



## Reducing Reoffending Third Sector Advisory Group (RR3)

Ministry of Justice, 102 Petty France, Westminster

Thursday 5<sup>th</sup> September 2019

### Members present:

- Diane Curry, Partners of Prisoners
- Emma Wells, Community Chaplaincy Association
- Linda Bryant, Together for Mental Wellbeing
- Rod Clarke, Prisoners Education Trust
- Martin Blakebrough, Kaleidoscope
- Chris Stacey, Unlock
- Riana Taylor, Circles UK
- Mike Pattinson, Change Grow Live
- Peter Dawson, Prison Reform Trust
- Khatuna Tsintsadze, Zahid Mubarak Trust
- Anne Fox, Clinks (chair)
- Will Downs, Clinks (secretariat)

### Guests:

- George Barrow, MoJ
- Bettina Crossick, HMPPS
- Martin Poole, HMPPS
- Phil Douglas, MoJ
- Graham MacKenzie, MoJ
- Jennet Peters, HMPPS
- Ruth Jacob, Crisis
- Laura McIvor, St Petrock's
- Helen Berresford, Nacro
- Nicola Drinkwater, Clinks

### Apologies:

- Tracy Wild, Langley House Trust
- Nicky Park, St Giles Trust
- Richy Cunningham, Recovery Connections
- Mohammad Hanif, Arooj
- Lisa Dando, Brighton Women's Centre

### 1. Welcome and introductions

1.1. **Minutes and actions:** [Minutes from the June meeting were accepted](#). The following actions were discussed:

1.1.1. *'Anne Fox and Jess Mullen to engage with Linda Bryant and Richy Cunningham to discuss possible work focussed on the increased use of Community Sentence Treatment Requirements (CSTRs)'. Anne Fox said there had been no movement on this, due to other priorities. George Barrow said they were now rolling out the framework to increase the use of CSTRs nationwide, and the government still welcomed support and feedback as the programme is rolled-out. Anne Fox suggested Martin Blakebrough and Mike Pattinson be involved in any future work on CSTRs, for their expertise in substance misuse.*

**Action: Anne Fox and Jess Mullen to liaise with George Barrow on how the RR3 group can best continue to inform the roll-out of the CSTR framework.**

1.1.2. *'Jess Mullen to contact Nicky Park regarding the DPS roundtable'*. Nicky Park was invited, but unable to attend. Anne Fox said the DPS roundtable was held. At the meeting, the experiences of the voluntary sector working with the education DPS were shared with officials, in order to inform the principles of the dynamic framework in the new probation model. [Francesca Cooney from Prisoners Education Trust has since blogged about the roundtable on Clinks' website.](#)

## **2. RR3 update**

2.1. **RR3 membership review:** Anne Fox said emails had been sent out to all members of the RR3 to inform them of the newly agreed terms of membership for the group.

2.1.1. Under these terms, successful applicants are appointed to join the RR3 initially for a term of two years, and can have their membership renewed for a further two years if they wish, subject to agreement from the RR3 chair and relevant government officials. At the end of that period (a total of four years), the seat must come up for an open selection process, in which the incumbent holder is free to reapply for that role- should it continue to be a role the chair and officials feel is needed.

2.1.2. Under these new rules, seven current members' seats will come up for open recruitment by the end of 2019 (Riana Taylor, Linda Bryant, Peter Dawson, Chris Stacey, Rod Clark, Mohammad Hanif, and Diane Curry). This process will be coordinated by the RR3 secretariat, and communicated to the group.

2.2. **Cross-governmental working:** Anne Fox said the Cabinet Office were setting up pilots of cross-governmental working, including one specifically focussed on addressing challenges faced by prison leavers who have served between two to four year sentences. She said the work is being led by Jerome Glass, MoJ and that she and Richard Nicholls, Clinks, were involved in the project. She said they would ensure evidence from the voluntary sector is considered, including [the paper produced by the RR3 Special Interest Group](#) on meeting the accommodation needs of people in contact with the criminal justice system, and [the paper produced by the RR3 for the Reducing Reoffending Board \(RRB\)](#) on access to Universal Credit and banking for people leaving prison.

**Action: Clinks to keep RR3 group updated where possible on work being conducted by the Cabinet Office to establish a cross-governmental approach to prison leavers who have served 2 – 4 year sentences.**

## **3. HMPs and MoJ updates**

3.1. **MoJ updates:** George Barrow said there was a new ministerial team. Lucy Frazer QC MP, Minister of State, is now the relevant minister for the RR3 and would like to meet with the voluntary sector. He suggested this could begin with her attending an RR3 meeting. He said there had been a number of justice policy announcements since the change in government leadership (such as 10,000 new prison places; £10m investment for security in prison; and internal review into sentencing policy).

