

Clinks briefing for private meetings of the Justice Select Committee

Submitted 30th April 2020

1. 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.
2. 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 13,000 contacts. These include individuals and agencies with an interest in the CJS and the role of the voluntary sector in rehabilitation and resettlement.
3. 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.
4. Clinks welcome the opportunity to provide the committee with emerging evidence about the impact of Covid-19 on the voluntary sector working in criminal justice to inform the committee's private meetings. The information we present in the following is garnered from a range of sources and activity including:
 - a. the Reducing Reoffending Third Sector Advisory Group (RR3)ⁱ that has a current special interest group (SIG) on Covid-19 to formally channel policy discussions and suggestions into the MoJ and HMPPS.
 - b. Clinks bi-weekly survey of voluntary organisations working in criminal justice to track the impact of Covid-19. The latest survey heard from 128 organisations.
 - c. Regular network meetings of voluntary organisations working in criminal justice to collect evidence of the impact of Covid-19 on service delivery and service users.
5. We have split this briefing into two substantive sections- the impact the Covid-19 pandemic has had on voluntary organisations, including a specific focus on their finances and ensuring organisations can continue to provide support to people leaving prison.



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Impact of Covid-19 on the voluntary sector working in criminal justice and their service users

6. Service delivery by organisations has been severely impacted by the pandemic, with almost half (49%) organisations telling us they have had to reduce their service provision, at a time when demand for service is likely to increase. Although many organisations are responding flexibly to this challenge, with the majority of organisations providing virtual services to their clients, some 17% are unable to deliver their services remotely.
7. The majority of office-based staff are able to continue to work from home but volunteer numbers are suffering. 33% of organisations who responded to our survey say none of the volunteers they had prior to the Covid-19 pandemic are able to continue volunteering for them. A further 28% say that less than half of their volunteers can continue to support them.¹
8. During our networking events organisations providing face-to-face support raised concerns about the ability for frontline staff to socially distance, and a lack of personal protective equipment (PPE).
9. Voluntary organisations rely on building, developing and maintaining relationships with their service users, which is challenging to maintain virtually. During our network events some organisations tell us that moving to online support has been embraced by some clients, but for others it is a real challenge, especially for those who are digitally excluded. As organisations are no longer able to access prisons due to the lockdown, it can be particularly challenging for those who operate in prisons that do not have in-cell telephony or facilities for 'virtual contact' especially if they need to have confidential discussions with their service users.
10. Measures being put in place throughout prisons to facilitate social distancing – including 23-hour a day cell lockdowns, a cancellation of prison visits, and a withdrawal of facilities to worship and gather have specific negative impacts on Muslim prisoners during Ramadan. This includes, but is not limited to: the perception of a denial of the opportunity to practice their religion and embrace the benefits they regard as uniquely intrinsic to Ramadan, and a sense of abandonment from lacking the ability to interact with the wider Muslim community.
11. Clinks has been pleased to be able to facilitate a meeting between HMPPS and with Muslim-specialist voluntary organisations and hopes that there will be ongoing engagement to ensure the prison service meets the needs of Muslim people in prison during Ramadan, in order for medical and religious guidance and support to be offered to people fasting during the pandemic, and for the prison regime to operate in a way that is flexible to the needs of those observing Ramadhan but also to facilitate social distancing.

¹ The number of volunteers organisations had varied considerably from some reporting just single figures to one reporting that they had 2,900 volunteers. The median number of volunteers was 14.



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The impact on organisations finances

