

October 2019



CLINKS
RESPONSE

Clinks and National Criminal Justice Arts Alliance second response to the Arts Council England consultation: shaping the next ten years

About Clinks and the National Criminal Justice Arts Alliance

The National Criminal Justice Arts Alliance (NCJAA) currently has 900 network subscribers committed to driving creative activity to people in prison, on probation and in the community. The NCJAA conveys their collective voice to the government, showcases the quality of arts in criminal justice settings, and supports the development of evidence. In April 2018 the NCJAA joined Arts Council England's National Portfolio as a Sector Support Organisation.

The NCJAA is managed by Clinks, the national infrastructure organisation supporting voluntary sector organisations working in the criminal justice system. Clinks provides 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, working in prisons and community settings, including the voluntary sector's largest providers as well as its smallest.

About this response

Clinks and the National Criminal Justice Arts Alliance (NCJAA) welcome this opportunity to provide further feedback on Arts Council England's draft 10-year strategy. Our response to the initial consultation made a number of recommendations promoting the crucial importance of arts in transforming the lives of people in contact with the criminal justice system.¹ To inform this response we have spoken to members of the NCJAA network and steering group. We have also met with key officials from the Ministry of Justice (MoJ) and Her Majesty's Prison and Probation Service (HMPPS) to keep them informed of the recommendations we make in this response, in recognition of their support for arts in the criminal justice system and the partnership opportunities this represents for Arts Council England to build on its work in criminal justice.

Evidence has shown that arts can have a profound impact in improving the lives of people in the criminal justice system. Extensive evidence held in NCJAA's digital evidence library² indicates that the arts support the process of desistance from crime by fostering empathy, building family connections and playing a role in restorative justice. Arts in criminal justice settings is cost effective, can improve safety and wellbeing in prisons and communities, and



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can support the professional development of artists and of criminal justice practitioners. Arts Council England's own review of literature highlights the extensive evidence that arts can support the desistance process, even if collecting robust quantifiable evidence on such interventions remains an ongoing challenge.³ A recent report based on the views of 1,250 prisoners, ex-prisoners and their families, showed that prisoners consider access to arts and culture a leading factor in making the best use of the time they serve.⁴

We are therefore delighted that the latest draft strategy identifies the criminal justice system as a key partner in achieving its ambitious goals. We also welcome that the strategy places outcomes for people and communities centre stage by embracing the impact of creativity on health and wellbeing. Prioritising *inclusivity*, *diversity* and *relevance* aligns closely with our own values and those of the wider voluntary sector and arts practitioners working in the criminal justice system and we welcome this emphasis.

In order for Arts Council England to fully achieve the outcomes set in this draft strategy and to bring about a creative nation in which we all can play our part, it is paramount that the strategy sets out specific provisions to reach people in contact with the criminal justice system. We recommend further commitments for Arts Council England to make in the final strategy towards this aim. The remainder of our response sets out the recommended commitments in detail, listed under the relevant outcomes and investment principles, as set out in the draft Arts Council England 10 year strategy and delivery plan. We have also completed the online survey, adding further operational detail on the key issues we highlight here.

Summary of recommendations under relevant Arts Council England Outcomes / Investment principles

Creative people: every person can develop and express creativity throughout their lives

1. Include children and young people in, or at risk of entering, the criminal justice system as a group who deserve fair and equal access to arts and culture

2. Support the role of arts in strengthening family ties for people in prison, with a particular focus on supporting children of people in prison

Cultural communities: a collaborative approach to culture helps villages, towns and cities across the country to thrive

3. Recognise the crucial role of arts to build awareness and challenge stereotypes of people in prison and under probation supervision within a local community, and the impact this can have on supporting the desistance process

4. Develop partnerships with Ministry of Justice and Her Majesty's Prison and Probation Service to support new and existing approaches to arts in the criminal justice system

5. Invest in arts in the criminal justice system, including through grants, to support small arts organisations to deliver cultural activities



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to people in prison often excluded from such opportunities

A creative and cultural country: England's cultural sector is innovative, collaborative and international

