Breaking reoffending cycles in the criminal justice system

Mapping causal factors, leverage points and funding flows

Theo Clay, Seth Reynolds, Abigail Rose

December 2021

Contents

Introduction

The criminal justice system is immensely complex. It encompasses many vast institutions and subsystems—the court system, the prison system, the probation system—and it interconnects with many other issues that the charity and voluntary sector seeks to tackle, such as homelessness and mental health. From our previous research, Beyond Bars 2019, we know that this complexity in the system, as well as policy turbulence and structural issues, can cause uncertainty for funders around how to use their resources effectively.[1] For people in the criminal justice system, this can mean ineffective sentencing, not getting the support you need at the right time from overworked staff, and struggling to move forward with your life.

We have therefore created a systems map of the key factors that influence reoffending rates for people in the criminal justice system, with the aim of identifying places that practitioners and funders can intervene to bring about long-term change in the system.

Our criminal justice system requires more investment to tackle the root causes of crime and reoffending. This is primarily the responsibility of government, but independent funders and philanthropists also have a role to play in providing extra support. However, with the resources available, making progress on tackling the drivers of reoffending requires the charity and voluntary sector and the statutory sector to think strategically and systemically about where to invest. Limited resources make it critical to recognise how issues are interrelated and where action can be taken to achieve systemic change.

The map is divided into subsections of the different factors affecting reoffending: socio-cultural factors, political system factors, court system factors, prison system factors, probation system factors, system coordination factors (for example, the transitions from prison to the community), and post-release factors. Each factor includes further explanation of the issues at hand and relevant quotes from our lived experience interviews. Onto this map, we have layered an analysis of where, within this system, funding to charity sector organisations is going. By linking an overview of the factors that affect reoffending with an analysis of the current resources going towards tackling those factors, we can identify gaps in support.

---

[1] NPC (2019) 'Independent, Effective, Humane', available online here: https://www.thinknpc.org/resource-hub/independent-effective-humane-the-case-for-funding-charities-in-the-prison-system/

Progress depends on a greater understanding of how the criminal justice system works. By taking this kind of systemic approach, we hope to support statutory and charity sector funders to direct resources more effectively, attract others to fund criminal justice initiatives, and ultimately, over the long term contribute to a more effective criminal justice system with lower reoffending rates.

Key recommendations

Our systems map and our analysis of charity sector funding within the criminal justice system have enabled us to identify some key recommendations.

Our funding analysis showed that **the vast majority (86% by our estimates) of charity and voluntary sector funding goes on community-based initiatives—patching up cracks in the system and supporting those it is letting down once they have served their sentence.**

Only a small minority of funding goes to 'upstream' initiatives: organisations focused on advocacy receive 1.6% of total funding for specialist criminal justice charities, those shaping public attitudes receive 0.4%, and 0.3% of funding goes to charities focused on the courts.[‡]

Transitions between services, like the transition between prison and probation, are critical moments where progress can be reversed if individuals fall through gaps. The lack of coordination between different parts of the system was repeatedly highlighted as a systemic problem. **Yet only 0.6% of current funding for specialist criminal justice charities goes to initiatives focused on this.**

Recommendations for independent funders

1. Collaborate to fund for systems change

Whilst supporting those in need today is of course vitally important, we also need to consider how we change the system to prevent more reoffending tomorrow. Our analysis shows that initiatives which are focused 'upstream' in the system, such as shaping public attitudes, tackling issues in the courts and sentencing, as well as shaping political discourse, have real potential to bring about deeper system change. However, these initiatives currently receive the least funding, partly

---

[‡] For the purposes of our research, we have focused our funding analysis on organisations that work solely on criminal justice, rather than on wider organisations that may deliver a criminal justice programme.

because they are not a main funding priority for any major independent funder, and partly because so few charities work primarily in these areas.

We would encourage funders who want to achieve systemic change in the criminal justice system to collaborate to establish a pooled-fund which can focus on nurturing new, as well as supporting existing, charities to tackle these 'upstream' intervention points, such as the courts, public attitudes and advocacy.

The system shapes the experiences of individuals. If we are to have a significant, long-term impact on the criminal justice system, this huge imbalance between investment in individual support and in improving how the wider system operates must be addressed.

2. Target gaps and transition points in the system

We heard in our analysis how important it was to ensure that people did not fall through the cracks when moving between institutions or services. Initiatives which, for example, ensure that individuals are supported when they leave prison and move into the community (through-the-gate support) are vital but make up a small minority of the funding available for charities. We recommend funders ensure more organisations have the resources and capacity to support people through these transitions.

3. Look for 'leverage points'

Our research identifies twenty 'leverage points' in the criminal justice system—these are places where intervention has the potential to affect wider change, such as the quality of pre-sentence reports, or access to adequate housing (for a full list see the appendix). Although these are not exhaustive, these were identified through our research and analysis as particularly important when thinking about strategic interventions.

Funders can compare these points with their own current funding priorities and consider whether they offer an opportunity to generate greater impact. The Justice Data Lab can be a useful tool for identifying effective organisations and programmes working on these leverage points.

Recommendations for government

1. Use the upcoming royal commission to examine where investment is required to prevent reoffending across the criminal justice system

Our criminal justice system has been consistently underfunded and overcrowded—letting down people and communities across the country. The upcoming royal commission on improving efficiency in the criminal justice system provides an opportunity to reassess our approach, and its

terms of reference should extend to all of the criminal justice system.[2] In particular, it needs to examine the use of prison. Research, including ours, has repeatedly illustrated flaws in the prison system's effectiveness at preventing reoffending—particularly in the case of short sentences.[3] Our prison system is overcrowded and is expected to grow by another 20,000 people by 2026,[4] and some groups are vastly overrepresented within this population—for example, 27% of people currently in prison are from a minority ethnic group, and 13% are Black or Black British people.[5] Yet alternatives exist, such as community-based sentences, but they are under-resourced and under-used. They deserve greater study, and the royal commission should give serious attention to alternatives that have proven to be effective elsewhere.[6]

2. Invest further in appropriate sentencing

When considering reform in the criminal justice system, governments need to focus on the whole system and not just prisons. People we spoke to repeatedly emphasised that what happens in the courts has a critical influence on reoffending. Pre-sentence reports (PSRs), provided by probation officers, give judges contextual information on the circumstances behind an offence and the defendant's situation. Due to staffing and time constraints, these reports can be insufficiently detailed and thus sentencing is given without adequate consideration of the context. This increases the chance of structural biases such as racism affecting an individual's outcome—the Lammy Review found that people from a minority ethnic group are more likely to receive a custodial sentence than their White counterparts.[7] Analysis from the Prison Reform Trust also shows that

---

[2] Law Gazette (2021) 'Royal commission on criminal justice going ahead', available online here: https://www.lawgazette.co.uk/news/royal-commission-on-criminal-justice-going-ahead-says-moj/5109111.article

[3] Guardian (2021) 'Short jail terms fail to prevent reoffending, says former England and Wales magistrate', available online here: https://www.theguardian.com/society/2021/oct/05/short-jail-terms-fail-to-prevent-reoffending-says-former-england-and-wales-magistrate

[4] Prison Reform Trust (2021) 'Bromley briefings summer 2021: Prison: the facts', available online here: http://www.prisonreformtrust.org.uk/Portals/0/Documents/Bromley%20Briefings/Summer%202021%20briefing%20web%20FINAL.pdf

[5] Ibid

[6] Heard, Catherine (2016) 'Alternatives to imprisonment in Europe: A handbook of good practice', available online here: https://www.crimeandjustice.org.uk/sites/crimeandjustice.org.uk/files/Alternatives%20to%20imprisonment%20in%20Europe.pdf

[7] Ministry of Justice (2017) 'The Lammy Review', available online here: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/643001/lammy-review-final-report.pdf

women are likely to be given ineffective and inappropriate sentencing, and that the government has only implemented 31 of the 65 commitments from its female offender strategy.[8] Judges and magistrates must work within parameters set by sentencing guidelines, which limits their ability to consider contextual factors in their sentencing. Improving PSRs and revising sentencing guidelines could allow judges to sentence in a way that may be more appropriate and effective at preventing further offending.

3. Extend charity sector partnerships

Charities are key partners in reducing reoffending, and they need be allowed more space to do their work in the criminal justice system. In particular, moving between different services or institutions can be a critical moment for individuals, and our research shows how a lack of support can lead to reoffending. To reduce reoffending in the long term, the government should invest more in charity and statutory sector partnerships such as RECONNECT, NHS England's care after custody service, which has previously shown success in supporting individuals through transition stages.

