

# Purpose and connection

## A briefing in advance of the Prisons White Paper

NOVEMBER 2021

**‘It’s all about having purpose and connection’**

CJA MEMBER, EMPLOYMENT ROUNDTABLE OCTOBER 2021

Changing the prison system so that people who are released have better chances to succeed will strengthen our communities and move us all forward. The government’s Prisons White Paper should:

- Reallocate resources for new prisons into improving existing infrastructure and provision in the current estate; supporting people leaving prison so they don’t reoffend; and more effective alternatives to custody.
- Establish a strong culture of and focus on rehabilitation in prisons, including introducing rehabilitation as a statutory purpose of prisons.
- Set standards for how prisons get the right support to each person at the right time, so they can navigate out of the current of crime through supportive relationships and meaningful employment.

## Introduction

In July 2021, the then Lord Chancellor and Secretary of State for Justice announced a forthcoming Prisons White Paper, which will set out policies that aim to help cut crime and reduce reoffending.<sup>1</sup> More recently, the current Secretary of State for Justice has commented on his priorities for the White Paper, which included employing prisoners to fill national skills gaps, developing their vocational skills and maintaining their links with family.<sup>2</sup>

In recent years, several reviews have been undertaken, including Dame Sally Coates’ review on prison education in 2016 and Lord Farmer’s review on strengthening family ties for men in prison in 2017 and the subsequent review for women in 2019.<sup>3</sup> While some progress has been made to address the issues identified in these reviews, their recommendations have not yet been fully realised.<sup>4</sup>

This briefing focuses on the policies the government should include to progress implementing these recommendations in order to reduce reoffending through supporting people in and leaving prison to have purpose (including meaningful education and employment) and connection (including family ties and positive social relationships). This briefing is a result of a CJA Members Meeting with Dame Sally Coates and Lord Farmer along with an expert panel, as well as follow-up roundtables and discussions with CJA members in October 2021.<sup>5</sup>



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## Overview

### Reallocating resources

#### The significant resources earmarked for the prison building programme should be reallocated

We oppose the expensive and unnecessary plans for prison expansion. The latest government statistics show that the prison population is projected to increase steadily to 98,500 people by March 2026 – this means an additional 18,800 people may be imprisoned over the next 5 years.<sup>6</sup> The government has stated that these projections are largely due to the recruitment of an additional 20,000 police officers by 2023 and ‘tougher sentencing rules’ which are currently being introduced in the Policing, Crime, Sentencing and Courts Bill (the PCSC Bill), rather than as a result of more crime.<sup>7</sup>

The government’s latest spending review committed to a £3.8 billion investment for 20,000 additional prison places. The aim is to build a ‘more efficient, safe...prison estate.’<sup>8</sup>

- The government should focus on efforts to reduce the prison population without compromising public safety, thereby preventing the need to build new prisons.<sup>9</sup>
- The government could begin to do this by making the following amendments to the PCSC Bill: removing the ‘tougher sentencing’ clauses; introducing a presumption against short sentences; reducing the remand population; providing for judges to consider the impacts on children when sentencing their primary carers; and reviewing the sentence progression, resettlement and supervision arrangements for those on Imprisonment for Public Protection (IPP) sentences, as well as their license terms.
- Resources should instead be channelled into diverting people from prison through alternatives to custody; for example, greater use of community sentences, sustainable core funding for community facilities such as Women’s Centres and increased use of Mental Health Treatment Requirements. There should also be greater resettlement support in prison and after release.
- The investment should also be used to improve facilities and infrastructure in current prisons – rather than building new ‘state of the art’ prisons – to reduce inconsistencies across the estate instead of adding to them.
- Improved through-the-gate support for prison leavers – with sustained support in the community for those who need it – would help reduce recalls and be a good alternative use of the funding.
- The investment could be better used to sufficiently fund both education and family services, enabling the government to meet its commitments to implement the recommendations of the Coates and Farmer reviews.<sup>10</sup>

### The purpose of prison

#### A new statutory purpose for prisons should focus on rehabilitation

The previous White Paper and the subsequent draft Prison and Courts Bill 2017 created a new statutory purpose for prisons which, for the first time, provided for prisons to ‘reform and rehabilitate’ people, and prepare them for life outside.<sup>11</sup> As the Bill failed to progress through Parliament, this key purpose of prison has not been enshrined into law.

