

March 2017



CLINKS
RESPONSE

Response to Her Majesty's Inspectorate of Prisons public consultation on new Expectations for adult male prisons

About Clinks

Clinks is the national infrastructure organisation supporting voluntary sector organisations working in the Criminal Justice System (CJS). Our aim is to ensure the sector and those with whom it works are informed and engaged in order to transform the lives of offenders and their communities. We do this by providing specialist information and support, with a particular focus on smaller voluntary sector organisations, to inform them about changes in policy and commissioning, to help them build effective partnerships and provide innovative services that respond directly to the needs of their users.

We are a membership organisation with over 500 members, including the voluntary sector's largest providers as well as its smallest. Our wider national network reaches 4,000 voluntary sector contacts. Overall, through our weekly e-bulletin Light Lunch and our social media activity, we have a network of over 15,000 contacts. These include individuals and agencies with an interest in the CJS and the role of the voluntary sector in rehabilitation and resettlement.

Clinks also manages the National Criminal Justice Arts Alliance, which is the leading national network supporting the arts in criminal justice.¹

For more information see www.clinks.org

About this response

Her Majesty's Inspectorate of Prisons (HMIP) is an independent inspectorate with a statutory duty to report on the treatment and conditions of people detained in prison. It conducts its inspections using a set of criteria known as Expectations, which are underpinned by international human rights standards.

The Expectations for adult male prisons were last revised in January 2012. In light of the new prison reform agenda and evolving human rights standards, HMIP decided in 2016 to review this set of Expectations to ensure that they continue to reflect and maximise the impact of inspections in improving outcomes for adult men in prison. Clinks' Chief Executive Officer, Anne Fox, was invited to join the external advisory group convened by HMIP to provide expert advice and guidance during the review period.

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In January 2017 HMIP published its draft revised Expectations and launched a public consultation, with feedback requested by 17 February 2017.² In order to ensure the active involvement of voluntary organisations in this process and to inform a comprehensive response to the review, Clinks was delighted to work with HMIP to hold three consultation events on the revised Expectations. We also invited voluntary organisations to share their own written responses with us, and received copies of those submitted to HMIP by the National Criminal Justice Arts Alliance³ and the Prisoner Learning Alliance,⁴ an alliance of 23 organisations concerned with prison education, learning and skills that is hosted by Clinks' member the Prisoners' Education Trust.⁵

This response collates and summarises the key feedback – the main points of consensus among voluntary sector participants during structured, noted discussions – from all the consultation events, together with the written material that we received. We would very much like to thank everyone who participated in the events or contributed their views.⁶

About the consultation events

In total, 95 individuals participated in three consultation events held in London, Manchester and Cardiff in January 2017, including:

- 70 representatives of voluntary organisations, reflecting the diversity of the sector working in prisons in terms of organisational size, location and remit
- 14 staff from a range of departments within prison establishments
- 11 representatives of other interested bodies including Public Health England, NHS England, universities and colleges, the Office of a Police and Crime Commissioner, and human rights organisations.

Each event focused on three key themes and invited discussion of specific questions about them. This response is structured around the same themes and questions, as follows:

Theme 1: How HMIP expects prisons to work in partnership with the voluntary sector

- What encourages good partnership working?
- Do the Expectations reflect the importance of this to improving outcomes for people in prison?

Theme 2: Equality, diversity and faith

- Do HMIP's Expectations fulfil their responsibilities under equalities legislation?
- Is anything missing?

Theme 3: The shape of the HMIP Expectations – the four tests and their content

- What is important in prisons?
- Do HMIP's Expectations miss anything?

Where the response refers to one of the numbered Expectations in HMIP's draft document, we provide the relevant number in the text, e.g. [E72].



Overview

The voluntary organisations that participated in our consultation events welcomed the opportunity to engage directly with HMIP in reviewing their Expectations of the adult male prison estate. The events provided an especially important opportunity to discuss with HMIP the role of voluntary organisations as partners in delivering the Expectations and as active contributors to future inspections.

Participants considered it very important for the Inspectorate to retain its independence and to maintain its primary focus on human rights and on upholding the international standards set out in the United Nations Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).

