



Justice Committee

Oral evidence: [Rehabilitation and Resettlement: Ending the Cycle of Reoffending, HC 469](#)

Tuesday 4 February 2025

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Members present: Andy Slaughter (Chair); Mr Alex Barros-Curtis; Pam Cox; Linsey Farnsworth; Sir Ashley Fox; Warinder Juss; Tessa Munt; Mrs Sarah Russell; Mike Tapp.

Questions 1 - 86

Witnesses

I: Pia Sinha, CEO, Prison Reform Trust; Jess Mullen, CEO, Alliance for Youth Justice; Nicola Drinkwater, Director of External Affairs and Campaigns, Women In Prison; Helen Berresford, Director of External Engagement, Nacro; and Anne Fox, CEO, Clinks.

Written evidence from witnesses:

- [Women in Prison \[RAR0042\]](#)
- [Nacro \[RAR0057\]](#)
- [Alliance for Youth Justice \[RAR0090\]](#)
- [Clinks \[RAR0093\]](#)
- [Prison Reform Trust \[RAR0097\]](#)



Examination of witnesses

Witnesses: Pia Sinha, Jess Mullen, Nicola Drinkwater, Helen Berresford and Anne Fox.

Chair: Welcome to today's session of the Justice Committee, which is the first public hearing of our inquiry into rehabilitation and resettlement. We are very pleased to have a very distinguished panel to interrogate and learn from today. I will ask them to introduce themselves, but before we do that, we, as usual, will do our declarations of Members' interests.

Mike Tapp: My only interest in the past is working for the National Crime Agency.

Mrs Russell: I am Sarah Russell. My interests are as per the register. I am also a member of USDAW and community trade unions. I am a solicitor by background.

Tessa Munt: My name is Tessa Munt. I am a director of Whistleblowers UK, which is a non-profit making organisation.

Sir Ashley Fox: I am Ashley Fox. My interests are as per the register.

Chair: I am Andy Slaughter, the Chair of the Committee. I am a non-practising barrister. I am the patron of two justice-related organisations: Hammersmith and Fulham Law Centre and The Upper Room. I am a member of the Unite and GMB trade unions.

Linsey Farnsworth: Good afternoon. My name is Linsey Farnsworth. I am a non-practising solicitor, formerly of the Crown Prosecution Service. I am a member of a number of unions, including the FDA.

Pam Cox: Good afternoon. I am Pam Cox. I am the MP for Colchester. My interests are declared on the register. I was previously a professor of criminal justice studies and sociology at the University of Essex.

Warinder Juss: Good afternoon. I am Warinder Juss, a Member of Parliament in Wolverhampton West. I am an executive council member of the GMB trade union. I am a solicitor. I am also a member of various APPGs here.

Q1 **Chair:** Thank you very much, everyone. Would the five guests introduce themselves?

Jess Mullen: I am Jess Mullen. I am the chief executive of the Alliance for Youth Justice. We are an alliance of 80 non-profit organisations working to drive improvements in the youth justice system.

Nicola Drinkwater: I am Nicola Drinkwater. I am director of external affairs and campaigns at Women in Prison. We work and have presence across nine of the women's prisons in England. We deliver our services to women in their communities in Manchester, London and Surrey. We also hold the secretariat for the APPG for women affected by the justice system.



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Pia Sinha: Hello, everyone. My name is Pia Sinha. I am the chief executive of the Prison Reform Trust. The Prison Reform Trust is a charity that fights for, and advocates for, a just, fair and humane prison system. Our aims are about not only looking at who comes into prison and for how long, but also the conditions that prisoners find themselves in, and their families outside. Prior to joining PRT I was in the Prison Service for 24 years. I started as a psychologist and governed three prisons. My last role in HMPPS was director of women. I joined the PRT in April 2023.

Anne Fox: I am Anne Fox. I am the chief executive of Clinks, the infrastructure charity for charities and social enterprises working with people in the justice system across England and Wales. We are a 26-year-old organisation. I have been with the organisation for nine years. We work with the sector, which is about 1,700 specialist charities, and 17,000 charities that work with people with needs that are very prevalent in the justice system. It is a pleasure to be here.

Helen Berresford: I am Helen Berresford. I am a director of external engagement at the charity Nacro. We are a charity which delivers services across England and Wales, from education and housing and health and wellbeing to justice services. We support around 28,000 people every year. Our justice services range from commissioned rehabilitative services to the CAS-2 service and the criminal record advice service.

Q2 **Chair:** Thank you very much. I will start with a few questions. Essentially, what we are trying to get out of this session is to find out how mechanisms for rehabilitation and resettlement should be working, areas in which they are not and how you want to see improvements. Could we start by scene-setting? I don't mind who answers this. As we understand it, the national regime model is currently the benchmark for how prisoners should be treated and that has only been in effect for about a year. Could you explain a bit more about what it is, and say how you think it is working?

Pia Sinha: The national regime model has been in operation for about a year, so it is fairly new. It has divided up the expectations from prisons into three main parts. One is what is called the foundation work that prisons need to do, which is mandated. That includes each prison needing to provide 120 minutes, or two hours, of time out of cell in each prison. That is the minimum expectation that each prison should provide. It includes an increase of the time that people get access to fresh air. It used to be 30 to 45 minutes. It is now mandated that it should be an hour. The other hour needs to include domestics, which are showers and opportunities to contact family members with phone calls. That is the foundation section.

There are tier 1 activities and then tier 2 activities. I have a list of tier 1 activities here, if I may read them out for you. They are mainly opportunities for physical education, so that is going to the gym; access to corporate worship; receiving social visits from loved ones; key work,



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which is the opportunity for them to access their offender manager, or the prison offender manager, and do key work; and any rehabilitation work and work that enhances contact with their families. That is tier 1. It includes education, access to industries and interventions like offending behaviour programmes. It includes access to clinics and health promotion.

Tier 2 activities are linked much more with structured wing activities. They include things like peer support, which is prisoners employed to provide support to other prisoners. It could include in-cell activities—work that people can do inside their cell when they are not out. It can include GPs giving social prescribing activities. Essentially, it is about enhancement and enrichment.

The first one is for offending behaviour programmes. The second is much more for enrichment.

Q3 **Chair:** I am not sure that I am following the timings. Maybe you can enlighten us. The two hours, or 120 minutes, includes an hour outside. That is included within those two hours. Is the tier activity also included in those two hours?

Pia Sinha: No.

Q4 **Chair:** That is additional?

Pia Sinha: It is additional.

Q5 **Chair:** But there is no minimum specified for that.

Pia Sinha: The way the new regime model works is that it gives a lot more flexibility to governors and their senior leaders to decide what the purpose of that prison is, and what proportion of activity needs to be dedicated to what activity. In local prisons where you have a lot of churn, with prisoners coming in and out, you might not have the opportunity to do offending behaviour programmes. They are much more of a focus for category B and category C prisons, where prisoners spend a larger proportion of their time and therefore have the opportunity to access those types of interventions. There is flexibility in the plan that you create, but every adult prison needs to have the foundation lane as a minimum.

Q6 **Chair:** Two hours is a pretty de minimis level. I have two questions. Is it monitored as to which prisons do and don't meet that? We have heard—anecdotally at least—that some do not even meet the two hours. Even assuming they do, and assuming you have this worthy list of things they could be doing, we have no idea whether they are actually doing them or whether they are doing them for 10 minutes or five hours.

Pia Sinha: They ought to be measured and monitored. It is a performance metric. What we hear anecdotally from the ground is that even the delivery of the foundation work is not happening with regularity or consistency.



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Anne Fox: In principle, the national regime model is really positive. It is very much in terms of people who come into prison facing a lot of challenges and who are going to need a lot of support in order not to reoffend and come back to prison. The principle is that those people would access tier 2 interventions. That is often where the voluntary sector will come in.

The model is a framework model and a template. Then each prison should devise its regime based on the overall population needs, particularly the tier 1. With tier 2, they can go down into the bespoke needs of individuals in a prison. You might think, "This is a prison where we have a lot of people who are drug dependent. We're going to get additional services." We have a lot of people who are a very long way from their home and their family. Although it does not apply in children's prisons, it applies in women's and men's prisons. In prisons for women you could get more of a bespoke model, although there isn't a different model regime.

The central development of the model was quite good. They worked with us at Clinks. We did a special interest group right across voluntary sector organisations that work in all sorts of places, with all sorts of expertise. In practice, it was brought in at a really difficult time. It was probably right. They recovered into reform. That was the covid language. Instead of going back to normal, which was not very good, they went back into a reform programme when the restrictions for covid lifted. As a result, it was not a perfect place to start. There were a lot of other changes happening. A lot of the pre-existing pressures in the system were still there.

You hear about all the issues, time and again, of staffing, lack of sufficiency and lack of skilled and experienced staff. The process got rushed. In a lot of areas, we heard from our members and organisations up and down the country that the prisons said, "We'll just do this first one, and then we'll come back next year and try to do something different." It has not been resourced additionally. I am sure we will get into contracting and commissioning later. You have those models, but within the regime model and developing your regime, your plan and your quarterly review, you do not have any additional resource.

Q7 Chair: We are not talking about the quality of provision yet. We are talking about whether it is there and whether the boxes are ticked. Is that information that you have available to you, or could we get that information by prison and say, "This prison is meeting its 120 minutes or is meeting its tier 1 or 2"?

Anne Fox: It should be. They set out the plan every year of what their regime is going to be. That is self-metrics, isn't it? Then there is a quarterly review on that. Yes, that information should be there.

Pia Sinha: It should be available, yes.



Chair: In your experience, is the 120 minutes being kept to in most cases now? No.

Q8 **Pam Cox:** To recap and refresh, there is a national regime, which is broadly positive. It requires two hours of the kind of activity that we have just talked about—two hours out of cell, including an hour outside—but on the whole it is not being delivered across the estate.

Pia Sinha: That is what we are hearing.

Q9 **Mike Tapp:** I had this question lined up for later, but it is appropriate now. In the time out of cell, what is your opinion, given your knowledge, on how that should look in terms of time and activity?

Pia Sinha: Time out of cell was broader. I think that breaking it down into tiers is helpful so that governors can have flexibility to say, “Well, in this prison we need more of this activity.” That makes it easier to plan. The mandating that you get an hour, as opposed to half an hour or three quarters of an hour, is again welcome because it is more time. Most adult male closed prisons now have in-cell telephony, which makes contact easier. It used to be that time out of cell included the opportunity to make phone calls. A lot of time was wasted queuing up for phones, and they were public. The inclusion of in-cell telephony will make a difference.

The problem around showers is still a problem. If you are saying that, in the hour that people have, they have to get their showers done, it is sometimes not always possible. If those times are not regularly given to individuals, we are hearing that showers become the first thing to go by the wayside. The infrastructure of prisons is really poor at the moment. Showers are broken. They are in a bad state of repair. What is being delivered in reality, and the quality of that, is something that we need to look at in the context of whether it is being delivered properly.

