

Response to Work and Pensions Committee Support for ex-offenders Inquiry – barriers to employment

by Her Majesty's Chief Inspector of Prisons

Introduction

1. We welcome the opportunity to submit a response to the Work and Pensions Committee Support for ex-offenders Inquiry – barriers to employment
2. Her Majesty's Inspectorate of Prisons (HMI Prisons) is an independent inspectorate whose duties are primarily set out in section 5A of the Prison Act 1952. HMI Prisons has a statutory duty to report on conditions for and treatment of those in prisons, young prisoner institutions (YOIs) and immigration detention facilities. HMI Prisons also inspects court custody; police custody and customs custody (jointly with HM Inspectorate of Constabulary); and secure training centres (with Ofsted).
3. HMI Prisons is one of the organisations that deliver the UK government's obligations arising from its status as a party to the UN Optional Protocol to the Convention Against Torture (OPCAT). OPCAT requires state parties to establish an independent National Preventive Mechanism (NPM) to inspect of all place of detention. Article 19 (c) of the Protocol sets out the NPM's powers to submit proposals concerning existing or draft legislation.
4. We inspect adult male prisons at least once every five years and immigration removal centres (IRCs) at least once every three years. All inspections are full and almost all are unannounced. Inspections are conducted jointly with Ofsted or Estyn, the Care Quality Commission (CQC) or Healthcare Inspectorate Wales and specialist pharmacy inspectors. In addition to individual inspections, we periodically carry out cross-cutting thematic reviews.
5. All inspections are carried out against our *Expectations* - independent criteria based on relevant international human rights standards and norms. We assess all establishments against four 'healthy prison' tests:

Safety prisoners, especially the most vulnerable, are held safely

Respect prisoners are treated with respect for their human dignity

Purposeful activity prisoners are able, and expected, to engage in activity that is likely to benefit them

Resettlement prisoners are prepared for their release into the community and helped to reduce the likelihood of reoffending.

6. The data for this response has been drawn from:

- Findings from 36 prison/YOIs inspections undertaken between April 2015 and March 2016
- 6,705 prisoners' responses to our surveys, based on their experience of the establishment being inspected the 36 prisons

7. We are answering the consultation questions that we have most data on:

How are prisoners helped to find employment; is support available both pre and post-release? Do the employment and education programs available in prisons prepare prisoners for formal employment? What support do prisoners receive to help them find suitable accommodation on leaving prison? What recommendations should be made to improve support for ex-prisoners?

Background

Resettlement provision thematic

1. In September 2014, HM Inspectorate of Probation, Ofsted and HM Inspectorate of Prisons published a thematic report on Resettlement provision for adult offenders. Fieldwork was conducted at eight prisons and 80 prisoners cases were sampled (both before and after release) to find detailed information about resettlement outcomes. This research was carried out before the changes under the Transforming Rehabilitation policy.
2. The findings of this research confirmed the central importance of a prisoner's family and friends to their successful rehabilitation. Sometimes a prisoner's family may be the victims of their crime, or may be a negative influence and we found a small number of examples of this. However, this inspection demonstrated that a prisoner's family can be the most effective resettlement agency. More than half the prisoners in our cohort returned home or moved in with family and friends on release, even if this was only a temporary measure. The few who had a job on release had mainly arranged this with the help of previous employers, family or friends. Despite this, for prison staff, relationships with family and friends were too often viewed purely in terms of visits. In addition too little account was taken of whether initial arrangements for living with a family on release were sustainable and what continuing support might be needed. Overall, in the eight prisons researched in depth, resettlement work was insufficiently informed and information sharing was poor overall –

although better in open prison and those preparing long-term prisoners for release.

3. **Accommodation** Shortages of affordable rental accommodation, references, a lack of resources to pay deposits and rent in advance and the practical problems of arranging accommodation from inside prison meant that rented accommodation in the private or social housing sectors was not an option for any of the offenders in this cohort. Young adults who had been in care as 'looked after children' and women offenders who were sole carers for their children had entitlements to housing that needed to be identified and met
4. **ETE** When we looked into employment, training and education (ETE) outcomes, in the resettlement thematic, we found that although many had ETE appointments arranged, only 16% of the sample had a known job or training place on release, and six months after their release, half of the sample still did not have ETE in place. Interestingly, although none of the former prisoners in this cohort used the vocational skills or training they had received in prison for employment after release, employers told us that the employability skills they had gained – reliability, trustworthiness, and good customer services – were important