Discussion focused not only on the detail of the revised Expectations but also on the approach taken by inspectors when evaluating the performance of individual establishments. The feedback focused as much on how HMIP's inspection methods could usefully test prisons against the proposed Expectations, as on identifying any deficiencies in the Expectations themselves. Participants understood HMIP's need to evaluate how each regime responds to the distinctive profile of its own population and that this could result in different Expectations being given particular weight or attention in different prisons. They also recognised that HMIP's Expectations need to be capable of responding to the varying levels of service and standards of different establishments; these are often dependent on external factors as well as internal leadership, staffing and the physical constraints of the buildings, for example geographical location, whether private or public sector prisons, etc.

Participants were mostly in agreement that each prison should not be given a single overall grading by HMIP following inspection, and that a nuanced assessment against each of the four tests remains important. Many participants thought however that achieving a defined standard on the Safety test (Section 1) should be an absolute requirement for every prison, because ensuring the safety of everyone in the prison is so fundamental to the health and effectiveness of the establishment. It was also thought there should be a greater emphasis across all four tests on meeting and exceeding mandatory requirements, for example by stating under each Expectation that, 'In the better prisons, as well as meeting their statutory duties, we find...' This might be further supported by clearly referencing the relevant statutory duties.

There was widespread agreement that HMIP reports should be capable of triggering action by the Secretary of State to enforce standards where a prison is considered to be fundamentally unsafe, or where prisons are persistently failing to meet any or all of the four tests to a mandatory/satisfactory standard in successive inspections.

While voluntary organisations felt that anyone working or volunteering in prison would benefit from familiarity with the Expectations, they thought it should be made very clear that the HMIP's suggested indicators of 'better prisons' are not intended as an exhaustive list of good practice. In the best prisons it is expected the governor will involve all partners in developing and monitoring a joint plan to deliver the Expectations, thereby enabling every partner to think about their own contribution as well as what support they might need from the establishment. This could help to dissolve the inevitable tensions that arise between organisations focused on their own individual objectives, and contribute to a truly co-active partnership and multi-disciplinary approach focused on achieving better outcomes for people in prison.

Theme 1 / **How HMIP expects prisons to work in partnership with the voluntary sector**

What encourages good partnership working?

Many voluntary organisations talked about their current frustrations with regard to partnership working in prisons and the problems they encounter daily in relation to basic issues such as:

- Vetting
- Induction
- Safety and radio training
- Key user permissions
- Clearance to use P-Nomis and OASys
- Availability of work and storage space
- Access to information and communication technology (ICT) facilities, including those that support prisoner learning
- How they are treated by prison staff at Reception
- How they gain access to the people they are in the prison to work with.

These issues often result in slow start-up of new projects, inefficient sequencing of activities, potentially unsafe working for everyone, and poorer outcomes for people in custody.

Strong leadership from governors and a shared vision

Participants all agreed that these issues can only be overcome through better strategic engagement between prisons and their voluntary sector partners. Strong leadership from governors is seen as the key to achieving this. A whole-prison approach and a whole-team culture are needed, with governors being clear about the vision for their prison and the range of resources that the establishment needs to deliver its mission. This should result in a shared vision and values between each prison and its partners, providing clarity about objectives, transparency, risk management and accountability, and offering scope for innovation.

Equality of partners

The partnership agenda needs to be led from the top and embedded into prison culture, with partner agencies being helped to become part of the prison's senior management/governance structure—treated as equal colleagues but having their distinctive (non-enforcement) roles understood and respected. Several examples were given of good practice in this area, including monthly meetings led by a prison's Head of Reducing Reoffending, bringing partners together with staff from health, education, Offender Management Unit (OMU) and the Community Rehabilitation Company (CRC) to share information and resolve issues.

Preparation and co-ordination

Participants thought that prisons need to provide better preparation and co-ordination for voluntary organisations, to enable safe and effective working. This should include a robust induction policy and access to staff training, including how to reduce risks of suicide and self-harm. Any Compact or Service Level Agreement should be practical rather than just setting out minimum standards for delivery, including clear guidelines around data sharing. These agreements should also be reviewed regularly to ensure that they address the changing needs of the prison population and any relevant concerns about safety and security.

