

Point me in the right direction:
Making advice work for
former prisoners

Executive Summary

“I don’t want to reoffend, I don’t want to commit crime, but I have no choice. They’ve forced my hand. Coming out has been more difficult than before I went in.”

People released from prison face myriad obstacles on the hard road towards a new life. They will need to overcome a shortage of affordable housing, mistrust and discrimination from employers, and a complex and inflexible benefits system. If we are to reduce the estimated £15b a year cost of reoffending by prisoner in England and Wales, we need to find new and better ways to help prisoners overcome these hurdles.

Evidence tells us that housing, employment and a stable income are the building blocks of a crime-free life. Social welfare advice services such as Citizens Advice Bureaus, Law Centres and independent advice providers help vulnerable people manage issues like these. But our investigation has found that, due to far-reaching cuts, these services often don’t work for former prisoners who don’t know the services, find it hard to get appointments, and face a sense of stigma about their offending past.

Based on our research with former prisoners, people who work with offenders and advice providers, we believe that we need to make it easier for former offenders to get helpful advice, both in prisons and while on probation. And we should make sure that advice services focus on the needs of former offenders, by using volunteers with first-hand experience of the system, and offering wider-ranging and longer-term support.

The challenges facing former prisoners

Evidence shows that housing and employment play a key role in helping people to build crime-free lives. Prisoners who find a stable place to live shortly after release are 15% less likely to reoffend, while those who find paid work are 9% less likely. However, our research uncovered numerous examples of former prisoners encountering many obstacles to meeting these basic needs. People coming out of prison often won’t qualify for social housing and may find it difficult to find the deposit and paperwork to access the private rented sector. And once they are housed they can face further discrimination.

One person we spoke to was living in private rented accommodation which was so damp it was making him ill. When he complained to the landlord, he was told that his criminal background was frightening his neighbours and was pressured into leaving.

Employment can also be challenging for former prisoners. Their backgrounds can make them ineligible for many jobs, and they can lack the employment history which employers look for. However, job centre staff are often ignorant of these issues. People we spoke to reported being told to lie on their application “to get their foot in the door” or put forward for clearly inappropriate work.

One person who had been imprisoned for dealing drugs was told by the Jobcentre Plus to apply for a job in a pharmaceutical warehouse, a job for which their criminal record would automatically bar them. However, if they refused to apply, they ran the risk of a benefits sanction.

Even if they find employment, former prisoners can face ongoing problems as a result of their offending history.

One person we spoke to had been employed for several years when a change of role within her organisation triggered a new criminal record check. She was wrongly accused of lying about her convictions and dismissed.

Only 27% of people coming out of prison have a job to go into, so most are initially dependent on benefits to survive. However, the restricted availability of benefits and the sanctions regime can leave people destitute.

One person we spoke to was ordered to stay in a probation hostel after leaving prison. However, he was released with little money and was dependent on benefits to pay his rent. When he was sanctioned for missing an appointment he was left without income and threatened with eviction, which could mean being recalled to custody. He saw a stark choice – reoffend to raise his rent money or end up in prison.

Advice and former prisoners

Former prisoners that we spoke to expressed profound frustration with the lack of practical help offered by statutory agencies such as probation and Jobcentre Plus. As one put it, they felt there was no one to “*point me in the right direction*” when it came to challenges like homelessness or benefits sanctions.

Social welfare advice services specialise in helping people deal with these kinds of issues. They offer free advice to help people understand and defend their rights and can support people to make claims, appeal decisions and represent them at courts and tribunals. However, our research suggests that people who have been in prison face three major barriers to accessing social welfare advice:

- **Awareness:** Many of the service users we spoke to were not aware of the existence of advice services or the ways that they could help. As one put it “Where are we going to get that information?”
- **Access:** Recent cuts to legal aid and other sources of funding have coincided with increases in demand to undermine the availability of advice, increasing waiting times and reducing the help that’s on offer.
- **Stigma:** Former prisoners we spoke to felt that services would not welcome them because of their criminal past. As one put it: “*as an ex-con, they’ll do nothing for you.*”

We have identified four ways in which social welfare advice can be improved for former prisoners:

- Advice clinics in prison can help prisoners with issues like benefits and housing as they prepare for release.
- Training and resources for probation officers can help them to identify when social welfare advice can be helpful and to refer clients into these services.
- Better online directories of advice services can help service users find advice, and let services signal that they welcome people who have been in prison.
- New advice services which specialise in working with offenders and which employ people with experience of the justice system as staff and offer a more wide-ranging and long term support.

