



Reducing Reoffending Third Sector Advisory Group (RR3)

The Ministry of Justice, Petty France

London SW1H 9AJ

Monday 17th September 2018

Present:

- Anne Fox – *Clinks* (chair)
- Chris Stacey – *Unlock*
- Emma Wells – *Community Chaplaincy Association*
- Jacob Tas – *Nacro*
- Laura Seebohm – *Changing Lives*
- Linda Bryant – *Together for Mental Wellbeing*
- Diane Curry – *Partners of Prisoners*
- Martin Blakebrough – *Kaleidoscope*
- Mohammad Hanif – *Arooj*
- Nicky Park – *St Giles Trust*
- Peter Dawson – *Prison Reform Trust*
- Riana Taylor – *Circles UK*
- Rod Clarke – *Prisoners Education Trust*
- Bettina Crossick – *HM Prison and Probation Service*
- George Barrow – *Ministry of Justice*
- Nikos Prekas – *Ministry of Justice*
- Catherine Pearson – *Ministry of Justice*
- Will Downs – *Clinks* (secretariat)

1. Welcome and introductions

- 1.1. Apologies were received from Beverley Williams, *Addaction*; Richy Cunningham, *Humankind*; Jess Mullen, *Clinks*.

2. Update on RR3 work

- 2.1. **RR3 Review:** AF explained that the RR3 review has been put on hold while we await the outcome of the probation review.
- 2.2. **Recruitment:** To ensure there is no gap in expertise, AF explained Clinks have begun advertising vacant positions on the RR3 for accommodation expertise (to succeed Beverley Williams, who has moved to Addaction and therefore will need to step down) and for black, Asian and minority ethnic (BAME) expertise (to cover for Jeremy Crook while on secondment at Her Majesty's Prison and Probation Service (HMPPS)). There is an open recruitment process, but we are also directly contacting specific organisations to ensure they are aware, which is particularly important to ensure smaller organisations have the opportunity to apply. Beverley Williams has kindly agreed to stay on until a new accommodation lead is appointed.

2.3. **Women:**

- 2.3.1. AF announced that Clinks have made the strategic decision to recruit someone to redevelop women sector specific work following the merger of Women's Breakout within Clink last year. AF will discuss with LS about that as it develops.

ACTION 1: Anne Fox to discuss with Laura Seebohm about redeveloping women's support and implications for the Women's networking forum.

- 2.3.2. LS fed back from the Women's Networking Forum mixed reaction to the update from the Ministry of Justice (MoJ) on women's centres pilots.

2.4. **The accommodation special interest group (SIG) report:**

- 2.4.1. AF welcomed the MoJ's warm response to the accommodation SIG report, including their table of implementation. The spirit of each recommendation has been accepted, though there may be some difference of opinion on how they are taken forward.
- 2.4.2. LB asked for the MoJ's response to be circulated more widely. AF said she will ask about how far we can share this.

ACTION 2: Anne Fox to clarify with Becky Wyse permissions regarding circulating and publishing the MoJ's response to the accommodation SIG. Secretariat to feed back to group and publish (if approved).

- 2.4.3. JT asked how Clinks and the SIG were planning to follow through to ensure this hits the ground. He suggested whether the RR3 could conduct a 'year on' review.
- 2.4.4. AF said she would take that back to Nicola Drinkwater, the SIG secretariat, and discuss further with the SIG on monitoring implementation.

ACTION 3: Anne Fox to discuss with SIG secretariat Nicola Drinkwater regarding how we monitor the implementation of the MoJ's commitments regarding the recommendations from the accommodation SIG.

2.5. **Employment SIG:**

- 2.5.1. CS shared plans to establish a SIG, in the form of a one-off roundtable, to look at how to improve employment prospects for people coming through the criminal justice system, in the context of the MoJ's education and employment strategy and the New Futures Network. CS is meeting Ian Bickers in September and will discuss best time to hold the meeting to tie in with the MoJ's work.
- 2.5.2. It was agreed that the recruitment process should be open, but that the group should ensure specific organisations are made aware of the opportunity, particularly as many are not highly engaged in national policy.
- 2.5.3. RC said it was important to consider the relationship between education and employment, given that the MoJ's strategy showed a greater interest in joining up education and employment and many possible attendees will be engaged in the education procurement process.
- 2.5.4. CS agreed that given the potential breadth of this discussion, the SIG would specifically focus on organisations working with people in the community and getting them into work. There was agreement that the SIG must have a very clear focus with managed expectations.

ACTION 4: Christopher Stacey and secretariat to further develop plans for a SIG on employment, taking into account feedback from the group.

2.5.5. GB suggested inviting someone to present on the New Futures Network at a future meeting.

2.5.6. BC recommended a meeting with Ian Bickers now with operational oversight in HMPPS for E&E. AF seeking to meet with IB.

ACTION 5: Secretariat to liaise with George Barrow to invite MoJ official responsible for the New Futures Network to a future RR3 meeting.

3. Reducing reoffending board

3.1. **MoJ feedback:** Members of the group expressed disappointment over the update provided by MoJ officials regarding the reducing reoffending board. AF explained we've had the paper update and due to pressures on time, were not able to get a response and meeting with Rhian Williams and Becky Wyse, though this is being booked in.

3.2. **RR3 as an advisory group:** Concerns were raised as to the relationship between the RR3 and the Reducing Reoffending Board (RRB). The group welcomed the board, and wanted to advise it, but sought clarity on their exact role and requested a terms of reference be established. AF stated that she was committed to protecting the expertise and reputations of the group and was committed to ensuring this works.

ACTION 6: Anne Fox to meet with Becky Wyse and Rhian Williams regarding formalising the relationship between RRB and RR3 and establishing formal feedback mechanism. Anne Fox to report back to group.

3.3. MoJ's role:

3.3.1. The group sought clarity on the role of MoJ in relation to the Cabinet Office and the secretariat. It was suggested a meeting with the secretariat of the RRB would be a sensible ask.

3.3.2. RC said that as our introduction to the RRB had come through the MoJ, we don't know what the balance of the board is, and how David Lidington perceived this. To wider agreement, he also suggested that our focus should not be on what MoJ should do, but what other government departments should do to make MoJ's work possible.

3.4. David Lidington:

3.4.1. The group discussed the role of David Lidington and the unusual, albeit welcome, decision to take an issue he cared about to his new role. It was suggested that the group should request a meeting with Lidington, though BC said that securing a meeting in his diary before the October meeting was likely to be impossible.

3.4.2. AF suggested seeking some midpoint meeting with David Lidington, perhaps a year from now, he either comes to an RR3 meeting, or meets with some of the group.

ACTION 7: Anne Fox and secretariat to explore the possibility of David Lidington, chair of the reducing reoffending board, attending either a future RR3 meeting or a separate meeting with delegates from the group.

3.5. RRB meeting in October:

- 3.5.1. The group discussed how to best input into the next RRB meeting in October, given its focus on employment and accommodation. BC suggested that ministers come and go, and this was an opportunity to strike while the iron is hot.
- 3.5.2. The group agreed to send a short submission to the board with a handful of key points. AF suggested that Clinks can coordinate a response, but that the advice must come from the group. The group agreed that they may need to submit this prior to a formal terms of reference to the board being in place.
- 3.5.3. The group discussed what to include in their response. AF suggested our points must be nailed to the delivery of the MoJ strategy, though PD suggested the group needs to be more specific than simply asking for the education and employment strategy to be implemented. The group agreed that they should also focus on changes that went beyond the MoJ's remit, and required cross-government working to realise.
- 3.5.4. PD suggested five key items to include with regards to employment: (1) government action on release on temporary license (ROTL) reform; (2) implementation of the commitment to give National Insurance Contributions holiday for employers employing people who have been in prison; (3) clarity on the Offender Rehabilitation Act; (4) deadlines on proposed proxy measure regarding reducing reoffending; and (5) action on when and how people can apply for Universal Credit from prison (the DWP Universal Credit recommendation in the MoJ's education and employment strategy was not clear enough).
- 3.5.5. DC suggested that prison leavers entering low paid employment might need a transition period of three to six months to continue to claim benefits, even if working, in order to provide stability and period to adjust.
- 3.5.6. Additional suggestions were made with regards to accommodation, such as to include a point on how to support family relationships in order to reduce the need for accommodation support further down the line. The group ran out of time and agreed to move on pulling something together outside of the meeting.