The key role of the voluntary sector co-ordinator

There was a unanimous view that dedicated prison staff or a commissioned voluntary sector co-ordinator should be embedded in every prison, responsible for co-ordinating all partnership services and activities and developing and maintaining relationships between the prison and its voluntary sector partners. It is important for everyone – including HMIP – to know who is responsible for partnership co-ordination, otherwise prison staff may be slow to recognise problems and respond if services start to become fragmented through lost resources or partners' diminished capacity to deliver.

Awareness of voluntary organisations and their services

A co-ordinated approach to partnership services should result in a good awareness by prisoners and staff of what support is available, with robust referral processes in place. Induction is seen as a key opportunity for people arriving in the prison to be made aware of/make contact with voluntary organisations. Overarching staff training (both induction and refresher) is also important in raising awareness of partnership services and how those services strengthen and support an individualised approach to rehabilitation and reducing re-offending strategies. The best prisons are thought to manage this well.

An effective communication framework

Some voluntary organisations spoke about the tensions that have arisen since implementation of the Transforming Rehabilitation reforms between prison staff, contracted CRC providers, the National Probation Service and other providers, including voluntary organisations delivering non-contracted services.⁷ They cited instances of voluntary organisations being stopped from providing services in prisons, some after working for years in a specific prison with external funding from other sources such as Big Lottery/the local authority. These organisations commented that this was due to confusion between prison and CRC staff as to who should be responsible for commissioning and co-ordinating services. Such problems inevitably impact on the quality and consistency of the support provided to people in prison and on their outcomes.

Participants therefore highlighted the importance of an effective communication framework for multi-agency working between statutory providers, stakeholders and voluntary sector organisations across all disciplines (e.g. prison, health contracts, CRC contracts and additional services). This should include baseline standards and expectations including centralised recording of interventions to evidence impact and outcomes. The focus must be on honest information sharing to build trust and enable better co-ordination of services.

Achieving seamless partnership working

The prison reform white paper has promised to give autonomous governors greater control over all the work that is done in their prisons, including resettlement support delivered by CRCs, in order to achieve more seamless partnership working. Future inspections will therefore need to assess how well all partners, including CRCs, are working collaboratively with the governor and with each other to achieve positive outcomes. This will require HMIP to explore whether the governor has set clear expectations for all services provided in the prison, ensuring that different partners are aware of each other and are working collaboratively to minimise duplication, identifying strengths/weaknesses/gaps in provision, and sharing information and good practice.

Supporting innovation

Participants thought the better prisons would in future encourage innovative partnerships to deliver interventions over and above the resettlement services commissioned by the CRC. For example, these might include specialist disability/health support groups, abuse support,

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family and relationship support. It was also thought governors should now be building stronger links with statutory agencies and community organisations outside the prison, allowing the community in and supporting engagement with people on release. They could also offer improved research opportunities and develop their service user and family involvement, to evidence the effectiveness of approaches and to support the future commissioning of services.

If all these behaviours could be highlighted by HMIP in the Expectations and explored in greater depth during inspections, it would give a clear message to governors/commissioners about the importance of engaging in and supporting fruitful partnerships, over and above those conducted through the CRC.

Do the Expectations reflect the importance of partnership working to outcomes for people in prison?

Embedding partnership working in the Expectations

Generally participants thought the Expectations should place more emphasis on the importance of good partnership working and its critical role in supporting improved outcomes for people in prison. This should be embedded into all four tests, with evidence of good leadership and co-ordination of partnership working being an expectation from early days in custody right through to planning for release and beyond.⁸

Support to the most vulnerable

It was also thought the Expectations should stress the importance of partnership working in providing support to the most vulnerable prisoners, including those at risk of suicide or self-harm, and of ensuring robust communication, reporting and escalation procedures.

Clarity about the outcomes of partnership working

Some participants thought the Expectations should set out much more clearly what, in HMIP's terms, constitutes a good outcome for people in prison, and how partnership working contributes to that. With the exception of Section 4: Preparation for release, the focus of the Expectations is very much on partnership work delivering outcomes within the immediate prison environment as people experience it on a daily basis. Voluntary organisations, by contrast, talked more about the focus needing to be on active partnership work to support each individual's journey to desistance, thereby improving rehabilitation outcomes.

