the perspective of those at the end of licence

Researcher

Kate Parsons (BA, Mst) Quality and Effective Practice Manager in the Effective Practice group within HMPPS. This research is being undertaken as part of a Sir Graham Smith Scholarship from the Probation Institute.

Please tick the boxes if you agree with the following three statements.

YES

1. I have read and understood the Participant Information Sheet for the study (or have had it read out to me and have understood it), and have had chance to ask questions.
2. I understand that my participation is **voluntary**, that I do not have to answer any of the researcher's questions if I do not wish to, **and that I can withdraw at any time, without giving reasons**, until 30th September 2019.
3. I agree to take part in the study, which means being interviewed by the researcher.

Please answer **YES** or **NO** to the following two statements by ticking the appropriate box.

YES

NO

4. I agree to our interviews being recorded.
5. I agree to let the researcher use quotes from our interviews and conversations, as long as this is done in such a way that I cannot be identified.
6. I agree that quotes from the interview and the recording of the interview can be used by HMPPS to be used with prisoners and those released from prison.

Name of participant:

Date:

Signature:

Name of researcher:

Date:

Signature: