



## **Reducing Reoffending Third Sector Advisory Group (RR3)**

**5<sup>th</sup> December 2017**

The Ministry of Justice, 102 Petty France, London, SW1H 9AJ

### **Present**

Anne Fox – *Clinks*

Beverley Williams – *Home Group*

Chloe Elsley – *Ministry of Justice*

Diane Curry – *POPS*

Emma Wells – *Community Chaplaincy Association*

George Barrow – *Ministry of Justice*

Jacob Tas – *Nacro*

Jeremy Crook – *Black Training and Enterprise Group*

Laura Seebohm – *Changing Lives*

Louise Collins – *Ministry of Justice*

Max Rutherford – *Barrow Cadbury Trust,*

Mohammed Hanif – *Arooj*

Nathan Dick – *Clinks*

Nicky Park – *St Giles Trust*

Peter Dawson, *Prison Reform Trust*

Oonagh Ryder – *Clinks*

Richy Cunningham – *Newcastle and Gateshead Fulfilling Lives*

Riana Taylor – *Circles UK*

Rod Clark – *Prisoners' Education Trust*

### **1. Welcome and introductions**

- 1.1. The group noted their thanks to Matt Wall and Barbara Natasegara, who have stepped down from the group due to moving into new positions, for their work on the group.
- 1.2. Anne Fox introduced Emma Wells from the Community Chaplaincy Association, attending the group as an observer today.
- 1.3. Apologies were received from Bettina Crossick – *HM Prisons and Probation Service (HMPPS)* Christopher Stacey – *Unlock*, Jess Mullen – *Clinks* and Linda Bryant – *Together for Mental Wellbeing*.
- 1.4. Katie Pettifer, sponsor of the RR3, has left her position in the Ministry of Justice (MoJ) and will be replaced in January by Phil Douglas. Phil will continue to engage with the RR3 group and meet with them as soon as possible

### **2. Policy update**

#### **2.1. Prison reform:**

- 2.1.1. There are plans to refresh the *Prison Safety and Reform* white paper but there isn't a timeline for this. There is currently work going on to develop metrics and performance measures, as well as workforce recruitment and training.
- 2.1.2. There is now a [new urgent notification mechanism](#) for HM Inspectorate of Prisons to notify the Secretary of State about serious failings in prisons. It allows Her Majesty's Chief Inspector of Prisons to directly alert the Lord Chancellor and Secretary of State for Justice if he has an urgent and significant concern about the performance of a prison. The process requires the Secretary of State to publish his response and a plan

of action within 28 days. There will then be a longer term plan for sustained improvement.

- 2.1.3. The group emphasised the importance of being clear about lines of accountability in the MoJ and considering this in relation to other developments. For example, this structure will affect a range of services such as the upcoming education contracts.

## 2.2. Probation:

- 2.2.1. The Ministry of Justice probation review has now moved into work being done under the Probation Programme, led by Luke Taylor and Jim Barton with a Probation Programme Board. Phil Douglas is the Senior Responsible Officer. The group asked if the Terms of Reference for this board could be shared with them to provide clarity around structure, aim, reporting lines and overarching vision.

ACTION 1: Anne Fox to contact Jim Barton and Luke Taylor to ask if the Terms of Reference for the Probation Programme Board can be shared with the RR3 group.

- 2.2.2. In HMPPS Ian Poree is the senior business manager for the Community Rehabilitation Company (CRC) contracts. He will be looking at the contract review point and the re-design of contracts for the future.

- 2.2.3. The group raised a concern about lack of clarity for some National Probation Service on the split between MoJ and HMPPS, suggesting there is confusion about the line between policy and operations.

2.3. **Employment:** Employment strategy is still being developed.

2.4. **Women's strategy:** The Advisory Board on Female Offenders is tomorrow. There is no set date for publication of the strategy at this point.

2.5. **Mental health:** Linda Bryant has been appointed on to the advisory panel for the [Mental Health Act Review](#) as a member of the RR3. She will report back to the group.

ACTION 2: Oonagh Ryder to add an update from Linda Bryant on the Mental Health Act review to the agenda for future RR3 meetings.

## 2.6. Voluntary sector secondees to the MoJ:

- 2.6.1. Alison Thorne, from Together for Mental Wellbeing, the successful secondee for policy on young adults, is still waiting for security clearance at the MoJ.

