



Priorities for the future of the prison estate

Engaging with the voluntary sector

Clinks attended two roundtables held by HM Prison and Probation Service (HMPPS) on the long term ambitions for the prison estate. These were on the 7th June to discuss the women's estate and the 8th June to discuss the adult male estate. This paper is submitted in response to the invitations we subsequently received from Dr Jo Farrar, Second Permanent Secretary, Ministry of Justice (MoJ) and Chief Executive Officer, HMPPS and Phil Cople, Director General Prisons, HMPPS respectively to provide additional written evidence on priorities for the future of the prison estate - including the women's estate, workforce, and initiatives to cut crime.

Clinks is pleased to offer this further feedback, though we do so with concerns about the process. These are issues of utmost importance that require a full and open consultation to ensure they are shaped on the insights of experts across the system, including prison staff, voluntary sector staff and volunteers and people living in prisons.

We have not had sufficient time to consult with the wider voluntary sector working in criminal justice and this response is therefore based on previous intelligence we have gathered from the sector. We have a membership of over 600 voluntary organisations and a network that reaches some 4,000 organisations working within the criminal justice system. This represents a vast resource of expertise and experience.

With the potential for a prisons White Paper in the offing, (as reported by the Daily Mail on 19 June) we are eager to avoid a repeat of the process that led to the development of the Sentencing White Paper, which was not informed by meaningful consultation despite its significant scope and importance. We therefore invite HMPPS and MoJ to engage with Clinks to establish full and proper mechanisms for a much wider consultation to inform the development of this work.

The voluntary sector as a strategic partner

The voluntary sector has faced challenges in trying to deliver its services effectively in prison long before Covid-19. As a consequence of long term trends of a rising prison population and a reduction in resource in the criminal justice system, many voluntary organisations have faced difficulties in accessing service users. A shift towards central contracting of services has also presented challenges to small and

specialist organisations that work in prisons and undermined individual relationships with prison leaders that organisations have long relied upon to bridge inconsistent access to key operational information issued by HMPPS.

Many of these pressures have been heightened during Covid-19. The response to the pandemic required flexibility to adapt to unforeseen challenges but the nature of contracted relationships prevented this. Many voluntary sector staff were not allowed into prisons to support people during the outbreak, when they could have alleviated the extraordinary pressure on prison staff. Voluntary sector organisations, some of whom have long provided services in the prison, were unable to access basic operational information to be able to adapt their delivery in the context of Covid-19¹.

The voluntary sector must be seen as a strategic partner which can support HMPPS to provide a better prison environment that will improve outcomes and reduce reoffending. HMPPS should routinely share operational information that voluntary sector services need to deliver their services; aim to contract or grant-fund voluntary organisations for a trusting and flexible relationship; and understand the workforce of prisons as the totality of what is delivered, inclusive of voluntary sector staff who are so closely integrated to the day to day running of services. Such an approach would help HMPPS meet its commitment to act as 'one HMPPS'².

We welcome the establishment by HMPPS of the Third Sector Strategic Board and look forward to the opportunity it provides as a forum for such strategic relationships at a national level. There is a need, though, for such opportunities to be reflected at a local level too. The appointment of a voluntary sector coordinator in each prison should be normalised across the estate. HM Inspectorate of Prisons now includes an indicator for both the male and female estates on whether a named manager is responsible for coordinating the work of voluntary sector organisations in each prison. Clinks holds learning and good practice of how this can be delivered through our delivery of the Good Prison Project³ and would welcome further conversations around this and how this can be rolled out.

The prison population

Overcrowding in prisons, combined with pressures on staff resource and capacity, provides the biggest obstacle to the delivery of a regime of compassion, humanity and innovation where voluntary sector organisations can deliver their vital services. These pressures also hinder effective rehabilitative and resettlement services, jeopardising targets to reduce reoffending. Covid-19 has provided a temporary respite to the pressures on the prison population, though this will be quickly reversed as court activity ramps up and the potential impact of changes to sentencing policy that are currently proceeding through parliament are felt. These pressures come at a time of limited resources, as tired and frustrated prison staff work to recover regimes.

