

June 2018



CLINKS
RESPONSE

Clinks response to the HM Inspectorate of Probation's 2018 consultation on inspection framework and programmes

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 people in the criminal justice system 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 manages the National Criminal Justice Arts Alliance, a national network of over 800 artists, arts organisations and criminal justice practitioners using creative approaches to reduce reoffending. We also support a network of women's centres and specialist women's services working in the criminal justice system.

About this response

This response builds on our response to the HMI Probation's 2017 consultation on the inspection framework and programmes,¹ as well as the more detailed evidence we submitted after working in partnership with HMI Probation in summer 2017 to run consultation events with the sector. We have also drawn on evidence from our ongoing work with the voluntary sector in criminal justice, including our work to track the impact of Transforming Rehabilitation;² our annual State of the sector surveys;³ our engagement with the sector around the Taylor Review of youth justice⁵ and the Lammy Review of treatment and outcomes for black, Asian and minority ethnic (BAME) people in the criminal justice system;⁵ and engagement with the women's sector to inform our response to the Ministry of Justice's consultation on their strategy for female offenders.

1. Views on the criteria the Inspectorate proposes to select Youth Offending Teams (YOTs) for inspection

Clinks broadly agrees with the proposed selection criteria. Below we provide some specific comment on these.

The volume and nature of the organisation's caseload

With regards to volume we would suggest that selecting YOTs with larger caseloads would provide a greater sample of cases and support HMI Probation to have a better overview. However this should also be balanced with ensuring that the quality of services in areas with low caseloads is inspected.

We recommend that the demographic make-up of the caseload as well as the types of offence included in it are taken into account when selecting YOTs for inspection. Given the significant over representation of young people from BAME backgrounds in the youth justice system and the specific needs and experience of girls as opposed to boys it is important that HMI Probation is able to gain a clear picture of the experiences of these groups through the areas inspected.

HMI Probation should seek to inspect YOTs which demonstrate the greatest over representation of BAME young people in their case load and the greatest disproportionality with regards to outcomes. Due to the low number of girls in the youth justice system overall, HMI Probation should ensure that the selection of YOTs by other criteria does not result in cases involving girls not being present in any sample of cases. Similarly HMI Probation should seek to understand the quality of provision by YOTs across a range of offence types.

We encourage HMI Probation to be mindful of the role of the voluntary sector in supporting the work of YOTs. A key consideration once YOTs have been identified for inspection on the basis we outline above will be whether they have the necessary links and partnership arrangements with specialist services, including from the voluntary sector, to meet the specific needs of BAME children and girls, as well as their wider caseload.

As we highlighted in our response to HMI Probation's 2017 consultation on the inspection framework and programmes, partnership working with the voluntary sector is in a particularly vulnerable position in the youth justice system, due to the need for local authority funding to support this.

At the workshops we ran in partnership with HMI Probation in 2017 organisations highlighted a number of challenges in partnership working with probation and youth offending services, including the lack of an embedded structure for partnership work, lack of knowledge about partner organisations and lack of understanding of the specific role of the voluntary sector.

Similarly, our response to the Taylor Review of the youth justice system 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. It would therefore be appropriate for HMI Probation to explore whether and how increased partnership working with the voluntary sector affects YOTs' management of larger caseloads.



Previous inspection results and data and information on performance

HMI Probation should inspect YOTs with poor performance on a more regular basis. However, it is essential that the performance of Youth Offending Teams is not measured solely by re-offending rates. Clinks members attending our consultation events on the Taylor Review strongly emphasised the importance of holistic support for young people, with a focus on mental health and trauma-informed practice and including education, substance misuse issues, family relationships and employment.

In order to ensure that the wellbeing of the child is placed at the centre of practice in youth offending services, performance measures for YOTs must cover a range of factors such as child protection, mental health support, engagement with education and employment and accommodation outcomes.

Intelligence received from any source

When considering information from any sources as a criteria for selection of YOTs for inspection it is important to recognise the value of the voluntary sector as a source of intelligence on the quality of existing services. Voluntary sector organisations can encounter barriers to engaging in the inspection process when they are contracted by statutory agencies or hope to be in the future. It may therefore be beneficial for HMI Probation to provide other routes for gathering intelligence from the voluntary sector.

