

January 2016



BRIEFING

Inside Out: The role of the voluntary and private sector in providing opportunities for rehabilitation for people on temporary release

Introduction

Release on temporary licence (ROTL) is a pivotal part of the process of resettlement and rehabilitation. For many people in prison, particularly those who are serving long sentences, the chance to experience ROTL is a vital stage in the preparation for their safe release. It enables people to gain training and education, sort out jobs and housing and establish contact with their families—all factors which help them to reduce their risk of reoffending. Less than 1% of releases on temporary licence fail and, of these, only 6.1% involve an arrestable offence.¹ This is the equivalent of five arrests per 100,000 releases.

Many voluntary and private sector organisations provide valuable opportunities for volunteering, training and employment for people on ROTL. This joint briefing by Clinks and the Prison Reform Trust is based on a survey of voluntary and private sector providers of ROTL placements in the community. It reveals that recent changes to the ROTL policy have had a significantly negative impact on the ability of voluntary and private organisations to provide work experience opportunities for people on temporary release. We believe that this represents an obstacle to effective rehabilitation by reducing employment and resettlement opportunities for people being released from prison.

The National Offender Management Service (NOMS) has announced its intention to conduct a review of ROTL policy.² The Secretary of State for Justice, Michael Gove, has indicated scope for changes in the use of ROTL under proposals put forward as part of the government's review of education in prisons.³ This joint briefing is intended to inform the ROTL review and the government's wider plans for prison reform.

Key findings

- Respondents are confident that ROTL provides significant benefits both to people in prison and to the organisations that provide placements.
- Almost two-thirds (65%) had seen a decrease in ROTL with some organisations reporting that their ROTL placements had "completely stopped" or become "almost impossible".
- Four fifths of respondents (79%) said that it now takes longer to get ROTL placements confirmed.
- 68% said that prisoners reported difficulties getting their applications for ROTL approved.
- More than half (51%) said that their experience of contact and liaison with prisons about ROTL placements had got worse.
- 37% said that the changes to ROTL were not explained to them at all with a further 29% saying that the explanation was unclear.
- Voluntary sector organisations were more likely than private companies to have seen a decrease in the number of ROTL placements and were more than twice as likely to report that their experience of contact and liaison with prisons had got worse.

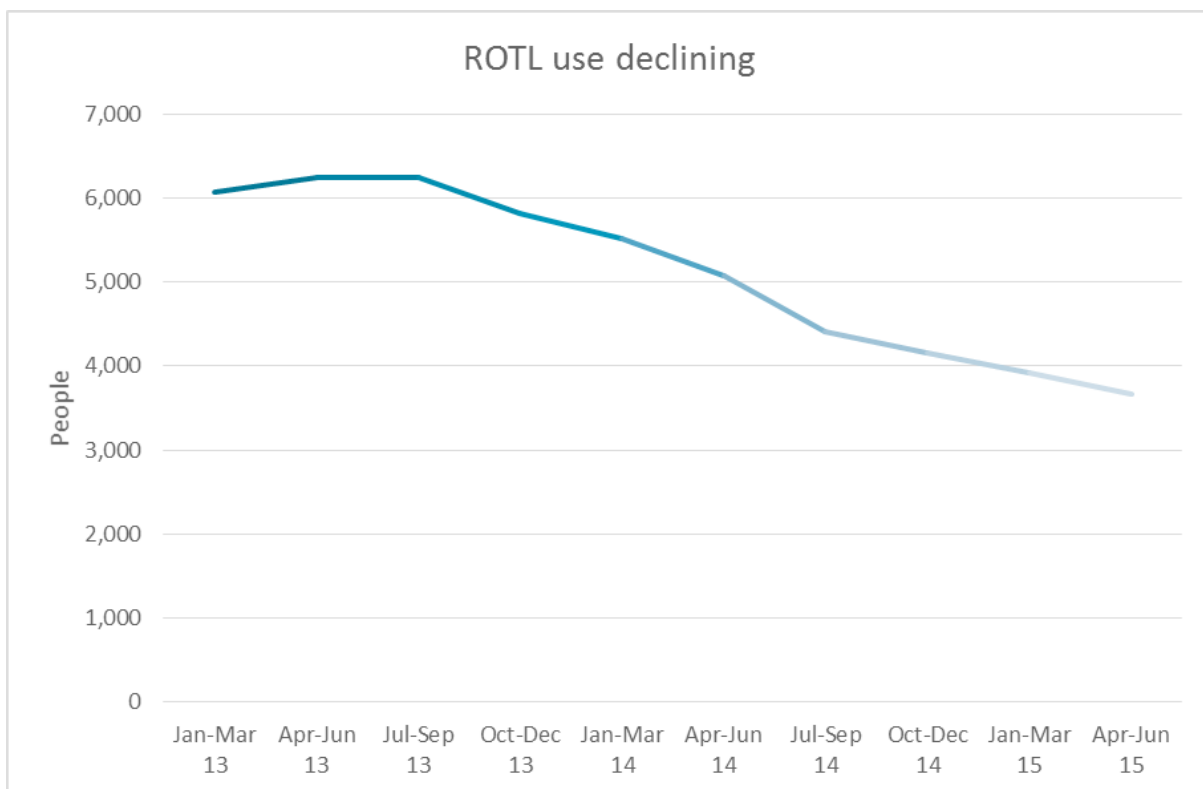
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Since the start of the ROTL review, people in prison in contact with the Prison Reform Trust’s advice and information service have reported increasing delays in obtaining access to open conditions and permission for temporary release and mounting frustration at being denied opportunities to progress their sentences. The impact of the changes on people in prison was outlined in a Prison Reform Trust briefing, *Inside Out*, published in February 2015.⁸