3.1.1. George Barrow said the MoJ got a 4.9% uplift in the one year spending review. Chris Stacey said recommendations were made in the [RR3 paper to the RRB on Universal Credit and banking](#) that related to the spending review. He said it would be helpful to know if these had come through.

**Action: George Barrow to seek clarification of whether the spending review included any provision to address access to Universal Credit and banking, as was recommended in the RR3 paper to the RRB.**

- 3.2. **HMPPS update:** Bettina Crossick gave an update on probation. She said the review team were currently testing approaches to equalities issues, with a focus on black, Asian and minority ethnic people.
  - 3.2.1. They are working with staff and trade unions to ensure the transition of Community Rehabilitation Company staff to the National Probation Service in Wales by December 2019.
  - 3.2.2. They are continuing to work with Clinks on how best to commission through the dynamic framework and were planning on running workshops with voluntary organisations together.
  - 3.2.3. HMPPS are setting up regional transition boards, which will include NPS and CRCs, to manage the transition to the new system. She said they were publishing regular newsletters. Due to issues with HMPPS' distribution, Clinks will link to the newsletters in their Light Lunch bulletin, where people can sign up to receive it.
  - 3.2.4. Rod Clarke asked how much of the probation review process can be continued during purdah. Bettina Crossick said officials are working out the implications of potential purdah.
  - 3.2.5. Diane Caddle has joined MoJ as interim deputy director, in the safety & rehabilitation group.
- 3.3. **Grants:** Bettina Crossick said she was working on the next round of probation grants, worth £2.5m over two years. She said grants would start 1<sup>st</sup> April 2020. She said Clinks were supporting HMPPS to run three events to provide more details to voluntary organisations interested in this funding. She has made the case in government to ring-fence funding for organisations focussed on supporting people with protected characteristics, and is a particularly focussed on reaching small specialist organisations.

#### **4. Accommodation**

- 4.1. **Introductions:** Anne Fox welcomed Graham MacKenzie, MoJ and Jennet Peters, HMPPS. Anne Fox said it was welcome to have this agenda item, [to take forward previous work conducted by the RR3 through the special interest group \(SIG\) on accommodation](#). Graham and Jennet were briefed prior to the meeting to update the group on the government's progress against three of the SIG paper's recommendations. She welcomed three participants of that SIG to the meeting: Ruth Jacob, Crisis; Helen Berresford, Nacro; and Laura McIvor, St Petrock's. Nicola Drinkwater, Clinks, was also in attendance, as the secretariat to the SIG.
- 4.2. **Update from government:** Graham Mackenzie and Jennet Peters gave an update on the government's work towards meeting the recommendations set out in the RR3 accommodation SIG paper.
  - 4.2.1. Graham MacKenzie said the work of the RR3 special interest group was invaluable. Much of the government's current work has been informed by the RR3 SIG paper - including the ongoing accommodation pilots, and work being conducted by Sue Taylor, HMPPS and Jennet Peters on the HMPPS framework and guidance. Government are working towards delivering all recommendations incrementally, though these had been affected by the ongoing probation review.

- 4.2.2. Performance measures for prisons and probation services are being established, to track whether people had accommodation at the point of release, three months after release and towards the end of their supervision period.
- 4.2.3. The accommodation pilots, [first set out in the rough sleeping strategy](#), were now live in Bristol, Pentonville and Leeds. The specifications for these pilots had incorporated recommendations made in the RR3 SIG paper, including the recommendation that *'Accommodation advice and support services are commissioned and delivered from a range of providers, including small specialist organisations to ensure the needs of people with protected characteristics can be met made to ensure a range of providers'*. This recommendation should also be incorporated in the reformed probation model.
- 4.2.4. In relation to the recommendation *'Key stakeholders including prisons and probation providers should be routinely required to record and publish both the accommodation needs and long term outcomes of people in contact with the CJS'*, he said they faced issues with GDPR and consent with publishing accommodation needs. He said they are working with the Ministry for Housing, Communities and Local Government (MHCLG) to address issues with the way in which local authorities are recording data under the Homelessness Reduction Act 2017 through H-CLIC. He said he hoped there would be more robust data in 6-8 months.
- 4.2.5. Jennet Peters spoke about the development of an HMPPS accommodation strategy. She said HMPPS had consulted with 300 people, including the voluntary sector and 36 service users. As part of the strategy they will establish a framework designed to make clear the responsibilities of each department when it comes to meeting the accommodation needs of people in contact with the criminal justice system. Through consultation, they understand that there is a lot of confusion in the system between the responsibilities of housing providers and offender managers. The document would seek to clarify responsibilities and improve partnership working. Clinks will write a short piece about the role of the voluntary sector to contribute to the work. She said they hoped to have a draft ready for end of September and she would be happy to share a draft with the group.

