

April 2019



**CLINKS
RESPONSE**

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

About Clinks

Clinks is the national infrastructure organisation supporting voluntary sector organisations working in the criminal justice system (CJS). Our aim is to ensure the sector and those with whom it works are informed and engaged in order to transform the lives of people in the CJS and their communities. We do this by providing specialist information and support, with a particular focus on smaller voluntary sector organisations, to inform them about changes in policy and commissioning, to help them build effective partnerships and provide innovative services that respond directly to the needs of their users.

We are a membership organisation with over 500 members, including the voluntary sector's largest providers as well as its smallest. Our wider national network reaches 4,000 voluntary sector contacts. Overall, through our weekly e-bulletin Light Lunch and our social media activity, we have a network of over 15,000 contacts. These include individuals and agencies with an interest in the CJS and the role of the voluntary sector in rehabilitation and resettlement.

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

About this response

We welcome the opportunity to provide feedback on HM Inspectorate of Probation's (HMI Probation) inspection framework and programme. Unfortunately, due to the timescale for submitting the response we have been unable to consult with our members. Our response therefore builds on our 2018 response to HMI Probation's consultation on its new standards and thematic inspections. We have also drawn on evidence from our research and ongoing work with the voluntary sector about emerging issues and key challenges facing criminal justice.

CLINKS

Supporting the voluntary sector
working in the criminal justice system

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Response

We welcome views on the additional considerations applied to our prioritisation of thematic inspections

It is important that HMI Probation select topics for thematic inspection and research based on emerging evidence and trends. As experts delivering services on the ground, voluntary organisations can provide valuable insight into changing service user need, the challenges faced and emerging priorities. Voluntary sector organisations often also conduct their own research to highlight key areas of concern. We are pleased to see 'intelligence gathered from any source' as a criteria for prioritising thematic inspections.

Clinks recommends HMI Probation engage specifically with voluntary sector organisations about emerging trends to better utilise the sector's evidence. We would be happy to work with HMI Probation to consider how this might best be undertaken.

Clinks conducts annual research on how voluntary sector organisations working in criminal justice are faring. Our *State of the Sector*¹ research highlights emerging trends and challenges in criminal justice for organisations and their service users.

We recommend HMI Probation utilise the findings from the research when prioritising areas for thematic inspection and research.

Over the coming months Clinks will be considering how to track the impact of the new probation model once it is in place. This will include the impact of any changes in the commissioning model on the voluntary sector, services and service users which will be of particular value to the inspectorate.

We welcome views on our proposed topics for thematic inspections for 2020 and beyond

Accommodation

Clinks is pleased HMI Probation plan to conduct a thematic inspection into accommodation for people under probation supervision. A lack of secure, safe and appropriate housing is a key issue for people leaving prison or serving a court order. Voluntary organisations continue to tell us that welfare reform, particularly the roll out of Universal Credit, Personal Independent Payments and sanctions are having a detrimental impact on the people they are supporting, pushing them into poverty and homelessness.² This inspection would be particularly timely due to the development of the three accommodation pilots announced in the rough sleeping strategy.³ In 2018 Clinks published a briefing⁴ from the Reducing Reoffending Third Sector Advisory Group (RR3)⁵ on accommodation. To inform the briefing we convened a Special Interest Group (SIG) of 13 experts from the voluntary sector to explore the barriers people in contact with the criminal justice system experience when trying to access appropriate accommodation. The paper illustrates the sector's valuable and in-depth insight into the accommodation barriers experienced by people in contact with the criminal justice system and the impact of policies on the ground.



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When undertaking the thematic inspection, we recommend HMI Probation engage directly with voluntary sector organisations delivering services to people under probation supervision.

Mental health

Clinks welcomes a thematic inspection of mental health given the high incidence of poor mental health within the CJS and difficulties accessing appropriate and continuous care, especially for those leaving prison. A thematic inspection on this is particularly urgent given that deaths of people in the community under probation supervision rose by 17% last year – 30% of which were self-inflicted.⁶

In our latest *State of the Sector* research,⁷ organisations reported that mental health provision in the community is becoming more difficult to access, with limited resources for criminal justice organisations to meet need.

Clinks recommends that any review of adult mental health should engage fully with voluntary sector organisations and the people they support, who are a key source of expertise and intelligence.

Extremism

HMI Probation has expressed its intention to continue with a joint thematic inspection on extremism with HM inspectorate of Prison in 2019-20. Clinks would like to reiterate our concern that a thematic inspection on extremism could have unintended consequences for Muslim people contact with the CJS.