Our research

This research uses a systems mapping approach to analyse and bring clarity to the criminal justice system. We have layered onto this an analysis of where funding is currently going. This has allowed us to understand where further intervention is needed to create change. We hope this work can be a useful resource for charity and statutory funders looking to use their assets for greater systems change.

This research has specifically focussed on factors that impact reoffending cycles. We are aware that reoffending does not capture all that charities do in the criminal justice system, but we focus on it because it is a clear failing of the current system and reoffending rates remain a key metric for charities and government. In his speech to the Conservative Party Conference in 2021, the Prime Minister highlighted his concern about reoffending by describing it as '*the one-way ratchet of the criminal justice system.*'[9] At the time of publication, the latest reoffending figures showed that those

---

[8] Prison Reform Trust (2021) 'Too many women sent to prison on short sentences for non-violent offences', available online here: http://www.prisonreformtrust.org.uk/PressPolicy/News/vw/1/ItemID/1036

[9] Johnson, Boris (2021) 'Boris Johnson's Keynote speech', available online here: https://www.conservatives.com/news/prime-minister-boris-johnson-speech-conference-2021

released from sentences of less than or equal to six months had a proven reoffending rate of 61.6%.[10]

Systems mapping

Systems maps help us to analyse behaviours and patterns in a system. We have developed this map with a range of partners (from charities, funders, research organisations and those with lived experience of the criminal justice system), using the process to identify blockages, reinforcing loops (such as vicious cycles) and other system drivers that cause reoffending. We also looked for places to intervene in the system (leverage points), where it seems leverage could be applied to achieve wider change.

Systems maps are by nature an abstraction. Criminal justice is a highly complex system, and a level of simplification was necessary to create something concise enough to be used. To that end, we have focused on the experience of charities within the criminal justice system. Our work was also focused on reoffending. We have not focused on factors that contribute to an individual's journey up until that first brush with the criminal justice system, for example childhood or family background, even though these are undeniably key drivers of outcomes.

Finally, systems mapping is also a tool that to some extent generalises people's experience of a particular system. Although our research touches on the experiences of particular groups moving through the criminal justice system, such as the experiences of people from ethnic minority backgrounds, this is not the principal focus of this work. However, we recognise that there would be great value in carrying out further research into the experiences of different groups to better understand the support they might need. This map might be a useful reference point in any further analysis of how different groups experience the system, and how those groups are impacted differently by particular factors.

---

[10] Ministry of Justice (2021) 'Proven reoffending statistics: October to December 2019', available online here: https://www.gov.uk/government/statistics/proven-reoffending-statistics-october-to-december-2019/proven-reoffending-statistics-october-to-december-2019

Methodology

Systems map

The development of our systems map was informed by four stages:

1. Desk research, literature review and internal analysis to identify key factors associated with reoffending and to create a draft systems map.

2. Semi-structured interviews with nine people who have lived experience of the criminal justice system, conducted jointly by NPC and Revolving Doors Agency. Anonymised interview transcripts were then analysed, coded and fed into a revised version of the systems map. Quotes are used throughout the systems map to illustrate people's personal experiences of those issues.

3. Two workshops with stakeholders working in the criminal justice system. Attendees provided feedback on the draft systems map, helped identify system blockages, reinforcing loops, and leverage points. This informed a final draft of the systems map.

4. Review and expert input from our partner on the project Dr Philip Mullen of Revolving Doors Agency.

Funding data

Using the structure of the map, our research also layers on an overview of where charity sector funding is currently directed within the system. This allows us to compare the funding available within different parts of the system and to make judgements about areas that would benefit from more support. To determine the amount of funding available in each key area of our systems map, our methodology included:

- Combining a long list of Clinks members with a list of organisations reported to be working in criminal justice (self-reported), and then filtering out non-charities using Charity Commission data.

- Manually filtering through this list to identify which organisations worked primarily in criminal justice (specialist criminal justice organisations), and what their primary area of focus is (as it relates to our map), by examining their publicly available materials.

- Using Charity Commission data to identify the level of income they reported in Fiscal Year-End 2020 and aggregating this in our map subsections.

We were not able to use [360Giving's Grant Nav](#) data in this project due to the lack of Ministry of Justice funding data and other government department funding data published through it. We would encourage all funders, including the government, to publish their work through 360Giving's Grant Nav to make this kind of analysis possible.

Caveats

Our categorisations are based on each organisation's 'primary focus area', even though many charities in fact work across several areas. We also know there are many other charities whose primary focus is not criminal justice but which do work that has an impact on this area. For example, charities working with people experiencing homelessness were excluded from this analysis. However, we believe this analysis still presents a useful picture of the current levels of funding in different areas of the system.

Our analysis of the funding available in the criminal justice system is based on charity income (including government and private funders). We are aware that there is more government funding available that is not captured in our analysis, such as direct funding for prisons. We have only focused on charitable income.

Understanding the map
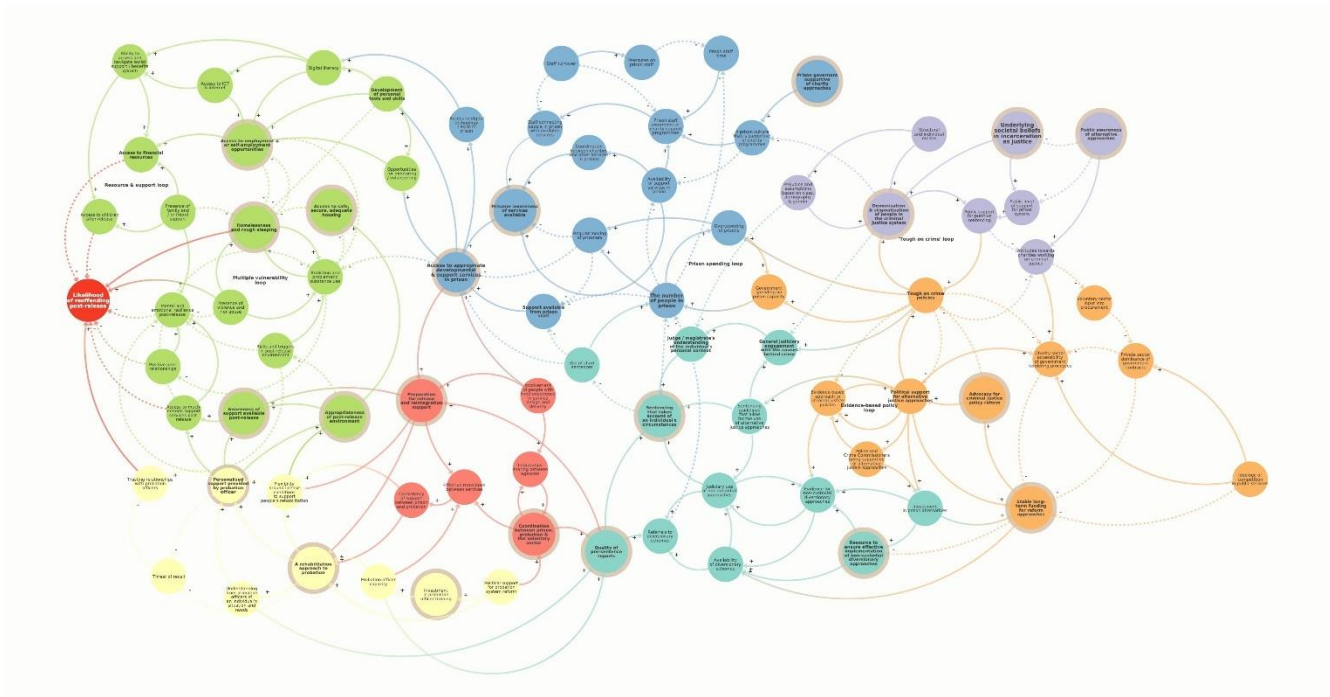
Stocks and flows

This type of map is known as a 'causal loop' diagram,[11] which is part of ['systems dynamics' methodology](#).[12] Causal loop diagrams analyse 'stocks and flows' in the system:

Stocks are the component parts of the system which determine the system output. In our map, the output is reoffending rates and the stocks are the factors that influence those (for example, 'pressures on prison staff').


A stock.

Flows are the connections between factors, which describe how the factors are related. These connections may show a positive correlation (an increase in staff turnover leads to an increase in pressure on staff) or a negative correlation (an increase in turnover leads to a decrease in the number of staff linking people to support services). This helps us to understand the relationships between factors, and how changing the amount of a particular factor or 'stock' can change other parts of the system. Positive correlations are shown on the map as a solid line between factors and a negative correlation is shown as a dashed line.

Loops are parts of the system that are locked in self-reinforcing cycles (vicious cycles). A 'tough on crime' loop shows how stigmatising people in the criminal justice system reinforces public support for punitive sentencing, which reinforces the 'tough on crime' approach, which further reinforces stigmatisation. Identifying—and breaking—these loops is critical for system change.

