

Representation to the Spending Review 2021



Our response

Submitted September 2021

Introduction

Clinks is the national infrastructure organisation supporting voluntary sector organisations working in the criminal justice system. We are a membership organisation with over 600 voluntary sector members of all sizes, from organisations delivering complex public sector contracts, to entirely volunteer-led organisations delivering services to people in prison and on probation.

We welcome the opportunity to submit this representation to the Spending Review 2021. We agree that the first priority of the review should be “ensuring strong and innovative public services” and this should remain at the heart of the Build Back Better effort. A vital element of a strong and innovative criminal justice system is partnership working with the voluntary sector which has shaped and worked alongside the criminal justice system for over 200 years. Voluntary sector organisations working in criminal justice are vibrant and diverse. Some specialise in meeting the needs of a particular group of people, for example women, older people or racially minoritised people. Others focus on a particular issue, for example substance misuse, debt advice or housing. Some groups focus on a form of intervention, for example the arts, restorative justice and so on. These organisations have expertise, knowledge and experience that make them crucial partners in the design, as well as the delivery of services.

This response sets out our suggestions for how the government can address its priorities to cut crime and reduce reoffending, by building a strong and innovative criminal justice system that harnesses the knowledge and expertise of the voluntary sector.

Our recommendations are as follows

1. Learn the lessons of Covid-19 to inform how long-term strategic investment can create a humane and rehabilitative prison estate
2. Invest in preventative services that divert people away from the criminal justice system and expand the use of alternatives to custody
3. Ensure cross departmental investment to provide long-term support for women’s centres to realise the ambitions of the Female Offender Strategy and ensure that vulnerable women get support to prevent their contact with the criminal justice system and divert them away from it as early as possible
4. Commit long-term grant funding for voluntary organisations led by and focussed on racially minoritised people as part of a wider cross-government strategy to address racial inequality and racism in the criminal justice system
5. Provide sufficient investment to enable effective delivery of family work in prisons and deliver on government commitment to implement the Lord Farmer reviews
6. Provide resource for a cross-departmental investment review of the impact of arts in criminal justice
7. Promote cross-departmental collaboration and learning, to ensure that government investment in local areas can have the strongest possible impact on people facing multiple disadvantage
8. Harness the expertise and capacity of voluntary organisations to fully realise the potential of investments to address health inequalities for people in the criminal justice system.

Learn the lessons of Covid-19 to inform how long-term strategic investment can create a humane and rehabilitative prison estate

In July 2021, the then Lord Chancellor and Secretary of State for Justice, Robert Buckland QC MP announced that the Ministry of Justice (MoJ) was developing a Prisons White Paper.¹ The White Paper will likely take learning from the experience of Covid-19 into its plans for future prison regime design. It is important the right lessons are learned. For example, investment in the use of in-cell technology will offer more flexible access to services that can complement but should not replace opportunities for the delivery of face-to-face services and education. Similarly, investments should be made to make video calls widely available across the estate, building on their availability during the pandemic, but such calls should be used to complement, not replace, in-person social visits.

There are some indications that Her Majesty's Prison and Probation Service (HMPPS) will look to deliver future regimes in small cohort groups and potentially limit unstructured time out-of-cell. Any move to establish regimes with smaller cohort groups must facilitate less time locked in cells and not prevent voluntary sector interventions that are more impactful in larger group sizes (for example drug recovery services, which are most effective where a culture of recovery can be established amongst peers). This requires investment in adequate staffing numbers and regimes that facilitate this.

The impact of Covid-19 on the mental health of people in prison has been devastating. For much of the past 18 months people in prison have been confined to prison cells for 23 hours a day, with limited access to contact from family or friends and little access to positive activities or exercise.² Prior to Covid-19, poor mental health in prison was already a serious problem. We recommend that a 'whole prison' approach should be taken towards mental health and wellbeing, responding to the individual needs of the whole prison population.³ The voluntary sector has a strong track record of delivering holistic and trauma-informed services to support both men and women's mental health in prison, and these services should be commissioned and sustainably funded.

