

September 2015



CLINKS
RESPONSE

Clinks response to the Spending Review

About Clinks

Clinks is the national infrastructure organisation supporting voluntary sector organisations working with offenders and their families. 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, and 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 600 members including the sector's largest providers as well as its smallest, and our wider national network reaches 4,000 voluntary sector contacts. Overall, through our weekly e-bulletin Light Lunch and our social media activity, we are in contact with up to 10,000 individuals and agencies with an interest in the Criminal Justice System (CJS) and the role of the voluntary sector in the resettlement and rehabilitation of offenders.

About this representation

Clinks' representation to the Spending Review 2015 focuses primarily on the review's priorities around criminal justice and some of the other priority areas outlined in the review which may impact on the CJS and the cost of providing services to those in contact with it.

As a voluntary sector infrastructure organisation, we do not provide direct services to offenders and their families or have access to detailed information regarding Ministry of Justice (MoJ) and National Offender Management Service (NOMS) budgets. We are therefore unable to provide fully costed policy proposals. Instead, this submission focuses on key issues for the Criminal Justice System (CJS) which may impact on costs and which we believe Treasury and MoJ should consider when assessing or developing policy proposals within the context of this Spending Review.

Making Every Adult Matter Coalition

Clinks is a member of the Making Every Adult Matter Coalition (MEAM), along with Homeless Link and Mind. MEAM aims to improve policy and services for people facing multiple needs. Together the coalition charities represent over 1,300 frontline organisations and have an interest in the criminal justice, substance misuse, homelessness and mental health sectors.

MEAM have submitted a separate submission to the Spending Review, to which we have contributed. The submission focuses on costs savings that could be made

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through a national focus on better integration of services for individuals with multiple and complex needs. As such, we do not repeat these proposals here, although we do wish to emphasise our support for them and the savings they can produce for the CJS. We make reference to them in what follows where it is relevant to other points in our response.

Our response

In what follows we outline key points for consideration with regards to costs associated with delivering the criminal justice and related priorities stated in the Spending Review.

Criminal Justice

- *Creating a fully integrated Criminal Justice System from the police station to the courts to ensure services are more efficient and focused on needs of victims and witnesses*

The benefits of a more integrated CJS for offenders

Clinks welcomes this priority and would highlight the additional benefits of an integrated CJS (based upon desistance principles) for offenders, which has the potential to lead to savings as a result of reduced reoffending and less victims of crime.

As more fully described in Clinks' *Introducing Desistance* guide, desistance theory emphasises the need for a holistic, flexible and person centred approach to supporting people who have offended and who wish to stop.¹

The individual who has offended experiences all the different aspects of the CJS as a whole, and all of them interact with his or her own circumstances to influence the desistance outcome for good or ill. However, as outlined in Clinks' discussion paper *Rehabilitation: what does good look like?* rehabilitation is often seen as something that runs alongside, but distinct from, the delivery of justice, orders of the court, public protection and punishment.²

Therefore, a fully integrated CJS, where all its components recognise the part they have to play in supporting the desistance process, is more likely to lead to a reduction in reoffending and the number of victims of crime.

The voluntary sector as a catalyst for integration

The voluntary sector currently provides services and interventions to individuals at all stages of the CJS. As such, it has potential to provide a more consistent approach to an individual as they move through the system. In particular, the sector often provides through the gate support as people transition from the CJS back into the community.

There are a number of initiatives which aptly demonstrate the voluntary sectors' role driving integration in the CJS by bringing a range of statutory organisations together to work in partnership. The Fulfilling Lives projects³, which represent £112m investment from the Big Lottery Fund over an eight year period, are supporting voluntary sector led projects in 12 areas of England and Wales to bring different organisations and services together to offer one co-ordinated support service for individuals who are experiencing a combination of homelessness, reoffending, problematic substance misuse and mental ill health.

Similarly the Transition to Adulthood (T2A) pilots aimed to achieve a more joined-up approach for young adults in the CJS, across the age divide separating services, and across the different sectors.⁴

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Each pilot operated slightly differently but they typically developed a local inter-agency system for guiding young adults into better lives, through the provision of a T2A worker to build trusting relationships with service users, and through meetings between agencies to support joint decision making processes.⁵

Despite these promising voluntary sector led examples of integrated working, early results from Clinks' #trackTR project⁶, monitoring the impact of Transforming Rehabilitation on the voluntary sector, indicate that the integration of voluntary sector services alongside provision provided by the Community Rehabilitation Companies and National Probation Service is currently under developed, and there is uncertainty around the voluntary sector's future role in better integrating local services.

