

Written evidence submitted by Clinks

About Clinks

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

We are a membership organisation with over 600 members, including the voluntary sector's largest and smallest providers. Our wider national network reaches 4,000 voluntary sector contacts and, through our e-bulletins and wider social media activity, we have a network of over 16,000 contacts. These include individuals and agencies with an interest in the criminal justice system and the role of the voluntary sector in rehabilitation and resettlement.

Clinks also chairs and provides the secretariat for the Reducing Reoffending Third Sector Advisory Group (RR3), which is the voluntary sector advisory group to the Ministry of Justice (MoJ) and provides a key forum for engagement between the voluntary sector and the MoJ. The group helps to increase mutual understanding and build strong and effective partnerships. It is made up of voluntary sector leaders openly recruited for their expertise and experience in delivering transformative services for people in contact with the criminal justice system.

In addition to the main group, the RR3 also runs time-limited special interest groups (SIGs). In March 2020, the RR3 established a probation SIG to provide advice and support to the MoJ and HM Prison and Probation Service (HMPPS) as they prepared for the transition to the unified model in June 2021. The SIG, which ran until June 2021, provided advice on matters including day-one contract values and volumes, the mobilisation of day-one services, the design of the through the gate model, and how Regional Probation Directors (RPDs) can work in partnership with the voluntary sector.

Background

The voluntary sector is a key provider of resettlement and rehabilitative services. 79% of respondents to Clinks' 2022 State of the sector survey¹ of the criminal justice voluntary sector worked with people in the community under the supervision of the probation service having served a custodial sentence - the most common stage of the criminal justice system of the voluntary sector's beneficiaries. This was closely followed by organisations who worked with people in prison preparing for release, and people in the community with a past conviction, with 73% of organisations saying they worked with people at each of these stages.

Clinks, therefore, welcomes the report from the National Audit Office (NAO) that explores the effectiveness in resettling people leaving prison, the factors affecting service performance, and how resettlement services can be improved for the future.² Clinks fully supports the six recommendations

made by the NAO in its report. Below, we have set out further evidence, based on our research and ongoing conversations with the criminal justice voluntary sector, relating to the NAO's three areas of focus.

The process for commissioning day-one services for the reunified probation service was completed in May 2021. This resulted in about two-thirds of the total contract values being awarded to voluntary organisations, with 23 out of a total of 26 lead providers coming from the voluntary sector. However, across the 110 day-one contracts that were awarded, there are only a small number of lead providers, and these are mainly larger voluntary organisations.³

This skew towards larger organisations being awarded contracts was disappointing as the criminal justice voluntary sector is mostly made of small and specialist organisations. Clinks' 2022 State of the sector research conducted analysis of Charity Commission data and found that 28% of crime and justice charities registered with the Charity Commission had an annual income of under £10,000, and 54% had an annual income of between £10,001 and £500,000.⁴

The commissioning of day-one services

In 2021, Clinks commissioned qualitative research to explore the voluntary sector's experience of the probation reform programme during the commissioning of day one services.⁵ This included a survey of 241 voluntary organisations and interviews with eight organisations between May and July 2021. Findings showed the commissioning process to be complex, cumbersome and bureaucratic and the financial costs of bidding were significant. Organisations also found it challenging to receive support from HMPPS when they had difficulties. Many small, specialist organisations were unable to engage with the commissioning process due to the financial thresholds set, the geographical footprint of contracts, and the information required.

The research also highlighted concerns about the cost of service delivery, with 23% of organisations surveyed stating that the contract values were not sufficient to deliver an effective service. There was a particular issue with the accommodation lot, where none of the organisations surveyed felt that the values were sufficient, with 35% stating that the values of the women's services contracts were insufficient.

Clinks, therefore, recommended that the true and full cost of the services need to be determined to prevent organisations having to subsidise their work from other funding sources. This determination needs to be done in partnership, and through consultation with existing service providers, especially specialist organisations.

Challenges around contract delivery

The NAO's findings echo the challenges we hear from the voluntary sector working in the criminal justice system. A relatively small proportion of organisations are commissioned to provide services under any type of government contract. This includes Commissioned Rehabilitative Services (CRS) contracts but may also include other types as well. Those that do, regularly report issues with contract delivery.