Investment should focus on meeting the needs of people in prison adequately through rehabilitative regimes, purposeful activity and mental health and wellbeing support. When such needs are not met, we see increased safety and security concerns. However, addressing these concerns through resourcing further security measures merely puts a sticking plaster on the issues rather than tackling their root cause.

The Prisons White Paper is also expected to provide details on a ten-year plan for the prison estate which will probably include more expansion, recognising that the Police, Crime, Sentencing and Courts Bill currently going through parliament will lead to a further increase in the prison population. The government only last year announced 18,000 additional prison places at a cost of £4bn.⁴

The high costs incurred by the state in sending people to prison is well documented. The prison estate however is already overcrowded and under-resourced, hindering the delivery of effective rehabilitative and resettlement services and jeopardising targets to reduce

reoffending. Covid-19 has provided a temporary respite to the pressures on the prison population, though this will be quickly reversed as court activity ramps up and the potential impact of changes to sentencing policy that are currently proceeding through parliament are felt. These pressures come at a time of limited resources, as tired and frustrated prison staff work to recover regimes, with some still managing Covid-19 outbreaks.

It is therefore important that the government considers how long-term strategic investment – focussing on the roll-out of technology and ensuring access to purposeful activity and voluntary sector services in prison – can create a humane and rehabilitative prison estate.

Invest in preventative services that divert people away from the criminal justice system and expand the use of alternatives to custody

The recently unified probation system presents an opportunity to create a strong and innovative Probation Service with well-funded, effective statutory services working in partnership with a vibrant, independent and resilient voluntary sector. In doing so there is greater potential to divert people from the criminal justice system and expand the use of alternatives to custody, to reduce the size of the prison population and create associated cost savings. Simpler structures, clearer regional accountability and currently proposed investment to enable the procurement of additional services has been warmly welcomed by the voluntary sector working in criminal justice. It is vital that the Spending Review enables this ongoing investment by HMPPS.

Over the last year we have also seen welcome resource announced for substance misuse services and accommodation including £28m for project ADDER to be piloted in five areas and £70m for five vanguard areas to provide accommodation for 12 weeks after people are released from prison. This is vital investment that must be sustained into the future to allow these pilots to be evaluated and built upon, including ensuring that there is resource for voluntary sector organisations to provide wrap around support to them.

It is also important to note that the rehabilitative and resettlement services that will be commissioned by the Probation Service in the future do not represent all services provided by the voluntary sector to support people in contact with the criminal justice system to move away from it and to live fulfilling lives. In the remainder of this submission, we highlight some key areas where additional and ongoing investment is required to ensure the voluntary sector's knowledge and experience is harnessed in support of a strong and innovative criminal justice system.

Ensure cross departmental investment to provide long-term support for women's centres to realise the ambitions of the Female Offender Strategy and ensure that vulnerable women get support to prevent their contact with the criminal justice system and divert them away from it as early as possible

Clinks, alongside our members, welcomed the commitments made in the Female Offender Strategy when it was published in 2018 and expressed our support for the MoJ's three priorities: earlier intervention, emphasis on community-based solutions, and delivering better custody. We were particularly pleased to see a specific commitment to reduce the female prison population.

At the time of publication, we raised our concern that the financial package announced alongside the strategy fell far short of what would be needed to ensure its ambitions were achieved.⁵ Unfortunately, our concerns have been realised and we are disappointed at the lack of sustainable, long-term funding dedicated to the implementation of the strategy's commitments and the resultant slow rate of progress. As the Prison Reform Trust demonstrates, less than half of the strategy's commitments have been fully implemented three years after the strategy's publication.⁶

Further disappointment came with the announcement this year of the expansion of the women's prison estate, with an additional 500 places to be built onto existing prisons. The decision directly contradicts the intentions of the government's Female Offender Strategy.⁷ The investment would be more effective at improving outcomes for women in the criminal justice system and reducing reoffending if directed towards community provision and diversionary schemes delivered by women-centred, trauma-informed services.

Women's centres, as recognised in the Female Offender Strategy, provide essential services and support for women in contact with the criminal justice system. Although we recognise that many women's centres have been successful in gaining contracts through the Dynamic Framework, these contracts do not and should not provide all the funding women's centres need to deliver their services. Given this context, the grant programmes launched by the MoJ in July 2020 and 2021 to provide funding for core costs for women's centres were hugely welcome. The impact of these grants was limited, however, due to a disproportionately complex application process and an extremely short window within which the funds needed to be spent in 2020.⁸ Furthermore, despite these issues being addressed in 2021, both grant rounds were only for one year's funding.

