

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 to the committee on this subject. This is an important chance to highlight the confusion of overlapping contracts and lack of effective outcome measurement which the Transforming Rehabilitation agenda has so far only made worse. The Government needs to address these challenges, particularly in light of the recently announced 'reform prisons' and its review of the prison estate. Increased autonomy for Governors has the potential to improve the situation but there are risks to be managed. Simply adding Governors to the long list of individuals and agencies already charged to make a difference in this area will not make things better unless the current confusion of responsibilities is resolved first. There are also practical solutions to these issues that do not depend on autonomy, including better availability of ICT in prison, increased use of Release on Temporary Licence, and an estate that holds prisoners closer to home.

Fundamentally, the best way to avoid the problems associated with employment and accommodation for former prisoners is not to make them prisoners in the first place. Effective community punishment already achieves better outcomes on reducing reoffending by avoiding the dislocation of accommodation, employment and supportive relationships that prison inevitably brings about. Where prison is unavoidable, the time should be used intensively, and the risk of institutionalisation reduced by returning to the average sentence lengths which have inflated so grossly over the last two decades.<sup>1</sup>

### **How are prisoners helped to find employment; is support available both pre and post-release?**

#### Pre-release

Prisoners have access to a variety of separately funded employment services with differing contract requirements.

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<sup>1</sup> Bromley Briefings Prison Factfile, page 21: Prison Reform Trust 2015

The National Careers Service (NCS) supports prisoners to find employment on release starting with an interview at induction<sup>2</sup> to identify needs.

The Offenders' Learning and Skills Service (OLASS) often offers employability courses and a range of vocational training.

NOMS Co-Financing Organisation (CFO), funded by European Social Fund (ESF), delivers employability services to prisoners targeted at 'hard to help' groups<sup>3</sup>. These services are not equally spread through all prisons or geographic areas.

Community Rehabilitation Companies (CRCs), introduced under the Transforming Rehabilitation agenda, also provide services through subcontracted providers. With CRCs using different models across 21 care package areas it is inevitable that the type and quality of this support will vary.

Prison based Job centre Plus (JCP) services play a role by assisting with applications for Jobseekers Allowance (JSA). Though a valuable and important service, it does not provide much support with actual job searching or applications.

Although employment services are evidently available the number of overlapping contracts has created a confusing landscape which undermines their effectiveness. A lack of coordination between services can lead to duplication of work for some prisoners whilst others fall through the gap. It can also result in inefficient engagement with employers, with no service having oversight of this crucial activity. Employers sometimes report multiple approaches from different agencies at the same prison, which wastes their time and undermines their willingness to get engaged.

### Post release

CRCs also provide support in the community. This should include employment support which, as above, is likely to vary with different providers. It is still too early to have an accurate idea of effectiveness but there is much anecdotal evidence that the "Through the Gate" element of the TR reforms is currently the least satisfactory.

Since 2012 those claiming JSA before or soon after release have been mandated to join the Work Programme from day one of their claim. Whilst this is positive in principle, Work Programme providers have reported lower than predicted numbers of this cohort and so have been unable to justify in financial terms the provision of services tailored to this group<sup>4</sup>. An evaluation in 2014 found that the support provided by specialist ex-offender advisers was perceived as more successful and that not all claimants will be ready to participate so soon after release due to other demands such as housing needs<sup>5</sup>. A change in May 2015 allows for advisers to defer start of the Work Programme by 13 weeks if the person is receiving sufficient support from the CRC<sup>6</sup> – but this relies on good

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<sup>2</sup> HM Prison Service (2012) *PSI 06/2012 Prisoner Employment Training and Skills*, London: Ministry of Justice

<sup>3</sup> Co-financing.org (2016) *About the NOMS Co-financing organisation* [online]. Available at: <http://www.co-financing.org/about.php> [accessed 24 March 2016]

<sup>4</sup> Department for Work and Pensions (2014) *Evaluation of day one mandate of prison leavers to the Work Programme*, London: Department for Work and Pensions

<sup>5</sup> Ibid

<sup>6</sup> Department for Work and Pensions (2015) *Work Programme Provider Guidance*, London: Department for Work and Pensions

communication and understanding from all parties and effective provision from CRCs. There is a clear risk that Work Programme providers may avoid responsibility during this period whether or not the CRC is intervening effectively with the particular individual.

In the community, separately funded and often localised voluntary sector services also contribute to the support available to ex-offenders. They are often an important resource with good understanding of the needs of their service users and local opportunities. But the impact of TR has been to reduce the willingness of independent funders to support voluntary sector provision, believing that CRCs are now centrally funded to meet the full range of need.

