



**Women in Prison**

A response to the  
Justice Select Committee inquiry into the Government's  
Transforming Rehabilitation Programme

17 November 2017

**About Women in Prison**

Founded in 1983, Women in Prison (WIP) aims to reduce the number of women in prison and prevent the damage done to women and their families by imprisonment. Women in Prison's proposals are based on experience of delivering gender-specialist support services in prison and the community for women affected by the criminal justice system.

For more information see [www.womeninprison.org.uk](http://www.womeninprison.org.uk)

## **Introduction:**

### **About Women in Prison (WIP):**

Women in Prison (WIP) is a women-only organisation that provides holistic gender-specialist support to women affected by the criminal justice system. We work in prisons, in the community and “through the gate”, supporting women leaving prison. We run three women’s centres (in Manchester, Woking and Lambeth, London) which include diversion schemes for women involved in the criminal justice system at an early stage, support for those serving community sentences and on release from prison. Our combined services provide women with support around advocacy, complex needs, domestic and sexual violence, education, training and employment, mental health, parenting and substance misuse.

We advocate for a significant reduction in the number of women being sent to prison and for strengthened community support services.

Our policy and campaigns work is informed by our frontline support services for women, delivered at every stage of a woman’s journey through the criminal justice system. The experience and knowledge of staff working directly with women affected by the criminal justice system enable us to see first-hand how well policy is implemented in practice. We are currently leading the 2020 Ambition to half the number of women in prison from around 4,000 to 2,020 (or fewer) by 2020.

### **About this consultation response:**

Our response to this consultation is concerned specifically with women involved in the criminal justice system.

### **Women in Prison and Transforming Rehabilitation (TR):**

WIP has direct experience of TR through being part of its service delivery from the initial implementation in May 2015 through to July 2016 (when HMP Holloway closed). WIP had deep misgivings about the TR proposals and their implementation throughout. However, along with women’s sector partners (and after consultation with staff and women using our services) we decided to do our best to influence the shape of the reforms and maximise the positive impact for women. However, along with many similar organisations the experience of involvement in TR was deeply damaging to our funding position, staff morale and did not enable us to deliver the services to women that are needed. The past two years have been spent extricating ourselves from the arrangements and recovering from the destructive impact that they have had.

In London, WIP were members of the London Women’s Consortium (LWC), working out of HMP Holloway and HMP Send until July 2016.<sup>i</sup> WIP was also delivering services under the Derby, Leicester, Notts & Rutland Community Rehabilitation Company (CRC) in HMP Foston and HMP Drake Hall. Both services provided ‘through-the-gate’ and resettlement support to women in custody twelve weeks prior to release, including on housing, domestic abuse, debt, finance and benefits.

WIP ceased to deliver these projects as part of our strategic plan to extricate ourselves from the provision of “Transforming Rehabilitation”. This response explains how our Board of Trustees reached this decision. Our Women’s Centres and other services continue to work

closely with CRC staff and the National Probation Service including as part of the Manchester Women's Support Alliance (for which CRC provides funding).

## **Terms of reference**

### **Government measures:**

**1. To what extent do the steps taken by the Government address the issues facing probation services?**

**(a) What contractual, financial and administrative changes did the Government introduce for CRCs in July 2017 as a result of their internal review of Transforming Rehabilitation? What has been the effect of these changes on the delivery of probation services?**

A: no comment - not applicable to us as a voluntary sector organisation operating outside of the TR contracts.

**(b) Are strengthening inspection standards and creating joint performance measures (between probation services and prisons) the best ways of improving performance?**

A: Strengthening inspection standards and creating joint performance measures between probation and prisons will not, by themselves, improve performance. Since the implementation of TR, we have seen plenty of damning reports that have made no difference to continued performance. The low levels of performance within the TR model are not a result of lacking standards or measures towards which to work, but of the model itself being flawed. Privatisation of probation services and the division between CRC and NPS has fundamental difficulties for a range of reasons. The payments-by-results (PbR) model associated with TR is wholly inappropriate in the criminal justice field and has punitive outcomes to small 2<sup>nd</sup> and 3<sup>rd</sup> tier organisations, mainly voluntary sector organisations.