The briefing was submitted as supplementary evidence to the Justice Committee inquiry on Prisons: planning and policies. In its report, the Justice Committee acknowledged ROTL is an “effective tool in supporting rehabilitation” and recommended that “the overall impact of these restrictions on the sustainability and effectiveness of ROTL—which should be based on the presumption that it will be available unless there are strong public safety grounds for refusal in a particular case—be reconsidered as a matter of urgency.”⁹ Responding, the government committed to a review of the policy in 2016, when there is “sufficient evidence from the implementation of the changes to consider the impact of the changes in detail.”¹⁰

Providers of opportunities to people on ROTL

Voluntary and private sector organisations play a vital role in the rehabilitation of offenders by providing placements for people on temporary release from prison. Section 4 of the ROTL policy (PSI 13/2015) refers to both paid and voluntary work as appropriate ROTL activity which enhances offenders’ prospects of returning positively to the community and thus reduces reoffending.

Section 9 of the policy makes specific reference to programmes provided by two voluntary sector organisations—Community Service Volunteers and The Prince’s Trust. Community Service Volunteers became Volunteering Matters in April 2015 and no longer provide a programme of ROTL opportunities. At the time of writing we were unable to confirm whether the Prince’s Trust programme was still in place. This information was also included in the previous policy (PSO



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The value of ROTL

We asked organisations to explain the benefits of ROTL placements for people in prison. Respondents cited a range, including re-integration into the workplace environment and the community; confidence, self-esteem and motivation; skills and experience; team working skills; and full time employment on release.

“Interviews with prisoners that have taken part in the project have identified a number of areas where they have benefited. These include skills ... [such as] the opportunity to work in an office environment, which some had never considered previously. Confidence, which impacted in a number of areas including communication ... other benefits include the opportunity to update their CVs and include current experience, [and] being able to get a reference.”

“Job ready skills, in-house training, a chance to give something back to the community, self-confidence, self-esteem, a reference, supportive team working environment, non-judgemental environment, [and] paid work opportunities.”

We also asked how providing ROTL activities had benefited organisations themselves. Respondents told us that providing ROTL activity supports their core charitable purpose and, for the private sector, fulfils both their business strategy and corporate social responsibility commitments. Others pointed to the benefit of involving ‘experts by experience’ (people who have been through the Criminal Justice System) in the delivery of their work, and the additional capacity and valued staff members it brought to operations.

“We have a business approach to our work. We fill skills and labour shortages for a range of employers. Using the skills delivered in custody to match those jobs.”

“Peers and volunteers support service delivery and support our peer adviser model of training someone with ‘lived experience’, it accelerates client engagement and supports our peers to develop further.”

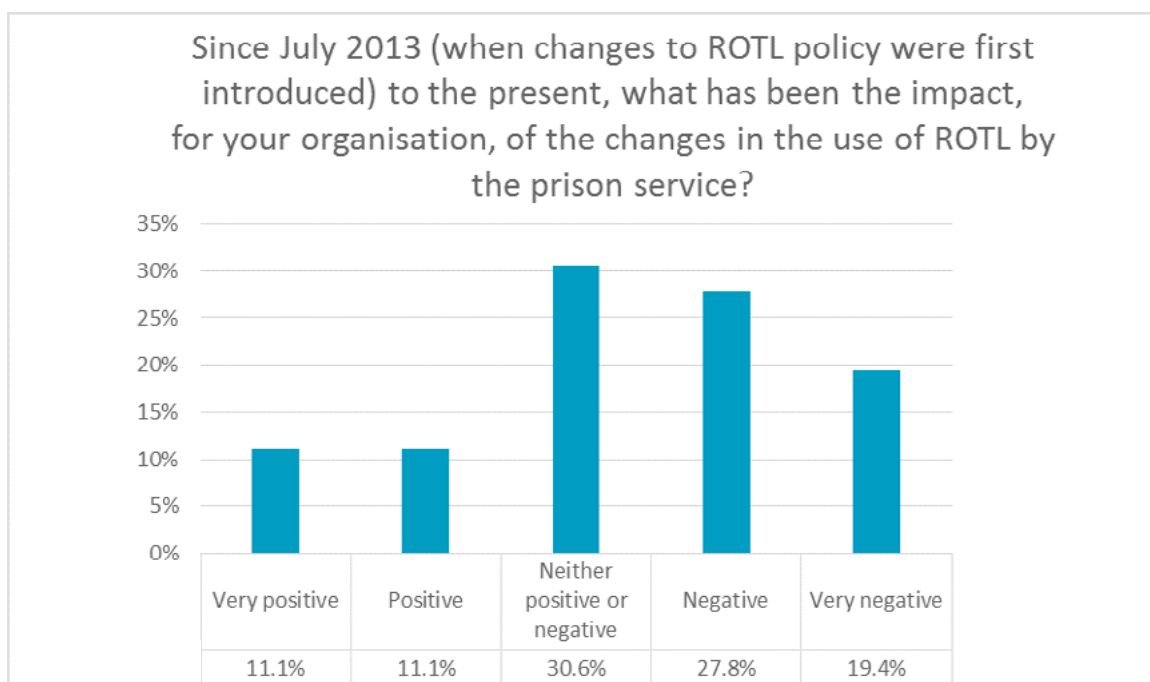
“Increased income in our shops, increased productivity in retail and office based roles, loyal and hardworking people, managers find it rewarding to work with people on ROTL, positive publicity, numerous awards, funding, corporate sponsorship, and the recruitment draw.”

