

Commission on Justice in Wales

Questions for Clinks network

Key points

- Women in the criminal justice system often have multiple and complex needs - such as experience of abuse, homelessness, mental health issues and substance misuse - which require a tailored, person-centred approach.
- A multi-agency approach is needed in services both within and outside the criminal justice system, recognising the complexity of needs.
- Specialist small and local charities play a vital role in supporting women in the criminal justice system. The distinctive characteristics of these charities enable them to deliver high levels of social value for individuals, the economy and community.
- A person-focused, local approach to commissioning is important to ensure small, local charities can be enabled to meet local needs.
- Meaningful engagement allows specialist charities to feed their expertise into system design and delivery to improve outcomes.
- Criminal justice cannot be looked at in isolation. Women in the criminal justice system also require a range of wider services, such as housing, substance misuse and domestic and sexual violence services. There are opportunities to better coordinate support, such as through the Wales Public Services Boards and the review of the probation service in Wales, but it must be done in a way which includes smaller charities.
- The model of funding is important for smaller charities - funding must support the sustainability of providers and take a proportionate approach, using grants as an appropriate mechanism for this where possible, allowing them to tailor interventions appropriately.

Introduction

Lloyds Bank Foundation for England and Wales partners with small and local charities to help people overcome complex social issues. Through long-term funding, development support and influencing policy and practice, the Foundation helps those charities make life-changing impact. The Foundation is an independent charitable trust funded by the profits of Lloyds Banking Group as part of their commitment to Helping Britain Prosper.

The Foundation is currently supporting around 700 small and local charities working across areas such as criminal justice, homelessness and domestic abuse, including 75 charities in Wales. Our new strategy, Reaching Further, also includes the Foundation launching a new Criminal Justice National Programme which will see a further £2m invested in the sector over the next three years, in addition to our grants directly to small and local charities.

Our response focuses on the following questions of the consultation:

5. How effectively do you think that the voluntary/third sector works in delivering services to women in Wales who offend? How could these arrangements be improved?
6. How do you think co-operation between government, local government and third sector could be improved to provide a more seamless delivery and better outcomes for women?
10. What support would you like to see outside of the justice system for vulnerable women in Wales?

Women need joined-up, person-centred support to meet complex needs

Women in the criminal justice system have particular needs and vulnerabilities, which require a tailored response, both within the criminal justice system and in the wider services they access. Many women in contact with the criminal justice system have multiple and complex needs, with interacting factors such as homelessness, abuse, poor mental health and substance misuse. As such, a person-centred approach is needed, joining up different agencies to provide holistic support that addresses the full range of an individual's needs.

If women don't get the support they need at an early point, problems can escalate -providing early support with issues such as abuse can prevent women from entering the criminal justice in the first place. The Foundation is supporting The Howard League for Penal Reform to begin a programme of work¹ looking at how women with complex needs can be diverted to appropriate support services to address their needs prior to arrest. Arrest is the formal entry point into the criminal justice system and has long term detrimental impacts on an individual's life. Many women are arrested for non-violent crimes, and this work is focused on these instances where other interventions outside the criminal justice system are more likely to be effective. It is built on the premise of being able to stop women from being caught up in the criminal justice system unnecessarily and instead diverting those women who have particular needs to more appropriate services.

Breaking Down The Barriers, the final report of the National Commission on Domestic and Sexual Violence and Multiple Disadvantage², highlights the issues that women face when they do not get the support they need - being bounced around different services, turned away, or prevented from accessing help because of additional barriers. It highlights that women can be let down by the response they receive within the criminal justice system due to a lack of knowledge in courts about issues of abuse, with expectations about what a 'victim' should look like, particularly where mental health, substance misuse and sexual history are concerned. The report calls for women to be recognised as 'victims first and offenders second' - understanding the connections between abuse and offending behaviour.

The focus in Wales on Adverse Childhood Experiences (ACEs) is particularly important for supporting women in the criminal justice system- ensuring that public services are aware of and able to respond effectively in a trauma-informed way to those affected by ACEs. While the strategic intent behind this is positive, there must be funding to make it a reality - services know how to support people, but they need the resources to do so effectively.

¹ <https://howardleague.org/our-campaigns/women-in-the-penal-system/arresting-the-entry-of-women-into-the-criminal-justice-system/>

² *Breaking Down the Barriers: Findings of the National Commission on Domestic and Sexual Violence and Multiple Disadvantage*, 2019, AVA and Agenda
<https://avaproject.org.uk/breaking-down-the-barriers-findings-of-the-national-commission-on-domestic-and-sexual-violence-and-multiple-disadvantage/>

There is also a need for more joined up working beyond the criminal justice system. Services such as housing, mental health, substance misuse and domestic and sexual violence services are all vital to supporting better outcomes for women in the criminal justice system. However, these services are also under high demand and lack funding, and not receiving the support they need at an earlier point can lead to women ending up in the criminal justice system. Funding for these wider services is vital for meeting the needs of women before, during and after contact with the criminal justice system.

