

Prison Reform Trust submission to the NOMS Commissioning Intentions 2013-2014 Discussion Document

The Prison Reform Trust is an independent UK charity working to create a just, humane and effective penal system. We do this by inquiring into the workings of the system; informing prisoners, staff and the wider public; and by influencing Parliament, government and officials towards reform.

The Prison Reform Trust's main objectives are:

- reducing unnecessary imprisonment and promoting community solutions to crime
- improving treatment and conditions for prisoners and their families

The Prison Reform Trust welcomes the opportunity to respond to the NOMS Commissioning Intentions 2012-2013 Discussion Document. Our response is divided into two sections. The first section highlights our main concerns including policy context, evidence based commissioning, reoffending factors and evidence relating to specific groups. The second section answers the specific discussion questions posed in the substantive document.

Policy context

The Prison Reform Trust broadly welcomes the development of a decentralised commissioning structure for prisons and probation. In particular, the voluntary and community sector can contribute far more to crime prevention and the rehabilitation of offenders. The contribution must, however, be set within a considered, carefully planned framework to avoid unintended consequences. Without this there will be a weakening of formal accountability and the potential for fragmentation of services.

In a competitive commissioning environment, knowledge shared can mean advantage lost. Therefore, we would seek assurances as to what safeguards will be put in place to ensure the dissemination of good evidence-based practice and how cooperation will be encouraged between different providers. If it is not doing so already, we should like to see NOMS

drawing on evidence of what works to inform staff training and professional development and to have this specified in commissioning intentions.

The Prison Reform Trust's submission to the Ministry of Justice's Effective Probation Services review¹ also recommends that responsibility for management of low and high risk offenders remains in the public sector. This would ensure cohesion and proper risk management and enable offender managers to be a valuable source of knowledge and information for public sector commissioners, on which future commissioning decisions could be based.

We note that the commissioning priorities outlined in this document remain dependent upon a number of key policy reforms, notably the proposed reforms to the probation services in England and Wales and the election of police and crime commissioners in November 2012. The full impact of the changes will not be apparent until the proposed reforms to the probation services are implemented, which is unlikely to take place until at least April 2014.

We share concerns raised by Clinks and others that many voluntary sector providers will have to cease providing some or all of their services in the time that it takes for the new structures to take effect. The economic downturn has had a significant impact on voluntary sector organisations working in the criminal justice sector. A recent survey by Clinks found that more than three quarters of respondents had experienced a decrease in grant income, almost half a reduction in earned income and over a third had experienced reductions in public donations.² Most voluntary organisations working in criminal justice are too small to consider acting as prime providers. The alternative of forming consortia or working in partnership to bid for contracts takes considerable time, energy and resources. These are commodities which are more likely to be available to large private or voluntary sector providers than smaller organisations.

Our work as secretariat to the Women's Justice Taskforce has highlighted the funding predicament of many of the small voluntary organisations which together form the national network of women's centres. The Taskforce heard of one centre that was reliant on 37 different funding streams, with a mixture of statutory and non-statutory sources, all with different methods of evaluation and reporting arrangements. NOMS funding for the women's centres is guaranteed only until March 2013. While we welcome the new commissioning

¹ Available at <http://www.prisonreformtrust.org.uk/Portals/0/Documents/effective%20probation%20services.pdf>

² Clinks (2011), When the dust settles: the impact of a changing landscape on the Voluntary and Community Sector working to reduce reoffending and address community safety. Available at: <http://www.clinks.org/assets/files/PDFs/When%20the%20dust%20settles.pdf>

intention to ensure that appropriate provision is in place for women, without additional funding many centres are likely to cease being able to provide vital services for women offenders.

In order to achieve its stated outcomes in reducing reoffending, it is vital that NOMS acts to safeguard smaller specialist services during this period of uncertainty. We therefore endorse Clink's recommendation that future version of the commissioning intentions asks commissioners to consider supporting existing services through transitional funding arrangements until new structures are in place and working smoothly.

Evidence-based commissioning

We support NOMS intention to commission services with a connection to established theories of crime reduction and desistance and to develop an evidence-base around what works to reduce offending behaviour. We welcome the fact that NOMS has expanded this section of the commissioning intentions to clarify what constitutes adequate evidence of the value of an intervention.

However, it remains the case that providing meaningful quantitative evidence of reducing reoffending comes at considerable cost and relies upon having a sufficiently large cohort of service users. This is currently beyond the scope of the vast majority of the voluntary and other small service providers working in criminal justice. Furthermore, it will always be difficult to pinpoint exactly which intervention made a difference in changing someone's behaviour. It could be that a number of services working together had a cumulative impact on an offender's attitudes and circumstances. The discussion document recognises the importance of a "whole system" approach to reducing reoffending (page 13). NOMS will need to ensure that an evidence-based approach to commissioning supports this overall aim and does not undervalue the vital role played by many small voluntary sector organisations.

In addition, a strictly evidence based approach to commissioning could undermine provision for vulnerable groups for whom the evidence base may be weak, simply because so little work has been done in the area. For example, there is a limited evidence base for work with offenders on the autistic spectrum. Therefore, where there is no evidence base, alternatives of similar quality should be provided following consultation with relevant professionals.

Reoffending factors

The Prison Reform Trust is concerned by a number of significant gaps in the table on pages 11-12 which outlines the evidence base regarding interventions which address the nine criminogenic needs. The Deputy Prime Minister's Office's Social Exclusion Unit report, Reducing Reoffending by Ex-Prisoners,³ building on established criminological and social research, identified nine key factors that influence offending behaviour. These are:

- education;
- employment;
- drug and alcohol misuse;
- mental and physical health;
- attitudes and self-control;
- institutionalisation and life skills;
- housing;
- financial support and debt; and
- family networks.

The Ministry of Justice and NOMS's National Service Framework: Improving Services to Women Offenders⁴ identified two additional factors related to women's offending. These are:

- support for women who have been abused, raped or experienced domestic violence; and
- support for women who have been involved in prostitution.

We are concerned that the reoffending factors identified by NOMS in its draft commissioning intentions do not include separate factors on mental and physical health or financial support and debt. This is despite clear evidence of the impact of both factors on offending behaviour.⁵ The factors do not acknowledge the separate factors related to women's offending previously identified by NOMS.

