



## Clinks briefing about recovery in prisons

The UK Health Security Agency (formerly PHE) asked Clinks to produce this briefing, in order to gain insights from the voluntary sector working in criminal justice to feed into their Covid-19 recovery strategy for 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 people in the CJS 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 600 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. Clinks is also a member of the Voluntary Community and Social Enterprise (VCSE) Health and Wellbeing Alliance (HW Alliance) which is a partnership between sector representatives and the health and care system. It is a key element of the Health and Wellbeing Programme, enabling the sector to share its expertise at a national level with the aim of improving services for all communities.

Voluntary organisations working in the criminal justice system (CJS) are diverse in their size and the services they deliver. They all share a dedication and commitment to improving outcomes for people in contact with the CJS and enabling people to transform their lives. They have time and again shown their resilience and determination, in the face of challenging and changing environments, to continue delivering their vital services to meet people's needs. This briefing – drawing on the information we have gathered throughout the pandemic (including from surveys, our Covid-19 report<sup>1</sup> and our Health and Justice Network meeting that heard from 10 organisations across England and Wales)– shows that this continues to be the case even in these unprecedented times when organisations have faced new and greater challenges in delivering services, supporting their service users and their staff and ensuring their long-term sustainability.

### Delivering services in a pandemic

Over the course of the Covid-19 pandemic, the services delivered by voluntary organisations working in the CJS have gone through extraordinary – and at times very rapid – changes. When the first lockdown was announced by the government in March 2020, delivery models had to change overnight, with face-to-face services largely coming to a halt. Since then organisations have had to continually review and adapt their service delivery to respond to the changing Covid-19 guidance and restrictions both in prisons and communities across England

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<sup>1</sup> Clinks (2020), The Impact of Covid on the Voluntary Sector in Criminal Justice. Available at: [https://www.clinks.org/sites/default/files/2020-12/The%20impact%20of%20Covid-19%20on%20the%20voluntary%20sector%20in%20criminal%20justice\\_0.pdf](https://www.clinks.org/sites/default/files/2020-12/The%20impact%20of%20Covid-19%20on%20the%20voluntary%20sector%20in%20criminal%20justice_0.pdf).



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and Wales. The unpredictable nature of this crisis – and uncertainty around how long different safeguarding practices will last and how rule changes will apply to them – has meant that organisations have had to respond quickly in order to survive.<sup>2</sup> The National Prison Framework detailed measures put in place in custody to respond to the pandemic. Information about these measures was challenging to obtain, which presented a further challenge to organisations planning and delivery.

Our research found that throughout the pandemic most voluntary organisations working in the CJS continued to operate to some extent. In the early days of the pandemic, they adapted to remote delivery where possible and some organisations continued office-based tasks at home (61%), using telephone and video conferencing for case work (51%) and setting up telephone advice lines (38%). However, not all of their work can be easily replicated into remote delivery. As a result, despite increased demand, service provision has fallen – as indicated by 58% of respondents to our survey in August last year.<sup>3</sup> Additionally, throughout the pandemic volunteer support has decreased. As a result, the capacity of organisations that rely on volunteers to support the delivery of their services continues to be significantly impacted. Others saw a drop in volunteers because they were unable to deliver services and there were not sufficient activities to be undertaken by them. As a result of this issue with volunteer retention, there are now challenges for the sector to deliver services into the future.<sup>4</sup>

## The challenges of working or volunteering during the pandemic

Over the course of the last year and a half, the pandemic has had an impact on all parts of the CJS. From the point of first contact with the police and subsequent arrest, to an individual's court appearance, and throughout their prison sentence and whilst on probation, all touch points in which the voluntary sector may have had some contact with an individual have been disrupted. This has not only had a significant effect on the sector, but it has additionally created a system in which people in contact with the CJS are facing additional barriers to accessing vital support relating to health and wellbeing, at a time when they need it more than ever.