ACTION 8: secretariat to coordinate a submission to the reducing reoffending board's October meeting. The submission will make a number of solution-focussed key points on employment and accommodation, which tie into existing work (e.g. the MoJ's education and employment strategy; and the accommodation SIG's report) but focussed on issues that require cross-government support to implement.

4. MoJ and HMPPS updates

4.1. Personnel changes:

- 4.1.1. BC stated that Ian Bickers' three areas of work in his new role were: (1) education contracts launch; (2) New Futures Network; (3) accommodation. Ian will also be establishing an accommodation team.
- 4.1.2. BC has been moved into a newly formed Rehabilitation Systems and Change group at HMPPS, headed up by Simon Marshall who, BC stated, understands and is sympathetic to the third sector. Her team is moving to Croydon in October. Simon Marshall would like to come to next RR3 meeting.
- 4.1.3. GB stated that the youth justice offender policy group had moved into Phil Douglas' group and suggested that that should have a relationship with RR3.

4.2. HMPPS grants update:

- 4.2.1. BC said that though they had received 200 applications, including some excellent ones from small charities, a lack of small organisations and BAME specialist

organisations had applied for grants in their latest grants programme. The group fed back that small charities were at a disadvantage compared to larger charities in terms of capacity and resource, and therefore would have benefited from additional help such as workshops. Small organisations also found the deadline too tight and time constraints impacted on their partners- i.e. governors and probation couldn't respond in time to the organisation.

4.2.2. In response, BC stated that organisations weren't expected to have every agreement in place with partners, though apologised if that hadn't been communicated well. She stated that internal sign-off and hold up meant that they stretched the deadline as much as possible.

4.2.3. AF reported that the sector were surprised to see the Institute of Criminology awarded a grant, and that as academic work is usually dependent on European money, should we expect voluntary sector pots to become even more squeezed with competition from universities? BC stated that she was conscious of this, though it is right that the pot includes third sector, social enterprises and not for profits. Voluntary organisations work with universities to get evaluations done too. She can't step in to a fair and transparent exercise and intervene.

4.2.4. BC said she is working with Richard Nicholls at Clinks to monitor the grant programme going forward, and will incorporate feedback from charities into the new grants programme, which will launch in 18 months. She said they've simplified the procurement system and are exploring other practical solutions which she will discuss with Richard Nicholls from Clinks and will likely be delivered by Clinks.

ACTION 9: Bettina Crossick to liaise with Richard Nicholls from Clinks about future HMPPS grant programmes and provide feedback to the group.

4.2.5. BC stated that she wasn't allowed figures from procurement, as these were 'commercially confidential'. BC stated that she would bring up the issue at the next board meeting. There was some suggestion that such figures could possibly be ascertained through a FOI request.

4.2.6. EW asked BC about why they weren't able to award a grant to the volunteering theme. BC stated that approximately seven applications were received in that theme, but none of the organisations that applied met the criteria, so they allocated additional rewards to other themes. BC suggested the theme should have been clearer. There was minor disagreement with whether the lack of funding in this theme represented a gap in provision.

4.3. **Ian Bickers and Duncan O'Leary:** BC said she has been speaking to Ian Bickers and Duncan O'Leary who are happy to come to an RR3 meeting to answer questions re NFN.