- 2.6.2. Justin Russell, Director General of Offender Reform and Commissioning (MoJ), is keen on finding ways for the voluntary sector to be involved in policy making. There may be other, more flexible ways to do this, which the RR3 group will continue to consider. For example, Clinks may be able to work on a sub-contracting basis to make payment for using consultants from the voluntary sector simpler. It would be useful to have a list of MoJ priority policy areas so the group can consider how to engage voluntary sector expertise on each area.

- 2.6.3. Clinks is looking at inviting more small organisations to meetings with MoJ officials to discuss their experience directly.

ACTION 3: George to provide a list of MoJ priority policy areas.

## 2.7. Farmer Review:

- 2.7.1.** HMPPS and MoJ have now produced an implementation plan which has been shared with Lord Farmer and Clinks. Clinks will share this with the sector once it is approved by MoJ.
- 2.7.2.** The implementation is being driven and overseen by the Family Services Working Group within HMPPS, which Richard Nicholls from Clinks sits on for the voluntary sector. Families organisations feed in to this through Clinks.
- 2.7.3.** Clinks is meeting with Lord Farmer to discuss his involvement in the implementation.

### **3. HMPPS grants programme**

- 3.1.** There are five strategic grants in this year's grant programme, ranging in size and focus, the shortest grant being two years long. National Prison Radio are receiving a direct grant due to the ownership of their equipment.
- 3.2.** The grant process was delayed because of difficulties in getting strategic grants approved under the new split between HMPPS and MoJ, as well as closer monitoring of spending in the MoJ.
- 3.3.** The group welcomed the continuation of the grant programme and asked how the Public Sector Equality Duty is applied in the programme. The group agreed to ask if specific work was asked for around protected characteristics in all grants.

**ACTION 4:** Oonagh Ryder to ask Bettina Crossick if specific work on protected characteristics is included in all grants.

- 3.4.** Clinks has posted a blog with all the info about the grants.
- 3.5.** The group highlighted that small organisations are often put at a disadvantage in the grants process, even as incumbent providers, due to a lack of knowledge and understanding about the process.
- 3.6.** Bettina has written a paper on the proposed innovation grants, taking on board feedback from the RR3. There will be a programme board meeting about this proposal.

**ACTION 5:** Group to contact Oonagh Ryder with any questions for Bettina Crossick about the innovation grant in the next two weeks.

- 3.7.** Bettina is happy to facilitate a meeting to bring together the current grant winners to share learning from their projects.
- 3.8.** There is a report on the outcomes and outputs of last year's grant. Clinks will share this when possible. There is learning from Clinks' work in HMP Ranby and in the North East. Experiences in different areas of the country have been very different, due to the reform prisons.
- 3.9.** The tender for the infrastructure grant, which Clinks currently holds, specifies that the RR3 will continue.
- 3.10.** The group asked if there is an evaluation process for organisations delivering the grants and how this will be overseen. Clinks has been encouraging the development of a process for this and for RR3 to have a role in this.

**ACTION 6:** Clinks to talk to Bettina Crossick about learning from the innovation grants and then sharing with RR3 group.

#### **4. Prison Estates Transformation Programme**

Officials from the Ministry of Justice Prison Estates Transformation Programme gave a presentation on the MoJ's Prison Estate Transformation Programme, updating on developments in changes to the function of a number of prisons.

ACTION 7: Oonagh Ryder to send Powerpoint slides of the PETP presentation out to the RR3 group.

##### **4.1. Principles and priorities of the programme:**

**4.1.1.** The Prison Estates Transformation Programme (PETP) aims to solve four key problems:

- The current estate is old, ineffective and costly to run. The aim is to replace this with new purpose built prisons.
- Prisons have complex functions and are trying to deliver all the necessary services to diverse populations in terms of risk levels and type of sentence. The aim is to simplify the estate.
- The supply of places is not aligned with the demands of the population. In particular, there is a big shortage of training places.
- Prisons are not able to access services for rehabilitation.

**4.1.2.** The PETP is based on the following priorities: closeness to home for those in resettlement stage and closeness to court for other prisoners. Prisons in high security or on the open estate will remain largely as they are. The women's estate is outside of the scope of the PETP team but there is a work stream to look at how to meet the needs of women through community prisons.

