



Reducing Reoffending Third Sector Advisory Group (RR3)

12th December 2023, (10:00am-1:00pm) via Teams

Attendees:

Anne Fox, Clinks (Chair)
Bronte Jack, Clinks (Secretariat)
Lorraine Maher, Clinks
Bryn Hall, Clinks
Sam Julius, Clinks
Adam Moll, The Social Interest Group
Alasdair Jackson, Recycling Lives
Carolyn Houghton, Rethink Mental Illness
Dez Brown, Spark2Life
Josh Stunell, bthechange CIC
Khatuna Tsintsadze, Zahid Mubarek Trust
Lisa Dando, Brighton Women's Centre
Paul Grainge, Recoop
Maria McNicoll, St. Giles Trust
Steve Matthews, Shelter

Officials:

Alana Ajani, Programme Director for the Race Action Programme and Head of HMPPS Diversity and Inclusion
Andrew Lewin, Senior Manager for Third Sector Partnerships and Programmes Team, HMPPS
Heather Powell, Senior Diversity and Inclusion Manger, HMPPS Wales
Jemma Rix, Senior Manager for Third Sector Partnerships and Programmes Team, HMPPS
Raymond Taylor, Policy Lead on Vetting, Directorate of Security, HMPPS
Stephen O'Connor, Deputy Director for Probation Policy, Ministry of Justice

Apologies:

Bernie Bowen-Thomson, Safer Wales
David Morgan, Entrepreneurs Unlocked CIC.
Ellie McNeil, Liverpool and Sefton YMCA
Helen Dyson, Nacro
Pippa Goodfellow, Alliance for Youth Justice
Ruth Boyd, Head of Stakeholder Engagement, HMPPS
Tina Parker, PACT
Vicki Markiewicz, Change Grow Live

1. Welcome and introductions

- 1.1 Anne Fox welcomed members and officials, and gave an overview of agenda items.
- 1.2 To focus on the challenges faced by the voluntary sector with regards to vetting, the group welcomed Raymond Taylor, Policy Lead on Vetting from the Directorate of Security at

HMPPS. The second agenda item focused on tackling racial disparities in the Criminal Justice System, with presentations from Steve O'Connor, Deputy Director for Probation policy and thematic lead on race, Alana Ajani, Programme Director of the Race Action Programme and Heather Powell, Senior Diversity and Inclusion Manager at HMPPS Wales.

- 1.3 Anne Fox updated members regarding group membership, as there are now a number of seat holders whose terms are ending. She thanked Pippa Goodfellow, Lisa Dando, Tina Parker, Helen Dyson, Khatuna Tsintsadze, and Carolyn Houghton, for their contributions to the group. Recruitment for seats representing Women, Families, Resettlement, Mental Health, Youth Justice, and Organisations led by and focused on racially minoritised people, will commence in the early 2024.

2. Raymond Taylor, Policy Lead on Vetting, Directorate of Security, HMPPS

- 2.1 Raymond Taylor began by establishing what vetting is and how his team approach risk assessments.
- 2.2 The vetting team have a legal duty to ensure people have a right to work, then they establish if the person is sufficiently 'trustworthy' which is determined based on the information an applicant provides. There is a two-stage process, part done by Shared Services Connect Limited (SSCL), who complete the front-end checks, send the pro-forma form asking for various information, and in most cases, it goes no further. The risk decision is passed onto the vetting team who will assess risk. We ask under the Rehabilitation of Offenders Act for previous convictions. An applicant is more likely to fail for not disclosing, and therefore we ask candidates to be candid, placing a strong weighting on honesty.
- 2.3 The process is essentially bureaucratic, and the team are currently reviewing procedures to come find improvements for a simpler and more transparent approach.
- 2.4 It is not the job of vetting to judge someone's character, the information used is simply to establish risk.
- 2.5 As part of review, they want more a transparent and helpful risk assessment process, made publicly available to some extent.
- 2.6 Currently there are no generalised delays to applications.
- 2.7 Sometimes there can be an admin delay for individual applicants, for example in the instance where forms are not fully completed.
- 2.8 Anne Fox mentioned the Clinks-held Amy Rees and Phil Copple event, whereby it was mentioned that a new vetting framework was being formulated. She asked how can the voluntary sector, which has distinct experience on vetting, fit into this?
- 2.9 Adam Moll asked about the prioritisation of HMPPS staff in processing applications.
- 2.10 Alasdair Jackson asked whether the vetting decision would be impacted if an applicant is being supported by a voluntary sector organisation.
- 2.11 Paul Grainge gave an anecdotal reflection on his organisation trying to hire six new members of staff, with the vetting process taking on average 12 weeks. For a specialist organisation this is very strenuous on resources as he has new starters working from home and as a result is losing employees. He has heard from some partners suggesting up to five months waiting on vetting decisions. He would like some clarity around vetting decision waiting times, and around escorted visits as this is placing risk on contracts and delivery. He asked if there is room to negotiate anything locally with partners.
- 2.12 Raymond Taylor responded that the risk decision is taken by the governor and local manager, knowing the organisations supporting an applicant mitigates a risk is difficult to