We recommend that NOMS reinstate these as separate reoffending factors in the document. We also recommend that NOMS outlines its plans to develop the evidence base in relation to:

³ ODPM (2002), Reducing reoffending by ex-prisoners: report by the Social Exclusion Unit, London: ODPM

⁴ Ministry of Justice (2008), National service framework: improving services for women offenders, London: Ministry of Justice. Available at <http://webarchive.nationalarchives.gov.uk/20100303141250/http://noms.justice.gov.uk/news-publications-events/publications/strategy/NSF-Women-08?view=Binary>

⁵ See for example Bath, C & Edgar, K (2010), Time is money: financial responsibility after prison, London: Prison Reform Trust and UNLOCK. Available at http://www.prisonreformtrust.org.uk/Portals/0/Documents/Time%20is%20Money_8a_Layout%201.pdf

- social support for crime, in particular on Mentoring and Circles of Support and Accountability for sex offenders
- restorative justice
- anti-social lifestyles, lack of positive recreations and leisure activities;
- homelessness.

We welcome the recognition of the importance of intermediate outcomes alongside binary measures of reoffending. We would also recommend the effective measuring of “distance travelled” outcomes – for example those changes, benefits or learning achieved as a result of a service intervention that demonstrates progress made towards a “hard” outcome such as a job, training, employment and ultimately desistance. At this early stage in the development of payment by results, we recommend a flexible approach which allows for new or difference outcomes to be credited or given additional weight as the research base improves.

The government should develop a payment by results model which fully recognises the offender as a responsible stakeholder. For example, former prisoners who do not re-offend should be consulted about which services contributed the most to their successful resettlement. This information could be used to inform future commissioning decisions.

Evidence relating to specific groups of offenders

The Prison Reform Trust welcomes the recognition by NOMS that the needs of certain groups of offenders are sufficiently different so as to merit separate commissioning strategies. We are concerned by the omission of a number of groups, in particular BAME groups, foreign nationals and remand prisoners, who merit consideration for separate commissioning strategies.

Women (Discussion question J)

We welcome the intention to ensure that appropriate provision is in place to enable women offenders to complete their sentence and reduce their risk of reoffending. We are encouraged that commissioners will be expected to outline in their responses what systems are currently in place for women offenders, along with staff training plans, equality impact assessments and evidence of strong links between strategic partners and co-commissioners. In addition to drawing on the recommendations of the 2011 justice joint

thematic inspection report Equal but difference? Commissioners will be able to learn from the new inquiry into women offenders instituted by the Justice Select Committee.

We welcome the interest expressed in the discussion paper in the use of community provision, such as women's centres, to support outcomes. The final report of the Women's Justice Taskforce, [*Reforming Women's Justice \(2011\)*](#),⁶ includes an economic analysis by Dr James Robertson, former chief economist at the National Audit Office. It demonstrates that there is "an overall net advantage for society from community based intervention for women offenders, compared to custodial sentences." Unlike prison, women's centres require women to take responsibility for their lives and their children, find safe housing, beat addictions, gain skills and employment and get out of debt. This model, recommended by the Corston review, is particularly appropriate for women offenders.

To meet the requirements of evidence based commissioning, women's centres will need to be provided with clear expectations on monitoring and evaluation, along with sufficient resources. Transitional funding arrangements will need to be made available until the new commissioning structures are in place and working smoothly. Women's community provision should be further developed to improve availability across the country. In particular, new services should be prioritised for London given comparatively high rates of offending and the current limited provision.

For those, comparatively few, women whose offending is so serious that there is no alternative but to impose a custodial sentence, intensive rehabilitation is required. As a tiny minority of prison leavers, women are subject to greater prejudice and more blocks to successful resettlement than men and will need particular support to gain access to health and social services and housing and employment opportunities.

As we outline above, we are concerned that the newly developed nine reoffending factors fail to include the two specific female pathways. We would urge NOMS to reinsert these in recognition of the demonstrable link between women's previous trauma and offending.⁷

⁶ Women's Justice Taskforce (2011) *Reforming Women's Justice*, London: Prison Reform Trust

⁷ Rungay, J (2004), *When victims become offenders: in search of coherence in policy and practice*, London: Fawcett

Young adults

It is encouraging to see young adults identified as a group within the offender population requiring a separate commissioning strategy. Young adults account for a tenth of the prison population and one in five receptions into prison. Despite much evidence suggesting the needs of 18-25 year olds are closer to those of children than of adults, the criminal justice system makes few adjustments for the developmental immaturity of this age group.

The creation of the Youth Justice Board and the development of individual youth offending teams (YOTs) within local authorities has been one of the crucial factors in the reduction in youth crime and the number of children sentenced to custody. The YJB has provided the focal point for the coordination and dissemination of best practice by courts, councils and the police. YOTs have been given the responsibility to ensure those at risk of falling into a pattern of offending behaviour are diverted from that outcome. With this level of political intervention, funding to match and coordinated approach across government departments, local authorities and voluntary organisations, it is no surprise that both the number of children in custody and the number of offences committed by children has fallen by one-third over the past few years.

In contrast, the number of young adult offenders has remained largely static. Responsibility for young adults rests with the Probation Service and several individual Trusts do have dedicated young adult teams. However, with NOMS' increased focus on those posing the greatest risk to the public and cuts to their budgets, this is much less common today than in the past. In addition, while some Trusts do second probation officers into YOTs to help with the transition of 17 year-olds into the adult system, this is not done universally. There are strong grounds for requiring a named body or official to be charged with a specific responsibility for reducing reoffending by young adult offenders.

The remit of YOTs could be extended to young adult offenders. However, we recognise that, at a time when their budgets are being reduced, local councils are unlikely to want the burden of additional responsibility unless funding is guaranteed to come with it. If the Ministry of Justice does not back this reform, we hope ministers and NOMS will at least require all Probation Trusts to have dedicated young adult teams, possibly advised by the YJB, and ensure much closer working between these officers and the YOTs in their areas. In addition, we hope that the community sentence review will see the introduction of a robust community sentence, tailored to the specific needs of this age group, as an alternative to

custody – this could take the form of the Intensive Alternative to Custody Order (IAC) currently being piloted.

We are concerned that, for reasons of population management, a number of prisons have been rebadged as HMPs “and YOIs”. The sentence of detention in a young offender institution requires that a regime be tailored to the needs and level of maturity of this group of young adults. This has implications for NOMS commissioning if it is to develop age specific regimes and appropriate staff training.