6. Encourage all organisations funded by Arts Council England to adopt the policy of 'ban the box' to ensure a criminal record doesn't stop talent being harnessed

Ambition and Quality: Cultural organisations are ambitious and committed to improving the quality of their work

7. Promote the good practice principles in NCJAA's toolkit 'How to deliver arts and culture in criminal justice settings' toolkit, to help foster quality, value and excellence across arts in criminal justice settings

Inclusivity and relevance: England's diversity is fully reflected in the organisations and individuals that we support and in the culture they produce

8. Reinforce the importance of access to arts for people in contact with the criminal justice system by including specific reference to criminal justice in the proposed new framework addressing inclusivity and diversity.

Creative people: every person can develop and express creativity throughout their lives

Priority C: The creativity of 4-19 year olds both within and beyond the curriculum

We support the focus in the strategy on targeting funding to develop the creativity of children under the 'creative people' outcome and the accompanying priority C in the draft delivery plan. We recommend however that it is essential to specifically include children and young people in contact with the criminal justice system in the strategy.

Between April 2017 and March 2018, 26,700 children were cautioned or sentenced.⁵ In the same time period, 1,600 children were given a custodial sentence, and thousands more given community sentences. Children in contact with the youth justice system are likely to have faced severe disadvantage, including experiences of poverty, the care system, exclusion from school and poor mental health.⁶ Black, Asian and minority ethnic (BAME) children are vastly overrepresented in the system – 51% of children in Youth Offender Institutions are BAME.⁷ Around two-fifths of children in secure training centres (44%) and young offender institutions (39%) have been in care, despite the fact less than 1% of all children in England are in care.⁸

Within the 4-19 year olds cohort set out in the Arts Council England delivery plan, there are also a number of young people in the adult justice system. Young adults (18-25) in the criminal justice system are widely understood to be a distinct group with different needs to both children under 18 and adults over 25.⁹ In 2016, the Justice Committee advocated for a distinct approach to young adults in the justice system, based on a weight of evidence



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that shows dealing effectively with young adults, while the brain is still developing, is crucial to support them on their desistance process.¹⁰ In a follow-up report in 2018, the committee again called on the MoJ to take a more decisive approach to young adults.¹¹

Evidence shows that arts interventions can have a major impact on vulnerable children and young adults in contact with the youth justice system. For example, Summer Arts Colleges, established by Arts Council England and Unitas in partnership with the Youth Justice Board, have produced powerful results in evaluations. The programme engages 10 young people, between the ages of 14-19 and at high risk of reoffending, for a three week arts course over the summer holidays. The programme has led to young people moving back into mainstream education, training or employment; significant reduction in offending rates; and a completion rate of more than 90% of the national Arts Award accreditation.¹²

Intermission Youth Theatre deliver a 10-month programme for disadvantaged 16-25 year olds in London, a majority of which come from black, Asian and minority ethnic backgrounds (BAME). Through partnerships with Shakespeare's Globe and the Royal Shakespeare Company, Intermission's members have performed on mainstream stages and venues including Westminster Abbey and St Paul's Cathedral. Their evaluation states that of the 150+ young people who have engaged with the programme over ten years, only one has repeat-offended, and of the remaining deemed at risk of offending, none have offended.¹³

To ensure that every child and young person has the opportunity to develop and express creativity through their lives, we recommend a specific commitment in the strategy on improving access to the arts for children and young people in, or at risk of entering, the youth justice system – including those in prison settings, pupil referral units, secure schools, the care system, and working with youth offender teams in the community. The absence of such a commitment risks making potentially transformative opportunities further out of reach for this marginalised group.

Recommended commitment 1: include children and young people in, or at risk of entering, the criminal justice system as a group who deserve fair and equal access to arts and culture.