Clinks recommend that further thought is given to how existing examples of joined up working can be built upon and how the voluntary sector can be supported to continue to act as a catalyst for better integration across the CJS.

- *Continuing to modernise the courts and prison infrastructure*

The state of prisons in England and Wales

Clinks particularly welcomes the focus on modernising prison infrastructure in this review. Her Majesty's Chief Inspector of Prisons' recent annual review provides stark evidence of the state of prisons in England and Wales, with outcomes reported on in 2014-15 the worst they have been for 10 years.⁷ Individuals are more likely to die in prison than five years ago; more prisoners were murdered, killed themselves, self-harmed and were victims of assaults than five years ago. There were more serious assaults and the number of assaults and serious assaults against staff also rose.⁸

Given this violent, unsafe and potentially volatile context Clinks cautions strongly against any further reduction of resources for the running of our existing prison estate and in particular for staffing budgets and those relating to rehabilitative, purposeful or educational activity. Clinks notes the Secretary of State for Justice recent acknowledgement of the ageing and ineffective state of prisons in our major cities. We cautiously welcome the desire to address the concerning conditions in many of these establishments and recognise the potential financial benefit to selling off inner city sites. However there is a need for careful consideration of how and if these prison places might be replaced.

There has been no indication thus far of how the Secretary of State intends to enable prison closures. We outline below that reducing demand for prison places through models such as justice reinvestment should be considered. However even with an overall reduction in prison numbers there would still be a need for local prisons which are best able to facilitate ongoing family contact, which is known to be a key factor in reducing reoffending, and effective resettlement back into local communities. None the less, the most significant savings will come from an overall reduction in prison numbers.

Therefore, given the current economic climate and the drive from government to create efficiencies through this Spending Review, we suggest that there is a need to consider how best to reduce demand for prison places in order to drive down costs through early intervention and alternatives to custody.

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The profile and needs of the prison population

In 2014 prison receptions by offence type included 23% for theft and handling, 9% for drug offences;⁹ representing a significant number of non-violent crimes. For women in prison these figures are even greater with 82% of women entering prison under sentence having committed a non-violent offence.¹⁰

Many – if not most – of the individuals who make up our prison population are affected by a highly complex and daunting set of disadvantages, often dating back to their early childhood experiences, while others experience direct and indirect discrimination on the basis of their race, gender or disability. For instance, the 2013 MoJ Offender Management Community Cohort Study¹¹ found:

- 65- 70% of young people in youth custody have experienced a traumatic brain injury; 51% have come from unsuitable accommodation; 43-57% have dyslexia; 44% of young women and 30% of young men have been in care at some point; 34% are from a Black, Asian or minority ethnic (BAME) group; 23-32% have a learning disability.
- 55% of adult prisoners have a serious drug problem and nearly 2/3 were using drugs in the month before entering prison; 41% have witnessed domestic violence in childhood and almost a third have themselves been abused; 37% will need help finding accommodation on release and 15% describe themselves as homeless; 24% were in care as a child.

For women in the criminal justice system the statistics are even more concerning and demonstrate, as comprehensively expressed in the Corston Report, a distinct set of needs and risk factors that differ from those of men.¹²

Early intervention and alternatives to custody

The statistics outlined above show that a substantial number of people receiving custodial sentences do so for non-violent offences. Significant savings could be made if these individuals were diverted away from custody.

The figures also aptly demonstrate that for many, and in particular women and other equality and minority groups, the CJS is often the end point of a series of systematic failures by other public services such as the care system, schools, housing and mental health services. Early intervention by these services could therefore result in cost savings for the CJS. Conversely, further cuts to these services may have unintended consequences for the CJS and increase demand for prison places.

For instance most female offending is acquisitive and therefore associated with experiencing financial difficulties.¹³ In the current economic climate, female offenders' experiences of financial difficulties are being exacerbated, with the New Economics Foundation stating that the austerity measures and welfare reform are having a disproportionate impact on women.¹⁴ A key finding from Clinks' research into the experience of community projects working with women who have offended is that 'there is an emergent crisis amongst service users, as a result of current austerity measures, most significantly welfare changes; including rising debt, an inability to purchase food, increased anxiety, self-harm and depression.'¹⁵

Despite these challenges there are well evidenced examples, driven by the voluntary sector, of successful non custodial support.