The net effect of so many overlapping schemes, all separately commissioned and designed, is a landscape as confusing to the people working in it as it is to offenders. There can be no confidence that the resource devoted to it is used in a co-ordinated way, or that matching priorities are set to ensure that those most in need and most likely to benefit receive the closest attention.

### **What benefit payments are available on discharge from prison and how long does it take to access those benefits?**

The standard discharge grant which is available to most, but not all, prisoners is £46 and has been fixed since 1997<sup>7</sup>. This is quickly used in replacing basic clothing, food supplies and travel to attend appointments. This has long been considered inadequate<sup>8</sup>.

Jobcentre Plus is available in prison to help JSA eligible claimants make their claims prior to release, the advantages of which are recognised by both claimants and benefit advisers<sup>9</sup>. Jobcentre Plus services in prison do not currently assist with other benefits claims such as Employment Support Allowance (ESA), often needed by those with greater support needs.

It is not uncommon for a person who has recently left prison to experience significant delays before receiving their benefits. Research in 2010 estimated delays between 2 weeks and 3 months<sup>10</sup>. Though changes have been made since, it is still common for claimants to experience serious delays. As well as bureaucratic problems, delays can be caused by a lack of ID, appropriate payment card or difficulties in getting the required medical evidence. Sometimes a lack of staff awareness of the prison based services causes confusion and undermines this provision.

A system of discretionary payments including Crisis Loans was abolished in 2013 under the Localism Act<sup>11</sup>. These payments had previously provided a strategy for people to bridge the benefits gap. Funding was instead allocated to local authorities to set up local welfare

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<sup>7</sup> National Offender Management Service (2011) Prison Service Instruction 72/2011 Discharge, Annex B, London: NOMS

<sup>8</sup> Meadows, L. Feasley, S. and Hayden, B. (2010) Investigating the Prisoner Finance Gap across four prisons in the North East, London: Department of Work and Pensions

<sup>9</sup> Department for Work and Pensions (2014) Evaluation of day one mandation of prison leavers to the Work Programme, London: Department for Work and Pensions

<sup>10</sup> Meadows, L. Feasley, S. and Hayden, B. (2010) Investigating the Prisoner Finance Gap across four prisons in the North East, London: Department of Work and Pensions

<sup>11</sup> Department of Work and Pensions (2014) Local Welfare Provision Review, London: department of Work and Pensions

assistance schemes, who could decide what criteria and this form assistance takes. Some schemes imposed criteria such as the need for applicants to already be 'in receipt of welfare benefits', immediately excluding applications to bridge the benefits gap. Common criteria such as 'local connection' can also be difficult for prison leavers to evidence. Despite the manifest need created by the gap between release and establishing eligibility, under spending was widely reported by these schemes<sup>12</sup>.

The delays and lengthy waits for initial benefit payments can have serious consequences for ex-offenders. No money for basic necessities can quickly cause desperation. This might result in informal borrowing and increases the risk of reoffending. A lack of money for travel further exacerbates the situation; missed appointments with probation, housing, Jobcentre or medical support increase the chances of homelessness, benefit delays, poor health, relapse and even recall. A lack of resources such as funds for phone calls makes it even more challenging to resolve these problems. The result is a deteriorating and stressful situation which can have a detrimental effect on a people's motivation as well as their mental health. For some offenders, a return to prison comes to be seen as the solution to their multiple difficulties rather than something they are anxious to avoid.

'Time is Money', a joint research project between UNLOCK and PRT looks at the financial exclusion of people with convictions in detail and makes recommendations for addressing this.

### **Do the employment and education programs available in prisons prepare prisoners for formal employment?**

Despite the numerous services available in prisons in 2014/15 only 27% of men and 8.5% of women had a job on release from prison. Given the many hours available during a prison sentence to improve employability, this is a dismal return.

Employability programmes cover a wide range of skills to prepare prisoners for formal employment. Vocational courses available in prisons provide experience and practical skills to enable people to find and sustain work and have been shown to increase chances of getting a job shortly after release<sup>13</sup>.

The problem appears to be less about preparation and more about the actual support provided to connect with actual employers and provide for jobs. A lack of cohesive action between the various available services and dominance of process driven rather than outcome driven contract targets has resulted in limited responsibility or overview of this important activity.