The number of Muslims in prison has almost doubled over the last decade, with Muslims now making up 15% of the prison population compared to just 5% of the general population.⁸ *The Young Review*⁹ found that Muslim people in the CJS often felt they were seen through the lens of extremism and terrorism.

The Lammy Review found that Muslim prisoners report a more negative prison experience than other prisoners, particularly with regards to their safety and relationships with staff.¹⁰ Many of the Muslim prisoners and ex-prisoners we spoke to for *The Young Review*, highlighted Islam as a positive force in coping with prison, release and in supporting their desistance process. However it was also described as something that the authorities and other prisoners viewed with suspicion. This has negative impacts on the treatment and experience of Muslims in the CJS.

A year after *The Lammy Review*, there is still much progress to be made in improving the treatment and outcomes of black, Asian and minority ethnic (BAME) people in the CJS. This thematic inspection must be cautious not to reinforce problematic perceptions and stereotypes that associate Islam with terrorism and extremism which could result in further stigmatisation of Muslim people in the CJS.

A thematic inspection on extremism should explore the impact that stereotypes and stigmatisation of this kind can have on the poorer outcomes experienced by Muslims. Clinks recommends that when doing this, HMI Probation engage with Muslim-led voluntary organisations.



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Further to our comments above, we have a number of suggested topics for thematic inspections including the treatment and outcomes of BAME people in the CJS, service user involvement, employment outcomes and women and family ties. We have taken each in turn in the following.

The treatment and outcomes of BAME people in the CJS

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

The over representation of BAME people and the poorer outcomes they experience in the criminal justice system has received greater attention since the publication of *The Lammy Review*. The Ministry of Justice (MoJ) has since published an update one year on from *The Lammy Review* on the progress made to tackle racial disparity in the CJS. While much work has clearly been done, the impact of that work is less certain as disproportionately and unequal outcomes for BAME people in the CJS continue to persist.

Further, there is a critical need to address disproportionality in the youth justice system. This grows ever more urgent as racial disparities in the youth justice system are increasing, with almost half of children in custody now from a BAME background and a growing number of Muslim boys sentenced to custody.¹¹

It is therefore vital that all agencies working in the CJS, including the inspectorates, take a proactive role in keeping this a top priority for criminal justice. The inspectorates have a key role to play in driving forward and monitoring action that increases positive outcomes for BAME people.

A joint inspection should take a multi-agency approach and both explore the role of policing – which was excluded from *The Lammy Review* – and also focus on progress made and future plans for the implementation of *The Lammy Review's* recommendations for prisons and probation services.

Any thematic review in this area should: explore BAME service users' experiences of the CJS, seek to utilise the expertise of BAME specialist voluntary organisations, and examine partnership work between criminal justice agencies and BAME organisations.

Service user involvement

As recommend in Clinks' response to HMI Probation's 2018 consultation, a thematic inspection of service user involvement could offer an exciting opportunity for HMI Probation to work in a new way and co-produce an inspection that explores the service user journey through probation services.

Involving service users not only provides unique expertise to inform the development of a service but can also act as a positive involvement for someone engaged in a desistance journey, boosting confidence, developing skills and offering a vision for change.

This thematic inspection would allow HMI Probation to explore the extent to which probation services involve service users in decisions about their own lives and sentences. It could explore the extent to which probation services involve service users in the design, development and monitoring of their services as well as how individuals feel about their involvement and the services they receive.



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Employment outcomes

CLINKS recommends that HMI probation conduct a thematic inspection into employment outcomes of people under probation supervision.

There is a growing recognition in government policy of the importance of employment for the successful resettlement of people leaving custody and reducing reoffending, signalled by the publication of the MoJ *Education and Employment strategy*.¹²

The strategy recognises that people with convictions face significant barriers to securing and sustaining employment. The most recent available data suggests that only 26% of men and 8% of women secure employment when leaving prison.¹³

A thematic inspection would enable a richer understanding of the challenges faced to employment and the inspectorate to monitor the effectiveness of probation services in addressing those barriers. It would also enable HMI probation to provide scrutiny to the implementation of the government's strategy with the aim of improving employment outcomes for those on probation.

The Reducing Reoffending Third Sector Advisory Group (RR3) recently convened a Special Interest Group (SIG) of 14 experts from the voluntary sector to explore employment support for people in the CJS. The SIG identified a number of challenges to securing employment for people with convictions and implementing the strategy with recommended priority areas for criminal justice agencies to address. A full recommendations paper will be published from this work in due course, that we would be pleased to share with the Inspectorate.