In addition to the systemic problems with the TR model, there have been a number of practical issues with its roll-out: It was poorly planned and the implementation started before the planning was complete, with an ad-hoc approach and continuous change of plans for staff working on the ground. It is shocking that a public service reform of this scale and complexity was carried out with no piloting and evaluation to test its impact. The practicalities of mobilising change within a prison context were grossly under-estimated and inadequate resources were put in place on the ground for CRC staff to deliver the work. This included very basic practical requirements such as providing office spaces, computers or phones. The

project was rolled out in an extremely rushed way, without a chance to undertake recruitment, leading to an inevitable situation of skeleton staff presence for the initial period of mobilisation. Despite this fact, which was all due to a poorly planned and executed implementation period, participating organisations were blamed for not meeting targets from the very initial stages of service delivery, a trend that became a permanent feature of the project. This was despite a lack of agreed or clear monitoring and evaluation requirements and a lack of monitoring framework and tools such as established databases. The small organisations working their hardest to deliver the service on the ground were also held responsible for systemic issues beyond their control. For example, many women face homelessness on release from prison due to a structural housing crisis. Not only are small charities faced with the impossible task of finding these women housing that does not exist, under TR they faced potential financial/contractual penalties for failing to do so. The dysfunctional focus on targets has been an ever-present feature of the TR system and it is vital that any new joint performance measures are assessed for their overall impact, cost and benefits before being imposed on prisons or those providing other services.

**(c) What should be the Government's priorities to improve work between departments on the delivery of services needed for effective rehabilitation?**

A: The government needs to establish a coordinated, joined-up approach across departments that involves representatives from all relevant stakeholders such as the Department for Communities and Local Government, the Home Office, the Department of Health, Department of Education as well as the Ministry of Justice. There needs to be clear leadership and pooled resources. This collaborative work and any commissioning needs to involve local authorities, Police and Crime Commissioners (PCCs) and public health commissioners. There are several examples of established best practice approaches on which to build, including the Manchester whole systems approach. Other areas such as Woking and Lambeth have worked to establish strong-community-based Women's Centres as a hub for women's services. But this relies on strong partnerships and support on this issue which is rare and often takes many years to establish. The Government could ring-fence centralised funding, with matched funding requirements if need be, to ensure a strategic approach to provision of Women's Centres. Currently, services for women are subject to a shocking 'postcode lottery' that relies on the good fortune of having one or more local leaders committed to addressing this issue.

## **2. What impact have the reforms had on: i) sentencing behaviour, ii) recalls to prison, and iii) serious further offences?**

- i. A: TR appears to have had no impact in terms of improved sentencing behaviour. This is not surprising given the lack of positive impact the work has had on resettlement and rehabilitation – or on encouraging confidence in, and use of community alternatives to custody. As highlighted by Dame Glenys Stacey and Peter Clarke, the Chief Inspectors of Probation and Prisons in their joint Inspection of Through the Gate Resettlement Services for Prisoners Serving 12 Months, support on release was poor and the work of most Community Rehabilitation Companies (CRCs) was “making little difference”. This echoed their previous 2016 report on the poor quality of resettlement services for prisoners serving short sentences<sup>ii</sup>. The prison population is increasing whilst use of community alternatives appears to be in decline.
  
- ii. A: As expected, the TR reforms have had a significant adverse effect on the level of recalls to prison and, contrary to the government’s expressed intention of reducing the amount of people ending up in prison, TR has led to a surge in recalls. As reported by Prison Reform Trust, the number of women recalled to prison rose dramatically after commencement of the Offender Rehabilitation Act 2014, which introduced post-custody supervision for people serving sentences of less than 12 months.<sup>iii</sup> Since the end of 2014 there has been a 68% increase in women being recalled to custody following their release.<sup>iv</sup> This was predicted in advance during consultation stages by experts in the field and frontline service providers, including ourselves, as an unintended consequence of the introduction of the 12-month Post Sentence Supervision. The PSS opened the possibility of recall to a whole new cohort of women (those serving less than 12 months in prison) who had previously not been subject to license under the old system. Women were disproportionately affected by the introduction of the PSS as they are more likely to serve short prison sentences. Moreover, the introduction of the PSS licenses was very poorly communicated to women in prison and often ended up being left to the organisations delivering the CRC work to try to explain to women they saw just before release, leading to much confusion and in itself contributing to levels of recalls. The 2016 HM Inspectorate report of Bronzefield confirms our experience; they found that nearly 10% of the

women in the prison were there on recall and that many did not understand their licence condition. <sup>v</sup>

