

# The Independent Sentencing Review

An opportunity to fundamentally  
reshape our criminal justice system



**Our response**

May 2025

# About Clinks and this response

Clinks is the national infrastructure organisation supporting voluntary sector organisations working in the criminal justice system. We are a membership organisation with over 500 members, including the voluntary sector's largest and smallest providers. Our vision is of a vibrant, independent, and resilient voluntary sector that enables people to transform their lives. Clinks supports, promotes, and represents the voluntary sector to ensure it can provide the services people need. We provide specialist information and support – with a particular focus on smaller, specialist voluntary sector organisations – to inform them about changes in policy and commissioning, support them to advocate for change, help them build effective partnerships, and provide innovative services that respond directly to the needs of the people they support.

This response provides a detailed analysis of the context within which the Independent Sentencing Review was commissioned, as well as an exploration of its core recommendations.

## Introduction

Today (22 May 2025) could, and should, be a real line-in-the-sand moment for reform of our criminal justice system, offering a genuine opportunity for the Government to fundamentally reshape how the system works. The Sentencing Review's recommendations are hugely welcome, particularly in their recognition of the voluntary sector's central role in helping people at every stage of the criminal justice system. Much of what has been recommended aligns with what the sector has been advocating for, for many years.

We are delighted that the role, and value, of the sector has been recognised, and ongoing collaboration will be crucial in order to support the implementation of the Review's recommendations. This must include the embedding of genuine partnership working between statutory bodies and the voluntary sector, at every level of government. We look forward to supporting the sector to engage with the opportunities to come.

The core recommendations of the Review are certainly exciting and we are pleased that **our submission** to the Review has been referenced. Reducing the size of the prison population by significantly curtailing short sentences, investing in probation and community justice services, and focusing more attention and resources on addressing need in the community are laudable and welcome goals. But, to make a success of the Sentencing Review, the appropriate resources must be attached to the recommended measures, and we will await the conclusion of the Comprehensive Spending Review with interest. It is also pleasing to see accountability mechanisms within the recommendations, that should lead to the avoidance of a prison capacity crisis in the future. In particular, the recommendation of a ministerial statement on the impact on prison capacity of any government announcement.

We already know that **the demand for voluntary sector services in the community is increasing**, and it is important that this is acknowledged when funding decisions are being made. We also know that the current economic climate is a difficult one, but change, and resources, are needed at each stage of the criminal justice process.

# Context

For decades, under successive governments, we have been sending too many people to prison on ever-increasing sentences – something described by David Gauke as ‘penal populism.’ The Review’s recommendation to launch a public awareness campaign on sentencing would be a welcome addition to the current debate.

This approach has been to the detriment of genuine rehabilitative efforts, that address the root causes of why so many people have ended up in prison in the first instance. Overcrowded and understaffed prisons have resulted in limited regimes, creating barriers to engagement in prison activities that support effective reintegration into the community.

In the case of women, this approach has long been recognised as counter-productive, with improved access to health and wellbeing, drug treatment and family support services more likely to reduce reoffending.

Lord Timpson has consistently reiterated his stance on ‘following the evidence of what works’ and the package of measures that have been recommended seem to follow this approach. This includes the recommendation for an external advisory board, focused on ‘what works’ in relation to sentencing; an expansion in the number of Intensive Supervision Courts; and the use of short, custodial sentences only in exceptional circumstances – a policy long called for by the voluntary sector.

This is an opportunity that mustn’t be wasted. Policy solutions, informed by the evidence of what works, is the way forward. We can’t afford any more sticking plasters on what has been a massive, ongoing public policy failure.

## The recommendations

**To note – this is not an exhaustive list of the Review’s recommendations. The full list can be found in our blog post on the Review.**

### Boosting the role of the voluntary sector

The Review has acknowledged the fundamental role of the voluntary sector in supporting people in contact with the criminal justice system, and references our most recent [State of the Sector research](#). It has recommended that additional funding is provided for the sector to support probation in the management of people in the community, and to enable the increased commissioning of locally based organisations.

Further, the Review has recommended an expansion in the use of voluntary sector support for people on community sentences and on license, which will help the Probation Service to prioritise resources and improve outcomes for people on its caseload. This focus on increased investment in organisations supporting the delivery of community services is much needed and will require extensive engagement with the sector to ensure that this proposal is implemented effectively.