Multi-agency coordination is pivotal to ensuring better outcomes, recognising the range of agencies potentially involved in supporting or rehabilitating an individual. Women's Centres can act as a hub, bringing together different agencies and helping to ensure women get the support they need. For example, North Wales Women's Centre, which receives funding from the Foundation, works with women to reach individual goals across nine different areas of need – such as moving into settled accommodation, improved mental health, completing training or qualifications and accessing support for domestic abuse.

There are helpful structures in Wales, such as Public Service Boards, which bring together agencies including probation, local authorities, PCCs and health boards, as well as the voluntary sector, to enable multi-agency working. However, this depends on ensuring that they work effectively in practice – facilitating more effective collaboration between government and voluntary sector to enable more informed decision making.

The particular needs of women can be better met by working with small and local charities

Small and local charities, like those funded by the Foundation, have a strong track record of helping women within the criminal justice system and those with complex needs, providing specialist services to particular groups. It is important that the response women receive takes a gendered approach, recognising the particular nature of the problems they face, and the need for specialist support. This cannot be achieved through large scale, generic interventions; a plurality of providers is needed that can provide specialist support.

Small and local charities play an important role, delivering high levels of social value

Many of the small and local charities which make up 97% of the charity sector, have a long track record of delivering services to women in the criminal justice system. Independent research commissioned by the Foundation, *The Value of Small*³, demonstrates the distinctive characteristics of smaller charities which enable them to deliver high levels of social value. The research takes an in-depth look at charities in four geographical areas, including Wales, identifying three key ways in which small and local charities are distinctive:

- A distinctive service offer – who they support and what they do, often acting as first responders and creating safe spaces where people feel respected, without fear of stigmatisation. This is particularly important for women with complex needs who may be passed between

³ *The Value of Small*, 2018, Lloyds Bank Foundation for England & Wales, 2018
<https://www4.shu.ac.uk/research/cresr/sites/shu.ac.uk/files/value-of-small-final.pdf>

different agencies, without receiving the right support to address their underlying needs.

- A distinctive approach - how they work, with individual people at the centre and staying with clients for the long term. Developed with, by and for communities, small and local charities are both embedded in and trusted by communities, with volunteers and staff that reflect their diversity. Their person-centred approach is particularly valuable when working in criminal justice, where being able to relate to individuals and build trusting relationships is crucial for longer term engagement.
- A distinctive position in communities - the role they play in communities, acting as the glue that holds services and communities together. Small and local charities use their well-established networks to ensure people get the support they need to address a range of complex issues. These networks and connections are particularly important for through the gate services, enabling individuals to access the support, services and opportunities they need for a smooth transition into the community.

Together, the distinctive characteristics of small and local charities enable them to deliver high levels of value:

- Individual value - meeting immediate needs and helping people achieve the 'small wins', such as building confidence, which are the foundation for long term positive change, such as preparing for employment or reducing reoffending.
- Economic value - driving down demand on other public services by addressing problems at their cause and reinvesting money locally, employing local people and utilising local suppliers. 84% of local government funding to charities goes to larger charities, with 76% of funding going to charities with an income of over £10m⁴ - in all likelihood, the highest paid wages and many of the supply chains will be benefiting those from out of area, unlike the spend of small and local charities, which is reinvested locally. As such, it is particularly important that services for Wales are delivered by organisations based in Wales, benefiting the local economy.
- Added value - leveraging additional funding, volunteers and support from other sources, as well as being embedded in local organisational and social networks. The networks and relationships built by these charities provide a mechanism for bringing people together, across communities and with government.

These distinctive characteristics of small charities mean that they are particularly well-placed to support women, especially those with complex needs. The different ways in which they create value together add up to more than the sum of their parts - benefiting the women they support, the economy and the community more widely.

How government can work better with small and local charities to deliver better outcomes

The way in which the government works with smaller charities has a big impact on their ability to effectively deliver this distinctive value. The

⁴ *The Value of Small*, Lloyds Bank Foundation for England and Wales

ways in which services are designed and funded determines whether small charities can engage and deliver better outcomes. Grant funding is a key part of ensuring that funding is accessible, allowing smaller charities to play to their strengths.

A local focus

To reap the benefits of small and local charities as outlined above, a local approach is needed which enables areas to respond to local needs and work with established local services. In recent years, a shift towards commissioning at scale has disadvantaged smaller charities and too often has led to services that do not meet people's needs, resulting in a revolving door on demand for services and driving up long term costs. While scale may be important in ensuring people can access services in different areas, it is important to recognise that scale must not mean one-size-fits-no-one generic services, and can instead be achieved through working with a variety of providers. Working with a range of providers brings many benefits, not least:

- Organisations with specialist skills to work on particular issues, at different stages of the criminal justice system, will help government to ensure the needs of different groups can be met effectively.
- There is reduced risk through working with a number of providers - as Carillion has clearly demonstrated, investing in a single provider brings significant risks if that provider fails.

