

About Clinks

Clinks is the national infrastructure organisation supporting voluntary sector organisations working in the criminal justice system (CJS). Clinks vision is of a vibrant, independent and resilient voluntary sector that enables people to transform their lives. We support, represent and advocate for the voluntary sector in criminal justice, enabling them to provide the best possible opportunities for individuals and their families.

We are a membership organisation with 500 members, including the voluntary sector's largest providers as well as its smallest. Our wider national network reaches 6,000 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, which supports voluntary organisations working to deliver arts interventions with people affected by the criminal justice system. The NCJAA currently has 900 members delivering creative opportunities to people in prison, on probation and in the community, with impressive, internationally recognised results. Its vision is to promote access to arts and creative opportunities as a springboard to positive change. It provides a collective voice for its members, showcases the quality of arts in criminal justice settings and supports the development of evidence based practice, including through its evidence library.

Clinks is a member of the VCSE Health and Wellbeing Alliance, a partnership between the Department of Health, NHS England and Public Health England, and 21 national voluntary sector organisations and consortia. The HW Alliance aims to bring the voice of the sector and people with lived experience into national policy making, to promote equality and reduce health inequalities. Clinks works together with Nacro to raise awareness of the health needs of people in the criminal justice system, and the vital role the voluntary sector can play in addressing them.



About this response

Clinks' have utilised our knowledge and expertise to focus our response on civil society organisations working with people who have had or are in contact with the criminal justice system. These organisations provide innovative, flexible, person centred and trusted services and have been doing so for the last 300 years. To support our submission we



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held a consultation event with voluntary organisations working in criminal justice and we have also drawn on intelligence from our annual state of the sector survey and our work to track the impact of the Transforming Rehabilitation reforms on the sector,¹ as well as the ongoing intelligence we collect from our members and our work as a member of the Making Every Adult Matter Coalition.²

1. Our civil society

What are the strengths of civil society today? You might consider its mission and motivation, services for the public, difference to quality of life or economic and/or social impact.

Civil Society organisations are a force for good in many people's lives. They are driven by their values and ethos; working to meet the diverse needs of their service users who are often the most marginalised in our communities.

Voluntary sector organisations working in the criminal justice system provide a range of services, most often distinct from, but complimentary to, statutory criminal justice agencies. These services do not deliver the sentence of the court as statutory agencies do, but instead provide wrap around support that responds to the range of needs that underlie the behaviour that leads to a sentence. These support services are wide and varied, from mental health services, to arts activities that encourage people to develop positive self-identities, to employment support. What they have in common is the provision of support which enables an individual to serve their sentence and go on to desist from crime and live a fulfilling life once their sentence is served – and into the future.

Although it is difficult to ascertain exact numbers we know that the voluntary sector working in criminal justice in England is made up of approximately 1500 charities, social enterprises and voluntary organisations whose main clients are people with convictions and their families. There are a further 13,596 voluntary organisations working in some way with people in contact with the CJS as part of their wider remit.³ Collectively there are more people delivering the services of these organisations, as staff and volunteers, than work in the prison and probation services combined.⁴

Below we outline some of the key strengths of this sector:

Civil society organisations provide a real authentic voice

People in contact with the CJS experience stigma and discrimination and are often some of the most marginalised in our communities; individuals in prison are excluded from the democratic process for the duration of their imprisonment. Organisations working to engage with and support this group have an important role to play representing a group whose voices often go unheard and advocating on their behalf to policy makers. This voice is vital in policy debates about 'what works' and organisations are able to contribute their knowledge and expertise in order to improve policy and practice.

Organisations attending our consultation event also told us that they act as a moral compass by working to keep issues, including those that they described as being 'off the radar' or ones that are not politically popular, on the government's agenda. They felt they had an important role to play as a critical friend to government but also believed that this role was not always welcomed or invited.





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Civil society organisations value people with lived experience

Voluntary organisations exist with the purpose of working to support and represent their clients. People are at the heart of everything they do and organisations are driven by their values, ethos and morals. Organisations told us that they are good at 'listening' to what their clients feel they need, and providing services that are responsive to these needs rather than prescriptive. They are able to do this as many work to proactively engage with their clients on the design and delivery of their services and they value the views and experiences of the people they work with.

Civil society organisations provide specialist, innovative and creative services

Most voluntary organisations working in the criminal justice sector are locally based and have grown out of concern for local people; working to fill a gap in service provision to meet people's needs. They often provide specialist services for people who are commonly understood to require a specific approach and have developed expertise in these areas, such as how to meet the unique needs of women involved with the criminal justice system.

Being locally rooted and responsive in this way means that they are able to engage successfully with people who can be perceived by some agencies as 'hard to reach' and experience the most acute marginalisation.

Arts organisations working in criminal justice play a valuable role working in a variety of settings, in prison and the community, to support improved wellbeing, awaken an interest in learning and help people build new positive identities. These interventions offer creative avenues for individuals to interpret and reflect on their involvement in the CJS, to see themselves from new perspectives and to build positive relationships with those around them. The arts can be an important route for engaging people who have had negative experiences of other services or who struggle with self-esteem and communication.

Civil society organisations have longstanding experience

Voluntary organisations have a long history of working with people in contact with the CJS and they understand the complexity of the system and needs of the people within it. Organisations are able to provide not only continuity of support for people, but continuity of knowledge which can act as a counterpoint to the cyclical changes in government that have an impact on criminal justice policy.

In a sector which has seen four Secretaries of State for Justice in three years this long term, sectoral memory and knowledge is a vital resource for government to draw upon in the development and implementation of policy decisions.