12. The uncertainty around Covid-19 is making it challenging for the sector to plan for the future, especially in relation to staff redundancies, furloughing staff and applying for financial support from the government. Our survey shows that half of organisations have furloughed at least some of their staff already but 36% are unsure if they will need to furlough them in the future. 47% organisations have not applied for financial support from government and of those, 43% were not sure whether they would apply within the next month.
13. The voluntary sector working in criminal justice are experiencing significant barriers in relation to applying for financial support from the government. 43% say they are only slightly confident that they have a full understanding of the financial support available; 24% are not very confident and 10% are not confident at all whilst many outline they do not meet the eligibility criteria.
14. This was supported during our network events as organisations called for more clarity around government financial support in relation to furloughing staff, especially as organisations may receive income from different sources including grant and contract funding. We are exploring this issue in more depth, but our intelligence to date suggests this is having a particularly acute impact on organisations providing arts interventions, due to the nature of their funding and the delivery of their creative projects.
15. Clinks welcomes the government's announcement of £750m financial support for charities working to provide support during the pandemic, as an important first step towards supporting the voluntary sector to continue their work through this crisis. We are concerned that this package of support, however, is not enough to provide organisations with the funding they will need to sustain vital services now and into the future. Further, the focus on organisations working specifically in response to the COVID-19 pandemic risks omitting organisations affected by the crisis that provide vital services but are not specific to the COVID-19 response.
16. Positively, the vast majority of organisations say their grant and contract managers have communicated clearly with them and been flexible in adjusting their requirements. However, the long term financial impact for organisations still remains unclear with many organisations undergoing reviews and awaiting outcomes from funding applications or responses from funders about unrestricted funding before they can make decisions on contingency planning. For example, one organisation told us- "we are expecting to feel the financial impact later on - around 6 - 12 months. We have a good level of reserves now ... but we are worried about the longer term funding pipeline."
17. There is concern amongst organisations about their capacity to engage in new commissioning processes, such as those expected in relation to the probation reform programme. 25% do not feel able to do so, citing lack of capacity and resource. 57% indicated that they do feel able to bid for a new grant or contract to deliver services. However there should be caution in drawing definitive conclusions from this finding as the qualitative responses indicate that many organisations interpreted this as applying to trusts and foundations for emergency funding or funding to adapt services to delivering remotely under lockdown conditions as oppose to applying for future services after the Covid-19.



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Ensuring organisations can continue to provide support to people leaving prison

18. The government has enacted emergency legislation to allow for Coronavirus Restricted Temporary Release. The guidance on End of Custody Temporary Release (ECTR) states that Corona Virus Temporary releases may be targeted at specific prisons to relieve particular pressures in prisons, such as overcrowding, in relation to Covid-19. Given that the male prison estate is more over crowded than the women's estate this targeting might lead to disproportionately smaller number of women being released under Coronavirus Restricted Temporary Release despite the relative health inequalities they experience.
19. The End of Custody Temporary Release guidance states that not everybody who meets the eligibility criteria for Coronavirus Restricted Temporary Release has to be or will be released and there is a level of governor and HMPPS discretion built into the criteria. We know from other outcomes within the justice system that there is potential for discretionary decision making and conscious or unconscious bias to combine in ways which lead to unequal outcomes for certain groups, in particular BAME people. It is therefore vital that the data on the ethnicity of those eligible for release and those released is collected and published so as to monitor and ensure that release opportunities are not being influenced in this way.
20. Over a quarter (27%) of the prison population, 22,619 people, are from a minority ethnic group¹ compared to just 14% of the general population. Underlying health conditions prevalent among this group make them more susceptible to Covid-19 in prisons. Emerging evidence from the UK suggests that COVID-19 is having a disproportionate effect on people from black, Asian and minority ethnic backgrounds. Early analysis also points to an overrepresentation of minority ethnic health and care professionals among coronavirus fatalities. As the number of prisoners and staff affected by Covid-19 continues to rise, it is important that the MoJ / HMPPS collect and publish the data on the number of coronavirus cases and deaths amongst prisoners and criminal justice practitioners broken down by protected characteristics.
21. The RR3 Covid-19 SIG meetings have consistently highlighted there is a lack of clear and timely information communicated to the voluntary sector working in the criminal justice system, reducing the sectors ability to mobilise support for those being released. Clinks has worked with HMPPS to develop a protocol with HMPPS for the matching and mobilising of voluntary sector delivery organisations. However the RR3 SIG have highlighted that for this to be realised and maximised the sector needs as much information and as early as possible regarding end of custody temporary release, including for pregnant and post-natal women as a priority group.
22. It was welcome that the MoJ and HMPPS recently announced a use of compassionate release on temporary licence (ROTL) scheme during Covid-19, which facilitates potential release for people defined as 'clinically extremely vulnerable' by Public Health England for those who do not meet the eligibility requirements of the ECTR scheme. However, the list of those who are defined as 'clinically extremely vulnerable' does not include older people, despite social distancing guidelines saying people aged over 70 are at risk of severe illness from Covid-19. As is well known to the committee, older people in prison experience



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accelerated aging and unique health challenges in relation to the rest of the prison population. Clinks therefore recommends that the scheme is extended to take age into account. Although there is no accepted definition of what constitutes an older person in prison, as the Select Committee have previously recognised, older people in prison are generally defined as being over 50 rather than the Public Health England definition for the general population of over 75. Additionally, as with the ECTR scheme, it is imperative the voluntary sector is kept informed of developments on the use of the compassionate ROTL scheme through regular communication.

ⁱ Clinks (2020) Influencing criminal justice policy, available online at <https://www.clinks.org/our-work/influencing-criminal-justice-policy#RR3>