



Reducing Reoffending Third Sector Advisory Group (RR3)

The Abbey Centre, Westminster

SW1P 3BU

Wednesday 6th March 2019

Members present:

- Anne Fox – Clinks (chair)
- Martin Blakebrough – Kaleidoscope
- Rod Clarke- Prisoners Education Trust
- Richy Cunningham- Recovery Connections
- Peter Dawson – Prison Reform Trust
- Will Downs – Clinks (secretariat)
- Mohammad Hanif – Arooj
- Nicky Park – St Giles Trust
- Mike Pattinson- Change, Grow, Live
- Laura Seebohm- Changing Lives
- Chris Stacey– Unlock
- Jacob Tas- Nacro
- Riana Taylor – Circles UK
- Khatuna Tsintsadze- Zahid Mubarek Trust
- Emma Wells– Community Chaplaincy Association
- Tracy Wild- Langley House Trust

Guests present:

- George Barrow- Ministry of Justice
- Nathan Dick- Probation Programme, HMPPS
- Phil Douglas- Director – Youth Justice and Offender Policy, Ministry of Justice

1. Introductions, minutes and actions

- 1.1. Apologies were received from Diane Curry and Linda Bryant and Bettina Crossick of HMPPS
- 1.2. Members gave brief updates on their organisations.
- 1.3. **RR3 membership update:** Anne Fox (AF) welcomed Mike Pattinson (MP), Executive Director at Change, Grow, Live to the RR3. MP was appointed after a competitive recruitment process for his expertise as a senior leader in a larger scale voluntary organisation, and for his expertise and experience of the commissioning and delivery of public services. The vacancy arose as Jacob Tas (JT) is leaving Nacro and therefore giving up his RR3 seat. This meeting is JT's last.
- 1.4. **Changes to the agenda:** The chair notified the group of late changes to the agenda due to officials' being unavoidably unavailable. Firstly, that a planned item regarding health and justice would be rearranged; that Nathan Dick (ND), HMPPS, will give an update on the probation programme; and finally, that the RR3 group would have a discussion without officials on the Working Links collapse and the implications for the voluntary sector.
- 1.5. **Minutes and actions from the [RR3 meeting on Monday 3rd December](#):** Minutes were approved, with the following comments regarding actions:

- 1.5.1. In relation to Action 14 from the December meeting, AF said that Becky Wyse, formerly Deputy Director, had left the MoJ and been replaced with Linda Kennedy.
- 1.5.2. In relation to Action 19 from the December meeting, AF said that she and Peter Dawson (PD) wrote a letter to David Gauke, Justice Secretary concerning the quality and speed of ministers' responses to senior members of the voluntary sector. AF said they had not yet received a reply. George Barrow (GB) said he would enquire about the response.
- 1.5.3. PD said that ministers have been in post for a relatively long time, creating relative continuity and that the main challenge had moved from constant ministerial change, to one of constant change amongst civil servants. [AF referred to recent report by the Institute of Government](#) which highlighted such change within the civil service and this reflected her own experiences.

2. HMPPS and MoJ update

- 2.1. **HMPPS changes:** AF read out an update provided by Bettina Crossick, Head of Third Sector and Grants Programme, HMPPS. She said there are major structural changes at HMPPS, with the establishment of two different strands for prison and probation, overseen on an interim basis until October 2019 by two Director Generals, Phil Copple and Amy Rees, respectively.
 - 2.1.1. Dr Jo Farrar is taking over from Michael Spurr as CEO of HMPPS on April 1st 2019. AF said Clinks have been sent an organisational chart of these changes and that she would seek to share with the group.
 - 2.1.2. PD shared concerns with the group that HMPPS will not have executive control over finance or HR which may limit the Agency's ability to function effectively.

ACTION 1: Secretariat to share new HMPPS organisational chart with the RR3 group.

- 2.1.3. AF said that Dr Farrar had a good reputation from the Local Government Association on getting things done, and was an interesting appointment given her extensive civil service experience, though noted that she had less specific expertise on prisons comparatively to the existing senior management of HMPPS. The group agreed they should invite Dr Farrar to a future RR3 meeting.

ACTION 2: Anne Fox to invite Dr Jo Farrar to a future RR3 meeting.

