

October 2020



CLINKS
RESPONSE

The House of Lords Covid-19 Committee inquiry on life beyond Covid-19

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 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.

Clinks manages the National Criminal Justice Arts Alliance (NCJAA), 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 respond to this inquiry. Our response focuses on the impact of – and recovery from – Covid-19 in the CJS and the voluntary sector that works alongside criminal justice public services to support people in contact with the CJS and their families.

Clinks has taken several measures to respond to Covid-19:

- a. **Covid-19 mailbox** – We have a designated Covid-19 mailbox for voluntary organisations who have concerns or questions regarding how the justice system's response to Covid-19 will affect their operations or the information they should provide to service users. Clinks has a dedicated line of communication with Her Majesty's Prison and Probation Service (HMPPS) to discuss the issues being raised and develop solutions.
- b. **The RR3 Special Interest Group** – In response to Covid-19, the Reducing Reoffending Third Sector Advisory Group (RR3)¹ – an advisory group to the Ministry of Justice (MoJ) chaired and coordinated by Clinks – has set up a

special interest group (SIG) to support more effective working between the voluntary sector and government during this time. The SIG meets regularly to discuss key issues and has recently produced two papers examining the recovery of, and future landscape for, the delivery of services by voluntary organisations for people in the CJS and the impact of Covid-19 on the sustainability of the voluntary sector working in criminal justice.

- c. **Regular surveys** – We are running regular surveys to track the impact that the pandemic is having on the staff, volunteers, service delivery and finances of voluntary organisations working in criminal justice.

The information in this response draws on the intelligence gathered through these channels and engagement with our members through regular network meetings which bring together the voluntary sector in criminal justice to discuss the opportunities and challenges they are facing. Since the lockdown was announced, Clinks has held nearly 40 events with over 400 different organisations attending. We would be pleased to provide the committee with additional information in the coming months as the impact of Covid-19 on criminal justice and the voluntary sector develops.

Summary of recommendations

- To involve voluntary sector providers in readiness assessments for easing lockdown in the CJS; to ensure that the voluntary sector has access to regular, published updates on coronavirus in prisons and probation services and MoJ/ HMPPS recovery plans including the Exceptional Delivery Models; and to provide sufficient notice for voluntary organisations to remobilise services.
- To utilise the voluntary sector as a key delivery partner in criminal justice, to support recovery from the pandemic and meet the increased needs of those in contact with the CJS, statutory partners across the CJS should adopt learning from the good prison project and apply its approach to joint working.
- A key principle that we see as critical to responding to the challenges of Covid-19 and creating a fairer and more effective post-pandemic CJS is a full and equal partnership between the criminal justice voluntary sector and the government, in particular MoJ and HMPPS. To embed this principle requires greater transparency, regular communication and active engagement of the voluntary sector in criminal justice to enable it to utilise its vast expertise to act as critically constructive friend.
- To ensure a diverse, vibrant and effective voluntary sector in a post-Covid-19 landscape, we make the following recommendations:
 - » For commissioners at the national and local level to engage with the voluntary sector at the earliest opportunity to understand the costs associated with delivering good practice to meet the needs identified. An alternative needs-led model could allocate funds based on identified need and quality of service, rather than price per head.
 - » For MoJ to work with the Cabinet Office to ensure grants that cover core costs are made available at the local level to small and specialist organisations. In order to ensure that grant agreements are light touch, they should be made in line with the principles set out by the Grants for Good campaign and checked by charity law experts to ensure they do not constitute a contract.
 - » For Cabinet Office to ensure that the lessons learned from recent commissioning programmes are embedded and applied to the commissioning of all future services through a set of specific guidance and principles on commissioning the voluntary sector. The voluntary sector should be engaged in designing this guidance.