HMI Probation should regularly work with local and national infrastructure organisations to survey the voluntary sector on the quality of youth offending services, in order to gather intelligence on which YOTs may be under-performing.

2. Clinks' views of the Inspectorate's proposed topics for thematic inspection

Sex offenders

Clinks welcomes this as a proposed thematic inspection topic. Clinks members working with people who have committed sexual offences have highlighted a number of significant barriers to support for the desistance process and to resettlement in the community for this group, such as poor family relationships, and limitations in access to employment and accommodation resulting from their high risk status.⁶ Due to these factors, the role of voluntary organisations such as Circles UK and RECOOP (Resettlement and Care of Older ex-Offenders and Prisoners) is vital in providing holistic rehabilitative support to this group.

Clinks can provide support to HMI Probation in engaging with voluntary sector organisations with expertise in developing and delivering services for people who have committed sexual offences, aimed at ensuring positive outcomes for this group as well as reducing re-offending.



Domestic violence

Clinks supports this as a proposed thematic inspection topic. Clinks' forthcoming trackTR report raises significant concerns about specialist provision for women within probation services and highlights increased financial instability for women's specialist services. Clinks has extensively explored the impact of and challenges faced by specialist provision for women through our Women's Networking Forum, State of the sector surveys and trackTR reports.

Clinks also convenes a network of women's centres and specialist women's services working in the criminal justice system. Any thematic inspection in this area should explore the role of specialist women's services in providing support to women in the criminal justice system who are victims of domestic violence and the challenges they face in supporting this group.

Clinks can offer support in engaging with a range of providers of specialist provision for women inside and outside of probation supply chains, as well as other voluntary organisations with expertise in domestic violence.

Integrated Offender Management

Clinks believes that a thematic review of Integrated Offender Management (IOM) would be highly beneficial but any such inspection must include a review of the role of the voluntary sector in IOM arrangements.

In 2010-11, Clinks managed the Building VCS involvement in the IOM programme on behalf of the Home Office, in order to develop the voluntary sector's role in supporting Integrated Offender Management across England and Wales. The programme established significant and successful partnership working in its four areas, with partners viewing the work positively. However, voluntary organisations were also concerned about the sustainability of their work after the end of the programme.

Clinks encourages HMI Probation to examine how successful voluntary sector involvement in IOM has been and whether the partnerships developed through the Building VCS involvement in the IOM programme have been successfully sustained or expanded.

Post-sentence supervision

Clinks suggests that a thematic inspection of post-sentence supervision should focus on people serving sentences of less than 12 months, in order to review whether the extension of supervision to this group has been effective in ensuring that they receive the best possible support.

Within this, HMI Probation should explore how specialist voluntary sector services, including women's centres, those aimed at people from BAME backgrounds and those providing mental health support, contribute to positive outcomes for this group. In addition people with multiple needs, including contact with the criminal justice system, homelessness, poor mental health and substance misuse are represented in significant numbers amongst those serving sentences of less than 12 months. HMI Probation should engage with Making Every Adult Matter, a coalition formed between Clinks, Homeless Link and Mind to improve policy and services for people with multiple needs.⁷



Adult mental health

Clinks welcomes the consideration of a thematic inspection of mental health given the high incidence of poor mental health within the criminal justice system and that HMI Probation's most recent thematic inspection of through the gate services for short-term prisoners found that mental health needs may not be fully taken into account during through the gate work.⁸

Clinks recommends that any review of adult mental health should engage fully with voluntary sector organisations who could be a key source of expertise and intelligence.

35% of organisations responding to our 2017 trackTR survey supported people with mental health needs.⁹ Our most recent State of the sector survey found that voluntary sector organisations are seeing increased mental health needs in their service users, alongside cuts to other services that may previously have addressed these needs.¹⁰

Extremism

Clinks suggests that any thematic inspection of extremism should exercise some caution to ensure that the issues of extremism and disproportionate numbers of Muslim people in contact with the criminal justice system are not conflated, while also exploring the impact that stereotypes of this kind can have on the poorer outcomes experienced by this group.