Overall it was hoped HMIP inspectors would now do more to identify and involve voluntary sector partners in the inspection process and to review how well each prison is meeting the Expectations around partnership working. HMIP should be able to find out quickly what voluntary organisations are active in the prison and how the voluntary sector is being looked after and valued. Better prisons would be readily able to provide this information and facilitate access to their partners. Involving voluntary sector partners in the inspection would also allow greater exploration of what is happening in the prison beyond the minimum, and what is really being done to support desistance and affect outcomes. The sector would very much welcome this opportunity.

Theme 2 / Equality, diversity and faith

Do HMIP's Expectations fulfil their responsibility under equalities legislation?

Participants recognised equality, diversity and faith as a hugely complex issue for HMIP, with so many people in prison having diverse needs that often make competing demands on limited prison staff time and resources. They agreed that the Expectations do broadly fulfil HMIP's responsibilities under equalities legislation and welcomed the overarching Expectation that 'those with protected characteristics and any other minority characteristics are treated equitably and according to their individual needs' [E40].

Mainstreaming equality, diversity and human rights duties

Some thought however that the requirement to meet equality duties and respond to diversity should be reflected throughout the Expectations document, and not just in this dedicated section, in order to drive improved behaviour across all four tests. Others said they would like to see the Human Rights Act mainstreamed through the Expectations, as well as the Equalities Act. This is because the Human Rights Act imposes legal duties on prison staff. Referencing it could therefore helpfully strengthen the Expectations in areas such as respect and dignity, as well as equalities and diversity.

Minimum standards

While participants were generally pleased to see a move in the proposed Expectations away from the previous tick box approach to inspections and towards a more aspirational approach, in relation to equality, diversity and faith they voiced particular concerns that this could result in some boxes— including those that are statutory requirements rather than aspirations— not being ticked at all. They therefore thought that the indicators of 'better prisons' would be better expressed in this section as minimum standards, and that inspections should focus on how well these standards have been addressed. For example, some participants highlighted an 'appalling gap' in the way the needs of foreign national prisoners are met and felt that all establishments should be routinely expected to satisfy the aspirational statements attributed to better prisons.

Challenging racism

Participants talked about the challenges of dealing with an institution and working culture where discrimination is endemic and there is a widespread lack of understanding of what is acceptable in terms of language and behaviour. Racism and lack of understanding of protected characteristics were thought to have persisted more in the prison environment than in community settings. This needs to be continually challenged—including by HMIP—and highlighted as unacceptable practice, with greater enforcement of policy and procedures at an establishment level, and an expectation that prisons are making increasing efforts at pro-social modelling through their recruitment and training strategies and support for whistle blowing.

The physical environment

Some talked about the structural barriers faced by older, ill-adapted prisons in meeting their equalities duties. They felt that, in fulfilment of its responsibilities under equalities legislation, HMIP should be collating a picture of how far prisons are physically capable of responding to the needs of their populations and, if not, whether there is an adequate move-on strategy or an investment plan to address the identified issues. Others highlighted that visits areas may also require adaptation or be poorly located, involving long walks for people in prison, their families and other visitors – all issues that HMIP should be considering during inspection.

It was recognised however that some prisons are less discriminatory and may provide easier access to services than is found in the community. For example one participant noted that, 'It is often the case that black, Asian and minority ethnic individuals have to be criminalised to receive access to mental health services'.

Is anything missing in terms of equality, diversity and faith?

Staff training

Although staff training is mentioned in the equality, diversity and faith section of the Expectations, participants thought there should be a greater emphasis on ensuring that all staff are proficiently trained in equalities and diversity, including more around hidden disabilities such as learning disability and mental health. One participant said, 'It would be completely unacceptable for any organisation supporting vulnerable people not to have the correct and appropriate training to support those people, so why is it acceptable for prison staff who are dealing with people with a range of often multiple needs?' Some also felt HMIP should be looking for evidence that people in prison are themselves being helped to develop their understanding of equalities and diversity issues and encouraged to support peers with protected characteristics.

Commissioning specialist support

Participants highlighted a lack of imagination and curiosity in prisons about what potential partners exist in the community to help the establishment support people with protected characteristics. As prison governors gain greater commissioning autonomy they should increasingly be expected to work with external partners and commission specific services and staff training to meet the diverse needs of their populations. They should also be working with other prisons to share expertise and jointly commission specialist support (for example adopting a clustered approach to meeting the needs of trans people in their care). This is an aspect of commissioning behaviour that HMIP will need to focus on in future inspections as the prison reforms are rolled out, and the Expectations should make this clear.