The rise in recalls associated with TR have had an impact on the profile of the prison population, with a larger proportion of women spending a short amount of time in prison. TR introduced 14 day-recalls and HMP Bronzefield now has an average sentence length of 4 weeks. Very short sentences such as these are completely ineffective in terms of rehabilitation and resettlement as they are not long enough for women to get involved in any type of work, activities or support. Yet, they are very harmful and have far-reaching practical and emotional consequences for women and children.

The damning conclusion of our staff after a short period observing and participating in the TR reforms was that the focus was all on assessment (filling in forms, e.g. BCST2) and 'supervision' with no real attention to the complex support needs often faced by women leaving prison. Women in Prison staff made comments such as "We are just signposting women, but there is nothing left to signpost to ...". The requirements of the PSS period, with inadequate or no support, has simply set women up to fail, creating an inevitable "revolving door" and a downward spiral of despair. Every recall will be accompanied by an array of harmful consequences. Our Women in Prison staff meeting women 'through the gate' are profoundly affected by this sense of going 'round in circles' particularly when they meet the same women being repeatedly recalled. It is our conclusion that the PSS period has made the situation worse for many women affected by the criminal justice system and has increased the pressure on support services as well as CRCs and the National Probation Service. The process of recall alone involves state expense and bureaucracy.

We strongly recommend that the recall function of the PSS is abolished as soon as possible. While we are in favour of post-release support for women on short sentences, this does not need to be under the probation model, but should be through specialist women's centre provision and linked community-based support, including mental health and substance misuse provision. As we have seen under TR, the support element of PSS is, in fact, very limited; the focus is on supervision with recalls as its consequence. We know also that change is most likely in a person's life if they are engaging with services through choice rather than compulsion.

- iii. A: As with sentencing behaviour, the reforms do not appear to have had an impact on reducing re-offending, as highlighted by HM Inspectorate of Probation who said that “sadly and despite the heroic efforts of some staff, we found that there had been little or no likely impact on reducing reoffending. Staff were sometimes working long hours and were often ‘fire-fighting’ rather than enabled to deliver a professional service consistently or sufficiently well<sup>vi</sup>”.

### **3. How effective have Government measures been in addressing issues arising from the division of responsibility between the NPS and CRCs in the delivery of probation services?**

A: The division of responsibility between the NPS and the CRCs resulted in significant disruption to existing referral pathways between probation and the voluntary sector. Due to lack of clarity about remit and responsibilities there has been considerable confusion about how statutory and non-statutory organisations could work together to complement each other’s work without duplicating effort. In many cases, referral pathways that had taken years to establish broke down altogether and have had to be rebuilt with new staff - a time-consuming and expensive exercise for services that are already stretched for resources and capacity. The division of responsibility and lack of clarity has also caused problems for magistrates. There was no acknowledgement of this disruption by government and no measures put in place to mitigate these issues. Fundamentally, through TR, the complex ecosystem of the criminal justice system was treated like a market place, with disastrous effects. The referral pathways that existed before TR are still being rebuilt now and this is likely to remain the case for some time to come.

### **4. What else should the Government do to address the issues facing probation services?**

A:

#### Investment in the voluntary sector

The government needs to invest significant resources in the specialist women’s voluntary sector so that they can work in partnership with probation officers in CRC and the NPS. Probation officers have very high caseloads and are unable to provide the in-depth quality support their clients require. This is particularly the case with women who often have multiple and overlapping needs and benefit from in-depth holistic support. If probation officers can refer their clients to a voluntary sector partner agency, this two-pronged approach can

ensure that women get the level of support they need to turn their lives around. An external support worker can also help with levels of engagements and improve women's attendance levels, including with probation. We know from working closely with probation that individual probation officers find this approach highly valuable. We have also consulted with a number of probation officers who have told us how their caseloads used to be more manageable, enabling them to invest more quality time with each client and hence increase their likelihood of rehabilitation and desistance. However, due to very high caseloads (often up to 80 people), probation officers are no longer able to work in this way and therefore appreciate the collaborative working and more in depth engagement with individuals that the voluntary sector can offer. Another benefit of such partnership work is that women can continue receiving support after their probation license has finished. Currently, many women are left with no support structure in place once their license abruptly comes to an end.