Women and family ties

Family ties are important for supporting rehabilitation and reducing reoffending. As announced in the MoJ's female offender strategy,¹⁴ Lord Farmer was commissioned to conduct a review into strengthening family ties for women in the CJS. The review team has submitted its report to MoJ and the findings and recommendations are expected to be published in spring 2019.

CLINKS recommends a thematic inspection on maintaining family ties particularly for women under probation supervision.

This would be timely given the follow on Farmer Review has expanded its focus from custody to include the experiences of women serving their sentence in the community. A thematic review by the inspectorate would help ensure equal weight is given to the review's recommendations made specifically for those in the community.

We welcome your views on our proposed research topics

CLINKS welcomes HMI Probation's proposed research topics. We recommend that post 2020 research is focused on analysing the implementation and effects of the new probation model.

The inspectorate has proposed secondary analysis of data for service user involvement and engagement in youth justice. We welcome this and recommend also doing the analysis for adults for the reasons discussed above in our recommendation for a thematic inspection.



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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End notes

1. Clinks (2018) *The state of the sector*. Available at: www.clinks.org/taxonomy/term/66 (last accessed: 03 April 2019).
2. Clinks (2018) *State of the Sector*. Available at www.clinks.org/sites/default/files/2018-11/Clinks%20State%20of%20the%20sector%202018%20Website%20download.pdf (last accessed: 03 April 2019).
3. Ministry of Housing, Communities and Local Government (2018) *The rough sleeping strategy*. Available at: www.gov.uk/government/publications/the-rough-sleeping-strategy (last accessed: 04 April 2019).
4. Clinks (2017) *RR3 Briefing: meeting the accommodation needs of people in contact with the criminal justice system*. Available at: www.clinks.org/publication/rr3-briefing-meeting-accommodation-needs-people-contact-criminal-justice-system (last accessed: 08 April 2019).
5. The Reducing Reoffending Third Sector Advisory Group (RR3) was set up by the Ministry of Justice (MoJ), in partnership with Clinks, with the aim of building a strong and effective partnership between the voluntary sector and the MoJ. The group is made up of senior experts from the voluntary sector and comes together with civil servants each quarter to provide guidance and feedback on MoJ policy developments. The chair of the group and its secretariat is provided by Clinks. The terms of reference for the RR3 allows for the establishment of time-limited Special Interest Groups (SIGs) to advise on specific areas of policy and practice as the need arises. On behalf of the RR3, Clinks recruits additional members from the sector with expertise of the topic.
6. Ministry of Justice (2018) *Deaths of Offenders in the Community, England and Wales, 2017/18*. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/750984/deaths-of-offenders-in-the-community-2017-2018.pdf (last accessed: 03 April 2019).
7. Clinks (2018) *State of the Sector*. Available at www.clinks.org/sites/default/files/2018-11/Clinks%20State%20of%20the%20sector%202018%20Website%20download.pdf (last accessed: 03 April 2019).
8. Ministry of Justice (2017) *The Lammy Review*. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/643001/lammy-review-final-report.pdf (last accessed: 03 April 2019).
9. Clinks (2014) *The Young Review: Improving outcomes for young black and/or Muslim men in the Criminal Justice System*. Available at: www.equalcjs.org.uk/sites/default/files/articles/clinks_young-review_report_dec2014.pdf (last accessed: 03 April 2019).
10. Ministry of Justice (2017) *The Lammy Review*. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/643001/lammy-review-final-report.pdf (last accessed: 03 April 2019).
11. Prison Reform Trust (2018) *Bromley Briefings Prison Factfile: Autumn 2018*. Available at: www.prisonreformtrust.org.uk/Portals/0/Documents/Bromley%20Briefings/Autumn%202018%20Factfile.pdf (last accessed: 03 April 2019).
12. Ministry of Justice (2018) *Education and Employment Strategy*. Available at: www.gov.uk/government/publications/education-and-employment-strategy-2018 (last accessed: 04 April 2019).
13. Prison Reform Trust (2018) *Bromley Briefings Prison Factfile: Autumn Factfile*. Available at: www.prisonreformtrust.org.uk/Portals/0/Documents/Bromley%20Briefings/Autumn%202018%20Factfile.pdf (last accessed: 04 April 2019).
14. Ministry of Justice (2018) *Female Offender Strategy*. Available at: www.gov.uk/government/publications/female-offender-strategy (last accessed: 04 April 2019).