Children of people in prison represent another large and marginalised group of young people this strategy should seek to reach. There is no record of how many children of prisoners there are in England and Wales, though a recent estimate puts the number at 312,000.¹⁴ There is a high incidence of offending, mental health issues, and poor educational attainment amongst this group. A recent report by the Joint Human Rights Committee found irreparable harm is caused to tens of thousands of children each year when their mothers are sent to prison.¹⁵

As shown in two recent reviews conducted by Lord Farmer for the MoJ, and supported by Clinks, maintaining relationships and family ties for people in prison is essential to reduce reoffending and reducing intergenerational crime.^{16,17} Arts activities can be an extremely effective way in which to build stronger relationships between parents in prison and their children – benefitting both parents and children. 84% of participants in Safe Ground's Family Man programme – which utilises drama, fiction, group discussion, games and written activity to change prisoners' attitudes – reported improved relationships with their children and families.¹⁸ According to analysis from MoJ in 2015, the one year proven reoffending rate for Family Man graduates was 29%, compared with 42% for a matched control group of similar people in the criminal justice system.¹⁹



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Earlier this year, Arts Council England provided funding for the Stratford-upon-Avon Literary Festival to grow its transformative Bedtime Stories project in prisons. The project organises author-led workshops and, over the course of a day, participants are helped to create their own bedtime story for their children. These stories can subsequently be given to their children on visits, read over the phone or recorded – delivered in partnership with the Storybook Mums and Dads initiative. The funding allows the project to be rolled out in another five schools and 12 prisons across England, reaching a further 1,000 families.²⁰

We urge Arts Council England to build on their successes and make commitments in their new strategy towards working with the families of people in prison, particularly children of people in prison, to significantly broaden the reach of its creative output and social impact.

Recommended commitment 2: support the role of arts in strengthening family ties for people in prison, with a particular focus on supporting children of people in prison.

Cultural communities: a collaborative approach to culture helps villages, towns and cities across the country to thrive

Priority A: Place-based partnerships which deliver shared outcomes, i.e. to strengthen and connect communities, and support inclusive growth

We are delighted to see the criminal justice system recognised under the outcome 'cultural communities', and in priority A under this outcome in the draft delivery plan. This can help recognition that people in contact with the criminal justice system are members of communities who can and should be supported to take part in arts and cultural activities. To strengthen this recognition we would however welcome a specific mention of prison settings and probation services in the final strategy.

The arts can play a crucial role in bringing people in prison settings and people under probation supervision to the attention of a community, and changing public perceptions of them. This is important, as in doing so, people in contact with the criminal justice system can build stronger ties to their community and a recognition of their worth from others, both of which contributes to the desistance process.²¹

In December 2017, specialist arts organisation Kestrel Theatre Company developed a short play, Broken Dreams, with nine men from HMP Springhill and performed it to an invited audience at The Royal Court Theatre. A two-week run the following year gave men released on licence from HMP Springhill professional experience of theatre and the chance to connect with their families, improve their wellbeing and develop skills to improve employability. The shows sold out and The Times and The Stage newspapers ran positive coverage. It also allowed the group to engage wider audiences and challenge negative stereotypes of people in prison.

The upcoming reforms to probation, which include the creation of 12 new probation areas and directors with their own commissioning powers and budgets, offers an opportunity for new partnerships to be built with arts organisations that help people under probation supervision resettle into their community. Hampshire Culture Trust run the Creating Change project in partnership with BearFace Theatre, the Hampshire and Isle of Wight Community Rehabilitation



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Company, currently responsible for delivering probation services, and the Hampshire Police and Crime Commissioner. The project uses drama to encourage women under probation supervision to explore relationships, thoughts and feelings in an engaging and interactive way. Now in its third year of operation, over 200 women have participated. The programme supports desistance theory in multiple ways – by developing strong support bonds and networks, by focusing on strengths rather than offences and by building self-esteem and self-confidence.²²

Unless the strategy explicitly recognises the importance of working with people in prison and people under probation supervision there is a danger the ambitions of the strategy won't reach them.

Recommended commitment 3: recognise the crucial role of arts to build awareness and challenge stereotypes of people who are in prison or under probation supervision within a local community, and the impact this can have on supporting the desistance process.

We also welcome the commitment under the 'cultural communities' outcome for Arts Council England to work with the Department of Health and Social Care, the NHS and others to further explore the role of arts in improving people's health and wellbeing. Arts Council England could similarly commit to working closely with the MoJ and HMPPS, building on their existing commitment to arts in criminal justice to improve outcomes for marginalised and vulnerable people.