Civil society organisations mitigate the effects of a poor system

Our criminal justice system is facing significant challenges; the prison system is struggling under the combined pressures of an increasing population and an aging infrastructure; while recent probation reforms have failed to deliver their policy intentions. Organisations have told us that they are seeing increasingly acute and complex needs amongst their service users, as funding for other services is reduced in response to austerity. In addition there are ongoing and sustained inequalities within the criminal justice system including:

- The over representation in prison of people with learning disabilities⁵
- The over representation of and poorer outcomes experienced by BAME people throughout the CJS, as evidenced by the Lammy review⁶
- A continued need to better respond to the unique factors that drive women's offending highlighted by the Corston review.⁷





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In this context voluntary organisations provide consistent support to people and work in a holistic way to address their needs. Organisations attending our consultation event described themselves as delivering services that 'undo' some of the negative effects of the CJS and organisations felt that, "the CJS would be in a worse mess if it wasn't for us."

Civil society organisations deliver a holistic approach

Many people in contact with the criminal justice system experience multiple disadvantage including drug and alcohol misuse problems, poor mental health and homelessness. However central and local government policy making and implementation is not sufficiently joined up across these areas to adequately respond to the needs of this group. In contrast many voluntary organisations take a holistic approach working with individuals to meet their needs. As such, their work often touches on a range of cross departmental policy areas and brings together agencies from across statutory silos.

How can government help to increase the impact of civil society?

During our consultation event, organisations cited many ways through which the government can work to increase the impact of civil society, including engaging organisations in the development of policy, engendering collaboration with statutory sector organisations and developing effective and proportionate commissioning processes. We outline these in more detail below:

Actively promote the value of civil society

As outlined above civil society organisations play a vital role, not only working to meet the needs of their clients but working to advocate on their behalf, acting as a critical friend to government and decision makers. To help support organisations to maintain and increase their impact, it is important that central government leads by example recognising the importance of civil society organisations and actively working to promote their value.

Engage voluntary organisations and their service users in the development of policy

Voluntary organisations have provided essential services to people in contact with the CJS for over 300 years and have valuable knowledge and expertise about the potential and realised impact of policy decisions. Engaging with these organisations at the earliest possible opportunity can act as an early warning system and support government to mitigate against potential challenges that may arise from policy change. As our State of the sector research shows, organisations also regularly consult and engage with their service users to inform the development of policy and can act as conduit for government and decision makers to hear the voice of people in contact with the CJS.

We recommend that the government works to proactively consult with and engage with voluntary organisations and their service users to inform the development of policy. We have considered this issue in more detail in our answer to the following question.

Utilise appropriate funding mechanisms

The majority of voluntary organisations working with people in contact with the CJS are small and rely heavily on grant funding. Commissioning processes can be particularly onerous for voluntary organisations, with many lacking the resources required to bid for contracted services. However in recent years there has been a significant and rapid decline in the use of grants as a funding mechanism and this needs to be reversed.





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How can public trust in civil society be built and maintained?

Clinks' state of the sector research demonstrates that organisations working in the CJS are embedded in their local communities and known and trusted by them. Organisations responding to our survey told us that they receive referrals from a variety of places, including public services such as the police, prisons and local authorities but the overwhelming majority (76%) told us that their clients self-refer to their service.⁸

People in contact with the CJS can face stigma and discrimination, often due to the very fact that they have a conviction and many, especially those experiencing multiple disadvantage, have had negative experiences of engaging with statutory services. They are therefore often more willing to trust and seek support from organisations outside of the statutory sector who are often then able to act as a bridge into statutory support.

The importance placed on these trusting relationships by individuals is highlighted by a trainee of Switchback, who provide an intensive mentoring programme for 18 to 30 year old men or 'trainees' as they move through the prison gate:

"It can be scary, keep giving up your information to this person, that person. Trust is the big key. With Switchback and Adham [his mentor], he gained my trust, because things that he said, he did. It's all about trust building that relationship with that person... Building a relationship in the inside [prison] to the outside and carrying it on is very strong and good thing."

Local and central government should lead by example; recognising the level of trust civil society organisations, their staff and volunteers achieve from the public and actively working to promote their value.

How can civil society be supported to have a stronger role in shaping government policy now and/or in the future?

Enable civil society to contribute its knowledge and expertise to the development of policy

Clinks warmly welcomes the Office for Civil Society taking a lead, in the form of this consultation, and inviting input into government strategy, rather than confining consultation to the government's legislative programme alone.

In November 2016 the Ministry of Justice published a White Paper, *Prison safety and reform* which announced the governments' intention to develop 10 separate strategies relating to different aspects of the CJS, including women offenders and employment and education. Although the White Paper and its respective legislation fell at the last election, successive secretaries of State for Justice have committed to the continued development and implementation of these strategies. However we have not seen a consistent approach to ensuring that the knowledge and expertise of civil society organisations working in this sector can contribute to these strategies.



The civil society strategy should encourage all government departments to show their commitment to working with civil society by actively engaging voluntary sector organisations and their service users in the co-production of policy that both requires legislation and does not.



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Similarly, during consultation with Clinks members, organisations highlighted the challenges they experienced when working to influence both local and national government policy. They outlined that engagement can feel 'tokenistic' and take place too late for any tangible changes to occur as a result of the issues they have raised. They also told us that influencing opportunities often were not promoted adequately and that there is a lack of transparency in terms of how to engage.

The compact, which outlines how government, arms-lengths bodies, executive agencies and civil society organisations can work in partnership states that the government should:

"Give early notice of forthcoming consultations, where possible, allowing enough time for Civil Society Organsiatsions to involve their service users, beneficiaries, members, volunteers and trustees in preparing responses. Where it is appropriate, and enables meaningful engagement, conduct 12-week formal written consultations, with clear explanations and rationale for shorter time-frames or a more informal approach." 10

To ensure effective engagement of voluntary organisations in the development of policy it is important that the government adheres to the principles demonstrated in the compact and conducts full consultation at the earliest opportunity. Influencing opportunities need to be open and transparent, encouraging full engagement of voluntary organisations.

Many voluntary organisations work to engage their service uses not only in the design and delivery of their services, but in policy influencing work. Ensuring government consultations are conducted at the earliest opportunity will enable organisations to properly consult with and represent the views of their service users, who have invaluable expertise and knowledge about what works to meet and address their needs.

