

# The Justice Committee inquiry on rehabilitation and resettlement: ending the cycle of reoffending



**Our response**

Submitted January 2025

# About Clinks and this response

Clinks is the national infrastructure charity dedicated to supporting voluntary organisations working directly with people in, and connected to, the criminal justice system across England and Wales. We support, promote, and advocate for our members and the wider voluntary sector. Clinks is the current holder of the HM Prison and Probation Service (HMPPS) infrastructure grant, and we manage the secretariat for the [Reducing Reoffending Third Sector Advisory Group \(RR3\)](#).

This response is informed by our work with members and the wider sector, including RR3 Special Interest Groups (SIGs) and a recent roundtable on purposeful activity.<sup>1</sup>

We have responded to all the questions except question 2.

## Section 1: Reoffending – measuring the problem

### *1. What are the levels of reoffending in England and Wales, and how has this changed over time?*

Since 2008-09 the annual average reoffending rate has fluctuated between a high of 31.6% in 2008-09 to a low of 24.4% percent in 2020-21.<sup>2</sup>

In 2021-22, the most recent year for which data is available:

- The annual average adult reoffending rate was 24.9%.
- The annual average juvenile reoffending rate was 32.2%.
- Adults released from prison sentences of less than 12 months had a proven reoffending rate of 55.1%, for adults released from any prison sentence the rate was 37.0%, and for adults who received a court order the rates was 31.0%.
- For adults, the highest reoffending rate of 50.0% was for those with an index offence of theft (excluding the 'other' category). For children, the highest reoffending rate of 44.0% was for those with an index offence of criminal damage and arson.
- The lowest rates of reoffending were for those adults (12.3%) and children (8.7%) with index sexual offences.<sup>3</sup>

## Section 2: Rehabilitation in prisons

### *3. What impact does custody have on prisoner health and wellbeing, and how effective is provision for this in prison in promoting rehabilitation?*

People in contact with the criminal justice system experience significant disadvantages in health and wellbeing and are recognised as an 'inclusion health group' under the NHS Core20PLUS5 approach to reducing health inequalities. A review of healthcare in prisons 'found that prisoners who die from natural causes do so at a median age of 67.5 compared with 86.7 in the general population'.<sup>4</sup> Another study found patients diagnosed with cancer in prison more likely to die from the disease and to report worse experiences of care.<sup>5</sup> A 2018 survey of men in Welsh prisons found over 80% had at least one Adverse Childhood Experience, and almost 50% had four or more Adverse Childhood Experiences.<sup>6</sup> These are not new findings: a 2018 Health and Social Care Committee report found that 'mortality in prisons is 50% higher than in the general population'.<sup>7</sup>

Time outside of cells (TOOC) has been recognised as 'critical to the mental health and wellbeing of prisoners' for many years.<sup>8</sup> Evidence consistently shows an association between reduced TOOC and poorer mental health and higher suicide risk.<sup>9</sup> Members told us being locked in a cell for significant periods of time can 'exacerbate trauma and hinder rehabilitation' for people in prison leading to 'increased feelings of hopelessness, depression and diminished self-belief, self-esteem and self-worth'.

Despite this, HM Inspectorate of Prisons reports that 24% of people spent fewer than two hours out of cell, and 44% between two and six hours out of cell, on a weekday.<sup>10</sup>

### *4. What is the current offer of training and education available in prisons and is it sufficient?*

The current training and education offer in prisons is not sufficient. In December 2024, Ofsted's Chief Inspector of Education, Children's Services and Skills said, 'prison education remains weak, almost without exception.'<sup>11</sup> Funding for education beyond Level 2 courses is not widely available, and funding for higher education courses is only available to people within six years of their release.

There is a lack of creative arts education and programmes available to people in prison. Evidence shows that the arts support the process of desistance by fostering empathy, building family connections, and playing a role in restorative justice.<sup>12</sup> Inspiring Futures was a three-year programme examining how and why arts interventions affect people in criminal justice. The research found arts programmes can help to improve people's behaviour, increase compliance with rules, and increase engagement with rehabilitation. These changes were linked to reduced depression, a sense of purpose, and an improved outlook. Arts programmes can also help to improve people's mental health, help to create positive supportive communities in prisons, and allow people to reclaim their identities.<sup>13</sup>

Digital accessibility remains a longstanding challenge. This can create barriers both whilst people are in prison, but also in ensuring they are well-equipped to access digital services on their release.