---

[11] Lannon, Colleen (2018) 'Causal Loop Construction: The Basics', available online here: https://thesystemsthinker.com/causal-loop-construction-the-basics

[12] Meadows, Donella (2008) *Thinking in Systems: A Primer*
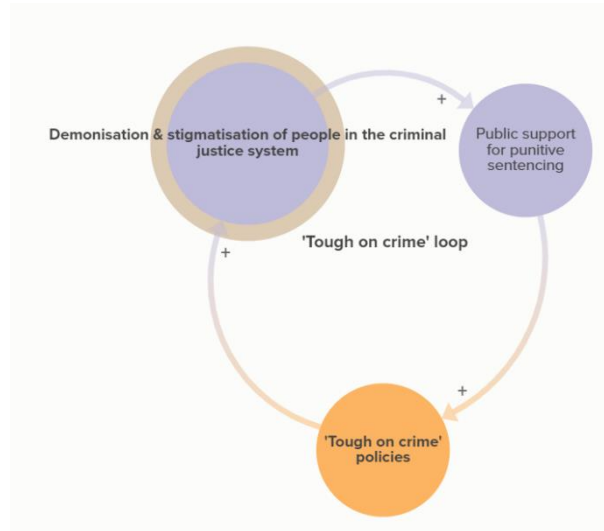
A 'tough on crime' loop.

Leverage points

Some factors on our map have been enlarged and highlighted with a light brown border. These indicate leverage points, places where leverage could be strategically applied to affect greater change in the criminal justice system.

For example, the image below shows one leverage point from our systems map: 'Demonisation and stigmatisation of people in the criminal justice system'. This was raised as a key factor influencing reoffending rates in our lived experience interviews, and it is connected to many other factors on our systems map, suggesting that a change here would influence positive change across many other parts of the system.
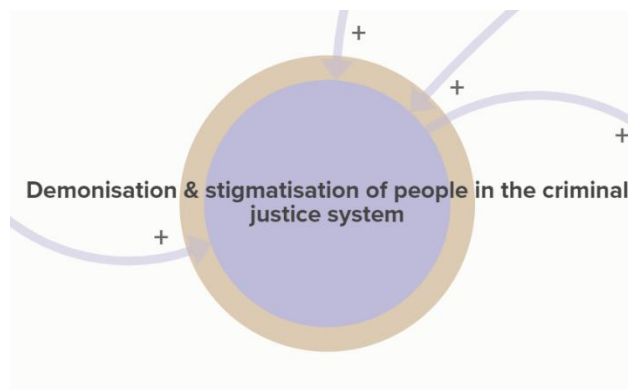

A leverage point.

You can access our systems map here.

Funding received by specialist criminal justice charities working in different areas of the criminal justice system

This diagram offers an overview of where funding for specialist criminal justice charities is currently directed within the criminal justice system. Further information can be found in the methodology.

- Post-release system: 86.09%
- Prison system: 9.50%
- Political system: 1.55%
- Other: 1.51%
- System coordination: 0.63%
- Socio-cultural system: 0.40%
- Court system: 0.32%

Post-release system: 86.09%

Prison system: 9.50%

Political system: 1.55%

Other: 1.51%

System coordination: 0.63%

Socio-cultural system: 0.40%

Court system: 0.32%
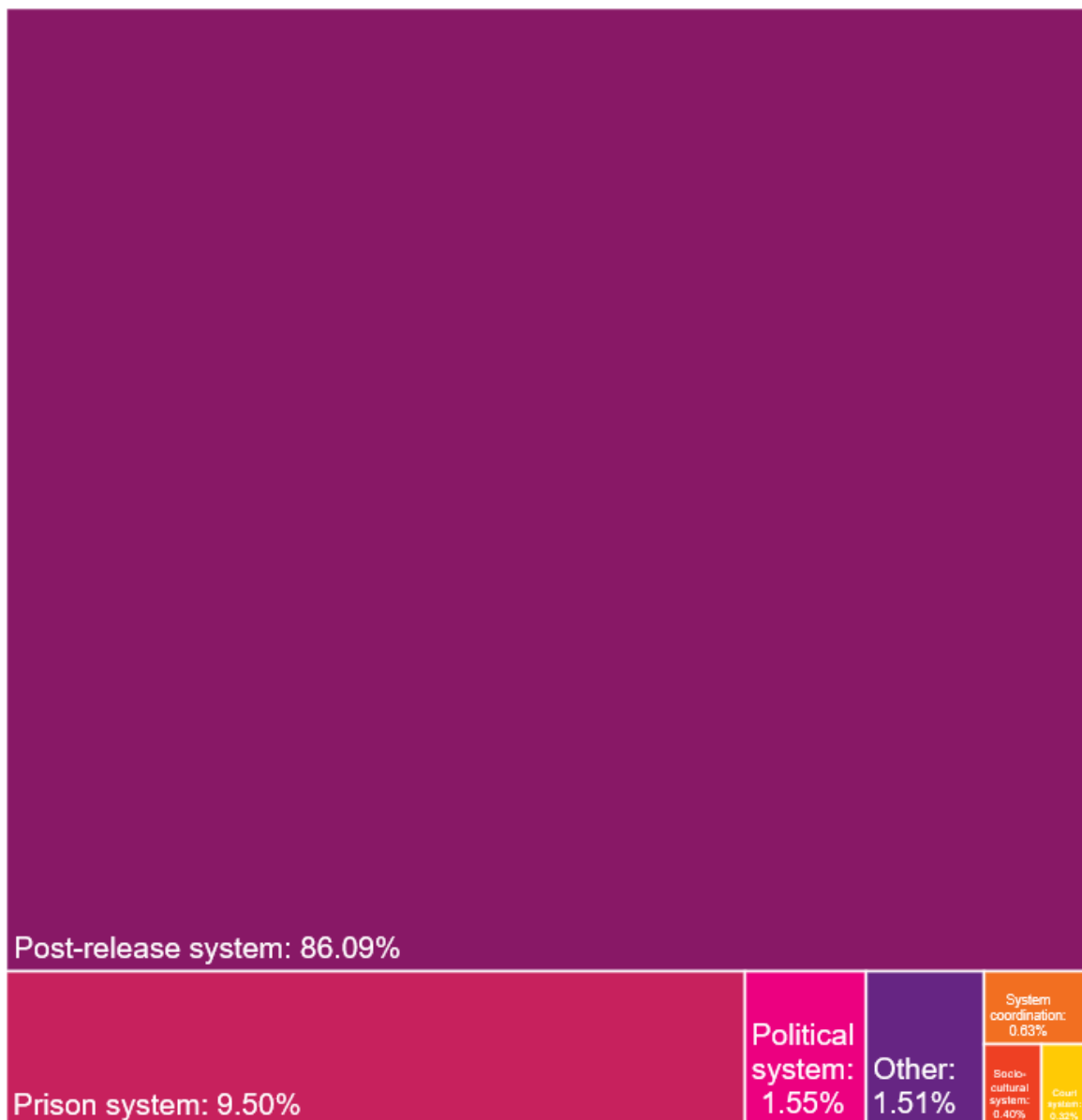
Group 1: Socio-cultural factors
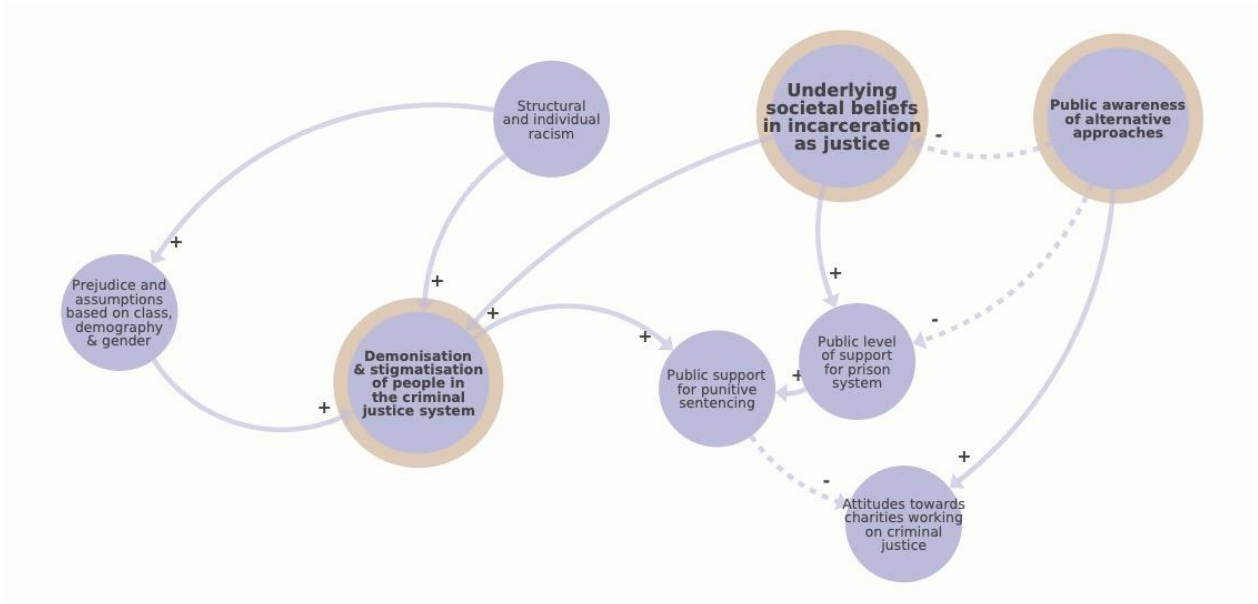
Socio-cultural factors are the societal beliefs, attitudes and values that have a foundational role in creating and maintaining the criminal justice system.