From these responses it is clear that ROTL activity provides significant benefit both to prisoners and to the organisations that provide placements.

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The impact of changes on providers

Overall the survey showed that the changes to ROTL policy had a significant impact on these organisations and their ability to provide placements in the community.



Nearly half (47%) of respondents (17 organisations) told us that the changes in the use of ROTL had been negative or very negative for their organisation. Almost one-third of organisations (31%, 11 organisations) reported that the impact of the changes had been neither positive nor negative for their organisation. This may be explained, in part, by a number of organisations who had only recently begun to offer ROTL activities.

We asked respondents to provide explanations for their answers and received a range of comments. Those that had experienced negative consequences reported challenges associated with the time it takes for placements to be processed, eligibility criteria, costs associated with travel, increased bureaucracy, inconsistently applied policy and increased pressure on prison staff. Many of these reflect the responses on specific issues we asked about later in the survey which we cover in more detail later on.

“We feel that many charities with trading companies like us are just not seen by government as a solution to reducing reoffending rates.”

“Less prisoners eligible for ROTL now which means we turn to community volunteers more. Roaming licenses don’t seem to exist in many prisons which has had an impact on the roles we can offer, meaning that some roles can no longer be performed by ROTLs as they had before.”

“Each prison also seem to interpret PSIs in differing ways which makes it confusing to manage ROTLs volunteering from different prisons.”

“The process has become much longer and more complicated and has meant

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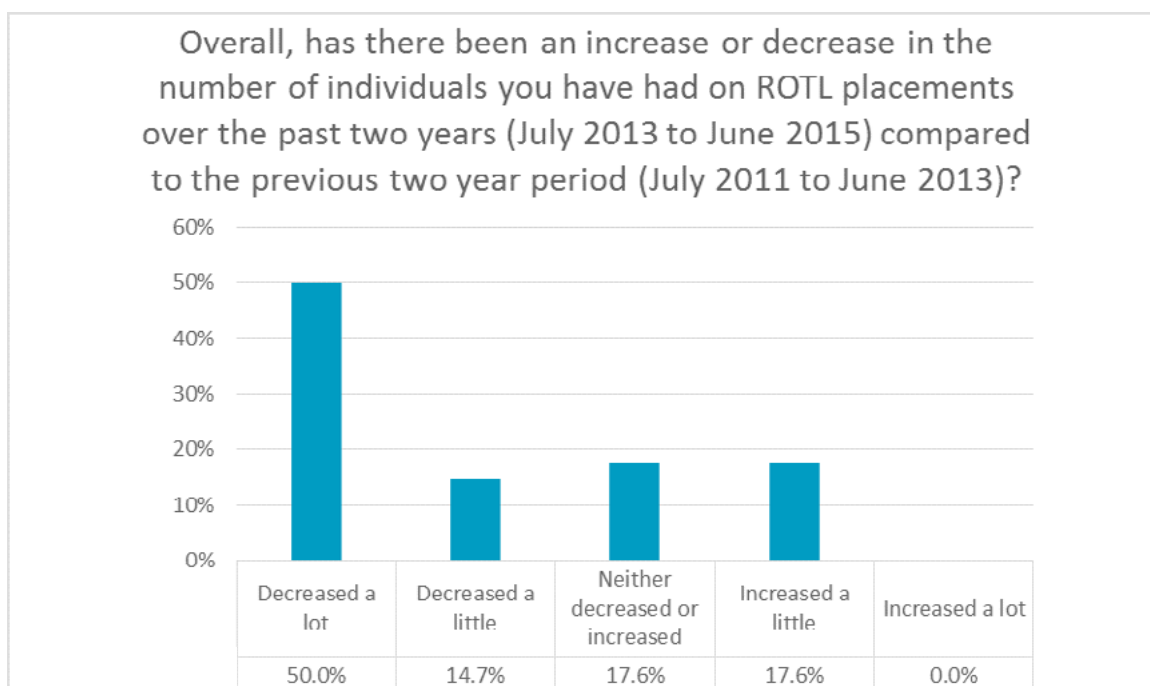
that we are unable to send candidates forward for jobs because we cannot be sure that NOMS will process their ROTL in time for their interview.

“A lack of clear procedures, internal prison confusion over new practice, changes in personnel with privatisation. Limited and sporadic communication from prisons over the process, increased number of women being refused ROTL, and a huge amount of our time invested in securing ROTL with little progress.”