However, many of these options will cost money. And even those with no direct cost may be swimming against the tide of the advice sector which is struggling to cope with existing client groups rather than seeking out new ones. For this reason, commissioners of offender services should seek to include social welfare advice services in their commissioning processes and supply chains and work with them to design new, dedicated models which can better meet the needs of former prisoners or help current prisoners to prepare for release.

About this paper

This paper focuses specifically on how to improve the provision of legal and social welfare advice (what we subsequently describe as ‘social welfare advice’) for people who are on probation supervision following a period of custody in England and Wales. We define social welfare advice as provision of free information, advice and support which seeks to help members of the public understand and enforce their rights and improve their quality of life. We are specifically excluding the provision of legal advice and representation in criminal cases, as we perceive that this represents a distinct set of issues.

The paper has been informed by interviews with a range of practitioners and experts from the advice sector, probation and civil society organisations which work with people exiting the criminal justice system, as well as focus group research with former prisoners, including the newly released and those who have not been in prison for several years. It seeks to uncover barriers which are impeding people who have been in prison from accessing advice, and to identify innovations which can facilitate that access.

We anticipate that this paper will be of interest to policy-makers, practitioners and leaders in the advice sector, and commissioners of services for people in the justice system including both prisons and probation.

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1. Introduction

People who come out of prison will have passed through the hands of a series of institutions designed to ensure that they do not reoffend. They will have been sent to custody by a court, one of whose purposes in sentencing was “the reformation and rehabilitation of offenders”¹. They will have been held in a prison whose purpose was to “reform offenders to prevent more crimes being committed”². And they will be supervised in a probation system which is held to account primarily on its success at reducing reoffending. But despite all of this, 45% of prisoners go on to reoffend within one year of release³ and their reoffending costs society £15bn a year.⁴ It is increasingly clear that while the justice system can play a positive role, many of the most important things which people need to move away from crime – like employment, stable housing and financial security – are not ones which the justice system can provide. However, there is substantial evidence that access to good quality social welfare advice can help individuals who are struggling in these areas.⁵

The UK’s advice sector, which includes a diverse set of organisations from Citizens Advice Bureaus (CABs), to law centres, community groups, a wide range of independent advice providers and national charities like Mind or Shelter, already offer the type of advice that many former prisoners would find invaluable.

While social welfare advice represents only one element of the support which former prisoners require, we have chosen to look at whether former prisoners access and benefit from this type of advice because of its potentially pivotal role in helping them overcome the obstacles they face in returning to their communities.

This paper looks at:

- The state of the social welfare advice sector in England and Wales;
- The social welfare advice needs of former prisoners;
- The barriers to accessing effective advice and information
- The options for improving former prisoners’ access to advice

2. The state of the social welfare advice sector

England and Wales has a diverse and varied range of providers of free social welfare advice, from local general purpose providers such as CABs to national charities with a specialist advice function such as Mind and Shelter, as well as a wide range of independent advice organisations. However, cuts to the scope of legal aid which came into force in 2012 and rising demand have put the sector under significant strain, leading to reduced availability, but also emerging innovations in the delivery of advice. In this chapter, we will provide a brief overview of the advice sector.

The make-up of the voluntary and statutory advice sector

The 2014 Low Commission report on the future of the advice sector identified five main types of social welfare advice providers in England and Wales:

- 1. local not-for-profit advice agencies**, including 350 CABs and over 800 other independent advice agencies as well as other local agencies, providing information and advice and some legal support across all or most aspects of social welfare law;
- 2. 44 local law centres** (under the umbrella of the Law Centres Network), set up to use their specialist legal skills to address and alleviate poverty, provide legal help and representation and undertake strategic case-work across all or most aspects of social welfare law;
- 3. national charities**, such as Shelter, Age UK and Youth Access, providing information, advice and some legal support in their areas of specialism;
- 4. local authorities** providing informal and formal information and generalist advice through a wide range of social and community workers, as well as specialist staff providing statutory advice on homelessness and, in some cases, welfare rights advice;
- 5. private law firms** providing paid-for and pro bono legal help and representation.

For the purposes of this paper, we are focussing specifically on voluntary sector advice providers. The voluntary advice sector is represented by two umbrella bodies, Advice UK, which represents independent advice providers, and Citizen Advice, representing CABs.