The role the sector plays in supporting people in contact with the criminal justice system is unique. Many people who have been in prison or have had some form of involvement with the system, have a distinct distrust of statutory bodies. Voluntary organisations are trusted to provide holistic and non-judgemental support that is not necessarily available elsewhere. Yet, in order to be that pillar of support, the sector requires certainty – in terms of its funding – and in terms of its ability to support people, through coordinated, partnership working with statutory bodies.

### **Short custodial sentences should only be used in exceptional circumstances, and extending the upper limit of Suspended Sentence Orders (SSOs)**

The Review has recommended that short, custodial sentences should only be used in exceptional circumstances. This is in favour of an increase in the use of community sentences. In recent years, there has been a sharp decline in the use of community sentences – *by more than half between 2012 and 2022*. This is despite data illustrating that reoffending rates for community sentences are markedly lower than for those who have served short, custodial sentences. The recommendation is therefore a positive example of pursuing evidence-based policy.

This approach could be particularly transformative in reducing reoffending by women. Analysis of Ministry of Justice data by the **Prison Reform Trust** (see *Resetting the Approach to Women's Imprisonment*) showed, that In 2023, almost two thirds (64%) of prison sentences given to women were for less than six months, despite widespread recognition that short prison sentences are harmful and ineffective. Replacing the use of short, custodial sentences, with gender-specific, appropriately designed packages of community support and treatment, informed by standard (rather than short oral) pre-sentence reports, would deliver better outcomes.

Evidence of what works in reducing reoffending by women can be found in the 2015 publication *Better Outcomes for Women Offenders*, which highlighted the importance of addressing substance misuse, mental health needs and emotional support, along with family & relationships.

The Review has also recommended extending the upper limit of SSOs to custodial sentences of up to three years – currently custodial sentences of up to two years can be suspended for up to two years. This is a positive, proposed expansion of a more community-focused approach, as requirements are added to SSOs, such as Mental Health Treatment Requirements (MHTRs), that can support people to address any underlying issues linked to their offending.

### **Increased provision of Intensive Supervision Courts (ISCs)**

The Review has recommended expanded provision of Intensive Supervision Courts (ISCs). ISCs take a problem-solving approach by diverting people with complex needs away from custodial sentences and into enhanced community-based sentences. The primary objective is then to address any underlying issues, such as with drug and alcohol use, linked to previous offending. The original pilot encompassed Birmingham's women's court and two substance misuse courts (for both men and women) – in Liverpool and Teesside. Clinks member, the **Centre for Justice Innovation** has led in our sector over many years on *developing the case* for problem-solving justice. The Centre has been instrumental in advocating for, modelling, and supporting the delivery of problem-solving approaches across the UK.

Clinks member, **Revolving Doors**, led on the process evaluation for the Intensive Supervision Courts pilot. Their CEO, Pavan Dhaliwal, **commented** at the time that ‘the evidence shows that using problem solving approaches in courts and looking to address root causes such as problematic substance use and poor mental health are the best ways to help people turn their lives around.’

The initial evaluation of the pilot produced some positive findings. In particular, the evaluation highlighted how partnership working is at the centre of the ISC model and that ‘**there appears to be good engagement with order requirements so far**’, with people receiving tailored support packages. Additionally, it was found that the pilot sites have succeeded in making court hearings less intimidating and that positive relationships have developed between judges and the individuals on the ISC.

Evidence showing the impact of problem solving approaches for women can be found in two articles in a recent special edition on women of the *Prison Service Journal*. These offer international insights and explore different models of problem solving courts operating in a number of jurisdictions.

The ISC in Birmingham and the women’s problem solving court in Greater Manchester (GM) have developed models that operate differently, but both draw on specialist, trauma-informed, gender-responsive methods that require core involvement from specialist, voluntary women’s organisations – **Anawim** and **Black Country Women’s Aid** in Birmingham, and members of the **Greater Manchester Women’s Support Alliance**, in GM.

These Clinks members provide the essential wraparound, holistic support that addresses women’s needs and helps them to comply with requirements to successfully meet the court’s sentence. However, the success of these resource-intensive models depends on appropriately resourcing these specialist organisations, as well as strengthened coordination between the range of stakeholders responsible for supporting people to address any underlying issues.

### **Sustainable funding for women’s centres, women-specific pathways and prisons ‘as a place of safety’**

The Review has recommended the provision of more sustainable and long-term funding for women’s centres. This is wholly welcome. Alongside the creation of the Women’s Justice Board, it provides an opportunity to finally implement policies that will establish the ‘distinct, radically different, visibly-led, strategic, proportionate, holistic, woman-centred, integrated approach’ called for by Baroness Corston in her seminal **2007 report**.