From these comments it is clear that organisations providing ROTL activities are finding the new procedures challenging. They are impacting on the number of people eligible to undertake activities on ROTL and there is inconsistency and a lack of clarity in the way they are operationalised.

A clear decrease in the number of people on ROTL

Despite the overwhelmingly positive responses about the benefit of ROTL, in line with the data highlighted above, the survey showed that the majority of respondents had seen a decrease in the number of individuals placed with them on ROTL.

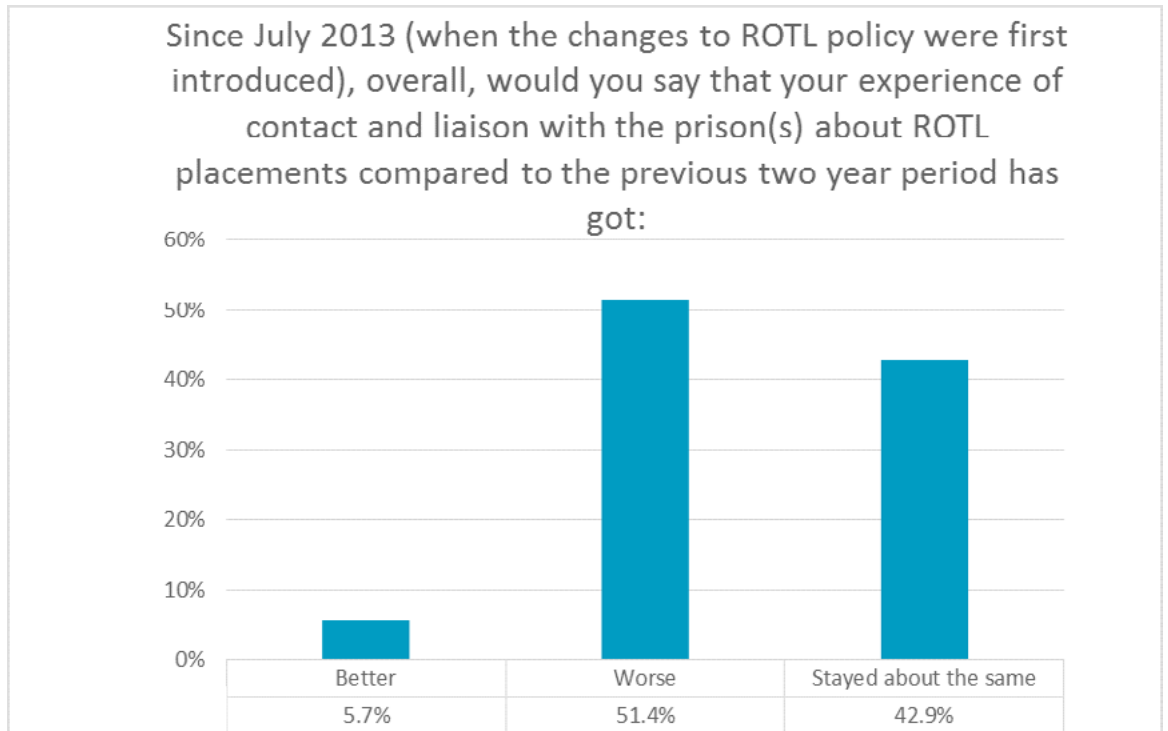


No one responding to the survey told us that the number of people on ROTL placements with them had increased a lot. While 18% (6 organisations) had seen a small increase, the vast majority (65%, 22 organisations) had seen a decrease. Two organisations reported that their ROTL placements had “*completely stopped*” or become “*almost impossible*”. The overwhelming majority of respondents (92%, 31 organisations) told us that they would like to be able to provide more ROTL placements than they currently do.

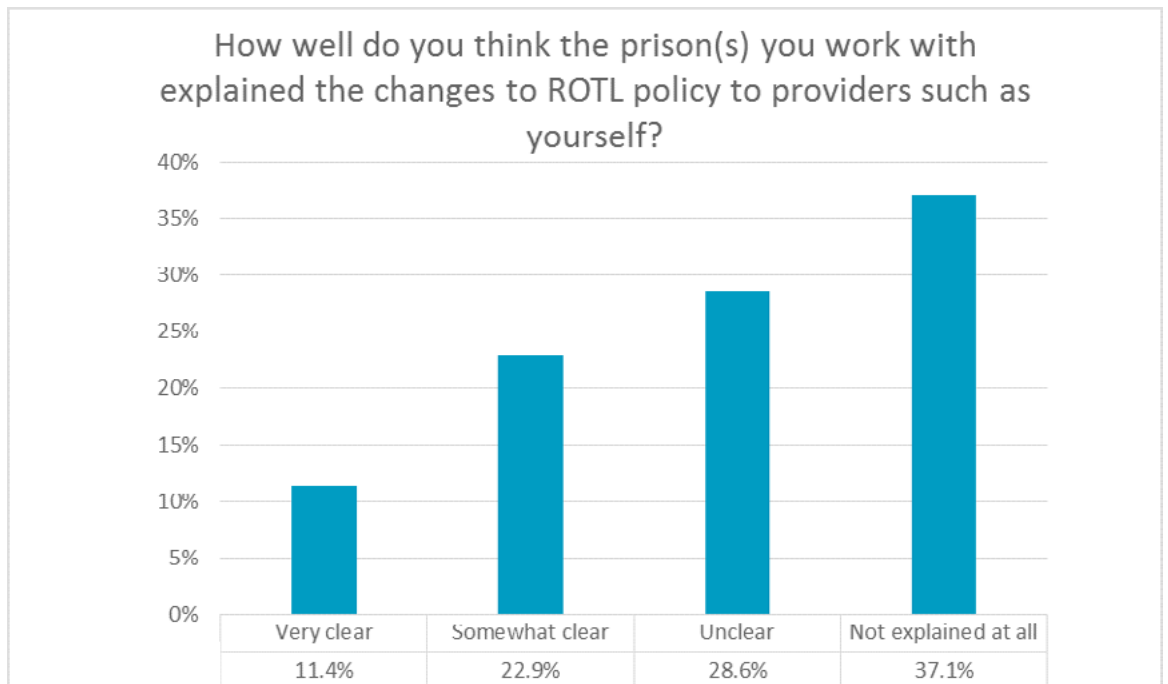
“[We have seen a reduction] from a daily number of 30 in the scheme to 7.”