ACTION 10: group to let secretariat know if they would like Ian Bickers and Duncan O'Leary to attend future RR3 meeting. Secretariat will then arrange via Bettina Crossick.

4.3. **Lammy:** GB stated that the Lammy Race and Ethnicity Board held a further meeting and are close to having a metric, albeit imperfect at this stage. Discussions were being held about whether to release a Lammy 'one year on' document, though there was recognition that only limited activity had taken place to date.

4.4. **RR3 secondment:** GB said the secondment to the MoJ through the RR3 young adult's policy work took time to get someone in post, but has been very successful. The secondment will continue with funding from the Barrow Cadbury Trust. AF, LB and GB agreed to discuss lessons learned from the process.

ACTION 11: Anne Fox, Linda Bryant and George Barrow to meet and discuss learnings from the process of an RR3 secondment to MoJ.

- 4.5. **Comms:** HMPPS/ MoJ communications team is looking at getting good new stories into local newspapers.

5. Probation consultation

5.1. Consultation so far:

- 5.1.1. GB stated that the consultation period was compressed, due to obvious pressures to renew contracts, but that they had received around 250 online submissions to the consultation, and the more substantial responses were starting to come in- with more expected from some of the major stakeholders nearer the deadline.
- 5.1.2. He also stated they had conducted a programme of engagement events, including some with Clinks. They had held productive meetings with PCCs, and discussed devolution and better coordination between NPS and CRCs.
- 5.1.3. CS asked how probation experienced individuals are being involved in the consultation process. GB said there was a user consultation channel set up by the design team, and he will get Nathan Dick to contact CS regarding that.

ACTION 12: George Barrow to get Nathan Dick to contact Christopher Stacey regarding the involvement of probation experienced individuals in the consultation process.

ACTION 13: group to send any service user involvement they have conducted to George Barrow and Nathan Dick at the MoJ.

- 5.1.4. The consultation was due to close on Friday 21st. Analysis had already started and was showing sentencer confidence and unpaid work were primary concerns. NP raised a concern that the consultation was happening too quickly again, with limited lead-in time to implementation.
- 5.1.5. AF suggested that there was an unusual amount of consultation already- and that there feels like a shift in opinion that we must involve the voluntary sector.

5.2. Post-consultation timeline:

- 5.2.1. GB stated that MoJ won't stop talking once the consultation ended. They would have their analysis and proposals, and they will be presenting these to ministers by the end of October, but there would still be room for dialogue with the voluntary sector. Once ministers decide, the MoJ will produce a "you said...we did" response for those that engaged in the consultation process (due Christmas/ New Year), while procurement will progress fully in the new year.

5.3. Consultation fatigue:

- 5.3.1. DC and RT talked about feedback consultation fatigue. There was an assumption, rightly or wrongly, that it's a done deal anyway so people loathe to put pen to paper for the effort, especially as fundamental changes are not likely. LS added that a lack of innovation we were seeing from responses possibly originates from this cynicism.
- 5.3.2. AF countered that 160 organisations had come to our events- so involvement has been good. Nine more were due to attend an event later in the week too. AF said all of this- probation, through the gate, rehabilitation, thinking about the individual, journeys- was what the voluntary sector did. It was sad that we are in this position of frustration.