**Action: Jennet Peters to share draft HMPPS accommodation framework with RR3 group via secretariat.**

- 4.3. **Accommodation pilots and support:** Ruth Jacob asked for more information on the support offered to people through the accommodation pilots.
- 4.3.1. Graham MacKenzie said each individual can expect a one bed flat, though in some cases shared accommodation will be provided. He said each person receives two years support. Individuals receive 5 hours support per week for the first 6 months; 3 hours support per week for the following 6 months; and 1 hour support per week for the final 12 months (he stressed the allocation of hours is flexible and depends on criminogenic needs). He said the aspiration of the support is that people will be able to financially manage their accommodation by the end of the two year pilot.
- 4.3.2. Riana Taylor asked whether the accommodation pilots were focussed on people who required relatively little support, and risked missing those with higher level of needs. Mike Pattinson said people who represent a high risk of harm but low level of frequency can fall through the gaps. One of the groups most at risk of receiving no support are people with sexual offences, which could lead them to becoming homeless. Graham MacKenzie said when rolled-out nationally, there would be more autonomy for local areas to decide the focus of the pilots and who they are aimed at.

- 4.4. **Local commissioning of accommodation services:** Graham MacKenzie said the pilots would be rolled out nationally, subject to successful evaluation and funding. He said initial learning from the pilots suggested local/ regional organisations were better placed to deliver the service than national organisations, as they had a better understanding of the very specific local circumstances.
- 4.4.1. Laura McIvor said she works for a very small organisation, who had not been able to deliver work through Transforming Rehabilitation. She asked how local commissioning would work if the accommodation pilots were rolled out nationally. Graham MacKenzie said the national policy team would give each region the autonomy to determine local commissioning arrangements.
- 4.5. **Homelessness Reduction Act 2017:** Helen Berresford said the challenges around accommodation are growing, and the solutions need to be more ambitious if we are to address them. She said the Homeless Reduction Act 2017 had not worked well locally, and referrals are not being made to local authorities. There is also a need for probation services to build better relationships with local authorities. Graham MacKenzie said he had engaged with the MHCLG on this as there were recent examples of local authorities deferring responsibility to house prison leavers to the probation service, but the MoJ and HMPPS are not accommodation providers.
- 4.6. **Barriers to housing in the private rental sector:** Helen Berresford highlighted the significant issues faced by people in the private rental sector, including difficulty in getting a deposit together, and of private landlords not letting people rent without a guarantor. She said there should be a national scheme to provide guarantors. Graham Mackenzie said that HMPPS should be able to act as a guarantor.
- 4.6.1. Laura McIvor said that even where local authorities can help with deposits, the mechanism is far too slow, which can lead to private landlords pulling out. She said there was a historic scheme where prisons covered the costs as part of the discharge grant process. Graham Mackenzie said that might be the discretionary housing grant, and they've recently conducted an audit which found very few governors were aware of it.
- 4.6.2. Diane Curry said the bail bond scheme used to work, and that POPS in a previous project assisted with people's deposits. Graham MacKenzie said the enhanced specification includes this as something the CRC and NPS should do and hoped it would be included in the new probation target operating model. Anne Fox said Clinks could help collect information from the sector about different schemes. She said, as outlined in SIG paper on employment support, Recycling Lives charity prison industries pay people in prison a living wage, hold their money for them, and put that into a deposit ready for people leaving prison.
- 4.6.3. Helen Berresford also said there was a lot of people who are struggling in the private rental sector, with relatively low levels of need, that are being missed as they can't get priority need or access to any support. She said there is a gap in provision for people who need accommodation provided with a relatively low level of support, such as basic life skills around how to maintain a tenancy.
- 4.6.4. She said there was still a problem with people applying for Universal Credit and housing benefit from prison, and landlords won't rent to people if they can't get housing benefit. Graham MacKenzie said this was a big challenge, and it was a good start that they have [established a national partnership agreement between MoJ/ HMPPS and Department for Work and Pensions](#).

