



Reducing Reoffending Third Sector Advisory Group (RR3)

Ministry of Justice, 102 Petty France, Westminster

Thursday 5th March 2020

RR3 members present:

Martin Blakebrough, Kaleidoscope
Dez Brown, Spark2life
Rod Clark, Prisoners Education Trust
Richy Cunningham, Recovery Connections
Lisa Dando, Brighton Women's Centre
Peter Dawson, Prison Reform Trust
Will Downs, Clinks (secretariat)
Helen Dyson, Nacro
Yvonne MacNamara, Traveller Movement (co-opted)
Christina Marriott, Revolving Doors Agency
Jess Mullen, Clinks (chair)
Nicky Park, St Giles Trust
Tina Parker, PACT
Mike Pattinson, Change Grow Live
Chris Stacey, Unlock
Khatuna Tsintsadze, Zahid Mubarak Trust
Emma Wells, Community Chaplaincy Association.

Officials present:

Bettina Crossick, HMPPS
George Barrow, MoJ
Jim Barton, Director of Probation Programme, HMPPS
Penny Figgis, Assistant Private Secretary to the Minister of State, MoJ
Lucy Frazer QC MP, Minister of State, MoJ
Catriona Laing, Deputy Director, Diversity, Interventions and Operational Services, HMPPS
Ben Lumley, Vulnerable Offender Policy, MoJ
Simon Marshall, Deputy Director – Head of Rehabilitation and Support Services Group, HMPPS
Pia Sinha, Acting Deputy Director Resettlement, Probation Reform Programme, HMPPS.

Apologies: Peter Atherton, Community Led Initiatives; Anne Fox, Clinks.

1. Introduction

- 1.1. *Introductions:* Jess Mullen informed the group that she would chair the meeting as Anne Fox has had to send her apologies.
 - 1.1.1. Jess Mullen welcomed Dez Brown to his first meeting and also welcomed Emma Wells and Martin Blakebrough, who have renewed their membership of the group until March 2022.
 - 1.1.2. There was a round of introductions. Simon Marshall, HMPPS, Bettina Crossick, HMPPS and George Barrow, MoJ were welcomed.

2. Probation

2.1. *Introduction*

- 2.1.1. Jess Mullen welcomed Lucy Frazer QC MP, Jim Barton, and Pia Sinha to the meeting. She invited a full round of introductions from everyone present. Jess Mullen asked Lucy Frazer to share her key reflections from recent visits made to voluntary sector organisations.
- 2.1.2. Lucy Frazer said she has worked in justice for a long time and in various roles. She explained that soon after she was appointed to her current role, she understood that ensuring people have access to accommodation, employment, good health and family relationships were the main ways in which to reduce reoffending. She noted that the membership of RR3 reflected expertise in all these key areas.
- 2.1.3. She said the Prime Minister's agenda to improve law and order included a focus on rehabilitation. She said the government were interested in bold ideas and joined up work across government to solve issues.

2.2. *Funding for substance misuse services:*

- 2.2.1. Martin Blakebrough and Mike Pattinson said disjointed funding of substance misuse services has led to people leaving prison and falling through gaps in provision. Richy Cunningham supported these points and noted some prisons were not connecting well with community services due to disjointed funding. Mike Pattinson suggested the probation reform programme presented an opportunity to align the government's approach to drugs and alcohol with the probation reform programme, resulting in a more strategic, joined up system.
- 2.2.2. Richy Cunningham said there were positive examples of cross-departmental working around health and justice, which should be built on. He supported the principles of the cross-ministerial Reducing Reoffending Board and highlighted the need for government approaches to continue to take place in this way, suggesting the RRB is re-established.
- 2.2.3. Mike Pattinson suggested substance misuse services for people in contact with the criminal justice system, including Community Sentence Treatment Requirements, should be built into the main substance misuse contracts, so that they were fully integrated into the wider service.
- 2.2.4. Martin Blakebrough said the European Social Fund (ESF) and the government have jointly funded some projects in Wales. He raised concerns over the gap in ESF funding following Brexit.