The Prison Reform Trust has published a briefing on young adults entitled [Old Enough to Know Better?](#) (2012).⁸ The Prison Reform Trust is a member of the Transition to Adulthood (T2A) alliance, supported by the Barrow Cadbury Trust. We would recommend the following T2A publications: [Young Adult Manifesto](#) (2010);⁹ and [Why is the criminal justice system failing young adults?](#) (2010);¹⁰ and the Prison Reform Trust report [A lost generation](#) (2004).¹¹

Learning disabilities and difficulties

We welcome commissioning intention 13 to ensure the identification of offenders with learning disabilities and/or difficulties and make reasonable adjustments. Between five and ten per cent of the offender population has a learning disability. However, very few criminal justice programmes and activities, for example offending behaviour and substance misuse programmes, and community sentence requirements are accessible, or are adapted, for offenders with learning disabilities. One such example is that of conventional offending behaviour programmes, which are not generally accessible for offenders with an IQ below 80. There is a mismatch between the literacy demands of these programmes and the skill level of offenders, which is particularly significant with respect to speaking and listening skills.¹² Consequently little, if any, effective rehabilitation work is undertaken with this group.¹³

⁸ Prison Reform Trust (2012), *Old enough to know better? A briefing on young adults in the criminal justice system in England and Wales*, London: Prison Reform Trust. Available at

http://www.outoftrouble.co.uk/sites/default/files/old_enough_to_know_better.pdf

⁹ T2A (2010), *A young adults manifesto*, London: T2A Alliance. Available at

http://www.outoftrouble.org.uk/sites/default/files/T2A_Young_Adult_Manifesto_-_FINAL.pdf

¹⁰ T2A (2010), *Why is the criminal justice system failing young adults?*, London: T2A Alliance

¹¹ Solomon, E (2004), *A lost generation: the experiences of young people in prison*, London: Prison Reform Trust. Available at <http://www.prisonreformtrust.org.uk/Portals/0/Documents/Lost%20Generation.pdf>

¹² Home Office Findings 233, 2004

¹³ See for example *R (Gill) v Secretary of State for Justice* 2010 EWHC 364 9 Admin).

There is no routine screening to identify people with learning disabilities at any point in the criminal justice system. A screening questionnaire, the LDSQ, has been successfully piloted by Offender Health at a number of prisons. This could be made available for use at the point of arrest, for example to inform the decision to charge, prosecute or divert away from the criminal justice system, and to inform the courts.

Some of the 'reasonable adjustments' required under the Equality Act can be anticipatory – that is to say, NOMS can expect that a certain proportion of the offender population will have learning disabilities and make adjustments. Examples could be having information about different programmes available in easyread formats, and being able to offer a range of programmes in adapted versions. Other 'reasonable adjustments' have to be tailored to the specific individual: for example, to respond appropriately to an individual on the autistic spectrum who needs a low stimulus environment in order to be able to concentrate on an instruction, or targeted support to a person with learning disabilities whose problem solving skills are not well developed.

For rehabilitation activities to be effective they need to be accessible and appropriate. In addition to adapted programmes that address particular concerns, such as offending behaviour and substance misuse, offenders with learning disabilities are likely to need relatively low levels of support over sustained periods. Such support would reinforce programme messages concerning risky or offending behaviour and, at the same time, could provide 'daily living' support to encourage responsible citizenship, for example help with budgeting and 'appropriate' friendship networks.

Contact with the criminal justice system provides the opportunity to create tailor made packages of support in collaboration with local services, such as community learning disability services, and local authority social services and housing support. Such support is especially important as people with learning disabilities prepare to leave prison.

This kind of low level, relatively low cost support has the potential to 'revolutionise' rehabilitation for offenders with learning disabilities, and in most cases would provide a realistic community alternative to a custodial sentence. An example of a model that could be used/adapted is that provided by the KeyRing Living Support Network.

For further information see [Prisoners voices: experiences of the criminal justice system by prisoners with learning disabilities and difficulties – report and final recommendations](#) (2008).¹⁴

Mental health needs

We hope that NOMS commissioning intention 15 will enable commissioners to improve health and criminal justice outcomes for people in the justice system with a mental health need. We welcome the coalition government's commitment to roll out a national liaison and diversion scheme by 2014, backed by £50m funding from the Department of Health and working in partnership with Ministry of Justice,

The National Federation of Women's Institutes, the WI, is running a *Care not Custody* campaign across England and Wales following the tragic death by suicide in prison of the mentally ill son of a WI member.¹⁵ The WI and the Prison Reform Trust are leading a coalition of organisations, including the NHS Confederation, the Royal College of Nursing, the POA, the PGA, the Law Society and the Police Federation, representing over one million professional staff, set up to monitor reform and ensure the government keeps its care not custody promise.

In today's system, therapeutic interests of meeting offenders' needs for mental health care (and/or support with learning disabilities) compete with risk-averse interests in labelling them dangerous, excluding them from the community, and using custody until professionals are convinced they are safe to release. Current arrangements do not provide a healthy balance between therapeutic interests and public protection. Dr David James' study of a court diversion process found that it provided good outcomes for the person's mental health problems and reduced the rates of reoffending among those who were diverted away from criminal justice (see James, D et al (2002), [Outcome of psychiatric admission through courts](#), RDS Occasional Paper No, 79, Home Office).

Despite the fact that people respond better to mental health care in the community, and the clear evidence that increased use of diversion away from prison would be in the public interest, the over-use of prison for people with common mental illness continues. The system is out of balance: it prioritises risk so that large numbers of vulnerable people are being

¹⁴ Talbot, J (2008), Prisoners voices: experiences of the criminal justice system by prisoners with learning disabilities and difficulties – report and final recommendations, Prison Reform Trust. Available at <http://www.prisonreformtrust.org.uk/Portals/0/Documents/No%20One%20Knows%20report-2.pdf>

¹⁵ See <http://www.thewi.org.uk/standard.aspx?id=14999>

defined – unnecessarily – as dangerous. It is also out of balance in that there is a lack of care, therapy and support that people need in the community in order to maintain their mental health and stop offending. Attempts to implement the Bradley reforms will be strengthened if they can balance (and moderate) these two interests.

For further information see Edgar, K & Rickford, D [*Too little too late: an independent review of unmet mental health needs in prison*](#) (2009).¹⁶

Disabilities and adult social care needs

We welcome commissioning intention 16 to ensure that offenders and defendants with adult social care needs are appropriately identified and supported. The prison service and department of health have been discussing the need for a national strategy for these groups for some time. Work in this area is long overdue and a national policy should be produced as soon as possible.

People with disabilities routinely report worse experiences than other prisoners in response to 130 out of 190 areas looked at by the Prisons Inspectorate. It is rare to find any form of needs analysis or systematic consultation with prisoners who have disabilities. This needs to take place routinely if sentence and resettlement plans are going to be appropriate and effective.

The commissioning intentions should also make reference to the specific needs of older people. The numbers of older people (50 and over) in prison has reached one in 11 of the population, with men over 60 the fastest growing age group in custody. Resettlement work is geared at younger people. Older people leaving prison usually require specialist resettlement support looking at pension entitlement, appropriate activities and sometimes adapted or supported accommodation.

Prison staff should be able to access information about all health care provision across the prison estate, accommodation for people with social care or mobility needs and how accessible each establishment is. This will enable prisons to make suitable transfer requests for people with long-term health conditions or disabilities.