A local approach to commissioning services enables areas to respond to local needs, and work with local services. Bringing together the CRC and NPS into a single, combined probation service in Wales presents opportunities to improve a joined-up approach across probation, reducing fragmentation and providing a more integrated and comprehensive service. However, it is important that the national approach does not prevent variation at a local level or preclude the involvement of small and specialist services.

The deep community links of small and local charities are particularly important given the geography of Wales - meeting the needs of more isolated rural populations, for example. Commissioning should recognise these strengths and actively include smaller, locally rooted organisations, to ensure they are able to continue meeting the needs of the specific populations they serve. The Foundation's campaign with Locality to Keep it Local⁵ provides practical tips and guides to help commissioners to work with local organisations for the delivery of services.

A collaborative approach, with meaningful engagement of those delivering and accessing services

Involving those with experience of both delivering and accessing services needs to be at the heart of improving cooperation and ensuring better outcomes for women. The small and specialist local charities supporting women in the criminal justice system have specialist expertise to feed into system design as well as service delivery. This means engaging charities early and for the long term, so that they can contribute their experience to shape better support. This engagement should be based on terms that work for small and local charities - with a focus on ongoing relationships and conversations, not just formal and lengthy consultation documents.

This collaborative working should extend throughout delivery too - a multi-agency approach is needed to support the multiple and complex needs of women

⁵ Keep it Local: locality.org.uk/policy-campaigns/keep-it-local

in the criminal justice system. Looking at other service areas can provide some helpful learning here, such as Plymouth City Council's approach to complex needs which has revolutionised support across the system, or the Drive perpetrator pilot which brings together a range of different agencies to change behaviour and better protect victims of abuse.⁶

Under the current review of the probation system in Wales, it has been proposed that different budgets will be pooled to offer opportunities for more joined-up working. While this holistic approach is welcome, it must not mean bigger contracts to cover all services, in a way that would disadvantage smaller providers.

The Wellbeing of Future Generations Act also provides an opportunity to improve the way that the voluntary sector, government and public bodies work more effectively together. The '5 Ways of Working' include focus on integration, collaboration and involvement, prevention and long term – all of which can be better achieved by working with small and local charities, drawing on the strengths set out above in the *Value of Small* research. However, this must move beyond ambition and translate to decision-making and services on the ground in order to have any meaningful impact.

Funding and commissioning for long term social value

The way services are funded is a key determinant of whether small and local charities can engage. Sustainability is important – charities need to be able to plan effectively, so longer term funding arrangements, as well as clear indications of referral volumes, can make a big difference. Knowledgeable, specialist staff with links to the community are the basis of effective interventions, and sustainable funding ensures that charities can offer some security to staff, and in turn to those they are working with.

The payment model should also be proportionate to the services. The UK Government's Civil Society Strategy highlighted that government should make more use of grants rather than contracts where possible, recognising that they allow for flexibility and leveraging in additional investment, whilst maintaining appropriate accountability for outcomes. They can also be simpler to administer. Importantly, grants allow the provider to design the services in the most effective way to meet changing needs. Independent funders such as Lloyds Bank Foundation can offer expertise on how to run effective, accountable grants programmes. The Grants for Good campaign has also produced *The Principles of Good Grant Making*⁷ to support government in its use of grants, built upon the many years of experience of grant-making foundations.

While there must be consistency in standards of quality and expected outcomes, the system must allow providers to tailor interventions to the needs of individuals. Small, specialist organisations are expert at meeting the needs of individuals in a person-centred way, and they must be funded in a way which allows this. A payment-by-results approach, for example, might work for simple, standardised interventions, but is not appropriate for tackling complex social issues, where outcomes are not linear and depend so much on wider services too. Although a different sector, the recent Statutory Guidance for the Commissioning of VAWDASV Services in Wales⁸

⁶ Drive: driveproject.org.uk

⁷ *Principles of Good Grant Making, 2016, Grants for Good*

⁸ Statutory Guidance for the Commissioning of VAWDASV Services in Wales, 2019, <http://senedd.assembly.wales/mgIssueHistoryHome.aspx?IID=24475>

provides useful guidance on how to better commission services in a way that involves smaller, specialist charities, which could provide learning for the criminal justice sector.

Contact details:

Rachel Cain, Public Affairs and National Programmes Officer
Lloyds Bank Foundation for England & Wales, Pentagon House, 52-54 Southwark Street, SE1 1UN

rcain@lloydsbankfoundation.org.uk

020 7378 4627

Registered charity no: 327114