- In recovering from the current crisis, to ensure greater consistency in the services and regimes provided to prisoners across the estate and people under supervision across probation areas. To support this aim and the construction of a new normal within the CJS there should be detailed and continuing input of people with lived experience of that system.
- In the recovery from the pandemic, funding should prioritise specialist services for people with protected characteristics in recognition of the disproportionate impact of both the criminal justice system and Covid-19 on them.
- The government should prioritise work to reduce the overrepresentation of BAME people in prison and the wider CJS and improve the treatment and outcomes of BAME people that come into contact with the CJS. This requires a cross-government approach to tackling racial inequality that recognises the impact of structural racism and inequality on individuals. There should also be a particular focus on supporting BAME people in the CJS in the wake of the pandemic and improving access to key services especially health services and mental health support, and ensuring transparent accountability measures for disparity in treatment.
- Moving into a post-Covid-19 world, priority – and sufficient funding – should be given to achieving the aspirations of the Female Offender Strategy and reducing the unnecessary use of prison against women, enabling a system that can better respond to such a crisis.
- Sufficient resource must be invested into the government's strategy for older people in prison to ensure that the prison estate – and wider CJS – is made fit for older people.
- The government must ensure that recovery planning for the CJS involves a properly resourced cross-departmental approach, to ensure service users' needs are met in a holistic way. MoJ and HMPPS must work closely with Department of Work and Pensions, Ministry of Housing, Communities and Local Government, the Department of Health and Social Care, the Department for Education and HM Treasury – to ensure a joined-up response that meets the needs of some of the most vulnerable in society.
- We recommend that MoJ and HMPPS respond to and implement the recommendations made by the RR3 special interest group on employment support for people in contact with the CJS to address the barriers to employment that will be exacerbated in the aftermath of Covid-19.
- MoJ should ensure that people have access to sufficient income on release from prison to meet their basic needs by increasing the discharge grant and implementing the recommendations made by the RR3 to the former cross-ministerial Reducing Reoffending Board in its recent briefing on Universal Credit and access to bank accounts.

Creating a fairer and more effective post-pandemic criminal justice system

The following will outline the systemic challenges faced by the CJS and the voluntary sector working in criminal justice. This is to provide context to how they were impacted by Covid-19, how these challenges shaped their ability to respond to the crisis and how it will affect their recovery from it. In recovering from the pandemic, addressing these longstanding and systemic issues will be key to building a fairer and more effective CJS in a post-pandemic future.

The voluntary sector working in criminal justice

Over 1,700 voluntary organisations work in criminal justice, playing a unique and valuable role in and out of prisons. These charities exist to support and advocate for some of the most stigmatised and excluded communities whose needs mainstream services often fail to meet and deliver a wide range of vital services that help to reduce



reoffending. The voluntary sector is key to the government's response to Covid-19 and ensuring the CJS's management of, and recovery from, the pandemic.

Communication and engagement with the voluntary sector

This crisis has reinforced the need for clear communication from statutory partners to enable voluntary organisations to provide timely and effective support. Slow and inconsistent information in the early stages of the pandemic created significant barriers for organisations trying to support people in contact with the CJS and fill gaps in provision as they were often left unaware of key operational information.

Though improvements have been made and mechanisms put in place to facilitate information flow, significant challenges still remain. Many of the fundamental changes that will take place within the prison regime and probation services as they move through recovery phases into the future will be dependent on voluntary sector organisations remobilising their services. Voluntary organisations should therefore be engaged in the decision-making for easing restrictions and be provided with prompt and direct access to the necessary operational guidance – referred to as Exceptional Delivery Models (EDMs) – to support safe delivery. However the EDMs are currently not being published by MoJ and though there is a process for sharing them with the sector that goes some way to addressing this, it is time-consuming and adds unnecessary complications for organisations to access the information.

Recommendation

To involve voluntary sector providers in readiness assessments for easing lockdown in the CJS; to ensure that the voluntary sector has access to regular, published updates on coronavirus in prisons and probation services and MoJ/ HMPPS recovery plans including the Exceptional Delivery Models; and to provide sufficient notice for voluntary organisations to remobilise services.

In the future, a coordination model, like that trialled by Clinks' *The good prison*² project, for front line service delivery would address many of the engagement and communication challenges experienced during the pandemic and support aims for a more resilient and joined up system, maximising resource both in the statutory and voluntary sectors and ensuring the best possible outcomes for service users. Evaluation showed the model to have improved joined-up working; the information about, and access to, services; partners' knowledge of processes and procedures and identified duplication and gaps in provision.