The further explanation provided by some respondents gave us detail and context for the reported changes in ROTL placements. For example, one organisation that reported an increase in placements attributed this to having a dedicated role within the organisation:

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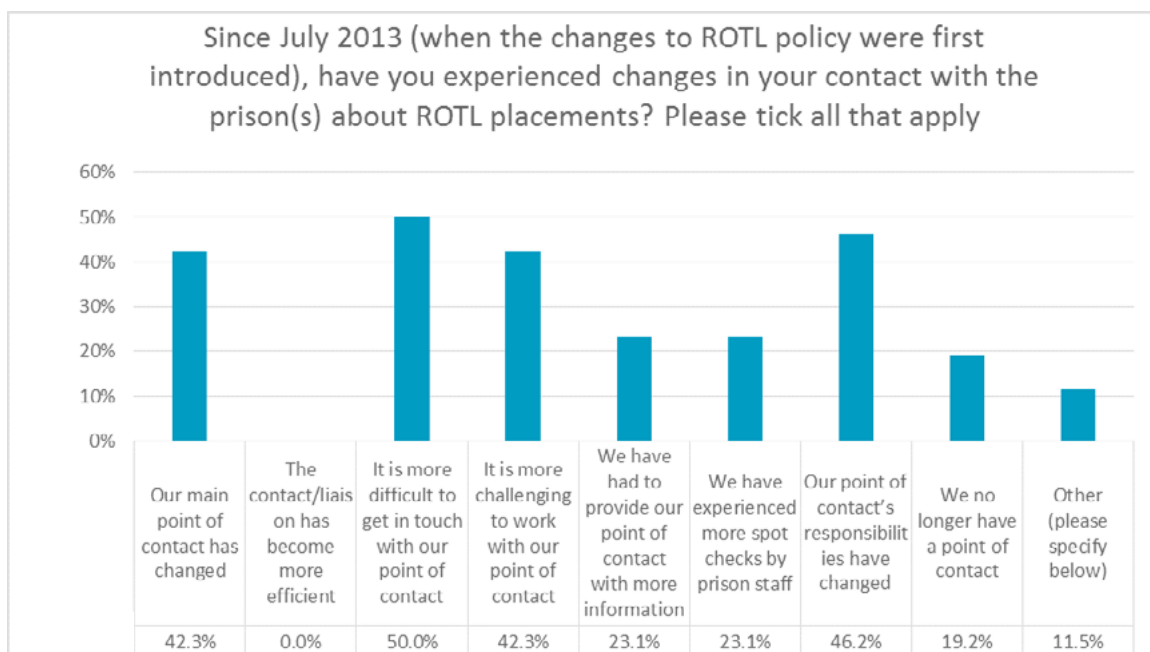
When asked how well the prison(s) explained the changes to ROTL policy to providers, 37% (13 organisations) responded that they were not explained at all. A further 29% (10 organisations) said that the explanation was unclear.



Respondents also told us that they had experienced a range of changes in their contact with the prison(s) they work with since July 2013. The impact of these changes means that organisations have to invest increased time and resource in organising and confirming ROTL placements.

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“I often find that the point of contact is covering other roles/duties and this then affects the work that they can do with ROTLs. It often means it takes longer to do things and it is more tricky to confirm things.”



It was also pointed out by one respondent that, alongside the changes to ROTL policy, other concurrent changes, such as the introduction of Community Rehabilitation Companies with responsibility for resettlement services, have also affected their contact with the prison:

“It is difficult to answer this because a number of changes have been a result of the CRCs coming on line and staff and responsibilities being moved.”

Similarly, a number of responses highlighted how important good communication between different prison departments and between prisons and probation is to ensure the ROTL process can run smoothly:

“I also find that some activities/ROTL departments don't have the information I need, i.e. can't confirm a decision made by the Offender Management Unit – it is very difficult.”

“Departments within the prison do not seem to communicate effectively, paperwork is either lost or delayed during handover.”

