

February 2017



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RESPONSE

# Justice Committee sub-inquiry on governor empowerment and prison performance

Additional written evidence submitted by Clinks

## About Clinks

Clinks is the national infrastructure organisation supporting voluntary sector organisations working with offenders and their families. 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, which includes individuals and agencies with an interest in the Criminal Justice System (CJS) and the role of the voluntary sector in the resettlement and rehabilitation of offenders. Since 1998, we have played a vital role in supporting voluntary sector involvement in prisons, to maximise the sector's contribution to the rehabilitation and resettlement of people serving custodial sentences.

## About this submission

Clinks has undertaken a significant volume of work since 2015, focused on prison reform and the impact of the Transforming Rehabilitation programme on the voluntary sector's work in prisons. This work informed our original submission of written evidence to the Justice Committee's inquiry on prison reform in September 2016.<sup>1</sup>

Clinks is now making this further submission to the Committee's sub-inquiry on governor empowerment and prison performance in response to some of the supplementary questions posed. Our submission takes account of the publication by the Ministry of Justice (MoJ) of the Prison Safety and Reform white paper in November 2016 and Clinks' response to it, published in December 2016.<sup>2</sup> In doing so we have sought not to repeat the evidence contained in our original contribution.

## Executive summary

- The MoJ and National Offender Management Service (NOMS) should disseminate timely information to the voluntary sector about governors' new budgetary and commissioning responsibilities and ensure that existing providers, including voluntary organisations, are fully consulted and engaged with those plans at the earliest possible date.
- Clinks and others in the voluntary sector will need to be involved in the governor training/leadership programmes to raise awareness of the voluntary sector's potential contribution to their regimes.

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- It will be important for senior prison management to be encouraged and enabled to work outside the prison and engage in local strategic discussions about services/support for people with multiple needs, who comprise a significant proportion of those coming into and leaving prison.
- The stated purpose of prison needs to go beyond safe detention and aggregated measures of prison performance, and include a requirement to uphold the human rights of those in custody to ensure the humanity and dignity of prison regimes.
- It will be important to ensure that the metrics used to measure prison effectiveness get much closer to the kinds of transformation needed to support lasting change than is suggested by the white paper.
- The white paper does not talk about the involvement of people in custody and their families in discussing/developing any of the measures set out in the white paper or the new strategies it proposes; nor does it make mention of any plans for better meeting prisons' equality duties or measuring their effectiveness in addressing the needs of significant numbers of people in custody with protected characteristics (e.g. black, Asian and minority ethnic (BAME) people, older people, those with disabilities, transgender people). These deficits in the reform planning process need to be addressed urgently.
- The ability to co-commission health and mental health services should enable governors to ensure that services are tailored and delivered to meet the specific needs of their populations. However, given the lack of preparedness of many governors to undertake this more specialist commissioning role, there will be a need for local co-commissioning groups to be set up, including voluntary organisations with expertise in these fields.
- In terms of offender management, if the proposed new case management role is to include responsibility for co-ordinating delivery of prison interventions, this will need to include good engagement and co-ordination of voluntary sector partners. Case managers will also need to know where to access specialist community support or expertise, rather than trying to meet specialist needs themselves.

## **The pace of devolution of budgets and responsibilities to governors**

Clinks has welcomed the confirmation in the white paper that all governors are to have greater autonomy to commission services that meet the specific needs of local populations from their allocated budgets. Clinks also welcomes the advance notice in the white paper of the plans for 2017-18, in terms of giving governors control of education and family budgets and services and the introduction of a Prisoner Apprenticeship Pathway. It is helpful to know that all national contracts will now be reviewed as they come to an end, to assess whether commissioning responsibility should be devolved to governors.

However, if governors are to have new freedoms over budgets from April 2017 and the start of the new commissioning cycle, it is not clear from the white paper how NOMS intends to ensure that existing providers, including voluntary organisations, are fully consulted and engaged with those plans at the earliest possible date. This also relates to all discussions about the future of national contracts as they fall due for renewal. Nor is it clear what research (beyond that already available through the Justice Data Lab) will inform the potential 'what works' evidence base, provided to governors to support their new commissioning activity, or whether this will be transparently shared with other stakeholders to let them know what is regarded as good/proven practice.