Recommendation

To utilise the voluntary sector as a key delivery partner in criminal justice, to support recovery from the pandemic and meet the increased needs of those in contact with the CJS, statutory partners across the CJS should adopt learning from the good prison project and apply its approach to joint working.

Going forward as focus increasingly moves to creating a 'new normal', fostering an ongoing partnership between the voluntary sector and prisons, probation services and central government will only become more vital to ensure information flow and a continuing dialogue so that all parties understand and can respond to developing areas of unmet need.

Recommendation

A key principle that we see as critical to responding to the challenges of Covid-19 and creating a fairer and more effective post-pandemic CJS is a full and equal partnership between the criminal justice voluntary sector and the government, in particular MoJ and HMPPS. To embed this principle requires greater transparency, regular communication and active engagement of the voluntary sector in criminal justice to enable it to utilise its vast expertise to act as critically constructive friend.

Sustainability of the voluntary sector in criminal justice

Clinks' annual research³ highlights that, prior to the pandemic, the voluntary sector in criminal justice was already struggling for resource in a complex, competitive and changing commissioning environment. This has undermined the sector's ability to weather this crisis, with Covid-19 exacerbating these challenges, disrupting organisations' delivery models, impacting income generation and in many cases increased expenditure. This has left many organisations facing uncertainty, having to use their already very limited reserves to sustain themselves amidst growing concerns that on the near horizon is a recession which will likely reduce money available from trusts and foundations as well as lead to funding cuts from government.

The criminal justice voluntary sector is disproportionately made up of small organisations who rely on grants because they lack the resource and reach to compete for, and manage, contracts. However, grant funding has been in decline for specialist criminal justice organisations for a number of years, particularly grant funding that is long-term and covers core costs.

Funders have been redirecting funds for emergency Covid-19 funding, and whilst this support has been vital in the short-term, this means there has been even less grant funding available outside of the Covid-19 response – which could be particularly damaging for smaller organisations surviving on short-term grant fund to short-term grant fund – and a lack of longer term funding opportunities. It has also exacerbated concerns that we are heading to a cliff edge in funding with the likelihood that there will be less funding available from trusts and foundations further down the line as they also recover from this crisis. It is particularly concerning that we are heading to this cliff edge at a time when growing numbers of people are in greater need and the voluntary sector's services will be more important than ever.

As the voluntary sector working in criminal justice typically receives fewer public donations, it is also more heavily reliant on government funding which makes up its largest source of income. However, not only has this been in decline for many years, but the nature of government funding has increasingly shifted from grants towards competitively tendered-for contracts to deliver services. Yet contracts for voluntary organisations working in criminal justice have a legacy of underfunding – for three consecutive years we have found that the sector has been unable to achieve full-cost recovery on their contracts and must subsidise the shortfall using other sources of funding or reserves, making them less resilient to this crisis.

In response to declining grant funding and to bridge shortfalls in contracts, a number of organisations in recent years have adapted their services to enable them to receive fees for services, including adding a social enterprise element to their work or setting up trading arms. Lockdown measures in prison and wider society, have meant that many of these trading arms and social enterprise activities have been unable to operate or have had to operate at reduced levels, leaving some organisations operating at a loss for a significant period of time.

Voluntary organisations delivering family services across the prison estate provide a salient example of this. In 2017 contracts for these services were re-commissioned by HMPPS and three-year (plus one) contracts were awarded to 11 organisations. However, the budget available for these contracts has been insufficient⁴ to cover costs and the contract specifications are unrealistic and unachievable within the constraints of such a minimal budget. This has created significant challenges for providers with staffing models and financial security, as well as safe and effective practice. Most of the providers must rely on additional funding or income in at least 50% of the sites they work in to fully resource the family contract specifications. The majority of charitable trusts do not provide funding to subsidise public sector contracts, so providers in particular rely on revenue from running tea bars at prison visit centres, which have been closed during lock down. The need to supplement the available budget places significant risk on the provider and has left family organisations acutely vulnerable at this time, needing that income to sustain the organisation, but facing months of being unable to run the tea bars and generate income during prison lockdown.⁵

