

January 2019



CLINKS  
RESPONSE

# Clinks response to the Equality and Human Rights Commission's draft strategic plan 2019-22 consultation

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## About Clinks

Clinks is the national infrastructure organisation supporting voluntary sector organisations working in the criminal justice system. Our aim is to ensure the sector and those with whom it works are informed and engaged in order to enable people to transform their lives. 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.

## About this response

Clinks welcomes the opportunity to respond to the Equality and Human Rights Commission's (EHRC) strategic plan. Due to our expertise and that of our members, our comments relate to:

- **Priority Aim 1:** People are better able to seek redress when they are wronged and people have a fair trial in the criminal justice system
- **Priority Aim 5:** Access to essential public services is improved for particularly disadvantaged groups
- **Priority Aim 8:** Improved rules governing entry into detention and conditions in institutions.

## Summary of recommendations

We encourage the activities under **Priority Aim 1** to explicitly highlight that the Equality and Human Rights Commission (EHRC) will work to hold the government and institutions to account to ensure that the issues highlighted by the Lammy Review recommendations are addressed.

We encourage the EHRC to give equal attention to the criminal justice system alongside other public services under **Priority Aim 5**.

We recommend that EHRC's activity under **Priority Aim 5** works to promote the value and needs of specialist women's organisations.

We recommend the activity undertaken under **Priority Aim 8**,



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particularly around influencing standards and challenging poor practice, includes a focus on criminal justice institutions.

### Our response

#### Priority aim 1: people are better able to seek redress when they are wronged and people have a fair trial in the criminal justice system

We welcome the commission's intention to conduct an inquiry into disabled people's experience of the justice system under this priority. It is also vital that the findings and recommendations of previous reviews into the experiences of other groups protected under the Equalities Act are driven forward. *The Lammy Review*, published in 2017, shone a light on the disproportionate numbers of black, Asian and minority ethnic (BAME) people in contact with the criminal justice system (CJS) and the unequal outcomes they face.

It highlighted that people from ethnic minority communities are less likely to have trust in the CJS, making them less likely to trust any legal advice they receive. It also highlighted that BAME people are more likely to plead not guilty than white defendants. In addition it highlighted the particularly unequal outcomes at trial for BAME women.

We encourage the activities under **Priority Aim 1** to explicitly highlight that the EHRC will work to hold the government and institutions to account to ensure that the issues highlighted by the Lammy Review recommendations are addressed.

#### Priority Aim 5: Access to essential public services is improved for particularly disadvantaged groups

Many people in contact with the criminal justice system (CJS) are protected under the Equalities Act (2010):

- 27% of prisoners declare their ethnicity as BAME compared to 13.1% of the population.
- People aged 60 and over are the fastest growing age group in the prison estate. There are now more than triple the number there were 16 years ago. 16% of the prison population are aged 50 or over.<sup>1</sup>
- A third of people (33%) were identified as having a learning disability or difficulty following assessment on entry to prison in 2016–17.<sup>2</sup>
- 36% of people in prison are estimated to have a physical or mental disability. This compares with 19% of the general population.<sup>3</sup>
- 26% of women and 16% of men said they had received treatment for a mental health problem in the year before custody.<sup>4</sup>

These characteristics mean that a significant number of people in the prison population require a distinct approach to ensure that their needs are adequately met and they are able to access rehabilitation services and support. Furthermore, many people will have come into contact with the CJS as a result of the failure of other public services. Clinks' latest State of the sector research highlights that service users' needs have become more complex and urgent, as public services are not meeting basic needs. This was more likely to be reported by organisations working to meet



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the needs of particular service users, including those with protected characteristics.

We encourage the EHRC to give equal attention to the criminal justice system alongside other public services under **Priority Aim 5**.

Women remain a minority group in contact with the CJS and represent just 5% of the prison population, but they experience more complex and acute needs than their male counterparts.

We are pleased to see this explicitly recognised by the Ministry of Justice's Female Offender Strategy which said, "We know that there is a higher prevalence of need amongst female offenders, such as mental health problems, and self-harm. Many experience chaotic lifestyles which are often the product of a life of abuse and trauma; almost 60% of female offenders have experienced domestic abuse."

Clinks welcomes the Female Offender Strategy's focus on early intervention, prevention, the reduction in the use of imprisonment and improving services. However, we remain concerned that the financial package announced to accompany the strategy falls considerably short of what is needed to ensure its aspirations are realised. Women's specific services, provided by the voluntary sector, are essential for women in contact with the CJS, supporting them to realise their potential and assisting them on their journey to desistance from crime. As our most recent *State of the sector* report demonstrates, these organisations are working under increasing pressure as service user need and numbers continue to rise, which is exacerbated by a challenging funding environment<sup>5</sup>. These organisations need long-term sustainable funding to ensure their survival.

We recommend that EHRC's activity under **Priority Aim 5** works to promote the value and needs of specialist women's organisations.

### **Priority Aim 8: Improved rules governing entry into detention and conditions in institutions**

The Lammy Review also highlighted the poorer outcomes and experiences of BAME people in the criminal justice system both in terms of the prison regime (use of force, incentives and earned privileges, categorisation) and rehabilitation.

We recommend the activity undertaken under **Priority Aim 8**, particularly around influencing standards and challenging poor practice, include a focus on criminal justice institutions.

## Conclusion

We look forward to our continued engagement with the EHRC and would welcome the opportunity to comment on the strategic plan further.

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### End notes

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1. Prison Reform Trust (2018) *Bromley briefings- prison factfile autumn 2018*, Online: <http://www.prisonreformtrust.org.uk/publications/factfile> (last accessed 07.01.2019)
2. *ibid*
3. *ibid*
4. *ibid*
5. Clinks (2018) *State of the sector: key trends for voluntary sector organisations working in the criminal justice system*, Online: <https://www.clinks.org/publication/state-sector-2018> (last accessed 07.01.2019)



**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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