At the beginning of the first lockdown we asked whether organisations were able to adapt to these changes in the way they operated and found that most were able to and continue to deliver services in a variety of methods, albeit at a diminished rate. However, as the effect of the pandemic has lessened and most of the community at large has been able to return to normal ways of working, this has not followed for many voluntary sector organisations operating in the CJS. Although many factors are influencing this continued difficulty in operating there are a few common themes that are being felt by the sector as a whole. In order to hear the views of the sector on what is required for organisations to be able to continue to operate in light of the pandemic, we reached out to the sector through our Health and Justice Network Meeting and heard from

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<sup>2</sup> Ibid.

<sup>3</sup> The six surveys we ran were sent out to Clinks contacts and shared through multiple communication channels including ebulletins, our website, blogs and social media. The surveys focused on four main areas: service users, service delivery, staff and volunteers, and funding. We had an average response rate of 118 to our surveys. The surveys were conducted from March to August of 2020 but we are consistently hearing similar issues.

<sup>4</sup> Clinks (2020), The Impact of Covid on the Voluntary Sector in Criminal Justice. Available at: [https://www.clinks.org/sites/default/files/2020-12/The%20impact%20of%20Covid-19%20on%20the%20voluntary%20sector%20in%20criminal%20justice\\_0.pdf](https://www.clinks.org/sites/default/files/2020-12/The%20impact%20of%20Covid-19%20on%20the%20voluntary%20sector%20in%20criminal%20justice_0.pdf)



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10 organisations across England and Wales. This aided us in determining what the main barriers were for organisations working in the CJS and what support they would need to be able to overcome these.

## Barriers

### Lack of information sharing and poor communication channels

One of the main barriers that has been experienced by the sector has been a significant lack of information sharing between government agencies and the voluntary sector, including poor communication channels. Although this is a long-standing issue, it has become exacerbated by the pandemic as agencies worked quickly to ensure the safety of those in custody, in addition to having reduced resources and staffing. Clinks has previously discussed this in our recommendation paper from the Reducing Reoffending Third Sector Advisory Group (RR3) to HM Prison and Probation Service (HMPPS) in which we noted several key issues.<sup>5</sup> There has been a general frustration felt by the voluntary sector regarding the speed and accuracy by which information is shared by HMPPS and the MoJ in terms of policy decisions. Organisations of all sizes noted that the flow of information was slow and characterised by a preoccupation around official sign-off rather than focusing on disseminating useful information to the sector, with many having their request for information regarding those they are looking to support going unanswered. These same organisations noted that when they did receive information, it was often incomplete or inaccurate on occasion leading to missed opportunities to support individuals.<sup>6</sup> Clinks has since worked closely with HMPPS to find solutions to these issues and regular updates have been provided to the RR Special interest Group on Covid19 meetings, the minutes of which are published to allow accessibility for the wider sector. The group are now feeding into work to consider next steps beyond the National Framework and have again highlighted the importance of communication and information sharing.

In our recent Health and Justice Network meeting, organisations outlined that poor communication has created a number of issues including, but not limited to;

- crucial health information about individuals being lost or delayed in transfer leading to detrimental health and wellbeing outcomes;
- lack of knowledge of requirements for entering prisons to engage in person to person work;
- prisons not letting the sector know when or if they will be allowed to enter the prison to engage in work;
- and, inconsistent information sharing practices across the prison estate in England and Wales leading to additional difficulty and confusion regarding accessing sites.

In many cases, organisations were not made aware of the procedures in place to ensure the safety of voluntary sector staff and their service users, for example whether there will be Personal Protection Equipment (PPE) available or hand sanitiser, and a lack of guidance for them about how to work safely and what is expected of them. We have also had reports of safety measures being changed without updating voluntary sector staff, leaving them unprepared when entering the prison. The confusion is exacerbated by disparities in processes at different prisons as a result of both being at different stages of the National

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<sup>5</sup> Clinks (2020), Feedback to HMPPS on its Management of Covid-19. Available at: <https://www.clinks.org/sites/default/files/2020-11/Feedback%20to%20HMPPS%20on%20its%20management%20of%20Covid-19.pdf>

<sup>6</sup> Ibid.