This three-year Spending Review therefore provides an opportunity to create a long-term financial package that can secure the future of existing holistic services provided by women's centres, and supports the creation of centres in areas where there is no, or inadequate, provision.

Commit long-term grant funding to voluntary organisations led by and focussed on racially minoritised people as part of a wider cross-government strategy to address racial inequality and racism in the criminal justice system

Racially minoritised people are overrepresented at many points of the criminal justice system, with disparities in stop and search, at the point of arrest, custodial sentencing and within the prison population. Racially minoritised people are also likely to have worse experiences and outcomes in the criminal justice system. The Lammy Review rigorously identified such race disparities across the criminal justice system and developed a set of recommendations the government accepted.⁹ Implementation of the Lammy Review has been mixed. While there has been welcome activity to implement the recommendations it has not yet been accompanied by visible impact on outcomes for racially minoritised people in the criminal justice system and we continue to see the development of additional policies that will only serve to further entrench racial inequality in the system.¹⁰

From our role in supporting voluntary organisations working in the criminal justice system, we have a deep understanding of both the extraordinary difference specialist voluntary organisations led by and focused on racially minoritised people can make and the severe challenges they face. Such organisations, which are rooted in the communities they serve, offer tailored support to racially minoritised people in the criminal justice system and can positively recognise and reaffirm people's cultural identities in a way that aids desistance from crime. They are also able to recognise and address experiences of discrimination which, if ignored, can be a significant obstacle to desistance. The voluntary sector has ongoing and significant concerns about the over-representation of racially minoritised people in contact with the criminal justice system and the poor outcomes they experience. It is imperative that they are listened to, taken seriously, and consulted in conversations around race inequality.

Crucially these organisations must be resourced if they are to play a central role in addressing race discrimination in the criminal justice system. These often very small organisations are not always able to compete in commercial procurement practice, as shown by the extremely limited involvement of organisations led by and focussed on racially minoritised people in the new Probation Service. They are also under pressure. Our annual in-depth research into the state of the sector has in recent years found that voluntary organisations supporting racially minoritised people were more likely to see numbers of their service users increase, have larger caseloads,¹¹ and have been amongst the hardest hit by the challenging funding environment.¹²

In 2021 Clinks, with resource from HMPPS, and working in partnership with the Black Training and Enterprise Group and Eastside Primetimers, provided a consultancy support programme to organisations led by and focused on racially minoritised people. This has highlighted further the precarious environment in which these organisations are working, with scarce resources and often with little or no reserves.

We welcome the inclusion of a Black, Asian and Minority Ethnic¹³ service category in the commissioning model for rehabilitation and resettlement services to work alongside the Probation

Service and hope that the learning from our consultancy support can be utilised in funding organisations in this area. However, it is unclear what budgets will be available to fund such services and there is no corresponding commitment to fund services working in custody.

We recommend a cross-government strategy to tackle racial inequality in the criminal justice system and reduce criminalisation of young Black people, Muslim people and Gypsy, Roma and Traveller people. Within such a strategy should be a commitment to fund, through long-term grants, voluntary organisations working in the criminal justice system that are led by and focused on racially minoritised people.

Provide sufficient investment to enable effective delivery of family work in prisons and deliver on government commitment to implement the Lord Farmer reviews

In a separate representation that we have submitted – which has been informed by and developed with voluntary sector organisations currently delivering family services across the prison estate – we have called on the government to ‘build back better’ in the prison system and provide sufficient investment to deliver on its promises to implement the recommendations of Lord Farmer’s reviews into strengthening family ties to reduce reoffending.

Our submission recommends that the Ministry of Justice matches its commitment to strengthening prisoners’ ties with their families with appropriate and adequate investment that enables effective delivery of family work in prisons. It calls for a family services commissioning budget of between £150 and £200 per head for the male estate and an appropriately higher per head budget for the female estate to respond to women’s specific need for additional support and interventions. This should take into account the ‘real’ cost of family work, an understanding of its economic and social value (particularly in the context of Covid-19) and the minimum service delivery requirements within the prison estate.

