

# Feedback to HMPPS on its management of Covid-19

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## Introduction

Her Majesty's Prison and Probation Service (HMPPS) asked the Reducing Reoffending Third Sector Advisory Group Covid-19 Special Interest Group (RR3 SIG) to provide feedback on how HMPPS has managed the Covid-19 crisis with the objective of helping the organisation build back better after the pandemic. This document presents the views of the RR3 SIG and those of voluntary organisations in the group's networks, as well as information gathered from Clinks' engagement with over 1,000 people through more than 100 online events in the past few months. This response has been co-ordinated by Russell Webster on behalf of Clinks as secretariat of the RR3.

Before setting out our feedback, we want to formally acknowledge the commitment and work of all HMPPS staff in tackling Covid-19 and preventing the more than 2,000 deaths of people in prison and prison staff which were predicted by public health experts at the start of the outbreak. The purpose of this feedback is to maximise the potential of the criminal justice voluntary sector to work alongside HMPPS staff in partnership to help mitigate the impact of the virus on people in prison and on probation as we re-enter a period of national lockdown.

We also wish to make it clear that many criminal justice voluntary sector organisations have numerous positive working relationships with HMPPS staff. We recognise the diligence and commitment of very many individuals in the organisation to make our criminal justice system as fair and effective as possible. We further recognise that HMPPS staff have been under an extended period of intense pressure to manage the impact of coronavirus but still feel duty-bound to provide honest and unvarnished feedback about the difficulties the voluntary sector has found in working alongside HMPPS throughout this period. We recognise that HMPPS has made a public commitment to change and we have sought to make our views explicit in the hope of facilitating this change process.

We understand that our frequent requests and recommendations will have generated work for people who have been very busy, trying to manage a uniquely challenging set of circumstances. So although much of this paper inevitably describes things which we feel have not worked well, we have tried at the end of the paper to suggest ways in which problems could be solved without generating new tasks or structures.

In collating and structuring this feedback, we have paid particular attention to two of the four<sup>1</sup> HMPPS business strategy principles, in particular: *Building an open, learning culture* and *Transforming through partnerships*.

The RR3 SIG has already provided detailed feedback to HMPPS and the Ministry of Justice (MoJ) on a range of specific issues relating to the management of

the pandemic and we do not intend to repeat these here. We would also refer HMPPS to the two papers the RR3 SIG were commissioned to develop providing advice on recovery<sup>2</sup> and sector sustainability<sup>3</sup>. Our feedback is structured in four main sections:

1. Feedback on how HMPPS communicated about its response to Covid-19 to the voluntary sector
2. Feedback on HMPPS's leadership style throughout the pandemic
3. Feedback on the corporate culture of HMPPS in relation to the voluntary sector
4. Conclusion and recommendations for building back better post-coronavirus.

## 1. Communication

Overall, voluntary sector organisations have been dissatisfied with the quality, frequency and accessibility of information relating to the management of coronavirus. Key issues include:

- **Frustration at the difficulty in getting fast, accurate information from HMPPS and the MoJ in terms of policy decisions on how to manage the pandemic.** Organisations formed the view that HMPPS was preoccupied with internal communication and restructuring to meet the challenges of Covid-19 and perceived, particularly in the early stages of the pandemic, requests for information and suggestions of help from the voluntary sector as making demands on overworked staff rather than as helpful contributions from partners.
- **Voluntary sector organisations of all sizes experienced information flow as slow and characterised by a preoccupation around official signoff procedures rather than a focus on disseminating useful information which would allow providers to adapt and plan their response.** The consequence of this lack of information was that the very many voluntary sector organisations working in prisons and with probation services were not able to contribute fully to supporting people in prison and on probation and in helping HMPPS staff with preventing the spread of Covid-19.
- **Organisations frequently reported that information which was supplied was incomplete, or, on occasion, inaccurate.** There were also issues about conflicting information coming from central government and individual prisons or of different approaches between custodial establishments. Similarly, different Community Rehabilitation Companies (CRCs) adopted very different approaches in communicating with their voluntary sector supply chain partners with what appeared to be little quality control or oversight from HMPPS. There was a consensus that HMPPS is excessively cautious about sharing information. Organisations noted that this cultural reluctance to share information means that HMPPS often withholds information about some of the excellent practice it is involved in. Many commented on the high quality consultation work which HMPPS has been conducting with prison residents to understand their experience of coping with the Covid-19 restrictions and to plan how to mitigate these. We feel that HMPPS sometimes incurs unfair criticism from the voluntary sector and wider public because organisations are not aware of all the positive work in which HMPPS and its staff are engaged.
- **Many voluntary sector organisations found that their requests for information from prisons and probation services with whom they were working remained unanswered.** Several were surprised that statutory organisations were not reaching out to voluntary sector partners to coordinate a response to the challenges of the virus. There were many examples of helpful communication from prisons and probation staff, but this partial information exchange ended

*\*We acknowledge that the term BAME can be problematic as it refers to a group of people who are far from homogenous.*

*The intersection of race, ethnicity, faith, and culture makes social identities multi-faceted and shifting: the experiences of individuals within these groups will vary. Wherever possible, we seek to be specific when describing groups of people but at times use the term BAME – albeit reluctantly – to describe inequality and discrimination across groups when necessary.*

up contributing to confusion with voluntary sector organisations sharing conversations and opinions rather than official guidance.