**4.1.3.** The prison estate is made up of three cohorts of prisons: Reception prisons, training prisons and resettlement prisons. Within this there are four sub-cohorts of prisons to hold specific groups of prisoners: sex-offenders, foreign national prisoners, women and young adults.

ACTION 8: Oonagh Ryder to invite PETP officials to RR3 meeting to discuss women's estate.

**4.1.4.** The PETP is using technology to improve efficiency and safety. Steps are being taken to ensure that more people appear in court by video link rather than in person. The MoJ consulted prisoners in Wandsworth about the benefits of this and the change was welcomed. MoJ is also putting together a video to help the judiciary understand the change.

**4.1.5.** The group raised concern that the principles upon which the PETP was based on weren't consulted on and don't necessarily match the needs of the people in prison or their families. For example, evidence shows that staying close to home all the way through a prison sentence is more important than being on an offender training programme. PETP team said that the aim of the programme is to look at how to use the existing estate in the best way and that they are considering opportunities to use technology for family ties.

ACTION 9: Anne Fox to speak to Nepacs about their experience with re-rolling in the North East and feed back to the RR3.

- 4.1.6.** Anne Fox highlighted existing evidence on the importance of closeness to home for family ties.

ACTION 10: Oonagh Ryder to send evidence from the Farmer Review on family ties and distance from home to the PETP team.

- 4.1.7.** The group suggested that changes in function will have a significant impact on resources in some prisons, which will impact on voluntary organisations. Members highlighted a recommendation made in the RR3 paper, *Prison reform and the voluntary sector*, to consult with the voluntary sector around changes to the estate and asked what the PETP team would do to implement this. The PETP team said there are commercial constraints on what they can talk about but that service design should be consultative.

- 4.1.8.** The group suggested that service user voice and peer research is very important in decisions about the estate and may be useful to foresee problems. Peer to peer research often provides better evidence as prisoners are able to be more open with peers than with government or academics.

ACTION 11: RR3 group to provide feedback to the PETP team on how they can engage with the voluntary sector and its service users.

#### **4.2. Changes so far:**

- 4.2.1.** The PETP team contacted all governors at the end of October to advise what their prison's individual function would be by 2021. In some cases prisons will have more than one function. All reception prisons will also have a small resettlement function to ensure that there is a core workforce for the prison. HMPs Berwyn and Norwich will continue to provide all three functions due to their geographical location
- 4.2.2.** Two prisons went live on 31<sup>st</sup> May as reconfigured sites. HMP Durham has re-rolled to a reception prison and HMP Holme House to a training prison.
- 4.2.3.** Increase in remand prisoners has led to an additional impact on HMP Durham. PETP team has deal with this by increasing the number of Video Conferencing Suites. This is a better approach for prisoners as it minimises disruption to the regime and gives time back to them. Since the re-roll of HMP Durham, court appearances by video links have increased from 250 per month to 600.
- 4.2.4.** The NHS also piloting a recovery cohort at HMP Holme House.
- 4.2.5.** The group asked if the re-roll of HMPs Durham and Holme House has had an impact on probation providers. The PETP team said that there are still lessons to be learnt from the re-rolling and resources for Offender Management are an issue.

#### **4.3. Children and young adults:**

- 4.3.1.** The group raised concerns about the lack of youth custody provision in the North West, impacting on family ties. The PETP team said they are doing work on young adults, aiming to ensure those in resettlement prisons are close to home.
- 4.3.2.** The group highlighted the Justice Committee's recommendation of a specific approach to young adults (18 – 25 year olds) and asked how this evidence base is being taken into account. The PETP team said they have engaged with the inspectorate on this and offered to meet with RR3 members individually to discuss the issue.

#### **4.4. Next steps**

**4.4.1.** The PETP team is now working with other prisons. HMPs Wandsworth and High Down. Wandsworth is to become a reception prison and High Down a training prison. These are due to go live in around mid-April 2018. Wandsworth now has a new video conferencing suite, with plans to use video for lots of stakeholders.

**4.4.2.** The group asked about the wider impact of re-rolling Wandsworth, as the prison will start to send on more prisoners to other prisons. The group also asked if there were any targets to ensure that people in resettlement prisons were held close to home to improve family ties. The PETP team said that the initial modelling took into account closeness to home for those in the resettlement cohort, but that they were unaware of any targets. PETP said that those in training prisons may be held further from home.

