

July 2017



CLINKS
RESPONSE

Clinks response to HM Inspectorate of Probation inspection framework and programmes consultation

About Clinks

Clinks is the national infrastructure organisation supporting voluntary sector organisations working in the criminal justice system (CJS). Our aim is to ensure the sector and those with whom it works are informed and engaged in order to transform the lives of offenders and their communities. We do this by providing specialist information and support, with a particular focus on smaller voluntary sector organisations, to inform them about changes in policy and commissioning, to help them build effective partnerships and provide innovative services that respond directly to the needs of their users.

We are a membership organisation with over 500 members, including the voluntary sector's largest providers as well as its smallest. Our wider national network reaches 4,000 voluntary sector contacts. Overall, through our weekly e-bulletin Light Lunch and our social media activity, we have a network of over 15,000 contacts. These include individuals and agencies with an interest in the CJS and the role of the voluntary sector in rehabilitation and resettlement. Clinks also manages the National Criminal Justice Arts Alliance, which is the leading national network supporting the arts in criminal justice.

For more information see www.clinks.org

About this response

In order to respond to HM Inspectorate of Probation's consultation questions we have drawn on evidence from our ongoing policy work and consultation with members. In our submission we have focused on the three key areas which we feel our knowledge and expertise best places us to provide feedback on. These are:

- HM Inspectorate of Probation's engagement with voluntary sector organisations
- Probation providers' engagement with voluntary sector organisations
- Prioritising equalities in HM Inspectorate of Probation's framework and programmes.

Throughout our response we have made a number of recommendations and suggestions for HM Inspectorate of Probation to consider as well as offers of support that Clinks could provide to the HM Inspectorate of Probation.

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supporting voluntary organisations that
work with offenders and their families

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Summary of our recommendations and offers of support

- HM Inspectorate of Probation should consider how, in moving to a larger inspection unit, the framework can also ensure that local variations are visible and explored.
- The voluntary sector should be fully engaged in HM Inspectorate of Probation's development of 'good' alongside statutory partners and providers.
- Good engagement with the voluntary sector by probation providers should be an embedded principle in the underpinning standards. To this end any definition of a 'good' service must include principles for good commissioning, grant funding and partnership working.
- Clinks would be happy to work with HM Inspectorate of Probation to explore how the recommendations we make on good commissioning in our Change and Challenge report could inform their underpinning standards.
- Clinks currently supports HM Inspectorate of Probation to engage the voluntary sector in inspections through publicising upcoming inspections in our weekly newsletter Light Lunch and would be happy to work with HM Inspectorate of Probation to further develop appropriate mechanisms for this.
- Clinks can provide support to HM Inspectorate of Probation in engaging with service users through the members of our Service User Involvement Network.
- The inspection framework and programmes, its underpinning standards and any definition of 'good' must specifically consider how to drive improvement in equalities outcomes.
- We suggest HM Inspectorate of Probation engage with the Lammy review team in order to consider how the inspection framework can take into account their findings and be developed to achieve improved outcomes for Black, Asian and minority ethnic (BAME) offenders.
- HM Inspectorate of Probation should particularly consider how it might engage with voluntary sector organisations working in the youth sector and drive improvements in partnership working. Clinks could support HM Inspectorate of Probation to do this.
- Clinks has a wealth of experience of consulting the voluntary sector and in particular gathering evidence about their involvement in the supply chains which we could usefully contribute to HM Inspectorate of Probation's design of the thematic inspection of supply chains.
- Clinks could work with HM Inspectorate of Probation to develop the necessary variation in approach for engaging with the voluntary sector in the inspection of the three different estates – Community Rehabilitation Companies (CRC), National Probation Service (NPS), and youth justice.
- We recommend that the HM Inspectorate of Probation consider a thematic inspection of services in the community for BAME offenders.



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Overview

Clinks welcomes the opportunity to respond to this consultation and the recognition it demonstrates, on the part of the HM Inspectorate of Probation, and of the contribution of the voluntary sector towards probation outcomes. We broadly welcome the HM Inspectorate of Probation's proposals for its inspection framework and programmes.