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In the women's sector in particular, this includes joined up approaches to prevention and rehabilitation for girls and women that include services outside the core CJS; for example, women focused delivery of mental health services, health care, debt advice, housing support, family and child care services and training and employment.

With regard to young adults (aged 18-25) in the CJS, the Transitions to Adulthood (T2A) report Pathways from Crime sets out in detail ten points in the criminal justice process where young adults could be diverted from the system through the delivery of effective young adult specific interventions at a variety of stages, including point of arrest, prosecution, pre-sentence, probation, and prison. The T2A Pathway demonstration projects¹⁷ and a new report by T2A and Clinks¹⁸ provides a diverse range of good practice models of voluntary and statutory sector partnerships for diverting young adults away from the CJS or interventions that can enable the courts to utilise an alternative to custody delivered by statutory services.

Justice reinvestment

Early intervention and alternatives to custody are of course not without costs but these may be off- set by the savings produced for the CJS further down the line.

Interventions which tackle the root causes of women's offending have the potential to generate significant savings – Prison Reform Trust reported in 2013 that the average annual cost of a woman's imprisonment in England and Wales was £56,415 compared to a Community Order cost of £2,800 per year, and an average of £1,300 for standalone community-based services.¹⁹ However, Clinks' report Run Ragged found that the sustainability of gender specific services for female offenders in the community is often not embedded in local strategies.²⁰

As outlined in the Justice Select Committee's 2014 report *Crime Reduction policies: a coordinated approach*²¹ the local justice reinvestment pilots²² which ran until June 2013, delivered strong results in reducing demand and making associated savings. They aimed to incentivise local partners to work together in order to create reductions in demand on courts, legal aid, prisons and probation and, consequently, the costs on the justice system. In four boroughs in London, savings downstream meant just over £3 million could be reinvested in upstream initiatives to reduce reoffending. In Greater Manchester this amounted to just under £5 million.²³ Although a fifth London borough, Croydon was unable to reduce demand, overall reductions in demand over the two year period, across the pilot areas, amounted to between 15 and 27% in the adult system, and between 42 and 55% in the youth justice system.²⁴

Analysis published in the Prison Reform Trusts report *Prison: The Facts* estimates that in 2014 the cost of holding the increased prison population was an extra £1.22bn compared with twenty years ago—a cost of over £40 per year for every UK taxpayer. PRT argue that simply returning to the incarceration rate of the mid 1990s would put £1.22bn back into the public purse and that a fraction of that amount re-invested in constructive prison regimes could transform performance, reducing the number of future victims.²⁵

This all points to significant savings that could be produced by reducing demand for prison places and making prisons more effective. Given the current economic context and imperative to improve conditions and safety in our prisons Clinks recommend that these options are explored further.

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- ***Supporting the police to innovate and exploit opportunities for greater efficiency and value for money***

Clinks supports this priority and wishes to highlight two key examples of innovative policing practice that utilise partnership working with other agencies in order to create greater efficiency, value for money and better services for individuals in contact with the CJS which can ultimately lead to a reduction in reoffending and the number of victims of crime.

Integrated Offender Management (IOM) is an overarching framework that brings local partners and agencies together to provide a multi-agency approach to the management of individuals who commit repeat offences and whose crimes cause the most harm locally. The model involves all partners working intensively together with the identified cohort of offenders (both criminal justice and non-criminal justice agencies, including the voluntary sector), and delivering a local response to local problems.

The 2014 report *An Inspection of the Integrated Offender Management Approach*²⁶ reflects the findings of HM Inspectorate of Probation and HM Inspectorate of Constabulary and states that the approach is promising and has potential. It found a number of individual cases where remarkable progress had been made. The report does point to a relatively high breach and reconviction rate but highlights that this reflects the entrenched patterns of behaviour and multiple problems of those targeted. The inspectors recommended a single framework for those offenders identified as suitable, commissioning a structured evaluation of the cost and benefits in terms of crime reduction and ensuring that the principles are incorporated into the Transforming Rehabilitation programme. Clinks would suggest that these recommendations still stand.