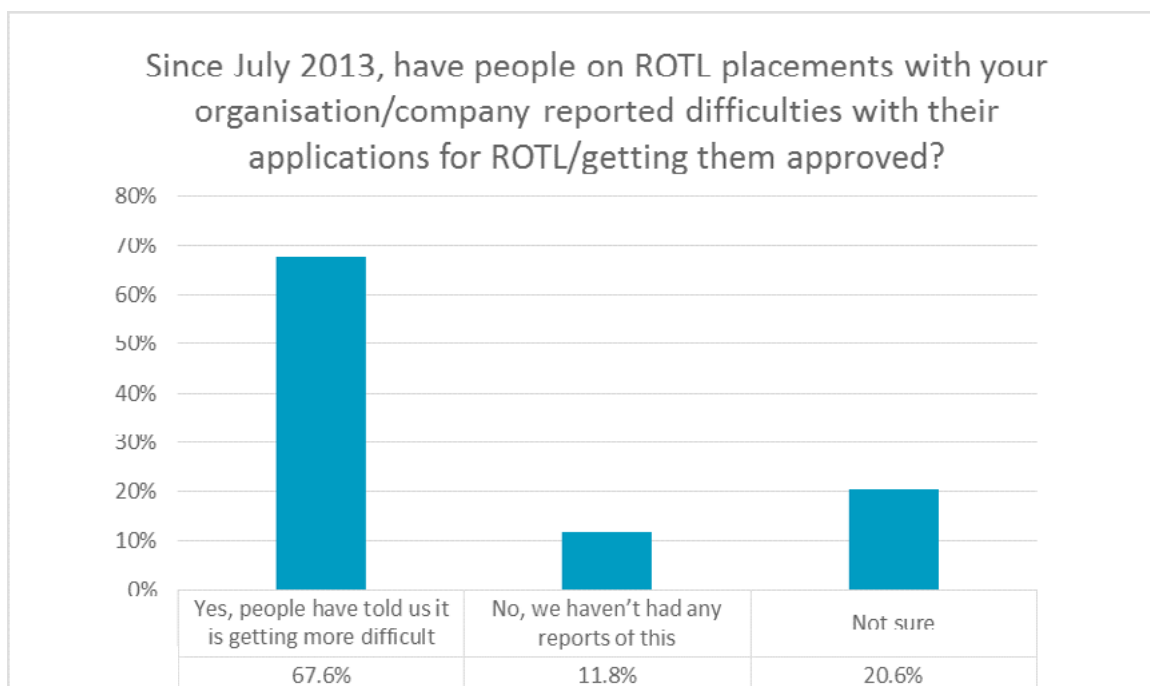
One respondent described a significant delay in a prisoner being granted ROTL to attend an initial registration interview; when the organisation emailed to find out the status of this the prison replied that *“her offender manager outside has still not replied to us.”*

The importance of ROTL activity joining up with education was highlighted. One provider pointed to the fact that although they offer customer service opportunities they have rarely received ROTL prisoners who have completed an NVQ in customer service. They felt that there was no point asking for individuals with these qualifications because prison resettlement and education departments were not significantly joined up enough to coordinate this.

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Similarly 68% (23 organisations) told us that people on ROTL placements with them had reported difficulties getting their applications approved. One recruitment agency stated:

“ROTLs to come out and be initially registered with us have been unsuccessful (whereas previously we would be working with around ten ROTL candidates at one time from closed conditions, since July 2013 we have worked with only two or three.) ... It is unreasonable to expect employers to be willing to employ people coming out on ROTL if they have to wait several weeks before the candidate can be interviewed/start in the position.”



iii) Inconsistency in approach across the estate

In addition and in relation to these challenges, many of the organisations we surveyed highlighted that their experience of providing ROTL activities varied from prison to prison. Inconsistency in the application of the policy seemed to be a key contributing factor to why provision of ROTL activities is proving more difficult.

“It (the time to get a placement confirmed) varies at each establishment and how they interpret the rules.”

In particular it was highlighted that when working across a range of prisons, differences in procedures made managing ROTL placements and activities more challenging for organisations and added to a lack of clarity around the rules. One organisation highlighted that they had found a significant reduction in ROTL numbers from prisons in the north of the country.

iv) Variable impact on the voluntary and private sector

When we separated and compared the responses from voluntary and private sector organisations it revealed some interesting differences.



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Both the voluntary sector and private sector organisations that responded offered a range of ROTL opportunities including volunteering, work and training placements. The voluntary sector were more likely to offer volunteering (80%) but nonetheless a significant number of voluntary sector organisations offered work (60%) and training (45%). Similarly a quarter of private sector organisations offered volunteering placements.

Voluntary sector organisations were more likely to have seen a decrease in the number of ROTL placements, with 73% of voluntary organisations stating they had seen a decrease compared to 43% of private organisations. They were also more than twice as likely to report that their experience of contact and liaison with the prison(s) about ROTL had got worse since July 2013, with 56% of voluntary sector organisations reporting a deterioration compared to just 25% of private sector organisations.

Although this data should be viewed with some caution as the sample sizes for voluntary and private sector organisations are different, it reinforces other intelligence about the current experience of the voluntary sector that Clinks has gathered. The range of changes that have impacted on prisons in recent months—Transforming Rehabilitation and the introduction of CRC delivery in prisons; benchmarking; and changes to ROTL policy—has meant that the voluntary sector is increasingly finding it challenging to work with prisons.