Women’s centres are a key pillar in being able to support the delivery of appropriate community sentences, designed specifically for women and delivered by properly resourced specialist women’s organisations. The case for alternatives to prison for women, through a Women’s Central Model, is made persuasively by the **National Women’s Justice Coalition** in its recent report with the **Women’s Budget Group**; *The Women’s Centre Model – Financial Case for Alternative to Prison*. In particular, recent research has shown that, in the long-term, ‘£2.84 is saved for every £1 spent on women’s centres.’

We are also pleased to see the recommendation for a women’s specific pathway as part of any drug and alcohol requirements, in addition to the greater provision of Liaison and Diversion services. The review has also recommended the collection and publishing of data on prison being used as a place of safety, which we know disproportionately impacts upon women. The **Independent Monitoring Board (IMBs)** have reported on [this](#), previously.

Pursuing a gender-specific approach, supported by sustainably funded women’s centres, would mark a significant step forward in how we support women in contact with the criminal justice system.

### **Additional resources to deliver greater electronic monitoring of perpetrators of VAWG, expanded provision of specialist domestic abuse courts and improved VAWG training for criminal justice practitioners and the judiciary**

We have stated in [our response](#) that the most important factor, in this instance, is that perpetrators are monitored and given timely access to proven interventions. Interventions should also be available to potential perpetrators, not only those with an index offence of domestic abuse.

The Offender Personality Disorder (OPD) pathway offers a blueprint for longer-term programmes with a relational element, and more intensive and specialist support, as required. Measures such as monitoring are not a solution in of themselves – effectiveness depends on the availability of multi-agency support to address multiple and complex needs, rather than a one-size-fits-all intervention. The recommendations for an expansion of specialist domestic abuse courts and improved VAWG training for criminal justice practitioners and the judiciary are both welcome and would form two components of a more bespoke approach to tackling VAWG.

The Review has also recommended a review of support for victims and witnesses, as well as an improvement in domestic abuse identification at sentencing.

### **Earned progression model**

The Review has recommended the implementation of an ‘earned progression’ model for people serving Standard Determinate Sentences (SDS), and a separate model for those serving Extended Determinate Sentences.

For those on SDS, people will be able to bring forward their automatic release date to the one third point of their sentence and be able to progress through three distinct stages:

- » The custody stage
- » The post-custody intensive supervision stage
- » The at-risk stage

The custody stage would see most people on SDS released at the one-third point if they have engaged constructively with the prison regime. The expectation is that those who haven't engaged constructively would be released at the halfway point of their sentence. The post-custody intensive supervision stage would see people released into the community under strict license conditions until the two-thirds point of their sentence. The at-risk stage, for the final third of the sentence, would see people not subject to active supervision and only able to be recalled if a new offence is committed.

For those serving Extended Determinate Sentences (EDS), the Review has recommended that the principles for incentivisation can be applied, but that these must be adapted to factor in the different risk profile of this cohort. Therefore, the EDS earned progression model would consist of the same stages as for SDS progression but would be adapted to the 'custodial term and extended licence period format of extended sentences.' People on EDS would move on to the post-custody supervision stage, either once they are released by the Parole Board or once they reach the end of their custodial terms.

The earned progression model would also see the current automatic early release at the 40% point – as a result of the SDS40 policy – scrapped.

Again, this is a positive direction of travel given stubbornly high reoffending rates and the barriers to rehabilitation that are evident across our prison estate. Success in this area will rely upon the establishment of a transparent mechanism that sets out how people in prison will be able to engage constructively with prison regimes. It will also rely upon robust monitoring of any process to ensure that fairness is at its heart, as well as limiting the potential for abuse of the system. The **Howard League** highlighted this issue in their submission to the Sentencing Review, arguing that 'it is important people's rights are safeguarded.'

Implementing an earned released scheme can be a powerful impetus for rehabilitation and change, although it is important that people's rights are safeguarded and that a system geared towards incentives does not erode this.

### Increased investment in providers of Community Sentence Treatment Requirements (CSTRs)

This recommendation is very welcome, and much-needed, particularly if focus is going to be re-oriented towards the addressing of need in the community. It is vital that the resources are in place to support this shift and that it is pursued alongside a halting of the decline in the use of community sentences. This will rely, in part, on increasing sentencer confidence in the community alternatives to prison that are available. It will also rely upon strengthened coordination across government departments, particularly between the Ministry of Justice (MoJ) and the Department of Health and Social Care.