¹⁶ Edgar, K & Rickford, D (2009), *Too little too late: an independent review of unmet mental health needs in prison*, London: Prison Reform Trust

Some of the more vulnerable people leaving prison would have an entitlement to community care support from social services. Referrals are not routinely made and assessments carried out in prison extremely rarely. Over 90% of prison staff responding to a PRT survey said that social services had no involvement in their prisons. Timely support and interventions from social services for prisoners would ensure cost savings – both for the social services in the areas prisoners are released back in to.

For further information see [Doing time: good practice with older people in prison – the views of prison staff](#) (2010);¹⁷ [Doing time: the experiences and needs of older people in prison](#) (2008);¹⁸ and [Information book for prisoners with a disability](#) (2009).¹⁹

Black, Asian and Minority Ethnic (BAME) groups

We are concerned by the fact that the commissioning intentions discussion document makes no mention of the needs and experiences of BAME offenders or engages with the overrepresentation of this group in the criminal justice system.

The NOMS commissioning strategy is an opportunity to make a significant change to the way BAME groups are treated in the criminal justice system. There is now a greater disproportion of black people in prison in England and Wales than in the US. The persistence of direct and indirect racism in the criminal justice system needs to be addressed and there is an urgent need to undertake more research into the distinctive pathways of BAME offenders into and out of the criminal justice system.

On page 27 the document cites research commissioned by the Prison Reform Trust and Clinks which found that there was little difference in the resettlement needs of BAME offenders when compared with other groups.²⁰ The report nonetheless highlighted that service providers must display an understanding and sensitivity towards cultural differences and address the impact of perceptions of discrimination and stereotyping in the criminal justice system and wider community.

¹⁷ Braggins, J & Cooney, F (2010), *Doing time: good practice with older people in prison – the views of prison staff*, London: Prison Reform Trust

¹⁸ Prison Reform Trust (2008), *Doing time: the experiences and needs of older people in prison*, London: Prison Reform Trust.

¹⁹ Department of Health and Prison Reform Trust (2009), *Information book for prisoners with a disability*, London: Offender Health and Prison Reform Trust

²⁰ Jacobson, J et al (2010), *Double Trouble? Black, Asian and Minority Ethnic Offenders' experiences of resettlement*, London: Clinks and Prison Reform Trust

Foreign national prisoners

It is concerning that the commissioning intentions document makes no mention of the specific needs of foreign nationals. The only reference is on page 5 where the document which outlines one of NOMS business plan priorities as “working with Other Government Departments in areas such as Foreign Nationals in the Justice System and Extremist prisoners”.

The NOMS commissioning strategy is an opportunity to develop a well informed national strategy for the management of foreign nationals in the justice system. Foreign national prisoners are currently 13% of the prison population and continue to grow. The sentences for drug importation are disproportionately long and, unlike other sentences, do not qualify for mitigation. In addition, sentences for passport offences have become longer. The rationale given for increasing the length of these sentences was to act as a deterrent but there is no evidence that this is effective.

People found to be coerced or trafficked into importing drugs or employment in illegal activities should be treated appropriately. Some will qualify for protection and resettlement in the UK. Others found guilty of these activities should be repatriated to a prison in their own country. Those already in prison should have their sentences reviewed for conditional early release and, where appropriate, deportation. It is regrettable that the overarching emphasis on deportation has eclipsed the need to treat people as individuals, to ensure they have the information and advice they need and can understand, and to pay proper attention to resettlement needs, here or abroad.

The hub and spoke system of allocating prisoners purely on nationality means that people are potentially treated as deportees rather than as prisoners with a right to access rehabilitative work. New guidance should be issued to ensure that foreign national prisoners are appropriately located taking into account their family health and sentence progression needs.

For further information see Bhui, HS (2004), *Going the distance: developing effective policy and practice with foreign national prisoners*, Prison Reform Trust; and Prison Reform Trust and Hibiscus (2012), *No Way Out (2012)*, : A briefing paper on foreign national women in prison in England and Wales, London: Prison Reform Trust.

Remand prisoners

We are concerned that the commissioning strategy makes no mention of the specific needs of remand prisoners. This is despite a recent thematic review by the Chief Inspector of Prisons which found that many remand prisoners had a poorer regime and less support than sentenced prisoners.²¹ Remand prisoners, who have not been convicted or sentenced by a court, have rights and entitlements not available to sentenced prisoners; this needs to be reflected in commissioning arrangements.

At any one time, remand prisoners make up about 15% of the prison population, between 12,000 to 13,000 prisoners. Women and those from black and minority ethnic and foreign national backgrounds are over-represented. The thematic review examined the experience of young adult and adult remand (unconvicted and convicted unsentenced) prisoners in local prisons against the Inspectorate's four health prison tests: safety, respect, purposeful activity and resettlement.

The report found that:

- remand prisoners are at an increased risk of suicide and self-harm and nearly a quarter said they had felt depressed or suicidal when they arrived at prison;
- a third or more said they had a drug or mental health problem;
- problems on arrival were exacerbated among women, with a higher self-reported incidence of housing problems, money worries and health concerns;
- women were more likely to report problems with ensuring dependants were being looked after; and
- remand prisoners showed little awareness of support services available at the prison and, while most had received an induction, many felt they had been given too much information to absorb at a turbulent time.

The Prison Rules 1999 set out legally binding entitlements for remand prisoners which recognise they have not been convicted or sentenced. Within Prison Service policy, discretion is permitted to governors on implementing these entitlements. Prison Service policy permits remand prisoners to share cells with sentenced prisoners if they have consented, while the Prison Rules appear to suggest that remand and sentenced prisoners should not be required to share a cell. The report also found that:

²¹ HMIP (2012), Remand prisoners: a thematic review, London: HMIP

- sharing cells with sentenced prisoners was the norm, but few recalled being asked for their consent;
- prisoners in survey groups and staff the inspectors spoke to had limited or no knowledge of the entitlements or remand prisoners;
- the right of remand prisoners to vote had not been facilitated at two of the five prisons visited;
- nearly half of remand prisoners surveyed reported difficulties with obtaining bail information;
- prisoners felt more use could be made of the video link facility for court appearances;
- over half of unconvicted prisoners said they spent less than four hours out of their cell on a weekday;
- most remand prisoners said they wanted to take part in work or education, but a lack of places and/or the prioritisation of sentenced prisoners meant some were unable to do so;
- remand prisoners are entitled to certain state benefits intended to mitigate the impact of their imprisonment while they await a verdict, but those inspectors spoke to had little or no awareness of this; and
- although remand prisoners' welfare needs were assessed on arrival, little was done to follow these up and address identified needs.