- 2.2. **MoJ changes:** GB said Justin Russell, Director General, MoJ, had been moved to the no deal Brexit brief. He is the chief inspector of probation-designate, and had [his hearing in front of the justice committee yesterday](#).
- 2.3. **Short sentences:** GB said that the ambition to reduce the use of short custodial sentences was still a priority for ministers. They have been gauging the political reaction to such measures and think they will be able to pursue it politically. He said there was still a lot of work to do in regards to what replaces short custodial sentences, and that language around creating 'tougher' community sentences was inevitable. Ministers accept that there will be implications for probation services.
- 2.4. **Community Sentence Treatment Requirements:** GB said his team were working to expand the use of Community Sentence Treatment Requirement's, and hoped that like Liaison and Diversion initiatives (which now cover 90% of the country), this could be progressed quickly and smoothly.
- 2.5. **Knife crime:** GB said that the MoJ were working with MOPAC and the Home Office around the issue of knife crime, and were highlighting the risk of how certain responses to particular

types of crime can disproportionately affect black, Asian and minority ethnic people. They did not want to exacerbate the problem of disproportionality that was highlighted by the Lammy review.

- 2.6. **Lammy Review:** GB said that work was ongoing in regards to implementation of the Lammy Review. He said in particular, there was a specific focus on how better training and monitoring could improve outcomes for Gypsy, Roma and Traveller people. He also said that Justin Russell would give up his position as chair of the race and ethnicity board, if appointed as chief inspector of probation, and as yet no potential replacement had been identified.
- 2.7. **RR3 Secondment:** GB said that Alison Thorne's secondment from Together for Mental Wellbeing to the MoJ through the RR3 had been very useful, but not long enough, and he was grateful that the Barrow Cadbury Trust had picked up this work through the Transition to Adulthood alliance. She has established a practice development group and has produced a paper which GB will circulate to the group in draft form. KT asked GB if Alison's work can be available to prisons, as they are currently developing young adult strategies. KT and GB to discuss how to disseminate to prisons.

ACTION 3: George Barrow and Khatuna Tsintsadze to liaise about sharing Alison Thorne's draft paper, and how to disseminate the final version of the paper to prisons, to inform individual prisons' young adult strategies.

3. Update on probation reform

- 3.1. **Update on the MoJ's engagement:** ND said that the MoJ had recently conducted three engagement events with the voluntary sector over the last month on their design principles for the reformed probation service. Clinks will provide feedback from those events to the MoJ. ND said the MoJ were also meeting regularly with a Police and Crime Commissioners group; engaging with MOPAC and relevant people in Greater Manchester to look at specific services in those areas; meeting with trade unions every fortnight; and holding regular meetings with a group of senior leaders in probation services (from both NPS and CRCs), a meeting of which Rory Stewart, Minister of State at the MoJ, recently addressed.
- 3.2. **Factors impacting process:** ND described a number of factors impacting their plans for probation reform. He said his team have moved over from the MoJ to HMPPS, which has helped them to gauge the likelihood of operational success of their proposals. The focus had moved from policy towards the nuts and bolts of making it work on the ground. The commitment to review short sentences, the roll-out of the new enhanced through the gate provision and the continued rollout of Offender Management in Custody (OMIC) Model in prisons were all factors that impacted on probation reforms.
- 3.3. **Response to Working Links:** ND said that they had developed an internal programme in response to the Working Links collapse, to ensure the service continued, stabilised and improved. He said that HMPPS were also working to address the outstanding debt owed to the voluntary sector, both in terms of subcontractors and rate card providers. Spencer Draper, HMPPS was leading on this.
 - 3.3.1. Officials were thinking about the implications of the Working Links collapse in Wales, given the plans to reunify probation under the control of the National Probation Service, and whether this would affect the pace at which this reform is implemented.
- 3.4. **National Audit Office report:** ND said the recent National Audit Office report didn't say anything they didn't already know, and that they would look at their recommendations. Following the publication of the report, the Public Accounts Committee hearing would take place on 13th March.