Closure of organisations in this sector means a loss of vital services within the CJS that improve people's lives and at a time when they will be more needed than ever – in the wake of this crisis, statutory services alone will not be able to respond to the heightened need. To ensure the diversity of this sector survives in a post-pandemic landscape, there not only needs to be additional funding dedicated to stabilising the long-term financial health of the sector but some fundamental changes to the procurement approach for public services, based on these key principles:

- a. **Social value** – As Children England has highlighted in its eight principles for commissioning and procurement, public services are not products to be bought and sold as short-term commercial transactions.⁶ Treating them as such creates obstacles both to sustainability and performance, especially in a field like criminal justice where progress is incremental and long term. Procurement decisions, including the appropriate funding mechanism, contract size and length, should always be based on prioritisation of social value over value for money.
- b. **Full cost recovery** – Relying on subsidy provided by voluntary sector organisations in order to deliver any public service must be avoided as it creates an unsustainable position, not just for the voluntary sector provider but also for beneficiaries and ultimately the taxpayer. It should be accepted as standard for public commissioners to ensure full cost recovery as it is for the voluntary sector.
- c. **Good grant making** – Reflecting the commitments to 'Grants 2.0' set out in the civil society strategy, government departments should better utilise grants in commissioning services and ensure the availability of grants that cover costs. This would reduce the bureaucracy and complexity of commissioning processes and ensure a more light-touch approach, enabling greater involvement of the voluntary sector as it recovers from this crisis.

To ensure a diverse, vibrant and effective voluntary sector in a post-Covid-19 landscape, we make the following recommendations:

- For commissioners at the national and local level to engage with the voluntary sector at the earliest opportunity to understand the costs associated with delivering good practice to meet the needs identified. An alternative needs-led model could allocate funds based on identified need and quality of service, rather than price per head.
- For MoJ to work with the Cabinet Office to ensure grants that cover core costs are made available at the local level to small and specialist organisations. In order to ensure that grant agreements are light touch, they should be made in line with the principles set out by the Grants for Good campaign and checked by charity law experts to ensure they do not constitute a contract.

- For Cabinet Office to ensure that the lessons learned from recent commissioning programmes are embedded and applied to the commissioning of all future services through a set of specific guidance and principles on commissioning the voluntary sector. The voluntary sector should be engaged in designing this guidance.

The criminal justice system and its response to Covid-19

Underfunding and efficiency

The CJS has been underfunded for many years, leading to an understaffed and under-resourced prison system that has been struggling to manage an increasing population which has more than doubled over the past two decades. Many prisons are overcrowded, unsafe and in very poor condition.

Despite the heightened risk of Covid-19 posed to those in prison to – due to the closed nature of the institution, overcrowding and the high proportion of prisoners with health conditions that make them more vulnerable to Covid-19 – limited numbers have been released.⁷ To manage the spread of Covid-19, people have been locked in their cells for more than 23 hours a day, with all social visits cancelled as well as education, training and non-essential employment activities.

We recognise the importance of the restrictions to protect the lives of those in prison and are pleased that there have been no ‘explosive’ outbreaks of Covid-19 in the prison estate. However the prolonged restrictions have an acute impact on the wellbeing of people in prison with increasing concern being raised by various stakeholders including, the prison inspectorate,⁸ Justice Committee⁹ and voluntary sector organisations, about the sustainability of this approach and the consequences of it particularly on mental health. This is following our annual research which showed conditions in prisons prior to the pandemic were already leading to or exacerbating poor mental and physical health for prisoners, creating potentially long-lasting and traumatising effects.

This crisis has reinforced the need to re-evaluate the approach to criminal justice and reduce the numbers of people entering prison and the overall prison population to create a safer, fairer and more manageable system. This can be achieved by investing in diversionary routes away from the CJS, community solutions that are more effective than short custodial sentences and by preventing further sentence inflation which has continued to grow over the last decade.

Fragmentation and inconsistency

The voluntary sector’s experience over many years is that there is a wide disparity in the way that prisoners, people under probation supervision and voluntary sector organisations working to support them are treated by different establishments and probation services, including those with the same role and similar resources/environments. The inconsistencies and fragmentation create disparities in treatment and outcomes for people in the CJS which is regrettable and avoidable.