ACTION 12: PETP team to feedback to the group on whether there are targets to limit distance from home for prisoners.

**4.4.3.** The group suggested it would be useful to have a document outlining all the upcoming re-rolls, to enable organisations working in prisons to prepare and to support governors in adapting to the changes. The PETP team said they can provide details of which prisons will be changing function.

ACTION 13: PETP team to provide details of which prison will be changing function. Clinks to share this with the group and consider how to share this with the wider sector.

ACTION 14: Clinks to consider arranging an additional session on PETP.

ACTION 15: PETP to circulate their functional mailbox email.

#### **5. RR3 work update**

**5.1.** At the previous RR3 meeting, the group asked if the Female Offender team at the MoJ are planning to consult with organisations about the specific issues facing black, Asian and minority ethnic (BAME) women. Catherine Bennion (MoJ) said that they would do this through the Advisory Board on Female Offenders (ABFO). Anne Fox agreed to speak to Norma Hoyte, PLIAS resettlement about representation on the ABFO as she's been invited to join.

ACTION 16: Anne Fox to update on conversation with Norma Hoyte on BAME representation on the Advisory Board on Female Offenders at next RR3 meeting.

**5.2.** Oonagh Ryder, Nathan Dick and Lynn Kelly (Partners of Prisoners) met with Simon Marshall at the MoJ to discuss the RR3's paper on lessons learnt from the family services commissioning process. Simon was keen to develop a workshop in partnership with Clinks to deliver to MoJ staff on good practice in commissioning. Anne Fox and Oonagh Ryder have a meeting with MoJ procurement and commissioning officials on 14<sup>th</sup> December. Four members of the RR3 group are meeting with Sam Gyimah on 22<sup>nd</sup> January to discuss this.

ACTION 17: Oonagh Ryder to circulate the names of people who attended the December 14<sup>th</sup> meeting at the MoJ on the commissioning paper.

#### **6. Update on meeting with Sam Gyimah about probation**

- 6.1. Three members, chair and Clinks met with the Minister for Prisons and Probation, Sam Gyimah, on 27<sup>th</sup> November to discuss principles for an effective probation system and how the voluntary sector can support the probation journey.
- 6.2. The Minister was frank about the problems in probation and keen to look at how the voluntary sector can support solutions.
- 6.3. The group highlighted that due to Transforming Rehabilitation the voluntary sector had been asked to deliver work that doesn't reflect its core mission. The group also emphasised that good practice may have been lost by the time the current probation contracts come to an end, due to organisations closing down or moving out of criminal justice as a result of the probation reforms.
- 6.4. Jim Barton and Ian Poree (HMPPS) have requested to attend the next RR3 meeting to discuss probation.

ACTION 18: Oonagh Ryder to put probation on the agenda as the key focus of at the next RR3 meeting.

ACTION 19: RR3 members to send updates on Special Interest Group activity to Oonagh Ryder.

ACTION 20: Oonagh Ryder to circulate updates on Special Interest Group activity to RR3 groups.

## **7. Update on the implementation of the Lammy Review**

- 7.1. George Barrow informed the group that Digby Griffiths, HMPPS executive director of assurance and rehabilitation is chairing the Grants Board that decides the HMPPS grants strategy and governance, and the HMPPS Equality Committee and is interested in thinking about BAME equality in relation to grants.
- 7.2. Anne Fox and Jeremy Crook have been offered a meeting with Phillip Lee, Minister for Youth Justice, Victims, Female Offenders & Offender Health, in response to their letter to David Lidington and Theresa May.
- 7.3. The government response to the Lammy Review will be published very soon. It is positive overall and where it has been deemed not possible to deliver the letter of recommendations, it attempts to deliver the spirit.
- 7.4. Statistics on race and the criminal justice system were published last Thursday.
- 7.5. There isn't the parliamentary time to bring fresh legislation on deferred prosecution, which would be required to implement Lammy's recommendation on rolling this model out nationally. The MoJ would like to look at doing a wave of pilots in certain areas. This wouldn't be aimed specifically at a BAME cohort, but the MoJ would look to pilot this in areas with a significant BAME population.
- 7.6. The MoJ plans to create a Race Disparity Board, chaired at Director General level. This will have director level representation for each directorate with responsibility for a recommendation, bringing them together to hold them to account and co-ordinate them. The board will update the Criminal Justice Board, which is chaired by the Secretary of State for Justice and also includes the Home Secretary, the Attorney General and the Senior Judiciary. There is an interministerial board set up by the Race Disparity Unit, chaired by Damien Green and Sajiv Javid. The MoJ will liaise with other departments that may or may not have an interest in the agenda. The department is keen for the Race Disparity Board to

be a business-focused board and feels it should not have people external to government, so it can hold people to account.