This section of the map shows how societal beliefs in incarceration as justice can maintain public support for the prison system and punitive sentencing, and how perceptions of these attitudes reduce public and political appetite for alternative justice approaches. It also explores the stigmatisation of people in the criminal justice system, the ways these attitudes are influenced by structural and individual racism, as well as prejudice based on characteristics such as socio-economic background and gender. These forms of discrimination can make people more likely to receive a custodial sentence and to reoffend.

This section connects closely with certain political system factors (in yellow on our map), particularly as part of the 'tough on crime' loop.

Leverage points

Systems approaches emphasise that our 'mental models'—our attitudes, beliefs, and values—create the systems that exist in our society. Therefore, to change our systems we usually need to change the mental models that underpin them. These are considered the most 'upstream', and potentially the most effective, intervention points for systems change, but also potentially the most challenging.

Our mapping process identified three potential leverage points in this area. Interventions at these points in the system would likely employ similar approaches, for example:

1. **Underlying societal beliefs in incarceration as justice:** The belief that justice for criminal activity is achieved by locking up individuals is not fixed. There is good evidence to show how, with different framing and information, advocates for change can overcome these beliefs.[13] Interventions to change the mental models that underpin the entire system could include research and public messaging that questions this assumption.

2. **Public awareness of alternative approaches:** Research shows that many people don't believe prison works. When presented with alternative systems, they will often support them.[14] Interventions could focus on advocacy and campaigning approaches that increase awareness of the effectiveness of alternatives to prison, such as community-based sentences or restorative justice.

3. **Demonisation and stigmatisation of people in the criminal justice system:** People who have committed crimes are often labelled as 'offenders' from that point onwards. They are set apart as being fundamentally different to the rest of society, even once they have served their sentence. Prison serves to reinforce this—separating and removing them, as encapsulated in this quote by Henry L. Tischler: 'The best way to deal with bad apples is to take them out of the group as quickly as possible.'[15]

   This stigmatisation is compounded by other forms of discrimination, such as racism and sexism. For example, women from ethnic minority backgrounds are more likely to be

---

[13] Revolving Doors Agency (2018) 'Reducing the use of short prison sentences in favour of a smarter approach'

[14] Crime and Justice (2002) 'Media and the Shaping of Public Attitudes', available online here: https://www.crimeandjustice.org.uk/sites/crimeandjustice.org.uk/files/09627250208553485.pdf

[15] Tischler, Henry L. (2011) *Introduction to Sociology*

arrested, convicted, and sentenced to harsher punishment than their White counterparts.[16] Yet when people are presented with specific cases, provided with context and background, they tend to feel compassion towards the individual and favour less punitive approaches.

Addressing this demonisation of people in the criminal justice system and increasing awareness of personal contexts could contribute to changing the mental models that underpin much of how our criminal justice system works.

Charity sector funding in this area

There is potential for charities to help shift these beliefs, as they have for other issues such as poverty.[17] However, only a tiny fraction of current charitable funding is focused on advocacy. For specialist criminal justice charities, only 0.4% of funding is focused primarily on shifting public attitudes and beliefs.

Work by Transform Justice and FrameWorks UK shows that there are evidence-based ways to speak to the public about the criminal justice system to shift their beliefs,[18] and organisations are pursuing new and accessible ways to tell rounded stories about the criminal justice system to a public audience.[19] Funders who are interested in bringing about wider ripples of change should consider how these initiatives can form part of their approach to systemic impact.

---

[16] Working Chance (2021) 'Worst-Case Scenario: How Racism in the Criminal Justice System Harms Women's Chances of Finding Work', available online here:
https://workingchance.ams3.cdn.digitaloceanspaces.com/media/documents/Worst-Case_Scenario_-_Working_Chance_2021.pdf

[17] Joseph Rowntree Foundation (2019) 'Framing Toolkit: talking about poverty', available online here:
https://www.jrf.org.uk/report/framing-toolkit-talking-about-poverty

[18] Transform Justice (2019) 'Reframing', available online here: https://www.transformjustice.org.uk/reframing/

[19] Prison Radio (2019) 'The Secret Life of Prisons', available online here: https://prison.radio/the-secret-life-of-prisons/

Group 2: Political factors
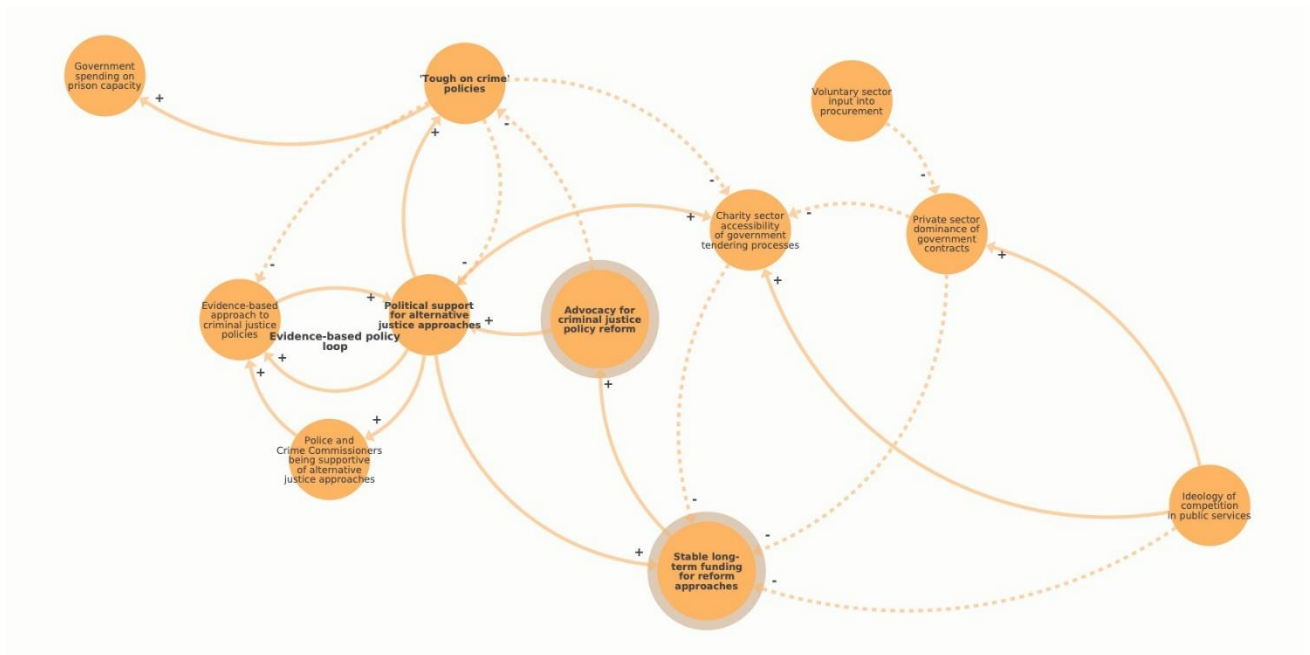
This section of the map examines the role of political factors within the criminal justice system. Policy can be reactive to perceptions of public attitudes. For example, 'tough on crime' is often seen as a vote winner (even though, as detailed above, public attitudes are actually more nuanced than this). More often though, the relationship between policy and public attitudes is symbiotic: as well as reacting to them, political discourse can, as seen in political discourse around immigration, shape and reinforce popular views.

This section of the map shows how a 'tough on crime' ideology fuels a prison expansion agenda. This then limits openness to a reform approach and to alternative sentencing, as government could risk being seen as 'soft on crime'. This narrative is particularly prevalent at the moment, with the prison population increasing, stricter sentences being introduced for serious offences, and the continued use of ineffective short sentences which do little to address the causes of crime and reoffending.