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The MoJ and NOMS will therefore need to disseminate timely information to the voluntary sector about governors' new budgetary and commissioning responsibilities and facilitate consultations about the future of national contracts, as they fall due, and the evidence base that will underpin future commissioning.

## **The capacity and skills of governors, including training and support needs**

While some governors are well equipped to take on new roles as commissioners and purchasers of services, others will require training and support. If commissioning is to be truly flexible and responsive to locally identified needs, governors will need to be equipped to take innovative approaches to commissioning that depart from traditional, often more burdensome, procurement and tendering processes. For example governors could use their new freedoms to negotiate directly with known and trusted providers. These learning needs cannot be addressed entirely through the Academy for Justice Commissioning, helpful though that undoubtedly is. They will also require direct support from NOMS and the provision of a range of light-touch commissioning and procurement options that governors can adapt to suit local conditions.

Furthermore, it is Clinks' experience that governors' understanding of the voluntary sector – especially small and local organisations – can be limited. This has the effect of limiting the contribution of voluntary organisations as strategic and delivery partners in prison reform and restricting the potential for people in custody to access community resources, for example through organisations that provide family support, arts activities, ageing well initiatives or training and employment opportunities for Release On Temporary Licence (ROTL).

Clinks and others in the voluntary sector therefore need to be involved in the governor training/ leadership programmes to raise awareness of the voluntary sector's potential contribution to their regimes. We have considerable experience and practical resources that can help governors to develop their local engagement and partnership working with the sector, including tried and tested models and processes to support the important role of voluntary sector co-ordinator in prisons.<sup>3</sup>

In order for governors to develop these links it will be important for senior prison management to be encouraged and enabled to work outside the prison and engage in local strategic discussions about services/support for people with multiple needs, who comprise a significant proportion of those coming into and leaving prison. For example, governors and their regimes could benefit from, and make a significant contribution to, the local partnerships formed through the Making Every Adult Matter (MEAM) Coalition<sup>4</sup> and Big Lottery-funded Fulfilling Lives programme.<sup>5</sup> Furthermore, the majority of voluntary organisations supporting people with complex, multiple needs in the community are not CJS specialists and will only become visible to prisons as potential partners if governors become more fully engaged in wider local commissioning and strategic partnership activity.

## **Performance agreements, including performance measures and league tables**

Clinks welcomes the proposed identification of a clear set of measures in the core areas of health, work, education, housing, and the maintenance of family relationships, to reflect the effectiveness of each prison's reformatory work. However, to underpin such a performance measurement system, if it is to guide and inform not only governors' commissioning behaviour

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but also the development of meaningful performance measures, then the purpose of prison needs to be explored in greater depth and detail than was set out in the white paper.

The stated purpose of prison needs to go beyond safe detention and aggregated measures of prison performance, and include a requirement to uphold the human rights of those in custody to ensure the humanity and dignity of prison regimes. It should also be focused on individual quality of life and improved personal opportunity for all those in custody, including the right to maintain family relationships and access an appropriate diversity of community resources, both in custody and on release. All of these things are vitally important in measuring prison performance.

It will be important to ensure that the metrics used to measure prison effectiveness get much closer than is suggested by the white paper to the kinds of transformation needed to support lasting change. There is a danger otherwise that the setting of targets, e.g. for settled accommodation, will remain very blunt institutional tick-box measures rather than conveying meaningful information about the distance travelled by individuals.

Clinks, working with its members and the MoJ Reducing Reoffending Third Sector Advisory Group (RR3), can help MoJ/NOMS/governors to develop meaningful measures based on members' expertise in delivering services focused on health, education, housing and the maintenance of family relationships. For example, The Prisoner Learning Alliance and existing Offender Learning and Skills Service providers are well placed to assist in developing more nuanced measures of educational outcomes.

The white paper does not talk about the involvement of people in custody and their families in discussing/developing any of the measures set out in the paper or the new strategies it proposes, for example for mental health, education or employment. Clinks and others such as User Voice, Prison Reform Trust's helpline, Revolving Doors Agency, and Prison Radio Association are well placed to advise, assist and reach out to facilitate engagement and dialogue with people in custody and their families, to involve them in the process of prison reform.