- 7.7. The group asked how robust Lammy's 'explain or reform' principle will be and how thorough agency's explanations will have to be in order to avoid reforming. George said that the board will be a mechanism for reviewing the legitimacy of explanations for disproportionality.
- 7.8. The group highlighted the need for leadership and for a strategic response to the Lammy Review. Members suggested that the MoJ needs to have a better understanding of the review's stakeholders in order to ensure that those making decisions about thresholds in relation to 'explain or reform' are accountable.
- 7.9. The group asked how reform in relation to the review would be measured. George said that each recommendation would be a pathway and be populated with milestones. He emphasised the need to embed the work across the department. This won't have clear timeframes but will be a sustained process.

## 8. Group discussion on the voluntary sector's role in supporting the implementation of the Lammy Review?

### 8.1. Improving outcomes for BAME people:

- 8.1.1. The voluntary sector should focus on improving conditions in prison for BAME people through making the case to governors.
- 8.1.2. Voluntary organisations need to develop a better understanding of what works for BAME service users and develop better partnership work with BAME organisations.
- 8.1.3. The voluntary sector shouldn't go down the route of collecting data without acting on it. The sector should ensure that they are securing positive outcomes for BAME people at every stage of the criminal justice system.
- 8.1.4. One of the least diverse areas of the sector is funders. Funders could contribute to the change but very few funders focus on race. Barrow Cadbury Trust now requires all projects to consider BAME equality and turns down those that don't.
- 8.1.5. Parts of the voluntary sector may wish to address disproportionality as a matter of urgency. For example, 98% of people the restorative justice sector works with are white.

### 8.2. Advocacy and influencing:

- 8.2.1. The sector should use the momentum of the Lammy Review but not be constrained by it. We should focus on where we think the biggest disparities are. The sector needs to keep highlighting where agencies' response is inadequate, such as the Youth Justice Board's lack of focus on BAME children.

### 8.3. Staff training:

- 8.3.1. The sector needs to go further in its recruitment practices to increase diversity in staff. It needs to actively reach out to BAME people and ensure that all staff receive equality and diversity training. Organisations should publish their staff diversity information.

### 8.4. Supporting the BAME voluntary sector:



**8.4.1.** Mainstream voluntary sector organisations should consider making space for the BAME voluntary sector by not competing against them.

**8.4.2.** Clinks could support the BAME voluntary sector to move into criminal justice.

**8.5. What does the voluntary sector need to do this?**

**8.5.1.** Organisations need resources to support better recruitment processes.

**8.5.2.** Section 159 of the Equality Act 2010 allows for positive action in recruitment but is very rarely used by organisations. This could be useful particularly for middle to senior level jobs.

**8.5.3.** Organisations in areas with small BAME populations often have a gap in their skills. Learning could be shared between areas.

**8.5.4.** Training from people with experience of the system and discrimination can be very valuable.

**9. Update on RR3 Special Interest Groups (not discussed in meeting but provided as written updates)**

**9.1. Special Interest Group on accommodation for people in contact with the criminal justice system:** The group has met twice since the last RR3 meeting. The group recommends that the MoJ develop an accommodation strategy and is working to provide written feedback to the department to highlight barriers to accommodation and how these can be addressed. The group also plans to engage people with lived experience in its work.

**9.2. Special Interest Group on substance misuse and addiction:** The group held a one-off roundtable on 11<sup>th</sup> October. The notes will be published before Christmas and a paper will be developed in early 2018 summarising the challenges in the sector and ideas for improvement.

**9.3. Women's Networking Forum:** Laura Seebohm met with Clinks staff Nicola Drinkwater, Kate Aldous and Nathan Dick to plan activity for this group. The forum meetings will continue quarterly and Laura is also having one to one meetings with women's sector organisations to support her work on the RR3 group.

**ACTION 21:** Oonagh Ryder to send out RR3 recruitment information to the RR3 group.