This political narrative and agenda also makes the system less open to charity sector involvement in service delivery, because charities are more likely to favour restorative and person-centred approaches, which can be seen as running counter to a 'tough on crime' approach.

Leverage points

Our mapping process emphasises two principal—and linked—leverage points within the political factors in the system: 'advocacy for criminal justice reform' and 'stable long-term funding for reform approaches'.

Most charities working in the criminal justice system work at the individual support level. However, charities that participated in our research emphasised that they would like to be able to work at a more systemic level through advocacy, lobbying and coordinated action for reform. However, this work requires long-term funding, and is often best supported by unrestricted funding, which is not generally available. Increasing funding in this area could increase the number of interventions focused on supporting, strengthening, and expanding existing advocacy initiatives.

Charity sector funding in this area

Only 1.5% of specialist criminal justice charity funding is going to organisations who are primarily focused on political advocacy and influencing. This is likely influenced by the fact that two thirds of charitable funding is statutory funding, of which none is likely to go to advocacy.[20] Moreover, the turbulent policy environment and shifts within the criminal justice system have made it hard for independent funders to know where to invest.

Small changes in policy towards evidence-based approaches, such as reducing the use of ineffective short sentences, could have significant positive impacts for many people currently trapped in the system. The government's inclusion of crime reduction as part of the 'levelling up' agenda suggests there is a window of opportunity for ambitious funders to invest in organisations who can influence political audiences. NPC's own polling also shows that the public ranks reduced crime as a top levelling up priority.

---

[20] Clinks (2019) 'State of the sector', available online here: https://www.clinks.org/publication/state-sector-2019

Group 3: Court system factors
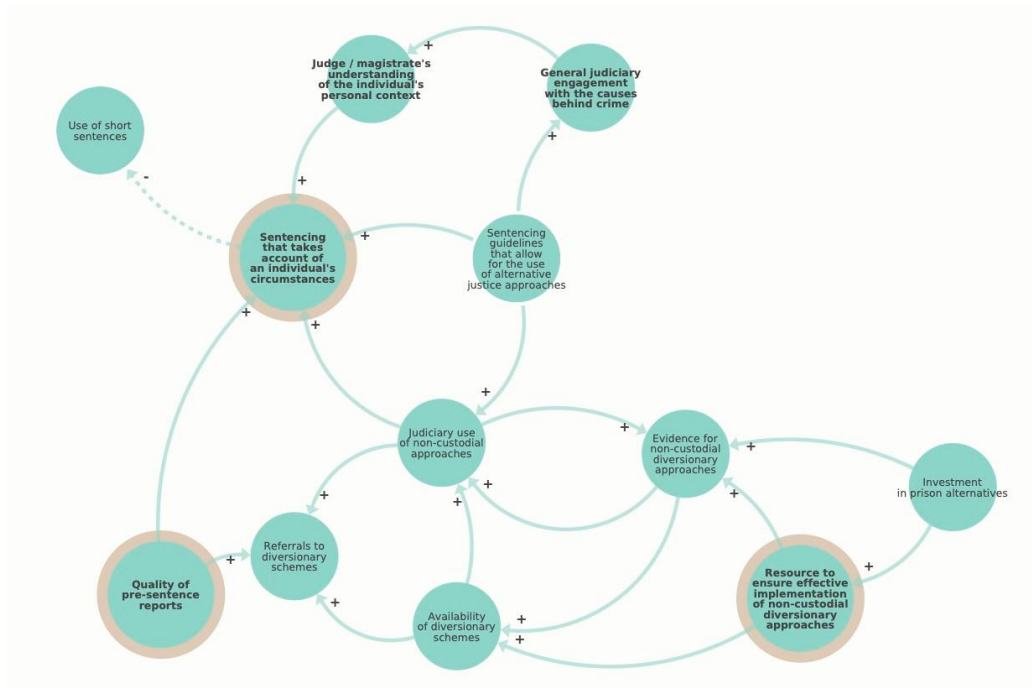
How people are sentenced can significantly impact subsequent reoffending rates. For example, short prison sentences for minor crimes have been linked with higher reoffending rates, as they provide insufficient opportunity for support to be provided and genuine change to occur, as well as putting disproportionate operational and capacity demands on the prison system. Currently, people released from sentences of less than or equal to six months had a proven reoffending rate of 61.6%.[21] Conversely, evidence suggests that non-custodial sentences and diversionary referrals at the point of first offence can effectively reduce reoffending.[22]

This section of the map indicates some of the factors that influence the kind of sentences that are given. For example:

---

[21] Ministry of Justice (2021) 'Proven reoffending statistics: October to December 2019', available online here: https://www.gov.uk/government/statistics/proven-reoffending-statistics-october-to-december-2019/proven-reoffending-statistics-october-to-december-2019

[22] Centre for Justice Innovation (2019) 'Pre-court diversion for adults: an evidence briefing', available online here: https://justiceinnovation.org/sites/default/files/media/documents/2019-06/cji_pre-court_diversion_d.pdf

- Use of alternative, non-custodial sentencing increases as engagement with, and understanding of, the 'causes behind a crime' (an individual's context) increases. Many people who come into contact with the criminal justice system experience multiple disadvantages, including a combination of homelessness, problematic substance use, domestic violence, and poverty. The use of alternative sentencing is increased by the availability of detailed pre-sentence reports (PSRs), which provide this contextual information.

- Judiciary use of non-custodial sentencing will also be influenced by the availability of, and evidence for, non-custodial approaches. This in turn will be influenced by investment in these kinds of approaches. Such investment would create a 'positive feedback loop', increasing the availability of, evidence for, and use of non-custodial approaches.

Leverage points

Our mapping process identified two key leverage points which could influence sentencing. These are in addition to the policy advocacy and influencing activities detailed earlier in this report.

1. **A positive feedback loop could be created by greater investment in non-custodial, diversionary approaches.** Research suggests that holistic interventions addressing multiple needs may be particularly effective for young people and women.[23] The Sentencing Council has a key role to play here, as it outlines recommended and minimum sentences within which the judiciary operates. The council has received criticism from those trying to bring about change for having too little focus on the evidence around which interventions improve outcomes.[24] Influencing this part of the system could have a significant effect on outcomes for individuals.

2. **PSRs were identified strongly in our research as a key factor in giving judges and magistrates the contextual information they need to understand the circumstances**

---

[23] The Scottish Government, Justice Analytical Services (2015) 'What Works to Reduce Reoffending: A Summary of the Evidence', available online here: https://www.gov.scot/publications/works-reduce-reoffending-summary-evidence/pages/1/

[24] Prison Reform Trust (2020) 'Prison Reform Trust response to the Sentencing Council consultation', available online here:
http://www.prisonreformtrust.org.uk/Portals/0/Documents/Consultation%20responses/What%20next%20for%20the%20Sentencing%20Council.pdf

behind a particular crime, and therefore sentence appropriately. However, we heard in our interviews how the quality and depth of PSRs is limited by time and capacity constraints within the probation and court system.

'You can't, I suppose, lay all the blame at probation's door… [you] get one pre-sentence report written in 2012 and because they are in and out, in and out, it just gets updated, they don't get another one written so [your] needs are completely still being missed.'

Lived experience interview participant

The Ministry of Justice and HM Prison and Probation Service need to ensure that probation's role at court, such as providing PSRs, is sufficiently resourced. Targeted investment, intervention, and innovation around PSRs could offer potential leverage for systemic change within this area.

Charity sector funding in this area

Perhaps understandably, very little charity sector funding is directed at the court system. The courts receive the least specialist criminal justice charity funding, at 0.3% of the total according to our analysis. Plus, issues in the court system have been exacerbated by significant cuts to legal aid due to austerity.[25]

For those attempting to shift the status quo around issues like reoffending, the courts are an overlooked area. This is partly because there are very few charities who work primarily to influence outcomes in the courts. Funders should therefore think about nurturing and supporting a range of existing and newer organisations to achieve systemic change in this area.

Clearly there is a need for greater investment or innovation to improve the quality of PSRs. High quality PSRs have become more important due to Covid-19 related backlogs in the courts, as there may now be a greater likelihood of inappropriate sentences. Funders may also consider supporting advocacy work, to bring about a greater evidence-based approach within the Sentencing Council.