The withdrawal of legal aid from a significant proportion of social welfare law and the limited means of most former prisoners means that funded advice provided by private law firms is unlikely to be appropriate for the needs of this group. Further, while pro bono work can be valuable in individual cases, it does not represent a systematic solution.

Recent trends in the advice sector

The availability of voluntary sector legal advice has been significantly restricted since 2010 owing to what has been described as a 'perfect storm' of funding cuts and rising demand. The biggest reduction in funding to the sector came as a result of the Legal Aid Sentencing and Punishment of Offenders Act, 2012 (LASPO) which removed £345 million worth of civil legal aid including £89m per year

funding of social welfare legal aid cases: equivalent to 239,000 cases per year.⁶ The impact of this change has been compounded by £40-60m cuts in local authority funding to the advice sector, reductions on EHRC Equalities and Human Rights Commission spending on cases and the increased competition for trusts and foundations' grants.⁷

These funding cuts have significantly reduced the provision of legal aid. The Justice Select Committee's 2015 report on the impact of legal aid changes suggested that the number of legal aid providers had fallen by 24% in the year to March 2014, but went on to say that this masked the true extent of the reduction in availability as many of the remaining providers have reduced the volume or scope of their legal aid-funded work.⁸ While voluntary sector providers tend to draw from a diverse funding base, some were heavily reliant on legal aid, with one in six law centres and 10 Shelter advice centres closing their doors amongst others. Other voluntary sector providers have reduced the scope of their offer, with CABs across the country losing 350 specialist advisors.⁹

Alongside cuts, providers reported increased demand for advice. For example, in the winter of 2013 Hackney Community Law Centre "reported a 400% increase in people looking for help with welfare benefits, a 200% increase in people looking for immigration help and a 500% increase in calls to their telephone advice line."¹⁰ A 2014 survey conducted by the National Audit Office found that 70% of third sector providers could meet half or less of the demand from clients who were not eligible for civil legal aid.¹¹

The providers that we spoke to suggested that this had been driven by a number of factors including changes in decision making practices by Jobcentre Plus and local authority housing staff, changes to immigration enforcement practices and reductions in the number of advice providers. They also highlighted that the complexity and severity of issues facing advice seekers has increased, and that the difficulty of accessing advice is contributing to increased levels of mental health issues.

The shortfall in funding is having a range of impacts on advice provision. Many providers are moving from open-door, drop in models, to targeted, appointment only sessions. Clients are increasingly having to go through telephone-based gateway processes which can themselves be heavily over-subscribed, making it difficult for them to get through. Waiting times for appointments can be long, with some providers we spoke to reporting specialist sessions booked up to 10 weeks in advance. Some organisations are now looking at formal rationing systems for advice. Providers also report some multi-function voluntary agencies withdrawing the advice-providing part of their service to avoid becoming overwhelmed.

New models for advice delivery

Providers are exploring a range of options to attempt to meet this increased demand with limited resources. Hackney Law Centre, for example, has trained a range of advice intermediaries including clergy and professionals from a range of statutory voluntary agencies to provide first line advice and triage for advice seekers. This is intended to help some advice seekers resolve issues without direct advice, to move them directly to specialist agencies where appropriate, reducing the workload generated by advice seekers attending incorrect specialist appointments or attending without the appropriate paperwork. They are now seeking to build on this training by developing an "advice first-aid kit" smartphone app which will serve as an interactive triage tool to intermediaries, diagnose problems, identify immediate solutions where available and locate a relevant advice service where appropriate.

Islington Law Centre is expanding its use of volunteers to supplement specialist staff. They have trained a cohort of “welfare benefits first aiders” who offer frontline support to advice seekers. As well as initial assessment, volunteers also provide ongoing support with non-legal tasks such as form filling. The centre highlighted the value of volunteers who can spend several hours with a client, building trust and providing emotional support, in a way which is not feasible for a professional advisor.

The Royal Courts of Justice Advice Bureau (part of the Citizens Advice network) has worked with law firm Freshfields Bruckhaus Deringer LLP to develop CourtNav, an online tool for CAB clients which helps them prepare the paperwork for divorce proceedings.¹² CourtNav asks users straightforward questions and then uses their answers to populate the relevant forms. Users can also upload documentation directly to the site. The completed pack of documents is checked by a solicitor working remotely and then sent directly to the court. The same approach could be applied to a range of other relatively routine legal procedures.