- When communication did improve, it was felt that statutory organisations almost exclusively communicated with those voluntary sector organisations with whom they had a formal contract and ignored many of the smaller voluntary sector organisations who had been providing services in individual prisons or for local probation services for many years.**

A disproportionate number of these smaller organisations are black, Asian and minority ethnic (BAME\*)-led and there was a general frustration that HMPPS did not address the differential impact of coronavirus on people from BAME backgrounds in its initial formal recovery planning documents.

Despite these general concerns about the lack of prompt communication, there were many instances of good information sharing on a local level which we are keen to share as examples of best practice which would be easy to replicate.

### Prompt operational information from individual prisons

Voluntary sector organisations working in prisons need to be informed promptly of changes in operational procedures to manage Covid-19 in order to plan service delivery in a way that protects their staff, prison residents and prison staff from the virus. One SIG member reported that their organisation is included on the mailing list for staff bulletins in HMPs Brixton and Styal which makes it straightforward for them to adapt and modify service delivery in line with those institutions’ risk management requirements. Where advice and information to staff raises a slightly different issue for the organisation, they simply call a governor who explains the establishment’s requirements.

We regard this approach to sharing information with voluntary sector (and indeed all other) partner organisations as both extremely effective and very straightforward. If HMPPS could encourage all establishments to simply add all organisations working in that prison (whether contracted or not) to mailing lists, the main frustration about lack of information would be resolved without placing additional burdens on prison staff who are under such considerable pressure at the moment.

### Prompt operational information from CRCs

The partnership manager at Essex CRC has operated as an excellent conduit for information, passing on information from prisons to voluntary sector organisations at the same time as the information is shared with CRC staff. When local prisons required outside staff to wear masks, the partnership manager not only shared this information but ordered a supply of masks for partners at the same time as they were ordered for CRC staff. Again, simply including voluntary sector partners as part of a broader criminal justice team made information sharing straightforward and reliable and allowed organisations to deliver the best possible service to their service users within the constraints of the pandemic.

## Request for specific Covid-19-related information

On behalf of the broader criminal justice voluntary sector, the RR3 SIG would like to request two specific pieces of information.

1. We would like HMPPS to commit to include information about ethnicity and all protected characteristics in its Covid-19 official statistics on at least a quarterly basis. We were pleased that this information was available in the 17th July 2020 edition of the statistics but are not aware of it being published since.
2. We would be grateful if HMPPS could publish the protocols for Covid-19 testing for both residents in prison and prison staff. This transparency would promote greater understanding and reassurance, not merely among voluntary sector organisations, but the service users and their families whom they serve.

## A centralised and controlling approach

Clinks and voluntary organisations in its network have been disappointed and frustrated by HMPPS's preference to channel all information via the conduit of Clinks and/or the RR3 SIG, often restricting access to a selected group rather than disseminating information publicly and transparently. This approach has put both Clinks and the organisations represented on the RR3 SIG in the uncomfortable position of having privileged access to information as well as impeding the flow of information to the widest group of organisations who might need it. Since the alternative appeared to have been little or no access to information, we felt we were placed in an unenviable situation and that there was no substantive reason for HMPPS not to communicate key policy information directly to the sector (and indeed to the general public).

Many voluntary sector organisations have expressed their frustration at the one-way nature of communication with HMPPS as well as with many custodial establishments and probation services<sup>4</sup>, complaining that "the centre" in particular makes frequent requests for data and opinions without either including the voluntary sector in discussions about what information would most be useful for a particular issue or sharing the analysis or plans resulting from the information provided.

Some voluntary sector organisations have been able to access key information relating to the management of Covid-19. Often this has been via personal contacts, although at other times senior HMPPS managers have reached out. However, in both cases, organisations have found it frustrating that:

- They have often not been allowed to share information with the broader sector (or that the process for doing so has been lengthy and time-consuming)
- The onus has been placed on the sector to disseminate this vital operational information at a time when they are trying to deliver services throughout a national crisis and secure funding to keep their organisation afloat to meet the needs of their service users.

In summary, our experience has been that voluntary organisations, working under extraordinary pressure, have continuously had to fight for access to basic operational information they need to plan their services for people in the criminal justice system and their families throughout the pandemic.