There are not enough opportunities dedicated to some groups, such as people serving sentences for sexual offences. Several Clinks members highlighted the need for HMPPS to better understand the needs of different groups within the prison populations, and to 'not use difficult characteristics as an excuse not to deliver'. Older people in prison often struggle to receive effective support, because there is no requirement for their distinct needs to be addressed.

For women in prison, we heard the education offer is particularly limited, with transfer to other prisons creating particular barriers. Specifically, 'for many women, there may be activities they want to do, but it may not be on offer in other prisons and they are discouraged from taking part ahead of being transferred to other prisons'.

Moreover, the education model in prisons does not suit some people who have had poor experiences in mainstream education. A significant proportion of people in prison are neurodivergent. This can often mean they find it more difficult to concentrate for extended periods of time.

## *5. To what extent are prisoners given enough time out of cell to engage in purposeful activity?*

As noted above, time out of cell is often insufficient for people to engage in purposeful activity, despite the benefits it offers.<sup>14</sup> There are very few specific rules that guarantee people in prison time out of their cells, helping to limit the access to purposeful activity.

### *a. What impact does contracting and staffing have on the delivery of purposeful activities in prisons?*

Understaffing, high rates of attrition, and fewer experienced staff mean the importance of purposeful activity to the safe and effective running of a prison can sometimes be overlooked. Short-notice cancellation of work, activities, and even visits have been reported by members, and this has an impact on the relationships between staff and people in prison.

In our purposeful activity roundtable, staffing was highlighted as 'the main problem' around a sufficient and effective purposeful activity offer. This includes a lack of officers available to facilitate movement around the prison and a shortage of education staff, resulting in frequently cancelled and curtailed programmes. Voluntary providers can add capacity to the purposeful activity offer, but short-term contract cycles and HMPPS vetting delays impede this. Voluntary organisations working in prisons report issues with empty classrooms and lack of activity on some contracts while they are unable to access resource and space to deliver programmes the prison is asking them to offer, based on clear need. This arises from over specific block contracts and a lack of flexibility to amend them based on the need and readiness of the prison at any given time.

## ***6. How do current prison population constraints affect the availability and quality of rehabilitation programmes?***

Prisons need to be adequately resourced to meet the rehabilitation needs of their populations, regardless of the sizes of their populations. The current capacity crisis means the quality and availability of programmes is not sufficient, but reducing the prison population will not resolve this challenge on its own.

Currently, there are significant barriers to accessing rehabilitation programmes. As this is prioritised by release date, people on remand cannot access many of these programmes as they do not have a release date. People serving sentences also often struggle to access programmes. For those serving short sentences, there is often insufficient time to complete a programme before their release. For people on long sentences, they are often deprioritised in favour of people who are close to their release.

As an example, the Kaizen programme is an accredited programme for people who have been assessed as high or very high risk of reoffending that have been convicted of either general violence, intimate partner violence, and/or sexual offences. The normal group size for this intervention is eight people, but it has been found to be more effective when delivered to groups of two or three. This is a flagship programme, but, by its very nature, each instance of the programme can only be accessed by a very small number of people. As such, to maximise the effectiveness of this programme, it needs significant resourcing, regardless of the prison population size at any one time.<sup>15</sup>

## ***7. To what extent do prison buildings and their maintenance facilitate or hinder rehabilitation?***

In 2023, Clinks surveyed voluntary sector organisations regarding prison spaces and facilities. Organisations highlighted the variability of facilities between prisons, including around more simple aspects including toilets and storage space like lockers for visiting staff and volunteers. Respondents suggested that there should be consideration of creating more meeting rooms and group workspaces in prisons. They suggested there needed to be more spaces accessible for family members to support parenting and similar programmes.