- 3.5. **Next steps:** The MoJ is to submit five business case proposals to the Cabinet Office and the Treasury this month. These proposals will cover the full range of options, from the proposals they have been developing, to reunifying and renationalising probation services. He said the MoJ were making the case that a better service needed greater investment, and therefore were asking the treasury for more money for probation in these plans.
- 3.6. **BAME approaches:** KT asked ND about approaches to specialist BAME sector organisations.
- 3.6.1. ND asked Will Downs (WD) to circulate the presentation from the recent voluntary sector engagement events that the MoJ held with Clinks, as this included information on how they plan to approach different cohort groups. They wanted to focus on better data capture, better equalities reporting, more standards regarding equality reporting, including a focus on ensuring a representative workforce. They were looking at how to encourage BAME staff into leadership positions and for better training for staff to deliver services to BAME people.

ACTION 4: Secretariat to circulate the presentation delivered by the Ministry of Justice at the voluntary sector engagement events in February.

- 3.7. **Specialist organisations:** ND said there were some concerns from the voluntary sector about ensuring the involvement and protection of smaller organisations in supply chains within larger contract package areas. There are proposals for a voluntary sector strategy to address some of these issues. He said there was pressure from the Cabinet Office and the Department for Culture Media and Sport to weight the strength of bids from primes up to 10% on their commitment to social value, to ensure they are taking into account the Social Value Act.
- 3.8. **Workforce representation:** Mohammad Hanif (MH) asked how they would ensure plans for better workforce representation were actually implemented, and whether they would be setting targets. ND said he would go back and ask the workforce team their plans on this.

ACTION 5: Nathan Dick to seek clarity and share with Mohammad Hanif the details for ensuring better workforce representation under new probation contracts.

- 3.9. **Enhanced through the gate:** CS asked whether there was any more communication from government about how the enhanced through the gate provision fits with the new probation proposals. AF said there is a blog being written for Clinks and said Jess Mullen, Head of Policy and Communications, Clinks, has further information we can share with the group.

ACTION 6: Secretariat to circulate to the RR3 group further information regarding the implementation of the enhanced through the gate contracts, in relation to probation reform. Blog is now live on Clinks' [website](#).

- 3.10. **DPS:** Nicky Park (NP) said that the MoJ must learn from the current roll-out of the Dynamic Purchasing System (DPS) in prisons and also consider the risk of primes taking the work offered through the DPS, in place of smaller voluntary organisations.
- 3.10.1. ND said they envisage the DPS to be for smaller organisations delivering rehabilitative activity and though they can't stop large organisations from bidding, they would hope to include things in the tender process that favour smaller organisations. ND said they'd prefer to make contracts three years, however they're reluctant to mandate minimum contract lengths as they need flexibility within the system to fund short-term pilot projects and for grants.

- 3.11. **Next Steps:** ND offered to come back for the June RR3 meeting for a fuller agenda item, and would aim to bring Jim Barton and/ or Luke Taylor. He asked WD to circulate his email address in case people had further questions.

ACTION 7: Secretariat to circulate Nathan Dick's contact details to group, and to liaise with Nathan Dick about a probation agenda item for the June RR3 meeting.

4. Special Interest Group on employment

- 4.1. **The SIG meeting:** CS gave an update on a recent one-off Special Interest Group meeting with specialist employment organisations from the voluntary sector, arranged to discuss employment in light of the roll-out of the New Futures Network (NFN). He said there was a good turnout and range of perspectives, and that they invited Linda Kennedy, MoJ and Duncan O'Leary, New Futures Network to present to the group, before discussions under Chatham House rules. Lauren Nickolls, Policy Officer, Clinks, provided the secretariat and has written up and circulated the notes from the meeting to the wider RR3 group.
- 4.2. **New Futures Network and the voluntary sector:** CS said that there were some concerns raised at the meeting about the lack of engagement with the voluntary sector in the development of the NFN, and there was some tension with small specialist providers in particular regarding the roll-out of the NFN. Since the success of the NFN will depend on engagement with the voluntary sector, there was an opportunity for better engagement going forward.
- 4.3. **Financial incentives and government's approach:** During the meeting, voluntary sector providers suggested financial incentives for employers to recruit people with convictions (such as the government pledge to give National Insurance Contribution holidays to employers) were less important than an employer's attitude to recruitment. PD acknowledged that financial incentives, such as the proposals for NIC holiday, are not significant monetary incentives, but suggested it was important for government to fulfil its promises to ensure that people continue to take the issue seriously.
- 4.4. **Employer support:** Richy Cunningham (RC) said he has spoken to Duncan O'Leary on how employers need to support people with poor mental health and addiction, in challenging the stigma in places of work and challenging workplace culture. He said people with lived experience need additional support, such as supervisions, but some of the industries in which they may be expected to find employment may not have a good track record of providing such support. RC said he will share with CS some recent work he had conducted with people in prison regarding employment.