We consider the intention to tighten national published standards and ensure that what is expected and delivered by probation providers is meaningful, of good quality and most likely to improve the life chances (of service users) as is timely at this point in the life of probation providers' contracts. Feedback we received through our latest trackTR¹ survey indicated that there was a need for probation services and outcomes for service users to be closely monitored. The complexity and ongoing nature of changes to the delivery of probation services meant that many organisations found it challenging to assess the impact on their service users. Where organisations did report a change it was more likely to be negative than positive, indicating a need for further scrutiny.

We particularly welcome the intention to make firm and open inspection judgements about the quality of work and to establish a consensus on what 'good' looks like and rate and grade outcomes based on this.

Developing probation services inspection

Unit of inspection

While we understand HM Inspectorate of Probation's reasoning for changing the inspection unit from Police and Crime Commissioner (PCC) area to CRC area, alongside the introduction of rating and grading probation services, we would sound some caution. Of the organisations that responded to our trackTR survey 52% of those working with CRCs described themselves as a Tier 3 provider and 42% described their footprint as local. Indeed the majority of organisations in the sector are small; 81% of respondents to our State of the Sector² survey have an income of less than £1 million. This is likely to mean that the voluntary sector in supply chains are not working across whole CRC areas. There is a danger that in moving towards a larger unit of inspection, variations in the quality of service within CRC areas could be lost.

Recommendation: HM Inspectorate of Probation should consider how in moving to a larger inspection unit, the framework can also ensure that local variations are visible and explored.

Underpinning standards

We particularly welcome HM Inspectorate of Probation's intention to work collaboratively to agree what 'good' looks like. The contribution that voluntary sector organisations can offer both to the development of HM Inspectorate of Probation's framework and programmes and the evidence it gathers through subsequent inspections is invaluable.

Our report 'Change and Challenge, the voluntary sector's role in Transforming Rehabilitation'³ recommended that services should be monitored against existing evidence of good practice. Clinks' discussion paper 'Rehabilitation, what does good look like?'⁴ highlights the wide ranging and distinctive role the voluntary sector has and continues to play in driving good practice in the development and delivery of services that support desistance.



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Recommendation: Clinks urges that the voluntary sector be fully engaged in HM Inspectorate of Probation's development of 'good' alongside other partners and providers.

Our Change and Challenge⁵ report also highlighted the difficulties faced by the voluntary sector in engaging with CRCs and the NPS both as a formally commissioned provider in the supply chain and outside of it. We acknowledge HM Inspectorate of Probation's intention for a thematic inspection in this area, on which we comment below, but would also stress that

Recommendation: Good engagement with the voluntary sector by probation providers should be an embedded principle in the underpinning standards. To this end any definition of a 'good' service must include principles for good commissioning, grant making and partnership working.

As a starting point for this the Change and Challenge⁶ report recommended that there should be total transparency in supply chains and the NPS and CRCs should each publish an annual strategy and action plan for effectively engaging smaller organisations in the delivery of their services. Clinks has also published a number of good commissioning and grant making guides over recent years⁷. Clinks would be happy to work with HM Inspectorate of Probation to consider how these recommendations and guidelines could inform their underpinning standards.

Clinks' trackTR work illustrates the wealth of evidence held by voluntary sector organisations about the quality of probation services and outcomes for services users. The insights, knowledge and evidence the voluntary sector can offer HM Inspectorate of Probation in assessing outcomes for service users as part of ongoing inspections will be vital. Clinks currently supports HM Inspectorate of Probation to do this through publicising upcoming inspections in our weekly newsletter Light Lunch and would be happy to work with HM Inspectorate of Probation to further develop appropriate mechanisms for this.

We would also suggest that service users should be involved in both developing what 'good' looks like and ongoing inspections. The value of service user involvement in designing, delivering and evaluating services is highlighted in our recent guide 'Good practice in service user involvement'⁸. Clinks can provide support to HM Inspectorate of Probation in doing this through the members of our Service User Involvement Network.

One of the most urgent challenges for the criminal justice system is the over representation and poorer outcomes experience by individuals from minority and equalities groups. Clinks would therefore stress that the inspection framework and programmes, it's underpinning standards and any definition of 'good', must specifically consider how to drive improvement in these areas.