The MoJ and HMPPS consistently demonstrate their understanding of how powerful arts can be for people in contact with the criminal justice system through investment, support and advocacy. Successive Justice Ministers have publically supported the contribution arts and creative learning make to successful rehabilitation in prison and the community. Most recently the Secretary of State for Justice Robert Buckland QC MP spoke at a NCJAA event at Universal Music and Edward Argar MP, former Parliamentary Under Secretary of State for Justice wrote a foreword for the NCJAA's latest publication.²³ In March 2019 the MoJ published a toolkit to promote measuring the impact of arts interventions in criminal justice settings.²⁴ HMPPS invest at a strategic level over £400,000 annually to support Koestler Arts, the NCJAA and National Prison Radio. The NCJAA annual survey showed that at least one creative practitioner or organisation delivered activity in almost every prison and penal institute in England and Wales, which could not have been achieved without government support.

As evidence of their willingness to work in partnership, the government recently committed to a stocktake exercise through the Arts Forum to identify opportunities to increase access to arts for people in prison. This was in response to the Digital, Culture, Media and Sport Committee taking up a recommendation made by Clinks and the NCJAA that Department for Digital, Culture, Media and Sport (DCMS) and MoJ should jointly undertake a reviews of arts across the prison estate.²⁵ The Arts Forum is a tri-annual meeting chaired by HMPPS and includes representatives from the MoJ, DCMS, Arts Council England, the Home Office, the Youth Justice Board and Public Health England and aims to ensure arts in criminal justice stays on the agenda at highest political level. The Arts Forum work plan which drives partnerships, communication and research, closely aligns with the recommendations made in this response.

MoJ and HMPPS have demonstrated their support for arts in the criminal justice system and willingness to work in partnership. This creates an opportunity for Arts Council England to work even more closely with the criminal justice system, to have an even greater impact.



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Working in partnership will be essential for both agencies to fully achieve their targets, to both reduce reoffending and to widen access to the arts. Effective partnership working can also help improve evidence of the impact of arts interventions in the criminal justice system and support promising new approaches to arts in the criminal justice system.

Recommended commitment 4: develop partnerships with the Ministry of Justice and Her Majesty's Prison and Probation Service to support new and existing approaches to arts in the criminal justice system.

Priority B: cultural provision, including touring and distribution that responds to the needs and aspirations of local communities

We welcome recognition, in the 'cultural communities' outcome of the draft strategy, of the criminal justice system as an important place for investment, and the suggestion under priority B to consider small grants for grassroots organisations. Despite ongoing change and challenge around commissioning processes in criminal justice settings, small organisations and artists are resilient and continue to deliver their work to improve outcomes for people in prison and probation settings. Long and short term, grants will be essential for individual artists and specialist arts organisations to continue to deliver their work in the criminal justice system. New and emerging artists, especially those with a background in criminal justice will benefit from flexible grant programmes. Grant requirements and reporting mechanisms should be flexible to account for the challenges that occur when developing creative activity in criminal justice environments (such as safety, geography, digital limitations, restrictive prison regimes etc.). This will enable more people in prison to access creative opportunities.

Recommended commitment 5: invest in arts in the criminal justice system, including through flexible project grants, to support individuals and small arts organisations to produce and deliver cultural activities with people affected by the criminal justice system often excluded from such opportunities.

A creative and cultural country: England's cultural sector is innovative, collaborative and international

Priority A: Support for independent creatives that enables more people from all backgrounds to sustain careers in the creative sector

We agree that the barriers preventing less privileged creative practitioners to sustain a financially viable career represents an injustice, as stated under the 'a creative and cultural country' outcome. We support the corresponding priority A in the delivery plan.

People who hold a criminal record are one of the groups who are affected by this. Criminal records are very common - more than 11 million of us have one - yet despite this, 75% of employers say they would discriminate against someone with a criminal record.²⁶ Employers often design recruitment processes which ask candidates about criminal convictions at the initial stage of a job application. This puts up a barrier to people with convictions, telling them they won't be given a chance. It also leads to indirect discrimination, as



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people from BAME groups are disproportionately affected by criminal records.