2.3. *Prison and resettlement:*

- 2.3.1. Helen Dyson said it wasn't clear in the probation proposals what an individual's journey through the resettlement process would be and how services and probation staff will work together effectively. Proposals to incorporate the Offender Management in Custody programme (OMiC) into resettlement planning might not work effectively, as the programme has been inconsistently rolled-out across the prison estate. She said that prison governors she had spoken to did not fully understand the proposals. Jim Barton said the appointment of Pia Sinha should help communication with prison governors.

2.4. *Holistic services:*

- 2.4.1. Lisa Dando said that the women her organisation supports need holistic services. She is concerned that commissioning processes in the reformed probation system might exclude the small and specialist organisations that are best able to deliver such services. Competition through the dynamic framework will likely favour larger organisations and the lack of grant funding was a concern for smaller organisations. If

small organisations are excluded in the commissioning processes, the ecology of local service provision will be threatened. The Female Offender Strategy sought to address some of these issues and should be fully funded, implemented and integrated with the probation reform programme.

2.4.2. Lucy Frazer said charities are delivering brilliant services locally. She said the government were conscious of the impacts on the voluntary sector when they last changed the probation system and they were committed to avoiding that again.

2.5. *Employment:*

2.5.1. Chris Stacey highlighted the work the RR3 had delivered through the Special Interest Group on employment, highlighting the importance of employment for people serving sentences in the community.

2.5.2. Lucy Frazer said she was previously on the education select committee and believed in education as the key for social mobility. She said there is an opportunity for a step change in employment and would consider that in the probation context. Chris Stacey said there are a number of levers the government can pull to improve this and offered the support of the employment SIG to think through some of this work.

2.6. *Small charities:*

2.6.1. Emma Wells said the collapse of Working Links had a disproportionate impact on small organisations. She asked that the government build better protections for small organisations in commissioning processes. Lucy Frazer said this is something she was aware of and has previously worked as an insolvency barrister, where she saw the impact of insolvency on big and small organisations.

2.7. *Concluding remarks:*

2.7.1. Dez Brown wanted to come in, but Lucy Frazer had to leave. She said she would like to meet separately with specialist black, Asian and minority ethnic (BAME) organisations. Lucy Frazer thanked the group, and stressed this was the beginning of the conversation. She said it had been useful to draw on the expertise of the group, and wished to be involved in future discussions where possible. Jess Mullen thanked the minister and Lucy Frazer left the meeting.

2.8. *BAME services:*

2.8.1. Dez Brown said the probation reform programme presented an opportunity to have a specialist BAME lot for day one services, particularly in metropolitan areas. He suggested the government could pilot the use of a specific BAME lot, and see if it makes any difference to outcomes for BAME people over the course of a few years. Such an initiative would build confidence within BAME communities and service users that the government is listening.

2.8.2. Jim Barton said there has been a decision that there will be a lot for women and not for BAME people. They were confident that services for BAME people could be picked up from other lots. Though day one services will be centrally commissioned, HMPPS have asked the new National Probation Service (NPS) regional directors to make decisions of what services are needed in their areas. He said he expected regional directors to challenge HMPPS on whether the lot structure in their area is right. HMPPS are open to changing lot structures based on these conversations.

2.8.3. Jess Mullen said if the expectation were that services are picked up by other lots, and there isn't a specific BAME lot, BAME specialist organisations would not be able to compete for services and could only be involved as subcontractors.

2.9. *Outward looking service:*

2.9.1. Mike Pattinson said Transforming Rehabilitation involved a rigid commissioning process that restricted much of what the sector can provide. He said the probation service has traditionally been too inward looking. Simon Marshall said it was important probation services are outward looking, but there are points where the MoJ budget cannot be large enough to replace mainstream services. He said it's a balance between ensuring people in contact with the criminal justice system access the services that are available to any other citizen, while creating specialist services for particular cohorts.