Q10 **Mike Tapp:** So progress has been made.

Pia Sinha: In theory.

Q11 **Mike Tapp:** Do you think there should be longer, or is it about right?

Anne Fox: There needs to be longer, particularly at the moment in that, with the exception of some prisons, there is very little in your cell. You need to come out of your cell to do anything, apart from maybe make a phone call and use the toilet. You need to come out of your cell. With investments in technology, we do not want to see people locked up, given the necessity of coming out of your cell to do anything that is needed for your rehabilitation. It means that people will need to have longer out.

Pia Sinha: They are also overcrowded. That causes a slowing down of the process because you need to have the right ratio of staff to prisoner. As our prisons are so badly overcrowded, the number of people who can come out to do even basic things is severely restricted.

Q12 **Mrs Russell:** You mentioned that showers were one of the first things to



go by the wayside. Most of us would think that was quite a fundamental and basic thing. In one of the prisons where we spoke to someone, there was a significant problem with washing machines as well. What is your view of the levels of hygiene available to female prisoners?

Nicola Drinkwater: I can speak to that. Women are not able to leave their cells as much as we would like to see. A recent HMI inspection report found that men and women were sometimes spending up to 22 hours a day in their cells. Women that we are working are sometimes not able to access underwear or trousers. A woman we were working with had a towel around her because she didn't have access to the clothes that she needed. There are women who might have been arrested in the summer and then, when they go outside in the winter, they don't have a coat and are freezing. Nothing is done to respond to that.

It is really challenging for women to access their basic needs, what they need to survive and what they need in prison. Some of that is down to staffing and the availability of staff for them to be able to leave their cells, but some of it is just the way that the prisons operate, meaning that it is challenging to be able to access your basic rights. If we come back to the focus of the session and the inquiry focus on rehabilitation, if women cannot access the basic rights that they need, how on earth are we going to set them up to rehabilitate and to reintegrate into society? The situation in prisons for women is really challenging at the moment. We are really concerned about what we are seeing.

Pia Sinha: May I add to the women's issue? The size of the population is so much smaller. In the male estate, prison industry makes boxer shorts, PE kit and basic clothes. That can provide clothes to the male estate. The women's estate does not attract that industry because they are too small. Often, governors have to go out and purchase underwear and bras for women. Women come into their prisons without appropriate clothing. Those basic fundamental things which are lacking in the women's estate are not felt in the adult male estate.

Q13 **Linsey Farnsworth:** Briefly on that point, is there any suggestion, information or evidence to suggest that that has a negative impact on mental health? I would think that it has a knock-on effect with rehabilitation. Would you say that is fair?

Pia Sinha: Yes. If we are looking at a trauma-informed model, a large proportion of women who drift into custody have histories of domestic and sexual and physical violence. When you are in an environment where your basic, bespoke feminine needs are not addressed, it is very triggering of your trauma. When you are in that state, addressing any of your rehabilitation needs becomes severely challenged.

Nicola Drinkwater: I agree. The self-harm rates in women's prisons are incredibly high. At the moment they are about eight times higher than in the male estate. At least one in three women is self-harming in prison. If you look at the numbers on remand, that number is a lot higher.



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I completely agree with Pia. Women often experience domestic violence and abuse; around 60% of women in contact with the justice system have those experiences. Prison is often an incredibly traumatising environment. We find that women are self-harming for lots of different reasons, and often because they are very unwell, but sometimes in response to the challenging environment that they are in. They cannot leave their cells. They cannot access what they need.

We are also using prison as a place of safety. Some women are sent to prison because they are so unwell, but there isn't mental health provision in the community for them. They really need psychiatric care, but they are not able to access that, and they are sent to prison. We have a very unwell population and because of some of the resource and staffing challenges, it adds to the picture that we are seeing. As I mentioned, women are self-harming. It absolutely impacts their mental health.

Q14 **Mrs Russell:** There are so many questions. From your description, it sounds like women are lacking a lot of things that we would take for granted as women in the outside world. The first thing that springs to mind is menstrual products. Do women have access to the menstrual products they need?

Pia Sinha: It is hit and miss. The supply is there, but often they may not have access to them in their cells. They might have to get the attention of officers. We know, as women, that it is highly embarrassing and humiliating to have to press your emergency cell bell and perhaps ask a male officer to provide you with sanitary products. Women often do not know their rights. They do not know what they can and cannot ask for. The supply is there, but often their access to it may be limited.

Anne Fox: Charities and social enterprises working in prisons often spend quite a lot of money on basic things that people need for hygiene, such as bars of soap, toothpaste and deodorants. The prices of the things that you can buy in the canteen are completely over-inflated. You would never see the price of these things. They are really expensive and out of a lot of people's reach, and you have to add to that people's cultural needs. We have a lot of organisations that get money from the public and mainly charitable organisations, to go in and purchase things, particularly for times like resettlement, when you won't be given things because you are leaving, and yet you will leave with nothing.

Q15 **Tessa Munt:** The Ministry of Justice said that "each women's prison has a bespoke regime design, aligned to the needs of women". That sounds slightly questionable, bearing in mind what you have been saying. I wondered what the regime looks like for women particularly, as opposed to men. We have been talking about the general estate. How is it bespoke? I assume that it is in no way bespoke to individual women; it is women as a generality.

Anne Fox: The model is the model. It is the tier 1 and tier 2, which is not necessarily of itself trauma-informed. That is where you would start



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with a regime for women's prisons, and certainly where you would start with a regime that is in any way personalised. The basics of what has to be in the prison is for everybody.

In a way it is similar to what was done about 15 years ago in health visiting and children's centres, where you had a universal offer and then a tailored offer. The idea is that the prison looks at who it has in terms of its population. That will be general. It is because they will take people who are going to be for a long period of time in a closed or open women's prison. For example, Eastwood Park in Gloucestershire knows that it is going to have women from Wales, as is Styal. They will be thinking about what they need in their prison, but it is not personally based on, "This woman is here, and this is what she is going to get." The model should allow for that flexibility, but overall the intent, and certainly the pressure from the voluntary sector, is that women's prisons should be trauma-informed and trauma-responsive.

Q16 Tessa Munt: What capacity and what facility is there? How much trauma-informed practice is there across the women's estate?

Nicola Drinkwater: It is definitely mixed. I have quite big questions about how trauma-informed a women's prison can really be, with the deprivation of your liberty, and also, as we have outlined, the situation is really challenging at the moment. Women say to us that walking into a prison feels like walking into an asylum. "I can hear women banging their heads against the wall, screaming for help." The situation at the moment is so challenging that it is really difficult. That is not a trauma-informed environment. That is a really challenging environment to be in, especially considering the experiences of the women before they even came into the justice system.

There are definitely moves to make women's prisons more trauma-informed. You can see that with some of the training that might be offered to prison staff, for example.

Q17 Tessa Munt: You said "offered" to the prison staff.

Nicola Drinkwater: Yes.

Q18 Tessa Munt: Not "delivered".

Nicola Drinkwater: Some of the challenges that we have at the moment are a hangover, I would say, from the impact of covid-19. There was a lot of churn with staff. We have quite a lot of new staff in post. Some of the women we are working with in prison are quite concerned about the ability of staff to take care of them. They have received training, but they are quite new in post. As an example, one of the women that we are working with told us about a woman who had a fit in prison. The staff did not know what to do and froze. It was the other women who had to call for help. They put her in the recovery position. It is because the staff are quite new and it is a challenging environment in which to work.



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I struggle a bit with the question about a trauma-informed environment because women's prisons are so far from that at the moment. It is quite challenging to see how we could get there in the short term. In the long term, there are definitely opportunities, through the Women's Justice Board and the sentencing review, to look at who needs to be in women's prisons. I support the Government's recognition that most women do not need to be in prison and could be supported well in their community. Focusing on how we could get to that picture would be preferable, and then we can think about what needs to happen in the small cases where women should be in a secure environment.

Anne Fox: I couldn't agree more. We know that there are models, training programmes and space for these things to happen if we significantly reduce the number of people whose needs cannot be met in a prison and need to be met elsewhere.

I commend to the Committee one of our members, the Prison Radio Association. It has a podcast called "The Secret Life of Prisons". This week's episode is very telling about the diagnosis of mental health issues and the first time people get decent support is in a place that is not right for people who are mentally unwell.

Q19 **Tessa Munt:** I am going slightly off brief. One of you gave the example of a woman who was fitting. I would have thought, first, it was absolutely fundamental and basic training for any officer. Secondly, when somebody comes into a prison, where you might know that they have a history of a particular medical condition or situation, there would be information passed on to the wing or wherever, so that the appropriate support is there and people know what might happen to a particular prisoner. Am I being terribly idealistic?

Pia Sinha: No, I don't think you are. There was bespoke training for staff who expressed a desire to work in the women's estate.

Q20 **Tessa Munt:** Is not trauma-informed practice basic? Am I being naive? I am being naive.

Pia Sinha: For new prison staff who are going to work in the women's estate, they added an additional couple of weeks of training so that they could get some bespoke training on what the specific needs of women might be. However, those training sessions are not filled up enough and that training is not happening as it should. Most of the people who come to work in the women's estate have just received generic prison officer training, as opposed to specific specialist prison officer training to work in the women's estate.

Q21 **Tessa Munt:** I will talk to the Chair about this afterwards rather than diverting the process now. Thank you very much.

Let me move to young offenders. I wondered how the regime model differed for young offenders.



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Jess Mullen: The national regime model only applies to the adult estate. In the youth estate there are four different types of establishment. Children can be held in custody in secure children's homes, secure schools, secure training centres and youth offending institutions. The regimes vary between those different establishments.

There are a number of documents that set out the regime: the YOI rules, the STC rules and Prison Service Instruction 08. There are a number of different documents, but the key difference between the youth estate and the adult estate, at least in theory, and set out in statute is that the purpose of the youth justice system is to prevent offending. By extension, that is the purpose of the secure establishments as well. Children, in theory, should be getting at least 15 hours of formal education a week, plus a range of other enrichment activities that constitute purposeful activity.

Q22 **Tessa Munt:** That is across all four types.

Jess Mullen: Yes, that's across all four. There is no minimum time out of cell in YOIs and STCs, where there are cells. Each establishment sets a target for that themselves.

Q23 **Tessa Munt:** Sorry—a target?

Jess Mullen: Yes.

Q24 **Tessa Munt:** They set their own rules.

Jess Mullen: For time out of cell. There is no minimum set in statute. Obviously the 15 hours of education a week is a minimum, but—

Q25 **Tessa Munt:** That is set in stone.

Jess Mullen: That is set in stone.

Q26 **Tessa Munt:** But time being a human is not.

Jess Mullen: No.

Q27 **Tessa Munt:** Yet this is focused on rehabilitation.

Jess Mullen: And of course we are talking about children.