ACTION 8: Richy Cunningham to share with Chris Stacey his insights following work conducted with people in prison regarding how employers support people with poor mental health and addiction, to inform the Special Interest Group for Employment Support recommendations.

- 4.5. **Equalities monitoring:** KT said that there was no routine monitoring for who is accessing jobs, and that she had heard claims that some jobs were not being made available to certain groups of people. She said that HMPPS are currently reviewing their equalities monitoring tool, and suggested there was an opportunity to have access to employment and job allocation considered as part of that monitoring data. KT agreed to share further information of this with CS.

ACTION 9: Khatuna Tsintsadze to share with Chris Stacey information regarding differential access to certain types of work for BAME people in prison to inform the Special Interest Group for Employment Support recommendations.

- 4.6. **Employment outcomes:** CS said there were some concerns raised at the SIG meeting regarding data recording and employment outcomes. Laura Seebohm (LS) said that Changing Lives deliver CFO3 for women in quite a few areas and said it is difficult to meet employment outcomes, especially for women with multiple and complex needs.
- 4.7. **Next steps:** AF said the SIG worked because they received feedback from grassroots, operationally experienced organisations, and were able to gauge, therefore, the impact of national policy on local areas. She said not all feedback was positive; there were unsettled organisations who had felt left out from the NFN discussion. AF said they will provide the MoJ with detailed notes from the meeting and make targeted recommendations from the key principles identified. These will be shared with the RR3 before being submitted to the MoJ and HMPPS.

ACTION 10: Chris Stacey, Anne Fox and Lauren Nickolls to develop a paper of recommendations following the Special Interest Group for Employment Support in February, to be sent to Ministry of Justice and HMPPS.

5. Reducing Reoffending Board

- 5.1. **Update on the RR3 and RRB:** AF explained recent developments of the Reducing Reoffending Board (RRB). The RR3, supported by Nicola Drinkwater, Policy Manager at Clinks, submitted a short paper to the RRB with recommendations for how to improve access to Universal Credit and banking services for people leaving prison. As agreed with the group prior to the submission, CS acted as sponsor for this submission due to his expertise to the topic, and PD acted as advisor for his specialism in policy development. CS was due to present the paper directly to ministers on Monday 25th February, but this meeting was cancelled the Friday before.
- 5.1.1. AF said she has since been notified that David Lidington made the decision to send to ministers all the papers that would have been addressed at the meeting- including the RR3 paper- and ministers have been asked to respond in writing the following week. AF said she had been in touch with the Cabinet Office and she will push for a written update on their response to our paper, as the process has changed for this meeting.

ACTION 11: Anne Fox to pursue a written response from the Reducing Reoffending Board on how ministers intend to respond to the recommendations outlined in the RR3's recent submission regarding Universal Credit and access to banking.

- 5.2. **Reflections on the RR3 submission to the RRB:** AF invited feedback from CS and PD and thanked them for this work.
- 5.2.1. PD said that the process was good and done at high speed. He welcomed the level of engagement from government officials, and their willingness to be forthcoming and to share their thoughts, as it enabled the RR3 to be clear that the advice they were giving was worthwhile. He said the experience justified the RR3's decision to enter into a relationship with the RRB. He said he was happy with the submission we made. He said that in ministerial meetings, with ministers under pressure from the deputy Prime Minister to make commitments, the shortest paper with the clearest recommendations gets the most attention- and that's what the RR3 delivered.
- 5.2.2. CS said that the topic enabled them to be clear and pragmatic in their advice, as the RR3 were knowledgeable on this subject area. He said the process was rushed, but that it was actually helpful in keeping feet to the fire. He suggested it was hard to reflect on the value of this submission without knowing fully what would come next.