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Framework for Prison Regimes and Services and due to inconsistencies in how those stages are implemented in practice.. For example, there are disparities with how much social distancing is taking place in practice; some prisons are providing PPE and sets of wipes and sanitiser for people at the gate whilst others are not; and there are differences between staff using PPE depending on their role. This is leaving voluntary sector staff unsure what the requirement is for them and how to protect themselves.<sup>7</sup> To address this issue Clinks is sharing HMPPS information on the framework and which prisons are at which stage of it on request to voluntary sector organisations on a weekly basis.

As these points indicate, there is a significant need for prisons, and healthcare operators within them, to improve information sharing, and to ensure that the sector is kept abreast of any and all updates regarding requirements for entering a prison. This is a key lesson for the future beyond the National Framework.

We suggest that HMPPS considers adopting a different approach to information sharing by seeking to change the balance of decision making towards a presumption of making as much information as possible publicly available, changing a culture of “why share?” to “why not?”. In prisons, most voluntary organisations have staff who are closely integrated to the prison’s day to day life in normal times. A simple test would be to start from an assumption that information HMPPS needs to share with its own employees should be shared with voluntary partners at the same time and in the same format. We recognise that voluntary organisations may well need to sort through significant quantities of material to identify what is relevant to them. But we are not asking for bespoke communications - generating separate versions for the sector causes more work for HMPPS colleagues and risks confusion simply because there are two versions of information in circulation. It also delays the flow of information at a time when the operational situation is changing very fast. HMPPS could publish existing internally held details about the current situation in different prisons to help external providers plan their service delivery. Making individual prison risk assessments available to providers before they are asked to return to work would also be helpful. In practical terms, allowing voluntary sector organisations access to the HMPPS intranet might offer a practical way forward.<sup>8</sup>

### Lack of in-person work

Since the first lockdown occurred, in response to the measures implemented at the different stages of the National Framework there has been a significant amount of variance across the prison estate and at different times as to which services were able to continue operating in person. As such, the amount of in-person work has dramatically reduced with many organisations having to adapt to virtual ways of working. This has had a significant effect on the ability for organisations to conduct their work in a number of ways. Before the pandemic, many needs assessments for those being released from prison would be conducted in prison via group and individual sessions. As these sessions are no longer running, and many prisons don’t have adequate technology to support these sessions virtually it has become more difficult to understand the needs of those being released into the community. This has led to a lack of tailored support upon release which is likely to have an impact on people’s ability to move away from the CJS. Additionally, the lack of in person support will

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<sup>7</sup> Clinks (2020), The Impact of Covid-19 on the Voluntary Sector in Criminal Justice. Available at: [https://www.clinks.org/sites/default/files/2020-12/The%20impact%20of%20Covid-19%20on%20the%20voluntary%20sector%20in%20criminal%20justice\\_0.pdf](https://www.clinks.org/sites/default/files/2020-12/The%20impact%20of%20Covid-19%20on%20the%20voluntary%20sector%20in%20criminal%20justice_0.pdf)

<sup>8</sup> Clinks (2020), Feedback to HMPPS on its Management off Covid-19. Available at: <https://www.clinks.org/sites/default/files/2020-11/Feedback%20to%20HMPPS%20on%20its%20management%20of%20Covid-19.pdf>



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disadvantage certain population groups including those who struggle with mental health issues, older people, and neuro-diverse individuals as they may feel uncomfortable or unable to use the provided technology.

It is essential that people in the CJS are treated as individuals with services responding to their specific needs from a cultural, community, and individual based perspective. It is therefore vital that the HMPPS alongside healthcare providers working within them, work in partnership with the sector to ensure that individual needs are being addressed and accommodated for in a consistent manner. This includes returning to in-person working as much as possible, to ensure that those leaving the prison estate are best able to be supported by the sector.