The difference, in terms of types of establishment, is that young offenders institutions are the closest to adult prisons. You will see differences in things like the ratios of staff to children. There are greater numbers of staff to children in secure children's homes and in secure school. Then it goes up a bit in the secure training centre and again in the youth offending institutions. There are differences in the number of children in the establishment and the size of the establishment, with, again, youth offending institutions being the largest. There are differences as to whether children are allowed to wear their own clothes, and the number of visits they have access to.



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There are also differences in the use of force. In a secure children's home staff are permitted to restrain children to prevent serious damage to property or people, but in a young offenders institution restraint can be used when prison rules are contravened and when there is disorder.

Q28 Tessa Munt: Can I ask then, seeing that they are set up to stop reoffending, which of those models is most successful?

Jess Mullen: The first thing to say is that even the things that I have just said happen in theory are not happening in practice. At the moment the majority of children are held in young offenders institutions, which are characterised by really high—incredibly high—levels of violence. We have seen debilitating levels of violence and self-harm in the recent period: stun grenades used against children, and guard dogs. We have really serious issues, and they are having to implement keep-apart lists. Those are essentially lists of children who cannot physically be in the same space together. That hugely affects the purposeful activity and education that children have access to. The inspectorate has highlighted that essentially children are in groups for education, based not on their learning needs but on which other children they can safely associate with.

To answer your question about which is the most effective model, our view is very much that the evidence base shows that children need to be in small units. Behaviour management is facilitated by small units where adults can form trusting relationships with children, where units can be welfare-based and rights-respecting and use staff who are not prison officers. Secure children's homes are the closest model we have for that evidence base, currently. We hope that the current Government will reiterate the previous Government's commitment to closing youth offending institutions and the remaining secure training college, but we have yet to see them do that. We hope that they then go further and set out a plan for how we get to a place where we can close those institutions, and have children in the more appropriate settings.

Tessa Munt: Thank you. I know—I can feel the heat, Chair, but let me finish.

Chair: Okay.

Q29 Tessa Munt: I am not clear in my own mind: is there a different regime for male and female young offenders?

Jess Mullen: No. Previously girls were held in Rainsbrook secure training centre, which was closed because the inspectorate reported incredibly high use of segregation. As a result, since then there is no dedicated establishment for girls. Our view is that girls in the system should be in secure children's homes. The girls who are in the system currently are incredibly vulnerable. There are very high levels of vulnerability.

We have a perverse situation where secure children's homes are not run by the Youth Custody Service; they can refuse a placement, often on good grounds, because they feel that they cannot meet the person's



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needs, or that the needs of another child in their care will be affected. That leads to a situation where girls end up being placed in the establishments that are least able to meet their needs. There was a period of time when the girls were in a youth offending institution. As I understand it, currently they are not; they are in the last remaining secure training centre. That was the last I heard. I think there is one girl in a secure school. Their levels of vulnerability most certainly indicate that they should be in secure children's homes.

We have had good engagement with the review that is taking place at the moment. I think it has a good grasp of the issues and we look forward to its recommendations. We think, from what we have heard, that they will be positive, and we look forward to seeing the Government take them forward.

Q30 Tessa Munt: Thank you for what you have said, which is really helpful. Generally, though, do male and female young offenders have different regimes? No? Are they all shoved in together?

Jess Mullen: They will not be accommodated in the same place, but the regimes, and what they receive, are the same. In the current situation very little differentiation—probably close to none—is happening, in the response to the needs of children and young people. As I said, the inspectorate found that children are in education based just on who they can be with. We are in a situation where trying to differentiate regimes to meet needs is not happening at all.

Q31 Mike Tapp: I want to go a bit more into the detail of what a day looks like, if you don't mind. You say there are 15 hours of education. I assume that that is five days, three hours a day. Is there additional time for the tier 1 and tier 2-type activities on top of that?

Jess Mullen: Yes. It is not classed as tier 1 and tier 2 in the youth estate, but there should in theory be additional access to enrichment activities, whether they are time outside, physical education or youth work; it might be music or arts. There should be additional provision for that.

Q32 Mike Tapp: Is that standardised?

Jess Mullen: No.

Q33 Mike Tapp: And is it monitored?

Jess Mullen: I think it is standardised—I would need to double check; I think through the education contracts there is an additional, "These are the things that could be provided in addition." My understanding is that they are not necessarily quantified and set out that clearly.

Q34 Mike Tapp: Final question. You say there are high levels of violence. Are there different categories within the prisons and divisions depending on what they are in for?



Jess Mullen: In the youth estate, no. The numbers are so small that there tends not to be that level of differentiation.

Q35 **Mrs Russell:** We are signatories to the United Nations convention on the rights of the child. You have described a situation in which it is not clear to me that children are necessarily leaving their cells at all during the day. You specifically talked about there being a 15-hour-a-week education target. Is it part of the target that the education has to be provided outside the cell? In some of the adult estate, people access education on iPads within their cells; so I wonder whether the education provision is synonymous with leaving your cell, or not necessarily. Are there any physical or being-outdoors targets at all? Are you saying there is no guarantee that these children ever get to go outdoors?

Jess Mullen: There is a minimum amount of exercise and being outdoors, but you are absolutely right about the UN convention on the rights of the child, and access to purposeful activity. In October, HM Inspectorate of Prisons reported considerable deterioration over the last 10 years in the amount of time out of cell, access to purposeful activity and access to education, and the quality of that. In '23-24 it found that that provision was not good enough across all youth offending institutions, and that it was poor in three out of four. It talked about, essentially, the failure of behaviour management, which means there are tensions and children are kept apart. Because they are kept apart with very little to do, they start antagonising each other, and it ends up with a cycle of violence that recreates itself and escalates.

The other point on the UN convention on the rights of the child is that it sets out that we should use custody only as a last resort, and for the shortest time possible. That is not what we are seeing, so part of the way of solving this is to implement it and reduce the numbers further, ensuring that the children who really need to be in custody are not subject to everything I have described.

Q36 **Tessa Munt:** I want to ask one more question, which is about the transition from youth custody to adult custody. I know that to ease the adult estate there was a movement to the 19th birthday, from the 18th, but I wondered, as a practicality, what the impact is on young offenders of transitioning from youth to adult custody.

Jess Mullen: Last week, we published a report on a piece of research we have done on the impact of that policy change, transitioning from 18 to 19. That showed both that it is vital to ensure the distinct character of the youth estate and maintain it for children, and that to prepare young people for transition we need a "Young adults first" approach that really takes their needs into account.

That policy change, between March '22 and November '23, led to a 253% increase in the number of over-18s in the youth estate, so at a time when the youth custodial estate was already really struggling, there was suddenly a huge change—a great rise in the population, and a change in



who those people were, and their needs. Both children and young adults were subject to very little time out of cell, the resources for children were stretched thinner and young adults could not get what they needed. For instance, the education provision is not suitable for over-18s.

We talked to about 50 children and young adults as part of the research about the transition period and what works for them and what doesn't. It is interesting, because you get mixed views. Some young adults are really keen to move up. They want to go to the adult estate. They talk about getting away from the nonsense of the younger children; but there is a sense that possibly they don't have a full picture of what the adult estate is like. Transition can be hugely destabilising. A lot of the services that are provided either fall away and are not available once someone moves to the adult estate or, if they are still available, there is a different provider, so there is interruption; that is, of course—this is all in theory—when that provision is available and people can access it.

Other young people might not be ready to transition at all, because of their level of maturity—neuroscience tells us that the brain matures until the mid to late 20s—and other vulnerabilities. Often they find the prospect quite daunting. We are clear that a case-by-case approach to transition is important, and that we need a young adult approach that has aspects of the children's approach in it, but with other things that take into account developing maturity and switching over into the adult estate, to prepare people to move to that place.

Chair: Thank you very much. We move on to Linsey.

Q37 Linsey Farnsworth: If I can take you back to adults, I am interested in particular in rehabilitative programmes in prisons. Starting with behaviour programmes, or interventions, as I think they are also called, could one of you give a brief overview of offender behaviour programmes—what they are, how they are accessed and what sort of content is delivered as part of those programmes?

Pia Sinha: I will have a go, but with the slight caveat that I have not been working in prisons for a while, so this is my best guess. Offender behaviour programmes are generally run by the psychological team—the team of psychologists based in prisons. There are several accredited programmes, which are evidence-based and tested, allegedly, to reduce the risk of reoffending when someone engages in them. A person can come into prison, and have a sentence planning meeting that identifies which offending behaviour programmes they need to do, depending on their offence and the reasons for their offending. A lot of them look mainly at thinking skills and the different types of cognitive deficit someone might have, and how the process of group work can help to address that. The theory is that, if you go through that accredited behaviour programme, your risk will reduce because you have addressed some of the underlying issues behind your offending, but mainly from a psychological perspective.



Different prisons, especially the cat C and cat B trainers, where people spend a large proportion of their time if they have longish sentences, are supposed to be funded to run the accredited behaviour programmes. A prisoner technically cannot transition through their sentence or reduce their risk, going from a cat B to a cat C to an open, unless they have addressed some of the offending behaviour requirements. Also, when they come up for parole, one of the key things that is looked at is whether they have completed the courses identified for them.

Q38 **Linsey Farnsworth:** If you—

Anne Fox: I have some comments, if that's okay, on the delivery and how it happens, particularly in the voluntary sector. As Pia said, the availability is critical to someone's progression in their sentence. I know that the Committee has an interest in IPP-sentence prisoners. One of the biggest issues is that the prison that you are in, or the prison you have access to, won't allow you to do the progression, and overcrowding and understaffing make that harder.

Official interventions, as it were, are often provided either directly, as Pia says, through forensic teams, or commissioned down under a thing called the national framework for interventions policy framework—they like a framework. In December '23 they introduced a new framework that kind of brought the previous models into one place, but I think it is safe to say that it has caused quite a lot of confusion. It is supposed to enable a prison to understand what it has available to it, and what it needs; and to understand that that is structured and replicable.

There seems to be a lot of confusion about what needs to be accredited. Unofficially, in a lot of prisons, a lot of my members will be working on providing things that will help people with their rehabilitation; they will help people to desist and to address the factors that maybe contributed to them ending up in prison in the first place, but those do not need to be accredited. We have had an issue where people have been told they might need to stop delivering them, because they are not accredited, but they do not need to be and are not a formal part of that.

It has caused quite a lot of confusion, because of the way information travels around the prison system. It travels individually around prisons, rather than cascading to organisations, so if you work in a prison nobody knows that you are not a commissioned service, or not contractually there as part of the attitudes, thinking and behaviour framework service. There is a lot of misinformation and confusion about. You can end up with some really good practice, but it can be completely inconsistent.