Organisations suggested that a large, secular space that is flexible in how it can be set up would be beneficial to support things like arts activities. They also raised the need for access to spaces that facilitated confidential conversations, such as needs assessments or conversations between staff. More generally, organisations asked for spaces that were, or felt, separate from the wings, so activity in one place does not distract from activity in another.

A lack of appropriate spaces and facilities limits the ability of organisations from delivering the most effective interventions possible to people in prisons. With there being a range of barriers often experienced to getting access to prisons in the first place, a lack of appropriate facilities in prison to support their work compounds these delivery challenges.

Alongside this, the recently published Prison Estate Conditions Survey Programme Summary Information estimates that it would cost £1.4 billion to bring existing assets in the prison estate to a 'fair' condition.<sup>16</sup>

## ***8. What examples of best practice within the prison system are there in promoting rehabilitation?***

The voluntary sector working in criminal justice is essential in providing support to people in prison, with Clinks members working in prisons across England and Wales. Broadly, best practice includes activity that incentivises compliance rather than punishing non-compliance, provides holistic support that recognises that rehabilitation is not linear, makes use of multi-agency, multi-disciplinary and collaborative approaches, and includes a focus on the root causes of offending. Probation in Greater Manchester was highlighted by the Community Provision SIG as an example of best practice, with key elements including the co-location of services and focus on having a 'team around the person'.

Given the constraints of this response, we would be delighted to engage further with the Committee to ensure voluntary sector best practice and expertise is represented at the oral evidence stage of the inquiry.

## **Section 3: Resettlement Services and Alternatives to Custody**

## ***9. To what extent does the Probation Service have the capacity to support effective resettlement pre- and post-release?***

The RR3's Community Provision SIG found that 'probation is struggling to cater for the increased demand for services', significantly impacting its capacity to support effective resettlement. The group described information missing from referrals into community health services, exacerbated by a 'lack of openness' around communication between different parts of the system.

The voluntary sector working in criminal justice is a critical component in terms of the resettlement support it provides to people in contact with the system. However, this requires sufficient funding alongside a commitment to partnership working between statutory and non-statutory agencies.

Our State of the Sector research has highlighted that, year on year, voluntary organisations are seeing rises in service user numbers, with increases to the level, complexity, and urgency of service user need.<sup>17</sup> Disinvestment in mentoring, specialist support and through the gate work – historically provided largely or entirely by the voluntary sector – means these services are now inconsistently provided, based on voluntary organisations' ability to attract charitable or other funding.

## ***10. How does joint working between services happen so that ex-offenders receive the support they need post release?***

***a. Is there sufficient data sharing between services?***

***b. What role does trauma-informed practice play in the delivery of these services?***

The quality and effectiveness of joint working varies across the prison estate. For example, some prisons have established pre-release boards through which statutory and non-statutory agencies put support in place before release. The RR3 Accommodation SIG recommended pre-release boards are constituted in every resettlement prison – we have included more detail in our response to Q11 below.

After people are released from prison, much of the support they receive is provided through the Commissioned Rehabilitative Services (CRSs). Most of the contracts to provide these services are held by voluntary organisations. Details as to the organisations awarded the Day One CRS contracts across the different areas of work, and the contract values, can be found in Table 3 of the Oldfield Review document.<sup>18</sup> Currently, joint working does not sufficiently support CRS delivery. Data sharing between statutory and voluntary sector services is often not sufficient. Organisations acknowledge the pressures on the Probation Service, but cannot deliver effective support without access to appropriate information about those they are supporting. The process of recommissioning CRS contracts is now underway.