Challenges around contract delivery are likely to impact the effectiveness of the services delivered through them. Our latest State of the sector research found 23% of organisations who deliver services under any government contract said they did not achieve full cost recovery on any of their contracts.⁶ Half of respondents said they covered these shortfalls by subsidising contracts from their reserves, and 46% said they used funding from other sources.

Organisations continue to report concerns with the value and sustainability of their contracts. Two-thirds disagreed that the level of funding they received from contracts was adequate to deliver services to a high quality, compared to just under one third who agreed that levels of funding were adequate. 41% disagreed that the financial terms of the contract were sustainable, compared to just 36% who agreed that the terms were sustainable

These financial challenges have come as organisations continued to report increased service user need: more than 80% of respondents said they had seen an increase in both the level and complexity of service user need, and over half of respondents reported an increase in the urgency of need. 69% of organisations said their number of service users had increased. While not all of these service users will have been referred by probation to CRS providers, this contrasts with findings elsewhere on the numbers of CRS referrals.

Effectiveness of resettlement services

The NAO report⁷ highlighted HMPPS's internal review of resettlement, which focused detailed assurance activity on 28 of the highest-value contracts. Clinks was concerned that these audits confirmed ineffective early performance against service standards and contractual requirements. As the voluntary sector is a significant provider of CRSs, these findings are of particular interest to Clinks. We have not had sight of these findings, beyond those included in the NAO report, so our interpretation here is a tentative one.

Noting that all the contracts in the women's services lot were awarded to voluntary sector organisations, it was positive to see HMPPS identified a "broadly positive" picture in the women's contract it audited, where services took account of women's specific needs and were supported by "clear records of activity and progress". It was also positive that good practice was identified in some personal wellbeing contracts, where 30 out of 41 contracts were awarded to the voluntary sector.

The HMPPS internal review also found that there were difficulties around the quality of probation officers' referrals to CRS providers, and the quality of CRS providers' liaison with probation officers. Collaboration and partnership working between the probation service, CRS providers, and the voluntary sector is key to effective service delivery, whether delivering a CRS or through providing other support for someone in contact with the criminal justice system.

The RR3 SIG on probation⁸ raised concerns in 2020/21 that the projected number of service users was significantly below the numbers organisations were currently supporting. There was also confusion over how the figures were reached, and concerns over, if volumes were significantly higher than expected, providers delivering above the agreed volume profile but with no additional funding or resource. The SIG recommended that the modelling used to establish criteria for volumes of service users and associated costs should be shared openly with potential bidders, to allow them to assess the viability of a contract and whether delivery would align with the organisation's charitable mission.

Other concerns raised included the potential negative effect of low contract values on the quality of services organisations were able to propose, and the difficulty of building relationships between larger - 'lead' - organisations, and the smaller, specialist organisations that were often better placed to deliver quality services within the contract values. The SIG recommended that RPDs should establish meaningful voluntary sector forums, far beyond their supply chains, to better understand local challenges, promote multi-agency working and information sharing, and to build learning on how empowering and enabling voluntary sector services can help them reach their ambitions.

Clinks's research into the voluntary sector's experience of the probation reform programme⁹ recommended that all RPDs proactively reach out to, and engage with, all voluntary sector organisations in their areas, including those who are already qualified for the Dynamic Framework, and those who are not. They should create clear and accessible structures to enable voluntary sector engagement. Voluntary organisations are more than providers of services, and this engagement ought to inform future commissioning decisions.

The voluntary sector has also seen challenges in delivering services to people leaving prison because of the limited access to people, due to the pandemic, whilst they are still in prison. Whilst access has improved, it was slower to resume than normal activity in wider society, and organisations continue to face barriers to supporting people in prison preparing for release due to the loss of relationships with key staff, staffing issues meaning organisations are not able to access the people they need to see (and vice versa), changes to vetting requirements, and a backlog of vetting applications.

Factors affecting performance

The NAO mentions several factors that have been impacting the performance of resettlement and rehabilitative services in its report.¹⁰ This includes the challenges related to staff shortages. Through our networks, Clinks regularly hears that challenges around staff vacancies within statutory services has impacted the voluntary sector's ability to deliver services to people in contact with the criminal justice system.