Clinks is concerned that there are insufficient mechanisms to ensure that CRCs improve outcomes for these groups. The Offender Rehabilitation Act states that in providing supervision or rehabilitation the Secretary of State must comply with the public sector equality duty under the Equality Act (2010) as it relates to female offenders and must also identify anything in the arrangements that is intended to meet the particular needs of this group. However, this provision does not exist for other groups with protected characteristics under the Equalities Act (2010) and as found by HM Inspectorate of Probation's thematic report on services for women in 2016⁹ had, at that stage, resulted in limited impact in terms of driving improved outcomes.



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In the adult system, the Ministry of Justice and National Offender Management Service (now Her Majesty's Prison and Probation Service) have previously responded to our concerns in this area, specifically with regards to BAME offenders, by pointing to the contractual imperative CRCs have to reduce reoffending which can arguably mean that they would target those with the poorest outcomes. However, given the gravity of the issues for this group Clinks is strongly in favour of more rigorous requirements to improve outcomes.

Similarly, in the youth system, we have seen an increase in the numbers of BAME young people, in particular black boys, entering the system alongside an overall reduction in numbers, making the need to address this issue critical.

Clinks response to the Equalities and Women Select Committee inquiry into gypsy and traveller inequality¹⁰ also highlights specific issues for people from Gypsy, Romany and Traveller (GRT) backgrounds in the youth justice system.

The most recent estimates of GRT children in youth custody put the numbers in Secure Training Centres at 12%, while those in Youth Offender Institutions were in line with the adult population at 5%¹¹. This suggests a higher rate of disproportionality in the youth justice system. The Traveller Movement have undertaken research that also found significantly poorer outcomes for GRT children including experience of physical abuse and unmet emotional and mental health needs. However, there is a lack of ethnic monitoring of GRT groups in the youth justice system and the Traveller Movement has called for this to be introduced as it has been in the adult system in order to understand the extent of the disproportionality and the needs of GRT children in the youth justice system.

The Lammy review is due to report in summer 2017 and we hope it will provide the impetus for long awaited action on these issues.

Recommendation: We suggest HM Inspectorate of Probation engages with the Lammy review team in order to consider how the inspection framework can take into account their findings and be developed to achieve improved outcomes for BAME offenders.

Youth justice inspections

In the youth system, partnership working with the voluntary sector is in a particularly vulnerable position. To inform our response to the Taylor review¹² we held a number of consultation events with national and local voluntary sector partners concerned with children, young people and youth justice. That response highlighted the fragile state of the voluntary sector working in this area due to reductions in local funding. We urged reinvestment in partnership working with the voluntary sector in order to better involve them as key strategic and delivery partners.

Recommendation: HM Inspectorate of Probation should therefore particularly consider how it might engage with voluntary sector organisations working in this sector and drive improvements in partnership working. Clinks could support HM Inspectorate of Probation to do this.



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Thematic inspections

Clinks welcomes HM Inspectorate of Probation's intention for a thematic inspection of supply chain provision. The voluntary sector provide a range of hugely valuable services in support of and in addition to statutory probation services. This may be through delivering formally contracted services as part of a supply chain or through partnership work with probation providers.

Our trackTR work has found that voluntary sector involvement in CRC supply chains is low and the organisations represented are disproportionately large. This suggests that the commissioning processes may present particular challenges to the small and medium organisations who make up the majority of our sector.

Our 2016 trackTR survey found that only one organisation that responded had a direct funding relationship with the NPS. We heard that the 'rate card' system limits strategic engagement with the voluntary sector, restricts collaboration and innovation and increases costs to the NPS.

Although there is limited formal involvement in supply chains, the voluntary sector's contribution to rehabilitation and resettlement outcomes outside of supply chains is likely to be considerable. Half of the voluntary sector organisations that responded to our trackTR survey, who are outside of supply chains, still receive and accept referrals from CRCs and the NPS.

Despite this we have found that the sector's involvement in the wider commissioning process is poor. There is a lack of communication between CRCs, the NPS and the voluntary sector about future strategy, service development and commissioning opportunities.