3. The social welfare advice needs of former prisoners

People released from prisons in England and Wales face many challenges in their attempts to build new lives and move away from crime. They must overcome barriers to employment, a chronic shortage of affordable housing and a complex and increasingly punitive benefits system, while keeping within the often complex conditions of a license. This chapter will explore the impact of these key social welfare needs on former prisoners.

Housing

Housing can be a key influence on whether a person reoffends after release from prison. According to Ministry of Justice (MoJ) research, being homeless or in temporary accommodation shortly after release is associated with a 15 percentage point increase in the reoffending rate, whilst living with immediate family members is associated with a 13% decrease.¹³

However, housing can be one of the most challenging issues facing people on release from prison. According to a 2012 MoJ study, *“37% of prisoners stated that they would need help finding a place to live when they were released and of these, 84% reported needing a lot of help.”*¹⁴ Community Rehabilitation Companies (CRCs) and the National Probation Service (NPS) are expected to offer direct support to prisoners to help find accommodation prior to release. However, they face complex challenges, including a reluctance by local authorities to assess prisoners prior to release, and clients facing significant housing debt where they remain nominal tenants while in prison. Service users and probation officers we spoke to were critical of the accommodation support offered in prison, describing it as inconsistent and often ineffective.

Even with support, prisoners' access to appropriate housing can be limited. The Localism Act 2011 offered local authorities greater discretion in excluding applicants from housing registers, especially those with histories of anti-social behaviour or criminal convictions. Former prisoners without caring responsibilities or specific vulnerabilities such as mental illness or addiction are unlikely to qualify for local authority accommodation. Local authorities may also categorise former prisoners as intentionally homeless, if they lost their home as a result of their offending, or due to non-payment of rent while in prison.

Former prisoners will also often struggle to access accommodation in the private rental sector. While probation officers will liaise with local authority housing officers on behalf of service users, they are not able to directly provide accommodation for service users not deemed eligible by the local authority.

As a result of these barriers, prison leavers represent a significant proportion of homeless people in the UK. Between October and December 2015, 33% of all rough sleepers recorded in London had some experience of prison.¹⁵ One in five clients of homelessness services in England and Wales have links to the probation service – fifty times higher than the general population.¹⁶

Accommodation issues can be complicated by license conditions which place restrictions on where offenders can live. They may be forbidden from entering areas where their offending took place, or where victims of their offences are living. Offenders who have been involved in gangs may also seek to avoid certain areas where their safety may be at risk from former rivals.

Many of the service users that we spoke to had experienced significant problems finding stable accommodation, and one reported being advised that their only option was to raise a deposit for private accommodation by borrowing from friends and family.

Once in accommodation, people who have been in prison may face further disadvantage due to their criminal history and a lack of awareness of their rights – especially in the private rented sector. One service user that we spoke to reported that he had been in private rented accommodation with a severe damp problem which was affecting his health. However, when he raised the issue with his landlord, the landlord used the pretext of his criminal history to pressure him to leave the property rather than fixing the problem. The service user reported that he had not considered whether he would have been able to seek legal protection in this circumstance.

Advice services can offer a number of forms of support to former prisoners in terms of their housing:

- National and local advice services can advise clients facing homelessness on their rights and where to find help
- Local advice providers can support people to challenge local authorities where they have refused someone a place on a housing waiting list or placed them in unsuitable temporary accommodation
- Law centres and independent advice providers can help clients in rented accommodation to force landlords to make repairs to substandard properties or to resist eviction.

Drawing blanket conclusions on the effectiveness of advice is difficult, but there is some evidence to suggest that social welfare advice can be effective. A survey conducted by Citizens Advice suggests that two-thirds of the people who approach CABs with housing issues have them resolved positively.¹⁷ Similarly, a 2013 report by PWC on the impact of law centres suggests that around 70% of housing issues dealt with by law centres achieve a positive outcome.¹⁸ This evidence suggests that helping former prisoners to access advice can make meaningful improvements to their housing, and therefore reduce reoffending.

Employment

Employment is another significant determinant of reoffending. MoJ research suggests that amongst more serious offenders, former prisoners who find waged employment in the year following their release are 9.4% less likely to reoffend within one year than otherwise similar offenders who don't find employment.¹⁹ A separate MoJ study of all offenders found that former prisoners who are in paid employment at some point shortly after release are 20% less likely to offend than others.²⁰ However, rates of employment for former prisoners are low. A 2013 MoJ study which interviewed former prisoners a few months after release found that only 25% were employed and only 31% had had any paid employment at all since leaving prison.²¹ Those prisoners who had little education, who had little recent pre-prison work experience and who were homeless or in temporary accommodation were particularly unlikely to find employment.