Inspecting each prison's systems

Participants thought every establishment's commitment, and reasonable efforts to meet the needs of people with protected characteristics, should be visible in the prison's systems, and therefore readily open to inspection. For example, it was thought HMIP inspectors could explore:

- What monitoring systems are in place to identify all those with protected characteristics and to record and report on how the prison is meeting their identified needs? What is their reliability and quality?
- At induction or transfer, are processes in place to identify needs, provide information (in alternative formats as well as written), signpost resources, share information appropriately and involve voluntary sector partners to provide appropriate support?
- How does the prison handle disclosures? Do all partners know how to respond to them? Is the response appropriate? Is support provided by trained staff, and how is the disclosure followed up? (Voluntary organisations often have disclosures made to them as a more trusted partner, but not all know how to report these issues or have good experience of matters being handled sensitively or well in terms of confidentiality).

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- Are there whistle blowing policies that people in prison and voluntary organisations can use, and are adequate safeguarding procedures, knowledge, training and monitoring systems in place? (Bullying is seen as a major issue for people with protected characteristics. It requires a systematised and vigorous response from the prison).
- Are searches and visits systems culturally sensitive and are they underpinned by an observation of decency? Are families actively supported with diversity issues?
- Are food and cultural practices observed?
- Is support provided for release back into cultural communities?

Meeting the needs of foreign national prisoners

Access to support for foreign national prisoners was particularly highlighted and it was felt that inspectors could very readily test this out by, for example, finding out how often the translator service has been accessed and trying themselves to access and use the service/language helpline.

Welsh language access

Participants in Wales highlighted particular issues around Welsh language access in prisons across the principality and identified this as a gap in the Expectations.

Opportunities for personal support

HMIP should also explore what arrangements are in place for support from well trained and managed peers, and what physical space is available for confidential conversations to take place between organisations and with individuals. People should have opportunities to explore and reflect on their particular circumstances and their own journeys of self-discovery, through sentence planning and reviews, especially in relation to faith, sexuality and relationships. These are all issues that could be further strengthened in the indicators of a better prison in E40.

User voice

HMIP should expect to find prison user voice work focused on the needs of the population. For example if the prison population is heavily weighted towards older or black, Asian and minority ethnic people, they should expect to see user voice well demonstrated in these areas. Service user voice and involvement typically need strengthening. A good indicator of better practice by prisons is that they work energetically and creatively to enable people with protected characteristics to raise issues, and often involve specialist voluntary organisations to help them, both by training staff and directly supporting people in custody to identify and voice concerns. This should be built into the better prison narrative for this set of Expectations.

Young adults

Participants welcomed the acknowledgement in the Expectations that prisons need to take account of the relative immaturity of young adults, but felt this term should be more clearly defined as referring to 18-25 year olds [E46]. It was felt that inspection should also take account of the level of trauma young adults experience when moving between the youth and adult prison estate, and assess the extent to which prison staff are aware of and responsive to this vulnerability.

Care leavers

Some participants argued that the needs of care leavers should be reflected more explicitly as a separate sub-heading within the equality, diversity and faith section, as the draft only refers to staff in better prisons meeting the 'needs and entitlements of young adults who have been looked after children' [E46]. It was thought the lasting impact of having been looked after was significant for adult men in prison too, and that this should be more fully recognised.



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Older people

There should be more detail in the Expectations [E47] to describe better practice in meeting the needs of older people in prison, to reflect the surge in their numbers in recent years and the particular challenges of providing them with appropriate regimes and meeting their health and social care needs effectively.

Chaplaincy support

In terms of chaplaincy support [E50], participants welcomed recognition in the Expectations of their pastoral role. It was pointed out however that some of the actions attributed to 'better prisons' are in fact statutory duties. It was therefore suggested that HMIP should re-phrase these statements to say, 'In the better prisons, as well as meeting their statutory duties, we find...'

A focus on individuals

In considering HMIP's overall approach to its inspection of equality, diversity and faith, participants said they would value an approach that focuses on individuals as well as clusters of people with protected characteristics, evaluating in greater detail how well an individual's particular needs have been met and what interventions have been made (including voluntary sector interventions). Are their outcomes poorer than those of other prisoners? If so, what reasonable steps could the prison take to meet their needs more effectively? This needs care however, to ensure that confidentiality is protected and that individuals or groups are not exposed to risk or bullying as a result of talking to inspectors.