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**The latest government statistics show that the prison population is projected to increase steadily to 98,500 prisoners by March 2026**

- Adopting this statutory purpose would support prison governors in developing regimes, policies and processes that enable an aspirational, rehabilitative culture which prioritises purposeful activity and meaningful connections. It would help make clear the premise that deprivation of liberty is the punishment and that prison should have rehabilitation as its key purpose.
- This is particularly important as the prison system recovers from the restricted regimes that were introduced in response to the COVID-19 pandemic and aims to ‘build back better’.



### **A clear theoretical underpinning is needed for rehabilitation**

The role of prisons should be to support people to desist from crime and address the root causes of offending. The process of someone being able to move away from crime is often connected to the material, social and psychological aspects of a person’s life, such as: family, relationships, employment, health and education, as well as hope, motivation, having agency and responsibility, having a place in a social group and being believed in.<sup>12</sup> The White Paper should acknowledge these desistance principles and embed them in its approach to rehabilitation and resettlement. The focus on social capital and relationships should be key at a time when most people in prison have spent prolonged periods in their cells during the COVID-19 pandemic, which has harmed both their physical and mental welfare.<sup>13</sup>

### **Focusing on purpose and connection for people in prison will improve security and safety, as well as rehabilitation and resettlement**

A prison that is conducive to supporting purpose and connection will have a positive impact on the overall safety and security of the prison.

- Prison inspectors have found that a lack of purposeful activity contributed to high levels of violence and self-harm.<sup>14</sup>
- Joint inspectorates have previously stated that the families of people in prison are the most effective resettlement agency and should be involved in resettlement planning.<sup>15</sup> Where people in prison have contact with their families and significant others, they should be included in sentence and resettlement planning.

## **Setting standards**

### **Levelling up provision and standards across the prison estate**

Inconsistencies in the infrastructure and provision that is available across the estate impacts on people’s ability to access education and employment support, maintain their family ties and prepare for release. These inconsistencies can be particularly disruptive when people transfer between prisons with different provisions.

- There needs to be more consistency across the prison estate in terms of family contact through in-cell telephony, video calls, family days, comfortable visiting facilities and access to Release On Temporary License (ROTL) and telemedicine appointments.
- Differences in infrastructure across the estate also impedes on access to technology, rooms for external providers to use or available purposeful activity places.<sup>16</sup>
- These inconsistencies are sometimes exacerbated by the Incentives and Earned Privileges (IEP) scheme, as people with enhanced status are more likely to access certain provisions.

- There is inconsistency in basic cleanliness and decency standards. Too few people have adequate access to showers, and at a small number of prisons, people are still ‘slopping out’.<sup>17</sup>
- Building new prisons will further entrench these inconsistencies as their increased technology and ‘state of the art’ resources will differ from existing prisons. Resources should instead be focused on improving infrastructure and facilities across the current estate.
- There should be a strategy to reflect how any new technology will be effectively implemented and used across the whole of the prison estate.

### **Inequalities in treatment across the prison estate need to be addressed**

There are inequalities in the treatment of some racialised and minoritised groups in prison.<sup>18</sup>

- The government should acknowledge that the negative experiences of Black, Asian and minority ethnic people in prison has a tangible impact on their employment and resettlement outcomes and commit to improving outcomes for these groups.<sup>19</sup>
- The White Paper should set out a strong commitment to tackling racial disparities in prisons with concrete actions, including that prison leaders should take this forward as a priority in all areas of prison life. The Public Sector Equality Duty (PSED) also means prison leaders should not just be tackling direct and indirect discrimination, but proactively advancing equality, by taking steps to meet the needs of people from protected groups where these are different from the needs of others, and by fostering good relations.<sup>20</sup>
- Black, Asian and minority ethnic people are only 10.9 percent of the prison workforce, whereas 28 percent of all people in prison self-identify as Black, Asian or minority ethnic.<sup>21</sup> The government should work to improve the representation, retention and progression of minority ethnic people and individuals with lived experience in the prison workforce. The civil service, in particular the Ministry of Justice and Her Majesty’s Prison and Probation Service (HMPPS), should also employ more people with criminal convictions through the Going Forward into Employment (GFIE) scheme and support their progression into more senior decision-making roles.