The Young Review found that Muslim prisoners felt they were often stereotyped by professionals and other prisoners as extremists. Many Muslim prisoners said their faith played a positive role in their lives and in their desistance process but they felt that professionals tended to view this as suspicious rather than recognise the potential of their faith to provide focus and motivation.¹¹

Clinks recommends that HMI Probation engage with Muslim-led voluntary organisations on the decision to undertake a thematic inspection of extremism and on the negative impact of stereotyping and stigmatisation in relation to extremism on Muslims under probation supervision.

Additional suggestions for thematic inspections

Clinks recommends a joint thematic inspection by the criminal justice inspectorates into the treatment of, and outcomes for, BAME people in the criminal justice system.

The over representation of BAME people and the poorer outcomes they experience in the criminal justice system has received greater attention since the announcement of the Lammy Review and the publication of its recommendations.

It is vital that all agencies working in the criminal justice system, including the inspectorates, take a proactive role in driving and monitoring action, with a view to increasing positive outcomes for BAME people.



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The review should take a multi-agency approach, which could both explore the role of policing – which was excluded from David Lammy’s review – and also focus on progress made and future plans for the implementation of the Lammy Review’s recommendations for prisons and probation services.

Any thematic review in this area should explore BAME service users’ experiences of the criminal justice system and seek to utilise the expertise of BAME specialist voluntary organisations as well as examine partnership work between criminal justice agencies and BAME organisations.

Our most recent State of the sector survey found that only 5% of respondents described themselves as being a BAME specialist organisation and 30% of BAME specialist organisations said they were at risk of closure, compared to just 5% of other respondents. This lack of resources and stability in the BAME voluntary sector working in criminal justice suggests that criminal justice agencies may need to be particularly proactive in their partnership work with BAME organisations in order to ensure they meet the needs of their BAME clients.

In the specific context of probation, our 2017 response to the HMI Probation’s consultation on the inspection framework and programmes raised concern that there are insufficient mechanisms to ensure that CRCs improve outcomes for equalities groups. We suggest that the current contractual imperative to reduce re-offending will not provide sufficient drive for this. We also highlighted the critical need to address this issue in the youth justice system, with increasing numbers of BAME children entering the criminal justice system alongside an increasing BAME proportion of the youth custody population. The Lammy Review has made specific recommendations regarding CRC engagement with BAME-led voluntary sector organisations but Clinks still has serious concerns that within the parameters of the current contracts the implementation of recommendations will have limited impact.

A thematic review of service user involvement

Clinks welcomes the inclusion of service user involvement in HMI Probation’s new standards for YOTs, CRCs and the NPS. Clinks’ *Guide to service user involvement and co-production* demonstrates the importance of involving service users in decisions about their lives and about the services they use, in order to achieve the best possible outcomes.¹² Involving service users not only provides unique expertise to inform the development of a service but can also act as a positive involvement for someone engaged in a desistance journey, boosting confidence, developing skills and offering a vision for change.

A thematic inspection of service user involvement could offer an exciting opportunity for HMI Probation to work in a new way and co-produce an inspection that explores the service user journey through probation services. This would allow HMI Probation to explore the extent to which probation services involve service users in decisions about their own lives and sentences. It could explore the extent to which probation services involve service users in the design, development and monitoring of their services as well as how individuals feel about their involvement and the services they receive.

Clinks’ submission to the Taylor Review of the youth justice system outlined the experiences of young people who attended consultation events which were in partnership with Beyond Youth Custody and Peer Power. Young people felt that their views were not listened to or acted upon at any point in the youth justice system and said that this led to feelings of disempowerment and a lack of faith in the system to address their complaints.

3. Clinks' views on the Inspectorate's proposals for the balance of inspection work

Clinks supports HMI Probation's intention to inspect each CRC and NPS division over the next year. As discussed throughout this response, our research and consultation with our members demonstrates significant concerns in the sector about the impact of Transforming Rehabilitation on the quality of probation services, the experience of service users and the sustainability of voluntary sector services. Inspections of CRCs and NPS divisions should consider the extent and effectiveness of partnership work with the voluntary sector both inside and outside the supply chain.