Thematic inspections

It was also suggested that HMIP could undertake more frequent 'mini thematic inspections', to look at how well a sample of establishments are meeting specific equality, diversity and faith Expectations, and to drive improvements not only in those establishments but across the wider estate.

Overall it was felt the Expectations of strategic management [E36-39] could be further strengthened by requiring prisons to actively profile the changing needs of their diverse populations and make plans to meet the needs of those with protected characteristics. Prisons should be prepared and proactive and able to clearly explain what they offer, rather than being simply reactive to a person's situation or needs. One way of evaluating this would be for inspectors to routinely interview the named person/people in the prison with specific responsibilities to respond to the needs of those with protected characteristics.

Theme 3 / The shape of the HMIP Expectations: the four tests and their content

What is important in prisons?

Impact of the current prison crisis

Participants voiced a clear awareness and understanding that the current state of the prison crisis contributes significantly to the fire-fighting and reactive culture that they encounter across the estate. There was wide praise and acceptance of the fact that, despite the loss of many skilled prison staff with expertise and experience, there continue to be many good staff within the prisons who are working hard to provide a safe and decent environment. Participants therefore acknowledged that it is the current situation that is causing many of the problems experienced by voluntary organisations. They identified an important role for HMIP in reporting these supporting conditions, for example night staffing levels and the effectiveness of each prison's recruitment and retention strategies.

Prison leadership and staffing

There was widespread recognition of the central importance of good leadership in prisons, and the sharing of good practice that can take place through HMIP report recommendations. It was thought helpful that governors are now being given greater autonomy to be commissioners of services, to meet establishment needs at a local level. Equally important is the extent to which prison staff are motivated and supported to work proactively with prisoners, and given sufficient time for personal contact to build relationships with the people in their care.

Communication

Participants highlighted the importance of all aspects of communication, between prison staff and partners, staff and prisoners etc. For example, they cited the value of training for staff in negotiation and mediation rather than control and restraint procedures. They underlined the importance of attention to basics, such as having sign-in books on wings and the correct identifying information on each cell door, as well as protocols for the sharing of more sensitive information such as the provision of risk management and vulnerability information to voluntary organisations in the community on release. Effective communication and consultation with families are also considered high priorities, especially at a time when families are so fearful about the increased levels of violence and use of new psychoactive substances within prisons.

Guidelines and policies

It was thought important for every prison to have specific guidelines and policies in place addressing the Expectations in all four tests. These should include a robust decency agenda and policy, and clear safeguarding procedures and processes, to support prevention/early intervention strategies (particularly around the increasingly challenging issues of new psychoactive substances, debt and violence).

Participants stressed the importance of whole-prison strategies for reducing suicide and self-harm, including staff and organisational autonomy to take action, and training for prisoners to support others. There must also be clear and safe opportunities for staff and partners to report any potential staff corruption.

Access to facilities and more normalised opportunities

Ease of access to services such as the library was also viewed as essential, together with the provision of more normalised opportunities, e.g. for people to continue working or participating in group recreational or cultural activities in the evenings and at weekends (without risk of these being labelled as 'gang meetings').

Overall, participants talked about the importance of prisons acting as a community, with everyone working and living there—prison staff, partners, prisoners and their families – contributing positively and working together to achieve a safe and productive environment.

Do HMIP's Expectations miss anything within the four tests?

It was widely agreed that the proposed Expectations are very comprehensive and cover the main areas that are important and should be measured. However, it was also felt that prisons should only use the Expectations as a baseline set of standards and always try to improve and expand on them rather than just meeting them.

Setting a high bar in the Expectations

Some thought the Expectations do not set a particularly high bar, even in describing the better prisons, and that in most establishments the reality remains far below this aspirational level, for example in relation to time out of cell [E63]. They therefore stressed the importance of HMIP retaining its role in upholding compliance with OPCAT, in order to keep the bar as high as possible, and directly comparable with that of other civilised nations.