The National Audit Office (NAO) have highlighted that HMPPS assurance activity rated the quality of the Probation Service's referrals to CRS providers poorly in 25 of the 28 contracts it examined during the first year of their delivery. It also rated the quality of CRS providers' communication with probation staff poorly in 13 of the 28 contracts, reporting that providers' feedback lacked detail on what had been delivered and progress. Importantly, HMPPS also identified that limitations in its IT for the contracts affected providers' ability to record and monitor progress effectively.<sup>19</sup> Clinks also referenced these findings in more detail in our response to the Public Accounts Committee inquiry on improving resettlement support for prison leavers.<sup>20</sup>

Problems with data quality and availability causes delays accessing support, prevents service providers fully understanding a person's needs, and can lead to people being retraumatised as they are unnecessarily asked to share details about their circumstances with a further practitioner. The Basic Custody Screening Tool<sup>21</sup> could be used more effectively, and early and consistent data collection and sharing can contribute to trauma-informed practice (TIP), which should be standardised across the prison estate.



## *11. How effective is support provided to ex-offenders on release such as homelessness prevention, employment opportunities and health and wellbeing services?*

### **Homelessness prevention**

In the year to March 2024, 14.3% of people leaving prison were homeless on the night following their release from prison, or their housing status was unknown whilst they awaited an assessment. This is an increase of 0.6 percentage points compared to 2022-23.<sup>22</sup> Moreover, 26.5% of people leaving prison did not have access to settled accommodation three months post-release from custody – a 2.1 percentage point increase compared to 2022-23.<sup>23</sup>

The most recent reoffending statistics also give data on proven reoffending based on accommodation status. These show that adults released from prison into homeless had about double the rate of reoffending of people released into settled accommodation – 67.2% for those released to rough sleeping and 65.2% for those homeless but not rough sleeping.<sup>24</sup>

The RR3 set up a 2023-24 SIG to advise the Ministry of Justice (MoJ) and HMPPS on the barriers to accessing accommodation for people leaving prison. The Group comprised twenty-one voluntary organisations, received an additional 30 submissions to its call for evidence, and published three separate reports.

The Group highlighted the following:

- Delays to resettlement planning and a lack of coordinated service delivery – which recognised the November 2022 joint inspection report comment that ‘not enough plans were made to support resettlement, as a result of the late start of much pre-release work and a lack of coordinated service delivery’
- Failure of local authorities to engage effectively with people ahead of their release – often only engaging on the day of release
- Lack of statutory support for people released from remand
- Ineffective application of existing homelessness legislation – prison leavers not being deemed as having priority need for local authority accommodation, even when they meet the threshold, and/or being deemed as having made themselves intentionally homeless

The SIG co-produced a range of practical recommendations designed to mitigate the current barriers to effective resettlement.<sup>25 26 27</sup> On homeless prevention, specific recommendations include:

- The development of a cross-departmental strategy, underpinned by a ministerial board, focused on mitigating the barriers to accommodation faced by people leaving prison
- A more targeted approach to the work of Homelessness Prevention Teams (HPTs), where they are currently regional, by ensuring that there is HPT representation in every resettlement prison
- Embedding multi-agency resettlement support panels (drawing on best practice from the Youth Estate) in each resettlement prison incorporating all relevant support agencies.



## Employment opportunities

The RR3 also established an Employment SIG, which found that, despite welcome government focus on employment outcomes for people both in prison and on their release, there remain significant barriers.<sup>28</sup>

Adults who are unemployed six weeks after release from custody had the highest rate of reoffending (35.3%) in the most recent quarter.<sup>29</sup> In 2023-24, 56 (of 111) prisons achieved their target for number of people in employment six weeks after release.<sup>30</sup>

Through the New Futures Network, and the creation of roles including Heads of Education, Skills and Work, and Prison Employment Leads, there has been a focus on ensuring that people can gain qualifications and skills while in prison, and then be presented with job opportunities ahead of release. There is a need for a viable pathway from employment-focused work in prison to job sustainment support in the community. Securing a 'job offer' while in prison is a positive first step, but the current metrics tracking job offers do not extend to tracking 'job starts'. There are a range of voluntary sector organisations who currently provide this type of holistic support in the community, which ensures 'job starts' as well as job sustainment. It is vital that this work is funded sufficiently, and the SIG recommended the following proposal:

- Commissioning of community employment brokers. To support employers with sustaining a person's employment beyond 12 months; this support would include sustainment checks at appropriate intervals.

There are also significant numbers of people in prison who are not 'work ready' who will require varied support, such as with 'soft skills', to prepare them for resettlement.