say as he is not personally involved in that decision. Support is necessary to get person into prison in the first place, however, he cannot say if it affects decision overall.

- 2.13 He also stated that vetting shouldn't take 5 months, this is certainly unusual and not commonplace. Although he could not say the reasons for such delays, but offered to find out if there is a local issue.
- 2.14 Raymond Taylor said that HMPPS staff shouldn't generally be prioritised, as a very large proportion of vetting comes from third parties, however he can get some further clarity on this. He urged members to let the vetting team know if organisations are expecting a large influx in applicants.
- 2.15 Carolyn Houghton raised the question around certain staff, i.e. those with lived experience, who have not received vetting clearance but will always be working escorted within prisons. She asked if there is anything in vetting process about unlimiting the number of prison visits for people partnered with voluntary sector organisations that are delivering contracted services. Her organisation frequently brings staff in who haven't received vetting clearance however the number of gate passes varies prison to prison. She also asked for more clarity around vetting decisions and around the appeals process.
- 2.16 Raymond Taylor agreed that there isn't enough clarity and transparency, and the review will seek to improve on this. The risk assessment prevents the appointment of an applicant, and he recognises the need to make this process clearer. He is limited on what can be revealed in relation to the decision-making process, to stop people pre-empting information. He reiterated that process is not about making a character judgement, but rather to establish the risks and if risks are manageable.
- 2.17 He gave an example whereby an applicant has an association with a serving prisoner, and so they will investigate the frequency of contact, whether the prisoner is notable in anyway, i.e. involved in organised crime, and it is likely the applicant would be declined regardless of whether they are suspected of any ill intent. It is likely the person will be in a vulnerable position and therefore consideration is needed regarding their safety as well of safety of prison and those in HMPPS' care.
- 2.18 Joanne O'Connor wanted more clarity around what a local decision is. She recalled that she was informed the number of gate passes given per year was a national policy.
- 2.19 Raymond Taylor maintained that gate passes are a local decision, not a vetting one, and therefore determined by the prison governor. He urged members to discuss this matter at a local level beyond the security team.
- 2.20 Steve Matthews remarked that delays in decisions are taking up to 10-12 weeks at his organisation. He asked if there is any data around how long vetting is taking.
- 2.21 In response to data Raymond Taylor read an answer from the Prisons Minister as part of a recent parliament question whereby data was provided by the vetting team. It stated that there are currently no vetting delays concerning prison personnel as well as third party organisations. On average enhanced level 2 vetting for directly employed personnel is taking on average 25 days, and for level 1 non directly employed, on average 10.46 working days. This data will not include those with convictions, whereby a risk assessment is needed. There is currently no running statistics in relation to vetting by statisticians.

3. Steve O'Connor, Deputy Director for Probation Policy, HMPPS

- 3.2 Steve O'Connor began by reflecting on changes in last 6 years since the Lammy Review published in 2017, with the subsequent government response being published in 2018. There was then the progress review 2020 and more recently in 2022, the Inclusive Britain

Plan which set out a whole government approach. He then highlighted three key activities where his team are making progress and invited the group to challenge the efforts on the agenda in 2024.

- 3.3 There have been promising results in the police station legal advice scheme which sought to address the low take up of police station legal advice, particularly amongst those from racially minoritised communities. HMPPS have worked with the Metropolitan police to test the approach, by giving people the option to opt-out, rather than opt-in, of legal advice. This was piloted for all children under 18 in Brixton and Wembley and has since spread to almost all custody suites in London. They have seen take-up rates go from 60% to 99%. It is too early to determine whether this has impacted on someone's overall journey in the system.
- 3.4 There has been progress in relation to data. There remains the bi-annual statutory commitment to update ethnicity data, which now includes more granular detail and analysis. For example, last year's data included a comparison of the Department of Education and Justice data, to establish if education status impacted on young people's experience of the justice system. Forthcoming data and analysis are due in January 2024. They have also sought to improve the accessibility of data for the public and accredited researchers.
- 3.5 They have set up programmes to support led by and for organisations in accessing CRS contracts, and grants including the 'Ethnic Minority Stewardship fund.'
- 3.6 Steve O'Connor welcomed the groups thoughts on how he can update the sector more fully in a public way, on progress. He hopes to use the group more frequently to update on HMPPS' agenda and open scrutiny around future policy making.