5. Transforming Rehabilitation

In April 2015, far reaching changes were introduced aiming to 'transform' the way that prisoners are rehabilitated and reduce the risk of reoffending. Prisoners serving sentences of less than one year are now subject to statutory supervision, as well as people serving longer sentences. Support and supervision of low- and medium-risk prisoners transferred from the probation service to voluntary and private sector providers commissioned through regional Community Rehabilitation Companies (CRCs). Higher-risk people are supervised by a new national probation service (NPS). Prisoners serving short sentences and those with less than three months to serve should be held in 'resettlement prisons', in or linked to the area in which they will be released. Resettlement services should be organised on a 'through the gate' basis, making greater use of mentors than at present

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

6. Employment support is now one of the five statutory areas that CRCs should be focusing on for all prisoners in their last 12 weeks. This is a significant change. In our inspections published between April 2015 and March 2016, Ofsted found that the quality of learning, employment and training advice provided by the National Careers Service was good in just over half the prisons inspected. However, the quality of advice was rarely linked with effective through-the-gate work. While we found good examples of productive partnership with employers to improve prisoners'

opportunities for training and employment after release at some prisons, such as Kirklevington Grange, this was not the case for most prisons. There are ongoing concerns about the services provided under the OLASS (Offender Learning and Skills Service) contract. Learning and skills and work in prisons has been the worst-performing area of the further education and skills sector for some time, and Ofsted has long been critical of this failure. This year Ofsted introduced a new assessment on the overall effectiveness of learning and skills and work – over two-thirds of prisons (68%) were found to be less than good in their overall effectiveness.

7. We rarely saw the 'virtual campus' which gives prisoners secure and moderated internet access to community education, training and employment opportunities – in operation. This can be invaluable in supporting prisoners in job search, finding accommodation and preparing for resettlement. However, in 18 of the 36 prisons inspected over the course of the year, this was not being fully utilised.

8. We don't have any specific survey data on people leaving prison with a job to go to. During an inspection we ask prison staff for their data on people leaving prison and going into employment. This data is self reported by prisoners. and not followed up or verified post release

9. Under the new model of Through The Gate provision, CRC's are now responsible for providing help in finding employment. Although some monitor this post release (while former prisoners are on licence), this is not, overall, being managed or monitored in any systematic manner. The effectiveness of provision cannot be established as NOMS and CRCs currently do not collect the data routinely. We understand there may be scope to do this via the national data linkage that is now routinely undertaken by the Data Improvement, Analysis and Linking Team at the Ministry of Justice. This involves linkage of individual-level data from the police national computer, Department for Work and Pensions, HM Revenue and Customs, and Business Innovation and Skills and should enable analysis of outcomes for people leaving prison.

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

9. We survey people while they are still in custody so we do not have data on resettlement outcomes. We do not follow people through to the community. However, we do identify self reported need and ask prisoners what activities or support they have been able to access whilst in prison. We asked prisoners if they needed support to find a job. Three-quarters (76%) of prisoners surveyed by HMI Prisons in 2015-16¹ identified a need for assistance with employment on release. The need for employment assistance was not evenly distributed across the adult male estate during 2015-16, ranging from 77% in both local and Category B training prisons to 69% in open prisons.

10. It is noticeable that specific groups of prisoners reported higher need when asked about needing support to find a job. The following figures compare this self reported need - female prisoners against male (84% vs. 76%), Black and minority ethnic (BME) detainees (78% vs. 75% white prisoners), those self-reporting a disability (80% vs. 75% with no self-reported disability), and prisoners experiencing physical (82% vs. 75%) and mental (84% vs. 74%) health problems on arrival at their establishment². This demonstrates the need for specialist support for people from these groups to find employment.

11. A comparison of our survey data with outcomes reported five years ago shows that self-reported rates of participation in prison activities appear to be lower. During 2015-16, self-reported rates of participation in activities like a prison job (53% vs. 56% in 2010/11), vocational or skills training (12% vs. 14% in 2010/11), education (including basic skills) (25% vs. 31% in 2010/11) and offending behaviour programmes (9% vs. 12% in 2010/11) were all lower across the adult estate. Although the participation appears to be lower, care must be taken in comparing one year with another as the same establishments are not inspected each year.

12. Among those requiring employment assistance in 2015-16, less than one-third (29%) reported actually knowing someone in prison who could help

¹ N=6,705. All responses are weighted to reflect the overall population in each establishment at the time surveys were completed. All data relate to reports published during 2015-16, rather than establishments inspected during this period.

² Figures reported in this paper are statistically significant at 99% (i.e. $p < .01$).

them with this need on release. However, people in open prisons (57%) were significantly more likely to say they knew someone in their establishment who could help with employment support, relative to prisoners in Category B training prisons (17%). This is understandable, because since May last year many Category B training prisons have primarily held people serving over 12 months and are not orientated to providing resettlement services. In our 2015/16 surveys women (53% vs. 28% male) and those prisoners with dependent children (30% vs. 27%) were more likely to say they knew somewhere they could get assistance with employment.