The Prison Reform Trust agrees with the Chief Inspector that the specific circumstances and needs of remanded prisoners need to be much more clearly and consistently recognised. Provision should be made to ensure that remand prisoners are held in custody for the shortest time possible. While in custody they should be given at least the same support as convicted and sentenced prisoners and enjoyment of the additional privileges and rights to which they are legally entitled. The location of unconvicted prisoners needs to be clearer so that prison staff can ensure they are accessing their rights and being held in appropriate conditions.

Response to individual consultation questions

A: We would welcome further discussion on the development and use of the segmentation model including:

i) What are the most effective ways to segment the population?

ii) Do any specific sub-groups of the population require particular consideration as part of segmentation

iii) Which local data sources might help enrich the picture provided by segmentation nationally?

We agree that segmenting the offender population in a meaningful way can enable commissioners and providers to draw on the evidence base, understand the contrasting needs and vulnerabilities of different groups, and identify services which are most likely to reduce reoffending and deliver other positive outcomes.

At the same time, commissioners should be aware that many offenders have multiple and complex needs and cannot easily be classified according to separate subgroups. Therefore, the model of segmentation will need to be sophisticated enough to allow offenders to 'belong' in multiple categories and to identify services most appropriate to their needs. This should facilitate the "whole system" approach to reducing reoffending identified on page 13 of the consultation document, by enabling an integrated and multi-agency approach to commissioning services tailored to the different requirements and circumstances of individual offenders. It should not be about the 'separateness' of different groups of offenders or a license for segregated prisons or services.

In answer to question A (ii) we would reiterate the need to consider separately the needs of women and young adult offenders. We welcome the recognition in the document of the needs of people with learning disabilities and difficulties and recommend that this should be applied as part of the segmentation model. We would urge NOMS to consider the needs of BAME groups and foreign nationals and recommend that these groups are included as part of the segmentation model.

B: How could NOMS, through its commissioning role, promote more collaborative working across a wider range of justice and community service providers in Wales?

NOMS could usefully take account of the work done in Wales by the devolved public health and social care bodies and their contribution to preventing reoffending. We are also

encouraged by the intensive offender management programmes led by the police across Wales.

C: We are interested in hearing from Probation Trusts, sentencers and other stakeholders on whether this is the right intention to ensure that demand for community sentences can be met within the context of further public spending reductions.

The Prison Reform Trust has made a detailed submission²² to the Ministry of Justice's Effective Community Sentences consultation which informs our response to this question. The consultation is an opportunity to build on the success of community sentences which are now outperforming short prison sentences and are 8.3 % more effective in reducing re-offending rates.²³ The best way to do so is to identify the elements that work particularly well: intensive supervision, community payback, restorative justice, developing personal responsibility, and dealing with support needs such as housing, employment, addictions, mental health and learning disabilities and difficulties.

The commissioning intention refers to "public confidence" in community sentencing. To avoid kneejerk reactions to lurid headlines, it is important to determine what is meant by public confidence and to test public appetite for effective community measures. Polling evidence suggests that the public increasingly recognised the effectiveness of community sentences at reducing reoffending. In an ICM poll commissioned one month after the riots last summer, 76% of the 1,000 people surveyed thought unpaid community work was effective at preventing crime and disorder.⁸ Better mental health care (80%), making amends to victims (79%) and treatment to tackle drug addiction (74%) also received strong support.

We are concerned that an emphasis in the community sentence consultation on making these sentences more "punitive" could undermine their success at reducing reoffending and damage, rather than reinforce, public and court confidence in community provision. Loading additional punitive measures onto community orders is almost bound to lead to an increase in technical breach, especially by young people and those with particular support needs such as mental health problems, learning disabilities and difficulties and substance misuse problems. We are encouraged that the NOMS commissioning intentions discussion document acknowledges the limitations and risks of taking an overly punitive approach.²⁴

²² Available at <http://www.prisonreformtrust.org.uk/Portals/0/Documents/effective%20community%20sentences.pdf>

²³ Ministry of Justice (2011) Compendium of reoffending statistics and analysis 2011, London: Ministry of Justice

²⁴ See Lyon, J (2012), Prison is punishment enough, Open Democracy, 10 July 2012. Available at <http://www.opendemocracy.net/ourkingdom/juliet-lyon/prison-is-punishment-enough>

Public and court confidence, while important, are not on their own effective barometers of the success of community sentences. Above all, sentencing requirements should take into consideration the abilities and support needs of offenders to avoid unreasonable or unrealistic expectations being imposed without appropriate support and other reasonable adjustments also being put in place. We recommend that the commissioning intention is revised to reflect the importance of ensuring that provision meets the needs of the individual offender such that he/she is able to participate effectively in his or her sentence requirements.

D: We would welcome views on whether this is the right way to focus on delivering successful outcomes. What has worked for quality assurance of offender management? What more could NOMS do to support this intention?

Standards of quality assurance should be backed by evidence based research on the reasons why people breach community orders, taking into account the views and experiences of offenders. Sentencing requirements should take into consideration the particular abilities and support needs of individual offenders. Sentencers should require the identification and assessment of defendants with particular support needs in order that appropriate action can be taken during court proceedings.

In its report on the Role of the Probation Service, the Justice Select Committee underlined the key importance of the relationship between the offender and offender manager for successful compliance. The report states: “Encouragement and personal concern can help people to recognise opportunities to change when they occur and boost motivation at times when offenders lose hope in the possibility of changing. Authority and challenge also have their place, but are most effective when the offender recognises the practitioner’s concern for them as a person and a belief in the possibility that they can change. Ex-offenders often speak of the value of a probation officer’s practical help in identifying and resolving obstacles to desistance, but especially emphasise the sense of personal interest and concern, of partnership and cooperation and even of a sense of loyalty and personal commitment to the probation officer that helped them to go straight.”²⁵

The Committee raised concerns about an “overly administrative approach” by the Probation Service which was undermining the relationship between offenders and offender managers.

²⁵ Justice Committee (2011), The role of the probation service, London: The Stationary Office

It cites evidence that in 2008 probation staff spent only 24% of their time in contact with offenders. Of the remainder, 41% of the time was spent engaged in computer activity and 35% in non-computer activity. The report calls on NOMS and individual probation trusts to “take steps to increase the proportion of their time that probation staff spend with offenders” and asked the MOJ and NOMS to “state explicitly whether they support this aspiration”. We would urge NOMS to meet this recommendation by placing the importance of safeguarding the relationship between the offender and offender manager at the heart of its commissioning intentions.

E: Is this the right intention to ensure that offender managers in the community fulfill their responsibilities to protect the public from serious harm?