An effective strategy must ensure that the preparatory work in the prison matches the labour market requirements in the main discharge areas, and that links are established between employers and potential employees prior to release. Prisoners need the ability – nowadays almost exclusively via the internet – to apply for jobs prior to release, and to attend job interviews on release on temporary licence. Preparing a theoretical application for a theoretical job represents a poor substitute.

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<sup>12</sup> Ibid

<sup>13</sup> Brunton-Smith, I. and Hopkins, K (2014) The impact of experience in prison on the employment status of longer-sentenced prisoners after release, London: Ministry of Justice

## **What support do offenders receive to help them find suitable accommodation on leaving prison?**

Safe housing continues to be a key concern for people leaving prison. For example, the recent HM Inspectorate report on HMP Bronzefield found that there was inadequate support for helping women find accommodation for release, with 103 women having left the prison with no fixed address in the six months prior to the inspection.<sup>14</sup>

Under TR, CRCs should provide advice and support to help find accommodation prior to release. This could include help making a homelessness application to the local authority, referrals to supported accommodation or advice about how to access the private rented sector. But the actual ambition and quality of services under the TR contracts is variable, and may often amount to no more than signposting prisoners to agencies which may or may not be funded to assist them. In many prisons, and especially those holding short sentence and remand prisoners, the limited time prisoners spend out of cell, and the unreliability of regime provision, makes the provision of advice to this especially vulnerable group highly problematic.

However, the major barriers to finding suitable accommodation for prisoners lie in the community.

Local authorities' duties under Part 7 of the Housing Act 1996 mean that people who are homeless or threatened with homelessness should be able to apply for support. If there is reason to believe a person is homeless, eligible and that they may be in priority need the council should provide temporary accommodation pending an investigation and final decision on providing permanent accommodation. The reality is that this is an incredibly difficult process to navigate. Homeless people are often deterred from making a homelessness application due to limited local connection, limited evidence of their health needs or by being informed they won't be successful - all of which are unlawful<sup>15</sup>. The interpretation of 'priority need by' some local authorities sets a very high bar which excludes many vulnerable people. A common barrier is the test of 'intentional homelessness'. Often a loss of previous accommodation due to offences or a custodial sentence will justify discharge of duty on this basis.

Increasingly, referrals to supported accommodation options such as hostels are managed by local authorities as well. Some local authorities are more proactive than others in addressing the needs of ex-offenders. In some areas this is compounded by a simple lack of any real provision for homeless people.

The private rented sector is increasingly becoming the only option for many homeless people. Prisoners are at a particular disadvantage because of the difficulty of conducting this process from custody. A change in Housing Benefit rules now means most people under 35 are only entitled to the lower Shared Accommodation Rate, making this even harder.

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<sup>14</sup> HM Inspectorate of Prisons (2016) HMP & YOI Bronzefield 9-20 November 2015, London: HM Inspectorate of Prisons

<sup>15</sup> Dobie, S. Sanders, B. Teixeira, L. (2014) Turned Away: The treatment of single homeless people by local authority homelessness services in England, London: Crisis

It is worth noting that a much more effective approach to homelessness is prevention. This is mostly applicable to short term prisoners and requires staff awareness of the 13 week absence rule for housing benefit. The opportunity to save tenancies is time limited and these needs must be identified at the point that someone enters custody, whether or not under sentence.

### **What are the impacts of factors such as homelessness and unemployment on the propensity to re-offend?**

Research by the Ministry of Justice in 2012 revealed that 60% of people said that having a place to live would help them stop reoffending<sup>16</sup>. Being homeless after release leaves people with limited options and increases the chance of returning to lifestyles associated with their offending, such as sofa-surfing with peers engaging in substance misuse. For some people the relative stability of prison is preferable to the dangers of being homeless and this can result in deliberate reoffending to return to custody. 15% of newly sentenced prisoners reported being homeless before custody—9% were sleeping rough.<sup>17</sup> People reporting they would be homeless or living in temporary accommodation on release had a higher chance of reoffending. Two-thirds went on to reoffend, compared with around half (51%) who were not<sup>18</sup>.

People who have accommodation arranged on release are four times more likely to have employment, education or training arranged than those who don't<sup>19</sup>.

68% of prisoners thought that 'having a job' was important in stopping reoffending<sup>20</sup>. This importance is supported by the fact that only a third of people reported being in paid employment in the four weeks before custody with 13% reporting that they have never had a job.<sup>21</sup> Not being able to adequately support oneself increases the likelihood of engaging in acquisitive crime such as shoplifting. As well as being a source of income, employment is meaningful use of time which can build self worth and deter from other associated offending behaviours such as substance misuse.