2.9.2. Christina Marriott said health inequalities for people in contact with the criminal justice system are stark. Existing services don't meet the needs of many people. Mainstream mental health services often do not meet the needs of someone with a complexity of needs, dual diagnoses or specific issues related to protected characteristics. She suggested the Reducing Reoffending Board should be re-established to help address such issues.

2.9.3. Christina Marriott said if commissioners were given a stringent outcomes framework, they would focus solely on meeting the requirements of that framework. Instead they needed to be given the flexibility to commission services in a way that has the widest impact.

2.10. *Through the gate services:*

2.10.1. Nicky Park said she was concerned that commissioned services under the new model would not support people through the gate. The desire to have a member of staff as a specific point of contact is understandable, but probation staff that reach-in won't necessarily have the appropriate expertise or capacity to meet everyone's needs. The government should work with the voluntary sector, which is better able to engage with vulnerable adults than some statutory services. The way in which the new model works is likely to be a postcode lottery, dependent on how lots are divided in different areas as to whether funding is available.

2.10.2. Pia Sinha said she was reassured reading the Target Operating Model, that there is flexibility in the model. She said the success she had achieved as governor at Liverpool was enabled by freeing up people to be creative and innovative and there is enough flex in the model and the dynamic framework to accommodate this. Sequencing of services is crucial, and probation practitioners cannot provide good support without everything else in place. This model allows that to happen because there is one connecting person with oversight of that plan.

2.11. *Funding:*

2.11.1. Rod Clarke said the autumn iteration of the Target Operating Model should be accompanied by a costing spreadsheet that sets out the government's assumptions about volumes, staffing, supervision hours and spend, and how much money will be made available. Jim Barton said this was a helpful suggestion and they would act on that. He said the government has asked the treasury for a significant increase in spend, both in terms of probation staff and investment in interventions.

2.12. **Action: HMPPS to publish cost breakdown alongside autumn iteration of TOM.**

2.13. *Concluding remarks:*

2.13.1. Jim Barton suggested the RR3 could advise on the final changes to the dynamic framework before the system is locked down in April and provide further advice on the government's resettlement proposals. Jess Mullen explained the group would discuss

their work plan after lunch and would get back to Jim on what was possible. He said he was happy for his contact details to be circulated to the group.

2.13.2. **Action: RR3 chair to discuss with Jim Barton the possibility of additional RR3 work to inform the dynamic framework and resettlement.**

2.13.3. **Action: Secretariat to circulate Jim Barton's contact details to the group.**

3. MoJ and HMPPS updates

3.1. *Voluntary sector update:*

3.1.1. Bettina Crossick said HMPPS have made 16 grants to the voluntary sector in their second grant programme. Information can be found on the Clinks website. There were not a large number of applications from small organisations and BAME specialist organisations, despite HMPPS ring-fencing money for smaller organisations. She said HMPPS would consider how to make it easier for small organisations to engage in future grant programmes.

3.1.2. Bettina Crossick extended an invitation to RR3 members to a HMPPS event on May 6th that will celebrate third sector organisations. Anne Fox, Clinks Chief Executive, Dr Jo Farrar, HMPPS Chief Executive Officer and Robert Buckland QC MP, Secretary of State for Justice will speak at the event.