## Health and Wellbeing Services

RECONNECT is an NHS commissioned service that aims to improve the continuity of care of people leaving prison with an identified health need. RECONNECT offers liaison, advocacy, signposting, and support, working in a trauma-informed way to facilitate engagement with community-based health and support services by offering:

- Support and planning for up to 12 weeks prior to release.
- Support for up to 6 months post-release date, or when all health care needs are met – whichever comes soonest.
- A minimum of two points of face-to-face contact prior to their release. If it is not possible to do face to face, then virtual, telephone or a combination of these methods will be offered.
- A named RECONNECT member of staff who will work with them before and on release, until they are engaged with a community-based health or support service or are discharged.
- Support those on release on temporary licences up to 12 weeks before final release date where appropriate.<sup>31</sup>

Enhanced RECONNECT (ER) was piloted in the North East, North West and South West of England and has been commissioned in Birmingham and Solihull (as of November 2024). It is available for people with complex health needs and who are identified as high risk of harm to the public and who have complex health needs.

Organisations report that a major challenge with RECONNECT was finding services into which referrals can be made. Further, much of the support that is available does not provide long-term, specialist interventions.

Additionally, organisations highlighted:

- Difficulties accessing information about people ahead of their release, including interventions started in prison
- Through-the-gate support is limited, particularly in linking people into community support
- A disconnect between staff in prisons and voluntary organisations in the community, and challenges with information sharing
- Despite Government focus on the issue, many people leaving prison are not registered with a GP in the community.

## *12. What impact do licence recall conditions have in promoting rehabilitation?*

Last year, a group of criminal justice charities came together to explore the rise in the number of people being recalled and reasons behind it in their own experience. Effective licence conditions were agreed to be those that were individualised, proportionate, and well-understood by the person subject to them. The group identified a lack of planning and support for people leaving prison, which can increase risk or the perception of risk. In addition, people leaving prison sometimes lack understanding of their licence conditions, recall trigger and where they can seek support. Capacity pressures mean probation practitioners lack time to form open and supportive relationships with people they are supervising.

With the majority of recalls for 'non-compliance' rather than relating to a new or suspected offence, consideration could be given to what other measures could be put in place to address non-compliance, before a recall – for example, incentivising and supporting compliance, rather than punishing non-compliance. This must of course be considered against an individual's wider circumstances because there will be some cases where non-compliance with particular licence conditions could be a significant indicator of risk that could warrant recall. More work needs to be done on understanding the variation within the category of 'non-compliance'.

## *13. What role should non-custodial sentences have in promoting rehabilitation?*

An increase in the use of community sentences can play an important role in more effectively addressing the underlying causes of crime, by ensuring that need can be addressed. Proven reoffending rates show lower reoffending rates for adults who received a court order (31.0%), compared with custodial sentences (37.0%).<sup>32</sup> However, there has been a decline in the use of community sentences over the last decade – from 116,288 in the year to June 2014 to 73,425 in the year to June 2024. Over the same time period, the number of people receiving a conditional discharge has declined from 74,053 to 25,687.<sup>33</sup>

More recently, there has been an increase in the use of Community Sentence Treatment Requirements (CSTRs) attached to community sentences. Between April and June 2024, requirements attached to community orders and suspended sentence orders increased by 8% and 21% respectively compared to the same quarter in the previous year. Notably, Mental Health Treatment Requirements (MHTRs) increased by 39%.<sup>34</sup>

Recent evidence shows community sentences with MHTRs attached have a sizeable and statistically significant impact on reducing reoffending, when compared with both community and short prison sentences. MHTR recipients had a reoffending rate eight percentage points lower than those on a community sentence without a CSTR, and nine percentage points lower than those on a short prison sentence.<sup>35</sup>

The Sentencing Council carried out an evidence review that concluded prison sentences of under 12 months are less effective than other options at reducing reoffending. The review also found current evidence does not suggest that increasing the length of immediate prison sentences is an effective way of reducing reoffending. Evidence did not suggest more severe sentences, particularly sentences of immediate custody over others, have significant deterrent effects on the person sentenced or the general population.<sup>36</sup>

### ***a. What impact would an increase in the use of non-custodial sentences have on resettlement services?***

An increase in the use of non-custodial sentences has the potential to greatly improve outcomes for people in contact with the criminal justice system, including reducing reoffending, and better enable them to access the support they need from a range of agencies and organisations to transform their lives. However, rehabilitative and resettlement services must be available and resourced to provide support.