4. **Alana Ajani, Programme Director for the Race Action Programme and Head of Diversity and Inclusion, HMPPS**

Alana Ajani joined the group to provide an update on the programme, its key achievements from the last three years, and next steps as it comes to a close on 31st March 2024. There have been fifteen key deliverables against 5 different work streams, with outputs focused on outcomes, which have now been evaluated. Now trying to embed this.

- 4.1. In relation His Majesty's Inspectorate of Prisons Thematic Review on the experiences of adult Black male prisoners and black prison staff, HMPPS have delivered on the short-term actions, including the launch of a progression buddy scheme, reverse mentoring scheme, as well as implementing regional representation targets for ethnic minority staff. There are now Leads for all workstreams across the thematic review and they have been encouraged to establish multi-disciplinary groups, to broaden the range of voices adding input. They are keen to see people from the voluntary sector and those with lived experience being part of this.
- 4.2. Over the past year and half, they have held monthly Race Action Forums, which encouraged staff to respond to the activities launched within programme. The forums now have 50-100 attendees, and sessions have focused on the prison estate, probation, and one was held in collaboration with Spark Inside, to explore experiences of young Black men.
- 4.3. An early achievement was the Race Allyship Charter, which sought to build a strong community of action-orientated race allies. There are now over 1,900 allies across the organisation, and results have been positive in terms of attendee satisfaction.
- 4.4. In February 2023, the Gypsy, Roma, Traveller Strategy was launched, to improve data in the justice system from both a staff perspective and people in HMPPS' care. The

programme worked with health partners to address health inequalities, as well as a strand looking at women and girls. They closely aligned with experts in the voluntary sector, most notably The Traveller Movement. Their report 'Available but not Accessible' allowed for a solid evidence base to enrich the activities and strategy.

- 4.5. The programme aimed to develop cultural competence within the workforce, by running a programme of learning, including e-learning modules along with face-to-face learning workshops and clinics. The aim was for 'low dose, high frequency' training to keep this on agenda.
- 4.6. The reverse mentoring scheme is also underway, whereby senior leaders are paired with people with lived experience of criminal justice system.
- 4.7. Dez Brown wanted to know if there is a specific plan around increasing representation in senior leadership at HMPPS.
- 4.8. Alana Ajani responded that this will be both a whole-system and long-term focus. In terms of the regional representation benchmarks, each prison and Probation Delivery Unit are given a bespoke figure based on labour force survey. They can then adjust this accordingly based on local knowledge, and it will then be part of local business plans which are submitted quarterly to track progress. Work is being done to consider outreach in local communities, as well as national recruitment strategies by working closely with the inclusive recruitment lead. In terms of governance, progress will be reported to HLT annually. She acknowledged the importance of measures to create a healthy and supportive culture as well as addressing retention issues.
- 4.9. Khatuna Tsintsadze said that regarding racial disparity, the voluntary sector wants tangible and measurable outcomes. What she has heard around the Race Action Programme is focused on staff and not people in prison, with activities being mostly high-level strategy or online staff training, which she feels will not impact local practice. She expressed her frustration that the programme will close without the opportunity to oversee the implementation process, and there is a hesitancy that the programme's aspirations and promising work will disappear. She stated that after 3 years there should be some impact from this work on data or people in prison's perceptions around racial inequality. She noted the Prison Reform Trust's recent report on the use of force, suggesting that this disproportionality has increased. Whilst there was initially hope in seeing a dedicated focus to addressing racial disparity in the justice system, compared to previous years, she expressed that any positive results are attributed to the work of small specialist organisations rather than the programme.
- 4.10. Alana Ajani acknowledged that there will always be a need to do more. The interventions developed by the RAP over the last three years, which are designed to improve outcomes for staff and those in our care will be mainstreamed into business as usual structures or continued as part of the Professional Standards and Behaviours group to ensure we secure a long-term commitment to change.
- 4.11. Adam Moll asked if there are specific objectives and targets in relation to diversifying the senior leadership team at HMPPS.
- 4.12. Alana Ajani responded that these targets stem from Lammy Review recommendation to ensure that senior leaders are reflective of the general population by 2030, however she acknowledges change in this area is needed now and is developing recommendations to address senior leadership diversity.