13. By contrast, BME (26% vs. 30%) and people with a disability, (26% vs. 29%), and those with physical (21% vs. 30%) and mental health (26% vs. 29%) problems on arrival at their establishment, were all less likely to say they knew someone who could help them with their employment needs on release. We are therefore not yet confident that services delivered by CRCs are necessarily accounting for the needs of all minority groups.

14. As part of our prisoner survey we ask people if they have participated in activities that will assist them on release. Two-thirds (66%) of survey respondents had been involved in vocational skills work while in prison and 52% (57% for women and young people) felt this would help them on release. This demonstrates that regardless of the numbers of people accessing vocational skills work– and some prison may have a low demand or take up of activities offered– nearly half believe it will not be helpful.

15. One in four (25%) of the prisoners we surveyed overall were currently involved in education (this breaks down as 24% of men, 35% of women and 29% of young people) and 75% had been involved in education during their time in prison. For those who had participated in education 57% overall believed this would be helpful to them on release, which was higher than those who felt vocational skills work would be helpful.

What support do prisoners receive to help them find suitable accommodation on leaving prison?

16. In the 89 resettlement prisons, the CRCs should assist all prisoners to find accommodation. Prisoners released from other prisons (such as high security or training prisons) should receive support from prison staff to find a

place to live. The support for prisoners leaving custody without accommodation is variable. However, it is difficult to get an accurate picture of numbers of people leaving prison with no fixed abode. Ministry of Justice research found that one in five people (20%) said they have no accommodation to go to on release. 15% reported being homeless after release. 57% of people reported living with immediate family shortly after release. People who lived with family were less likely to reoffend within one year (48% compared with 61%).³ As our inspections in 2015/16 show, in some prisons such as Liverpool and Holloway, the number of prisoners leaving with no fixed abode was not monitored reliably. While HMP Stocken claimed that 93% had been released to settled accommodation, this information was, as at most prisons we visited, based purely on self-disclosure from prisoners, with no routine follow up to establish how accurate this figure was. In addition, prisons do not always record whether the accommodation is sustainable and suitable. Sometimes prisoners who are being released at the end of their sentence and have no licence periods left to serve do not disclose their housing situation to staff working with them. It is therefore impossible to have a clear picture of how many people are leaving prison without a home to go to.

17. In some establishments, we found that the number leaving with no fixed accommodation may have risen. Under the new arrangements involving CRCs, the accommodation support service had, in some cases, deteriorated. For instance when we inspected HMP Bullingdon, Thames Valley CRC was the provider at the establishment and had introduced arrangements to deliver housing and debt advice only to prisoners from the Thames Valley. The prison also held a large number of prisoners who would be managed on release either by the National Probation Service (NPS) or their home area CRC. For example, 100 of the 356 prisoners in the resettlement population (within three months of release) were from Hampshire, where the CRC. These prisoners were unable to access support finding accommodation at the time of the inspection.

18. Under the Transforming Rehabilitation operating model, prisoners are supposed to be moved into a local resettlement prison 12 weeks before release. When this happens, people should be linked into resettlement services in the area they will be living on release. However, this is not always happening and we find prisoners being released from prisons not designated as having a resettlement function. The difficulty is that these prisons have had resettlement services taken away and are not resourced or set up to find accommodation for people prior to release. Whilst the 89 resettlement prisons have some access to support on housing, the other 30 prisons are not able to routinely provide this. The government's intention in the Target Operating Model Rehabilitation programme was that 60%-80% of all prisoners would complete their sentences in a resettlement prison linked to the area into which they would be released. Our concern is that prisoners released from other prisons are receiving little resettlement support and as these prisons are not allocated resources for resettlement, our concern is that resettlement support is inconsistent,

³ 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

19. It is noticeable that the need for support with accommodation remains high. Across the 36 adult establishments inspected during 2015-16, three-quarters (76%) of prisoners responding to our survey reported a need for assistance with accommodation on release.⁴ This was most pronounced in the two women's establishments inspected (81%) and significantly less so among those held in open conditions. However, even in open prisons more than three-fifths of prisoners (63%) identified a housing need upon release. This need was heightened among those with a disability (83% vs. 74%) and those with physical (83% vs. 75%) and mental (85% vs. 74%) health problems.