Furthermore, the white paper makes no mention of any plans for better meeting prisons' equality duties or measuring their effectiveness in addressing the needs of significant numbers of people in custody with protected characteristics (e.g. black, Asian and minority ethnic (BAME) people, older people, those with disabilities, transgender people). Clinks and RR3 can signpost and provide access to specialist voluntary bodies and organisations to discuss how both existing and new prisons can better meet the needs of people with protected characteristics (e.g. the Independent Advisory Group to the Young Review, which is seeking to improve outcomes for young black and Muslim men in the CJS).<sup>6</sup>

## **The devolution to governors of responsibility and budgets for commissioning education, and co-commissioning health and mental health provision**

Good educational provision is clearly a key component of a prison regime focused on individual reform. However, as explored in Clinks' recent discussion paper, *The rehabilitative prison: What does 'good' look like?*<sup>7</sup> and our response to Dame Sally Coates' review of prison education, a range of other activities and interventions may be equally important in supporting desistance, e.g. arts, sports or faith-based activities.<sup>8</sup> Governors must therefore be encouraged to look beyond the white paper's core expectations in designing their regimes.



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The ability to co-commission health and mental health services should clearly enable governors to ensure that services are tailored and delivered to meet the specific needs of their populations. However, given the lack of preparedness of many governors to undertake this more specialist commissioning role, there will be a need for local co-commissioning groups to be set up, including voluntary organisations with expertise in these fields.

## Offender management reforms

The proposals for offender management reform set out in the white paper are greatly welcomed in terms of:

- The promise of 2,500 new prison officers and a greater emphasis on staff time to build relationships between prison officers and the people in their care, to improve safety and better support rehabilitation
- Reformation of the offender management system to provide consistent through-care by allocating a dedicated prison officer to each person in prison, with each officer working on residential units having a caseload of around six people
- The creation of a case manager function, to co-ordinate the delivery of interventions.

If the new case management role is to include responsibility for co-ordinating delivery of prison interventions, this will need to include good engagement and co-ordination of voluntary sector partners. Case managers will also need to know where to access specialist community support or expertise, rather than trying to meet specialist needs themselves. Clinks can provide a lot of direct experience and guidance to support the new case management role, and help identify sector specialists to develop/deliver training on specific issues.



**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.**

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## Notes

1. Clinks (2016) *Justice Committee inquiry on prison reform: Written evidence submitted by Clinks*. Online: [www.clinks.org/sites/default/files/basic/files-downloads/clinks\\_response\\_-\\_justice\\_committee\\_inquiry\\_on\\_prison\\_reform.pdf](http://www.clinks.org/sites/default/files/basic/files-downloads/clinks_response_-_justice_committee_inquiry_on_prison_reform.pdf) [last accessed 3/1/17]
2. Clinks (2016) *Clinks response to the Prison Safety and Reform white paper*. Online: [www.clinks.org/sites/default/files/basic/files-downloads/clinks\\_response\\_prison-safety\\_v2.pdf](http://www.clinks.org/sites/default/files/basic/files-downloads/clinks_response_prison-safety_v2.pdf) [last accessed 3/1/16]
3. For further information and related Clinks publications, see: [www.clinks.org/criminal-justice/working-prisons](http://www.clinks.org/criminal-justice/working-prisons) [last accessed 3/1/17]
4. For further information about the MEAM Coalition, see: [www.meam.org.uk](http://www.meam.org.uk) [last accessed 9/1/17]
5. For further information about the Fulfilling Lives programme, see: [www.biglotteryfund.org.uk/prog\\_complex\\_needs](http://www.biglotteryfund.org.uk/prog_complex_needs) [last accessed 9/1/17]
6. For further information about the Young Review, see: [www.youngreview.org.uk/task-group](http://www.youngreview.org.uk/task-group)
7. Clinks (2016) *The rehabilitative prison: What does 'good' look like?* Online: [www.clinks.org/resources-discussion-papers/rehabilitative-prison-what-does-good-look](http://www.clinks.org/resources-discussion-papers/rehabilitative-prison-what-does-good-look) [last accessed 3/1/17]
8. Clinks (2015) *Clinks' submission to the review of prison education*, Online: [www.clinks.org/sites/default/files/basic/files-downloads/clinks\\_submission\\_to\\_the\\_review\\_of\\_prison\\_education\\_november\\_2015\\_0.pdf](http://www.clinks.org/sites/default/files/basic/files-downloads/clinks_submission_to_the_review_of_prison_education_november_2015_0.pdf) [last accessed 3/1/17]