Inconsistent is my watchword when I talk about provision in prisons, because you get the centrally commissioned stuff that you have to have, and then you get the stuff that is part of what has been in that prison for years, but nobody understands that it has been funded by a charitable trust, the national lottery, or the Lloyds Bank Foundation, for 20 years. Nobody is thinking about how you keep it going—that microbiome in the



prison of people who have come in for years and provided support for families, and kept things ticking over. What if, all of a sudden, they can't work in the prison any more because it is not facilitated? The biggest issue for us in those kinds of operations is the vetting of staff and volunteers, particularly if those volunteers have lived experience of the system.

Q39 Pam Cox: Can I jump in? You are describing a patchwork of services—accredited and non-accredited, and above and below the radar. You seem to be describing a situation where an individual governor would not necessarily have a full grasp of exactly what is being delivered. Is that fair?

Anne Fox: Even over the radar, as it were. Some of it does not need to be accredited, so you have the dynamic purchasing scheme for prison education where those things do not all have to be accredited; they have an evidence base, and they have a structure to them, but they are not accredited structured behavioural interventions, so you can get that confusion.

I have gone to many prisons and it is my favourite thing to ask a governor: "What have you got in your prison?"

Q40 Pam Cox: What would you do to make things more transparent, visible and regulated?

Anne Fox: I don't know if "regulated" is what I would do. In terms of consistency, I think the national regime model is a helpful tool, in that there is a framework you need to get to: in our prison, what does that mean, and what do we need? The first thing I would do is find out who and what you have already. All sorts of brilliant things happen within prisons; generally it is not planned, but you can co-ordinate it.

For example, we have a member of staff working in HMP Isis, which is a young adult prison, as Jess talked about, in London. Her job is to co-ordinate the voluntary sector—to work with the prison to see "What do we have and what do we need?" For example, there was an HMIP inspection that showed there were issues with the young men leaving prison with financial illiteracy, and massive issues with debt and benefits. She was able to work with the prison, find out what they had, and bring in, from the local community, organisations that could do money matters programmes with the young men.

Helen Berresford: Can I briefly add to Pia's point about what is available? It is worth highlighting that we hear a lot from people who have been released from prison that they had in their sentence plan certain interventions that were prescribed for them to take part in, but they could not, because they were not available in the prison they were in. They may have applied to transfer to another prison, but they were not able to, because of the level of overcrowding. Those should be



available to people, but in many places there are long waiting lists and not enough provision.

- Q41 **Linsey Farnsworth:** Forgive me if I am misunderstanding, but I have heard the word “inconsistency”, and you, Pia, were originally talking about thinking skills and looking at why people acted as they have, and what led them there; but I also hear that there is not always a programme available in a particular prison. For example, domestic violence is one that springs to mind—thinking skills specifically for that sort of area. Are you saying that at different prisons it is a bit hit and miss—not necessarily specifically for domestic violence—as to whether a programme that would be really beneficial to a particular prisoner is available, because it depends on what is happening in that prison?

Pia Sinha: Yes, it is that, and it is complicated because of the resources required for supply to meet demand. That is the issue. There is a finite number of psychologists based in particular types of prison, a finite number of courses that can be delivered through the year and the demand is far greater than the ability to meet that. Often there might be waiting lists of people waiting to get to particular prisons; or, when they get to the prison, they are not able to get on the course they need to do.

There are two types of thing: one is the offending behaviour programmes and the other is the resettlement-type programmes. Both are crucially important for reducing reoffending, or desistance. You need people to understand their risk, and lower it. But there is risk and need. Some people have lower risks—they commit lower-level crimes—but their resettlement needs, which are around how they manage their debt, finance and housing, and how they hold down a job and maintain family ties, are equally important as a wraparound package that leads to better outcomes on release.

Some prisons’ trump card in a sentence plan is much more about offending behaviour programmes than resettlement programmes, and that balance needs to be addressed. People are leaving who may have done all the risk assessed-programmes in the world, but if they don’t have a home to go to all of that is wasted. That needs to be considered in prisons.

- Q42 **Linsey Farnsworth:** That nicely moves on to purposeful activity, as well—getting activity in place that will help with that in the future. We talk a lot here in Parliament about purposeful activity, but would one of you outline what it means in practice?

Anne Fox: I actually scribbled this down in case you asked. The HMPPS definition talks about something that will address risk or needs related to reoffending or resettlement objectives, the enhancement of personal wellbeing, physical or mental health, and the enhancement of interpersonal, social and life skills. We would say that if you look at what is happening across prisons, almost nobody is in a prison that can fully meet their needs. That is generally because they are overcrowded. They



are also overcrowded with people where that isn't how their needs will be met. That is the technical definition.

Q43 **Linsey Farnsworth:** What does that look like in reality? Have you got any examples of good purposeful activity being offered anywhere?

Pia Sinha: The inspection reports did a summary report of purposeful activity. Some open prisons show good examples of purposeful activity. They drive regimes that have release on temporary licence. The focus is on getting people out and about. Grendon prison, which is a therapeutic community, is always used as an exemplar of purposeful activity. There are also some of the progression regime prisons, like Warren Hill and Buckley Hall; I believe that the Committee visited Buckley Hall, which has had positive reports from the inspectorate. At the lower category end of the spectrum good purposeful activity is being shown, but generally the thematic showed that, with the exception of one prison that the inspectorate looked at, all had declining scores on purposeful activity.

Helen Berresford: If you pick up on education and work, for example, across HMPPS prisons only about 50% of people are in education and work. That is a really low proportion. Even when they are in work, it is often part time. It is just a few hours a day, and it is not really preparation for release. We need to see a real working day, and we have heard from everybody so far about a pattern of inactivity and wasted opportunities across the estate. There are better examples, and some prisons are doing better, but in many prisons people are locked in cells far too long. They are not doing anything focused on rehabilitation. Most people who are in prison will be released at some point, so it is in everybody's interest that the whole of somebody's sentence and time in prison is focused on rehabilitation.

Anne Fox: There are massive issues in relation to diversity and lack of the right access. I am happy to send this to the Committee: one of our members, the Traveller Movement, did a report funded by HMPPS, kind of on the back of the Lammy review, on Gypsy, Roma and Traveller people's access to purposeful activity. These are populations where formal education is not paramount, but physical labour will be. Yet, in prison, if you do not have education—literacy and numeracy to a certain standard—you must take part in education. It is not paid parity with paid work. The things that people will need when they leave are not the things they have to do in prison, and this can be a massive issue.

Q44 **Pam Cox:** As a quick follow-up on that, you say that 50% of people are not in education or training when they are in prison. In a nutshell, why would you say that is? Is it staffing? What is the answer?

Helen Berresford: There are a number of reasons. Staffing is certainly part of it. It is the opportunities available. There is not enough work and not enough education available in prisons. Having said that, in some places there are spaces that are not being filled. There are issues around the prison estate itself: do they have the facilities there? Again, you can



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read inspection reports of classrooms that are empty. Often you might find inappropriate curriculums that are not targeted at the right people. Often the people you most want to be in education are not getting it. There are staffing issues and security issues. There are lots of factors, but there still needs to be a priority on getting people into work and education.

Q45 Pam Cox: For clarity, with regard to the education programmes that you are describing that are not fit for purpose, who is designing and delivering them?

Helen Berresford: The education is contracted and commissioned from HMPPS and it is delivered by external providers. Some of those are voluntary sector or education providers who run education services outside prison, as well, and they deliver the education in prison.

One of the challenges with staffing is prison officers, but it is also staffing in lots of different roles within the prison that keep the basic functioning of the prison going. There are challenges there. In education, one of the challenges is getting teachers into the contracts. To attract people to those roles you need to be able to offer competitive packages.

Anne Fox: Retaining those people is a big thing in the voluntary sector; it is about getting the right people in the first place and then moving them physically around complexes and buildings that are not designed for that, if they cannot hold keys, or get key trained, or your organisation feels it is not appropriate to hold keys and deliver interventions with people in a way that makes them feel you are a trusted person.

Pia Sinha: It is also about the cohort that education staff have to deal with. The literacy level of prisoners is woefully low. They have come from really poor educational experiences. To try to get them to education where you deliver a curriculum very similar to what you might be doing if they were children is not appropriate. Creativity and innovation in classrooms also need to be stepped up.

Anne Fox: We have an amazing range in Clinks. We manage the National Criminal Justice Arts Alliance. We have some phenomenal arts and creative practice that helps people to unlock learning, but again it is a "nice to have", not a "need to have", when people aren't able to be unlocked for showers. There is then the public perception: why should people who have harmed us have access to creative things? We need to encourage thinking about what people will need so that they never come back again.

Q46 Linsey Farnsworth: You mentioned that open prisons tend to be where purposeful activity is drilled down and there are some good examples, but, if we look at the other end of the spectrum and prisoners on IPP sentences, clearly they need to show they have made progress. When we went to Buckley Hall and HMP Brixton they had special units designed specifically for IPP prisoners. Do you know how many other prisons have



those kinds of units for IPP prisoners?

Pia Sinha: Warren Hill was probably the first to have a progression regime, followed by Buckley Hall. As far as I know, those are the only two prisons that have it. I think Thorn Cross prison is looking to have a similar regime. We would encourage that to happen, not only in the open estate but a version of it in the cat C estate because it is the transition from cat C to open that is a big barrier for people with IPP sentences.

Anne Fox: Moving on to resettlement, there are issues with people not being able to access things until a certain point in their sentence based on their expected release date. Groupings of people won't have access to anything because it is not their time yet, and—

Pia Sinha: Then they wait.

Anne Fox: By the time it comes, the experience of organisations delivering resettlement services is that it is pretty much rushed through.

Q47 **Linsey Farnsworth:** You mean not just IPP prisoners but others will get missed.

Anne Fox: It is people doing determinate sentences that may be relatively long and the release date is quite a while in the future, so they are not prioritised for access to anything.

Q48 **Linsey Farnsworth:** That's interesting. Would you say that at the moment it is adequate for IPP prisoners, or not? It is not necessarily adequate for the people who are in other categories that have a long time left, because the IPP prisoners are getting priority, if you like, but it is not adequate for them in any event.

Anne Fox: IPP prisoners are not getting priority now. There are a few prisons where there are progression regimes and there are particular issues, because the IPP sentence requires certain things to happen that are not there. It smacks of unfairness to us, in our sector. There is then the additional issue for people serving long sentences, which are and will be more and more prevalent, unless sentence inflation is addressed in this Parliament, that that second group of people cannot access things. That is more about their resettlement rather than purposeful activity. Thinking about IPP prisoners, it is often like going back to the interventions that are needed for sentence progression rather than pre-release.

Q49 **Linsey Farnsworth:** That is very interesting. Thank you. We are talking in general terms about purposeful activity. We have touched on IPP, category C and what have you, but what we have not touched on is how purposeful activity does or does not differ, and whether it is adequate, for women and the youth estate. There are probably two separate answers, but perhaps we can touch on women and youth in terms of what purposeful activity looks like for them, and whether it is a success.