We would therefore hope that the proposed thematic inspection of supply chains would look to include all service providers in a CRC area, both inside and outside the supply chain and explore the wider commissioning process. We recognise that this may present challenges, not least, in ensuring voluntary sector participation in an inspection. Clinks has a wealth of experience of consulting the voluntary sector and in particular gathering evidence about their involvement in the supply chains which we could usefully contribute to HM Inspectorate of Probation's design of this thematic inspection.

In addition, given that the nature of engagement with the voluntary sector across the three estates - NPS, CRCs and youth justice - significantly varies, the approaches needed for inspecting this will vary according to context. Clinks could work with HM Inspectorate of Probation to develop this further.

Finally we would also suggest that based on the points made above regarding the poorer outcomes experienced by BAME service users, a thematic inspection in this area would be timely. We note that HM Inspectorate of Probation has not focused specifically on this theme since the publication of Towards Race Equality¹³ and its follow up reports. We also note the positive recommendations of the thematic inspection of services in the community for women who have offended. We therefore recommend that the HM Inspectorate of Probation consider a thematic inspection of services in the community for BAME offenders.

It would be timely to discuss with the Lammy review how such a thematic inspection might compliment and add value to the Lammy report.

For further information please contact Jessica Mullen, policy manager Jessica.mullen@clinks.org



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End notes

1. Clinks, NCVO and Third Sector Research Centre (TSRC) are monitoring the voluntary sector's involvement in Transforming Rehabilitation, following concerns that charities have missed out in previous large-scale government contracts. For further information see <http://www.clinks.org/trackTR>
2. Clinks (2016) State of the sector report. Available at: http://www.clinks.org/sites/default/files/basic/files-downloads/clinks_state-of-the-sector-2016_final.pdf [last accessed 12.04.17]
3. Clinks (2016) Change and Challenge, the voluntary sector's role in Transforming Rehabilitation. Available at: <http://www.clinks.org/resources-reports/change-challenge-voluntary-sector-role-transforming-rehabilitation> [last accessed 12.04.17]
4. Clinks (2013) Rehabilitation: what does good look like? Available at : <http://www.clinks.org/sites/default/files/What%20does%20good%20rehabilitation%20look%20like.pdf> [last accessed 12.04.17]
5. Clinks (2016) Change and Challenge, the voluntary sector's role in Transforming Rehabilitation. Available at: <http://www.clinks.org/resources-reports/change-challenge-voluntary-sector-role-transforming-rehabilitation> [last accessed 12.04.17]
6. *ibid.*
7. Clinks (2014) More than a provider, the voluntary sector's role in the commissioning of offender services. Available at : <http://www.clinks.org/resources-reports/more-provider-role-voluntary-sector-commissioning-offender-services> [last accessed 12.04.17]
8. Clinks (2017) Good practice in service user involvement. Available at: <http://www.clinks.org/resources-guides-toolkits/good-practice-service-user-involvement> [last accessed 12.04.17]
9. We would however note as positive NOMS contractual review to ensure providers are meeting their obligations to provide suitable services for female offenders as a result of HM Inspectorate of Probation's thematic inspection report.
10. Clinks (2017) Response to the Women and Equalities Committee inquiry into tackling inequalities faced by Gypsy, Roma and Traveller communities. Available at: http://www.clinks.org/sites/default/files/basic/files-downloads/clinks_wec_grt-inquiry_v1.pdf [last accessed 12.04.17]
11. HM Inspectorate of Prisons (2014). People in prison: Gypsies, Romany and Travellers. Online: <http://www.justiceinspectors.gov.uk/prisons/wp-content/uploads/sites/4/2014/04/gypsies-romany-travellers-findings.pdf> [last accessed: 17/01/17]
12. Clinks (2017) Clinks response to the Review of the Youth Justice System in England and Wales. Available at: http://www.clinks.org/sites/default/files/basic/files-downloads/clinks_response_taylor-review_final-3.pdf [last accessed 12.04.17]
13. HM Inspectorate of Probation (2000) Towards Race Equality. Available at: http://nomsintranet.org.uk/roh/official-documents/Towards_race_equality.pdf [last accessed 12.04.17]

CLINKS

Clinks supports, represents and campaigns for the voluntary sector working with offenders. Clinks aims to ensure the sector and all those with whom they work, are informed and engaged in order to transform the lives of offenders.

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