#### Sign-posting and onwards referrals

Probation officers will never personally be able to provide the entire range of support their clients need but part of their job is to put in place a network of support agencies for their clients. This involves sign-posting and making onwards referrals. However, in order to sign-post to another service, services need to actually exist. As an organisation, one of our main observations when delivering work as part of the CRC was the focus on needs assessment such as the Basic Custody Screening Tool 2 (BSCT2) and subsequent signposting rather than undertaking the actual work identified as needed. We cannot have an entire sector based on the principle of continuous signposting and targets disassociated from actual work undertaken. There is an acute need for fully funded voluntary sector services on the ground to deliver support work to women affected by the criminal justice system.

#### Value experience from the frontline

A clear lesson learned from TR is the need to value operational and specialist knowledge. Our experience of TR has illustrated the importance of a clear distinction between operational delivery and contractual negotiations, but the need for a presence of experts on both at key meetings so the operational perspective is taken into account in contract negotiation. One striking element of the contractual negotiations under TR was the widespread involvement of external consultants and contract managers with minimal experience of service delivery in prisons or in the criminal justice system. We urge the government to keep focused attention on the "on the ground" reality of staff and women through ongoing consultation and meaningful involvement – particularly as part of a review of how the system will work better in the future.



Our experience of the TR process was that the women's sector providing services (often over many decades) was treated with disregard and as a 'means to an end' – effectively initially in acquiring a TR contract (often described as “bid candy”) and then keeping the contract and meeting delivery targets. The London Women's Consortium (LWC) of which WIP was part was used as part of the competitive tendering process to give weight to the winning London bid by MTC Novo. In reality, by the end of 2016 the LWC was no longer in existence and delivery was by a single agency (Advance Minerva). But WIP staff experienced directly for many months the chaotic reality of allowing a complex public service to be taken over by a private company with no expertise in that field. It was noted on a number of occasions over a long period that all involved in the TR process appeared “out of their depth” be it the private company, the charity (ourselves) or the government department.

#### **Short-term changes:**

#### **5. How can the Through-the-Gate provision be improved so that prisoners get the right help before their release from prison and afterwards?**

A: TTG provision can be improved in a variety of ways:

As outlined above, there is a fundamental need for more services and availability of actual support rather than mere assessment, information and sign-posting. We currently have a situation of box-ticking and sign-posting due to a lack of availability of actual service provision. Staff employed by the CRC and the voluntary sector are over-worked and under-resourced and organisations are often restricted in terms of referral criteria outlined by funders and therefore not able to take on all women in need of support. The focus must now move to meeting real needs not (often perverse or pointless) targets.

CRCs, by their very nature, can only work with women during the last 12 weeks prior to release. This inevitably leaves women who fall outside of this remit without support before this cut-off point. This also excludes women on remand, for whom the CRC is not responsible, despite them being in prison experiencing similar levels of need.

Women on short sentences face a real dearth of support, including from the CRC, due to the practicalities of providing such support within a slow and restrictive prison system. Many women find themselves released before having received any meaningful support in prison, only to once again be caught up in a revolving door of reoffending and short-sentences.

In order for women to have a chance to turn their lives around on release from prison more support in prison and in the community is vital in order to address the complex needs and multiple disadvantages facing women in the criminal justice system.

Firstly, we cannot underestimate the urgent need for housing provision, whether through refuges, supported housing, hostels or permanent accommodation (council and private rental). Not only is there a lack of housing support and advice for women in prison but, crucially, the services that do exist face an impossible task of housing the large numbers of women with housing needs. Supported housing provision with focused support for domestic violence, mental health, substance misuse and other complex needs has to be increased for women leaving prison as part of improving effective through-the-gate provision.