Nicola Drinkwater: A joint thematic inspection report was published last year into work undertaken with women in prison and then under probation supervision. It found little evidence that progress was being made in addressing the reasons why women offend. While evidence-based interventions designed to address women's needs are available, few women are given the opportunity to benefit from them. That was published in May last year and so things will have moved on in some establishments, but the picture feels very real and similar to what we see now. There are definitely examples of good practice across the prison estate. Drake Hall recently had a positive inspection report which showed some good examples of purposeful activity. Across the estate challenges remain in terms of what I articulated earlier about access. There is a definite challenge. You might be able to provide all the purposeful activity that you want to provide, but if women cannot access it that is a real challenge. We are definitely seeing that across the estate.

One of the challenges we see in what is available to women, focusing on both their resettlement and rehabilitation, as well as what might be purposeful for them, is focusing on their gender-specific needs. You mentioned earlier domestic violence and abuse. We know that about 60% of women in contact with the justice system have those experiences and that it can be a driver of their offending. They might be coerced into offending, often by a partner. We deliver some services to women across the estate for them to reflect on their experiences and understand what support might be available to them both in prison and in the community, but that provision is quite patchy across the estate. There is nothing available consistently across all women's prisons for them to reflect on and understand what might be available to them, and why that might have contributed to their offending. For us, that is a really significant gap.

I was reflecting on earlier answers from my colleagues. There is definitely a gap in what is provided specifically for women and what might draw them into the justice system, which is often quite different from men's experiences, to make sure they can access provision tailored to meet their needs. It is definitely a mixed picture across the estate, but domestic violence and abuse services definitely feel like a big gap for us.

Q50 **Linsey Farnsworth:** And young people?

Jess Mullen: I also wrote down a definition of purposeful activity. In the youth estate the definition is slightly different, although essentially it amounts to the same thing. It is structured activities that aim to develop skills, promote positive behaviour and prepare children for life after release, including education, vocational training, work programmes and other constructive activity. That could be art, youth work and various activities. I have already mentioned that in October HMI Prisons reported a deterioration in access to that. They rated '23-24 across all four youth offender institutions. They were rated as not good enough, and three out of four were rated as poor.



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Even where the issues that I talked about earlier about key work are not stopping children from accessing those services, the organisations we work with—our members—and the children they work with talk about the lack of breadth and differentiation. All children should have a plan about their needs and there should be interventions in the prisons to support meeting those needs, but people tell us that the breadth is just not there. Those kinds of activities are very much the ones that the voluntary sector is often in the best place to provide, but our members talk about real challenges in accessing the youth estate. It is challenging to access the secure estate as a whole, but the youth estate even more so. There are fewer commissioning opportunities and, when they have funding from trusts and foundations, as Anne mentioned, working out how to take that money, provide an offer, and find the right person to contact to get into the youth estate to provide those services is challenging. Part of that limits what is available.

In connection with that, we did some research published early last year into what was needed for racially minoritised children who were transitioning to the adult estate. That talked about how important it was for organisations led by and for racially minoritised people to provide these kinds of services to them, and how important that is to developing social capital and positive identities. It is often those kinds of small grassroots specialist organisations that struggle most to work in the secure estate and get in and provide those services. We have mismatch in terms of need and what can be provided.

Q51 Linsey Farnsworth: I am thinking exactly that. People and organisations are willing and ready to support our prisons and there are reports telling us that prisons are not providing it. If only they could.

Anne Fox: We have had organisations that had to hand back funding to charitable funders because they could not get in with those essential services. We could talk about this a lot, and I am very happy to do so over the lifetime of this Parliament and the work that you do. It is not just the statutory offer in justice; it is massively important that we support and see the role and value of voluntary organisations, particularly those from people's communities, of people's communities, by and for them, that can work alongside them. We talk a lot about that kind of phrase and how this person has ended up in prison. They are there now, but they want to go back to a community where they have to be able to contribute, live, heal and recover, whatever it is, and not cause harm again. A lot of those things cannot be provided as adequately by the system, which is essentially there to punish. It is there to punish and rehabilitate, but under pressure all you can do is the punitive element, so there is a role.

A huge amount of money comes in. Half of our sector is not funded in any way by the statutory sector, so there is the richness of the Quaker trust and all of the foundations with a great history in the country of working in rehabilitation, yet we have these very practical issues. The intention is



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certainly there with HMPPS to get that to work. Some of the issues are central Government contracting problems and the fact that we are obsessed with contracting anyway and don't really like grants. That is a whole different inquiry.

Linsey Farnsworth: Absolutely. I think we were planning to move on to contracted services. Pam has an interest in this.

Q52 **Pam Cox:** A particular obsession of mine is the mixed economy of justice and its failings. It seems to be delivering at some level, but absolutely failing in others. What is your experience of delivering contracted services, if you are contracted, or commissioning them, if you commission them?

Anne Fox: Can I give an overview, and then some of the delivery organisations can come in? That is our bread and butter at Clinks. We are interested in making sure that there is a vibrant, mixed economy of organisations that are able to get in to deliver. The majority are registered charities, which means they have identified beneficiaries and a public benefit that they can and need to provide. The Chair talked about The Upper Room, a member of Clinks. They need to reach organisations like that to meet their charitable purpose. You need a system that enables that and allows it to happen.

The way things work at the moment is that there are central Government rules, but put into a delivery model that is not about commissioning. The people who commission in prisons are prison staff—heads of reducing reoffending and heads of learning and skills. Often, they are given quite unwieldy models to use, usually things called “dynamic”, which is ironic. They have commissioning frameworks and contract rules. The relationships are often very good. There is somebody that is the commissioner, and someone who is desperate to do the service. They work so hard together, but the rules are in their way. We have contracts that are not priced sufficiently well, so we have massive amounts of compensation. We cannot get full-cost recovery, so people are adding, supplementing and subsidising. I don't have an issue with supplementation where an organisation goes in and it has a families contract and you also have a play worker who has been funded by the True Colours Trust. That is great, but if you have to use that money to prop up the contract, because the contract is insufficient, that is a problem. We have massive overuse of that. You cannot get full-cost recovery.

There is lack of flexibility on contracts. I spoke to a provider last week who has a number of contracts that are on prison-based lots. If there is an underspend in one but an overspend in the other, tough; you cannot move that about. That means you will not get a scale where some organisations might be able to provide scale. We have real concerns. We do not know what the budgets are in the year that is nearly finished for the dynamic purchasing system, which is where a lot of small organisations get money working in prisons. We do not yet know what



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the settlements are for next year, and the commissioning intentions are not very clear. Prisons do not necessarily know what they need to pay for and don't need to pay for out of central budgets. There are quite a lot of issues about how it all happens. As a result, we have big national prison contracts where nothing is happening and there are empty classrooms, and my members are being asked to provide something for the men and women in those prisons and yet there is no money to pay for it.

Pam Cox: I would like to say thank you for that, but I'm not sure I mean it. Thank you.

Chair: We have three more groups of questions to go through. I am going to take a five-minute break. We will adjourn the Committee and resume at 3.56 pm.

The Committee suspended—

On resuming—

Chair: We reconvene this afternoon's Justice Committee. We are taking evidence from witnesses in relation to our rehabilitation and resettlement inquiry. The next set of questions comes from Warinder Juss.

Q53 **Warinder Juss:** Can I ask you a few questions on release on temporary licence, ROTL for short? First, how is it used to promote rehabilitation? Secondly, because of court backlogs, sadly, we have people who are on remand for a long time. Is ROTL available to them as well?

Helen Berresford: ROTL is an effective tool that prisons have to be able to get people out into the community. There are different types of release on temporary licence. The one we most commonly talk about is for work purposes, and that is part of resettlement day release. That is the majority of where ROTL takes place, but there are other purposes, which might be other resettlement needs; it might be getting people ready before their release; it might be childcare ROTL; there is also special purpose ROTL if somebody needs to go to a family funeral, and those kinds of instances.

All ROTL is risk assessed; there is no automatic right to it, but it is an important piece of the jigsaw to get people into the habit of work and get them out of the prison and into a workplace, learning skills or reskilling after time in prison, both the hard and soft skills that you get in a workplace. It helps people to earn money and start saving for release. They contribute to the victims' fund. There are a lot of very positive outcomes from ROTL.

Although we have seen some increases in the numbers recently, it is still not back to pre-pandemic levels, and in our view even those were not high enough. We need to look at how we increase the use of ROTL because it is an effective tool. We have done quite a lot of work on it. Last year, we spoke to a number of employers about it. Those employers were really committed to this agenda. They already run ROTL schemes,



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but they were saying how difficult it was to get people out on ROTL. They might try to put something in place. It can take six months until that happens. For people who are committed to the agenda, that is fine; they will keep going and keep pushing that, but we need lots of other employers involved if we want to increase the rate of employment for people on release. It is a really good thing and we need much more of it. Simpler processes that support employers would help that. Obviously, issues around overcrowding and security concerns in prisons have an impact as well. People might be ready to be on ROTL; they might be due to go out. If something happens on the wing and it gets closed down, that person is not going out on ROTL that day. That has a serious impact.

Anne Fox: We do not see the ROTL wings that maybe we would have seen before in prisons where a group of people went out every day. Because of staffing and security issues there aren't the staff to have that and, therefore, it doesn't happen. Pre-pandemic, we were getting somewhere with some policy framework changes, but post pandemic it has not recovered. The figures are still a bit skewed with early release and the different schemes last year, and people who would have been ROTL eligible maybe were not getting it at that time.

Helen Berresford: On the specific question about remand prisoners, it is my understanding that such prisoners are not eligible for ROTL. There is much more we could do. My understanding is that at the minute there is no men's prison within the M25 that is using ROTL. There are real challenges about how we increase that, but we should be focused on increasing it.

Jess Mullen: Can I add how it works in the youth estate?

Warinder Juss: Yes, do come in.

Jess Mullen: There are some slight differences. Currently, some work is being done on a new policy framework for ROTL in the youth estate. Up until now the adult policy has applied just to the children's estate. This is an example of what happens quite often where, because the youth estate is under HMPPS, HMPPS policy is made for the adult world and just gets applied to children without thinking about children first and foremost.

We welcomed looking at the policy again, but we think it could go further than the draft we have seen currently. One of the things that is being changed is the amount of time a child has to wait before they become eligible for ROTL. It obviously makes sense for it to be less time than maybe in the adult estate. We think it should be immediately from the moment the child is in custody, because the UN convention on the rights of the child specifies that we should be sending children to custody only for the shortest possible time; therefore we should be making ROTL available very early on, particularly in a context where there is no open estate; there are no open prisons in the youth estate. If you are not in a secure children's home you do not have access to things like trips out shopping, or that kind of step-down that prepares you for release. ROTL



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is a really important tool. If you are committed to custody for only two months, say, the earlier that can start the better. We welcome that new policy, but we would like to see it go somewhat further.

Q54 Warinder Juss: It is a success story because research shows that it reduces offending and the number of offences committed, but we have had some limitations placed on ROTL, haven't we?