This is mirrored in the approach to the pandemic and recovery. For example, inspectorate reports have highlighted disparities in prison regimes, and engagement with our members also highlights an inconsistent approach across the prison estate towards the delivery of in-person services, with organisations feeding back to us that some prisons are asking for voluntary sector services to re-start in prison regardless of the national framework that central government has published.

There have also been disparities in the support for prison leavers during this time, for example there was a highly welcome commitment to provide emergency accommodation for every prisoner released early as a result of Covid-19 and an increase to the discharge grant provided to them on release to £80. However, those released as part of the normal course of their sentence – despite not being able to access resettlement support to prepare for release because of regime restrictions – continued to be released with just £46 and without the same commitment for accommodation.

Recommendation

In recovering from the current crisis, to ensure greater consistency in the services and regimes provided to prisoners across the estate and people under supervision across probation areas. To support this aim and the construction of a new normal within the CJS there should be detailed and continuing input of people with lived experience of that system.

Inequality in the criminal justice system

The CJS also reinforces systemic inequalities faced by protected groups. People with protected characteristics are often disproportionately represented and experience unfair treatment and unequal outcomes in the CJS. These inequalities have affected the way some groups were impacted by the pandemic and this should be recognised and reflected in the recovery from the pandemic to address this and ensure an equitable approach in the future.

There are voluntary sector organisations that are set up specifically to support particular protected groups or groups with additional vulnerabilities. These specialist organisations are best placed to provide tailored support to protected groups in the recovery from the pandemic and beyond but they need additional support to do so as they are often small, community-based organisations which face being squeezed out by larger organisations and whose sustainability is at greater risk during this time.

Recommendation

In the recovery from the pandemic, funding should prioritise specialist services for people with protected characteristics in recognition of the disproportionate impact of both the criminal justice system and Covid-19 on them.

Below we have highlighted the specific experiences of particular groups with protected characteristics.

Black, Asian and minority ethnic people (BAME) communities

People from BAME communities are disproportionately represented throughout the CJS and experience a wide range of disparities in treatment and outcomes. The approach during this crisis reinforces longstanding concerns that the safeguarding of BAME individuals and tackling racial inequality in the CJS is not being sufficiently prioritised and addressed:

- a. **Data collection** – Emerging evidence shows a disproportionate impact of Covid-19 on minority ethnic communities in the UK and globally, with black people in particular 4.2 times more likely to die from Covid-19. Despite this – and the heightened risks prisons present – HMPPS have not been transparent about the number of BAME service users and staff that have tested positive for Covid-19.

- b. **Decision making** – Despite successive reviews and reports highlighting that outcomes in the justice system based on discretionary decision making can be impacted by conscious and unconscious bias and lead to unequal outcomes for BAME people, there have been no measures put in place to ensure scrutiny, transparency and accountability for decisions on early release for BAME individuals and how bias and stereotyping may have impacted this this.
- a. **Recovery planning** – Neither the framework for easing lockdown in prisons nor the probation roadmap to recovery produced by HMPPS mentions the disproportionate impact of Covid-19 on BAME people. Nor does there appear to have been an Equality Impact Assessment for either document.

Recommendation

The government should prioritise work to reduce the overrepresentation of BAME people in prison and the wider CJS and improve the treatment and outcomes of BAME people that come into contact with the CJS. This requires a cross-government approach to tackling racial inequality that recognises the impact of structural racism and inequality on individuals. There should also be a particular focus on supporting BAME people in the CJS in the wake of the pandemic and improving access to key services especially health services and mental health support, and ensuring transparent accountability measures for disparity in treatment.

Women

Women in contact with the CJS are disproportionately likely to be remanded to custody and sentenced to short custodial sentences for minor, non-violent crimes. Women in the CJS are more likely to have experienced abuse and trauma and make up a disproportionate number of self-harm incidents in prison. Women also have poor outcomes in terms of the wider social determinants of health on release, with 38% leaving prison without settled accommodation, and a high risk of mortality upon release. The Joint Human Rights Select Committee and inspectors note the particularly acute impact on women in prison of the restrictions during this crisis, particularly for mothers who have not been able to see their children, yet few women were released when the government's early release schemes were introduced and progress was slow in releasing pregnant women and women with babies in custody on compassionate grounds, despite the heightened risk of Covid-19 to them.