As referenced above, voluntary organisations hold a majority of the CRS contracts to provide support to people under the supervision of the Probation Service.<sup>37</sup> However, Clinks' State of the Sector research consistently identifies concerns about the viability of contracts. Our research notes the vast majority of contracts held by the voluntary sector are from statutory bodies, with many of these likely to be CRS contracts. But, 61% of respondents to our survey said they did not achieve full cost recovery on at least some of their contracts, and more than one-in-ten did not achieve full cost recovery on any of their contracts. To cover these shortfalls, organisations reported using reserves (68%) and other funding sources (60%), as well as reducing overheads, including staff (30%). 19% said they reduced or closed services in response to contract shortfalls.<sup>38</sup> Clinks recommends and emphasises the value of investing in high-quality, sustainable services via multi-year, unrestricted grants, and factoring in evaluation to really understand what is effective and why.<sup>39</sup>

Despite the financial challenges, there is a network of statutory and voluntary organisations in place to support people on community sentences. Concerns about the capacity of community services must not be used as an excuse to send more people to prison. In our Clinks evidence to the Public Accounts Committee's inquiry into prison estate capacity we discussed the value for money provided by prison expansion and justice reinvestment into community services. Clinks would be happy to share this evidence with the Justice Committee if it would be of help with this inquiry.

***b. What, if any, changes to community sentencing should be introduced if the Sentencing Review recommends a move away from short custodial sentences?***

In response to the Independent Sentencing Review, Clinks recommended:

- Expanding deferred sentencing, and including voluntary sector providers in court assessments. The current guidelines are that deferred sentencing will only be appropriate in very limited circumstances. Clinks proposes this is reviewed and circumstances for deferred sentences should be considered holistically, in light of the range of interventions available from voluntary sector organisations.
- Increased use of treatment orders, and funding sufficient treatment places. Expansion of community sentences must be sufficiently resourced.
- Enhancing probation resources and powers to reduce capacity pressures.
- A sustained approach to building sentencer confidence in community sentencing. Building this confidence would take time and is multi-faceted. Sentencers tend to be risk averse and reticent to hand down orders that are unfamiliar. Sentences need confidence that sentences are appropriate, beneficial, and that systems are adequately resourced for them to be carried out.<sup>40</sup>

***14. What examples of best practice are there for effective resettlement?***

There are a significant number of examples of best practice through services currently being run by voluntary providers, across many different areas of resettlement. We would be delighted to connect the Committee with organisations providing some of these services as part of the ongoing work of this inquiry. As an example of such best practice, we wanted to include the following:

- Enhanced prison pay schemes to enable people in prison to save money for their resettlement, run across prisons in the north-west by Recycling Lives.
- Voluntary sector 'community employment brokers', supporting people – from prison into the community – to both find and sustain work. There are examples of this work across England, including Recruitment Junction in the North East and Beating Time in the Midlands.
- There are also a number of specialist women's organisations, including Women in Prison and Together Women who operate women's centres within prisons, in addition to providing through-the-gate support.

## End notes

1. Roundtable attendees included representatives from Prisoners' Education Trust, Nelson Trust, Beating Time, Finding Rhythms, Koestler Arts, National Literacy Trust, StandOut, Imago Dei, 3SC, Traveller Movement, and User Voice.
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## End notes (cont.)

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## Our vision

Our vision is of a vibrant, independent and resilient voluntary sector that enables people to transform their lives.

## Our mission

To support, represent and advocate for the voluntary sector in criminal justice, enabling it to provide the best possible opportunities for individuals and their families.

## Join Clinks: be heard, informed, and supported

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