## 2. Leadership

SIG RR3 members share the view that, in the early stages of the pandemic in particular, HMPPS and the MoJ were seen as mainly acting in a reactive fashion with a primary focus on statutory service provision. It was felt that the probation service was primarily focused on protecting staff. At a local level, the voluntary sector felt it was often taking the lead in building broad-based partnerships to deliver basic essentials to service users in a vacuum created by the withdrawal of the probation service to an almost totally remote working model. HMPPS effectively missed out on a large number of offers to help tackle the challenges of Covid-19 at the same time as colleagues in other government departments were effectively reaching out to business, voluntary sector and community partners to build robust alliances.

In summary, while the need to contain the virus was understandably seen as paramount in the early stages, our view is that HMPPS has been slow to move to a more balanced set of priorities, which include the other needs of service users. By contrast, voluntary sector organisations have had to maintain that balance from the outset, driven by the desire to meet the additional needs of their service users caused by the pandemic as well as the need to contain the spread of Covid-19.

## 3. Corporate Culture

As previously stated, we wish to recognise the diligence and commitment of very many individuals within HMPPS and also wish to put on record that our experience has been that senior officials within HMPPS have actively sought to respond to the concerns we have raised and sought to improve communication and relationships by, for example, the work of the team in the third sector and grants programme and the Rehabilitation and Support Services Group in setting up a channel of communication early on in the crisis, creating the Third Sector Task Force and inviting Clinks' Chief Executive on the HMPPS Recovery Independent Advisory Forum. However, organisations frequently experience a range of common cultural attitudes and views from HMPPS which make it difficult to form an effective working relationship. These include:

- **A tendency to view the criminal justice system through the lens of MoJ and HMPPS priorities** and to rely predominantly on evidence and opinion generated within the department, rather than a strategic acknowledgement that a wide range of organisations across all sectors (many of which receive no government money) work with people in prison and on probation and have strategic insight as a result.
- **RR3 SIG members feel that difficulties experienced in getting information from HMPPS are often linked to a HMPPS perception that they perhaps cannot be trusted.** SIG members find it frustrating that information central to effective service delivery is apparently deemed too important to share.

In contrast to RR3 SIG members' typically positive relationships with individual staff members, HMPPS's approach to policy and practice at this time has made many feel that the voluntary sector is not respected nor considered as having expertise by HMPPS. Our evidence for this is that individuals or their organisations are typically invited in to help solve a problem which has already been demarcated by HMPPS staff and rarely invited to help define problems or contribute to the setting of priorities. An example of this is the current HMPPS in-depth consultation with children in custody throughout lockdown. We applaud this work, but are disappointed at not being involved in its design and frustrated that we are not sure whether the information gained will be shared with us to enable the services we provide to help address the issues and concerns highlighted.

We also feel that the challenges of Covid-19 have exposed a number of unhelpful structural divides within the organisation of government justice departments and agencies including:

- **The confusion and duplication which comes from the responsibility for a single issue being held by multiple individuals in the MoJ and the HMPPS.** This appears to us to make decision making and communication slow. It complicates our efforts to get a speedy and direct answer both to specific operational questions and on more strategic issues.
- **The differences and confusion between one National Probation Service and 21 Community Rehabilitation Companies.**
- **Individual custodial establishments implementing (or occasionally not implementing) central guidance in very different ways.**
- **Difficulties communicating across the prison/community divide** in both policy and practical terms.
- **Conflicts between policy guidance and operational practice.**
- **Two levels of communication (central and local).** We realise that there is an inherent conflict between consistency and local adaptability. However, in recent months we have often been frustrated by individual prisons or probation services telling organisations that a proposed solution to a Covid-19 challenge is workable but “the centre won’t allow it”. Equally, voluntary sector organisations have experienced several situations when individual institutions refuse to implement central guidance without there being any apparent way of resolving an impasse of this kind. The restricted access for the voluntary sector to central guidance and instruction has an obvious impact on being able to resolve these issues quickly and locally.

## 4. Conclusion

We wish to be both as candid and constructive as possible in providing this feedback to HMPPS. The coronavirus pandemic has clearly placed all organisations, their staff and the people they serve under enormous strain. It is regrettable that the experience of many voluntary sector organisations during the crisis so far has been that, on balance, HMPPS as an organisation has obstructed rather than facilitated their attempts to help their service users manage and thrive in the crisis. Voluntary sector organisations have made numerous offers to provide support and adapt services only to have very few of these accepted – or even responded to in some cases. Our potential for meaningful influence with HMPPS and the opportunities to provide concrete help to manage the crisis appears to be negligible. Organisations experience considerable regret in sharing the fact that many feel that their interactions with HMPPS require a disproportionate amount of time and energy which would be better spent focusing on service delivery. In short, they have come to feel that HMPPS’ response to managing Covid-19 has been an additional burden during a very difficult time.