To support this engagement further, we reiterate our recommendation made to the Lords Select Committee inquiry into charity sector sustainability that the Government, at a local and national level, needs to take a strategic view of voluntary sector engagement and consider how it can nurture local and national organisations. Viewing the voluntary sector as key partners in the coproduction of policy, based on their knowledge and expertise, goes beyond inviting comment and feedback on challenges, to listening to and taking on board views and engaging the sector fully in the design of solutions. Doing so can help government mitigate against potential challenges arising from the development and implementation of new policy programmes.

Utilise infrastructure organisations

Organisations also told us that working to influence policy is both time and resource intensive. It often relies on building and maintaining relationships with stakeholders, which can be particularly challenging due to the high turnover of staff in some organisations, including government departments. This can be a barrier for many voluntary organisations working in criminal justice, as they are small and community based and their resources tend to be focused on delivering frontline services.

Infrastructure organisations including Clinks work to actively engage their members both to support them to influence policy but to advocate on their behalf and provide structures through which government can engage with the wider sector. For instance Clinks provides the Chair and Secretariat for the Ministry of Justice's Reducing Reoffending Third Sector Advisory Group which promotes engagement between the voluntary sector working in criminal justice and Ministry of Justice and Her Majesty's Prison and Probation service.¹¹



The civil society strategy should encourage government to utilise the expertise and reach of infrastructure organisations when working to consult on policy proposals.



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2. People

Enabling more people to play an active role in society

Reflecting on your own experience or examples you are aware of in the UK or abroad, how have people successfully taken action to improve things for themselves and their communities? Please tell us why it has worked well.

Volunteers provide essential support for civil society organisations working in criminal justice with 92% of respondents to Clinks' State of the sector survey saying they have volunteers and 38% highlighting that they recruited more volunteers in the last financial year. There are on average two volunteers for every member of staff in the sector. As well as providing important 'back office' support volunteers often work directly with service users, with 57% of respondents to our survey telling us volunteers befriend or mentor people, 47% said that volunteers give advice, information or counselling support and 29% said volunteers visit people.

Below we expand on the benefits of volunteering in the context of the criminal justice voluntary sector.

Volunteers add value to services

Volunteers are an essential resource for voluntary organisations and in many cases can add capacity and flexibility for services. Our report Valuing volunteers in prison highlights that where volunteering is well managed and supported, it allows for organisations to have additional capacity and flexibility for their work.¹³ Indeed, some organisations highlighted that in some cases there are services that would not exist or could not be offered without the involvement of volunteers. In others, volunteers are used to support a period of continued engagement with service users who had completed an intervention delivered by paid staff. This is supported by our most recent state of the sector report that found 51% organisations are responding to the changing needs of their service users by recruiting more volunteers.¹⁴

Volunteers encourage engagement with services

Clinks' Valuing volunteering in the criminal justice system project found that people with lived experience of the justice system often viewed volunteers more positively than staff, and were therefore more likely to trust and engage with them. ¹⁵ Volunteers were seen as supportive and helpful and the very fact that they have chosen to give up their free time to work with people was thought to demonstrate their values, ethos and passion to help someone. Respondents said that volunteering created less of a 'them and us' feel between prisoners and prison staff and that they were encouraged to engage with activities delivered by volunteers and voluntary sector organisations because they wanted to, rather than because it was mandated by their sentence plan.

People highlighted that they felt volunteers were easier to relate to and approach than prison staff, which again made them more likely to engage. They also felt that the approach of volunteers was non-authoritarian and they had a different ethos to service delivery than statutory services.

Volunteers break down barriers

Volunteering can help to address some of the negative stereotypes about those in contact with the criminal justice system facilitating interaction between people with different life experiences. In the community this can help prevent the stigma experienced by people in contact with the CJS and





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in prison it can support a more normalised, outward facing culture, conducive to resettlement. In our research into the involvement of volunteers in prison published in 2016, we found that 67% of 610 respondents said that one of the things they had gained from their volunteer role was to learn from lives and experiences that were different to their own. Changing people's attitudes towards those who have offended can help facilitate successful resettlement, by making local communities more welcoming places to resettle in.

Respondents to the research also told us that volunteering created less of a 'us and them' feeling between prisoners and prison staff and promoted a positive, hopeful culture in prisons, particularly those holding long term prisoners who had less contact with the outside world.

Volunteering supports the desistance process

Playing an active role in society, and being enabled to do so, can be a vital part of an individual's journey towards long term desistance from crime. Undertaking volunteering roles such as peer mentoring or taking part in a service user involvement group for example, can allow an individual to develop knowledge, expertise and confidence and can provide a sense of agency and support a shift towards a more positive self-identity.¹⁷

People can use their lived experience to improve services

One way in which people who have had lived experience of the criminal justice system play a more active role in society is by using that experience to improve services. People in contact with the criminal justice system have invaluable experience and expertise about what works to prevent offending and reoffending, and the voluntary sector has a long history of capitalising on this expertise through engaging people in the design, delivery, leadership and governance of services.

Clinks and Revolving Doors Agency's guide, *Service user involvement and co-production*, lists the core benefits of involving people with lived experience in the design and delivery of services.¹⁸

As highlighted by the Making Every Adult Matter Coalition¹⁹ people experiencing multiple needs, including contact with the CJS, feel that their issues and experiences are not well-understood which both contributes to, and is heightened by, the stigma and discrimination they often face.²⁰ This can lead to social exclusion, isolation and low self-esteem. Being involved in social action, and feeling that their voice is being heard can be really powerful for people and contribute to addressing this.

Are there any additional changes that would enable more people to take action on issues that matter to them?