Despite the prevalence of mental health issues among women in the criminal justice system, there is very little mental health support on offer in the community. Community mental health support tends to be reactive and crisis-focused and there is virtually no preventative mental health support on offer. There is a desperate need for increased investment in specialist mental health support services for women in the criminal justice system.

Women's mental health is closely linked to trauma and abuse and is often an underlying factor in substance misuse. More community support is needed for addressing substance misuse issues, including gender-specific services that address women's underlying trauma. Women are very vulnerable at the point of release from prison and many face extreme situations of homelessness, abuse, mental ill health and relapse into substance misuse. As highlighted by a recent Ministry of Justice statistics bulletin<sup>vii</sup>, the number of deaths in the community of people on licence is very high and continues to rise. Out of the women who died while on licence in 2016/17, 41% of deaths were self-inflicted and accounted for the main cause of death. Given that the majority of women on licence are under CRC, the majority of women who died while on licence in 2016/17 (81%) were also under CRC. The sad rise in deaths on licence is a stark reminder of how crucial appropriate support is for women leaving prison.

## **6. What can be done to increase voluntary sector involvement in the delivery of probation services?**

A: The voluntary sector should not be involved in the formal task of delivering the work of probation (or "responsible officers"), especially in the case of punitive measures. The role of responsible officers cannot be handed over to the voluntary sector but needs to be held by the probation service itself. When involved in the delivery of CRC contracts in London, Women in Prison were continuously pressured into taking on the role of responsible officers,

something that was utterly incompatible with our non-punitive role as a support service independent from the state. This continuous pressure and impossibility of WIP taking on the role of probation was one determining factor in us withdrawing from the service provision under TR. After delivering the service for many months without a contract, MTC Novo/ London CRC informed Women in Prison that in order to continue with provision our staff would need to undertake the role of “responsible officer” and this would form part of the contract we would sign. This was something that WIP was not prepared to do.

### Voluntary sector independence

It is important that the voluntary sector remains independent from statutory services. This independence helps ensure better service user engagement as it enables voluntary sector staff to work with service users to support those with complex needs and low levels of trust in statutory services to re-engage through mentoring, advocacy and encouragement to take responsibility for changes in their lives. Moreover, it enables organisations to provide independent feedback and ideas for improvement on the whole system and statutory processes in a way that is more difficult if staff are part of those processes. The CRC contracts involved a loss of independence and agency for independent charities who were required to sign contracts including extreme “gagging clauses”. These “gagging clauses” had the potential to fetter the ability of the voluntary sector to “speak truth to power” – including possibly feeding back to governors about issues arising within their prisons. The TR contracts took a strong line on reputational damage to the main contracting organisation and/or the Ministry of Justice and it is not clear how these terms relate to the drive for transparency across the public sector or the implementation of strong whistle-blowing policies. This lack of transparency carried over into the partnership work within the consortia through the concept of “contractual confidentiality” where main contracting organisations felt they were legally restrained from sharing contractual details even with their partners. Some of these issues may actually be legal “fictions” but they had, and still do have, a profound impact on partnerships, on understanding the system and the ability of the third sector as a whole to “speak truth to power”.

### Collaborative working

Involvement of the voluntary sector can be increased through partnership work; the voluntary sector can complement the work done by probation, provide advocacy and support women to engage with probation and other public services in a constructive way. Voluntary sector agencies have a long history of working collaboratively and successfully do so now, even despite the profound disruption of TR; the partnership work that took place in the women’s sector under TR was already in existence before TR and continued outside of it.

Despite the best efforts of the London Women's Consortium (LWC), the initiative to form a formal consortium to deliver an integrated service under TR was not successful and the resulting contract was a single-agency (with a limited supply chain). It is WIP's view that the focus on TR actually served to undermine partnerships rather than strengthen them; TR dominated organisational time and required disproportionate energies of senior leaders with little or no discernible benefit to the organisations involved. Indeed, there are examples of agencies losing out on previously established funding because of the need to devote so much time and energy to TR. Others have lost valuable staff due to the ending of contracts and some staff were simply not able to cope with the unbearable pressure of this dysfunctional process. Also small and medium sized charities are usually unable to retain staff when funding ends, however much they have invested in the skills and experience of staff members. This is particularly true in a sector which Clinks 'State of the Sector Report found now has an average of only 1.7 months reserves. <sup>viii</sup>