- 4.13. Anne Fox asked about how the work to address racial disparity, and the new Racial Disparity Unit (RDU), will sit within the new 'One HMPPS' structure.
- 4.14. Alana Ajani added that the structure is still subject to governance, however the aim is for the RDU to be led by a senior leader to ensure it has strategic insight and influence. The unit will then draw on other resources and specialists within the organisation, including data and operational colleagues.

5. Heather Powell, Senior Diversity, and Inclusion Manager, HMPPS Wales.

Heather Powell joined the group to provide an overview of the Criminal Justice System Anti-Racism Action Plan for Wales, its structuring governance, and progress to date.

- 5.1. The Criminal Justice Board for Wales agreed in 2020 to adopt a *One public service approach to advance race equality* and agreed to develop a Criminal Justice Anti Racism Action Plan. This would work alongside the Welsh Governments' Anti-Racist Wales Plan which involves a whole system approach.
- 5.2. In addition, to increase transparency and accountability, and to measure progress and change, the Criminal Justice Board for Wales agreed to create an Independent Oversight and Advisory Panel.
- 5.3. All criminal justice agencies in Wales committed the plan: 4 forces, 4 Offices of Police & Crime Commissioners, CPS, HMPPS, HMCTS, Youth Justice Board. Including the Welsh Government, Welsh Local Government Association, and Public Health Wales sitting on the Race Task Force.
- 5.4. A co-production approach was taken for the Plan's development, including collaboration with around 650 people and 16 different ethnic minority-led and criminal justice focussed organisations. The plan was subject to extensive consultation.
- 5.5. In terms of priorities, there are seven core areas:
- An independent oversight and advisory group which has 12 members
 - Challenging racism, which involves a whole system approach
 - Building an ethnically diverse workforce
 - Involving, listening, and taking action, which works to embedding lived experience
 - Transparency, accountability, and co-ordination
 - Educating the work force, by delivering high quality anti-racist training
 - Promoting fairness, looking at data and disproportionality
 - A focus on prevention, early intervention, and rehabilitation.
- 5.6. Heather Powell then outlined the Independent Oversight, Scrutiny and Challenge processes in place which include the Independent Oversight and Advisory Group, a panel of 12 members recruited via an independent advertisement process. Over 90% of the panel are from an ethnic minority background, and it includes representatives from all four police force areas.
- 5.7. There is a Community Engagement Network, which is chaired by Clinks, for external partners to provide 'on the ground' experiences and views on progress.
- 5.8. Then thirdly, Subject Matter Experts/Lived Experience Input- whereby people are invited to sit on the Boards, Taskforces and groups connected with the Plan's

delivery. It is integral that those with lived experience are involved in the decision making and policy setting.

- 5.9. Heather Powell then identified the 4 key workstreams and provided updates on progress in the last 12 months:
- Data and Disproportionality
 - Cultural Competency, Training and Representative Workforce
 - Community Engagement, for representatives of CJS agencies to address how they can continually feedback to local communities
 - Communication
- 5.10. In relation to progress, they have developed frameworks and benchmarks for training and representative workforce, including the introduction of a minimum standards for effective practice.
- 5.11. They recently introduced an anti-racism training pilot which is currently subject to Public Health for Wales evaluation.
- 5.12. All comms leads have completed an anti-racism learning programme and co-produced a comms plan.
- 5.13. Research has been commissioned and completed in relation to Out of Court Disposals and interventions for perpetrators of hate crime. There are several recommendations to consider as a result of this research.
- 5.14. They have a Data Dashboard in development, bringing together data from across all criminal justice agencies across Wales, with the first report due by the end of 2023.
- 5.15. An audit methodology is being trialled to consider policy review through an anti-racist lens, beginning with recruitment policies. The ambition is to role this out to different policy areas across agencies.
- 5.16. Work has begun to establish an All-Wales staff network, to upskill staff to test and challenge within their own organisations.
- 5.17. They have increased the representation of ethnic minority people sitting across governance structures.
- 5.18. The Women's Justice Blueprint have now developed their own Anti-Racism Plan.
- 5.19. A Working group has been established to look at the specific needs of Gypsy, Roma and Traveller Communities, in partnership with the Welsh Government.
- 5.20. Dez Brown asked whether the frameworks and benchmarks for training and workforce representation were accessible, and who was involved in the development of the staff anti-racism training.
- 5.21. Heather Powell responded that she welcome feedback on the frameworks. They have gone out to every agency to be tested in February 2024. Touch base with key stakeholders before. Training two phased pilot commissioned, consultancy Higher Plane which was co-developed programme with Jacob Henry from Fully Dedicated, who has lived experience of CJS. This pilot is now being independently evaluated. Any potential training will include additional commissioning processes around this.
- 5.22. Lisa Dando asked if Heather Powell could elaborate further on the Women's Justice Blueprint and its Anti-Racism Plan.
- 5.23. Heather Powell responded that whilst she is not involved in this work, she would be happy to share further information.