Recognise that volunteering is not resource neutral

Volunteering is not free, it requires ongoing and consistent investment, support and coordination. Quality recruitment is needed to ensure that volunteers reflect the diverse range of service users they will engage with. Appropriate training and supervision of volunteers requires investment if they are to be properly supported. Voluntary organisations have worked alongside criminal justice agencies to develop best practice, but it needs to be more widespread. Volunteering should be championed by government who should work with the voluntary sector to create a culture and operating environment which encourages and supports volunteers.

Improve access to volunteering opportunities in the CJS

As highlighted above volunteers in the criminal justice system make a significant contribution and are able to ameliorate some of the challenges currently faced by the system, however these challenges also present a barrier to volunteering itself.





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Clinks report, *The Good Prison: why voluntary sector coordination is essential*, highlights how a more strategic role for the voluntary sector within prisons can contribute to creating a more normalised, community-facing prison culture to support rehabilitation; ensuring services are timely and appropriately sequenced; providing evidence of need and what works; and contributing to a safer prison environment.²² In turn this could provide a more conducive environment to organisations recruiting more volunteers.

A further barrier to volunteering in the CJS is presented by the need to obtaining security clearance. Clinks' most recent state of the sector report found that 38% of organisations said it was difficult to obtain security clearance for volunteers. This is supported by our other research Valuing volunteers which highlights that accessing security clearance can be a lengthy process and often delayed the start of people's roles.²³ Difficulties with security vetting were mentioned by 34 of 74 interviewees, with 12 reporting that difficulties were more pronounced with Counter Terrorist Check clearance.

People told us that delays with vetting cause some volunteers to drop out of recruitment, especially if they are only available for a relatively short time. For example, a join case study between HACRO and HMP The Mount showed that over a four year period approximately three-quarters of volunteers referred to the prison through their Step Inside programme dropped out of recruitment while waiting for their security clearance to come through.²⁴

Several interviewees also said that they viewed delays in vetting as intractable, and tended instead to concentrate their recruitment efforts on people who were seen as likely to be able to commit themselves for a long period. This may in itself constitute a barrier to volunteering for some people, and lead to a lack of diversity among volunteers. These challenges were experienced particularly acutely for people who had a criminal record.

Any government wide strategy for the civil society must have a view to ensuring that departments recognise the current and potential role played by the voluntary sector in supporting their outcomes and that volunteering can be enabled across the widest range of settings, including the most challenging.

In a criminal justice context there is a need for the strategy to enable an appropriate balance between prioritising volunteering opportunities and the benefits they bring with the potential security risk that they pose.

Ensure that the need to disclose convictions does not present an unnecessary barrier to social action

For some positions employers require a Disclosure and Barring Check but for many with a conviction, this can sometimes be enough to deter them from applying for a position. Recent research by the Centre for Crime and Justice Studies shows that out of a total of 4.2 million requests for disclosure of criminal records made in 2015, only six per cent produced criminal record information. And of these, three quarters related to convictions that were more than ten years old.²⁵

Although for many DBS checks are perceived as an important safeguarding measure when working to recruit adults, especially those in positions of trust with children or other vulnerable people, in 2015 only 707, or 0.018 per cent – resulted in disclosures related to sexual offences. It is important that the potential for having to undertake a DBS check does not act as a barrier to undertaking social action or to employment for people who have a criminal record. Clinks supports the Centre for Crime and Justice Studies recommendation that there is need to limit the disclosure of criminal records to recent and relevant convictions, and to reducing





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the time period that those with a criminal record are required to declare it.²⁶ Further to this, it is important that people who have had contact with the CJS are able to access information about what is required by a DBS check and what implications it might have for them.

Clinks is also a supporter of the Ban the Box campaign, that aims to delay the point at which job applications have to disclose criminal convictions by ticking a box on application forms, allowing them to be judged primarily on merit.²⁷

We support the Justice Select Committees recommendations that the Ban the Box campaign is extended to all public sector vacancies, as well as those for civil society organisations and suggest that the inclusion of this in the governments' civil society strategy would show leadership on the part of government and encourage others to follow.²⁸

Support the voluntary sector to recruit and retain diverse trustees and management under new charity disqualification rules

The Charities (Protection and Social Investment) Act 2016 comes into force in August and extends the conditions under which individuals are disqualified from acting as trustees. It also extends the disqualification to key senior management positions.²⁹

As the legislation is implemented we are concerned that it will act as a barrier for the involvement of people with lived experience of the CJS in senior management positions for charities and acting as trustees and is likely to have unintended consequences, with charities responding by going much further than the rules require. There is also a very real danger that the legislation could deter people with a conviction applying to take part in charities, thus reducing the diverse range of skills and experiences charities can draw upon.

Clinks has worked to support the Charity Commission on this but continue to have concerns that our advice is not being sufficiently acted upon in order to ensure the process for applying for a waiver is fair and transparent. We, in partnership with Unlock and the Prison Reform Trust have raised concerns with the charity commission that:

- The online waiver form is not fit for purpose
- A number of waiver applicants have been waiting over three months for a decision
- A lack of transparency around determining risk and decision making with regards to issuing waivers.

The civil society strategy must acknowledge the role that can be played by all citizens, including those with past convictions, in civil society and as such we urge Office for Civil Society to encourage the Charity Commission to resolve these issues as a matter of urgency.

Enable experts by experience to improve services

It is essential that the knowledge and expertise of people with lived experience of the CJS is harnessed.

We therefore recommend that government and local services follow the example of voluntary organisations and do more to put people in the criminal justice system at the heart of policy making and service delivery.





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Considering all the changes you discussed in this section, how could these be implemented now and/or in the future? You many want to think about the role of different parties, for example central and local government, charities, businesses, yourself/your organisation and others.

We have made recommendations for change throughout our response to the questions above and have pasted them below for ease. As follows:

Volunteering should be championed by government who should work with the voluntary sector to create a culture and operating environment which encourages and supports volunteers.

Any government wide strategy for the civil society must have a view to ensuring that departments recognise the current and potential role played by the voluntary sector in supporting their outcomes and that volunteering can be enabled across the widest range of settings, including the most challenging.