- 5.4. **Education:** CS queried the fact the education strategy had a focus on prisons, and that probation was not really mentioned in that strategy. There should be an employment probation strategy too.
- 5.5. **Offender management and probation:** AF raised the issue that there still wasn't clarity on the fundamental question of how offender management and custody work together and exactly which functions are going out to tender. GB accepted it was a valid point on how prison reform relates to probation.
- 5.6. **TUPE:** The group agreed that TUPE arrangements were time consuming, complex, costly and crucial. Despite the fact this is legislation, organisations always struggle to get a clear answer on whether TUPE applies to them, leading them to take on huge risk. Others reported that confusion around TUPE can cause existing staff to jump ship early and tribunal costs could force organisations to close.
- 5.7. **Legislation:** GB stated that there would not be a change in legislation and that the Offender Management Act was seen as being flexible enough to allow for all necessary changes to be implemented. RC made the point that the Act set the size of the task for TR without the appropriate money to address the task, creating a mismatch. He argued that the legislation (i.e. minimum post-sentence supervision requirements) force us to pursue token tasks, which don't necessarily achieve anything.
- 5.8. **CPAs:**
 - 5.8.1. LS argued that the continued split between CRCs and NPS continues to be the biggest disappointment, to the agreement of JT who argued that it has not worked, and unless there's a new system, it won't work. DC also suggested under larger CPAs it will again be the larger organisations who can take the risk and liability.
 - 5.8.2. JT asked for clarity on how to increase sector involvement and asked to hear the suggestions to date. He also asked for the current vision about how people/organisations might need to be involved in the bidding for different levels of engagement in the context of reducing CPAs from 21 to 10.
- 5.9. **Funding:** RC asked for clarity on funding and whether there was any better understanding of what the envelope for new system would be. GB said not at this stage but first step is ensuring spending the full current allocation.
- 5.10. **Prison population:** There was also concern over what the prison population will look like in two years. There's a stated desire to see less people serving short sentences, but they don't say what they think the numbers will look like in two years. No one wants to bid in the NW for example without knowing what resettlement prisons looks like.
- 5.11. **Community payback:** AF questioned whether voluntary organisation considered engaging in community payback conflicted with their ethical positions.
- 5.12. **Transition:** GB said a transitions work stream was starting up fairly soon, and they were interested to hear from the sector on how one hands over to the other.

6. Female offenders update

- 6.1. CP presented on the female offender strategy, with particular focus on the proposed pilot women's residential centre and the national concordat
- 6.2. **Clarity over concordat:**
 - 6.2.1. RC stated that a concordat usually means an agreement between different parties, therefore a national one would presumably be an agreement between MoJ, HMPPS and other government department. He and others questioned how this aligned with their aim to incorporate best practice at the local level, who the local partners to this

concordat might be, what MoJ were considering as 'local' and whether a standardised approach could be created given the heterogeneity of local contexts.

6.2.2. CP stated that the intention was to create a whole systems approach with local partners but there was a question about who was best to lead that at a local level.

The crisis care concordat was the inspiration.

6.3. Existing partnership working:

6.3.1. Members of the group shared their experiences of already working closely with people from across the voluntary /statutory divide and questioned the need for this. DC mentioned the imperfect, but broadly effective, Greater Manchester Women Offenders Alliance which already brings key people together. There was concern that the concordat would encourage people to sign up to something they are already doing.

6.3.2. CP asked whether if something that sets out examples of where partnership working has worked would be a useful thing to have.

6.4. Coordination over budgets:

6.4.1. RC made the point that partnership working had been in vogue within policy circles for many years, but what still hadn't been achieved is coordination over budgets and money. In the current climate, this was especially complex as you can pull local agencies together but due to the financial pressures of Local Authorities and PCCs and the absence of various budgets such as health, children and family to support this work, the good will isn't met with effective provision. NP also made the point that different budgets across agencies led to conflicting aims- and any concordat would need to establish an agreed standard set of outcomes and measurable tools to address this.

6.4.2. LS raised the fact that the women's and girls' initiative is coming to an end- and partners of the programme are worried about surviving the next year. A holistic women's network was needed.

6.4.3. DC asked if the intention is to reduce women in custody, there should be ambitions to divert money saved from that into other provision and support from women.

6.5. **Welsh agreement:** AF mentioned the Welsh agreement as an effective and bold blueprint that everyone's signed up to, informed by locally-based discussion although it still needs further sector involvement as it gets finalised. She suggested something resembling that that linked into female offender strategy could work.