While we agree with the purpose of the intention, we are concerned that the impact of the government’s proposed probation reforms on the ability of offender managers to manage risk. In particular, plans to compete out provision for low risk offenders could damage the continuity of offender management and create additional bureaucratic obstacles for staff.²⁶

The proposal to separate commissioning arrangements for low and high risk offender is dependent on a view of risk as a static concept. This fails to recognise that circumstances can change abruptly and the risk posed by an individual can increase markedly overnight. Thus someone who is deemed to be of low or medium risk could suddenly become high risk, but staff in the contracted organisation may not be equipped to recognise that and, even if they did, would then presumably need to arrange a hurried transfer back into the public sector. This could be a bureaucratic nightmare with public safety under threat. The Probation Chiefs Association has recommended that the public sector retain the offender management role for all those who are subject to court orders and post-custody licences. This suggestion would overcome the problem and would provide the infrastructure for a coherent service. It would also provide the continuity of supervision that many regard as essential to offender engagement, aiding maturity and desistance from crime.

²⁶ See the Prison Reform Trust’s submission to the Ministry of Justice’s Effective Probation Services review at <http://www.prisonreformtrust.org.uk/Portals/0/Documents/effective%20probation%20services.pdf>

F: How can we improve the way we use Approved Premises to increase efficiency across the whole justice system without reducing their vital role in managing risk and protecting the public?

The Prison Reform Trust would like to see an expansion of the intermediate estate, including provision for halfway housing, and greater clarity about the use of approved premises in line with the recommendations of the Halliday review.²⁷ Contacts with prisoners and their families through the Prison Reform Trust's advice and information service have highlighted a Catch 22 for people serving IPP and life sentences in relation to the use of approved premises. Often the Parole Board or other agencies would like them to spend time in approved premises as a condition of release. However, these are currently prioritised for determinate sentence prisoners who have to be released and who the Probation Service want to supervise safely. As a result, IPP and life sentenced prisoners end up staying in prison for longer and are not released until they are deemed far too safe to be eligible for approved premises. While the Parole Board might recommend residence in approved premises as a release condition, the hostels do not consider them eligible because they do not present a great enough risk.

Given that indeterminate sentenced prisoners are nearly a fifth of the sentenced population, the government's stated aim of supporting IPP prisoners toward release, the aging prison population and the increase in knowledge about disability and social care, we recommend that the commissioning of approved premises should be done on the basis of a needs assessment and projections of releases. Currently there is not enough social and supported accommodation available for former offenders, reducing the chances of successful resettlement and increasing the risk of reoffending.

G: We would welcome views from Trusts and wider stakeholders about this intention, and on ways in which Trusts can work with partners that will improve reducing reoffending, public confidence and value for money outcomes and offer social benefits along with value for money.

The voluntary and community sector can contribute far more to crime prevention and the rehabilitation of offenders than has yet been recognised. The contribution must however be set within a considered, carefully planned framework to avoid unintended consequences. Circles of Support and Accountability provides an example of a scheme that effectively

²⁷ <http://webarchive.nationalarchives.gov.uk/+http://www.homeoffice.gov.uk/documents/halliday-report-sppu/>

addresses a previously unmet need, using volunteers in a clearly defined way, following a selection process, thorough training, with oversight and agreed links to the MAPPA framework. Mentoring schemes have similar important characteristics. In these examples the sector is fulfilling roles that could not be performed to such good effect by statutory services.

The integrated offender management (IOM) approach has been developing in different ways, with varying degrees of enthusiasm across the country, for some years. There are a number of excellent schemes that work effectively with persistent offenders and those at risk of causing serious harm. Further encouragement could be given by highlighting the benefits of shadowing schemes and exchanges for staff between police, probation, prisons and the voluntary sector. The new police and crime commissioners and local authority chairs and chief executives, as well as sentencers and court officials, should be enabled to see first hand, the benefits of the best performing areas.

We should like to see commissioning intentions taking account of the recommendations made by the Justice Select Committee in its report on justice reinvestment.²⁸

H: What are the challenges of stopping activities that fall outside the required outputs in specifications?

The Prison Reform Trust would caution against an overly prescriptive approach to activities which fall outside of required outputs in service specifications. The discussion paper recognises that “it is unrealistic to expect that a single service must always demonstrate an impact on reconviction without taking into account the other circumstances of an offenders’ life.” Similarly, while it is important not to waste resources on ineffective initiatives, an activity which falls outside of service specifications may still bring valuable benefits to the prison and offenders. In particular, support from a voluntary sector agency may encourage a prisoner to engage constructively with the prison regime. Furthermore, the involvement of local voluntary organisations in delivering activities in prisons can play a vital role in developing links between people in prison and the community outside. Activities can also contribute to the wellbeing of people in prison and the smooth running of the prison regime. Prison governors should have some discretion to decide whether to continue to commission services when an activity falls outside of service specifications.

²⁸ <http://www.publications.parliament.uk/pa/cm200910/cmselect/cmjust/94/9402.htm>

I: Are there areas of NOMS specifications that no longer provide for safe secure and decent services, or where the specification could be developed to deliver policy objectives?

The Prison Reform Trust would like to see a review of the effectiveness of offending behaviour programmes given their significance in Parole Board decision making. Currently over 3,500 people serving indeterminate sentences for public protection are held beyond their tariff date. The LASPO Act (2012) has abolished the IPP sentence and established provision for the Secretary of State to review the release test. We would like to see more emphasis placed on the views of governors, staff and offender managers as to the level of risk presented and prospects for resettlement.

J: Is this the right intention to address the issues around commissioning and delivery of provision for women offenders?

See above

K: Where are the priority gaps where commissioners and service providers need to strengthen alignment to promote improved outcomes for offenders' families?

Family ties can motivate offenders away from offending. The impact of their punishment on their families can cause them to reconsider their lifestyles. The acceptance by their families can improve their self-esteem and confidence about facing the future. These influences – though difficult to measure – may be more important than the instrumental role families can play in providing access to jobs or housing, or alleviating financial stress. Prisons must seek to engage the family as partners in the resettlement process, given families' potential contribution to resolving practical problems faced by newly released prisoners, and bearing in mind the positive impact that family support and responsibilities can have on offenders' sense of belonging and on their motivation to change. Where the family home may not be safe due to domestic violence, sexual abuse or extreme neglect, efforts could be made to enable prisoners to gain support from wider family networks and friends. Resettlement plans must include a strategy for working with families, and address the impact of imprisonment on children.