The service users that we spoke to expressed significant frustration around the search for employment. They experienced many barriers in looking for employment including a lack of relevant skills, qualifications and experience and the fact of their criminal history, which might be uncovered through CRB checks or just inferred from the long gap in their employment history.

Service users were also highly critical of the quality of careers advice available from both Jobcentre Plus and Probation staff, who lacked an understanding of the barriers and opportunities facing former prisoners. They reported being put

forward for clearly inappropriate work (such as convicted drug dealer being told by Jobcentre Plus to apply for a job in a pharmaceutical warehouse) and being told to lie on their application “to get their foot in the door.” Service users also noted that the work that was available to them was likely to be low-paid and insecure.

Service users also noted that their criminal record could impact their employment even once they had found a job. Once service user reported that she had been dismissed by an employer after several years with them, when a change of role triggered a CRB check and she was wrongly accused of lying about her convictions. She noted that she had sought legal advice on her options but had not found any solicitors willing to represent her.

Advice services do not typically offer support to clients seeking employment as part of their core offer (although some independent providers do offer employment readiness support). However, they can provide advice with a range of issues at work including help with managing disputes and grievances and claims for discrimination and unfair dismissal (though many former prisoners may struggle with the costs of employment tribunals). Citizens Advice report that two thirds of clients have positive outcomes for employment related issues,²² while PWC puts the success rate of Law Centres at just over 70%.²³

While advice services clearly only address some of the issues facing offenders around employment, they can clearly make a positive impact in certain cases and have the potential to reduce reoffending.

Benefits

Most people coming out of prison will be relying on the benefits system to meet their immediate financial needs: according to a 2013 study only a 27% of people have a job on release from prison.²⁴ However, the process of applying for benefits can be slow and difficult.

In order to apply for benefits former prisoners must offer a range of information including their release papers, their National Insurance number and, usually, a bank account to receive payments. Although probation support is theoretically available to make claims while in prison, evidence gathered by Unlock suggests that the support is often not available, and that administrative issues between the prison and Jobcentre Plus often impedes attempts to make applications.²⁵ Crisis Skylight reports that prisoners rarely leave prison having submitted a benefit application and typically wait around four weeks for payments to begin, leaving many effectively destitute upon release.²⁶ This is a situation which will be further exacerbated by the expected five week delay in receiving the first universal credit payment.

Once in receipt of benefits, former prisoners may also be affected by benefits sanctions. Department for Work and Pensions research suggests that benefits recipients with a criminal record are one and a half times more likely to report having their benefits stopped or reduced than other recipients.²⁷ The same research suggests that only a quarter of those who had their benefits stopped were made aware of the availability of hardship payments.²⁸

Many of the service users that we spoke to had experienced sanctions. One service user who had been recently released described how sanctions were currently impacting him. A missed appointment with a work programme training organisation in his first week of release had led to a four week stoppage being applied to his JSA before he received his first payment. This made him effectively destitute for six weeks following release. He had fallen into rent arrears at his approved premises leading to a threat of eviction which could mean recall to prison. He revealed frankly that he was considering reoffending to pay the rent, saying:



“I don’t want to reoffend, I don’t want to commit crime, but I have no choice. They’ve forced my hand. Coming out has been more difficult than before I went in.”

None of the service users or probation staff that we spoke to were aware of how to appeal against benefits sanctions.

While it is difficult to find direct evidence linking benefits delays and sanctions to reoffending, the relationship clearly emerged in our research with service users and professionals who work with them. They described how problems with benefits can contribute to homelessness and destitution which can push people back into offending.

Community-based advice providers can offer support for a variety of benefits-related issues. They can help clients to understand the range of benefits that might be available to them, challenge refusals of benefits or sanctions, and access hardship funds and other resources to deal with the impact of sanctions.

Citizens Advice report that two thirds of clients seeking help with benefits problems achieve positive outcomes, with average financial gains per case equating to a one-off award of £1,900 and an average annual income increase of £6,200 per year.²⁹ PWC report that almost 80% of benefits issues dealt with by law centres resulted in a positive outcomes.³⁰

Improving access to social welfare advice has the potential to help former prisoners maintain a steady income and avoid destitution and homelessness, and thereby mitigate risk factors which have the potential to push them back towards reoffending.