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<sup>16</sup> Ministry of Justice (2012) Research Summary 3/12, Accommodation, homelessness and reoffending of prisoners, London: Ministry of Justice

<sup>17</sup> Ministry of Justice (2012) Accommodation, homelessness and reoffending of prisoners, London: Ministry of Justice

<sup>18</sup> Brunton-Smith, I and Hopkins, K (2014) The factors associated with proven re-offending following release from prison: findings from Waves 1 to 3 of SPCR, London: Ministry of Justice

<sup>19</sup> Niven, S. and Stewart, D. (2005) Resettlement outcomes on release from prison, Home Office Findings 248, London: Home Office; Home Office (2001) Jobs and Homes – a survey of prisoners nearing release, Findings 173, London: Home Office

<sup>20</sup> Ministry of Justice (2012) The pre-custody employment, training and education status of newly sentenced prisoners, London: Ministry of Justice

<sup>21</sup> Ministry of Justice (2012) The pre-custody employment, training and education status of newly sentenced prisoners, London: Ministry of Justice

## **How does benefit and employment support integrate with other services for ex-offenders?**

The finding that specialist provision for ex-offenders in The Work Programme tends to be more effective in addressing wider problems<sup>22</sup> indicates that benefit and employment support needs to be well integrated into other provision for this group.

Closer working with CRCs in particular is likely to improve engagement and be a more successful approach<sup>23</sup>. Supervision conditions sometimes clash with the requirements of the Work Programme and finding work. As well as the challenges of managing multiple appointments, the need to seek approval before starting a new job or to vary curfews for employment can be difficult and drawn out. This is discouraging for the employers and can result in offers being withdrawn. Improved communication between support services here would help to alleviate these problems.

The highly centralised procurement and contract management of TR contracts is unlikely to assist their integration with the other local services that are crucial to the successful resettlement of former prisoners. A significant cohort of prisoners are case managed by the National Probation Service, which in turn purchases services from CRCs, which in turn purchase services through a supply chain of other providers. Prisoners held out of area should in theory be returned to their “home area” at least 3 months prior to release, but in practice this often means returning to local prisons with the poorest regimes and least time available to assist prisoners. The provision of release on temporary licence to assist prisoners in their resettlement is virtually non-existent at these local prisons. The estate review currently under way provides a once in a generation opportunity to plan for a configuration of prisons that keeps most prisoners close to home for the whole duration of their sentence, not just for short periods at the beginning and end.

## **Is there specific support for different groups such as young offenders and female offenders?**

Given the lack of tailored support for ex-offenders generally, it is unsurprising that the services for particular subsections of this group are also limited.

### Women

An MOJ report revealed just 8.5% of women leaving prison entered employment compared to 26.2% of men. Prison Reform Trust discuss these disadvantages in our briefing Working it Out<sup>24</sup> in which we make a number of detailed recommendations in relation to employment support for women.

There is evidence of good practice in this area including work-placement schemes in prisons, targeted support by organisations such as Working Chance and the valuable provision of women’s centres that also support women to address their own barriers to employment and provide the practical support.

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<sup>22</sup> Evaluation of day one mandation of prison leavers to the Work Programme

<sup>23</sup> Ibid

<sup>24</sup> Prison Reform Trust (2015) Working it out, London: Prison Reform Trust

Crucially, in terms of improving employment outcomes for women involved in the criminal justice system there should be a greater emphasis on community alternatives to prison as well as a wider range of unpaid work placements and ROTL. Greater consideration should also be given to the needs of women such as the demands of any childcare or care of elderly dependent relatives, particularly in respect to benefits and sanctions.

In July 2015, the Prison Reform Trust wrote to the Chief Inspector of Probation to ask for him to undertake a thematic inspection of probation services for women in recognition of the changes to the probation landscape brought in through Transforming Rehabilitation and the impact this may have had on the funding and delivery of community services. We recommended that the Ministry of Justice should undertake an annual audit and evaluation of probation services provided in accordance with Section 10 of the Offender Rehabilitation Act 2014 to meet the particular needs of female offenders.

### Young people

Although some services exist to support young people into employment, there are significant additional barriers. The National Living Wage exclusion was extended in 2015 to everyone under 25, with the minimum wages set at lower rates for those under 21 and under 18. People under 25 also receive lower rates of welfare benefits such as JSA. Housing benefit is only available at the lower Shared Accommodation Rate for most people under the age of 35 and there is a further intention to withdraw Housing Benefit entitlement from some 18-21 year olds completely from April 2017. Support for care leavers, required under the Leaving Care Act, is inconsistent across local authorities. For young people caught up in the criminal justice these additional barriers make it more difficult to achieve independence and a decent quality of life.