---

[25] BBC (2019) 'Legal aid: UK's top judge says cuts caused 'serious difficulty', available online here: https://www.bbc.co.uk/news/uk-50923289

Group 4: Prison system factors
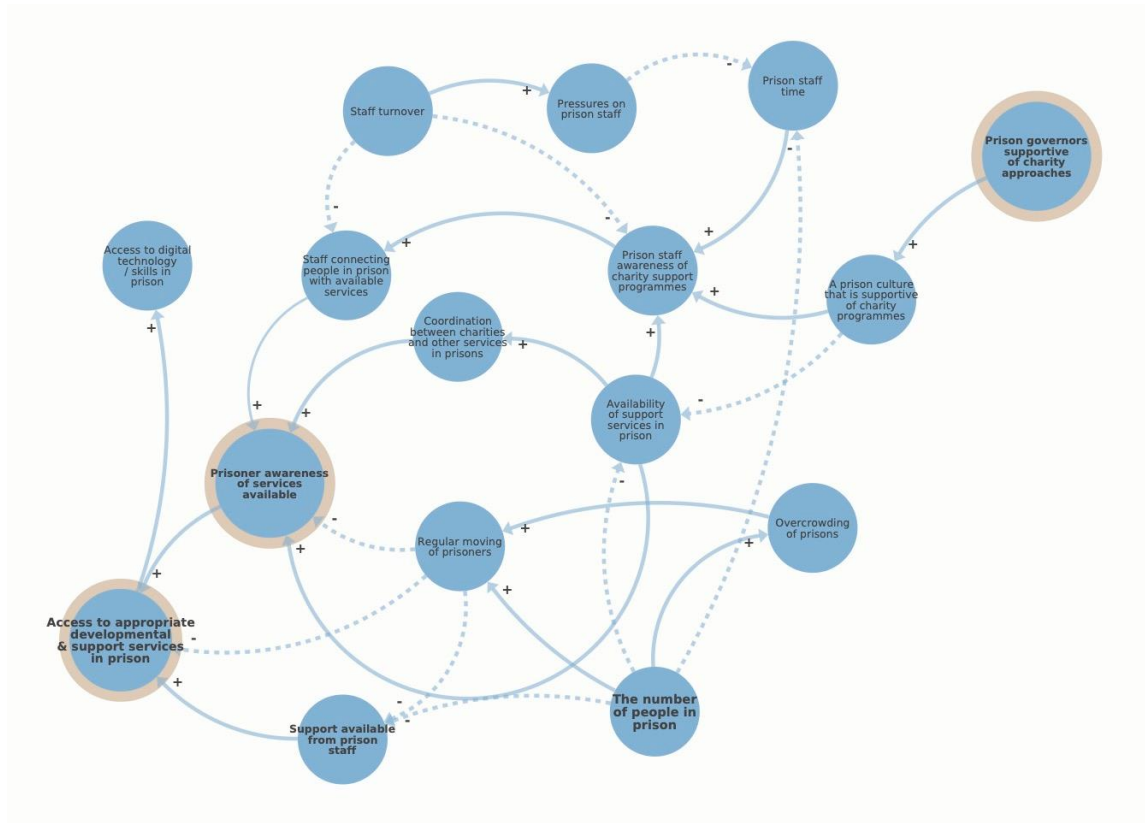
What happens to people within prison greatly affects what then happens outside them—including the likelihood of reoffending. It is not surprising therefore, that a significant proportion of charity sector funds are directed here. We wrote in our Beyond Bars 2019 report about the value charities add here. Our lived experience interviewees emphasised the importance of having access to the right support and developmental services while in prison, many of which are provided by civil society organisations.

'The Shannon Trust … train prisoners that can read to teach prisoners that can't, using this specific reading program … so that was my journey in becoming a mentor … it really did get me involved in the running of prison and helping … my fellow prisoners out.'

Lived experience interview participant

In this section of the map, we highlight some of the factors that influence whether people in prison are able to connect with the right services, and what influence this has on reoffending rates. Of course, it's important that there is a sufficiency and diversity of support services available, but whether people in prison know about them or are referred to them is also key. People we interviewed emphasised that this is not always the case—particularly with short sentences.

People often relied on others in prison for information, as prison officers didn't generally have enough time, information, or inclination to provide it. In general, relationships with prison officers weren't sufficiently positive to be able to discuss those needs. We also know that people in prison may experience an overtly discriminatory relationship with their prison officers, and that only about 1% of people who make an allegation of discrimination against prison staff have their case upheld, compared to 76% of staff reports against a prisoner.[26]

Aside from access to services, another prison system factor that influences outcomes is the size of the prison population. Overcrowded prisons—in addition to causing general stress and safety issues—increase the chance of people being disconnected from services and relationships. There is also an increased chance of population 'churn', as prisoners are transferred at short notice to provide space for new people entering prison. Enlarged prison populations also reduce prison officer support time and their awareness of the support available, this then creates delays in accessing services such as mental healthcare.

Another critical factor that participants in the workshops emphasised is the culture of each prison. The autonomy that governors have leads to considerable differences in approach within prisons, including in the services that are available, the way they are treated by prison staff and the likelihood of an individual accessing the support they need. This indicates that influencing prison governors could be a key point of strategic intervention.

Leverage points

Our mapping suggests a few potential leverage points:

1. **Access to appropriate developmental and support services in prison.** It is essential that there are enough high quality support programmes in prisons. Mentoring was emphasised by

---

[26] Prison Reform Trust (2021) 'Prison: the facts, Bromley Briefings Summer 2021', available online here: http://www.prisonreformtrust.org.uk/Portals/0/Documents/Bromley%20Briefings/Summer%202021%20briefing%20web%20FINAL.pdf

our interviewees as having particular value. Funders should work with charities to ensure there is consistency of services across prisons.

2. **Prisoner awareness of services available.** With accessibility of support programmes, and information about them, highlighted as a key issue, there may be an opportunity for investment or innovation here. Some prisons have begun initiatives like directories of charity services, which is a simple solution but one which requires coordination and capacity to set up and update.[27]

3. **Prison governors and staff supportive of charity approaches.** As prison staff largely determine the parameters within which service providers work, leverage could be attained by training and / or support for both prison governors and prison staff. Interventions might seek to increase understanding of, support for, and prioritisation of support programmes operated by charity providers. There are already successful charity programmes working with governors and staff that could be supported, expanded, and strengthened to this end. These include Unlocked Graduates, which recruits and trains graduates and career changers to become prison officers, and Spark Inside, which delivers coaching to people who live and work in prisons.
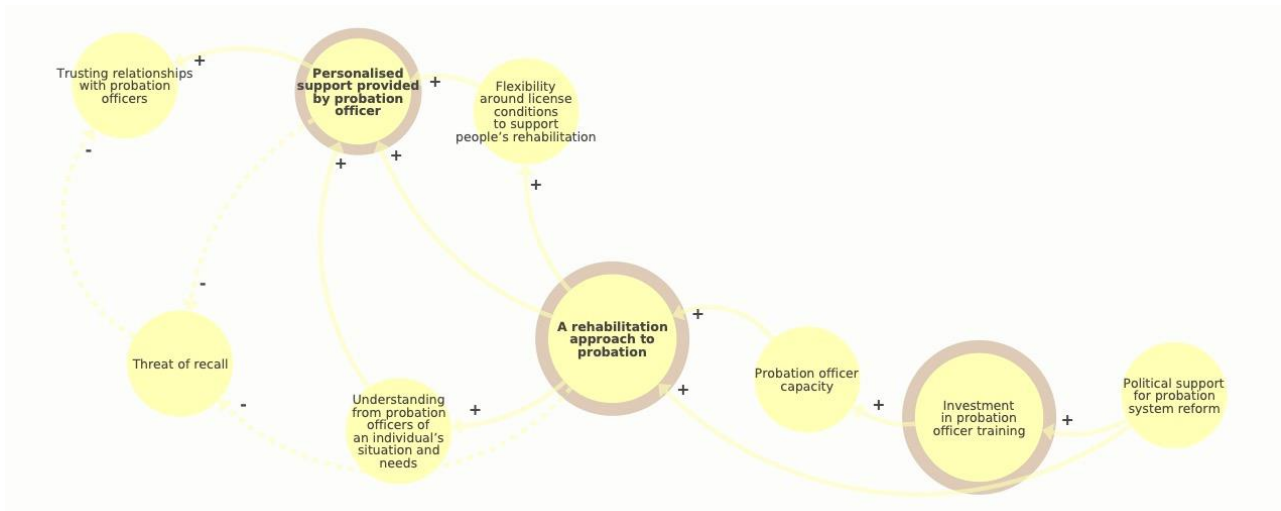
Charity sector funding in this area

Prison-based interventions currently make up around 9% of the total funding of specialist criminal justice charities. This is a focus area for many organisations, and one where they add significant value through their independence from the prison, allowing charities to build the trust necessary to helping people move forward.