Provide resource for a cross-departmental investment review of the impact of arts in criminal justice

Clinks manages the National Criminal Justice Arts Alliance (NCJAA), a network of over 900 individuals and organisations that are committed to delivering creative activity to people in prison, on probation and in the community. The NCJAA conveys their collective voice to the government, showcases the quality of arts in criminal justice settings, and supports the development of evidence.

Evidence has shown that arts can have a profound impact in improving the lives of people in the criminal justice system. However, these are interventions that are often overlooked. Extensive evidence held in NCJAA’s digital evidence library indicates that the arts support the process of desistance from crime by fostering empathy, building family connections and playing a role in restorative justice.¹³ A review of literature published by Arts Council England similarly highlights how arts can support the desistance process.¹⁴

Arts in criminal justice settings is therefore cost effective, it can improve safety and wellbeing in prisons and communities, and ultimately aide rehabilitation and drive down reoffending. Arts practitioners should be considered a key partner in the delivery of criminal justice services. We welcome Arts Council England's recently published delivery plan which commits to future investment that supports partnership between the cultural sector and criminal justice. This and further investment could be built upon and maximised through the MoJ and Department for Digital, Culture, Media and Sport working together to jointly commission a review of arts in the criminal justice system as recommended in 2019 by the Department for Digital, Culture, Media and Sport select committee.¹⁵

Promote cross-departmental collaboration and learning, to ensure that government investment in local areas can have the strongest possible impact on people facing multiple disadvantage

Many people in contact with the criminal justice system will be experiencing multiple disadvantage – a combination of problems including homelessness, substance misuse, domestic and sexual violence and/or abuse, and mental ill health. These individuals are frequently among the most vulnerable and isolated individuals within local communities. The majority have been repeatedly failed by services that are designed and commissioned in silos and which are unable to respond appropriately to multiple needs. This results in individuals 'recycling' between services, often interrupted by periods in custody, never getting the holistic support they need, and at significant cost to the public purse. Estimates for the number of people facing multiple disadvantage vary depending on how the term is defined. However, it is estimated that the cost of public spending on the 58,000 people in England with overlapping problems of homelessness, substance misuse and contact with the criminal justice system is between £1.1bn and £2.1bn a year.¹⁶

It is welcome that over the past year, the government has supported a number of initiatives that are addressing issues related to multiple disadvantage. The 2019 spending review committed significant funding for the Shared Outcomes Fund. A number of programmes have emerged from this fund that can help address challenges facing people with multiple disadvantage, including the Prison Leavers Project, Project ADDER and particularly Changing Futures, a programme specifically focussed on improving the way that systems and services work to support individuals experiencing multiple disadvantage.

Changing Futures is a welcome programme with exciting ambitions. 15 areas across England will benefit hugely. However, 90 areas applied to Changing Futures to support work they are already undertaking around these issues. We therefore support the recommendation made by the Making Every Adult Matter (MEAM)¹⁷ coalition that the government should make a clear commitment to supporting the third year of the Changing Futures programme to ensure that learning from this programme informs policy across all relevant government departments. The Spending Review should ensure that the core Changing Futures team is funded for the duration of the programme and that all relevant departments are able to engage meaningfully with a senior

cross-departmental mechanism to drive collective policy development. This should be backed by a ministerial level mechanism, for example, a Cabinet Committee on multiple disadvantage.

Relatedly, the Spending Review also has an opportunity to indicate a step-change in the way that government funding supports its policy ambitions for tackling multiple disadvantage. At present, many government departments and agencies have significant programmes in place that aim to support people facing multiple disadvantage. In some cases these programmes also seek to change the way that services and systems work for these individuals. However, in practice, these programmes are usually focused on and driven by singular departmental priorities. There is limited coordination of them across the government and learning is rarely collated and shared to drive cross-government reform and policy development.

Any investment made in this Spending Review should be provided alongside a commitment that new processes will be put in place to create the conditions for cross-departmental collaboration and learning, ensuring that the investment the government makes as a whole can have the strongest possible positive impact on local areas and people facing multiple disadvantage.