The government has stated that its commitment to increase the number of police officers will inevitably lead to an increase in the prison population, further adding to these pressures. The impact of policing numbers is also the stated rationale for the

decision to commit £150m to build 500 more prison places for women. There is no determinate causality between police numbers and the prison population and the available modelling behind this decision lacks sufficient detail with regards to gender, offence type and criminal history. Cross-departmental cooperation, for example on gender-informed and diversionary policing between the MoJ and Home Office, could have allowed for this additional police resource to help reduce reoffending and for the £150m to be invested in more effective community provision. Instead, this decision undermines the government's own Female Offender Strategy.

Learning from Covid-19

In our capacity as chair and secretariat to the Reducing Reoffending Third Sector Advisory Group (RR3) – a formal voluntary sector advisory group to the MoJ and HMPPS - we have enjoyed a constructive relationship with HMPPS prisons Gold Command and have recently engaged in discussions to help inform the early stages of the prison regime reform programme.

There is significant scope for HMPPS to recover from Covid-19 into an improved prison regime. We support the priorities of 'purpose, place and people' and have been heartened by the early commitments made by HMPPS that this programme of work will lead to a substantial redesign of prison regimes, with a focus on a more personalised and tailored approach that addresses an individual's needs. We are eager to continue this engagement to ensure the voluntary sector has a voice in helping to shape future regimes. We encourage HMPPS as soon as possible to set out publically what the scope of the future regime design will be and how organisations can contribute their expertise to that process.

Learnings from Covid-19 will of course need to be considered as part of future regime design, though it is important the right lessons are learned towards the aims of a rehabilitative and trauma-informed environment. For example, expanding the use of in-cell technology is to be welcomed to offer greater flexibility and access to services but remote learning should not in any way replace the opportunities for face-to-face learning and video calls should never replace in-person social visits.

There are also some indications that HMPPS will deliver future regimes in small cohort groups and potentially limit unstructured time out-of-cell. While we appreciate some people in prison have reported feeling safer during Covid-19 restrictions, the prolonged impact of isolation and confinement in cells has had a devastating impact on mental health. Any move to establishing regimes with smaller cohort groups must also facilitate less time locked in cells and not prevent voluntary sector interventions that are more impactful in larger group sizes (for example drug recovery services, which are most effective where a culture of recovery can be established amongst peers).

Race inequality must play a central role in any future strategy for prisons

We await the MoJ's response to how it plans to take forward the Sewell Report. The relevant recommendations from that report are largely concerned however with issues upstream from prison, focussing on preventing young people coming into

the criminal justice system. While this is of importance, HMPPS must take responsibility for existing and continued disparities in outcomes for prisoners and continue to prioritise actions to address these.

The disparity in the experiences and outcomes for racially minoritised people in prison have been detailed across a large body of evidence and these inequalities have been present throughout Covid-19, as highlighted by the important work of Zahid Mubarak Trust⁴. At the heart of any policy review of prisons must be a consideration of how HMPPS can ensure that regimes and services are accessible to people in prison equally and fairly. We understand the HMPPS regime reform programme is engaging with the national HMPPS diversity and inclusion team and we would encourage them to also consult with organisations led by and focussed on racially minoritised people to better understand how to embed fairness in the future regime design. It is vital that such engagement also informs any potential Prisons White Paper.

¹ We set out in detail our concerns around communication and information flow to the voluntary sector in our response to HMPPS insight's request for feedback on how HMPPS has managed the pandemic. See Clinks. (2020). *RR3 feedback to HMPPS on its management of Covid-19*. Online: <https://www.clinks.org/publication/rr3-feedback-hmpps-its-management-covid-19> (last accessed 22/7/21).

² HMPPS, HM Prison Service, Probation Service. (2020). *HMPPS Business Strategy: Shaping Our Future*. Online: <https://www.gov.uk/government/publications/hmpps-business-strategy-shaping-our-future> (last accessed: 22/7/21)

³ Clinks. (2018). *The good prison: Why voluntary sector coordination is essential*. . Online: https://www.clinks.org/sites/default/files/2018-10/clinks_the_good_prison.pdf (last accessed 22/7/21)

⁴ Zahid Mubarek Trust. (2021). *A Record of Our Own: Lockdown Experiences of Ethnic Minority Prisoners*. Online: <https://thezmt.org/2021/03/31/a-record-of-our-own-lockdown-experiences-of-ethnic-minority-prisoners/> (last accessed: 22/7/21)