

## **Prison Reform Trust response to the Farmer Review: How can supporting men in prison to engage with their families reduce reoffending?**

The Prison Reform Trust (PRT) 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 provides the secretariat to the All Party Parliamentary Penal Affairs Group.

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

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### **Executive Summary**

We welcome the opportunity to make a submission on this important subject. Facilitating improved contact with families was one of the key recommendations in our 2012 report *Out for Good: taking responsibility for resettlement*<sup>1</sup>. However, in their annual report this year, HMIP reported that only around a third of prisoners said they had been helped by staff to maintain family ties and that there were “inconsistencies in the support for prisoners to rebuild and maintain relationships – too often, it was just not good enough.”<sup>2</sup>.

The importance of maintaining family ties should be a key part of supporting people through the duration of their time in custody, and not just in relation to their resettlement. There are opportunities and benefits throughout a person’s sentence; facilitating family contact during early days in custody to help relieve domestic anxieties and support mental wellbeing; sufficient and reliable provision of visits and family days to maintain meaningful relationships with children and other family members; regular and confidential access to telephones and other ICT solutions to stay in regular contact with loved ones and to seek emotional support when needed; and real and proactive involvement of family members as part of a holistic approach to resettlement which includes release on temporary licence (ROTL). The importance of family involvement through the whole sentence also has implications for estate planning, as we detail below.

Prison Rules mandate that prisoners should be ‘encouraged and assisted’ to maintain family ties. However many prisoners need little encouragement or assistance to contact their loved ones but lack the means of doing so. A large part of the solution to helping people have contact with families is simply allowing them to take responsibility for this by giving them accessible and flexible opportunities to do so and making sure the basic methods of contact are available and effective.

Fundamentally, the best way to maintain family ties is not to make people prisoners in the first place. Effective community punishment already achieves better outcomes on reducing

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<sup>1</sup> Prison Reform Trust (2012) *Out for Good: Taking responsibility for resettlement*, London: Prison Reform Trust

<sup>2</sup> HM Chief Inspector of Prisons (2016) Annual Report 2015–16, London: The Stationery Office

reoffending by avoiding the disruption it causes to families as well as accommodation and employment.

### **Family involvement during early days in custody**

Greater scope for contact with family during the early days of custody would ease the transition for many people preoccupied with the domestic responsibilities and relationships they have been cut off from. Increased allowance for calls and visits for a limited period could help address emotional and practical needs, and relieve anxiety and stress. Sadly, often the opposite happens. Local arrangements should be in place to allow a call to be made within the first 24 hours of reception, subject to risk assessment<sup>3</sup>. We sometimes hear of substantial delays to this call and HMIP found only 57% of men and 76% of women interviewed reported getting their free phone call<sup>4</sup>. In light of the vulnerability of this period the importance of this call should be emphasised and could easily be monitored for compliance.

Further to the above, there is a real need to speed up the process of clearing prisoners' PIN numbers. This was a key suggestion from prisoners we spoke to in '*There when you need them most*'<sup>5</sup> and we continue to hear from people for whom this is taking too long. Systems should be devised to process these within the first 24 hours, something which could be monitored for compliance as with the above.

Families should also be taken into consideration in early needs assessment and sentence planning. Basic screening during induction include this as one of the needs areas but this does not necessarily result in any constructive action. The need to maintain or develop family relationships should be part of the action plan for the whole sentence and not just resurrected in the resettlement stages.

### **Effective opportunities for contact throughout a person's sentence**

Letters are the most commonly used form of communication and the least dependent upon reliable regimes or coordination of family members. However, people often report mail is slow and unreliable and HMIP found that 44% of prisoners reported having problems with sending or receiving mail<sup>6</sup>. We recommend that Governors monitor the internal processes for sending and receiving mail against local targets, to identify problems which may be causing delay or loss of mail and causing damage to family ties.

Family attempts to encourage contact by sending in stamped-addressed envelopes are prohibited under many IEP schemes in line with the guidance of the current Prison Service Instruction.<sup>7</sup> This is in direct conflict with the importance of family ties. Family contact should not be dictated by IEP level – in some cases someone on basic may be in more need of the support and encouragement that family contact could bring.

Many people in prison have difficulty with basic literacy skills and so it is important for prisons not to solely focus on letters as a solution for maintaining family ties. Telephone calls have the potential to be the most accessible and flexible way to contact family members.