We recommended an expansion of community sentences in **our response** to the Review, specifically highlighting the need to use CSTRs more effectively. Organisations participating in our focus groups, highlighted the London Women's primary MHTR service, which enables access to primary mental health support. This support would be a challenge to access through mainstream, community mental health provision.

This recommendation is the right one, but the investment must cater for specific criminal justice placements – in drug, alcohol and mental health treatment – as well as through an expansion of residential rehabilitation options. We have written more on how to improve community provision in two separate reports – on [mental health](#) and on [drugs and alcohol](#). As part of this work, one of the core recommendations was for the Government to guarantee universal coverage of CSTRs, underpinned by a minimum level of intervention that a person can expect to receive.

The review has also recommended continuing to monitor emerging medications to treat drug and alcohol dependency, which is essential given the growing use of synthetic opioids.

### **Investment in the Probation Service and the abolishment of the Rehabilitation Activity Requirement (RAR), to be replaced with a broader Probation Requirement**

In recent years, there has often been less focus on an overburdened probation system given the ongoing prison capacity crisis. Increased investment in the Probation Service is therefore hugely welcome and long overdue. Assuming the successful implementation of the review's recommendations, there would be the risk that the prison capacity crisis becomes a probation crisis – without additional resources.

The abolishing of the Rehabilitation Activity Requirement (RAR), to be replaced with a probation requirement is also a positive development. Any proposed 'requirement' must be tailored to the individual and be focused on desistance and rehabilitation, as opposed to the current RAR approach, which is often arbitrary and more of a one-size-fits-all approach.

### **Increased use of tagging and unpaid work**

It has been reported that the Lord Chancellor has secured £700m in funding from the Treasury as part of efforts to significantly ramp up the use of electronic monitoring (EM) – one of the Review's recommendations. This forms one part of attempts to expand punishment outside of prison, when the evidence illustrates effectiveness – this will include increased tagging and unpaid work.

Increased tagging would support the 'post-custody intensive supervision' element of the progression model proposal. As we set out in [our response](#) to the Sentencing Review, we broadly support the expansion of EM and GPS tracking as it 'can be viewed as an attractive alternative to prison, given the ability to monitor and restrict liberty, but also to enable people to remain at home, care for their families and sustain or gain education or employment.'

There is still the need to consider how the expansion will work for different groups of people, as well as 'readiness and resourcing for expansion to happen at pace.' Any technological solutions must be inclusive of all potential users – for example, sensory issues mean tags can be challenging for neurodivergent people, a group who are overrepresented in the criminal justice system. We have also heard of women finding it hard to work with an ankle tag because of requirements for jobs in retail or hospitality making the tag visible.



Technology and its administration can also be faulty. Organisations often report issues including a person whose tag was fitted two days before the end of their licence period, to faulty equipment that registers people as outside their zone even when they are at home. It is not always possible to contact either the monitoring provider or probation, causing distress, exacerbating trauma or complicating compliance. More widespread use of electronic monitoring – for example in place of a prison sentence – would require confidence on the part of sentencers and probation that the data they provide is both reliable and utilised.

### **Expanding the use of technology**

The Review has also recommended increasing the use of preventative tech in the probation service to enable more meaningful engagement between practitioners and people on probation. This would be supported by investment in the rapid expansion of proven technology pilots and the general use of existing technology to more effectively protect the public.

Technology can be used to actively support desistance, particularly as a brake for people in treatment and/or recovery, where apps or devices could notify relevant statutory or voluntary staff to intervene.

As we set out in our response, tools that support people with communication difficulties, including speech or language challenges, and assess neurodivergent needs, would enable better dialogue. This, combined with integrated and more complete data, could support more detailed pre-sentence reports, enabling sentencers to review an individual's needs and progress either pre-sentence or on previous sentences, and provide information about available interventions that address unmet needs, such as domestic abuse, mental health issues, and substance misuse. These could be attached to community sentences.