3.1.3. **Action: Bettina Crossick and secretariat to circulate details of HMPPS event.**

3.2. *HMPPS restrictions on attendance at events:*

3.2.1. Bettina Crossick said that restrictions on people in prison and HMPPS staff imposed after the Fishmongers Hall incident remained. She said they would look at the restrictions again this month. Peter Dawson said he and Anne Fox recently met with Phil Cople, Director General of Prisons and Amy Rees, Director General of Probation, and informed them that the restrictions were being over-interpreted in practice. He said officials have asked that the sector feedbacks to government when instructions are being over-interpreted. [Clinks published the email addresses of the director generals in a recent blog.](#)

3.3. *Covid-19 planning:*

3.3.1. Bettina Crossick said HMPPS are working with colleagues across prisons to ensure plans are in place to deal with Covid-19. Christina Marriott said she had concerns about the level of contingency planning carried out by NHS England and Department of Health and Social Care in regard to prisons. Simon Marshall said they have been preparing for many years, through their usual pandemic public health systems. They have had to adapt to how Covid-19 acts differently, but the basic systems are there. He said the department use the government's public health guidance on Covid-19, which is updated twice a day.

3.4. *Ministry of Justice update:*

3.4.1. George Barrow said there has been relative ministerial stability after the reshuffle, with both Robert Buckland QC MP and Lucy Frazer QC MP remaining in post. A new junior minister, Alex Chalk MP, Parliamentary Under Secretary of State, now leads on race work. There is still work to do in order to understand the cross-ministerial roles with the Home Office that Kit Malthouse MP, Minister of State and Chris Philp, Parliamentary Under Secretary of State, have taken up. He said joint ministers presented an opportunity, especially when the Home Office agenda was so related to the work of MoJ.

4. Race disparity

4.1. *Introduction:*

4.1.1. Jess Mullen welcomed Yvonne MacNamara, who was co-opted to the board specifically for this agenda item for her expertise on the experience of Gypsy, Roma and Traveller people in the criminal justice system. Jess Mullen also welcomed Catriona Laing and Ben Lumley.

4.2. *Beyond the Lammy review:*

4.2.1. Jess Mullen welcomed the recent publication of [Tackling Racial Disparity in the Criminal Justice System 2020](#), which updates the government's progress, both in implementing the [Lammy Review](#) and in more widely tackling race disparity in the criminal justice system. She asked what the department's long-term approach to the Lammy Review will be, and how the department planned to move beyond the implementation of individual projects towards mainstreaming the principles of the Lammy Review across their work. Jess Mullen also noted that policy changes made by the Home Office, such as expanding the use of stop and search, would impact the MoJ's ability to address race disparity in the criminal justice system.

4.2.2. Ben Lumley said the government were now almost into year three of the implementation of the Lammy Review. He said there was a balance to achieve between implementing clear and discreet units of work and having a wider impact on policy across the organisation. He said they were conscious of the potential impact of policies coming from the Home Office and that the new cross-departmental ministers presented an opportunity to address this.

4.2.3. Catriona Laing said the Lammy Review recommendations were based on a set of activities (such as writing guidance, introducing new structures, changing data collection) and that implementing these wouldn't necessarily ensure that there are better outcomes for BAME service users on the ground. Therefore, the department needed to measure the impact of these activities, using data and the explain or reform principle and change their approach if needed.

4.2.4. Catriona Laing said progress has been achieved in increasing the diversity of staff. HMPPS were working to identify, encourage and support BAME talent, through acceleration schemes and promotions, to ensure BAME individuals are coming through to more senior positions. They are also working toward becoming a more inclusive employer and talking to BAME people in the workplace to understand their experiences.

4.3. *Gaps in the update:*

4.3.1. Khatuna Tsintsadze noted the length of the report and range of work being done. She then set out a number of areas of concern that weren't addressed by the report.

4.3.2. She said the update on Muslim children is only statistical. There is no substantial information about what the department are doing to address disparities of Muslim children. There is not enough focus on young adults in prison, or the different experiences of people in prison, something that Lammy highlighted as having tangible impacts on rehabilitation outcomes.

4.4. *Performance measures:*

4.4.1. Khatuna Tsintsadze also said there is a lack of information about the vision going forward, what criteria HMPPS will hold themselves to account on and concrete plans for future updates. She asked whether there were clear timeframes in terms of tracking progress. The voluntary sector should be engaged in this.