A key gap in provision seems to be for offenders who fall between a number of service 'stools': they do not quite meet the criteria for learning disability services, they do not have severe and enduring mental illness and they do not obviously meet Fair Access to Care

Services criteria. Low level 'difficulties' that on their own wouldn't allow the individual to access services can - and often do - add up to one huge problem that no organization is willing to 'own'. Furthermore, individuals still have to fit in with what's available rather than asking, 'what support does this person need?' and then trying to create a personalised package. A combined investment in early intervention from health and social care alongside NOMS might result in reduced demand on all three services overall.

L: What are the opportunities to further improve alignment of NOMS in particular for people from Wales who will be returning to their respective home communities after serving all or part of a prison sentence in England and vice versa?

Provision should be made to ensure that people in prison are able to serve their sentence as close to their home community as possible. Where people are serving prison sentences a long way from home and / or across national borders, resettlement workers should have access to information on services provided nationally to link people up with services in their local community. The release of people from custody and the availability of resettlement services should be coordinated so that people can gain access to support immediately on the day of their release. For the few women whose offending is so serious that they cannot serve their sentence in the community, then women's centres, health, including women-only drug treatment, and social care services in Wales, will play a vital role in effective resettlement.

M: For prison providers, are there strategic opportunities for the way we use our capacity? Could changes to the types of offenders you are responsible for help achieve better outcomes? For partners and stakeholders, are there issues about where offenders are in prison that reduce the effectiveness of the services and support provided? How would partners and stakeholders like to influence our capacity strategy?

An overstretched, overcrowded criminal justice system is self-evidently less effective than one whose resources are designed to match demand. In recent years the number of prisoners, and those subject to supervision in the community, have increased considerably. Net-widening has involved both harsher sentencing and people being dealt with through the criminal courts who would have been dealt with either informally, or through community-based treatment and welfare agencies, in previous years. Reducing needless imprisonment, so that custody is reserved only for the most serious offenders, will therefore be of critical importance to achieving the government's ambitions for a 'rehabilitation revolution'.

Overcrowding means prisoners are more likely to be further from home. One in eight men and one in five women in custody are being held over 100 miles away from their local area; for young people distances can be even greater. As well as the obvious difficulties for family support and contact, this also means resettlement is far more difficult as local community services are unable to provide services to someone far away. For instance, someone needing drug support can be seen prior to release by a drug worker from their community if they are held locally. The same is true for alcohol services, benefits, housing, social care, mental health, mentoring services, chaplaincy support, education, training placements and targeted local support offered by small voluntary sector organisations.

Allocation processes are currently too ad hoc, not transparent and too localised. A centralised waiting list of offender behaviour courses that all prison OCA departments could access, more coordination with escort services and more guidance and intervention from PMU would make the transfer process more streamlined and effective.

There are currently waiting lists for open prisons. Although the estate has been used much more effectively in recent years, its use could be expanded. More resettlement units attached to category C prisons are needed and current regimes could be adapted to provide these. A review of the open estate, alongside a review of intermediate accommodation is long overdue.

We note NOMS' commitment to modernise the prison estate and where appropriate reconfigure the use of establishments to deliver better outcomes. The model of segmentation should be used to ensure a better match between the targeted needs of prisoners and the provision available. This would enable prison capacity to be used in the most effective way possible. Particular attention should be paid to the needs of the groups identified above in evidence relating to specific groups of offenders in plans to reconfigure the prison estate.

We would caution against any move towards larger prisons or expanding capacity within existing establishments in plans to reconfigure the estate. Economies of scale and ever-larger institutions run counter to the proven importance of closeness-to-home, local initiatives and a sense of place. There exists substantial research evidence and learned

experience from England and Wales and worldwide that smaller community prisons are more effective than larger prisons.²⁹

In England and Wales, much of this evidence is provided through the detailed prison inspection reports carried out by HM Prisons Inspectorate. Unpublished data on surveys conducted by HM Chief Inspector of Prisons in 2006-2007 provides a useful measure of the extent a prison is able to meet prisoners' basic needs. A comparison of large and small prisons, based on 154 factors, revealed that larger institutions are consistently poorer at meeting prisoner needs and creating a healthy prison environment. In two-thirds of the factors compared (102 out of 154) smaller prisons scored significantly better than large ones. In 38 of the 102 areas, the disparity exceeded ten percentage points. For 19 of the 24 factors concerning safety, small local prisons scored significantly better. For resettlement, small locals were better for 18 out of 28 compared and were worse for only one.

This ongoing and respected series of reports reinforce the views of prison officers and prison governors by demonstrating that it is the country's biggest that cause the biggest problems. In evidence to MPs in December 2007, HM Chief Inspector of Prisons, Anne Owers, noted: 'It has to be said that the prisons about which the Inspectorate has historically been most worried are the large, inner-city, local prisons'.

Lord Woolf in his seminal report on the prison system following the disturbances at Strangeways prison recommended prisons 'should not normally hold more than 400 prisoners ... the evidence suggests that if these figures are exceeded, there can be a marked fall off in all aspects of the performance of a prison'.

Professor Alison Leibling, of the Institute of Criminology, University of Cambridge cites 'several analyses of prison life and quality provide empirical support for the argument that "small is better"'. For example, one study cited by Professor Leibling of Norwegian prisons found that both staff and prisoners in small prisons gave higher evaluations of prison life than their counterparts in large prisons.

The use of large prisons is difficult to reconcile with the offender management approach on which the government's prison and probation policies are based. Large prisons designed on cost grounds cannot provide offenders with the same opportunities as effective small and medium-sized prisons to address their offending behaviour and work towards rehabilitation.

²⁹ All sources below are taken from Prison Reform Trust (2008), Titan prisons: a gigantic mistake, London: Prison Reform Trust. Available at <http://www.prisonreformtrust.org.uk/Portals/0/Documents/Titan%20prisons%20-%20a%20gigantic%20mistake.pdf>

Greater use of technology should not be at the expense of staff or investment in better public protection and interventions which reduce re-offending. The implication that CCTV can supplant good staff-prisoner relations in managing prisoners has no evidence to support it. Developing trust through regular contact plays a vital role in dynamic security and the way prison staff work with people in prison and identify potentially disruptive prisoners. A largely automated prison, with minimal staff presence, is unlikely to develop such relationships which are crucial to safeguarding vulnerable prisoners and reducing re-offending. Such concerns are reinforced by current research evidence.

The case for larger prisons is also undermined by its failure to recognise the importance of the extent to which prison staff can influence culture. Cost savings are based on an assumption that a lower staff-prisoner ratio would be required, but these savings should be balanced against the significant added short- and long-term costs of an approach which uses fewer staff. High prisoner-to-staff ratios are linked to the predominance of a prisoner culture which encompasses widespread drug misuse and dealing; gangs; reliance on violence to regulate inter-prisoner conflict; norms against engagement with staff; a high tolerance of exploitation and threatening behaviour. These aspects of prisoner culture will be amplified in large institutions, particularly if staff cost reductions are pursued. Larger prisons are likely to lead to an increased re-offending rate due to their inability to challenge and control prisoner culture.