6.6. **Evidence and evaluation** –there were concerns that there would be pressure on one year funded projects under the stratagem's women's fund to produce strong enough evidence to convince wider investment. AF alluded to the lack of traction the conclusive findings of the JDL on women's centres has been in leading to more money. Group advised MOJ to look at work happening on trust based commissioning and commissioning for complexity.

6.7. Evidence base, co-design and consultation to date regarding proposed women's centres:

6.7.1. PD asked where MoJ found the evidence that more intensive residential provision is needed, as he has never seen it, nor is he aware of anyone from the voluntary sector asking for this as a solution. There was concern that huge resource and time are going into building something that no one wants- when people have asked for alternatives.

6.7.2. NP asked whether co-design with women with lived experience had taken place to direct this, and whether any was planned going forward. CP said the idea had come from feedback and the advisory board, but was not informed through engagement with women with lived experience.

6.7.3. AF, a member of the advisory board, stated that they had strongly objected to the building of five new prisons, but they never endorsed the current proposal. The voluntary sector did talk about residential women's centres, somewhere for women to live, voluntarily, and that there should be a good number of them.

6.7.4. NP made an offer to CP to help her set up focus groups to inform the development of the women's centres pilots.

ACTION 14: Nicky Park to liaise with Catherine Pearson to explore running focus groups to inform the development of the women's centres pilots.

6.8. Custody or alternative to custody?:

6.8.1. There was some discussion as to whether these proposed centres would be part of the custody system. The group asked for clarity on the proposals: whether this was deemed to be a women's centre with accommodation; whether this was somewhere between custody and community sentence; whether a woman could walk in and out (and what the consequences were for leaving); who would be managing the sentence; whether there would be a curfew; whether there would be security to keep people in; whether a mandated residential centre ran the risk of increasing recalls; and whether a mandatory residential centre, with the disruption to your home, family and employment that this inevitably entails, eventually just resembles and recreates the core problems of women's prison again.

6.8.2. CP suggested they were thinking more that it would be voluntary and they were not conceiving of it as part of the prison system. CP said that the terminology of 'women's centres' was an inherited term from Philip Lee and wasn't useful. She stated that the idea was that instead of sending a woman to prison, where appropriate, there's a provision to be able to provide somewhere to live with wraparound care. CP used a number of examples of centres that these could be modelled on, but the group suggested these models varied wildly in practice and therefore didn't help clarify their core questions.

6.8.3. AF said she was willing to share with CP learnings from other organisations that have run residential centres.

ACTION 15: Anne Fox to liaise with Catherine Pearson about sharing learnings from how other models of women's residential centres and residential rehab centres operate.

6.8.4. NP stated that if it's an alternative to custody, the only women who would benefit from it would be those with no fixed abode. She argued that you would never recommend someone giving up their home.

6.8.5. AF said that one of the original drivers of this idea was to ensure some sentencers weren't sending women to prison because they have nowhere to live.

6.8.6. DC expressed concern that the original plans suggested there would be a list of options for women catering for various needs, though as the conversation has developed, and in the absence of meaningful co-design, more questions than answers are emerging. She said they do support women for whom accommodation is a serious issue, but if accommodation is complicated by having a custodial element to it, then there will be major problems.

6.9. **Geography:** There was concern that by directing their attention into a limited number of pilots lasting 4-5 years, there would be little additional provision in the meantime while we await the evidence from the pilots. There was also concern that this evidence in itself may be of limited use as the outcomes of these new centres may be more driven by specific

local factors (context of devolution, the rural/ urban divide etc.) rather than the design of the centres themselves. There's a risk of placing all eggs in one basket, with no useful learning emerging as a result.

6.10. CP said there were three main areas she had picked up from the conversation that she would like to engage further on: the repercussions of whether these centres were voluntary or not; the point about geography; and the need for co-design.

ACTION 16: the secretariat to follow up with Catherine Pearson on how the RR3 could advise on the key concerns raised in the meeting regarding the development of women's residential centres.