Similarly Liaison and Diversion services seek to identify individuals in courts and custody suites with mental ill health, learning disabilities, substance misuse and other vulnerabilities, and refer them to appropriate treatment or support services. This may be as an alternative, or in addition, to a criminal justice disposal.²⁷

Modernising public services through innovation, integration and localism

Integrated public services

Clinks welcomes the reviews' emphasis on the integration of public services. As outlined above the CJS cannot be viewed in isolation from other public services. It is therefore vitally important, at a time of reduced resources, for government departments and agencies to work together and recognise a joint responsibility for reducing reoffending and the number of victims of crime.

The voluntary sector working in criminal justice is supported by a very mixed funding portfolio including grants and contracts from a range of statutory sources.²⁸ Our #Track TR project to track the impact of Transforming Rehabilitation on the voluntary sector revealed that in the coming year 73% of respondents expect to receive funding for their criminal justice work from sources other than the Community Rehabilitation Companies. This included 34% who expected to be either grant funded or contracted by non CJS statutory sources.²⁹ As a result, budget reductions in other departments may have a considerable impact on local voluntary sector organisations.

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In addition, policy changes in departments beyond the MoJ will also likely have an impact on the needs of individuals in contact with the CJS and thus the demand for CJS interventions. Two-thirds of the organisations who answered Clinks' state of the sector survey stated that the needs of those seeking their services have changed and had mainly increased, with more complex needs being presented. These findings were further reinforced by *Who Cares?* which found that the needs of vulnerable women were becoming increasingly complex and acute, with increasing finance, benefit and debt, accommodation and mental health challenges being experienced by women that have offended.

The submission to the Spending Review from the MEAM coalition highlights the necessity of greater integration and collaboration in public services for people with multiple needs and sets out how a national focus on multiple needs could drive partnership working across agencies to create the greatest impact for this group of people and therefore result in savings.

Driving innovation

We note the Spending Reviews consideration of approaches 'to payments for services (which) can allow more providers to enter the market, increasing competition and innovation'. We would caution that within criminal justice there is, as yet, scant evidence of payment by results models resulting in innovation. It is important that we learn lessons from the results of the HMP Doncaster pilot³⁰ and similarly the future of Social Investment Bonds should be considered in the context of the lukewarm results from the HMP Peterborough pilot.³¹

This raises the important question of where future innovation is likely to come from within the CJS and who might drive it. Traditionally the voluntary sector has been the source of a wide range of innovative criminal justice projects and interventions. These include arts projects that work through theatre and music to improve individuals attitudes, thinking and behaviour which are vital to supporting those individuals to then participate in more formal educational or rehabilitative activity; visitors centres at prisons which were pioneered by the voluntary sector and are now a recognised and mainstream service commissioned by NOMS; and organisations that work to address the specific needs of equality and minority groups in the CJS such as older offenders who are the fastest growing group of prisoners and whose needs often go unmet.

Many of these projects and interventions are either supplementary to statutory support and interventions or begin as pilots which then become funded through statutory sources. As such they often receive initial or partial funding through independent charitable trusts and foundations. Indeed 38% of respondents to our survey tracking the impact of Transforming Rehabilitation told us they expect to be supported by funding from trusts and foundations in the coming year.³²

However respondents to the survey also raised significant concerns about the sustainability of this funding, as many trusts and foundations may now be concerned about supplementing the profits of private organisations. At a recent meeting of trusts and foundations anxiety was voiced by funders themselves about funding pilots in the future if cuts mean the statutory sector will not be in a position to mainstream and fund successful innovation in the longer term. This highlights a significant risk that the existing and substantial outside investment that trusts and foundations contribute to the CJS could be lost.

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**Added social value in the commissioning of services**

Finally, Clinks notes the example given in the review of outsourcing peripheral services required to run a prison given as a way of creating efficiencies through increased competition. We agree that it is sensible to consider where efficiencies can be made outside of services and interventions that directly contribute to supporting individuals in order to reduce reoffending. It is important to note that in some cases the voluntary sector runs visitor centres and visitor catering, one of the examples given as a peripheral service. These voluntary sector run services demonstrate positive models of outsourcing to local organisations that are able to offer additional social value. Clinks suggest that any plans to outsource such services should consider how prisons can be made a part of local communities, and boost local economic growth and jobs.

Conclusion: Engaging experts throughout the process

Clinks' submission to the Spending Review is informed by our knowledge and experience of working with the voluntary sector in criminal justice. We look forward to engaging further with Treasury and the MoJ on any further policy proposals relating to the CJS and those who come into contact with it resulting from this Spending Review.



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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End notes

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