N: We are interested in further views on prisons' capability to deliver increased work for offenders and are keen to understand the impact of our commissioning intentions on how custodial services are provided. We want to commission an effective range of activity to deliver increased work in prisons, and want to hear about new and innovative approaches which would support this ambition.

The government's commitment to transform prisons so that prisoners are expected to work is commendable. Over the last two years the number of prisoners working in public sector prisons increased slightly from around 8,600 per month in 2010/11 to around 9,000 per month in 2011/12.³⁰ The scale of the challenge requires innovative changes to the policies which inhibit prisoners working. These range from harsh pay restrictions through to arrangements for release on temporary licence (ROTL).

³⁰ Ministry of Justice (2012), Statistical notice: prisoners working in custody: public sector prisons 2010/11 – 2011/12, London: Ministry of Justice

To move towards a working prison, lessons need to be learned from initiatives such as the success of apprenticeships introduced by National Grid and the 'Barbed' graphic design studio introduced by the Howard League for Penal Reform at HMP Coldingley³¹. If prisons are successful in attracting the interest of outside employers, they will need to follow through on commitments to ensure the stability of the workforce and reduce the churn between establishments generated by overcrowding and reactive population management.

This will not be easy given the characteristics of the prison population. The prison population has longstanding, unmet needs with 47% of people in prison saying they had no qualifications, and 13% saying that they have never had a paid job. The most recent credible measure of mental health problems among prisoners estimates that 72% of male, and 70% of female sentenced prisoners suffer from two or more mental health disorders, including a concerning 10% with a psychotic illness.³² It is estimated that 20-30% of offenders have learning disabilities or learning difficulties that interfere with their ability to cope with the criminal justice system.³³

Despite the scale of the challenge, there is a need to ensure that the work opportunities provided for people in custody are sufficient to allow them to develop new skills which can be transferred to future employment and sufficiently assist them as part of their rehabilitation. This will require support and training in areas such as literacy and numeracy, ICT, time keeping and working as part of a team. This last point is particularly important, whilst space may be at a premium, prisons should not rely on 'in-cell' work as a substitute for workshops; this may be okay for short periods of time but can increase isolation and depression, particularly amongst vulnerable people. The government should encourage the involvement of business in the rehabilitation of prisoners, particularly younger prisoners, to improve their chances of leading a law-abiding life upon release and secure long-term employment.

The government wants to encourage people in prison to see work as a way to pay the debt they owe to society and to victims of crime in particular. Prisoners' descriptions of active citizenship in the recent Prison Reform Trust report *Time Well Spent* implied that they were grateful that the prison provided a means for them to make amends for what they had done.³⁴ One prisoner said: "I want to give something back. Most people in here feel guilty for

³¹ The Howard League for Penal Reform (2010), *Barbed: what happened next?*, The Howard League for Penal Reform. Available at: <http://www.howardleague.org/barbed-what-happened-next/>

³² Singleton, N et al. (1998), *Psychiatric Morbidity among Prisoners in England and Wales*, London: Office for National Statistics. Available at http://www.statistics.gov.uk/downloads/theme_health/PyscMorbYoungOffenders97.pdf

³³ Talbot, J (2008) *No One Knows: report and final recommendations*, London: Prison Reform Trust. Available at: <http://www.prisonreformtrust.org.uk/Publications/vw/1/ItemID/89>

³⁴ Biggar, K, Edgar, K & Jacobson, J (2011 forthcoming), *Time Well Spent: Prisoners as active citizens*, London: Prison Reform Trust.

what they've done. That's something we often talk about back on the wing. Helping other prisoners is a way of helping out."

With over a quarter of newly sentenced prisoners reporting a long-standing physical disorder or disability³⁵, and people aged 60 and over now the fastest growing age group in the prison estate³⁶ this may make working a 40 hour week difficult or impossible for a significant proportion of prisoners. The Prison Reform Trust agrees with the concerns raised by Age UK that offending behaviour programmes, employment opportunities and education and training schemes are primarily designed for, and aimed at, young men. Consideration will therefore need to be given to the practicalities of implementing working prison proposals for older people in prison. Voluntary work is particularly well-suited to the government's aim of involving prisoners in work, because the voluntary sector can be far more flexible, enabling each person to work at their own pace, providing arrangements such as part time and flexible working. That means that active citizenship schemes can engage prisoners who have mental health problems, learning disabilities, or a lack of job skills.

Some prisons are already exploring the possibility of having a joint workshop/ day centre model for older prisoners, which would provide an opportunity to work for a few hours a week and also be constructive in the 'day centre' when not working. Future employers are also more likely to take on someone who has shown initiative, responsibility and developed soft and hard skills volunteering in a service role in prison such as acting as a Samaritan Listener or peer mentor.

The challenge for prisons is to facilitate volunteering, prisoner councils and active citizenship schemes and manage risks at the same time. Prisons have to be open to innovation to enable the schemes to operate, and they need to guard against overly restrictive safeguards which can stifle the scope for personal development and creativity. They need to find ways of including all prisoners, not just those who are the most obvious candidates in terms of competence or reliability. They must offer people in prison the opportunity to use their initiative and take real responsibility in carrying out their roles and activities. All this can only be achieved if active citizenship is supported by staff and management at all levels within the prison, as well as by the prisoners themselves. With the necessary support and commitment from staff and management, volunteering and active citizenship can operate in all kinds of prison settings, and not only those that might seem most suitable.

³⁵ Stewart, D. (2008), *The Problems and Needs of Newly Sentenced Prisoners: Results from a National Survey*, London: Ministry of Justice. Available at <http://www.justice.gov.uk/publications/docs/research-problems-needs-prisoners.pdf>

³⁶ Ministry of Justice (2010), *Offender Management Caseload Statistics 2009*, London: Ministry of Justice. Available at <http://www.justice.gov.uk/publications/docs/omcs-2009-complete-210710a.pdf>

O: What proposals do you have to tackle the availability of drugs and mobile phones in prisons? Where are there opportunities to strengthen our work?

If prison were a more constructive environment with greater demands on people to take responsibility for progressing their sentence and planning for resettlement on release, there could be less recourse to drugs in prison. Gains made by drug treatment in custody should be linked to ongoing support in the community. In addition to security measures to deal with mobile phone use, attention should be paid to the disproportionately high cost of making phone calls from prison and length of time in cell both of which prevent people from staying in touch with family and friends. Greater use should be made of ICT in prisons, such as “secure relay messaging”, video links for family contact and Skype.

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