4. Barriers to accessing effective advice and information

Both professionals and service users that we spoke to shared the view that former prisoners and other vulnerable service users face a range of barriers which inhibit their access to social welfare and legal advice.

For example, one professional who had moved from a mainstream local advice provider to one targeted at a criminal justice-involved population in the same area noted that there were stark differences in the client groups of the two services. Clients for the justice-focussed service tended to have more complex needs, a higher level of deprivation and greater mistrust of services. He concluded that this population, who could have benefitted significantly from the general advice offer, were either unable or unwilling to engage with the general service.

Drawing on our research and the literature, we have identified three major barriers: former prisoners' *lack of awareness* of social welfare rights and the advice which is available to help defend them, a sense of *stigma*, associated with both having an offending history and with accessing advice services, and *high levels of demand* for services which make the process of getting advice more time consuming and stressful. We have also identified that particular attention should be paid to the role of probation officers whose potential to act as a gateway to advice is constrained by a number of factors.

Lack of awareness

Our research identified two ways in which a lack of awareness can impede access to advice and support. Firstly, our respondents stressed that many people who had been in prison lack awareness of their entitlements. Professionals who worked closely with former prisoners suggested that they had a tendency to expect poor treatment. They might not accept poor quality housing, employment discrimination or wrongful benefits sanctions without considering whether they could be challenged.

Perceptions of the reasons for this varied. Some probation officers, for example, suggested that many former prisoners – especially young adults who had been in custody – lacked the basic administrative skills to fully understand their entitlements. However, service users challenged narratives rooted in a lack of capacity, often stressing that their lived experiences had provided them with resilience and self-reliance. They instead rooted their unwillingness to challenge mistreatment in a scepticism about the willingness of social institutions to address the needs of people with criminal backgrounds.

Secondly, respondents tended to agree that service users' levels of awareness of the advice sector were low. When asked to suggest advice providers they had accessed in the past, the service users that we spoke to tended to focus on statutory agencies without specific advice functions such as Jobcentre Plus, or specialist support services such as drug treatment agencies. When asked how they could deal with social welfare issues such as benefit sanctions or poor housing, service users tended to suggest that they would seek help from friends or family. Asked why they did not consider the advice sector, one service user responded:

” “Where are we going to get that information? We’re roadmans [people with a low-level position in the illicit economy]”

Perceived stigma

One common theme emerging from our research was that former prisoners’ willingness to engage with the advice sector was undermined by a perception that there was a stigma associated with their offending history or their time in prison. Respondents suggested that many former prisoners would be reluctant to seek help unless it was via a service where they felt that their experiences would be understood.

Service users we spoke to exhibited a view that they would be turned away from mainstream services, or receive poor treatment. As one put it:

” “I wouldn’t have gone to a Citizens Advice Bureau, I don’t fit the criteria”

Another was dismissive of efforts to signpost him towards mainstream services, saying:

” “You can get a handbook that says, there’s housing people there, but they’ll do nothing for you. As an ex con, they’ll do nothing for you.”

This expectation was reinforced by a sense that there was little cultural difference between voluntary sector advice providers and statutory agencies. Both were perceived to be staffed by middle class professionals and volunteers with little understanding of the experiences of former prisoners. Service users strongly expressed the view that the most credible advisors they could work with would be those with lived experience of the justice system. As one put it, when asked who they would find most trustworthy:

” “Someone who’s been through it, but also come out. Who’s been successful.”

A number of respondents also noted that there was also a stigma attached to seeking advice. Advice professionals noted that for many of their clients, seeking support was seen as admission of failure, making it a difficult emotional moment. They noted that many clients would not wish their peers to be aware that they were accessing advice. As one put it:

” “If you’re seen queueing outside the Citizens Advice Bureau it’s mortifying.”

The service users that we spoke to put a particular emphasis on this point, suggesting that advice seeking was particularly uncomfortable for people with an offending background:

” “The whole thing about going to advice is very alien to me. I was always supporting myself, always been on my own feet. On the street it’s a weakness to ask someone for advice.”

High levels of demand

Advice professionals that we spoke shared a perception that high levels of demand had changed the mechanisms for accessing advice in a way which would be particularly difficult for people with complex lives or particular vulnerabilities.