- 5.2.3. AF said the group responded well to the submission, and were treated by officials as a group coming with expertise and advice. She said the response from officials highlights the added value the RR3 group brings to the RRB.
- 5.2.4. NP said it felt rushed, but she was pleased with how her team came back quickly to her with what she asked for. She reflected positively that her staff saw it as an opportunity to feedback their thoughts on an important topic. She said that Nicola Drinkwater, Policy Manager at Clinks, who provided the secretariat for the paper, was fantastic and provided great communication throughout.
- 5.2.5. JT said he was impressed by the input from his team and the knowledge from the ground. He said he was pleased that Caroline Drummond from Nacro was able to attend the meeting with civil servants, but felt the meeting was arranged at too short notice, and meant no other interested parties were able to attend. He said there is a risk that civil servants perceived any non-attendance from members of the RR3, including the secretariat, as showing a lack of respect to the RRB. MP said the RR3 should regain control by arranging the meeting, setting the date and inviting officials. AF said she'd be reflecting all of this and reminding officials of the agreed process.

5.3. **Chris Stacey and Rory Stewart correspondence:** CS said it was interesting that he had been asked by Rory Stewart to produce a briefing on bank accounts in December for then the RRB to commission a paper on the same topic shortly after. He received a detailed response from Rory Stewart, but would have liked to have clearer information about the minister's intentions in response to the recommendations. This reaffirms his point about needing a clear response from the RRB against the recommendations we made in our paper. He agreed to share his briefing and the response from Rory Stewart.

ACTION 12: Chris Stacey to share with the RR3 group his briefing on bank accounts he sent to Rory Stewart, and Rory Stewart's written response to the briefing.

5.4. **Select committee:** AF said that in a letter in August 2018 to Bob Neill, the chair of the Justice Committee, David Lidington said that the RR3 were providing advice to the RRB. This letter has been in the public domain for some time. She asked whether the group saw it as appropriate to update the select committee on our relationship. The group agreed, pending the response from the RRB in regards to our submission.

ACTION 13: Anne Fox to coordinate letter to Bob Neill MP, chair of the Justice Committee, outlining the relationship between the RR3 and the RRB, pending a written update from the RRB following our evidence submission.

5.5. **Future relationship with the RRB:** AF asked the group whether they wanted to continue working with the RRB. MP said that instinctively it was worth continuing. NP said it was rare for front line staff to have an opportunity for their voice to be heard by ministers. She said it was a fantastic opportunity to bridge that gap between policy and the front-line. Riana Taylor (RT) said the paper we submitted was straightforward, simple, and sensible. She said the RR3 should continue to work with the RRB as we are able to take the perspective of service users and front line staff, who really know what's going on, directly to ministers who don't always have that part of the information.

5.5.1. AF said she recognised that Clinks are funded for this work, but that members of the RR3 weren't and asked whether they should explore providing resource to members for this work. MP said that resource for this would be no use to CGL.

5.5.2. AF is aiming to secure a meeting with David Lidington to discuss the RR3.

6. Phil Douglas

6.1. **Changes at the MoJ:** Phil Douglas said his responsibilities included sentencing, vulnerable offenders, longer-term probation policy and youth justice. He said that the MoJ had returned to having a single policy function, headed by Mark Sweeney, Director General, MoJ which included the policy aspects of Justin Russel's former group. This new group consisted of 10 directors, and included policy, communications and analysis. He said that Justin Russell was likely to move to HMI Probation, pending his select committee hearing. He said there was still some thinking to be done on how this all sits under Mark Sweeney, and he envisaged further changes at director level ahead. AF asked as to whether Phil Douglas remained the sponsor for the RR3, and he confirmed he was. AF said the RR3 would write to Mark Sweeney.

ACTION 14: Secretariat to coordinate an RR3 letter of introduction to Mark Sweeney.

6.2. **The impact of Brexit on the department:** Phil Douglas said that Brexit was having a major impact within the MoJ. In the case of a no deal Brexit, the department would give a number of staff to 'emergency hubs' within other departments, more directly impacted by a no deal Brexit, such as HMRC and the Department of Transport. He also said there was lots of work within the MoJ to prepare for possible eventualities in case of a no deal Brexit- including transport issues, commercial contracts, supplying food and medicine to prisons, and how the settlement scheme works. He said it was taking up a lot of capacity in the department and they looked forwards to some clarity on Brexit.