### Contracts

Contractual agreements need to be made and clarified in advance of any project delivery starting. WIP delivered services under TR for a period of a year, without a contract being signed and with continual change of expectations in terms of service delivery. The accelerated speed of TR implementation meant organisations were forced to deliver, at risk, pre-signing contracts which had major implications on delivery and employment of staff. A vital lesson has been the future need for a formal signed contract with detailed specification to be in place before services are delivered and staff recruited (no matter how much pressure from large powerful companies or government departments). TR contracts (known as ISPA) are complex and (according to CRC feedback) mainly inflexible as the wording is controlled by MOJ/NOMS. There is a need for early and low cost independent legal advice to 2<sup>nd</sup> and 3<sup>rd</sup> tier delivery organisations so that non-negotiable terms are clarified early on. Only after 6 months of delivery did WIP establish with the CRC that terms, which our legal advice recommended removing, could not be changed. At an operational level the Prime contractor, MOJ, HMPPS and WIP/LWC all had a different understanding about roles, responsibilities, remit, recruitment and timescales. This would have been resolved with contracts in place before the project had started. The result of operating outside of contract was that there were no sub-contracts in the supply chain. Also, agencies involved were not clear about the commitments in the whole contract regarding points such as performance indicators, financial penalties and incentives.

In addition to the lack of clarity from the outset and an ad-hoc approach, ongoing contract

negotiation was often poorly managed and recorded, leading to distrust and differing interpretations on what had been agreed as part of the contract. This could have easily been avoided through planning meetings in advance, taking and signing off formal meeting minutes and encouraging open communication between all contracting and sub-contracting agencies at all stages of the process. Instead, meetings around TR were often arranged ad hoc at extremely short notice, involved a large amount of individuals from the private company (including temporary consultants) and resulted in few formal records of agreed actions. Other practical solutions could have been a single point of contact (SPOC) for each agency so that information could have been cascaded as well as public/open source communication about the services provided (and those that were out of scope of the contract).

### Finance and risk

Voluntary sector organisations need to have full clarity about the financing of projects, including amounts and timing of payments and allocation of risk across the contract. Small 3<sup>rd</sup> tier voluntary sector organisations simply cannot survive under the terms put in place though arrangements like TR where payments in arrears can put these organisations in a constant state of jeopardy due to very limited financial reserves and a 'hand-to-mouth' existence. In addition, the payments-by-results (PbR) model associated with TR is wholly inappropriate in the criminal justice field and unfairly penalises small organisations. It also places a dysfunctional focus on targets that overshadows any other aims of quality work based on need. The consequences of such a payment model cannot be over-estimated with risks of redundancies to staff and entire organisations facing a high risk of insolvency on cash flow grounds. Any financial risk needs to be carried by the prime contractor rather than the sub-contracted charity. What we instead saw in TR was the potential for prime contractors to pass down contractual risk to supply chain sub-contractors who are in the weakest financial position to sustain this. This is even more of an issue where one of these charities, in turn, is sub-contracting parts of the work to other organisations, as was the case with the LWC.

On a related point, any financial penalties, no matter how small, can have disastrous effects on charities and must not be imposed on voluntary sector organisation who do not have the means to raise such money.

### Values and communication

It is important to have a clear understanding about independence and relationship to the role

of the state aligned to clarity about an individual charity's mission and boundaries. Clarity is also needed in regards to communication – there need to be clear lines of communication open throughout (including with staff, partners and people using services) particularly about what a service does and does not cover. There was considerable lack of clarity around the exact details of on-the-ground service delivery during the roll-out of TR, with conflicting and changing information on responsibilities, roles and remit being a constant issue.

### Separate funding streams

It is important to note that the work of the CRC covers only one cohort of women affected by the criminal justice system. Therefore, it is vital that funding for women's services such as women's centres is direct, not routed through the CRCs. Women's centres can provide support services for a whole range of women and girls and at all stages of their involvement with the criminal justice system – prevention, diversion, community sentences and post-release support. In doing so, women can be helped at much earlier stages to prevent offending. However, such funding is currently limited and many cohorts are left without any support, sometimes due to misunderstandings about the remit of the CRCs.