We present this feedback with a heavy heart and wish to reiterate our experience of the goodwill and commitment of very many individuals working within HMPPS. However, as a sector we are increasingly frustrated by the gap we experience between aspirational words about working in partnership and the reality of our experience.

Many of us work across a number of sectors and have experienced more productive working relationships with other government departments and agencies throughout this period of crisis management. We note that the two areas where we feel there has been most success in tackling the challenges caused by Covid-19 – improving access

to benefits and accommodation for those in contact with the criminal justice system – are issues which have involved a number of different government departments.

## Reflection on HMPPS principles and proposals for tackling the pandemic together

HMPPS has been kind enough to share planning on “Building back better after a crisis” and we strongly endorse many of the principles set out, including better communication, a willingness to change, maintaining a climate of trust and simplifying bureaucracy. However, it is our belief that to turn these aspirations into reality, there is a need for HMPPS to acknowledge the power imbalance between itself and the criminal justice voluntary sector and to treat the organisations in the sector as equal delivery partners rather than organisations subject to the control and co-ordination of a government agency.

### Recommendation 1

**We would like to see HMPPS move towards a “do with” relationship with the voluntary sector as opposed to the “do to” ethos which many organisations currently experience. One of our frustrations at the moment is that we feel we could contribute much more in the national effort to tackle the pandemic if we were working more closely in partnership with the statutory sector. Many organisations have repeatedly made offers of help which have not been accepted and we hope that one of the consequences of this feedback is a more effective local response to the virus.**

We see real potential in the Third Sector Task Force. Having a place for the voluntary sector within HMPPS, with senior level leadership, with dedicated links and relationships across the agency and with MoJ was instrumental in speeding up and escalating concerns at a time of real crisis. Its establishment gave a legitimacy to considering the sector’s place in the system. It however has not reached its full potential and if left in its current format could counteract the very positive strategic intentions with which it was established and merely enshrine the current relationship between HMPPS and the sector where the former sets the agenda and asks for input on a restricted number of specific issues.

### Recommendation 2

**We suggest making permanent the Third Sector Taskforce (or a similar structure) and considering how in recovery the full potential of the relationship between voluntary organisations and HMPPS can be realised.**

We see HMPPS’s commitment to share information with the sector as the most important issue and the most convincing way for the organisation to demonstrate credibility and re-build some of the trust which has been lost throughout the management of the pandemic.

### Recommendation 3

**We suggest that HMPPS considers adopting a different approach to information sharing by seeking to change the balance of decision making towards a presumption of making as much information as possible publicly available, changing a culture of “Why share?” to**



“Why not?”. In prisons, most voluntary organisations have staff who are closely integrated to the prison’s day to day life in normal times. A simple test would be to start from an assumption that information HMPPS needs to share with its own employees should be shared with voluntary partners at the same time and in the same format. We recognise that voluntary organisations may well need to sort through significant quantities of material to identify what is relevant to them. But we are not asking for bespoke communications - generating separate versions for the sector causes more work for HMPPS colleagues and risks confusion simply because there are two versions of information in circulation. It also delays the flow of information at a time when the operational situation is changing very fast. HMPPS could publish existing internally held details about the current situation in different prisons to help external providers plan their service delivery. Making individual prison risk assessments available to providers before they are asked to return to work would also be helpful.

In practical terms, we wonder whether allowing voluntary sector organisations access to the HMPPS intranet might offer a practical way forward.



**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/RR3](http://www.clinks.org/RR3)

### Recommendation 4

The roll-out of the voluntary sector co-ordinator model across the prison estate would improve relationships and communication between services and prisons, improving outcomes for people in prison and prison leavers. A similar model could be considered for National Probation Service Divisions (or large Local Delivery Units (LDUs)) following unification next June. Again, we realise that those prisons not using the voluntary sector co-ordinator model are unlikely to have spare capacity to allocate to this task in the current situation. Therefore, we suggest that each prison discusses with its larger voluntary sector providers the possibility of those providers seconding a member of staff to this role in the short-medium term. This individual could be invited to attend daily operational meetings and be proactive in sharing appropriate information about changes in regimes, visits etc. to manage coronavirus with all external partners.

### End notes

1. The other two principles are: Enabling people to be their best and Modernising our estates and technology.
2. *What does recovery look like?* <https://www.clinks.org/publication/what-does-recovery-look>
3. *Impacts of Covid-19 on the financial sustainability of the voluntary sector working in criminal justice* <https://www.clinks.org/publication/impacts-covid-19-financial-sustainability-voluntary-sector-working-criminal-justice>
4. We use the term “probation services” to cover both individual Community Rehabilitation Companies and National Probation Service Divisions and Local Delivery Units (LDUs).
5. Clinks (2018) The Good Prison sets out details of the model.