Despite this, we have been concerned around a potential drift away from prison-based work. NPC research found that there was a significant drop in independent funding which aligned with the year that the controversial Transforming Rehabilitation shifts were brought in.[28] Some funders have an understandable concern about subsidising areas where statutory funding should be providing support. However, prison-based services are essential, and there are many effective organisations that could apply leverage within the points identified or that are doing so already.

---

[27] NPC (2019) 'How are charities accessing people in prison to deliver vital services?', available online here: https://www.thinknpc.org/resource-hub/how-are-charities-accessing-people-in-prison-to-deliver-vital-services/

[28] NPC (2019) 'Independent, Effective, Humane', available online here: https://www.thinknpc.org/resource-hub/independent-effective-humane-the-case-for-funding-charities-in-the-prison-system/

Group 5: Probation system factors

This map section highlights how a human-centred approach to probation can reduce reoffending. Many interviewees spoke of how the approach of, and relationship with, their probation officer was a critical factor in their post-prison experience. Some described how their relationship with a probation officer had effectively 'saved them' from reoffending while for others their probation officer took on a much more punitive role, leading to distrust and disengagement.

A probation officer that prioritises risk management and the 'policing' aspect of their function, employing the 'threat of recall' to prison, is not likely to foster trust with the individual involved. This may limit what they share with their probation officer around personal needs.

Our map illustrates how a focus on rehabilitation and desistance in the probation system may have an impact on an individual's likelihood to reoffend. It also shows the barriers currently affecting this approach, from probation officer training to high caseloads for probation staff.

Leverage points

The leverage points for achieving change in the probation system are primarily within the control of the government and individuals within HM Prison and Probation Service, rather than charitable

funders. These leverage points for achieving change in the probation system are key, however, for helping an individual along a positive path.

1. **Investment in probation officer training.** A lack of appropriate training for probation officers may impact upon their ability to deliver the tailored support needed for individuals in their caseload. This training could be enhanced by being informed by people with lived experience. A report published by Her Majesty's Inspectorate of Probation in December 2020 found that many officers have unmanageably high caseloads and 'once staff have been recruited, there has been a lack of investment in their ongoing training and development, much of which is not of a sufficient standard to meet their needs'.[29]

2. **Rehabilitation approach to probation.** Many of our interviewees felt that their probation officer was too quick to recall them back to prison for minor infractions and did not provide enough support around their practical needs (for example, adequate housing) that when met would support their rehabilitation. There was a strong feeling amongst these interviewees that a more equal balance needed to be struck between managing risk and supporting rehabilitation.

3. **Personalised support provided by probation officers.** Some participants in our interviews suggested that tailored, individualised support from probation officers was helpful in supporting them to reintegrate into the community post-release. This type of support requires investment of time and energy from the probation officer, to build the trust necessary for honest conversations about someone's personal circumstances, and to consider how some people may face extra barriers to reintegration due to structural disadvantages (including racism and poverty). This requires greater investment in probation officer training as well as an increase in individual capacity, as officers are often juggling high caseloads. One participant commented on how their probation officer went above and beyond to support them during their time together:

   'He was part of the probation service, I get that, but it was him specifically that did the work, he was doing work outside of work, like after five o'clock and before nine o'clock, so that, that's not the probation service, that's his personal, that's his personality, him being proactive, in my favour in order to help me progress positively.'

   **Lived experience interview participant**

---

[29] Her Majesty's Inspectorate of Probation (2020) '2019/20 Annual Report', available online here: https://www.justiceinspectorates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2020/12/2019-2020-Annual-Report-Inspection-of-probation-services-1.pdf

Charity sector funding in this area

Although government funding on the probation system is significant, charitable initiatives which touch on probation tend to work more broadly with individuals in the community, so for the purposes of our analysis we have grouped them there. In our analysis, we did not come across any organisations who were working primarily to support the functioning of the probation system.

Group 6: System coordination factors
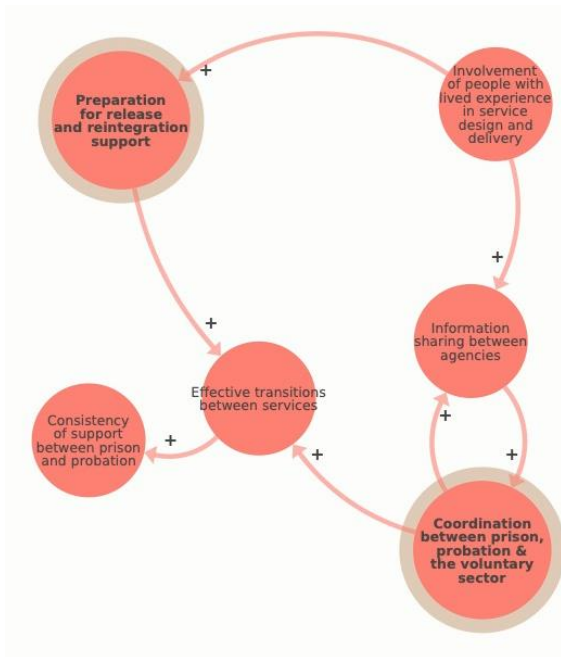
The factors influencing whether a person reoffends involve multiple interacting services and institutions. What's key in reducing reoffending rates is making sure that approaches are integrated and coordinated across systems, to make sure people do not fall through gaps in support.

However, our research emphasised that this is often not the case. This section of the map highlights specifically how coordination between services and improving through-the-gate support (preparation for release and the continuity of in prison and outside prison services) has an influence on effective transition and the avoidance of reoffending.

The lack of such coordination is a critical risk factor. Our interviewees expressed feeling like they're ejected from the closed system of a prison into another very different and hard to navigate system, where there is minimal support. The lack of basic necessities, such as appropriate housing or income, are often enough in themselves to drive people back into the prison system.

Furthermore, accessing such basics requires tools or skills, for example, digital literacy or even basic literacy, which are sometimes not present. Given further psychological, perhaps medical, needs, it is vital that there is through-the-gate support to enable the successful transition from one environment to another.

Leverage points

Coordination between traditionally siloed parts of a system often present particularly promising leverage opportunities. Our research and mapping demonstrates that improved coordination between different parts of the system—prisons, probation, and the charity sector—could be particularly important in reducing reoffending rates, building bridges between parts of the system

rather than asking people to jump and swim. We heard from a lived experience interview participant about how frustrating it can be when this coordination is lacking:

'What is kinda funny is that the probation system have been quite incompetent around my whole case, in the sense of I'm living in X, but they've assigned me a probation officer in Y, right and I'm having to phone this probation officer once a week until they transfer my file up to X, now this has been going on since 19 March, d'you know what I'm saying, it's a joke.'

Lived experience interview participant

Increased coordination could, in turn, significantly improve the through-the-gate support that is currently missing at an individual level. For example, RECONNECT, NHS England's care after custody service, begins working with people before they leave prison and helps to connect them to relevant support services in the community post-release.

Charity sector funding in this area

Our analysis shows that only 0.6% of funding for criminal justice specific charities currently goes primarily towards service coordination focused initiatives. There are, of course, many organisations who do this as part of their work, but they do not focus on it as a primary aim of their intervention or organisation. The gap, however, between this amount of funding and the need for service coordination within the criminal justice system was pointed out to us multiple times at different stages in our research process. Funders who are looking for an infrastructural intervention that can go a long way towards increasing the effectiveness of the whole system could consider funding service coordination. For example, better signposting for individuals leaving prison, or improved information sharing processes for charity sector and statutory partnerships.