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<sup>3</sup> National Offender Management Service (2013) *Prison Service Instruction 07/2015 Early Days in Custody*, London: NOMS

<sup>4</sup> HM Inspectorate of Prisons (2015) *Life in Prison: The first 24 hours in prison*. London: HMI Prisons

<sup>5</sup> Prison Reform Trust (2007) *There when you need them most*

<sup>6</sup> Ibid

<sup>7</sup> National Offender Management Service (2013) *Prison Service Instruction 30/2013 Incentives and Earned Privileges*, London: NOMS

They are important because they provide an opportunity for prisoners to communicate urgent information, keep contact regular and seek support during difficult times. However, HMIP found that in 2015-16 26% of prisoners surveyed reported that they had had problems getting access to phones, with 39% reporting this in local prisons<sup>8</sup>. They found the most common barriers to be delays in numbers being approved to PIN accounts, not enough phones on wings and access to phones being limited to association time<sup>9</sup>.

This is consistent with prisoner reports through other advice and information service. The majority of prisons are still without PIN phones in cell and staff shortages over the last couple of years this means access to telephones has been reduced by restricted regimes and is sometimes unpredictable. Prisoners have reported having limited time out of cell in which to get key things done – having a shower, collecting medication, calling family – often having to choose between these essential activities.

Investment in in-cell telephony across the prisons service would give greater freedom for prisoners to make calls when they need them and would be less affected by unpredictable prison regimes. They would allow for greater privacy from others on the wings during private calls. They also have potential for improving communication within the prison itself, solving challenges such as inter-prison phone calls. Further to this, an approved reverse call system would allow greater contact for prisoners with limited income although the price would have to be reasonable given the difficult financial situation of many family members.

Despite a welcome reduction earlier this year, high telephone charges remain a barrier to family contact. In particular the high price of calls to mobiles is problematic for prisoners. A ten minute weekday phone call to a family landline could cost nearly a quarter of a prisoner's weekly income, and the same call to a mobile could cost nearly half. As a minimum, we would like to see the charges dropped by 50% for the whole estate. As it stands, the cost of calls is seen as unfair, taking advantage of a vulnerable population and adding to prisoners' grievances, rather than helping to resolve them.

The 'Email a prisoner' scheme is in operation in many establishments, with the service reporting coverage in 98% of prisons at time of writing<sup>10</sup>. They have recently reported a growing number of prisons also operating their reply service at an additional cost of 25p to the family member. HMIP found that the scheme was working well in a number of prisons and we have had some positive feedback through our advice and information line. However, the effectiveness of the scheme is still dependent on the effectiveness of the general mail and delivery process at the prisons.

Skype and other internet based video services had been in place in some prisons prior to the end of 2014 and received positive feedback from prisoners<sup>11</sup>. These were however withdrawn due to security concerns. We encourage this facility to be reinstated and used widely across the prison system, especially for prisoners with family abroad for whom contact is more challenging.

We actively promote the value of prisoners taking greater responsibility, and better access to ICT would create opportunities to do just this. Our report '*Through the Gateway*' makes a number of recommendations as to how ICT access could transform prisons, including the

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<sup>8</sup> HM Inspectorate of Prisons (2016) *Life in Prison: Contact with families and friends*. London: HMI Prisons

<sup>9</sup> Ibid

<sup>10</sup> Available <http://www.emailaprisoner.com/index.cfm> [accessed 13 October 2016]

<sup>11</sup> HM Inspectorate of Prisons (2016) *Life in Prison: Contact with families and friends*. London: HMI Prisons

promotion of family ties and practical help with resettlement<sup>12</sup>. Specific suggestions included use of secure email to communicate, free of charge, with relatives in prison, and allowing children of prisoners to use the internet to send communications to their parent in prison. The recent review into prison education by Dame Sally Coates has also made recommendations for a review of ICT use across the prison estate and an increase in controlled access to the internet for prisoners, which we understand were accepted by the Justice Secretary at the time. The potential of this should not be underestimated. It could facilitate previously unachievable levels of supportive family contact, allow for more involved release planning, improve prisoner wellbeing and reduce some of the motivation for the smuggling of mobile phones. We thoroughly advocate for proper investment in this area.