### **Different cohorts of people in prison need support tailored to meet their individual needs**

People in prison are not a homogenous group. The White Paper should acknowledge the needs of different cohorts and set out the tailored support that will be provided. This individualised approach should be applied to people in prison with one or more protected characteristics (such as women, young adults and racialised groups) and those who may need tailored support due to their sentences (such as those on remand, on long sentences or those who have been convicted of sex offences).

Under prison service policies, prison leaders should be conducting equality impact assessments (EIA), ensuring that their policies and processes do not present any barriers or disadvantage those with protected characteristics.<sup>22</sup>

- The government should co-produce a comprehensive EIA for the White Paper with specialist organisations, which considers how people with more than one protected characteristic can experience multiple forms of discrimination. The EIA should also address how any equality issues identified will be effectively mitigated against at both a national and local level, as well as how proactive measures to advance equality and foster good relations will be implemented.

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# 1. Employment for people leaving prison

**‘What I would really like to see is some action and some things happening. We can do reviews and keep things ticking over forever. What we now need to do is actually make some change.’**

DAME SALLY COATES, CJA MEMBERS MEETING OCTOBER 2021

**Education and employment provision in prison should develop transferable skills and build on people’s interests and ambitions, as well as help meet local business needs and national skills gaps**

## **Prison education, training and access to apprenticeships**

- There is a lack of parity between what is provided in further education in the community and what is offered in prisons, which should be urgently addressed.<sup>23</sup> There needs to be a greater focus on ensuring HM Inspectorate of Prisons and Ofsted recommendations in relation to purposeful activity are promptly implemented after inspections.
- It is important that education and training in prisons includes vocational qualifications that are relevant to employers and industry leaders, such as apprenticeships, traineeships and access to higher-level qualifications.
- The government should change the law to allow people to take up full apprenticeships in prison, so that they can learn new skills and move closer to gaining employment.<sup>24</sup>
- Education and training opportunities should also be relevant to people in prison and their levels of training or qualifications prior to entering prison. This may vary from no qualifications at all to degree-level education.
- Many of those entering prison have low literacy and numeracy levels. Addressing this through a range of accessible formal and informal learning opportunities (including peer mentoring, family learning projects and embedding basic skills in prison work and other settings such as the gym and library) is vital for successful educational engagement and progression.
- There should be increased support and advice for the many people in prison who want to start their own business and become self-employed (including access to IT to complete funding applications).<sup>25</sup>
- The model of a Voluntary Sector Coordinator should be established in each prison to help voluntary sector organisations communicate and collaborate with prison staff and each other.

## **Release on Temporary License**

- The use of ROTL should be increased to include access to further and higher education in the community, especially if those opportunities are not available to people while they are in prison.
- People in prison should be able to access supported work experience and real work-based training through ROTL, particularly for those who may need additional support to be ready to enter employment and those furthest away from the job market.<sup>26</sup>



## **'Resettlement passport'**

- The Secretary of State for Justice has announced plans for a 'resettlement passport' and a 'digital backpack'.<sup>27</sup> People in prison will amass 'stamps' for skills they learn, and the 'resettlement passport' will record their family contacts as well as if they have accommodation on their release. The passport needs to be comprehensive and include transferable skills as well as technical skills. It should be in a digital format that can be accessed and updated by different agencies and by the individual before and after release. This was supposed to have been made possible when the Virtual Campus 'APT solution' was introduced in 2019.<sup>28</sup> It is not clear if any assessment or evaluation of this has been carried out, but the White Paper needs to make clear how this solution is different and what lessons need to be learned to make it a success.
- The 'resettlement passport' must also not prioritise the number of qualifications that a person has over their relevance. Amassing 'stamps' for many low-level qualifications may not be as useful on release as a smaller number of higher-level qualifications which show progression.