The government's Female Offender Strategy aspires to reduce the women's prison population and promote community alternatives, but since its publication two years ago, minimal progress has been made on achieving the core tenants of the strategy.

Recommendation

Moving into a post-Covid-19 world, priority – and sufficient funding – should be given to achieving the aspirations of the Female Offender Strategy and reducing the unnecessary use of prison against women, enabling a system that can better respond to such a crisis.

Older people

Older people are the fastest growing age group in the prison population. There are triple the number of people aged 60 and over in prison than there were 16 years ago, and one in six people in prison (16%) are aged 50 and over. The number of people aged over 50 in prison is projected to rise by 3% by 2022 and the number of people aged over 70 is projected to increase by 19%.¹⁰

Our report, *Flexibility is vital*,¹¹ highlights how ill-equipped the prison system is to meet the health and social care needs of this group, who are more likely to suffer health problems, and are more vulnerable to isolation in prison. They have higher rates of physical disability and mobility difficulties and the regimes have not been designed to take their needs into account. Therefore, older people in prison can struggle to access activities and services or complete everyday tasks because the prison lacks the appropriate facilities or resources to support them. The health needs of older people in prison also makes them acutely vulnerable to Covid-19.

Although there remains no accepted definition of what age constitutes an 'older' person in prison, the government must recognise in its Covid-19 recovery response and beyond the accelerated ageing many people in prison experience. This can mean that older people in prison often present physical health needs 10 years earlier than people in the community and is justification for including 50 to 59 year olds in the older prisoner definition.

We welcome that MoJ has committed to developing a strategy for older people in prison. This requires ongoing input from the voluntary sector with experience of supporting older people in the CJS, both in its development and in the scrutiny of its implementation to ensure the strategy achieves its ambitions. There also must be sufficient investment with the strategy to ensure the prison estate can adapt and meet the health and social care needs of an ageing prison population.

Recommendation

Sufficient resource must be invested into the government's strategy for older people in prison to ensure that the prison estate – and wider CJS – is made fit for older people.

The experience of people in contact with the criminal justice system

People who come into contact with the CJS are often from socially and economically excluded backgrounds and experience multiple disadvantage. There are a disproportionate number of people with a history of the care system and high levels of homelessness, unemployment, and mental and physical ill-health among those in prison which is compounded by contact with the CJS.

For the past three consecutive years we have found in our research that people's basic needs are going unmet which is increasing the number of people accessing the services of the criminal justice voluntary sector to fill the gap in support. We have also found that as well as increasing numbers, the needs of the people our sector supports have been becoming increasingly more complex and urgent. We found the rising levels of need amongst those in contact with the CJS to be driven by a number of systemic issues, but in particular by insufficient support on release; austerity measures and welfare reforms pushing people into poverty; and a severe housing crisis.¹²

These issues have exacerbated the impact of the pandemic on people in the CJS, further entrenching the barriers they face. In our latest survey, 95% of respondents agreed or strongly agreed that the needs of the people they support have become even greater during the pandemic, with respondents particularly raising concern about accommodation, lack of access to services preparing for release and in the community, and exacerbated poverty. In creating 'a new normal' these longstanding and systemic

issues need addressing so that people's basic needs can be met. Future austerity measures and further cuts to prisons and probation will only worsen these problems.

Housing

Housing services and criminal justice in particular, have a legacy of siloed working that has been challenging to overcome in a crisis context. No one organisation or department is solely responsible for the accommodation needs of people in contact with the CJS. Failure to ensure a cross-departmental, whole-systems approach that provides join-up between organisations both on a local and national level, has left people in the CJS falling through the gaps of responsibility and accountability prior to and during the pandemic.

Despite the government's 'Everyone In' policy and initial progress sourcing emergency accommodation in the context of Covid-19 – in most areas, emergency accommodation was sourced and block booked by local authorities – accessing emergency accommodation for people in contact with the CJS, particularly prison leavers, has been increasingly difficult.