One professional with experience in both general and justice-system focussed advice services noted that the move to telephone advice lines can be difficult for those who are more easily frustrated by very long hold times, or for whom the

process of accessing advice is more intimidating. In contrast, they felt that face to face advice can be more welcoming as even a brief interaction with a receptionist can signal a welcoming environment.

However, it was also noted that in-person advice provision offered its own set of problems. Waiting areas could be crowded and stressful and wait times can be extremely long. Service users noted long wait times as a major disincentive to accessing advice. As one service user, who is currently facing financial difficulties which are putting him at risk of losing his accommodation said:

“I’ve got to go to Citizens Advice. But have I got the day give up, when I get a call to go and do some work? Am I going to go and work that day or am I going to go to Citizens Advice? It’s going to take me three hours on the phone then six hours sat in the waiting room. It’s not worth it. I haven’t got the time or the energy.”

Views on the value of online advice were mixed. Professionals noted that the move to online delivery of advice could provide little benefit to individuals who might lack the skills or equipment to access online resources. However, some professionals who worked with younger adults noted that being able to access online advice before attending an in-person session might be reassuring for their clients, who were often socially awkward or uncomfortable in social settings.

The service users that we spoke to also had mixed views. Some stressed that they would value the provision of online advice (though admitted that they had not made good use of existing online advice sources) while others strongly expressed their frustration with being required to use online resources. As one respondent put it:

“I used to sit in the library on this computer. And you just feel so inadequate. And you ask for help. And then they show you. And then you’ve fucked up, and you’ve got to ask for help again. And I wanted to smash the whole thing. I came out so angry.”

The role of probation officers

Probation officers, in many ways, offer a natural gateway for former prisoners to access social welfare advice. They have regular contact with their clients and are tasked with supporting them to move away from offending, which includes keeping track of their progress with issues like housing, employment and benefits. However, our research suggests that probation’s capacity to act as a gateway into advice and information is compromised by the disruptive impact of recent reforms, tensions in the role of probation officers and a lack of understanding amongst probation officers of the ways in which social welfare advice can help.

Under the Transforming Rehabilitation (TR) reforms, all former prisoners are subject to a minimum of 12 months mandatory supervision on release by either CRCs (for low to medium risk offenders) or the National Probation Service. Probation officers are tasked with balancing the enforcement of license conditions, the protection of the public and support to help service users move away from crime.

However, emerging evidence is suggesting that the restructuring and privatisation introduced by TR has created significant disruption to probation practice. Her Majesty’s Inspectorate of Probation, for example, have reported that leaders and managers have been heavily focused on dealing with the changes, leading to a reduction in quality assurance of the work of individual probation officers³¹ with some managers admitting to signing off inadequate work.³²

Service users and professionals that we spoke to in many cases echoed these concerns about the effectiveness of probation support. In particular, both

probation officers and services users were sceptical as to whether the relationship that officers had with their clients was the right kind to support advice giving.

Service users noted that the enforcement and public protection functions of probation officers prevented them from forming a trusted relationship with their clients. As one service user put it:

“I hate probation. I think probation’s a joke. For starters, I’m going there to lie. Are you committing a crime? Even if I am, I’m not going to say so. I don’t understand the point of probation to be honest. They’re not offering you nothing. It’s only tick boxes.”

Another service user with a history of drug use described asking his probation officer for help accessing drug treatment following a relapse. He reported being told that he should not discuss this with his probation officer as he risked breach.

The probation officers that we spoke to agreed that communication between them and their clients was often difficult. They suggested that their ability to provide timely advice and information was constrained by the tendency of clients to avoid discussing issues like rent arrears until they reached crisis point.

A former probation officer that we spoke to during our research, also suggested that large caseloads and a heavy administrative workload made it difficult for them to invest the time in building trusted relationships, though this view was not expressed by serving probation officers.

The probation officers that we spoke to described their role as acting as gatekeepers to advice and information. They had experience of signposting clients to CABs and specialist housing advice services. However, they had no direct connection with the services and their understanding of them was limited. They lacked specific knowledge of how service users could make an appointment, what paperwork they should bring with them or what outcomes could be achieved. They did not have a direct relationship with advice providers, and were concerned that providers with limited experience of working with offenders may offer inappropriate advice given a lack of awareness of license conditions which former prisoners may be subject to.