Visits are an important method of contact with family and have been found to have a strong link to rehabilitation - reoffending rates were 21 percentage points higher for people who said they had not received family visits whilst in prison compared to those who had<sup>13</sup>. However, 57% of prisoners reported to HMIP that their visitors experienced problems—particularly distance from home (61%) and travel costs (57%)<sup>14</sup>.

Being allocated close to home is a key factor in maintaining family ties. Our advice and information service hears about family members having difficulty attending visits due to long, difficult and expensive journeys, often involving multiple forms of transport and long walks where services are limited. This can be made worse or even impossible where ill health of one or more family member is a factor. Approximately half of all prisoners who ask for our assistance with transfer requests do so to be closer to their family.

It is therefore essential that any drive to improve family engagement includes a proactive approach to prisoners being held closer to home. This requires multifunctional institutions or effectively clustered institutions close to the places which produce most prison sentences, and that should drive decisions on both new prison sites and prison closures. The benefits of this would extend beyond contact with family. Support services are often locally focussed, including relationships with local employers and better knowledge and contacts within local accommodation pathways. As well as the prisoner being able to meet with these services face to face, there is a benefit at management level for working collaboratively and building relationships with these services. This would be an improvement on the current resettlement prison model which is flawed as many resettlement prisons are many miles from home areas, and prisoners are not being transferred soon enough before release.

There is also inconsistent provision for visits across prisons, with some operating a wider and more varied timetable than others. It is important that visits provision takes into account the challenges and commitments of family members such as weekday working and childcare so that this is not a barrier to family visits. In some prisons, people report that their family members cannot get visits at times when they are available, such as the weekend, because all the slots are already booked. We recommend that Governors systematically monitor demand so that provision can be tailored more effectively.

We particularly question the use of visits as an incentive within IEP schemes. Given the emphasis on prisons as places of rehabilitation, better access to visits for all prisoners should be the principal objective in planning how visits facilities are run. While we understand the power of visits as an incentive, this can easily be used as a substitute for devising more appropriate incentives which do not impact negatively on rehabilitation if

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<sup>12</sup> Prison Reform Trust (2013) *Through the Gateway*

<sup>13</sup> Brunton-Smith, I. and Hopkins, K. (2014) Prisoners' experience of prison and outcomes on release: Waves 2 and 3 of SPCR, London: Ministry of Justice

<sup>14</sup> HM Inspectorate of Prisons (2016) *Life in Prison: Contact with families and friends*. London: HMI Prisons

withdrawn. Our view is that visits entitlements should be increased across the board and no longer form part of the IEP scheme.

Family days should be available in all prisons, and provision should be sufficient to match demand. Family days provide a longer informal period to see and play with their children in a more child friendly environment, benefiting both parent and child by maintaining that important relationship. They should not be restricted by IEP level or as a disciplinary procedure as it unfairly impacts family members.

### **Family involvement in resettlement and ROTL**

In our 2012 report *Out for Good* we recommended that 'families should be involved at an early stage in resettlement, to the extent that they want to be unless safeguarding arrangements preclude this'<sup>15</sup>. Families can motivate desistance by inspiring and sustaining an offenders commitment to stop offending and they are an important resource in providing solutions to practical problems. A Criminal Justice Joint Inspection report in 2014 showed that 40% of people surveyed said that support from their family, and 36% said that seeing their children, would help them to stop reoffending. Despite this, they found no evidence that families were involved in sentence planning, even when a person said they were relying on them for support after release.<sup>16</sup>

There is real scope to develop greater family engagement at this stage. Family services should as standard input into the resettlement planning with other agencies such as employment and accommodation services. A proactive approach to family involvement at this stage would also be beneficial, with the possibility of family members being present or feeding into resettlement meetings with the prisoner. This should happen whenever family is relevant to a person's resettlement and not just when it is identified as problematic - too often little support is given to someone who is returning to live with their family because it is assumed that solves the majority of their resettlement needs.

Release on Temporary Licence (ROTL) also plays an important role during resettlement planning. Home leave allows people to visit and stay with their families, to rebuild relationships and make practical arrangements for their release. It is particularly valuable for people on longer sentences for whom release and reengaging with support networks may be daunting. Despite this, restrictions on ROTL have seen a 37% drop in its use in the last two years. At the time restrictions were introduced the success rate was 99.93%<sup>17</sup>. These restrictions should be reversed so that use of ROTL can be used to its full rehabilitative potential.