4.4.2. Jess Mullen said without a clear accountability framework, it was difficult to know at what point decisions are made about revisiting an issue and do something different.

If there is no sense of the target or timeframe to achieve something, it was difficult to enact the explain or reform principle in the Lammy Review.

- 4.4.3. [Ben Lumley said they have published data to accompany the update](#). The data is not new, but published in a different way. He said this will be published annually and will provide a form of accountability. The government would publish its next comprehensive update on the Lammy Review and race disparity in November 2021. Ben Lumley said it was difficult within the data to isolate improvements that the department had made. For some specific areas they have set targets, for example staff diversity, but some other key progress measures were difficult.
 - 4.4.4. Catriona Laing said the work was iterative. She said the overall goal was to end disparity in outcomes, but this won't be achieved in three years. She said the department wants to continue to work with the External Advice and Scrutiny Panel, but suggested it was good to look again at the membership and focus of the panel, something Jeremy Crook is considering.
- 4.5. *Risk and trust:*
- 4.5.1. Dez Brown raised concerns with the level and consistency of unconscious bias training being delivered to people working in the criminal justice system, including police. He said the department would benefit from having greater numbers of BAME people and people with diverse life experiences employed at a senior, decision-making level. Catriona Laing said there has been a small increase in the percentage of senior staff that are BAME.
 - 4.5.2. Dez Brown said there was a risk adverse approach toward young people and this was linked to unconscious bias, as BAME people are perceived to be more of a risk by some. Decisions are made on basic information about people, rather than on a strengths-based approach or founded on relationships. Ben Lumley said there is work underway to deliver unconscious bias training and to address unconscious bias in pre-sentence reports. Unconscious bias training is only one part of a wider equalities awareness HMPPS is taking towards its training.
 - 4.5.3. Dez Brown raised the continued issue of young BAME people being advised to state no comment in interviews. Ben Lumley said there was some work being conducted on first experience in youth custody. This is being discussed with the national police chief's council. There are pilots underway with the police on diversion, such as the Chance to Change model.
 - 4.5.4. Catriona Liang said balancing risk and trust were difficult, as they often worked against each other. A focus on risk was to focus on problems, rather than strengths. She said they have made improvements in how relationships are built, for example through the OMiC model, and they wanted to take a more relationships-based and strengths-based approach to programmes.
- 4.6. *Gypsy, Roma and Traveller:*
- 4.6.1. Yvonne MacNamara said she welcomes the report's additional focus on the specific challenges faced by Gypsy, Roma and Traveller groups. However, she had some concerns about the report. She was disappointed to see the race disparity update state that "prison staff are encouraged to treat GRT prisoners fairly in regard to Incentives and Earned Privileges". Treating GRT people in prison fairly is a basic legal duty, not something to merely be encouraged.
 - 4.6.2. Yvonne MacNamara said cultural competency training would not resolve issues, as cultural competency isn't the main issue, unconscious bias is. She said cultural competency training had taken place for some years with very little impact. GRT

communities are not a homogenous group and cultural practices within the group varied widely. Some of the training that has been produced is out of date or incorrect.

4.6.3. Catriona Laing said she would like to start conversation between Yvonne MacNamara and Sonia Flynn, who is designing training for staff on GRT issues.

4.6.4. **Action: Catriona Lain and Yvonne MacNamara to pick up conversation with Sonia Flynn.**

4.7. Khatuna Tsintsadze said that people working in prisons don't see the progress that is being made at the national policy level. Catriona Laing said they have regular forums and visits with prisons who are having particularly difficulties and with equalities officers in those prisons, regional leaders, and prison group directors.

4.8. Khatuna Tsintsadze welcomed the improvements to the diversity of staff, but asked for the retention rates of BAME Staff. Catriona Laing agreed retention should be a priority.