## **Individual need and transferable skills**

- People in prison should be able to access employment opportunities and support which align with their interests and ambitions. The Secretary of State for Justice has announced that each prison will have an employment board made up of local employers and industries.<sup>29</sup> Although close partnerships between prisons and employers are positive, there needs to be a careful balance between the need to fill local skills gaps and finding people good quality work opportunities that they are interested in, find purposeful, offer stability and which have prospects for progression.
- Provision of prison industries also needs to have a greater focus on embedding basic, vocational and transferable skills, as well as viable progression routes into jobs and careers after release, rather than the focus being on providing companies with cheaper labour.
- People are also not always released to or live in the area local to the prison, so the emphasis should be on the development of transferable skills for wherever they are released and whatever work they do in future (such as confidence, problem solving, creativity, conflict resolution, teamwork, decision-making and communication).
- Developing these competencies requires interaction between people in prison, teachers, peers and others and therefore cannot be achieved through in-cell learning alone.

## **Transparency and accountability**

- The New Futures Network (NFN) should collect and publish data, including the number of jobs that have been secured for prison leavers and the length of time that they are employed for. It should also include vacancies in other sectors, such as creative and digital industries, as well as careers in the criminal or social justice sectors, to support people into these roles.<sup>30</sup>
- The Secretary of State for Justice has announced that prison governors may be made accountable for the number of people leaving prison who have employment on release.<sup>31</sup> These targets could create perverse and unintended outcomes, such as placing people into any available job rather than a role that is best suited to a person's skills and interests. It could also mean governors focus on those who are deemed to be more 'employable' and exclude those who are further away from the job market, including people on long sentences. Therefore, targets for employment should not be the sole measure of accountability to effectively hold governors to account.

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**People in prison should be able to access employment opportunities and support which aligns with their interests and ambitions.**

A suite of measures, including the number of prison leavers accessing

education, training, volunteering and becoming self-employed after release, would provide a more nuanced approach to holding governors to account on progression towards employment.

- Establishing a rehabilitative prison culture, which recognises the importance of meaningful education and employment, can be created through additional funding and resource; commissioning high quality and specialist services that will improve educational outcomes for people in prison and prison leaders; and removing other barriers to education and work, such as those caused by the prison regime. Measures of the quality of prison life and the quality of education provision exist and can be used to hold governors to account.

### **People in prison should have increased access to technology and controlled access to the internet**

Access to technology in prison is key for individuals to use bespoke educational resources and prepare for release, including having contact with probation, voluntary sector organisations and potential employers.

Technology should not be used as a replacement in prisons, but as a supplement and complement to face-to-face education. In-cell technology should not result in people spending longer periods of time in their cells, instead there should be greater access to blended approaches.

- People in prison should have controlled access to the internet, assistive technologies and in-cell technology to access education, training and employment support, such as quality careers guidance from recruitment-focused charities and industries.
- Any technology should also be aligned with Employment Hubs, so people in prison can search and apply for jobs and have interviews with employers using video calls.
- They need to be able to contact tutors, external colleges, training providers and potential employers. Technology can also be used to develop practical skills – such as completing a driving theory test and applying for certain certifications, such as Construction Skills Certification Scheme cards.
- People in prison also need to regularly use technology to improve their digital literacy, develop digital skills and build confidence in using the internet for daily tasks and future employment.
- Adult learners in prison should have same options as adult learners in the community including different styles of learning, such as informal learning, peer-to-peer, non-classroom based, online tutorials, classrooms or workshop-based learning. Online access to approved further or higher-level distance learning courses should be available to support Level 3 qualifications up to degree-level study.
- In-cell education should be provided on one system. Currently, there are several providers and platforms; however, content which is produced for one system cannot be used on another system. Due to cost, many organisations can't produce content that works on all the different platforms which currently exist. This is a huge barrier for external providers to offer consistent services across establishments and hampers efforts to scale up good practice.