The accommodation outcomes of prison leavers during this crisis shines a spotlight on the challenges between criminal justice and housing services. In just over a one month period between 23 March – when the lockdown was imposed – and 30 April, 840 men, 89 women and 85 young adults aged 18 to 24 were released from prison into rough sleeping or other forms of homelessness. A further 1,209 men, women and young adults were released with unknown circumstances for accommodation in the same period.¹³

There are also serious concerns about capacity to continue providing emergency accommodation with spaces in running out and a lack of longer-term 'move on' accommodation. The voluntary sector is raising concern that rough sleepers given emergency accommodation during the height of the pandemic will be returned to rough sleeping once the crisis begins to ease.

We welcome the government's earlier commitment – prior to Covid-19 – to ending rough sleeping.¹⁴ Rough sleeping however is only the tip of the iceberg of homelessness and accommodation issues. There needs to be a strategy – with an appropriate level of resource attached – for securing long-term, stable accommodation that people can move on to.

Recommendation

The government must ensure that recovery planning for the CJS involves a properly resourced cross-departmental approach, to ensure service users' needs are met in a holistic way. MoJ and HMPPS must work closely with Department of Work and Pensions, Ministry of Housing, Communities and Local Government, the Department of Health and Social Care, the Department for Education and HM Treasury – to ensure a joined-up response that meets the needs of some of the most vulnerable in society.

Welfare, financial support and employment opportunities

People with convictions already faced significant barriers to finding and sustaining secure employment. Only 26% of men and 8% of women have a job to go to when leaving prison. As wider society recovers from this crisis and amidst many job cuts, employment is likely to become even harder to attain and in a more competitive job market, people with convictions are likely to be hit hardest.

Recommendation

We recommend that MoJ and HMPPS respond to and implement the recommendations made by the RR3 special interest group on employment support for people in contact with the CJS to address the barriers to employment that will be exacerbated in the aftermath of Covid-19.

There are longstanding issues with access to bank accounts and Universal Credit (UC) for prison leavers which in the context of recovering from Covid-19 and the financial impact on individuals will be more important than ever to address. The increasing use of UC in wider society as a result of this crisis will put greater pressure on a system that was struggling and beset by challenges even before this crisis, with delays to accessing and receiving UC payments for people on release and sanctions pushing people into poverty.

UC is paid directly into people's bank accounts, as are most salaries. People who are not able to receive these risk homelessness due to not being able to pay for accommodation promptly and this can leave reoffending looking like the only realistic option. Yet provision for arranging bank accounts for prison leavers is patchy. The RR3 has produced a paper outlining practical solutions to barriers in accessing bank accounts and UC.

As highlighted earlier, despite the added challenges on release in this environment, people continue to be released with just £46 – an amount that has remained frozen for over twenty years. Prior to Covid-19, the voluntary sector was vocal in raising concerns that this small amount was not enough, due to difficulties receiving welfare payments or formal wages on release and the costs they will face. This will be exacerbated in the aftermath of Covid-19.

Recommendation

MoJ should ensure that people have access to sufficient income on release from prison to meet their basic needs by increasing the discharge grant and implementing the recommendations made by the RR3 to the former cross-ministerial Reducing Reoffending Board in its recent briefing on Universal Credit and access to bank accounts.

Meeting the needs of people facing multiple disadvantage

Rapid evidence gathering¹⁵ by the Making Every Adult Matter (MEAM) coalition highlights that during this crisis in many cases services came together quickly to protect individuals experiencing multiple disadvantage and other vulnerable groups in the community. MEAM found a greater sense of community and shared purpose across agencies during this time, and highlight a number of examples of local innovation, improved joint working and greater flexibility in public services.

Areas that have previously adopted the MEAM approach¹⁶ – a non-prescriptive framework to help local areas design and deliver better coordinated services – report that this framework was key to informing their local response to Covid-19. The MEAM approach was found to be particularly useful to have in place during this crisis because:

- a. **Existing relationships** – There were existing relationships between services as a result of multiagency work under the MEAM Approach. For example, in one area a MEAM Approach partner was able to quickly secure a building for emergency accommodation from another agency in the local partnership.