We support the Justice Select Committees recommendations that the Ban the Box campaign is extended to all public sector vacancies, as well as those for civil society organisations and suggest that the inclusion of this in the governments' civil society strategy would show leadership on the part of government and encourage others to follow.

The civil society strategy must acknowledge the role that can be played by all citizens, including those with past convictions, in civil society and as such we urge Office for Civil Society to encourage the Charity Commission to resolve these issues as a matter of urgency.

We therefore recommend that government and local services follow the example of voluntary organisations and do more to put people in the criminal justice system at the heart of policy making and service delivery.

Encouraging more young people to participate in society: Youth social action

Considering all the changes you discussed in this section, how could these changes be implemented now and/or in the future? You may want to think about the role of different parties, for example central and local government, charities, businesses, education, funders, yourself/your organisation and others.

For young people the stigma and discrimination associated with CJS contact outlined above can be experienced even more acutely, affecting them at an earlier and developmental stage in their life and as such for a longer period of time.





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A recent report by the Justice Select Committee concluded that the current disclosure of youth criminal records undermines the principles of the youth justice system and "may well fall short of the UK's obligations under the UN Convention on the Rights of the Child." Witness to the inquiry highlight that the current system has a detrimental impact on individual's access to employment, education, housing, insurance and visas for travel as well as having a discriminatory impact on particular groups including black, Asian and minority ethnic children and those within the care system.³⁰

Clinks suggests that the development of the Civil Society Strategy should take into account the recommendations of the committee regarding this issue and ensure that the strategy enables social action by the widest range of young people including those with a history of contact with the CJS.

3. Partnership

Working in partnership

Reflecting on your own experience or examples you are aware of in the UK or abroad, how are partnerships across sectors improving outcomes or realising new potential?

Partnerships between voluntary sector organisations

Partnership working is essential to meeting the needs of people in contact with the criminal justice system, especially those experiencing multiple disadvantage. This has been a long-standing strength of voluntary organisations, with 83% of respondents to Clinks' state of the sector survey saying that they work in partnership; 53% of these said the majority of these were informal partnerships and 47% said they are formal.³¹ Organisations told us there were many benefits to working in partnership which includes:

- Sharing expertise and knowledge with other organisations
- Having additional reach into areas they hadn't worked in before
- Raising their profile
- Supporting their staff to develop skills and expertise
- Signposting their clients to other services to meet their needs

At a time when organisations overwhelmingly say that the needs of their service users are becoming more complex and immediate, partnership working is one of the main ways through which they are able to respond to this challenge. 53% of respondents told us that they were responding to the changing needs of their service users through increasing their partnership working.

One organisation who described their experience of partnership working as very positive explained that this was because it allowed them to better achieve outcomes and share knowledge and expertise with other organisations.





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"There are numerous benefits — here are two. Partnership working in service delivery enables us to achieve better outcomes by working with agencies with different expertise, and enables us to avoid the risk of mission drift or over stretching our resources. Partnerships with organisations with similar aims and expertise with different footprints allow us to share know how and practice, and develop nationally applicable service models that mean service users receive some consistency of support regardless of what prison they are in or visiting."

Some organisations told us that they would struggle to deliver their services if they did not work in partnership with other organisations.

"We work in partnership with one of the other charities in [a prison] and they have ensured that we have a space to teach prisoners, that prisoners have access to our groups and that prison staff are aware of what we are doing. This has been pivotal in helping us run our group at the prison."

Partnerships between the voluntary sector and statutory agencies

As was highlighted during the consultation event with our members to inform this response, voluntary organisations work holistically and across silos, enabling collaboration between different criminal justice agencies. They often work across and between institutional boundaries, drawing together both statutory and voluntary organisations.

This partnership working is particularly effective when the strategic value of the sector is recognised by statutory agencies. Between September 2016 and October 2017 Clinks supported voluntary sector coordinators to implement a bespoke model of voluntary sector coordination in three prisons.³² The coordinators provide a single point of contact for and about the voluntary sector for key stakeholders. By working across organisational silos they acted as a vital bridge between departments for information exchange within the prison. The South West Head of Reducing Reoffending said that "the coordinator role has become an integral function of the prison and really is helping in coordinating services."

The civil society strategy should encourage all government departments and agencies to recognise the voluntary sector as an equal and key strategic partner.

Are there any additional factors that would enable more impactful partnerships across sectors?

Ensure all parts of civil society are equally valued

During our consultation event, Clinks members told us that they felt marginalised within civil society due to the negative stereotypes and perceptions other organisations have of their service users. People in contact with the CJS are seen as an 'unpopular cause' and organisations themselves felt stigmatised by other organisations as they worked with this group. These negative perceptions had an impact on partnership working, making it challenging. Organisations also said that businesses, government and the statutory sector do not always recognise their expertise and at times undervalue their knowledge and that of their service users.

Consider the impact of commissioning on partnerships

The commissioning structures and behaviour from government which we outline in further detail below is having a significant impact on partnership working in our sector.





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A more competitive funding environment has created fewer opportunities to work in partnership and in some cases organisations have become less collaborative. One organisation who responded to our state of the sector survey told us the following:

"We do try to work in partnership but we are mindful that with the funding, that actually people we have worked more collaboratively with in the past, are now our competitors."

In this context of competitive commissioning smaller organisations who lack the resource to invest in complex procurement and contracting processes and compliance are most likely to lose out. Further, by placing larger voluntary sector organisations in commissioning positions within supply chains collaborative and supportive relationships between the large and smaller parts of the sector are being eroded.

Considering all of the factors you have discussed in this section, how could these be addressed now and/or in the future? You may want to think about the role of different parties, for example central and local government, charities, businesses, yourself/your organisation and others.

- The civil society strategy should encourage all government departments and agencies to recognise the voluntary sector, including the parts of it that work with 'unpopular causes' as an equal and key strategic partner
- Government departments should consider the impact on the wider 'eco system' of voluntary sector organisations and partnership working when designing funding mechanisms and commissioning structures.