One stark example of this is in London. Our understanding is that MOPAC routed additional funds of approximately £500,000 through the CRC mechanism to provide an “enhanced service” to women affected by the criminal justice system . However, this was done through Advance Minerva's provision of the CRC contract so is focused on the cohort of women for whom CRCs are responsible and cannot be used, for example, in supporting diversion schemes. In contrast, Women in Prison receives funding from Lambeth Borough Council which allows flexibility in provision according to women's needs, not which part of the system or “cohort” they happen to be in. There are similar issues in TR's “rate card” system where services are “bought” from the CRC. This system was talked about throughout the implementation of TR and yet no one involved seemed to understand how it would work and what “rates” would be involved. We are unclear how the situation with the “rate card” stands currently and what impact it is having on the ecosystem of service provision in the CJS.

One impact of TR which has been under-explored is the way in which it has driven away investment of independent funders in criminal justice work. Naturally, such funders cannot use their resources to contribute to the share-holder profit of private companies and there is no doubt that this is a fatal flaw of privatisation in this area. As a charity we have seen the impact of this as previous avenues for funding have closed. We have also experienced the lack of understanding of the limitations of CRC provision when we have sought to raise funds for independent advocacy in areas like housing for women leaving prison. Some

potential funders' response has been "Isn't that the CRC's job?" In theory they are right, but in practice the failed system has not been delivering housing for women leaving prison. Our London Councils-funded project provided specialist advocacy in this area until March 2017, when it was not re-funded - leaving a real gap in London services (and redundancies of expert staff). It is our view that this inquiry should explore directly with funders (particularly the Corston Coalition of Independent Funders) what their experience of TR has been.

It is also our recommendation that as part of a fundamental review of TR there be clarity about roles and responsibilities – including a clear strategic plan for investment by independent funders that can reassure them that their commitments in this area will not be misused to enhance the shareholder profits of private companies by filling gaps that are actually the responsibility of CRCs. At the moment there seems to be a lack of understanding by governors, charities, funders and others about where these lines are.

#### Collaborative working and alliances

As much as possible, voluntary sector organisations should be in a position to work collaboratively and complement the work of one another. It is not healthy for civil society, the criminal justice sector or individual organisations to be forced into commercially focused competition with one another. The current funding climate encourages a 'race to the bottom' for charities with, ultimately, closure of services and staff redundancies. This also involves an element of expertise and collective organisational memory being lost. In the case of women affected by the criminal justice system, economies of scale are not possible and this means that valuable specialist organisations risk being 'outbid' by larger providers able to benefit from the economies of scale of providing to men and women. The result is an impoverished ecosystem of delivery which leaves major gaps in services and specialist expertise.

#### WIP's experience of TR

WIP's experience of being involved in TR has had a deep impact both organisationally, financially and in terms of staff morale. The enormity of the delivery task and disruption to small and medium sized voluntary sector organisations cannot be underestimated. As an organisation with a small infrastructure running multiple small projects, we found that the bureaucratic nature of the CRC structure, coupled with the unreasonable targets and excessive monitoring requirements, took up an impossibly high proportion of our organisational capacity. The funding arrangements put our small core team under significant pressure, not just in terms of workload but also in terms of financial risk. The high targets and ever-growing caseloads led to staff disillusionment and burn-out and, in addition, staff

felt their jobs consisted mainly of signposting to other services under strain or coming to an end. During the process of TR a key partner agency (Eaves) with whom we were providing the Lambeth-based Beth Centre was forced into administration. Shortly after that the Government suddenly announced the closure of HMP Holloway which led to another chaotic and destructive process of change without any strategic planning surrounding it. Please note this issue will be picked up in our response to the consultation on the prison population which the Justice Select Committee has recently launched.

WIP continues to play a constructive part in the new TR arrangements through working in partnership with other agencies, including the CRC, but our involvement in TR has been viewed by trustees, managers and staff as an overwhelmingly negative experience. We are fortunate to have been able to return our organisational focus to deliver independent quality services that deliver lasting change in supporting women to turn their lives around. We have only done this with the support of extraordinarily committed staff and trustees, a small number of independent funders and public sector leaders (including Lambeth Borough Council, Woking Council and the Manchester Women's Support Alliance funders) who have enabled us to survive this difficult period.