4.6.5. Graham MacKenzie said people with specific offences, such as arson and criminal damage, makes landlords' insurance more expensive. Chris Stacey said he has done work previously with the National Landlords Association, who had agreed that landlords shouldn't disclose criminal records to insurers. Chris said he would look into this further, as it is possibly an issue that can be easily resolved.

**Action: Chris to discuss with Graham MacKenzie and the National Landlords Association regarding landlord's disclosure of the criminal records of their tenants.**

## **5. Sentencing review**

- 5.1. **Introductions:** Anne Fox introduced Phil Douglas and thanked him for coming. She acknowledged the mixed feelings across the voluntary sector regarding the announcement of a review into sentencing. The sector had been expecting a green paper into the options of reducing the use of short custodial sentences, which would have allowed for full consultation. Instead the MoJ are conducting an internal review, which is, in part, exploring increasing sentences, and there were concerns in the voluntary sector about how the review was being conducted.
- 5.2. **Government update:** Phil Douglas said that the new Prime Minister takes a particular interest in criminal justice and has asked the MoJ to conduct a rapid internal review into: (1) measures needed to ensure that serious and sexual offenders receive the prison time that matches the severity of their crimes; (2) the rules surrounding how and when people are released, and how to incentivise good behaviour in prison; and (3) appropriate responses to prolific offenders.
- 5.2.1. Phil Douglas said that they expected to give final results to the Lord Chancellor and Prime Minister in the next couple of weeks. He said they were working closely with Number 10. [The MoJ have been able to use in this review, some of the evidence they have published on the impact of short custodial sentences, community orders and suspended sentence orders on reoffending](#), though the abolition of six month sentences is not on the table. He said publication of the review will likely focus on the recommendations of the review, rather than the full review itself.
- 5.2.2. Rod Clarke asked whether purdah would effect this work. Phil Douglas said they were seeking clarity on this.
- 5.3. **Transparency and procedures:** Peter Dawson said there was a lack of clarity on who was conducting the review, who was leading it and what the terms of reference and methodology was. Phil Douglas said the terms of reference won't be made public, but they don't differ much from what's already public. He said the sentencing team at MoJ were writing the review and the author of the review would likely be him, or a colleague.
- 5.3.1. Anne Fox asked Phil Douglas why normal procedures for formulating policy aren't being followed given the severity of the issue. Phil Douglas said there were different types of reviews and this was an instance where the department will make decisions internally. He said that if this review led to changes in legislation, they would need to conduct a full consultation.
- 5.3.2. Khatuna Tsintsadze asked whether the recommendations made to the Prime Minister could include a recommendation that what he wants to do is not the right way forward. Peter Dawson suggested civil servants should advise against proposals that they deem to be wrong, or proposals that won't work in practice. Phil Douglas responded that the role of civil servants was to advise on whether you can legally do something, and the impact and risks of that decision.

- 5.4. **Academic evidence:** Khatuna Tsintsadze asked whether the review would look at academic evidence, since she was not aware of any evidence that would support extending sentences on the grounds of public safety and reducing reoffending. Phil Douglas said that policy officials will take account of their knowledge and evidence, though they won't necessarily be citing academic research.
- 5.5. **Lammy Review:** Diane Curry said the questions in this review have implications for progressing recommendations in the Lammy Review, including disproportionality around sentencing and how incentives and good behaviour are applied. She asked whether the review was taking into account this cross-over with Lammy. Phil Douglas said that had not been taken into account, but he can take that away.
- 5.6. **Cost implications:** Anne Fox said the spending implications of sentence inflation and the greater need for provision to be delivered in the sector could be significant. Phil Douglas said that the review would also map out the logistical and financial implications of each measure. Linda Bryant asked whether the review would look at the implications for other government departments, for example how the costs of health care for people serving longer sentences, and an ageing prison population, would affect the Department of Health and Social Care? Phil Douglas said the review would include that as a consideration to the advice they will be giving.
- 5.7. **Working with the voluntary sector:** Chris Stacey asked Phil Douglas how the voluntary sector could be helpful going forward. Phil Douglas said he would welcome continued engagement.
  - 5.7.1. Mike Pattinson said that the voluntary sector may not be able to engage long term if the government asks for advice on issues that extend beyond their charitable mission. Peter Dawson said it would go against the charitable mission of his organisation to advise on a review that was only providing advice to ministers on *how* to deliver a damaging policy, rather than *whether* to do the policy. Anne Fox said when charities advocate, they must work to further their identified benefit. She said rarely do charities step away from an opportunity to influence government policy.
  - 5.7.2. Anne Fox said that she had been asked to participate in a telephone interview to inform the review, in her capacity as RR3 chair. She said the group would discuss in full whether to participate in their closed session after lunch.
- 5.8. **Spending review:** Anne Fox asked Phil Douglas for detail on the spending review. He said the department were in a better position than last year though the detail has not been worked out. He said changes in probation will be supported through additional resources.
  - 5.8.1. Anne Fox asked about whether there was a settlement in government allocation for work on multiple and complex needs. Phil Douglas said there had been acknowledgment of multiple and complex needs as a cross-departmental issue but wasn't sure how that had transferred into the settlement.
- 5.9. **Settled status of children:** Chris Stacey said he previously raised the issue of uncertainty of the settled status scheme for EU national children in Youth Offender Institutions and their ability to stay. He said he's done some work and submitted evidence to Home Office, and will copy Phil Douglas in.