### Over-burdened court system

Another major barrier that was noted is the overburdened and under resourced court system that has had a significant effect on the ability for the sector to engage in support during the trial process. Many courts across England and Wales have adopted safety precautions that have prevented the sector from supporting individuals going through the trial process. Some particular cases were noted where key workers were denied access to the courtroom at point of access, leading to their clients experiencing significant distress as they tried to navigate the system alone. Moreover, this lack of support from the sector has also occurred due to the courts shifting to a virtual delivery system which many have found difficult to manage and have said it is preventing them from fully supporting their clients.

It is essential that individuals who are going through the courts are provided with the appropriate support from those in the sector and are able to access the services they require.

### Remobilising services amidst reduced resources

A major implication of the pandemic has been the reduction of resources that have been accessible to the sector alongside the increased needs of those in contact with the CJS. Over the course of the pandemic we have heard from many organisations regarding the difficulty they have experienced in funding for their work as they were unable to deliver services.

Unfortunately, the emergency funding made available from various government departments to help deal with Covid-19 that was not made available to the voluntary sector organisations operating in the CJS. Clinks were pleased administer grant funding to the sector on behalf of HMPPS. However, the funding available was not enough to meet the demand.<sup>9</sup> The emergency funding provided by philanthropic funders was welcome, although this was often provided to those organisations they were already funding, making it difficult to access grants for those without existing relationships. Finally, for organisations looking to engage in or qualify for either competitions for contracts, or government grants that have been available during this crisis, the process has often been very resource intensive, time consuming and complex with many tenders not being representative of the current needs of those in contact with the CJS.

This comes at a time when many in the sector are operating at reduced capacity making it challenging for organisations to engage in long-term planning and put in bids for future service delivery as their immediate sustainability is at risk and their future more uncertain. As a result of this, organisations are having to make

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<sup>9</sup> Clinks (2020), The Impact of Covid-19 on the Voluntary Sector in Criminal Justice. Available at: [https://www.clinks.org/sites/default/files/2020-12/The%20impact%20of%20Covid-19%20on%20the%20voluntary%20sector%20in%20criminal%20justice\\_0.pdf](https://www.clinks.org/sites/default/files/2020-12/The%20impact%20of%20Covid-19%20on%20the%20voluntary%20sector%20in%20criminal%20justice_0.pdf)



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choices about prioritising the current support work that they provide, putting in additional resources to engage with new volunteers, or to engage in competing for new contracts. This is putting organisations under significant amounts of pressure. Additionally, this is creating barriers to them engaging in commissioning processes that typically favour larger organisations from the outset and therefore risks excluding their voices from important conversations.<sup>10</sup>

These difficulties are exacerbated by the aforementioned lack of proper communication channels and poor information sharing, and a feeling from organisations that their voice regarding the individuals they serve are not heard or responded to. This has led to many in the sector being disappointed by the lack of understanding that the prison estate has for the work that they do, and their role as a valued partner in the CJS

It is imperative that resources are made available for those operating in the sector and that government agencies listen to voluntary organisations to ensure that tenders properly address the needs individuals who come in contact with the criminal justice system. It is also critical that the sector is funded specifically for the health and wellbeing work that they engage in. Additionally, it is vital that the commissioning process and tenders become less complex and/or resource intensive to apply for to ensure that smaller organisations are able to continue with their support work whilst being able to engage in the process.

### Operating in silos

Finally, the pandemic has further emphasised that individual healthcare needs should be treated in a holistic and all-encompassing manner to ensure that they are being properly supported. This is particularly pronounced for those with mental health needs, neurodiverse individuals and those facing multiple disadvantage. This often stems from a lack of understanding of how their individual conditions can have a knock-on effect to other aspects of their health and wellbeing. The pandemic has exacerbated this as it has made it more difficult for the sector to access those individuals who require this form of care leading to detrimental health and wellbeing outcomes. In our engagement session with the sector, it was stated that there is often a lack of understanding by certain staff, as highlighted in the 'Neurodiversity in the criminal justice system: A review of evidence' report that has led to certain aspects of individuals healthcare needs being prioritised over others, leading to disjointed delivery of care and support.<sup>11</sup> This has had a particular effect on smaller specialist organisations that address these issues as they feel that their work has been de-prioritised by the prisons they previously operated in, leading to individuals not having all of their needs met.