As highlighted in a recent briefing published by NCJAA, alongside Arts Council England and Unlock, there are clear and positive steps arts and culture organisations can take to recruit people with criminal records into the arts, media and cultural sectors.²⁷ In particular, Ban the Box calls on UK employers to give people a fair chance to compete for jobs by removing the tick box from application forms and asking about criminal convictions later in the recruitment process. So far, over 120 employers have signed up. The simple use of a tick box can be crucial in preventing cultural organisations harnessing exceptional talent.

We welcome Arts Council England leading the way and adopting Ban the Box policy in their own recruitment process. We recommend that Arts Council England encourage arts, media and cultural organisations they fund to review their recruitment approaches, Ban the Box and take positive action to develop opportunities for people with experience of the criminal justice system. This will help diversify the talent pool, allowing arts organisations to access and develop talented people from diverse backgrounds.

Recommended commitment 6: encourage all organisations funded by Arts Council England to adopt the policy of 'ban the box' to ensure a criminal record doesn't stop talent being harnessed.

Ambition & quality: Cultural organisations are ambitious and committed to improving the quality of their work

Artists and organisations delivering interventions in the criminal justice system share Arts Council England's commitment to quality, value and excellence across their work. A wealth of evidence shows the transformative power that arts can have for people in the criminal justice system, and the high quality arts that can emerge. Criminal justice settings are uniquely complex places however to deliver impactful interventions, presenting a range of specific challenges for artists and organisations.

NCJAA earlier this year published a guide for artists, arts organisations and cultural institutions interested in working in criminal justice settings.²⁸ It is designed to assist the development of high quality arts and cultural practice in these unique environments, emphasising the practical, creative and ethical considerations. The guide includes a toolkit, which provides practical information on how to deliver work in these settings and the principles of best practice, putting individuals with complex needs at the heart of effective interventions, encouraging partnership work and ensuring artistic quality. To support their commitment to foster quality and ambition, Arts Council England should utilise the NCJAA's toolkit on how to deliver arts and culture in criminal justice settings.

Recommended commitment 7: promote the good practice principles in NCJAA's toolkit 'How to deliver arts and culture in criminal justice settings' toolkit, to help foster quality, value and excellence across arts in criminal justice settings.



Inclusivity and relevance: England's diversity is fully reflected in the organisations and individuals that we support and in the culture they produce

We enthusiastically support the focus on diversity as part of the investment principles. We agree that there is a persistent lack of diversity in cultural organisations and the cultural practitioners with which they collaborate, and warmly welcome the commitment to create a new framework which takes into account protected characteristics, as defined under the Equality Act (2010).

Many people with protected characteristics are either over represented in the criminal justice system or have specific needs which often go unmet, and as a result, experience differential access to, and outcomes from, services. The impact of a criminal record creates additional stigma, including creating barriers to securing and sustaining employment.

As highlighted by David Lammy's independent review into the treatment of, and outcomes for, BAME individuals in the criminal justice system, there is significant and concerning overrepresentation of BAME people in prison. According to the Prison Reform Trust, 27% of the prison population, (22,227) people, are from a minority ethnic group (compared to 19.5% of the general population). If our prison population reflected the make-up of England and Wales, we would have over 9,000 fewer people in prison – the equivalent of 12 average-sized prisons.²⁹

For Arts Council England to truly achieve its ambitions of fully reflecting the nation's diversity in culture, it must take a concerted effort to work with more people in the criminal justice system. A focus therefore on artists and organisations working in the criminal justice system should be included in the new investment principles, and in the proposed new framework addressing inclusivity and diversity.

Recommended commitment 8: reinforce the importance of access to arts for people in contact with the criminal justice system by including specific reference to criminal justice in the proposed new framework addressing inclusivity and diversity.



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info@artsincriminaljustice.org.uk

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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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Tavis House
1-6 Tavistock Square
London WC1H 9NA

020 7383 0966

info@clinks.org

🐦 @Clinks_Tweets

www.clinks.org/policy

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