Where organisations are working with people in prison to support their release, staff shortages have meant that organisations have not always been able to access the people they have been supporting as there are not enough staff available to unlock people in prison and escort them to their activity. If people are receiving less support to prepare them for their release, this is likely to mean they will have greater levels of need when they are released. This then means that organisations supporting people in the community, such as CRS providers, will need to provide greater support to people, potentially impacting service delivery.

Staffing challenges are not exclusive to the public sector: voluntary organisations have also reported difficulties in recruiting skilled and experienced staff. Our 2021 State of the sector research saw interviewees report concerns about staff leaving the voluntary sector permanently, particularly specialist staff who are hard to replace. Our 2022 research also saw interviewees highlight challenges around recruitment. One suggested that the competitive labour market was a particular challenge to voluntary sector recruitment.¹¹

46% of organisations said they were taking on larger caseloads in response to an increase in service user need. This risks having a significant impact on service quality and sustainability, as well as impacting staff welfare. This is likely to have a further knock-on effect on staff recruitment and retention.

The NAO also raised concerns around sharing data about people in prison. Whilst the NAO focussed particularly on health, through our networks, we have also heard about difficulties around sharing data with referrals lacking the relevant detail to enable organisations to provide the right support, as well as probation practitioners having limited knowledge of the services to which people could be referred to. In recent discussions with organisations working around accommodation, it is clear this continues to be an issue, but we have raised this with HMPPS and the Department for Levelling Up, Housing and Communities, and we are assured that work is being undertaken to address some of these issues.

Nacro has recently published a report on access to primary healthcare, particularly GP services, for people leaving prison and other marginalised groups.¹² In this report, Nacro highlights that many people leaving prison face barriers to registering with a GP practice in the community because the practice require people to have proof of address and/or ID. Nacro recommend that NHS England and HMPPS adopt a robust review of progress against planned GP registration during the pre-release process. This must include expanding *GP2GP*, a newly introduced transfer system which allows a prison to become an individual's temporary GP during their time in prison.

Future areas to address to improve resettlement services

Clinks notes the NAO calls for HMPPS to plan for higher demand for resettlement services, and the subsequent recommendation that a long-term strategy should be developed to manage this increased demand. Clinks believes it is important for this increase in demand to also be considered within the context that has been set out above, around continually increasing service user need, staffing shortages in both the statutory and voluntary sectors, and caseloads already rising for voluntary organisations.

In light of this, Clinks wants to reiterate the importance of providing sustainable, multi-year funding, preferably through grants in most circumstances, for the voluntary sector to support in the delivery of these services. This includes planning ahead and having a long-term commissioning pipeline. This would help the voluntary sector plan and understand what grant and commissioning opportunities are on the horizon. Clinks has made a range of recommendations around commissioning the voluntary sector, most recently in our report on the voluntary sector's experience of the probation reform programme and in our 2022 State of the sector report.

It has been positive that the MoJ and HMPPS have taken on feedback about the importance of providing grant funding opportunities for the voluntary sector, to better enable the sector and particularly smaller and more specialist organisations to access commissioning opportunities. However, there have been issues around the recent commissioning processes for the women's probation grants and the probation grants for organisations led by and for racially minoritised people.¹³

There were delays to the three women's grant competitions, which caused planning difficulties for the small and specialist organisations who are often managing a patchwork of funding streams. The postponement of notification meant that, in some cases, organisations were having to move forward with redundancy consultations which increased the risk of skilled, experienced staff moving on at a time where there are significant challenges around staffing and recruitment.

On the grants for organisations led by and for racially minoritised people, the ongoing delays and lack of transparent communication contributed to feelings of mistrust. Delays also mean organisations have not been able to deliver the services that would have been funded by these grants, impacting the quality of resettlement and rehabilitative services available to racially minoritised people.

The voluntary sector has long provided some of the most effective services, support and advocacy to divert people away from the criminal justice system to help them transform their lives and used the evidence from this work to change systems for the better. The knowledge, experience, and expertise held by organisations means they are crucial partners in the design and delivery of criminal justice policy and practice, and their voices must be valued and strengthened. The government should recognise the voluntary sector as a vital partner in delivering fair and effective resettlement support for people leaving prison.