Clinks welcomes the maintenance of increased levels of resource for thematic inspections. These inspections are useful to the government, the voluntary sector and the wider public in understanding how key initiatives are working and how current issues are being addressed. These specialist areas are often where the voluntary sector has a specific interest or is particularly involved in delivery.

Joint criminal justice inspectorate inspections

The majority of Clinks' members work across the criminal justice system with a range of agencies and emphasise the importance of holistic, joined-up working between statutory and voluntary partners. Our State of the sector and trackTR research also finds that a common challenge for voluntary organisations and their service users is the fragmentation of services and the extent of siloed working within and between statutory agencies. Because of these issues, Clinks highly values the role of Criminal Justice Joint Inspection in providing a systemic analysis of performance and identifying areas for improvement across different agencies. For example, the new Offender Management in Custody (OMiC) model will see National Probation Service staff placed inside prisons and working alongside CRC staff and prison key workers.

Clinks suggests that HMI Probation work with HMI Prisons to provide insight into the development of OMiC and the extent to which probation services and prisons are working in partnership to effectively deliver this model.

HMI Probation's new approach to inspecting youth resettlement

Clinks welcomes HMI Probation's intention to pilot a new approach to inspecting youth resettlement and in particular the inclusion of aspects of youth custody in this approach.

Our submission to the Taylor Review of the youth justice system highlighted significant problems in through the gate provision for children leaving prison. The submission noted that there is currently poor continuity in holistic support, education and employment and suggested that more should be done to prepare children for release before their transition to the community. Participants in Clinks' consultation events on the Taylor Review said that young people should receive intensive through the gate support (preferably including mentoring), at the earliest possible opportunity. This would allow practitioners to begin to build relationships with young people before they are released and allow them to work with the young person to focus on their future goals and put plans in place for their release. The submission also emphasised the importance of continuity in relationships, stating that a young person going into custody should have the same worker supporting them throughout their sentence and after their release, to ensure continuity and a positive relationship.



Inspections of youth resettlement should always be alive to the over representation of and poor outcomes for BAME children in the youth justice system, including issues relating to poor experiences in custody and lack of resettlement support.

HMI Prisons' surveys of children in custody provide a detailed insight into the experiences of BAME children in prison, in comparison to their non-BAME peers.¹³ These surveys include several questions relevant to resettlement, such as questions about family contact, future accommodation, education and activities.

HMI Probation should make use of HMI Prisons' children in custody surveys in identifying good and poor practice in the resettlement of BAME children.

4. Clinks' views on the Inspectorate's potential research projects

Clinks welcomes the strengthening of HMI Probation's research capacity. We believe this will strengthen the available evidence base for stakeholders in the criminal justice system and provide a greater understanding of issues related to good practice in probation services. Clinks has a number of suggestions for potential research projects as outlined below.

Good practice in the treatment of and outcomes for BAME people under probation or youth offending services supervision

There is currently a lack of evidence on good practice in addressing the over representation of BAME people in the criminal justice system and achieving positive outcomes for BAME adults under probation supervision or BAME children in contact with youth offending services. In addition to the thematic inspection proposed in section one, we believe that research into existing and potential good practice in this area is vital in order to drive the improvement aimed for in the implementation of the Lammy Review's recommendations.

Research into the treatment of and outcomes for BAME people under probation or youth offending services supervision should focus on the role of policy in promoting and driving good practice and the development of partnership work with BAME specialist organisations.

Clinks' briefing on the Lammy Review recommends that the Youth Justice Board (YJB) should publish a clear strategy, specifically targeted at how to translate the successes seen amongst the wider population of young people to the BAME population. It suggests that this should be focussed on testing bespoke interventions and staff training to support improved outcomes for BAME children.

Our briefing also recommends that voluntary organisations, including specialist BAME organisations, should be a key partner in delivering such interventions due to their unique expertise and links to BAME communities.