The funding and financing environment

Reflecting on your own experience, or examples you are aware of in the UK or abroad, what does an effective pool of funding and financing as well as income opportunities for the voluntary and community sector look like?

Voluntary organisations working in criminal justice are diverse in terms of their size and the services they deliver. As such, they rely on multiple sources for their income, including from government and charitable trusts and foundations. According to Clinks' most recent state of the sector research for the financial year 2014/15 the biggest source of income for organisations was from government sources and totalled £538.5m.³³ This accounted for 70% of the total income for organisations that we define as specialist criminal justice organisations (whose main purpose is to work specifically in criminal justice) and 62% of the total income for non-specialist criminal justice organisations (whose service users might include people who have a conviction, but their main purpose is not to work in criminal justice).

CLINKS www.clinks.org Unlike civil society organisations as a whole, those working with people in contact with the CJS receive few donations from the public to support their work. As shown by NCVO's almanac data, this is the largest source of income for the whole voluntary sector working in England



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and Wales but our state of the sector research shows that in 2014/15 individual donations made up 5% of the total income of organisations whose core purpose is to work in criminal justice, whilst this accounts for 14% of the total income of organisations who are not criminal justice specific. Further to this, organisations who work more broadly than criminal justice received 14 times the value of donations than organisations working specifically in criminal justice.

Voluntary organisations working with people in contact with the CJS continue to be small and, although they receive funding from a variety of sources, remain reliant on grant funding, especially from charitable trusts and foundations. Our state of the sector research shows that specialist criminal justice organisations whose income is between £100k to £500k receive 60% of their income as voluntary income (defined as income given freely by a donor, including grant funding), whilst those whose income is between £500k to £1m receive 54% of their income as voluntary income. Although this type of funding is essential for many voluntary organisations working with people in contact with the CJS, we have seen a significant (50%) reduction in grant funding for specialist criminal justice organisations from government sources between the financial years 2008/9 and 2014/15.³⁴

The reduction in the availability of grant funding, its often short term nature, coupled with a more competitive funding environment has created challenges for many organisations and we have seen small, specialist organisations divert significant amounts of time and resource away from front line services to bidding for contractual opportunities. This is of particular concern, given that organisations are also reporting that they are seeing greater numbers of service users, and their needs have become both more urgent and complex.

Further, we know that organisations delivering contracts struggle to do so sustainably. Of the 62% of organisations who responded to our state of the sector survey and were delivering contracts, 14% of organisations said they never achieve full cost recovery. This rose to 24% for organisations who deliver a specialist, tailored service to women, black, Asian and minority ethnic people, families and young adults. Some organisations felt commissioners didn't recognise the full cost of delivering the services that they wanted to commission, meaning they rarely paid for services at full cost recovery level. Indeed, one survey respondent said:³⁵

"Some statutory groups do not recognise the importance of full cost recovery, and the costs of overheads and will only pay up to a certain percent."

To ensure they remain able to deliver a quality services and to plug the shortfall in funding, organisations are having to subsidise this with funding from other sources, including that from trusts and foundations or from their reserves. We also know that contracts commissioned on a payment by results basis can be particularly challenging for organisations to deliver, as the outcomes they require often do not match how individuals meet these targets in reality, which puts organisations at risk and creates challenges for financial planning. A respondent to our state of the sector research told us the following:³⁶

"Where the contract is part or all payment by results it makes financial planning more difficult and the financial modelling done by the funder doesn't always reflect the reality of how/when people achieve the outcomes."





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Where is there the potential for changes to the funding and financing environment to better support the work of the voluntary and community sector, for example increasing the use of new models of funding, use of technology and/or changes to current funding practice?

Commissioning and grant funding

Grants are essential for voluntary organisations working with people in contact with the CJS, especially those that are small and community based as they provide them with flexibility to remain responsive to their service users' needs. Clinks as a member of the Directory of Social Change led Grants For Good campaign, advocates for the reversal in the rapid decline in grant funding from local and national government to the voluntary sector.³⁷ As well as providing support for, and more, grant funding opportunities, we recognise that in some cases commissioning processes will be required and where this is the case, these processes need to be developed to be made more accessible to organisations, who often find these prohibitive.

In 2014 we published our report, *More than a provider: the role of the voluntary sector in the commissioning of offender services*, which made recommendations for how commissioning and procurement process can be adapted and improved to ensure full involvement of voluntary organisations.³⁸ These recommendations still hold, and the most relevant of which we have included below:

Commissioners should provide flexible but systematic routes for all voluntary organisations (not just service providers) to share intelligence about emerging needs, pitch ideas and advocate for service improvements.

Social value should be integrated into commissioning decisions, for example by purchasing from organisations that improve reintegration people with a history of offending by tackling the stigma of criminal convictions.

Procurement process should be proportionate to the scale of the service being commissioned, and commissioners should carefully consider the impact of contract size on market diversity. Wherever possible large contracts should be broken down into smaller lots.

Both grants and contracts should be considered in the procurement of services, rather than using contracts as a default position. Grants should be used to support innovation and invest in the capacity of organisations to deliver services in the future.

The effects of competitive tendering processes on local relationships, referral pathways and sharing of good practice should always be carefully considered during any commissioning and procurement process.

Commissioning and procurement process also need to allow for innovation and reform. Our most recent state of the sector report shows that voluntary organisations are resilient, flexible and innovative.³⁹ Some are developing and delivering new services to respond to the changing needs of their service users, whilst others are increasing their partnership work and employing staff with specific expertise. It is important that voluntary organisations remain able to operate





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in this way to respond to changes in the external policy environment and the needs of their service users. To support this, we recommend that government should allow organisations the space to continue to innovate and consider providing laboratory grant funding to enable organisations to test new approaches. These grants should allow innovative approaches to be tested over a three-five year period and allow funding for suitable evaluation to take place.