Anne Fox: Yes, and, if we see ROTL at all now, it is really only for work. I was deputy chair of Lord Farmer's review into family ties in the male estate, with Nicola at the time. One of the things we found was ROTL for family leave, people preparing to return to the family home by having weekends at home and getting into those roles when they come out of prison. ROTL has a massive role to play in resettlement preparation, as well as in keeping family relationships going. It also has a relationship in terms of the economy in the voluntary sector. For many years I had staff on ROTL working in Clinks when we had an office. It was really effective and was a great way to work with colleagues and help the staff in Clinks who did not have lived experience to know what it was like, the red tape and understand what was going on.

Q55 Warinder Juss: You have said you would like to have it expanded, so why the limitations?

Anne Fox: A lot of the limitations are not necessarily the policy itself but the conditions.

Q56 Warinder Juss: And restrictions as well?

Anne Fox: There is so much to do in prisons that you cannot get to ROTL. ROTL is almost impossible to achieve. When open prisons are overcrowded, you are in trouble.

Pia Sinha: ROTL has had bad press, unjustifiably. The fact is that 99.8% of people who go on ROTL come back successfully. However, the small percentage of people who have gone on to offend further gets a disproportionate amount of publicity and that causes a whole withdrawal of the privilege. As you said, ROTL reduces reoffending, but the way it works in open prisons—I used to govern one—is that it is very tightly risk-assessed. You start off with an accompanied ROTL. A prison officer goes with you; they make sure you understand what you are required to do. It is a stepped process. By the time you are accessing your family leave, educational leave or work leave, you are prepared for it. It has had bad press, but the evidence shows that in almost all cases ROTL is successfully applied in open prisons. The other issue is getting employers to be interested in taking on people who are in prison.

Q57 Warinder Juss: How does it compare with other mechanisms for rehabilitation? How does ROTL compare with something else that you might be doing to help rehabilitation?



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Pia Sinha: For people who have long sentences it is probably one of the best ways of getting them integrated back into the community. If they have spent a long time in prison and are undoubtedly institutionalised due to that, ROTL offers a real opportunity gradually and at pace to get them back on track.

Anne Fox: It is quite dated now, but there was a combined HMIP/HMI Probation rehabilitative activity thematic. Although it is quite old, it talked specifically about ROTL in terms of imagining things differently and putting those things in place. Because it is so difficult to get things happening in prison, people ROTL for education; they ROTL for training. It is part of their rehabilitative journey and part of their preparation for resettlement.

Q58 **Warinder Juss:** To move on to remand prisoners, there are lots of concerns. A lot of them are more likely to harm themselves. They need to maintain contact with family and so forth. The national regime model that we have been talking about requires that reception prisons should have a regime offer that they provide to remand prisoners. How does the regime you have for remand prisoners differ from the regime you might have for other prisoners?

Pia Sinha: Remand prisoners fall through the net because governors are not obliged to provide a regime for them. They don't have to access purposeful activity; they don't have to access education, workshops or work while they are in prison. The very slight benefit they might get is that they have more visits, but, in reality, ironically, people on remand are now spending the most amount of time in prison; they are the longest-standing prisoners because cases are taking longer and longer to come to court. Often, people on remand get to court and they are either time-served or they are found not guilty. In the meantime, they have done very little preparation because the priority is for sentenced prisoners. Often, remand prisoners get trusted jobs, if they are lucky. Those are jobs that require a more stable population in the prisons—kitchen workers or cleaners—but very little is done because very little is mandated in terms of their resettlement needs while they are in custody. So they often get very little.

Anne Fox: There is the issue we talked about earlier: the release date and access to what they might get and when. They don't have a release date because they haven't yet got a sentence. A massive issue is just the sheer numbers; it is not designed for the numbers we have.

Pia Sinha: Probation is not obliged to work with them on release either. They might spend a long time; they have lost their homes, they have strained relationships with family members or they have lost their jobs. Where sentenced prisoners would have some obligatory support around resettlement needs, for remand prisoners no one has the duty to do that, so they have a double whammy.

Q59 **Warinder Juss:** They might serve all of their sentence while on remand



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but still not have engaged in any purposeful activity—

Pia Sinha: Or have any support on release.

Q60 **Warinder Juss:** So they lose out. Do they gain anything in having more contact with family members and, as you mentioned, other activities that they perhaps could do? Do they do anything?

Anne Fox: The only additional thing is additional social visits—visits with family once a week.

Q61 **Warinder Juss:** Does that work in practice?

Anne Fox: In practice, generally, but it depends on whether the provision is there and that somebody has been identified by the family service within the prison as a remand prisoner.

Helen Berresford: The remand population now is about 20% of the whole population. It is a huge number of people. Most of them will be in cat B local prisons, where the biggest challenges of the regime are at the minute. There is poor provision, and the churn makes them really unstable prisons. It is a real challenge. They do in theory, as has been said, get some additional rights, but even recent prison inspection reports on Wandsworth and Lewes highlighted that the remand population there were not having their needs met.

As you say, there are higher rates of self-inflicted deaths among the remand population. There is such a huge level of instability. Specifically to the resettlement point, we deliver accommodation advice and support for people coming out of prison. That has recently been increased to include the remand population. There is some support available in terms of accommodation, but, as Anne said, you do not necessarily know when somebody is going to be released, so you cannot do what you would have done with a sentenced population, saying, "Your release date is X. We can put in place 12 weeks of support in advance and get all these things ready and get all these applications in." Of course, that is not possible. In principle, the big challenge is that there are too many people being remanded to custody. We need to look at how we reduce the numbers of people being remanded to custody and the alternatives in the community.

Jess Mullen: From a children's point of view, children on remand should have a remand worker, and they are meant to engage with them to do some remand planning and review and encourage them to engage in that purposeful activity, but, in reality, given everything else I have already said about the way the regime is working, their experience of custody is very similar to convicted children.

To pick up on the stats, in the children's estate, 43% of children in custody are on remand and 62% of children who are remanded to custody go on to not receive a custodial sentence. There is about a 50:50



split within that number of those who are acquitted and those who receive a community sentence.

It is important to highlight that there is significant racial disparity in the numbers who are remanded to custody. If you are black or racially minoritised, you are far more likely to be remanded to custody. There is an urgent need to make sure that custody is used as a last resort. We lobbied for some changes to the Police, Crime, Sentencing and Courts Bill, and we are really pleased that some of our recommendations were included in the final Act to address that. We are keen to see what the impact of those has been. It is a bit unclear whether it has had the intended impact or whether some of the issues in the community about the lack of accommodation in the community are trumping the legislative changes. We would be keen for the MOJ to carry out an assessment of the impact so that we can understand what is driving those judicial decisions, including what is driving judicial decisions around the racial disparity.

Q62 Warinder Juss: I have a quick question before I move on to my final question. Because remand prisoners are not subject to any formal regime, they could end up being in a worse position regarding resettlement, couldn't they?

Nicola Drinkwater: Can I give the picture of what we are seeing with women? We work with unsentenced women on remand in some of the prisons in Surrey. Absolutely, some women say that the challenge is that you feel like you are stuck in limbo and you cannot access what you need to access. There were women we have worked with who were mentally well when they went in on remand, were found not guilty, and then have PTSD when they are in the community because it was such a traumatic experience. I have a quote from a woman we are working with. She said: "As a remand prisoner, you can't apply for jobs in the prison because you can't be certain you will return after court." It is a really challenging environment that women are in if they are remanded to custody. Their numbers are at a 50-year high. Three quarters of women who are remanded will be found time served, not guilty or receive a community penalty. The use is incredibly disproportionate, especially if you take into account the impact that it has on women's mental health. We have talked about the high levels of self-harm for women who are remanded to custody.

I absolutely agree with what Jess highlighted about the racial disproportionality. We see racially minoritised and migrant women disproportionately represented in all parts of the justice system, including on remand. We have pulled together a briefing. The focus is on that issue. We had a specific session with our APPG focusing on that. I am very happy to share that briefing with the Committee if it is of use.

I agree that we need to look at reducing the number of women on remand as a matter of urgency. We were disappointed that remand was not taken into account as part of the sentencing review and was omitted



from that piece of work. We hope that the Ministry of Justice takes a focus on remand, because not only is it incredibly high and having a detrimental impact on women but it is having a real impact on the rest of the sentenced population. In one women's prison, 68% are women on remand. The prison needs to almost ring-fence those spaces. Women are being shipped out of that prison quite quickly if they are sentenced, which makes it challenging for them to settle. They are then sent even further away from their homes, which we know is already a problem in the women's custodial estate because it is so geographically dispersed. The remand population is having a big impact on the settled, sentenced population, as well as having its own unique challenges.

Q63 Sir Ashley Fox: You spoke about the need to reduce the number of people on remand. I believe the test that magistrates would use is that remand should only be used for those who pose a serious risk to the public or are absconding. Are you saying the test is wrong and should be changed in some way, or are you saying that the test is correct but the magistrates are remanding too many people?

Nicola Drinkwater: Good question. It can be really challenging to understand why those decisions are being made. There is no nationally available data for us to see why people are being remanded to prison, which makes it challenging to understand the picture. If you do not know the problem, you cannot address it. We know that sometimes women can be remanded for their own protection. There is no definition of what that means, so it is difficult to understand how that decision is being made. There was some research a year ago by JUSTICE that looked at magistrates decision making. I am very happy to share that report with the Committee. It found that some of the decisions were not based on updated frameworks. Where things had been changed, magistrates did not necessarily have the information to hand.

The challenge for us is understanding why those decisions are being made, and there is not a lot of clarity about why that is happening. I refer you back to my previous statistic that most women are found not guilty, receive a community penalty or are time-served. We know that most women in prison, about 75% of them, are sentenced because they have committed a non-violent offence and they are not a danger to society.

Anne Fox: The tests are also quite subjective. You have these two things, risk and absconding, and you have a magistrate who has not necessarily had a lot of training and does not know what else there is and how to balance that risk. It becomes quite a high-stakes test. The JUSTICE study found last year that people are overly cautious.

Pia Sinha: With women, the issue that Nicola raised about being remanded as a place of safety is disproportionately the case with women, because women present with multiple complex needs, and there is a view that prison is the safest place for them. If you looked at the number of women who are on remand in women's prisons currently, they will be the ones people don't know what to do with. That is something that needs to



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be addressed by practical solutions as alternatives. The MOJ is looking at increasing access to the CAS-2 provision, which is looking at bail options, and that needs to be considered.

Jess Mullen: From the children's perspective, that is exactly why we need analysis of the changes that were included in the Police, Crime, Sentencing and Courts Bill, to see whether magistrates taking them into account has had an impact. There might be lessons for other parts of the estate as well.

Q64 **Mrs Russell:** The idea that women are being remanded into custody to prevent risks to those women is, superficially at least, surprising. Can you give me some examples of situations in which that would happen and how much it might cost?

Nicola Drinkwater: It is probably best if I come back with more concrete examples to make sure that I am being accurate. I can send those.