### Other groups

There is little support of this nature targeted specifically at other specific groups such as ex-offenders with disabilities or mental health problems, or for older prisoners, who may have overlapping and complex needs. Services must ensure they do not discriminate against these groups in their delivery and should align with provision specified under the Care Act 2014.



## What recommendations should be made to improve support for ex-offenders?

1. **Outcome driven target and sufficient monitoring systems.** A common target for employment should be introduced, measuring the rate of employment three months after release, rather than at the point of discharge. This would provide the incentive for agencies to work together to secure lasting employment. This would require effective monitoring. With all prison leavers now receiving some form of community supervision this could be recorded by probation services and systematically fed back to prisons and the other agencies involved.
2. **Greater coordination of services.** Employment services in resettlement prisons must be better coordinated to provide a single and rational pathway for prisoners. Current provision is confused due to multiple overlapping commissioning which hinders effective joint working and limits control for prison Governors. There also needs to be a local shared system for aggregating priorities about an individual prisoner's needs and plan. This is so that all agencies know who is doing what for whom.
3. **Increased number of prisoners being held in prisons close to home.** Resettlement services are often locally focussed, including relationships with local employers and better knowledge and contacts within local accommodation pathways. Support from family members and contact with previous employers are a major avenue for gaining employment, demonstrating the need to maintain these ties. The current resettlement prison model is flawed as many resettlement prisons are many miles from home areas, and prisoners are not being transferred soon enough before release.
4. **Increased use of ROTL** for work placements, job searching and finding accommodation. Our joint briefing with Clinks 'Inside Out'<sup>25</sup> has further details on this. ROTL not only facilitates essential practical issues including the forging of links between employers and future employees, but can also act as a powerful incentive for prisoners to engage with their own sentence plan and take responsibility for their own future.
5. **Better use of ICT for prisoners** including internet access for job and housing search and application and in cell telephony to improve family contact should be strategic aims for the entire prison estate. This would allow prisoners to take more responsibility for their own rehabilitation. We have written more about this in our report 'Through the Gateway'<sup>26</sup>
6. **Improved engagement with employers.** Greater coordination of employer engagement is needed to make sure this crucial activity is effective and opportunities capitalised on.
7. **Realise better value of Jobcentre Plus services in custody.** There is potential to expand the provision of advance claims to other benefits such as ESA. Providing clearer information about the Work Programme and increased communication with community provision would result in a more constructive transition on release rather than one that just emphasises signing on.
8. **Review the financial support provided on release.** The current discharge grant is insufficient and its rationale outdated. A review should consider how to bridge the finance gap experienced by many prison leavers and the impact this has on risk of reoffending.

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<sup>25</sup> Clinks, Prison Reform Trust (2016) Inside Out: The role of the voluntary and private sector in providing opportunities for rehabilitation for people on temporary release, London: Clinks and Prison Reform Trust.

<sup>26</sup> Champion, N. Edgar, K. (2013) Through the gateway: how computers can transform rehabilitation, London: Prison Reform Trust and Prisoners Education Trust

9. **Improve Work Programme collaboration with CRCs.** With Work Programme contracts due to expire in April 2017 and the procurement process to replace these expected to start soon there is an opportunity to commission services to work in collaboration with existing CRC provision.
10. **More consistent and timely HDC processes** would enable more people to maintain their tenancies and therefore reduce the number of people released as homeless.
11. **Local authorities** must ensure they do not discriminate against ex-offenders and provide support in the interest of public protection and successful rehabilitation. Specifically they must meet their obligations to care leavers and vulnerable, disabled or elderly people.
12. **Improve employment outcomes for women.** The government should implement a strategy to increase employment opportunities for women with criminal convictions and this should include employer incentives. Our women and employment briefing 'Working it Out' covers this area in further detail.<sup>27</sup>
13. **The Dept for Work and Pensions should work with the financial services industry to improve financial inclusion.** This is a significant barrier for people caught up in the criminal justice system. 'Time is Money', our joint research report with UNLOCK goes into more detail on our recommendations in this area including improved access to banking, insurance and debt advice<sup>28</sup>.

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<sup>27</sup> Prison Reform Trust (2015), Working it Out: Employment for Female Offenders, London: Prison Reform Trust

<sup>28</sup> UNLOCK and Prison Reform Trust (2010), Time is Money: Financial Responsibility after Prison, London: UNLOCK and Prison Reform Trust