**Action: Chris Stacey to update Phil Douglas on work regarding the settled status of EU national children in Youth Offender Institutions.**

## **6. Closed session**

- 6.1. **Sentencing review:** The group discussed whether to accept a request for Anne Fox, on behalf of the group, to participate in an interview to inform the rapid internal sentencing

review. The group raised concerns that the way the interview questions were framed would not allow the group to give the full response that this serious and complex issue required. The group decided not to participate in the interview, and to write to Phil Douglas explaining this decision (see appendix 1).

- 6.2. **Additional RR3 work:** Anne Fox said that the capacity of the RR3 to conduct additional policy work had been reserved for the cross-ministerial Reducing Reoffending Board, but following external political developments, all Cabinet Office sub-committees not related to Brexit have been put on hold. The strong likelihood of an imminent general election created more uncertainty, as any elected Prime Minister after Brexit will have a comprehensive look at Cabinet Office sub-committees.

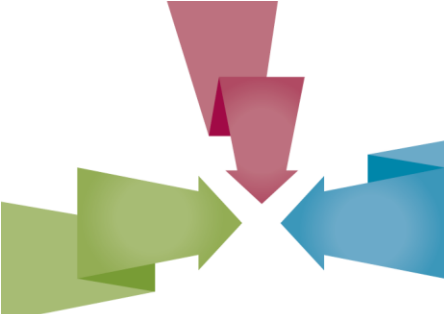
- 6.2.1. Anne Fox suggested the group create a work plan which sets out their strategic priorities, including proactively addressing issues before invited to do so. She said members could then offer to sponsor a Special Interest Group based on a priority if they wished.

**Action: secretariat to work with RR3 members to write a draft strategic work plan for discussion at the next meeting.**

- 6.3. **Membership review:** Anne Fox explained the decision to renew the membership of the RR3. She thanked all members for their continued participation and said she would welcome reapplications from those whose roles were coming up for open recruitment this year.

**Action: secretariat to update incumbent members whose roles are coming up for open selection process, on the process for reapplying for their roles.**



A decorative graphic in the top left corner consisting of several overlapping arrows in shades of green, blue, and red, pointing towards the center.

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12<sup>th</sup> September 2019

Dear Phil

I am writing in my capacity as the chair of the Reducing Reoffending Third Sector Advisory Group (RR3). I would firstly like to thank you for your time in attending the meeting of the RR3 on Thursday 5<sup>th</sup> September 2019 and providing an update on the Ministry of Justice's rapid internal review into sentencing.

I am writing to inform you that following further discussion at this meeting, the RR3 declined an invitation to participate in an interview to inform this review into sentencing. The group made this decision on account that the framing of the review assumes a presumption of longer sentences and that we felt the questions being posed do not adequately reflect the severity or complexity of the issues under review. The group is also concerned that the outcomes of this review could have a disproportionate impact on already disadvantaged groups and may be in conflict with the implementation of the Lammy Review recommendations and the Female Offender Strategy.

The RR3 advises the government on how best to reduce reoffending, and we do so by both using the latest robust evidence, and reflecting on our collective experience in running services that support people to desist from crime. We are not aware of any evidence that suggests longer prison sentences reduces reoffending, but we do know of a wealth of robust evidence showing early intervention, diversion and effective community sentences work. This is borne out from our direct experience of providing essential services in prisons and the community over very many years to some of society's most vulnerable people.

We would welcome the opportunity to consult on this issue more fully under the appropriate conditions, which would include a public terms of reference and a sufficient time frame that allows for a full and considered response.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Anne Fox".

Anne Fox  
Chief Executive Officer, Clinks