Prisoners can apply for a special purpose licence to allow temporary release for compassionate circumstances such as visiting a dying relative or attending a family funeral. We have received calls in which prisoners requests have not been processed in time or have been refused at the last minute without explanation or an opportunity to discuss. The Prisons and Probation Ombudsman (PPO) delays in processing applications, incorrect information being used in the risk assessment and incorrect application of Prison Service Orders and has upheld a number of complaints in this area<sup>18</sup>.

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<sup>15</sup> Prison Reform Trust (2012) *Out for Good: Taking responsibility for resettlement*, London: Prison Reform Trust

<sup>16</sup> Criminal Justice Joint Inspection (2014) *Resettlement provision for adult offenders: Accommodation and education, training and employment*, London: HM Inspectorate of Prisons

<sup>17</sup> Table A3.7, Ministry of Justice (2016) *Offender management statistics prison releases 2015*, London: Ministry of Justice

<sup>18</sup> Prisons and Probation Ombudsman (2014) *Learning Lessons Bulletin: Maintaining Family Ties*



## Supporting and communicating with families

It is not just prisoners who need support to maintain their family ties - family members themselves benefit from it too. Visitors' centres are a great source of this support. They can ease the experience by providing induction for visitors including information for children on what to expect, as well as providing advice about other areas such as welfare rights.

However, a family orientated approach needs to pervade prison culture as a whole and not just be consigned to the visitors' centre. Family members experience of contacting prisons to try to speak to offenders supervisors, healthcare, and safer custody can be frustrating and unpleasant as an inability to share information on their loved ones leaves them feeling cut out and helpless. Although responsibilities under the Data Protection Act do restrict the sharing information this could be managed with greater understanding and support. Training should be given to all staff from switchboard and gate staff to OMU and safer custody so they are confident in dealing with family contact effectively. Equally, where a prisoner has given permission for staff to share information with a family member this should be undertaken more willingly. Gaining authority to share information with key family members could even be included in the reception process and recorded so that staff of different departments can find easily check this.

Supportive and family orientated cultures do exist within the prison estate. The HMP Kennett Partnership project has forged links with local schools, family and children centres and primary health care teams and provides support for families at every stage of the resettlement process<sup>19</sup>. In HMP/YOI Parc they have a wide range of initiatives involving multiple agencies coordinated by Parc Supporting Families (PSF). These include 24 hour telephone support for families, two supervised play areas, a free bus shuttle service for families, e-mail a prisoner facility, family centred visits, specialist engagement visits for those prisoners on the vulnerable persons unit, a range of courses to build family relationships, including parenting courses, and a 'Focus on Families' course which looks at the challenges for the family after release<sup>20</sup>.

These and other good practice demonstrate the possibilities and benefits of engaging families better in wellbeing and rehabilitation of prisoners. Governors need to be given the incentive and specific funding to implement such good practice throughout the estate.

## Women

Although this review specifically focuses on men, it is important that any learning and changes that result from it are considered and applied to the women's estate as well. Many of the challenges and solutions described above apply equally to the experience of women in prison as they do to men, and more so in relations to subjects such as distance from home.<sup>21</sup>

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<sup>19</sup> Prison Reform Trust (2012) *Out for Good: Taking responsibility for resettlement*, London: Prison Reform Trust

<sup>20</sup> Ibid

<sup>21</sup> See Prison Reform Trust (2016) *Home Truths: housing for women in the criminal justice system*, London: Prison Reform Trust

## **Recommendations**

In summary, we make the following recommendations:

1. Holding prisoners close to home should be a key consideration in allocation decisions and wider estate planning.
2. Prisoners should be given greater responsibility to maintain contact with family through better use of ICT, including in-cell telephony.
3. Restrictions on ROTL should be reversed to maximise potential for the whole family to prepare for their release.
4. There should be proactive involvement of family in supporting and planning prisoners, from early days in custody through to resettlement plans.
5. Governors monitor the effectiveness of contact opportunities such as time taken to process mail or PIN number requests
6. Family contact such as visits should not be limited on the basis of IEP status
7. Regular family days should be available at all prisons
8. Prisons should aspire to a more family orientated culture throughout, with training available for all staff who have contact with family members