As this data shows, external organisations experience an inconsistency in prisons' approach to, and engagement with, them. It is interesting to note that the findings of this survey show that this is more marked within the voluntary sector than the private sector, possibly indicating that the changes are impacting disproportionately on voluntary sector organisations due to the lesser resources they are operating with in the first place. However further exploration with larger and equal sample sizes of voluntary and private sector organisations would be needed to confirm this and the reason for it.



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It is vital that ROTL policy and rules enable organisations, both voluntary and private sector, to provide opportunities for prisoners to undertake activities in the community that prepare them for release. Therefore measures are needed to overcome the challenges outlined for both sectors. Given the difference in experience highlighted by this survey it will be important when doing this to consider whether any policy changes might have a disproportionate effect on the contribution the voluntary sector is able to make to this area of important rehabilitation and resettlement activity.

Overcoming challenges: good practice

Some organisations were able to provide examples of how they overcame the challenges highlighted above. The defining feature of the good practice outlined below is well resourced projects that were able to allocate staff roles to enable organisations to undertake significant work in contacting and liaising with prison staff.

Building and maintaining strong relationships

The value of having a role that is specifically dedicated to engaging with the prison on ROTL was highlighted, as well as the significant resource commitment this involves. Actively building relationships with prisons and making concerted efforts to improve relationships and to understand ROTL requirements and aid communication with them was highlighted as a way of gaining a clearer understanding of ROTL policy.

One organisation attributed their increase in ROTL numbers to this. Another organisation talked about investing time to train and support staff working with people on ROTL by maintaining regular contact with managers to keep an eye on things and by gathering data in relation to ROTL placement hours. They also pointed out that when the changes to ROTL were originally implemented it coincided with the loss of a staff member in the north of England. As a result there was no one to maintain relationships with these prisons and numbers in the region dropped significantly.

The need to be proactive, regularly networking and making contact with prison service staff, and the amount of time and resource invested in this, was very clear.

“We couldn’t run the prison programme if it wasn’t fully resourced... In 7 years I’ve never had a prison make the initial contact to initiate a relationship with us to provide ROTL activity.”

This was contrasted with a different experience in Scotland where prisons initiate contact with external partners about ROTL opportunities.

In depth knowledge and experience of providing ROTL placements over many years and across many establishments was cited as a key factor in success. It enabled an organisation to ‘give back to prisons’ by supporting those establishments that hadn’t previously had prisoners on ROTL through the process and brokering relationships with other employers.



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Enabling partnership work

Simple ways of building and supporting these relationships were highlighted such as ensuring that the officer responsible for liaising with external providers of ROTL activities has access to a telephone; and having the support of the Governor or Head of Reducing Reoffending. The impact of the efficiency of a prison's internal administrative processes was emphasised with examples cited of prisons where there are less unnecessary delays or cancellations of ROTL placements as a result of better administrative processes.

One organisation was also able to provide us with an evaluation report from their own ROTL project which had operated at HMP Styal between 2011 and 2013. While this project took place prior to the changes to ROTL policy, it highlights a number of key learning points which could be implemented in the current context and are therefore worth including here.

In partnership with the prison, the project supported women with issues relating to their planned release and their ROTL applications. This included explaining the ROTL process to each woman and creating an individual ROTL file/support plan for them. They worked to broker relationships with employers to increase the range and number of ROTL opportunities available and liaised between women and prison staff when issues arose. Interestingly they also created a 'ROTL Compact' for HMP Styal. This outlined expectations of how the prison and external partners would work together and thus overcame many of the challenges highlighted by organisations responding to our survey.

Finally the existence of employers' groups was highlighted to us, including the national Employers Forum For Reducing Reoffending¹¹, which acts as a forum for sharing good practice and learning, and also a small number of local groups. These local groups were seen as having potential to support ROTL further but as needing better engagement from prisons for this to happen.



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Conclusion and recommendations

This joint briefing highlights the contribution that people on temporary release make and the importance of ROTL in facilitating education, work and training. It reveals that restrictions on the use of ROTL introduced in the past few years have had a significant impact on the number of ROTL placements and the ability of voluntary and private sector organisations to provide opportunities for people on temporary release. It highlights problems of communication with prisons, delays in getting placements confirmed and inconsistencies in the application of the new policy. It reveals the variable impact of the new policy on voluntary and private sector providers. It also profiles examples of good practice in the use of temporary release. Based on the briefing's findings, we recommend the following changes be considered as part of the government's forthcoming review of ROTL:

1. Reverse the decline in the use of ROTL for rehabilitation and resettlement

A sharp decline in the number of people being granted temporary release is confirmed in official statistics and reflected in the experience of respondents to the survey. People in prison in contact with the Prison Reform Trust have reported increasing delays in being granted temporary release and mounting frustration at being denied opportunities to progress their sentences. Recent HM Inspectorate of Prisons reports have raised concerns regarding the ability of some custodial establishments to meet the expectations of the new policy without compromising effective rehabilitation and resettlement. It is clear that the decline in the number of people being granted ROTL is having a significant impact on the ability of voluntary and private sector organisations to provide sustainable and viable placement schemes. **This is at odds with the aims of both the "Transforming Rehabilitation" reforms and the new secretary of state's commitment to prison reform. We recommend an explicit objective to reverse the decline in the use of ROTL for resettlement and rehabilitation, so that the manifest willingness of employers and other organisations to help is not squandered.**