Prevention and early intervention

Many participants thought the Expectations should say more about the importance of preventative and early intervention strategies, to deliver better outcomes and a safer environment for people within prison. They called for a strengthened focus in inspections on the support provided within prisons to very vulnerable or suicidal people, including those with serious mental health problems. This should include HMIP highlighting situations where prisons are simply not equipped to meet the treatment needs of the people being routinely sent to them, and/or experience delays in moving them to a more appropriate setting. It should also include HMIP noting any added vulnerabilities arising from the protected characteristics of the people held in the prison, and the capability of the prison to address those vulnerabilities.

Ofsted's common inspection framework

Participants involved in delivering education, skills and work activities were concerned that the adoption in the Expectations of Ofsted's common inspection framework (Section 3) would give HMIP little scope to look at these issues more broadly. Employment as a key outcome was thought especially problematic. The reality is that many prisons have limited opportunities to improve the work chances of their populations, and may need to focus instead on developing job-ready skills and on building resilience as part of purposeful activity rather than just functional/vocational skills—a strengths-based approach that builds on existing skills and attributes. Many voluntary organisations provide important support to prisoners in developing life skills such as CV writing, self-catering and managing finances and, as strongly advocated by people in prison themselves⁹ and by Dame Sally Coates in her recent review of education in prisons,¹⁰ activities such as these should also be cited among those found in better prisons.

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The challenge of satisfying the Ofsted framework is especially great where prisons do not have populations directly comparable with further education colleges or adult learning centres. They may for example have significant numbers of older prisoners past state pensionable age, or foreign national prisoners. The Expectations need to reflect an awareness of this and look for other ways to measure the creativity of prisons in enabling purposeful self-development activities.

Access to ICT facilities to support learning, employment and family contact

While participants welcomed the acknowledgement in the Ofsted framework of the importance of the internet in supporting job searches and applications [E68], they would like the value of controlled access to ICT facilities to be recognised more fully within the Expectations. These should reflect the recommendations in the Coates Review, which have been accepted in full by the Government, that controlled access to the internet should be available for the purposes of education, training, employment, resettlement and family contact.¹¹

Reflecting the importance of arts activities

The arts organisations that attended the consultation events, and the written response shared with us by the National Criminal Justice Arts Alliance, voiced disappointment that the Expectations say so little about the importance of arts activities in providing opportunities for self-development, reflection and creative self-expression, as well as contributing to security.

There is ample evidence that involvement in creative activities supports desistance and rehabilitation in ways that go far beyond having recreational opportunities to 'use time out of cell constructively' [E64].^{12 13 14} They can also provide an effective means to engage with people who have disengaged from formal education and help them improve basic skills and progress to further education, training and employment.¹⁵ Participants therefore thought that there should be an additional or strengthened Expectation around people in every prison having opportunities for creative fulfilment and self-development through the arts.

Effective management of transfers between prisons

There was a request for greater recognition in the Expectations that people constantly arrive in and leave prisons – moving from and to other prisons as well as starting and finishing their custodial sentences. Inspection needs to reflect how well processes are managed not only to induct people and provide robust resettlement support through the gate, but also to prepare them to move to a different prison and enable them to sustain progress following transfer.

A focus on rehabilitation

Many participants also questioned why there was no significant mention of rehabilitation in the Expectations until Section 4: Preparation for release. While they very much welcomed the Expectation that 'Prisoners' needs are met by co-ordinated rehabilitation services' [E72], they felt that a focus on rehabilitation should inform the whole prison ethos, from induction onwards.

This should be reflected in an overarching Expectation, or by re-titling Section 4 as 'Rehabilitation and preparation for release' and strengthening references to a 'whole-prison' approach to rehabilitation. Inspectors could, for example, expect autonomous governors in the future to articulate their theory of change for rehabilitation (their own vision of what works) and how they commission and manage services to support it.¹⁶

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The rights of children

The rights of children, as well as those of prisoners, are considered key. E81 is very important in this regard and merits comprehensive inspection to improve practice and raise standards. Some thought opportunities for regular contact and relationships with children and families should be seen as a fundamental human right and be treated as a cross-cutting issue in the Expectations, rather than just being added into Section 4: Preparation for release. It was also thought there should be minimum standards for family services in prison, as a properly resourced pathway, and that these standards should be built into the Expectations.