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- b. **Experienced staff** – Workers were already experienced in coordinating responses across services.
- c. **Wrap around support** – A focus on issues beyond homelessness led to better support for those individuals housed in the emergency accommodation

A key principle of recovering from the pandemic should be to learn from and further build and embed this approach, ensuring a holistic approach across government departments and sectors, particularly around issues relating to physical and mental health, employment, benefits and housing.

Conclusion

Clinks will continue to work to support and advocate on behalf of the voluntary sector working in criminal justice. In recognition that things are moving at significant pace, we would be pleased to provide the committee with additional information on an ongoing basis.



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. The Reducing Reoffending Third Sector Advisory Group is a voluntary sector advisory group to the government that exists with the purpose of building a strong and effective partnership between voluntary organisations and the Ministry of Justice. The group is made up of 16 senior experts from the voluntary sector that represent different specialisms and meet quarterly with civil servants to provide guidance and feedback on MoJ policy developments. Clinks provides the chair and secretariat for the group. As of part of its terms of reference, the group can set up special interest groups to provide advice on specific areas of policy and practice as the need arises.
2. Clinks (2018). *The good prison: Why voluntary sector coordination is essential*. Available at: www.clinks.org/publication/good-prison [accessed 13 May 2020].
3. Clinks (2019). *State of the sector 2019*. Available at: www.clinks.org/publication/state-sector-2019 [accessed 11 June 2020].
4. The male estate received a budget of £65/head and there was a budget of £135/head in the female estate.
5. The Reducing Reoffending Third Sector Advisory Group (2020). *Impacts of Covid-19 on the financial sustainability of the voluntary sector working in criminal justice*. Available at: www.clinks.org/publication/impacts-covid-19-financial-sustainability-voluntary-sector-working-criminal-justice [accessed 11 August 2020].
6. Children England (2020). *Submission of written evidence to House of Lords Public Services Committee inquiry into lessons from coronavirus*.
7. The latest available figures show that as of 14 August 2020, 223 people in prison were released under the Early Custody Temporary Release (ECTR) Scheme and a further 52 were vulnerable prisoners were released temporarily on compassionate grounds. This is compared to the 4,000 people in prison that were assessed as eligible for the ECTR scheme. Source: Ministry of Justice (2020). *HM Prison and Probation Service COVID-19 Official Statistics*. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/909207/HMPPS_COVID19_WE_07082020_Pub_Doc.pdf [accessed 18 August 2020].
8. For example: Her Majesty's Inspectorate of Prisons (2020). *Report on short scrutiny visits to local prisons*. Available at: www.justiceinspectors.gov.uk/hmiprison/inspections/second-local-prisons-short-scrutiny-visit [accessed 11 August 2020].
9. Justice Committee (2020). *Coronavirus (Covid-19): The impact on prisons*. Available at: <https://committees.parliament.uk/publications/2154/documents/20016/default> [accessed 11 August 2020].
10. *Prison Population Projections 2018 to 2023*, Ministry of Justice, 23 August 2018.
11. Clinks (2019). *Flexibility is vital*. Available at: www.clinks.org/publication/flexibility-vital [accessed 22 June 2020].
12. *ibid*
13. Figures released in response to a written question from Lyn Brown MP. Available at: <https://questions-statements.parliament.uk/written-questions/detail/2020-06-03/54062>
14. Ministry of Housing, Communities and Local Government (2018). *The Rough Sleeping Strategy*. Available at: www.gov.uk/government/publications/the-rough-sleeping-strategy [accessed 24 June 2020].
15. MEAM (2020). *Flexible responses during the Coronavirus crisis: Rapid evidence gathering*. Available at: www.meam.org.uk/wp-content/uploads/2020/06/MEAM-Covid-REG-report.pdf [accessed 22 June 2020].
16. The MEAM Approach helps local areas design and deliver better coordinated services for people experiencing multiple disadvantage. It is currently being used by partnerships of statutory and voluntary agencies in 31 local areas across England. For more information see: www.clinks.org/our-work/people-multiple-and-complex-needs