Involving organisations and people with lived experience in the commissioning process

Improving the funding environment for voluntary sector organisations is not just about ensuring appropriate funding mechanisms exist, it is also vital to ensure that the services being funded are the correct ones. In order to do this the knowledge and expertise of the voluntary sector and those that use its services should be utilised.

People with lived experience of the CJS are experts by experience and know what does and does not support them on their journey to desistance.

To ensure commissioners are able to use this knowledge and expertise it is important that service users are involved throughout the commissioning cycle, and commissioning and procurement teams should be provided with the opportunity to meet directly with service users.

Learn from the implementation of the Transforming Rehabilitation programme

The Transforming Rehabilitation programme⁴⁰ has also significantly changed the funding pool for organisations working the criminal justice sector.

Cilnks' TrackTR project has been monitoring the impact of these reforms on voluntary sector organisations and the people they support since 2015 and published its final report in May 2018.41

Our research as well as reports by the Public Accounts Committee⁴² and Her Majesty's Inspectorate of Probation⁴³ has shown that the government's intention that these reforms would place the voluntary sector at the heart of the delivery of probation services has not been achieved. Instead very few organisations have found themselves as subcontractors and those that have tend be larger organisations. Where the sector has been involved, its services are underfunded, with many contracts at risk of failure and/or being subsidised with either charitable reserves or other funding sources. Probation services are also relying heavily on organisations outside of the supply chain. 65% of responding to our survey were organisations not funded by CRCs but regularly receiving referrals from probation services and prisons. There has also been a negative effect on the wider funding pool for criminal justice services. The lack of clarity on what the CRCs and NPS should be funding has led to confusion that has effected the sectors ability to raise funds from other sources.

Our full report includes seven key findings and eleven recommendations which could be used by OCS to ensure that the learning from this programme informs future public service delivery programmes and ensures funding for the sector is appropriate and supports the sectors sustainability.⁴⁴







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Considering all the changes you discussed in this section, how could these changes be implemented now and/or in the future? You may want to think about the role of different parties, for example central and local government, independent funders, charities, businesses, yourself/your organisation and others.

For the last five years Clinks has been collecting information about voluntary organisations working with people in contact with the CJS. Our 2017 state of the sector report shows that alongside considerable successes, organisations are experiencing significant challenges including but not limited to: a rise in service user need; more pressure on staff due to increased workloads; and organisations struggling to achieve full cost recovery on the contracts they are delivering.⁴⁵

In December 2017 we published a report entitled State of the sector: recommendations for change which sets out what Clinks will do to support our members to respond to the challenges they are facing, but also what we would like to see from charitable trusts and foundations, government, criminal justice agencies and also from voluntary organisations themselves.⁴⁶ Below we summarise the main recommendations from the paper.

Charitable Trusts and Foundations should:

1. Provide essential long-term grant funding for specialist criminal justice organisations

This funding will need to support core functions as well as service delivery and policy work. This will ensure the needs of marginalised and stigmatised groups are met by these specialist organisations.

2. Proactively support organisations to advocate on behalf of their service users

Charitable trusts and foundations can play a valuable role in this space, utilising their independence and the valuable evidence they gather from organisations to influence decision makers.

3. Work collaboratively to support the sector

Working to reduce the time organisations need to spend on submitting applications and reporting back to funders would enable organisations to remain focused on supporting the needs of their service users.

Government and criminal justice agencies should:

1. Work in partnership with voluntary organisations

It is important that the Ministry of Justice and other criminal justice agencies utilise the expertise of voluntary organisations through providing flexible but systematic routes for them to share intelligence about emerging needs, advocate for service improvements and support the development of transparent and proportionate commissioning and procurement processes.





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2. Allow for innovation and reform

To support voluntary organisations to remain resilient, flexible and innovative the Ministry of Justice and criminal justice partners should allow organisations the space to continue to innovate and consider providing laboratory grant funding to enable organisations to test new approaches.

3. Recognise the value of small, specialist organisations

It is essential that the Ministry of Justice and criminal justice agencies recognise the importance of organisations providing specialist services to distinct groups and proactively work to support and nurture them through providing sustainable long-term grant funding, or find better ways to include them successfully in commissioning processes.

Voluntary organisations should:

1. Continue to prioritise service user need

As the safety net for people in contact with the criminal justice system is shrinking, voluntary organisations services are more important than ever, and it is essential that they keep working to respond to and meet their service user's needs.

2. Speak out on behalf of their service users

By speaking directly to decision makers and commissioners, voluntary organisations can influence decisions and change processes that might otherwise be detrimental to the needs of their service users.

3. Work collaboratively to reach shared goals

Voluntary organisations need to take proactive steps to facilitate positive partnership working, continuing to develop effective referral pathways and sharing resources between them.

New investment models

Reflecting on your own experience or examples you are aware of in the UK or abroad, how are new investment models unlocking new potential and partnerships?

In 2017 Clinks surveyed our members to understand their knowledge and experience of social investment. Only 13% of respondents had secured social investment for their work and the results indicated a lack of detailed knowledge of new investment models but an appetite for further information. 60% of organisations said they were interested in exploring social investment. Of the remaining organisations, 17% said they were not interested in exploring social investment and 23% said they were unsure. The reasons given for this included "don't understand it"; "too complicated", "uncompetitive interest rates", "don't want to take on a loan"; and "don't think it's for you". Overall there was a split in attitude towards social investment with those organisations defining themselves as Social Enterprises being more likely to view the potential of new investment models positively than those that were registered charities.





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Where is there the greatest potential for the future development of investment models for civil society?

For voluntary sector organisations working in criminal justice, who have a limited potential to earn income, social investment bonds are likely to be the most appropriate form of new investment models.

However as stated elsewhere in this response grants continue to be the most appropriate funding mechanism. Given this the amount of resource being directed to exploring new investment models may be misguided and could be better used to support sustainable grant programmes.