Harness the expertise and capacity of voluntary organisations to fully realise the potential of investments to address health inequalities for people in the criminal justice system

As set out above, very many people in contact with the criminal justice system are likely to face multiple issues in their lives, including significant physical and mental health issues and histories of substance or alcohol misuse. Many find these issues exacerbated rather than addressed in a stretched and under-resourced criminal justice system, which often struggles to provide equal access to health services. People's engagement with health services are likely to be disrupted as they enter or leave prison. Health conditions go unnoticed or ignored, prescriptions sometimes are disrupted, providers of mental health and substance misuse services change.

Continuity of care for people who are in and out of prison is therefore essential to ensure that people entering and leaving prison receive the health and care support that they need to reduce the chance of reoffending. The RECONNECT programme is another welcome initiative that should support people in the criminal justice system to receive a consistent level of care even as they enter and leave prison.¹⁸ RECONNECT has benefitted from recent investment and we hope that the government will work towards funding the programme towards national coverage. The successful implementation of RECONNECT should have enormous social and financial benefits, creating a basis from which people can rebuild their lives and desist from crime. Voluntary organisations are already on the front-line of addressing these issues, providing mental health care, substance misuse treatment, support to older people with care needs and accompanying people leaving prison to help navigate services in the community. To work effectively, RECONNECT therefore requires effective integration and partnership working with both statutory services, including the newly reunified probation model, and voluntary organisations on the ground. Resource allocated to the programme must be sufficient to enable this wider-systems working.

Where underlying health conditions or histories of substance misuse have contributed to an offence, people should be routinely diverted away from custody altogether at sentencing and into community treatment offers as part of a community order. The current Community Sentence Treatment Requirements (CSTR) programme, which aims to increase the use of Mental Health Treatment Requirements, Drug Treatment Requirements and Alcohol Treatment Requirements, both individually and as combined orders, is a brilliant example of cross-department working to divert people from custody. The programme has oversight from NHS England and NHS Improvement, Public Health England, the Department for Health and Social Care, HMPPS and the MoJ.

The CSTR programme has received strong financial backing from the government. Clinks, alongside Nacro, has published a series of case studies exploring the impact of the programme on the ground and have found much to be celebrated about its impacts, particularly when the expertise of the voluntary sector is drawn upon.¹⁹ For the full social and financial benefits of this programme to be realised, it must work towards national coverage and be sufficiently resourced to work across statutory services and draw on the expertise of the voluntary sector.

End notes

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9. The Lammy Review (2017). *An independent review into the treatment of, and outcomes for, Black, Asian and Minority Ethnic individuals in the Criminal Justice System*. <https://www.gov.uk/government/publications/lammy-review-final-report>
10. Police Bill Alliance (2021). *Letter to Home Secretary and Secretary of State for Justice*. <https://policebillalliance.org/home-secretary-and-secretary-of-state-for-justice>
11. Clinks (2018). *State of the Sector 2018*. <https://www.clinks.org/publication/state-sector-2018>
12. Clinks (2019). *State of the Sector 2019*. <https://www.clinks.org/publication/state-sector-2019>
13. Clinks strives to use language that challenges and does not contribute to racist ideas, actions and policies. In our work we do not use this term and recognise it can be othering, assumes homogeneity, ignore ignores intersectionality, and places recognition on some groups over others. We use it here in reference to the work of others and because removing the term might misrepresent the data and information we are referring to.
14. NCJAA (webpage) <http://www.artsevidence.org.uk>

15. Arts Council England (2018). *Arts and culture in health and wellbeing and in the criminal justice system – a summary of evidence*. <https://www.artscouncil.org.uk/publication/arts-and-culture-health-and-wellbeing-and-criminal-justice-system-summary-evidence>
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17. MEAM (2015). *Individuals with multiple needs: the case for a national focus*. <http://meam.org.uk/2015/05/06/individuals-with-multiple-needs-the-case-for-a-national-focus>
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Our vision

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

Our mission

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

Join Clinks: be heard, informed, and supported

Are you a voluntary organisation supporting people in the criminal justice system?

Join our network of over 600 members. Clinks membership offers you:

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