6. Updates

- 6.1. Jemma Rix provided an update as HMPPS moves towards regionalisation. Her team are working closely with Clinks on the development of Third Sector Regional Advisory Boards, and she should be able to update the group more on this in March 2024. They are delivering on their commitment to match RR3 seat holders with nominated policy leads at HMPPS, and meetings with commence in January.
- 6.2. Andrew Lewin provided an update on the innovation grants. In November he updated organisations on the winning bids, and 13 grants are now in process the of mobilisation.
- 6.3. Secondly, he is making steps on the actions from recent stakeholder events and is working with Clinks to develop outcomes. He will present the plan back, outlining steps at the Third Sector Partnership Board in April 2024.

7. Close

Addendum

Further questions asked by group members to Raymond Taylor, Policy Lead on Vetting, Directorate of Security, HMPPS:

1. *If someone has a conviction is it always a no vetting decision centrally, with localised risk assessment being the only way to get clearance?*

On the contrary, of all the people we consider who have previous convictions for all roles considered by HMPPS, including direct and non-direct employees (employees of contractors and voluntary sector partners) some three quarters are approved for vetting. Each case is considered on individual circumstances and where a person has a conviction, we will look to other information to help us understand and assess the risk. I gave an example at the meeting of a person who had a current close association with an organised crime gang such that the association was the main risk rather than the conviction. The conviction itself is not the determining factor except in the most serious cases (such as murder, rape). A declared conviction will lead us to ask other question and consider other information. If we discover an undeclared conviction that is most likely to result in vetting not being approved. We require all candidates to be open and transparent and not to withhold relevant information, particularly convictions. I am aware of recruiters sometimes suggesting to candidates that they “don’t need to declare” certain relevant information. I it always best to be honest and up front about this information and, if a candidate is unsure whether they need to declare something, to declare it.

For ‘Standard Plus’ checks, which will be the relevant level of vetting for most of the people working within your sector, the vetting only lasts for one year and is specifically aimed at those with recent offending history. In these cases the risk decision is taken locally and will take into account local vulnerabilities. Because these vary from establishment to establishment it would be difficult to generalise about a ‘pass’ rate. Concerns would of course need to be taken up locally and escalated if need be.

Vetting is required for regular visitors. A one-off or infrequent visit would not require vetting if the person is escorted, but this is not an issue simply of whether they are being escorted or not. If they

have not been vetted then it is for the Governor to decide whether they can be allowed in or not and how frequently. I can't advise on any policies beyond this but if you are advised by a local manager that 'policy' prevents more than a certain number or frequency of visit I can only suggest asking for further clarification and/or whether there may be other ways of managing the risk.

I would also suggest that if you think someone is bound to 'fail' vetting, this may not be the case. As I say, we assess every person based on individual circumstances so it may be worth applying.

- 2. It would be great to get some clarity - governors tell us people need vetting if they want to visit more often than gate passes allow (they say this is MOJ policy), individual then subsequently fail vetting and they are not able to visit any further. However these staff are not working unescorted and risk is managed by the vetting cleared staff with them. Unclear if there is a way to get vetting that only allows them to have escorted access within the estate rather than the full vetting which is denied?***

There is no process to require a Governor to allow regular access for someone who has not been cleared. It is for the Governor to assess the risk of access to each prison for any visitor. Again, it is not about the escort it is about the frequency of access. If I were to turn up at a prison with my security clearance and request entry, it is still up to the Governor to say yes or no (escort or not) and this is part of the statutory authority of a prison governor (which I cannot advise on).