Resettlement through the gate

Many comments were made about the importance of resettlement support and its variable quality and outcomes since the Transforming Rehabilitation reforms. While reasonably content with the proposed Expectations in this area, participants felt HMIP inspections should be focusing more specific attention on prisons' active support for work through the gate, for example in relation to their use of release on temporary license (ROTL)¹⁷ and access to volunteer and peer mentors.¹⁸ It was also suggested that HMIP should undertake more follow-up inspections jointly with Her Majesty's Inspectorate of Probation in order to evaluate the effectiveness of work done within prisons to facilitate good resettlement and reintegration into the family and community.

Legal references and specific guidance

Finally, participants would like the legal references for each Expectation to be re-inserted in the new version of the document, once finalised, to enable everyone in prisons to understand their statutory obligations as well as enabling them to be legally challenged. Some participants also asked for specific guidance to be referenced in the final document, to help prisons access the evidence and resources that will support lasting improvement.

End notes

1. For more information about the National Criminal Justice Arts Alliance, see: www.artsincriminaljustice.org.uk/author/ncjaa [last accessed 2/2/17]
2. Full details of the public consultation on new Expectations for adult male prisons, and the draft revised Expectations, are online at: <https://consult.justice.gov.uk/her-majestys-inspectorate-of-prisons/new-expectations-for-adult-male-prisons> [last accessed 15/2/17]
3. See Note 1
4. For more information about the Prisoner Learning Alliance, see: www.prisonerseducation.org.uk/prisoner-learning-alliance [last accessed 15/2/17]
5. For more information about the Prisoners' Education Trust, see: www.prisonerseducation.org.uk [last accessed 15/2/17]
6. The views expressed in this response reflect input from the voluntary sector participants who attended Clinks' consultation events on the HMIP Expectations or who submitted feedback direct to us. They do not necessarily represent the views of Clinks, our members or the wider voluntary sector network.
7. See also Clinks (2016) *Change and challenge: The voluntary sector's role in Transforming Rehabilitation*. Online: www.clinks.org/resources-reports/change-challenge-voluntary-sector-role-transforming-rehabilitation [last accessed 2/2/17]
8. Clinks' guide to good prison engagement with the voluntary sector offers a useful framework for HMIP to use in inspecting the quality of partnership co-ordination and working in prisons: Clinks (2016) *The Rehabilitative Prison: Good engagement with the voluntary sector*. Online: www.clinks.org/clinks-guide-good-prison-engagement-voluntary-sector [last accessed 2/2/17]
9. Rideout (2006) *The Creative Prison - Creative Thinking within the Prison Estate*, p11. Online: www.rideout.org.uk/documents/CP_creativethinkingwithintheprisonestate.pdf [last accessed 2/2/17]
10. See: www.gov.uk/government/publications/unlocking-potential-a-review-of-education-in-prison [last accessed 2/2/17]
11. This point also reflects a recommendation made in the response submitted to HMIP by the Prisoner Learning Alliance. See note 5.



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12. See: www.artsincriminaljustice.org.uk/evidence-library [last accessed 2/2/17]
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15. Tarling, R. and Adams, M. (2013) *Summer Arts Colleges Evaluation Report 2007-12*, London: Unitas
16. See also Clinks' discussion paper on what 'good' prison rehabilitation looks like: Clinks (2016) *The rehabilitative prison: What does 'good' look like?* Online: www.clinks.org/resources-discussion-papers/rehabilitative-prison-what-does-good-look [last accessed 2/2/17]
17. Clinks and Prison Reform Trust (2016) *Inside Out: The role of the voluntary and private sector in providing opportunities for rehabilitation for people on temporary release*. Online: www.clinks.org/sites/default/files/rotl_briefing.pdf [last accessed 2/2/17]
18. Clinks was recently commissioned by the Ministry of Justice to undertake a review of volunteer involvement in prisons. See: Clinks (2016) *Valuing volunteers in prison: A review of volunteer involvement in prisons*. Online: www.clinks.org/sites/default/files/basic/files-downloads/valuing_volunteering_in_prison_-_a_review_of_volunteer_involvement_in_prisons_july_2016_final.pdf [last accessed 2/2/17]



Clinks supports, represents and campaigns for the voluntary sector working with offenders. Clinks aims to ensure the sector and all those with whom they work, are informed and engaged in order to transform the lives of offenders.

Published by Clinks

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