4.9. Peter Dawson said the government has introduced policies that, very clearly, will have a disproportionate impact on people of colour in the criminal justice system. He asked whether officials were aware of a time when a negative Equality Assessment stopped a policy from coming into force? Officials said they couldn't recall an occasion where this has happened.

5. Closed session

5.1. *Minutes and actions*

5.1.1. Minutes from last meeting were approved. All actions had been completed.

5.2. *Work plan discussion*

5.2.1. Will Downs introduced the draft work plan which set out the different priorities the group have identified as possible areas of practice work.

5.2.2. The group agreed to send letters to officials to ask for a formal response to the recommendations submitted to government through the [Employment Special Interest Group](#), and an update on the government's progress in implementing the recommendations made in the [Accommodation Special Interest Group](#).

5.2.3. **Action: secretariat to coordinate a letter to officials with Chris Stacey, asking for a formal response from the MoJ's on the recommendations made in the employment SIG.**

5.2.4. **Action: secretariat to coordinate a letter to officials with Tracy Wild, asking for a formal update on the MoJ's progression on implementing the recommendations made in the accommodation SIG.**

5.3. *Work on probation*

5.3.1. Jess Mullen suggested the group conduct a major SIG on the reformed probation model, or focus on particular aspects of it, such as commissioning and co-commissioning frameworks and resettlement and through the gate services.

5.3.2. Christina Marriott said there was a specific opportunity with the TOM to ensure good commissioning processes. She said if they miss this opportunity, commissioners would simply do what they are asked in the outcomes framework. Martin Blakebrough said there were good examples they could point to, such as pooled treatment budgets and Housing First initiatives in Wales. Richy Cunningham pointed to the work of Collaborate, MEAM and Toby Lowe.

5.3.3. Rod Clarke suggested setting up an event with some governors, regional heads of probation, voluntary organisations and service users, in order to work through how

the model as set out in the TOM might operate in practice. Such a model can help expose points where problems are likely to occur.

5.3.4. Jess Mullen said each probation area has a strategy and there was an argument that there should also be a national strategy alongside it.

5.3.5. Jess Mullen reminded the group that Jim Barton suggested the group provide advice for the last stage of development of the Dynamic Framework before it is confirmed in April.

5.3.6. Nicky Park, Chris Stacey and Helen Dyson said the group should also consider meeting with Jim Barton to conduct a SIG on resettlement.

5.3.7. Will Downs suggested the group could establish a SIG that sits for an extended period of time and hold a number of meetings addressing different aspects of probation over that period.

5.3.8. Emma Wells and Khatuna Tsintsadze said there should be a focus too on small charities and BAME led organisations, who have come been disproportionately adversely affected by the reforms around probation, leading many to deliver services despite not being contracted to do so, and winning contracts but not being paid.

5.3.9. Jess Mullen also said there were conversations being had around grants, as there is currently no mechanism across government for making a decision about when something is contracted or grant funded. She said this might be part of the probation discussion or something separate. She said she would discuss with secretariat and Anne Fox about way forward for probation work and the capacity needed.

5.4. Action: Jess Mullen, Anne Fox and Will Downs to draw up plans for a probation special interest group and run past RR3 group for approval.

5.5. *Other priorities:*

5.5.1. Peter Dawson suggested the group consider creating a mechanism to track the department's pledges and to hold them to account by ensuring they are keeping their promises. Christina Marriott agreed.

5.5.2. Khatuna Tsintsadze raised the issue that equalities was not mentioned in the HMPPS business strategy and their equalities strategy is still not published

5.5.3. Chris Stacey said the impact of the Home Office and policing policy on reoffending was worth consideration. Peter Dawson said they could look at diversion programmes, to stop people going to court for the first time. Will Downs suggested they could initially explore this with an agenda item.

5.5.4. Richy Cunningham raised the issue of small organisations relying on big organisations to get through grant applications and the tensions that can arise when large and small organisations compete and collaborate for funding.

5.5.5. Action: Secretariat to update the work plan based on discussion and circulate to the group.