Q65 **Warinder Juss:** You have already acknowledged that only a minority of women who are on remand will end up receiving a custodial sentence. There was a prison strategy White Paper published in 2021 that confirmed that. Because of that statistic, there was an ambition to release more women on bail. Has that happened? Has it had any impact on policy and in practice in the way that women prisoners are dealt with?

Pia Sinha: It doesn't appear to have. Would you agree?

Nicola Drinkwater: I agree, yes.

Pia Sinha: The ambition is there, but it does not feel like it is followed through in practice, because the numbers of women on remand in the women's estate is increasing.

Q66 **Warinder Juss:** And not getting bail in the way that was perceived.

Pia Sinha: There needs to be adequate resourcing for those services so that there is confidence built among the judiciary that those alternative options can be used meaningfully. Some concerns are probably legitimate as well, especially for a woman who may have been the victim of domestic violence. That is a factor. If you are worried about putting a woman back into the home where she is facing abuse, people often feel that they do not have viable solutions as alternatives. That is why it is so important. Sending them to prison is not a viable option. In fact, it is more traumatising and more destabilising. The solutions need to be in terms of what the alternatives are in the community.

Warinder Juss: Thank you for that.

Chair: Thank you very much. Mike, do you want to come in at that point?

Q67 **Mike Tapp:** Some of my questions have been answered along the way, but there is quite a broad question, to give you an opportunity in case



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bits have been missed, about what you would do to redesign the prison regime if there were no limitations. If there is anything you would like to get out, now is a pretty good opportunity to do it.

Anne Fox: Yes, I would love to.

Q68 **Chair:** You only have a minute each.

Anne Fox: We did a big piece of work with our membership about what Clinks would do if we were able to. We would significantly reduce the population of people in prison, looking at some of the populations convicted already. We would increase alternatives by diverting resources to proven community alternatives, and not extra prison places. Specifically, one of the things that would be very helpful in these instances is the use of deferred sentences to allow interventions. You do not remand somebody; you defer sentencing, and you allow that person to get the support and help that they will not be able to access in prison.

Q69 **Mike Tapp:** Anyone else?

Pia Sinha: I will make a very quick point about it. There isn't anything wrong with the ambition. There is nothing wrong with even the new regime design. It is the enactment of it that is causing the problem. We have had previous iterations of it. We get attracted to a new, shiny policy, and all the energy goes into trying to implement the shiny policy, but the reality is that unless you reduce capacity in prisons, unless you train staff properly to deliver the ambition and unless you make prisons safer and more ordered, none of that matters. If I had a blank piece of paper, I might even go back to a previous iteration of what a regime model needs to look like but really focus on delivery and how it is done. The only way to do that is to make prisons less crowded.

Q70 **Mike Tapp:** This is a problem that we see across many issues, of course. Does anyone else want to come in on that?

Jess Mullen: From the children's perspective, first and foremost, ensure that the UNCRC principles of custody being used as a last resort and the shortest period of time possible really are implemented. We did some work some years ago around the legislative framework and how it could be amended to make sure that that actually happens. We would be happy to share that. It might need some updating, but we could share that. As part of that, where it is needed that children are in custody, we should move away from institutions that look as close to adult prisons as some of the institutions do. That includes things like not using children's prisons as overflow for adult prisons, which is what we saw with the change in the age, and ensuring that the distinct character of the children's estate is properly protected and maintained. The Government are still currently considering whether they are going to introduce the use of PAVA incapacitant spray in the children's estate, which is something that we think is wholly inappropriate.

The evidence base is essentially very clear: what children need are small units close to their homes with staff who are trained in a way that allows



them to be welfare-based and children's rights respecting; not really prison officers, but actually staff with a much broader range of skills. The closest model we have to that is the secure children's home. Our view is that we need to close YOIs and STCs and focus on the secure children's homes that we know are the closest to that evidence model.

Q71 Mike Tapp: Do you have anything women-specific at all, Nicola?

Nicola Drinkwater: I support what Anne articulated in terms of looking to radically reduce the prison population. We are pleased to see that the Women's Justice Board has now been set up and the Government have committed to reducing the women's prison population, with the ultimate aim of looking to close some women's prisons.

The focus needs to be on prevention, diversion and community support. We know a lot of that community support exists. We deliver some of it. Our sister organisations deliver women-centred support in communities to address the needs that might bring women into contact with the justice system in the first place. Once we have focused on ensuring that women get the support that they need and can be kept in their communities, which I see as a longer-term vision and will require some transition and investment—I completely recognise that—we will have, I imagine, a small population of women who would be in a secure establishment, and then it gives you the opportunity to think about what that establishment needs to look like.

If you think about the desistance process, it is all about your autonomy, your ability to make decisions for yourself, your links with your family and accessing your basic level of need. Any establishment that would keep a woman in a secure environment would need to make sure that she could absolutely have the basics such as access to medical care. We saw before the pandemic that often women were able to have freedom of movement in the prisons. That has been significantly reduced, but it can really help you just in feeling like a human being and able to access what you need. We need to stop situations where women can become institutionalised because their decision making is essentially taken from them. If they were in a secure establishment, we would need to make sure that that was moved back on, for want of a better phrase.

Q72 Mike Tapp: Thank you. My next question is about desistance, so that is perfect timing. Could someone explain the principles of that, please, so we can fully understand it? You have touched on it already.

Nicola Drinkwater: When I used to work for Clinks, I wrote a briefing paper about desistance. Let's see how much I remember of that. Desistance is a process, which is not linear, through which somebody can go if they have offended, and a process through which they might not offend. It focuses on what might draw you into contact with the system in the first place and some of the things you might need to have in place to support you when you are in the community if you are in prison. Strong family ties are important. Being able to access accommodation and



employment is important, and although it might sound silly, access to money and benefits as well. It is the basic things you need in place to support you on your journey, if you have been in contact with the justice system, to prevent you from offending in the future.

Q73 **Mike Tapp:** What do you think, broadly, could be done better to ensure that that happens?

Jess Mullen: Can I jump in, because it is slightly different for children? The majority of children who come into contact with the criminal justice system will naturally grow out of that behaviour. It is widely recognised that there is an age-crime curve and that contact with the justice system is in itself criminogenic and draws children in and escalates their behaviour. The most important thing for children is diverting them away from the formal justice system as early as possible. The work of the Youth Justice Board and youth justice services around being child-first has taken on those principles. The child-first approach tries to integrate that into the way that children are worked with in the community, at least.

Mike Tapp: Thank you.

Helen Berresford: Some of the important principles are around taking an approach that is based on someone's strengths and very personalised to their individual needs. Celebrating success and recognising it and engendering hope are important. That is really difficult in the prison system at the minute. It is not built into the way that prisons work. There is much more that we can do to try to embed those principles. We certainly hear from people that they feel that progress is not celebrated in the way that something that has gone wrong is picked up on. When we talk about it being a process, it is also to recognise that it is not just in one direction. Sometimes things go wrong and sometimes there is a step back, but actually it is a journey. The punishment side when something has not quite gone where they wanted it to is harsher, rather than recognition of success and progress.

Anne Fox: Criminal records themselves and the criminal record system in this country are not in any way desistance-informed; you never get to move away even if your conviction is spent and there are different conditions on you or fewer conditions on you. I am a big fan of desistance. The academics really know their stuff. Desistance has a place in a well-working system where you are not criminalising people's social needs and where you can look at how you support people where there is a criminogenic need and they are in the system with an issue. This is a good theoretical framework. It is things like being able to have celebrations and being able to mark what is good and not just what is bad, as well as not allowing people the right to be forgotten. When you look at things like vetting, we have organisations that have people who have gone down that road, and they want to come and work with people because they have those convictions. Even though what they are doing is so desistance-informed and they are exactly what people inside need,



they will not be able to enter those establishments because they were previously there.

Pia Sinha: I have a small point on that. There is a very good paper written by Fergus McNeill, which I could pass on to the Committee, called "Four forms of 'offender' rehabilitation". One of the key things in that is that, no matter how much work you may have done through interventions you have received in prisons and so on, the fundamental point is the othering of individuals and the role that othering plays in your not being able to see yourself as an integrated part of the society you come back to. The system needs to look at the structure around prisons and what we are doing, as Anne said, to support people who come out of prisons as well. It becomes a very crucial factor, and unless we get those mechanisms right, we are not serving the desistance theory well.

Mike Tapp: That is really interesting. We have seen some great examples, like in Brixton where they go into the restaurant to serve. That is really encouraging. It is almost positive reinforcement, isn't it? There is a whole other debate about vetting and barring. Thank you.

Chair: Thanks very much, Mike. We are going a little bit over time. Is that okay with the witnesses? Thank you.

Q74 **Pam Cox:** I am going to take us to the community now and commissioned rehabilitative services, CRS. Could you give us a quick overview of how well that is working and, since we are short of time, throw in how you would change it for the better?

Anne Fox: Helen has asked me to do a very quick overview. Originally, commissioned rehabilitative services were commissioned through a number of pathways—basically, the areas of need that people have: finance, benefit and debt, housing, and women-specific, which is really positive. We were not successful in getting a specific pathway for racially minoritised people, which means you then have a particular set of difficulties around getting culturally specific and culturally appropriate rehabilitative services for people. They were commissioned through the dynamic framework. Richard Oldfield did a report for the then prisons Minister, Lucy Frazer, a few years ago. We had a big focus of it in Clinks around getting ready the day 1 services and how ready things were.

Generally, the issue is with the contracting and how it works—the pricing and a lot of the bureaucracy that I talked about earlier. One of the big things for me with CRS and with any of this is that we have gone from model to model, mainly starting with the Transforming Rehabilitation reforms, where we now have a commissioned set of services rather than a dynamic partnership between one set of providers or one sector that has an offer to the people who need it when they come into the community, either serving a community sentence or serving their licence portion on release. One of the big things that we have lost that our sector is particularly good at is the through-the-gate dynamic. It is a big part of desistance that we talked about: mentoring, befriending, someone to



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take them from one state to the other and help them to do that. Overall, there are some major challenges but the Department listens. The contract management, we hear from members, are pretty good people and really trying to make it work, but overall there are some remaining challenges.

Helen Berresford: At Nacro we deliver a number of those CRS services, as they are referred to: accommodation advice, which I mentioned earlier, and personal wellbeing services. How it works in practice is that a probation officer does an assessment of an individual's needs and will say that the person might need help with accommodation, they might be at risk of homelessness, or they need some support with wellbeing. They will, therefore, refer them to the provider in that area that is delivering the service.