### **All prisons should have a technology strategy that meets a national minimum standard**

There is currently no standard or minimum way to implement technology in each prison. Our members tell us that the lack of consistency across prisons has a detrimental effect.



- HMPPS should introduce a national minimum standard for technology provision in prisons, which replicates established good practice and addresses inconsistency across the estate.
- Prison leaders should establish a technology strategy which meets the minimum standard, but they should also be given the resources and encouragement from HMPPS to use their discretion, be creative and innovate to best meet the particular needs of their prison population.
- Individual prison strategies could also consider how their prisons can help to contribute to HMPPS' overall priorities which are outlined in their national digital strategy.<sup>32</sup>

### **The essentials need to be in place for prison leavers before they can secure employment**

For people leaving prison to be ready to start looking for work, they need the essentials that everyone needs, such as: stable and suitable accommodation, identification documents, technology (an email address, an internet-enabled mobile phone and data), finance (a bank account, access to benefits, shopping vouchers for food and a travelcard to attend appointments and interviews) and basic possessions (clothes and shoes, including suitable interview clothes, and toiletries).

- Addressing the resettlement needs of people should start on their arrival at the prison and feed into individual learning plans and sentence plans.
- People leaving prison should be able to claim Universal Credit at least five weeks before they are due for release.
- Some prisons have 'departure lounges' to support people on the day of release with some of the above items. This offer should be available across the prison estate to everyone who needs it.
- Effective through-the-gate support and sustained support following release should be available for all prison leavers.
- The White Paper should commit to stopping people from being released on a Friday, as people can face more challenges to get the support they need before services close for the weekend.<sup>33</sup>

### **Fundamental changes are needed to the criminal records disclosure system to remove barriers to employment**

Criminal records are a barrier to employment for hundreds of thousands of people. The PCSC Bill reduces the length of time in which some people will have to disclose their criminal record. These provisions are welcome, but the government could go further.

- The government should introduce a more proportionate and flexible system so that minor and very old crimes do not appear on standard and enhanced criminal records checks; it could take a distinct approach to childhood criminal records and introduce regular review mechanisms.<sup>34</sup>
- The government should introduce more incentives for employers to take on people with previous convictions, including financial incentives such as introducing a one-year holiday on Employer National Insurance Contributions (NIC).<sup>35</sup>

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## 2. Strengthening family ties, relationships and other support networks

**‘In terms of progress or lack of progress made since the reviews, I can’t go into detail, but we do meet every six months to discuss how implementation is proceeding... The bigger goal of a shift in culture will actually take several years to embed... It could even be a couple of decades.’**

LORD FARMER, CJA MEMBERS MEETING OCTOBER 2021

### **Supporting families and children of people in the community will contribute to rehabilitation and resettlement**

Supporting families in the community will help support people in prison’s wellbeing and their progress in prison. During the COVID-19 pandemic, the lack of family engagement was a key source of anxiety, upset and frustration for people in prison, particularly women.<sup>36</sup>

- The government should provide support services which take a holistic approach and address the needs of the whole family, rather than just being focused on the person in custody.
- Services should acknowledge that families and children have an experience that is separate to that of the person in prison, and they may have their own needs. For example, a child with a parent or carer in prison may need emotional and therapeutic support which will help them with their education, as well as reduce the likelihood of inter-generational trauma and offending.
- Helping the family in a more holistic way will also help to maintain or build relationships, offer opportunities for restorative conversations and reparation to family members, increase the resilience of the family and support the person’s successful resettlement after release.

### **Cross-government and multi-agency provision is essential to effectively support people in prison and their families**

- The Ministry of Justice should consider which other government departments and key stakeholders should also have responsibility for ensuring there is a holistic response to supporting the children and families of those in prison (such as the Department for Education, Department of Health and Social Care as well as chief social workers, local authorities and social services). This cross-governmental working should be co-ordinated by the Cabinet Office.
- The government should consider whether the Children’s Commissioner for England should be responsible for promoting and protecting the rights of children who are impacted by parental imprisonment.<sup>37</sup>

### **People should have increased digital access for family contact and support**

People in prison should have access to technology that can be used to maintain important relationships.