### **The future of probation services:**

#### **7. When should there be a review of the future of the Transforming Rehabilitation model and the long-term plan for delivering probation services?**

A: A review of the future of the TR model should take place with immediate effect – as widely predicted TR has already proved a failure on a number of fronts.

The review of TR should include a spending review and consider the extent to which public spending has resulted in value for money in the privatisation of probation. The review should examine the contracts and spending flow between the government and prime contractors as well as between the prime contractors and sub-contracted frontline delivery organisations to assess the percentage of contract value devoted to management and contract management as opposed to direct frontline delivery. It is also important that the public understand how much of the public money has been able to contribute to shareholder profit. This is particularly important now it has been revealed that the CRCs have negotiated significant sums of extra money to deliver the contracts agreed.

We recommend that the women's cohort is brought back into the public sector when the existing TR contracts come to an end (but preferably before). As a minority group in the criminal justice system, the women's cohort makes for an ideal starting point for broader



change. We believe negotiations with the CRCs could see funding for the women's cohort be returned to the National Probation Service and all women managed within that framework (and women's specialist services commissioned via local partnerships including NPS, local authorities and PCCs).

We also recommend that the review looks at the experiences of women, including how they feel about their relationship with probation, how they feel about the support they were offered under TR – in prison and on release - and how they found the opportunities on offer on release from prison (including barriers and enablers to resettlement). The review should also ask women for suggestions on how they feel recalls might be reduced. Such a person-centred approach would provide invaluable feedback for improving the long-term plan for delivering probation services.

Finally, TR stands as a case study example for all future public sector change programmes about pitfalls to avoid. Lessons include the need for pilots to test change; understanding the difference between a complex ecosystem and a market; listening to experts on the ground and those directly affected by and using a service; being driven by an evidence-based vision for change rather than ideology; focusing on needs, quality & outcomes; not targets, measurement & outputs. The crisis in our prisons and probation services can be reversed but only if all these lessons are addressed as a matter of urgency.

### **Further Information**

This consultation response was prepared by Sofia Gullberg, Policy and Information Coordinator at Women in Prison.

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<sup>i</sup> The London Women’s Consortium was a formal partnership between a number of voluntary sector agencies working in the criminal justice sector in London. It included Women in Prison, Eaves (which has since closed) Working Chance, Housing for Women, Advance Minerva and Hibiscus Initiatives. In the initial stages of TR's implementation the partnership delivered the front line support to women during the last 12 weeks of their sentence in HMP Holloway, with some provision in HMP Send, to women resettling in London.

<sup>ii</sup> Criminal Justice Joint Inspection (2017) An Inspection of Through the Gate Resettlement Services for Prisoners Serving 12 Months or More, A joint inspection by HM Inspectorate of Probation and HM Inspectorate of Prisons  
<http://www.justiceinspectors.gov.uk/ciji/wp-content/uploads/sites/2/2017/06/Through-the-Gate-phase-2-report.pdf>

<sup>iii</sup> <http://thejusticegap.com/2016/11/total-recall-women-returned-prison-ever/>

<sup>iv</sup> Table 5.10: Ministry of Justice (2017) Offender Management Statistics quarterly July - September 2016, London: MoJ

<sup>v</sup> HM Inspectorate of Prisons (2016), HMP & YOI Bronzefield: 9 -20 November 2015 London: HMIP

<sup>vi</sup> HM Inspectorate of Probation (2016) Quality and Impact inspection: The effectiveness of probation work in the North of London

<https://www.justiceinspectors.gov.uk/hmiprobation/wp-content/uploads/sites/5/2016/12/North-of-London-QI-Report.pdf>

<sup>vii</sup> Ministry of Justice (2017) Deaths of Offenders in the Community 2016/17, Annual Statistics Bulletin England and Wales

<sup>viii</sup> Clinks (2013) State of the sector

<https://www.clinks.org/sites/default/files/Clinks%20State%20of%20the%20Sector%20-%20Full%20Report.pdf>