There are real challenges with the model that was brought in. It came in with the reunification of probation. The idea is that the probation officer holds it all centrally, and then they do all the referrals out, which in theory is a good idea but in practice has not worked very well. Part of that is because it is very siloed. We might have somebody referred to us for an accommodation support need. They might be referred to a number of other services. We do not know that, so we cannot join up our support package at all. There is a lot of to-and-fro communication with the probation officer at a time when we know that probation is under extremely high capacity challenges. There are things that we can do to ease that and make it work better. Just from an individual perspective, having lots of different people and services to deal with, when we could be providing much more joined-up support, feels quite frustrating. As Anne says, the team are listening. In the next round of those services, we are hopeful that the model will be different, but there certainly are challenges.

Q75 **Pam Cox:** Thinking about how to improve on the current model, is data sharing between agencies one of the things that could be improved?

Helen Berresford: Certainly.

Q76 **Pam Cox:** Would you like to give us some other suggestions as well?

Helen Berresford: Data sharing is a really good example to raise. It is a real challenge for us. Previously, we had access to the probation service case management system, and we were able to get all the relevant information that we needed on that individual to give them the support they needed. That is no longer the case. Now we take a referral from probation. They send us information. Quite often, that might not be all the information we need. We do not necessarily have licence conditions and information about risk. We quite often go back to try to get that information, which is time-consuming and can delay the support that you want to have in place, so we need to find much better ways of information sharing.



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It is the same point that I made earlier. There are so many different agencies. If all of us were able to access it, we could put it together. That is what the voluntary sector does. We work in an integrated way around somebody's needs. We think there should definitely be better information sharing. We would also say that there is a role that the voluntary sector providers in this space can play. We could take on more of the assessment of need—it is absolutely what we already do—and integrate those partners. That is kind of what we are doing, but we want to do it in a much more integrated, holistic way. That would also ease capacity constraints on probation.

Anne Fox: We made a number of recommendations to the “Probation Reset” programme, and in the sentencing review, we recommended that those things become permanent. What really happens with probation is that it all comes down to an individual probation officer's ability to manage a very big and very dynamic caseload and all these other people, with things like the use of rehabilitative activity requirement days, unpaid work and the period of time that someone is under supervision. Often, that supervision and support are seen as having the same timescale. Some people will not need to be supervised, but they will need support, and that is different. One of the things that we are quite pleased that we do not have any more is automatic post-sentence supervision, and we hope that that will become a permanent change, because more people were basically brought into the net.

Q77 Pam Cox: Is it fair to say, just in the interests of time, that you know what drives desistance—esteem, relationships, housing, work and support—you know who can deliver it, but currently the mechanism is not there to get those services to the people who need them when they need them?

Anne Fox: The funding is not there. Even the way the mechanism works does not encourage bigger organisations to work with smaller organisations. It does not enable smaller organisations to offer what they do because it mainly uses contracting anyway.

Q78 Pam Cox: Has the marketisation of end-to-end offender management been a success?

Anne Fox: I don't know if it has really happened. It was brought to a different market. We had the TR reforms, and then we had this. It has gone primarily to the voluntary sector, but the whole thing has not. There is all that work that is not understood, which is funded by charitable trusts and foundations, and it underpins most of the services that are there.

Pam Cox: Okay, thank you. I will leave it there, Andy. Thank you.

Chair: Thank you very much. Sarah.

Mrs Russell: Apologies. I don't have access to my questions.



Chair: If it is all right with you, we will leave the last two. Do you want to deal with licence recall?

Q79 **Mrs Russell:** I specifically wanted to ask about licence recall conditions that have been explicitly discriminatory practices. There have been concerns particularly about victims of domestic abuse being on tags and then being recalled because they have not returned to their scheduled address. Can you talk about that problem for us, please?

Nicola Drinkwater: Yes, absolutely. I just want to find my case study. We have some examples of where women have been resettled to addresses that are not safe for them. I have an example. Through one of the projects, we were working with a woman who was in an abusive relationship. She was released from prison on a tag that required her to remain in the home where she was at risk. During that time, her abusive partner kidnapped her. She went missing for several days. This incident made her breach her tag conditions, and she was then recalled because of it. When she became eligible for release, she was told that she would not be granted that because of concerns about her safety.

We see instances where the women we are working with might have been resettled to an address that is not safe for them. If things are not put in place appropriately and they leave that address, we have seen them being recalled. That is a really good example—I do not mean it in that way—of where the system is not working well and not taking into account women’s gender-specific needs. We know that so many women experience domestic violence and abuse.

We have a few other examples where women’s needs are not being taken into account. This one is not necessarily just about women. We have seen women who are homeless being tagged, and then they do not have an address to go to. There is an example of a woman who was tagged. She was homeless and she could not charge her tag, of course, because she has nowhere to live. It ran out of battery. She was recalled to court, and the judge rejected her claim that she was homeless for the reason that the battery was running out, and she was recalled to prison. There is the example, I am sure you have seen in the news, of Gaie Delap, who was not able to wear a tag on her ankle for medical reasons. It was then suggested that she wore a tag on her wrist, but her wrist was too small. She was then recalled to prison because the tag did not fit. It was no fault of her own. There are quite a few examples through the work that we do with women where the system is not set up to address and meet their needs. Thinking about a tag that is the wrong size, Gaie Delap is not the only woman who would be wearing a tag in the community. There are definitely real challenges and gaps in what is happening at the moment.

Q80 **Mrs Russell:** How widespread is that problem with tags not fitting women?

Nicola Drinkwater: It is not the first time that we have seen it. We have worked with another woman who could not wear a tag on her ankle



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because of medical reasons, and that was not taken into account. I do not have it to hand.

Anne Fox: Tags are quite imperfect. You get a lot of recall where the tag is not picking up, and the person gets recalled because of that. The statistics on recall are quite clear. From July to September last year, 73% of recalls were for non-compliance, 35% for failure to keep in touch—that one is really loaded, because there can be automatic calls to numbers, and if you don't pick them up that is your failure to keep in touch—24% for further offending and 23% for failure to reside. That would include being bailed to an unsafe place to live. We had a 42% increase in recalls in that period on the year before. They have been greatly exacerbated by the fixed-term recall statutory instrument and the early custody scheme that we had last year to reduce capacity. It is very similar to what we talked about with remand. It is about how you assess risk. We consistently talk to probation about it, and they consistently say that all recalls are made on risk. There is the judgment and the fear that you will be the probation officer who did not recall someone who commits a serious further offence.

Helen Berresford: It is fair to say we have seen significant rises—really big rises—in the number of people who have been recalled over recent years. There is something not working in that system. As Anne said, we need to look at the reasons why people are recalled within those categories and the alternatives. The deterioration of behaviour while on licence can be because the support is not there and the person's needs are not being met. That needs to be looked at before a decision to recall in cases of non-compliance, and making sure that all the support is in place and other alternatives have been looked at before recall. Recall can have a huge impact on people's lives. Families can fall apart. We have seen examples of that. It needs to be for a reason.

Pia Sinha: I support that in terms of the numbers. In the last decade, the number of people in prison on recall has more than doubled from 5,260 in 2014 to 12,199 in 2024. The MOJ stats say that that is expected to go up even more, by a further 13%. It is a big driver of overcrowding in prisons. The other point to mention about probation services is that their workload has increased significantly. The correlation between workload and recall is significant. Our submission for the sentencing review said we should seriously look at the short, fixed-term recalls, which should be abolished, and that there should be a comprehensive process to look at recall in a way that it makes it more tied, rather than using discretion in the way that it does now.

Helen Berresford: Can I give one quick example of something about licence conditions? We were in contact with a man recently who had found a job. He wanted to go to that job. It was shift work. He was on a curfew, and he had to leave his house slightly earlier than the curfew was lifted to get to his job, so he had that conversation with his probation officer. It was left up to him to decide whether he takes the risk of being



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recalled to prison by going to that job. That licence condition is not enabling him to move forward with his life if that is the choice he has to make.

Q81 Sir Ashley Fox: I have a quick question. How easy is it to change the licence conditions? How easy is it for the gentleman to whom you just referred to go back to either the court or the prison and say, "If you can change these hours, I can get a job"? Equally, if the lady Nicola referred to earlier says, "This home is no longer safe for me. Can I change that?", what is the process and how easy is it?

Helen Berresford: With a curfew, it would be for the probation officer to make an application for that to happen. My understanding is that it would then be decided within the probation service; they have to apply for that change. It is not the individual. The individual has to have a conversation with the probation officer. They then make the application.

Q82 Sir Ashley Fox: Through the court?

Helen Berresford: I don't think it is the court. The decision happens within the probation service, as I understand it.

Pia Sinha: Community offender manager.

Q83 Mrs Russell: We have covered the goal of reducing the number of women in prison. The reviews of women in custody and the Youth Justice Board were announced last year, and both are due to complete shortly. In light of these reviews, what is your view on the future of youth justice policy?

Jess Mullen: Do you mean the review of girls in custody?

Mrs Russell: Yes.

Jess Mullen: I mentioned earlier that we are quite hopeful about the outcomes of the review of girls. It feels like the review has a handle on the issues, particularly some of the girls who are not being accommodated in secure children's homes. Some girls are in secure children's homes, but there are a number who are not. Our view is that they all should be. We are quite hopeful about that.

Q84 Chair: Can you tell us how many girls are in custody at the moment?

Jess Mullen: I think it is 13. I am looking at my team. It fluctuates. It is a really small number.

Q85 Chair: I think you said they are all in secure children's homes except for one.

Jess Mullen: There is one in the secure school. There are some, as I understand it, in the secure training centre at the moment. Don't take that as the absolute figures.

Q86 Chair: But it is of that order.



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Jess Mullen: In terms of the future direction of the Youth Justice Board, we have been engaging with the review. We and our members are really keen to see the independence of the Youth Justice Board maintained. One of the things that is important from our perspective is that, currently within the current departmental divisions of responsibility, the Youth Justice Board is the only bit of the system focused on children, whereas the rest of the system focuses on adults, and children are an adjunct to that. The fact that the Youth Justice Board is there to champion what is going on for children and their rights and their needs is important. We probably would not have seen the successes that the Youth Justice Board has had over previous years, particularly around decarceration and “Child first”, if it had not been independent but was part of the civil service. For the former, there was a level of risk appetite that was needed. For the latter, there is a real sense that the knowledge and expertise that the Youth Justice Board has and who it is staffed by is important.

In recent years, the Youth Justice Board has struggled with some of the systemic and structural issues, particularly things like racial disproportionality and how we get a handle on that. There is a sense maybe that it has lost its teeth to some extent. We see a lot of activity that is about shining a light on good practice and good case studies, but possibly a little less of what that means and clear guidance for how we then do something about it, as well as maybe a less public-facing voice around some of the issues. They are all things that we have already fed into the review of the Youth Justice Board. We will see where their recommendations go.

Chair: Thank you very much. I am going to end this afternoon’s session by thanking our witnesses for their time, and particularly for staying over time. You have shared an extraordinary amount with us. It is very helpful. This is the first session of quite a long inquiry. If you have further thoughts—you mentioned a number of things that you were going to send to us—that would be helpful as well. Thank you and thanks to the members of the Committee and the secretariat. We will draw this session to a close.