Which of the following factors are the most important in enabling the growth of new investment models in the future? (Please rank up to three choices in order of importance, with 1 as the most important, 2 as the second most important and 3 as the third most important).

- 1. Understanding of how to make or receive a social impact investment
- 2. Knowledge of social impact investment* as a form of finance
- 3. Identifying suitable opportunities for social impact investment

4. Place

Devolution and localism

Reflecting on your own experience or examples in the UK or abroad, how have local people, businesses, voluntary and community organisations, and decision makers worked together successfully to break down barriers in our communities and build a common sense of shared identity, belonging and purpose?

The criminal justice system and its agencies and institutions are often disconnected from the communities in which they are physically based and whom they ultimately serve. Prisons in particular are, by their very nature, inward looking institutions. The geographical areas in which criminal justice agencies and other statutory services operate are not aligned and this creates barriers to joined up working. Steps should be taken to encourage and enable better joint working and co-commissioning arrangements between these statutory bodies and across these geographical boundaries.

In contrast the voluntary sector working in criminal justice tends to be locally based and rooted in communities. As highlighted in section two these organisations and the volunteers that work with them make a significant contribution to breaking down barriers and addressing the stigma experienced by people in contact with





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the criminal justice system. They also provide resettlement opportunities for people to transition from the CJS into communities and wider civil society.

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. Clinks, alongside Homeless Link and Mind are a member of the Making Every Adult Coalition which was formed to improve policy and services for people facing multiple needs.⁴⁷ Together the charities represent over 1,300 frontline organisations and have an interest in the criminal justice, substance misuse, homelessness and mental health sectors. The MEAM approach provides a non-prescriptive framework for developing a coordinated approach to ensuring people experiencing multiple disadvantage get the support they need. The approach is currently being used by partnerships of statutory and voluntary agencies in 23 areas across England. MEAM Approach areas consider MEAM Approach areas consider seven principles, which they adapt to local needs and circumstances. The MEAM Approach areas conducted an evaluation report in 2016, which shows they achieved an average 23% reduction in wider service costs and a 44% improvement in wellbeing.

The Fulfilling Lives projects, 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.⁴⁸ 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.⁴⁹

Government should take the lead from this voluntary sector led action to undertake more and improved place based and joined up working. HMI Probation's recent annual report highlighted that through the gate support for people transitioning from prison into the community was limited:⁵⁰

"In those cases we inspected, only a handful of individuals had received any real help with housing, jobs or an addiction, let alone managing debt or getting back into education or training. What is more, about one in ten people were released without a roof over their heads. These services are underfunded, and simply not operating as expected. Instead, CRCs are too often doing little more than signposting and form-filling."

To fully support someone's integration back into the community from prison, it is important that these challenges are addressed to facilitate full and appropriate reintegration. The Civil society strategy should encourage cross departmental working to ensure that issues such as these which touch on a wide range of policy areas are joined up and appropriately addressed. Clinks was heartened to hear The Secretary of State for Justice recently announce a cross departmental approach to reducing reoffending. We hope to see this group consider how its approach can engage with and learn from civil society organisations who are working in this area and already are engaged in providing holistic services that respond to this variety of need.⁵¹

The civil society strategy should encourage government to seek out and learn from such action within civil society.





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Public services

Reflecting on your own experience or examples you are aware of in the UK or abroad, how have local public services successfully responded to the needs of communities?

Our state of the sector surveys have shown that voluntary sector organisations are responding to more acute and complex need amongst people in contact with the CJS.⁵² Organisations have told us that this is a result to cuts in other public services and a shrinking safety net. Our TrackTR research shows that organisations working in criminal justice believe that the implementation of the Transforming Rehabilitation reforms have had a negative impact on their service users.⁵³

With regards to services successfully responding to service user need we direct DCMS to the information we have provided in response to previous questions regarding the Making Every Adult Matter Coalitions work.⁵⁴

What are the most important changes needed to enable local public services to respond further to the needs of communities? (Please rank up to three choices in order of importance, with 1 as the most important, 2 as the second most important and 3 as the third most important).

- 1. People having more opportunities to shape and/or run the public services they use⁵⁵
- 2. Service providers delivering more public services that have been designed and produced with their users
- 3. Changes to commissioning practices.

Considering all the changes you discussed in this section, how could these changes be implemented now and/or in the future? You may want to think about the role of different parties, for example central and local government, other public sector bodies, charities, businesses, yourself/your organisation and others.

Again we direct DCMS to our answers in the previous sections of this response regarding involving experts by experience in the design and delivery of services, removing barriers to volunteering for people with convictions and appropriate funding and commissioning arrangements.





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End notes

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- 2. www.meam.org.uk
- 3. Gojkovic et al., 2011, Offender engagement with third sector organisations: a national prison-based survey see: www.birmingham.ac.uk/generic/tsrc/documents/tsrc/working-papers/working-paper-61.pdf
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- 7. www.prisonreformtrust.org.uk/WhatWeDo/ProjectsResearch/Women/History/Corstonreport
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- 19. Clinks is a member of the Making Every Adult Matter (MEAM) coalition alongside Homeless Link and Mind, which was formed to improve policy and services for people facing multiple disadvantage. Together the charities represent over 1,300 frontline organisations that have an interest in the criminal justice, substance misuse, homelessness and mental health sectors.
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- 38. www.dsc.org.uk/grantsforgood
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- 40. www.clinks.org/resources-reports-mapping/state-sector-reports
- 41. These reforms replaced the previous 35 Probation Trusts with a single National Probation Service (NPS), responsible for the management of people defined as high risk; and 21 Community Rehabilitation Companies (CRCs) responsible for the management of low to medium risk people across England and Wales. The CRCs also have a new responsibility for supervising short sentence prisoners (those sentenced to less than 12 months in prison) after release. From 1 February 2015 the successful bidders in the competition for CRCs began to deliver probation services.
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CLINCS

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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