- Technology to maintain family contact, including virtual calls, were introduced across the prison estate in response to the suspension of in-person social visits during the COVID-19 pandemic. Certain provisions which



were introduced are now ending (such as free telephone calls and additional credit). However, the re-introduction of social visits and family days are not being increased across the prison estate at the same pace. The White Paper should commit to enabling and increasing both digital and in-person family contact.

- Technology (such as video calls and e-mails) should not be used as a replacement for in-person social visits but should be used alongside this. This is particularly important for people in prison whose families or friends cannot attend in-person social visits due to distance or other factors (for example, if they are foreign nationals with family overseas, have elderly family members or have young children).
- The government should evaluate the provision of video calls as it changes the provider of this technology. The findings should be used to identify and address any barriers to its effectiveness. The White Paper should commit to ensuring free or affordable access to video calls.
- Each prison should have a strategy for digital communications in prisons, which includes in-cell telephony, video calls, emails, digital contact with family support services, schools and other community agencies.

#### **More opportunities to strengthen relationships between people in prison and their significant others**

- A wide and creative range of support should be provided for people in prison and their significant others. For example, the use of ROTL for family contact and supportive relationships should be increased, there should be more on-site provision across the estate to enable weekend visits to take place, more child-friendly environments, relationship and parenting courses and restorative family mediation work.
- All prisons should have mechanisms for consulting with families through forums, councils or surveys, where any issues families are experiencing can be identified and addressed.
- People's access to any social visits and family contact should not be determined by or restricted by their IEP status.
- Some people in prison may not have contact with their family so other positive support networks need to be cultivated to support their resettlement. This could be through college, university, employment or being linked to clubs in the local community.

However, any improved family engagement services and in-cell telephony should not be used to justify holding people in prison for longer, where they will be separated from their children and families.<sup>38</sup> People spending less time in prison — so they can return to their families and communities on licence under probation supervision — would be the best way to strengthen their relationships and build pro-social networks and positive connections with others.

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**People spending less time in prison, so they can return to their families and communities on licence under probation supervision would be the best way to strengthen their relationships and build pro-social networks and positive connections with others.**

## **Conclusion**

**The Criminal Justice Alliance (CJA) is a network of 170 organisations working towards a fair and effective criminal justice system. Our members include charities, social enterprises, think tanks, research institutions and staff associations. They work across the criminal justice system, from policing to prisons, probation to victims' services. Our members would value the opportunity to respond to the government's prison policies. The government should meaningfully consult organisations which have relevant expertise and evidence, ideally through a Green Paper, to ensure that its plans will achieve the stated aims of cutting crime and reducing reoffending.**

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This content of this briefing is a result of a CJA Members Meeting with Dame Sally Coates and Lord Farmer about their respective reviews, as well as follow-up roundtables and discussions with CJA members during October 2021. Some of the members include: Access2Advice, Children Heard and Seen, Enterprise Exchange, Family Action, Family Links the Centre for Emotional Health, The Howard League for Penal Reform, LandWorks, Making it Out, Nacro, New Leaf Initiative, Open Book, Partners of Prisoners (POPS), Prison Advice and Care Trust (Pact), Prisoners' Education Trust, Responsible Business Initiative for Justice, Revolving Doors Agency, RIFT Social Enterprise, Stand Out, Shannon Trust, St. Giles Trust, Storybook Dads, Sussex Pathways, Switchback, Unlock, Working Chance and the Zahid Mubarek Trust.

CJA is also a partner of the Positive Pathways from Prison (PPfP) Project, which calls for more support for people to gain employment and build family ties after release. The Project is supported by [Porticus](#). Some of the PPfP partners include: Clinks, Centre for Social Justice, Frameworks UK, Prison Advice and Care Trust (PACT), Restorative Engagement Forum, RIFT Social Enterprise, Spark Inside, St. Giles Trust, The Clink Charity, The Forward Trust and Unlock.

**The views expressed in this briefing are not necessarily those of any individual CJA member, PPfP partner or funder.**

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