2. Reduce unnecessary obstacles and delays

Significant concerns were raised by respondents about the impact of delays in getting placements confirmed on their ability to provide opportunities for people on ROTL. The introduction of a mandatory three-month lie down period for any prisoner transferred to open (category D) conditions before they can be considered for temporary licence was highlighted as a significant cause of increased delays. Three months is a disproportionate length of time for any prisoner assessed as suitable for open conditions to then have to wait to be granted temporary release. Little more can be learnt from observing a prisoner's response to living in open conditions in three months that could not be learnt in one month. **We recommend that the three month lie down period should be reduced to one month when moving to a new prison.**

The mandatory three-month period is particularly onerous for prisoners transferred from category C to category D conditions within the same prison establishment. These prisoners are already likely to be well known to staff and so keeping them locked up in open conditions is wasteful and serves no purpose in terms of public protection. Women who are transferred from closed to open conditions are already exempt from the three-month minimum lie down period



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under the current ROTL policy. **We recommend that governors should have discretion over the length of lie down periods when a prisoner moves from the Category C to the Category D section within the same prison establishment.**

A number of the provisions of the policy are overly prescriptive and are likely to be creating unnecessary obstacles to getting ROTL placements approved. For instance, the current PSI says it is “preferable for the offender to spend time at an unpaid voluntary work placement before moving on to a paid placement.” However, this is not always realistic both in terms of the time available to the offender and also the availability of volunteering opportunities in the local area. **We recommend that the policy is reviewed to ensure that its provisions do not place unnecessary obstacles in the way of individual prison establishments providing opportunities for rehabilitation for people on temporary release.**

3. Improve communication and coordination

Greater priority should be given to better communication and liaison between prisons and external partners who provide ROTL placements. Poor communication between the prison and providers of ROTL opportunities was consistently raised as a significant challenge. Good communication was found to be an important factor for developing successful relations with prisons. Where good communication between the prison and ROTL placement providers existed, establishments were more likely to maintain high levels of temporary release against the prevailing downward trend. **We recommend that a dedicated member of prison staff be appointed in each establishment as the main contact point for providers and prisoners’ families regarding ROTL placements.**

4. Increase consistency

A lack of clarity and consistency in the application of the ROTL policy by prisons is a key factor behind the difficulties reported by providers in delivering placements. This was particularly the case for providers who worked across a number of different prison establishments. **We recommend that NOMS provide prisons with more support to consistently operationalise the ROTL policy. This should include reviewing the policy to ensure that any specific reference to organisations that provide ROTL opportunities is either correct and up to date or omitted altogether so as not to cause confusion.**

5. Better support for providers

Providers delivering ROTL placements made it clear that the process demanded a considerable investment in time and resources. This investment was not always acknowledged by prison staff and many establishments did not have systems in place to ensure effective liaison and communication with providers. Practical changes such as clarifying who is responsible for covering travel costs to and from ROTL placements would go a long way in helping providers. **We recommend that the revised ROTL policy place a greater emphasis on prisons building relationships and enabling partnership work with providers in the voluntary and private sectors to deliver opportunities for people on temporary release.**



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End notes

- 1 Table 4, Ministry of Justice (2014) Statistical Notice: Releases on temporary licence, 2012, London: Ministry of Justice
- 2 Ministry of Justice (2015) Government Response to the Justice Committee's Ninth Report of Session 2014 to 2015 - Prisons: Planning and Policies, London: The Stationery Office
- 3 Barrett, D (2015) 'Michael Gove: Let criminals out of jail early if they promise to learn', The Telegraph Online, 17 July 2015. Available at <http://www.telegraph.co.uk/news/uknews/law-and-order/11744571/Michael-Gove-Let-criminals-out-of-jail-early-if-they-promise-to-learn.html>
- 4 Table 3.4, Ministry of Justice (2015) Offender management statistics bulletin: April to June 2015, London: Ministry of Justice
- 5 Table 3.4, Ministry of Justice (2014) Offender management statistics bulletin: April to June 2014, London: Ministry of Justice
- 6 Table 3.4, Ministry of Justice (2015) Offender management statistics bulletin: April to June 2015, London: Ministry of Justice
- 7 Table 3.4, Ministry of Justice (2015) Offender management statistics bulletin: April to June 2015, London: Ministry of Justice
- 8 Prison Reform Trust (2015) Inside out: Release on temporary licence and its role in promoting effective resettlement and rehabilitation, London: Prison Reform Trust. Available at <http://www.prisonreformtrust.org.uk/Portals/0/Documents/InsideOutfinal.pdf>
- 9 Justice Committee (2015) Prisons: planning and policies Ninth Report of Session 2014–15, London: The Stationery Office
- 10 Ministry of Justice (2015) Government Response to the Justice Committee's Ninth Report of Session 2014-15, London: The Stationery Office
- 11 Employers' Forum for Reducing Re-offending website. Available at <http://employer.effrr.co.uk/Employers>

CLINKS

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