Group 7: Post-release factors
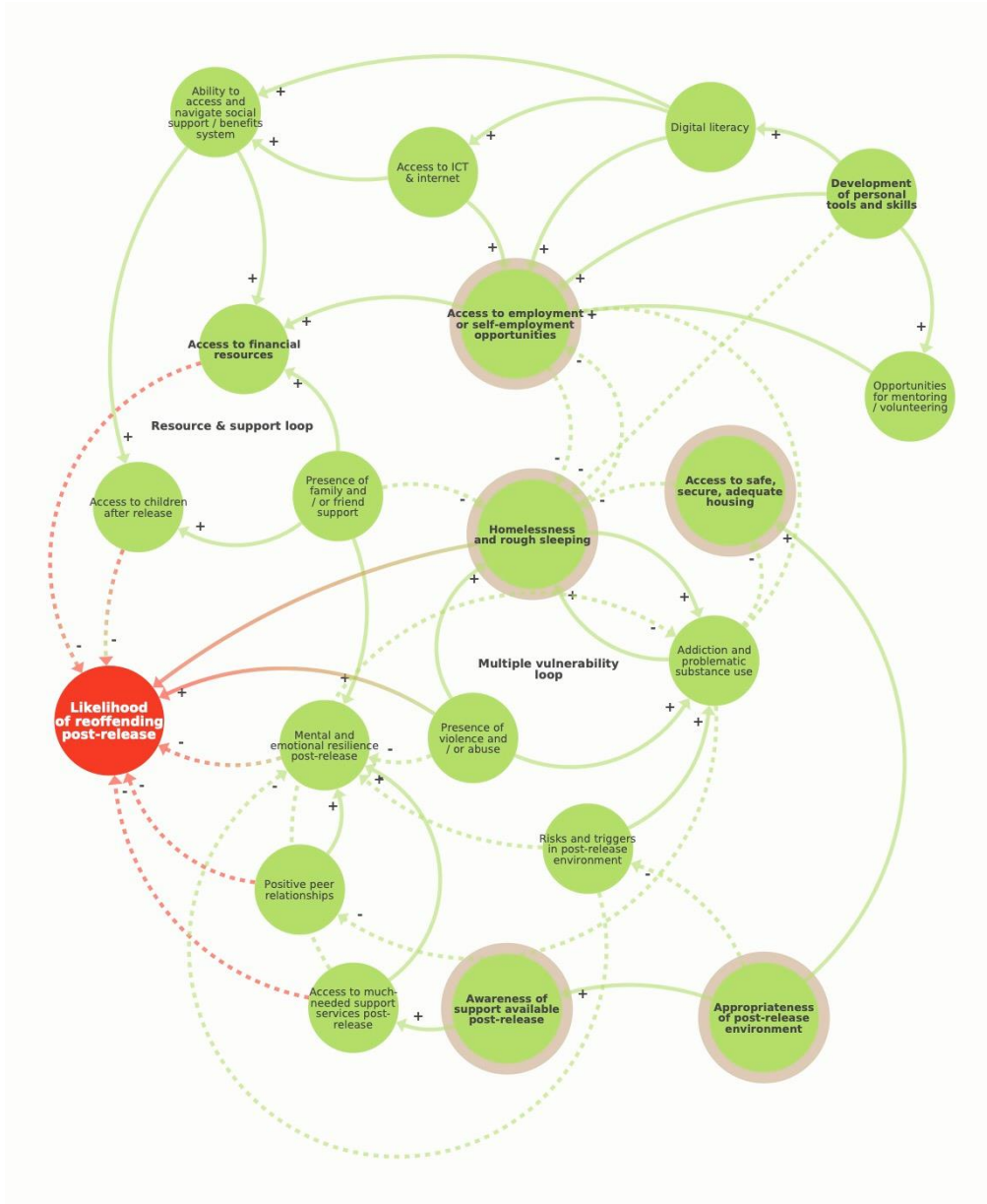
After individuals are released from prison, or assigned a community-based sentence, the charity sector offers a breadth of support to help them reach objectives and build positive lives for themselves. This is the most common space where charities work to support individuals. Interventions vary hugely and are often responsive to the individual's aspirations, but they can

include education or employment skills initiatives, relationship and mental health support, or arts, cultural or religious-based interventions.

Importantly, to engage most effectively with these interventions, individuals need to have their basic needs met. Homelessness and accommodation issues were frequently raised in our lived experience interviews, with people explaining how poor or unavailable accommodation led to a range of other issues. Mental health support was another foundational intervention pointed out to us.

Leverage points

As this is the most common area of work for charities in the criminal justice system, it is unsurprising that it was where our research identified the most intervention points, where charities can bring about change to prevent reoffending.

1. **Access to employment or self-employment opportunities.** Building the skills to get a job is key to preventing an individual from reoffending. However, individuals often face stigma when job seeking, which acts as an extra barrier to employment. Charities both try to support individuals to build these skills, whilst also tackling wider injustice which also acts as a barrier to employment.

2. **Access to safe and secure, adequate housing.** Some people who are released from prison may have lost their home due to their sentencing; others may not have had access to a safe, secure or adequate home before entering prison. This can lead to homelessness and rough sleeping on release, which in turn increases the likelihood of reoffending.

3. **Homelessness and rough sleeping.** Only 50% of people released from prison between March 2019 and March 2020 had settled accommodation on release, and over 17% were homeless or sleeping rough. 65% of those without settled accommodation reoffended between February 2019 and February 2020, compared to 44% of those with settled housing.

   In our lived experience interviews, participants highlighted homelessness and rough sleeping as a key factor influencing reoffending:

   'When I was homeless … I committed a crime on purpose so I could take myself back to prison … I had realised that prison was the place for me to be able to go back and sort my life out, because of the resources that I knew were available for me.'

   Lived experience interview participant

4. **Appropriateness of post-release environment.** It is important that people are released into environments suitable to their individual needs. For some, returning to past environments and premises can be triggering. Approved premises (official premises which provide intensive supervision for those who present a serious risk of harm) can have high rates of substance use, which is of course problematic for people who are in recovery. Specialised approved premises, for example women-only approved premises, can however be useful in supporting people with specific needs, such as women who have experienced domestic violence.

5. **Awareness of support services post-release.** In our research, we heard that people in prison may not be aware of the support that is available to them post-release. This may be due to a lack of communication, awareness, or support from staff preparing people for release, but this acts as a key barrier to people achieving positive change.

Charity sector funding in this area

Over 86% of specialist criminal justice charity funding goes to charities who work primarily in the community, with people who have been sentenced or released from prison. This is unsurprising, as more organisations work primarily in the community than in any other section of our map, and it is also the place where statutory funding drops off and the charity sector takes on a larger role.

This funding is vital to support those individuals. Breaking out of habits, behaviour patterns, and relationships which have led to an individual being caught in the criminal justice system is incredibly difficult, as is building the required skills to reach the aspirations that they set themselves. However, key funding gaps still exist for many community-based interventions. Funding for homelessness and support with accommodation for individuals leaving prison remains key, as does skills-building work and sign-posting work.

Conclusion

Due to its immense complexity, the criminal justice system can be an intractable place for charities to work. However, change is possible—successful coalition efforts by charities, police and magistrates to reduce the amount of young people in the criminal justice system in the 2010s demonstrates this.[30]

To make progress, the charity and voluntary sector and the statutory sector need to think strategically and systemically about where to invest their resources. Limited resources make it critical to recognise how issues are interrelated and where action can be taken to achieve systemic change.

We hope this work supports that, and we encourage resource holders to consider how their funding priorities are responding to the leverage points identified in this report. Initiatives which focus on the courts, advocacy and public attitudes should be included within funding portfolios, and funders should consider how to support people in their transitions between services and institutions. In some of these areas, very few charities currently deliver work, so funders may need to nurture and support new organisations to deliver this vital work.

Finally, we would also urge those in government to consider how they can contribute to the systemic change that is needed. The government have stated that they want to reduce crime. Tackling reoffending is central to this. The upcoming royal commission offers the opportunity to give the criminal justice system the funding settlement it needs, to examine alternatives to prison, to consider how to ensure appropriate and evidence-based sentences are available to the courts, and to ensure people do not fall through the cracks in support when they leave prison.[31]

---

[30] House of Commons (2020) 'How has the youth justice population changed?', available online here: https://ukparliament.shorthandstories.com/justice-youth-justice-population/index.html#:~:text=The%20lower%20numbers%20of%20children,and%20the%20informal%20community%20resolution

[31] Law Gazette (2021) 'Royal commission on criminal justice going ahead', available online here: https://www.lawgazette.co.uk/news/royal-commission-on-criminal-justice-going-ahead-says-moj/5109111.article

Progress depends on a greater understanding of how the criminal justice system works. By taking this kind of systemic approach, we can help significantly reduce reoffending rates and create a more effective criminal justice system for people across the country.

Appendix

A table summarising our leverage points.

Map area	Leverage point
Socio-cultural	1. Underlying societal beliefs in punishment as justice 2. Demonisation and stigmatisation of people in the criminal justice system 3. Public awareness of alternative approaches
Political	4. Advocacy for criminal justice reform 5. Stable long-term funding for reform approaches
Courts	6. Resources to ensure effective implementation of non-custodial diversionary approaches 7. Quality of pre-sentence reports 8. Sentencing that takes account of individual circumstances
Prison	9. Prison governors & staff supportive of charity approaches 10. Prisoner awareness of services available 11. Access to appropriate developmental and support services in prison
Probation	12. Investment in probation officer training 13. Rehabilitation approach to probation 14. Personalised support provided by probation officer
System coordination	15. Preparation for release and reintegration support 16. Coordination between prison, probation and the charity sector
Post-release	17. Access to employment or self-employment opportunities 18. Homelessness and rough sleeping 19. Access to safe and secure, adequate housing 20. Appropriateness of post-release environment 21. Awareness of support services post-release