It is essential that individual healthcare needs are treated in a holistic and all-encompassing manner to ensure that they are being properly supported. It is recommended that staff in prison take a 'whole prison approach' that responds to the individual needs of the whole prison population, ensures continuity of care throughout the entirety of their sentence and creates a culture of wellbeing.<sup>12</sup>

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<sup>10</sup> Ibid

<sup>11</sup> Criminal Justice Joint Inspection (2021), Neurodiversity in the Criminal Justice System: A Review of Evidence. Available at: <https://www.justiceinspectors.gov.uk/cjji/wp-content/uploads/sites/2/2021/07/Neurodiversity-evidence-review-web-2021.pdf>

<sup>12</sup> Clinks (2019) Whole Prison, Whole Person. Available at: <https://www.clinks.org/publication/whole-prison-whole-person>

## Conclusion

Collectively, the results of our surveys and our engagement with the voluntary sector in the CJS has highlighted the resilience of the sector. However, this resilience has not been untested, even as the national lockdown has been removed there are still many barriers that are preventing the voluntary sector organisations that provide crucial support to those in contact with the CJS from operating to the fullest extent. Although this short brief has attempted to address many of the most consistent issues that are facing the sector operating in health and justice, it is imperative that government agencies listen to the needs of local organisations across England and Wales to ensure that their specific needs are being adequately addressed. In this sense, it would be beneficial for each prison in the estate, alongside healthcare providers, to conduct a mapping exercise (to be fed back centrally) to understand which services have still been able to operate in their prison, and which have not been, to ensure that the health and wellbeing needs of all those in contact with the CJS are properly being addressed.. This could be then followed by establishing a voluntary sector co-ordinator to help improve relationships between services and prisons either through prison staff or by seconding someone from the sector to serve this purpose in the short to medium term.<sup>13</sup>

It is also imperative that government agencies move towards a “do with” relationship with the voluntary sector as opposed to the “do to” ethos which many organisations currently experience. One of the main frustrations during the pandemic has been that the sector felt as though they could contribute much more in the national effort to tackle the pandemic if they were working more closely in partnership with the statutory sector.<sup>14</sup> In working closely with the sector, HMPPS, the NHS, and the UK Health Security Agency (HSA) would be able to foster beneficial working relationships that benefits all involved in the CJS as well as aiding the general public as a whole.

The UK HSA plays an instrumental role in the health and wellbeing of the country, including those in contact with the CJS. As we know, health inequities experienced by those in prison environments are being exacerbated as a result of the pandemic, with rising mental and physical health issues being widely reported and prisoners experiencing disparate levels of care as those in the wider community. This is especially the case for those who face multiple disadvantage such as those from vulnerable communities including racially minoritised people, women and LGBTQ+ individuals. It is therefore pertinent that the UK HSA continue to reach into the community to hear the voices of the sector and listen to the needs of voluntary sector organisations and those in contact with the CJS alike to ensure that health inequities do not continue to rise. Additionally, it is crucial that the UK HSA, HMPPS and the NHS, be open and clear in their communications with the sector regarding decisions to mitigate the effects of the pandemic whilst ensuring that these decisions are made with an understanding of the detrimental effect that they may have on the health and wellbeing of those in custodial environments.

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<sup>13</sup> Clinks (2020), Feedback to HMPPS on its Management of Covid-19. Available at: <https://www.clinks.org/sites/default/files/2020-11/Feedback%20to%20HMPPS%20on%20its%20management%20of%20Covid-19.pdf>

<sup>14</sup> Ibid.