Effective use of community sentences

The use of community sentences has halved over the past decade, with a sharp drop since 2011.¹⁴ Research by Crest Advisory found that sentencer confidence in the effectiveness of community sentences is low, with two thirds of magistrates stating that they are not confident that community sentences reduce or deter crime. The report suggests that this is likely to be a result of structural changes within the criminal justice system, including the dividing of the probation service into CRCs and the NPS. HMI Probation's most recent annual report finds higher levels of sentence confidence in community sentences but said that judges and magistrates are generally unsure about what activity takes place during a community sentence.

Despite this decline, research by the Centre for Justice Innovation finds that community sentences have consistently reduced reoffending in England, Wales and Scotland over the past ten years. This suggests that there is a need for clear evidence on good practice in delivering effective community sentences and what type of community sentences sentencers should consider utilising.

In some areas, the voluntary sector has begun to play a key role in developing and delivering effective community sentences. For example, Women MATTA work in partnership with the National Probation Service and Cheshire and Greater Manchester Community Rehabilitation Company to deliver Manchester and Salford problem-solving courts. The court allows Women MATTA to utilise its expertise on women in the criminal justice system to provide a detailed analysis of each woman's needs and involve her in her sentence planning. This process ensures that sentencer decisions are focused on the most effective methods of encouraging desistance.

Research into effective community sentences should explore the potential for the voluntary sector to add value in this area.

The role of the voluntary sector in achieving high quality outcomes for people under probation supervision

The voluntary sector has a long history of supporting resettlement and desistance but our forthcoming final trackTR report will highlight that charities are under represented in the Transforming Rehabilitation programme. Their services are under pressure and under resourced, with charitable funds being used to ensure the quality of services. Further research into the current and potential role of the voluntary sector in supporting quality outcomes for people under probation supervision would be of benefit to a deeper understanding of the functioning of probation services.

Clinks could assist with such a research project supporting reach into the voluntary sector for data and consultation and in considering the focus and research methods.

Research practice and methodology

As well as undertaking specific research projects, Clinks suggests that HMI Probation could develop its research practice by embedding the following practices into its research methods.

Service user involvement

As discussed in section two, service users offer a unique and expert insight into the quality and development of services. As Clinks recommended in our response to HMI Probation's



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2017 consultation, 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*.

In 2017, Clinks supported HMI Probation in doing this through the members of our Service User Involvement Network and is happy to offer further support of this nature in the future.

HMI Prisons uses prisoner surveys to gather the views of prisoners in each prison it inspects. These surveys anonymously gather a range of important data, which is then broken down in a number of ways, shedding light on the prison's performance in relation to prisoner ethnicity, disability, age and other factors.

HMI Probation should consider using similar surveys to explore the experiences of people under probation supervision in order to improve its understanding of the performance of probation services.

Utilising voluntary sector expertise

As discussed throughout this response, the voluntary sector has a wealth of expertise and experience in developing and providing resettlement services and support for desistance, as well as supporting children and young people in the criminal justice system.

HMI Probation should seek to utilise the expertise of the voluntary sector in gaining an in-depth understanding of good practice in probation and youth offending services.

Clinks' State of the sector and trackTR reports are of particular value to HMI Probation in considering the role and importance of the voluntary sector in relation to the statutory sector.

Clinks is happy to discuss the findings of these reports in detail and support HMI Probation to make the best use of them in its own work. Clinks can also offer avenues for consultation with the voluntary sector and their service users on specific topics in relation to resettlement, desistance and youth offending services.

5. Next steps

Clinks was pleased to work in partnership with HMI Probation in 2017 to enable in-depth consultation of the voluntary sector on the HMI Probation framework, programmes and standards.

We would be happy to further support HMI Probation's inspections and research through providing expertise gathered from the voluntary sector and by facilitating consultation with the voluntary sector and service users.

For further information about this response

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End notes

1. Clinks (2017). *Clinks response to HM Inspectorate of Probation inspection framework and programmes consultation*. See: https://www.clinks.org/sites/default/files/hmip_frameworks_response_july_2017.pdf
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7. See: <http://meam.org.uk>
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CLINKS

Clinks supports, represents and advocates for the voluntary sector in criminal justice, enabling it to provide the best possible opportunities for individuals and their families.

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