### **Extend the deferred sentencing period to 12 months**

The Review has recommended: extending the deferred sentencing period from 6 to 12 months; encouraging its use for those considered low-risk and with needs that can be addressed in the community; collecting data on deferred sentencing; and for the Sentencing Council to issue deferred sentencing guidelines. These are a welcome set of recommendations and would also benefit from a voluntary sector role in supporting court assessments ahead of any deferred sentencing decisions. Current Sentencing Council guidelines suggest that deferred sentences will be appropriate in only very limited circumstances. It is therefore welcome that the proposal is for this guidance to be reviewed and reformed, and that the Review has acknowledged Clinks' recommendation to do so. Any guidance should subsequently factor in the wide range of interventions and support available from the voluntary sector, that will support those eligible for deferred sentencing.

## Strategy to manage the complex health needs of older people in contact with the criminal justice system

Older people in prison (classified as being those who are 50+) are the fastest growing cohort within the prison population. This has created particular difficulties for the prison service, as this older cohort have distinct needs that are currently not being addressed effectively. The Review has recommended that the Ministry of Justice and HMPPS publish a national strategy, developed across government, focused on older people in the criminal justice system. The sector has called for such a strategy for a number of years, which makes this a welcome recommendation.

The Review has also recommended the use of early release on compassionate grounds for suitable, older people in prison. We welcome both of these recommendations, as well as the Review's referencing of a previous Clinks [report](#), with **Recoop**, on how we can most effectively support older people in contact with the criminal justice system.

## Improve data sharing across agencies working with the Probation Service

The sector has repeatedly called for access to more detailed information, from the Probation Service, on people being supported in the community. This is because it is the sector who addresses the need of people in the community, supporting them to move away from the criminal justice system, as opposed to the supervisory role of Probation. Greater information sharing will enable a more detailed picture of each person, enabling the sector to better understand the individual circumstances of the people accessing their services.

## Improve investment in and access to accommodation in the community for people leaving prison and those serving sentences in the community

This is a vital recommendation given the barriers to accessing accommodation that people leaving prison can face. The Reducing Reoffending Third Sector Advisory Group (RR3), published a [series of reports](#) on this issue, through its [Special Interest Group on Accommodation](#). Greater investment into additional accommodation options for use by HMPPS, as recommended by the Review, can contribute to mitigating some of these barriers.

## **Introduce a new model for recall for those serving SDS, including through extending Fixed-Term Recalls (FTRs) to 56 days**

We have previously [commented](#) on the Government's initial reforms to the recall process, announced last week. This included a proposed change, that will be legislated for, enabling the greater use of Fixed-Term Recalls (FTRs). The Sentencing Review's recommendation is to introduce a 'new model' for fixed-term recall that would tighten the threshold for recall so that 'it is only used to address consistent non-compliance with licence conditions or specific and imminent risk.' This proposed model would also include extending the timeframe for FTRs to 56 days, with the stated goal of providing more effective support during that recall period. There would also be a mechanism that would allow for an extension, beyond 56 days, if further risk management was deemed as necessary.

We welcome the proposal for a model tightening the threshold for recall, given the focus must be on addressing its over-use. We will continue to highlight the detrimental impact of recall on a person's rehabilitation and will be working collaboratively across the sector to ensure that the recall process works more effectively.

## **Improve and tailor open prison conditions**

There remain too many barriers to the progression of people in prison into open conditions, with a particular impact on people serving longer sentences. The recommendation to improve and tailor open prison conditions is therefore welcome and can play a role in incentivising engagement in rehabilitative activity. The Review has recommended enabling people to move to open conditions earlier in their sentence than current recategorisation processes allow. The Review has also recommended 'the creation of a new, separate open regime' for those with little time left to serve of their sentence. This would help to mitigate the situation whereby people serving longer sentences are deprioritised, with resources focused on those who are closest to release.

## **What comes next?**

Many of the recommendations contained within the Review require funding. The next stage in the process will therefore be confirmation of departmental budgets as part of the Comprehensive Spending Review, which we expect to be confirmed in June.

To support the Review's findings, we will be facilitating opportunities for the sector to engage on any next steps and working directly with officials implementing the reforms across MoJ and HMPPS. We want to gather feedback on the recommendations, particularly those that the sector supports, as well as views on how to make a success of any reforms. This is particularly important given the centrality of the voluntary sector in the final report, and the role that the sector will play within a reformed system.

We have a real opportunity to shape how these reforms impact on the people we are here to serve, and Clinks looks forward to working with organisations across the sector to make the most of this chance for real change. Please look out across our digital channels for news of engagement opportunities. In the meantime, for any Sentencing Review-related queries, contact the team on [policy@clinks.org](mailto:policy@clinks.org)

## 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?

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