6.3. **Sentencing:** Phil Douglas said that ministers were very keen on sentencing reform, and though there is a lot more analysis and work to do, ministers have indicated that if they were able to, they would like to legislate on sentencing. He said any potential changes would need to be carefully managed, both politically across government, and across judiciary, as it would have a seismic impact on the magistracy. There was also the consideration of how the department responds to people not sent to custody as this will have resource implications. He said there was lots of work to do in the following months, and that the Secretary of State was likely to make another significant speech in April or May. PD (Peter Dawson) said that recent speeches by ministers on sentencing were brave and thoughtful and a real achievement.

6.4. **Long term probation policy:** Phil Douglas said that Jim Barton, Director, MoJ was leading the probation programme, and Luke Taylor, Deputy Director, MoJ was leading probation policy. Phil Douglas is leading on the longer term vision of what probation does.

6.4.1. PD questioned the rationale for setting up another costly team to look at the long term plan for probation, and raised concern that this created yet another department for people to engage with. Phil Douglas said there is a lot of work to do on probation, and as the probation programme starts to be implemented, it becomes operational rather than policy, freeing up some capacity in the department to focus on long term policy.

6.4.2. LS asked whether the probation reform might be delayed in response to Brexit. NP said that it was a rushed timetable to begin with, and that recent delays threatened to create pressure points further down the line where things will be rushed. She said that rushed processes created problems under TR, and we were at risk of repeating such problems. Phil Douglas said that if there's a no deal Brexit, or the government falls, then there will be delays but he couldn't predict what would happen.

6.5. **Criminal records check and EU settlement scheme:** CS asked whether the criminal records check policy fitted under Phil Douglas' team, and he confirmed it did. CS offered to discuss with Phil Douglas in advance of the government's response to the High Court ruling on criminal records disclosure. CS also asked about the EU settlement scheme, to connect the work he is doing with the Home Office regarding EU citizens, settled status and criminal records.

ACTION 15: Chris Stacey to liaise with Phil Douglas regarding Unlock's work on criminal records disclosures and the implications of criminal records on EU citizens' applications for settled status.

6.6. **Secure school:** JT asked about the process of the secure school tender. PD said the closing date for applications was last week, and that they had a number of good quality applications. He confirmed the government wanted an education-focussed small unit approach to be the model for the future. JT mentioned that he was disappointed with the decision of the MoJ to allocate the pilot for the secure school to Medway STC which as a consequence means the Medway STC will be closed, including the Ofsted Good rated Education provision by Nacro, despite other YOI's or STC's in the country delivering far worse outcomes for young people.

7. Working Links

7.1. AF asked civil servants to leave the meeting.

7.1.1. The group had an update from AF on the situation regarding the collapse and going into administration of Working links who owned the two CRCs in the South West of England and Wales CRC

7.1.2. A number of voluntary organisations are owed a significant amount of money for work delivered as part of the supply chain or to the NPS via the rate card.

7.1.3. Clinks and the National Council for Voluntary Organisations (NCVO) are making representations for the sector to have their invoices paid outside of the administration process and to have security in their relationship with the KSS CRC owned by Seetec, who were now delivering the work previously in those three CRC contracts.

7.1.4. There is learning for how this situation is mitigated against in the future probation programme as well as how the sector is better prepared for the impact of such challenges.

8. Any other business

8.1. JT thanked the group and expressed his enjoyment of being part of it and his wish for the group to be bold and unrelenting in the desire to improve social justice in the country. AF thanked him for his contributions to the group and the expertise he has brought.

8.2. AF also thanked Khatuna Tsintsadze (KT), who was co-opted to the RR3 in December 2018 to cover the vacancy left by permanent member Jeremy Crook (JC), who is on secondment to HMPPS. AF thanked KT for participating effectively in the two meetings she has attended. AF will be making contact with JC to check on his return plans.

8.3. AF thanked everyone for attending and confirmed that the next meeting will take place on Wednesday 12th June.