20. Conversely, the need for assistance with housing was significantly lower among prisoners aged 60 years and over (64% vs. 77%), and there was no association between BME status (77% vs. 76%) or having dependent children (75% vs. 77%) and needing assistance with accommodation on release. Only one in three (32%) of those prisoners requiring assistance with accommodation on release knew someone in their establishment who they considered was able to help them address this need. Female prisoners were almost twice as likely to report this as men (56% vs. 31%), while BME prisoners (27% vs. 34% white prisoners) and those with physical health problems (26% vs. 33% with no self reported physical health problem) were significantly less likely to know someone in a position to help with their housing need on release.

21. Our inspection and research data makes clear that the key themes of offender management, work with families, accommodation and ETE are inter-related and need to be addressed as part of a whole prison approach to resettlement. Although the introduction of CRCs aimed to streamline the process, we still find that these are all services provided under different management and organisational arrangements and evaluated in different ways. Furthermore, however effective the arrangements are, they will be undermined if people cannot access stable accommodation when they leave prison. In addition, the CRC in prison should work in partnership with either the CRC in the community or NPS to ensure every effort is made to find accommodation and employment/training/education on release. In some cases the CRC in custody might do most of this, in other cases it might be the responsible officer in the community. We find that communication between the two is not always effective and could be improved.

⁴ 68% of prisoners in 2015-16 identified a need for both employment and accommodation assistance on release.

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

Recommendations for national government departments

The resettlement service for Welsh prisoners should be replicated for English prisoners

The joint thematic on resettlement provision found that there were good outcomes for resettlement in a majority of Welsh establishments. We have commented positively on the provision of post-release housing to Welsh prisoners who would otherwise be homeless, and in inspections of English prisons holding mixed Welsh/English prisoners, we have expressed concern about a 'two-tier' system, recommending that services for Welsh prisoners be replicated for English prisoners. The new Wales prisoner accommodation resettlement pathway came into effect in December 2015 and is the first of its kind in the UK. Welsh local authorities are now required to begin working with Welsh prisoners facing homelessness up to 56 days before they are due to be released. The pathway aims to provide secure housing, rather than unsatisfactory bed and breakfast accommodation, on release.

Outcomes for people leaving prisons should be routinely and consistently monitored.

As all people leaving prison are now under licence for at least 12 months, it should be possible for CRCs and the NPS to routinely monitor information about accommodation and employment outcomes at regular periods for the first year following release.

The virtual campus should be utilised effectively and appropriately in all prisons

Virtual campus is a secure intranet, with potential to support education, training, employment, resettlement and family ties. Many prisons we inspect have the capacity to use the virtual campus but for operational reasons have not fully utilised this resource. In our inspections we have found that access, co-ordination with other support services, content and usability need significant improvement.

Access to private rented accommodation should be facilitated for people leaving prison

The Ministry of Justice and Department of Work and Pensions should initiate a review of policy to ensure that there are no unnecessary barriers to prisoners obtaining private rented accommodation that undermine the *Transforming Rehabilitation* strategy, and that prisoners can obtain the necessary advice and support to do this.

A national strategy should be developed to better help prisoners maintain contact with families and where appropriate, involve the family and friends of prisoners in the rehabilitation process.

Families should be involved in sentence planning and resettlement work where appropriate. Prisoners should be given additional support to maintain and restore relationships with their families. Work on family relationships should be included in resettlement planning.

Review of provision of employability skills

Work should be undertaken in consultation with employers, Ofsted and other interested parties to review the OLASS specification, to ensure future contracts give greater emphasis to a whole prison approach to the development of employability skills, and to provide for a greater range of attainment levels.

Recommendations for prison governors and directors, community rehabilitation companies and other resettlement services providers

(these are taken from the resettlement thematic and repeated as still relevant)

- The central role of positive family relationships in the rehabilitation process should be acknowledged and resourced
- work with prisoner's families, resettlement provision provided by CRCs, ETE provided under the OLASS contract and by the prison directly, and the other activities of the prison as part of a whole prison approach to resettlement should be better coordinated
- robust information sharing arrangements between departments within prisons, between prisons, and between prisons and community services should be implemented
- there should be effective management of transfers between prisons to ensure continuity in the delivery of sentence plans and local discharge
- there should be effective monitoring of sustainable accommodation and ETE outcomes to evaluate and develop service provision
- where appropriate, there should be effective arrangements to ensure that prisoners use the opportunities provided by open conditions and well-managed Release on Temporary Licence, ROTL. This is the scheme which enables prisoners to leave the prison under strict licence conditions to develop work opportunities, experience, and relationships, in accordance with their sentence plan
- prison resettlement strategies should address the specific needs of women, parents, prisoners who have been looked after children, and other groups with needs or entitlements that differ from the majority.