Both probation officers and service users expressed some degree of frustration at the limited role of probation services in advice giving. They recognised that the regular contact between services users and probation officers, made it a potentially valuable provider of early-stage advice, but noted that a lack of trust underpinned by the probation officer’s high caseloads; their formal risk management and enforcement roles undermined that potential.

Reviewing the barriers facing former prisoners, we can see that some of them are common to anyone seeking advice. High levels of demand are, sadly, pervasive in the sector today. However, others, such as a discomfort in advice seeking or a lack of IT skills and equipment can be exacerbated by time spent in prison, and the stigma of an offending history is clearly distinctive to this group. If, as argued above, better social welfare advice provision to former prisoners would be good for society, then we need to find new ways to deliver advice which are tailored to this group. We will explore some of these options in the next chapter.

5. Options for improving access to advice

As we set out above, social welfare and legal advice can support former prisoners to move away from offending by helping them secure and maintain the resources that they need to build new lives such as appropriate housing and stable income. But a range of barriers, from a lack of awareness of rights, to a sense of stigma are impeding their access to these services.

However, through our research, we have identified a number of innovations which offer the potential to make it easier for former prisoners to access social welfare advice. By establishing advice as an important element of preparation for release, improving the links between probation and advice providers, creating new ways to find advice and, ultimately, developing new models of advice which are tailored towards former offenders we can help people access the support that they need.

Making probation a gateway to advice

While the broader issues constraining the relationship between probation and offenders are outside the scope of this report, we have identified some practical steps which can improve the connection between probation and the advice sector.

- Advice providers seeking to work with offenders should reach out directly to local probation organisations (CRCs and NPS), providing them with presentations and written materials to inform them about the areas where social welfare advice can be of benefit to clients and how to access it.

CASE STUDY: COVENTRY CAB'S PROBATION ADVICE SERVICE

- From 2013 to 2015 Coventry CAB ran a dedicated advice service for Black, Asian and minority ethnic probation clients. The service provided a holistic advice offer, including support with housing, debt, benefits and education, training and employment.
- Clients were referred into the service by offender managers, and were supported by a dedicated advice worker. The advice worker worked with the offender managers to help clients get acquainted with the service, sometimes piggybacking a first appointment on the back of a probation supervision and offering appointments at probation premises.
- In order to build client trust, the service focussed on a consistent relationship between adviser and client and keeping the advice service separate from probation's enforcement mechanisms. They emphasised long-term casework, representing clients at courts or tribunals where possible, and referred clients to further specialist services for specific needs such as addiction or mental illness. They found that clients placed a high value on services that would deliver on commitments, as they had experience of being let down in the past.
- The service closed in 2015 when the newly established CRC brought its social welfare advice provision in-house. However, it's not clear that probation officers have the skills and experience to deliver the same level of advice work.

- Probation organisations should commission “welfare advice intermediary” training for probation officers, following a similar model to that used by Hackney Law Centre (see case study) or that offered by AdviceUK. This will help them to diagnose social welfare issues and to direct clients to the appropriate advice provider.
- Probation and advice providers should establish single points of contact to facilitate co-ordination of support, and make use of opt-in data sharing agreements in order that advice providers can access information about license conditions which can help them make appropriate advice in relation to issues like housing.

Improving the provision of advice in prison

A key theme emerging through our research was the extremely challenging circumstances which face many prisoners on release. As set out in chapter three, many newly released prisoners face significant obstacles in obtaining housing and welfare benefits support. Social welfare advice clinics in prison can play a valuable role in helping prisoners make practical preparations for release around issues like debt and benefits, and can also provide them with points of contact in community-based advice services if follow-up support is required.

- Governors of resettlement prisons should commission local social welfare advice providers to run in-prison advice clinics which support prisoners to prepare for release by resolving issues around benefits, debt, housing, immigration and family law.
- Government should include the proportion of prisoners eligible for benefits who submit claims prior to leaving prison in the new prison performance standards under Standard 4: Preparing for Life after Prison.

CASE STUDY: IN-PRISON MONEY ADVICE, IPSWICH HOUSING ACTION GROUP

Ipswich Housing Action Group, a local independent advice provider, has been operating a prison-based advice service since 2006. The service, which is supported by the Money Advice Service, has been supporting prisoners at HMP Highpoint, since HMP Blundeston in 2013.

The IHAG service offers a weekly specialist debt and money advice as part of the prison's resettlement service. Debt advice is available to prisoners at any point in their sentence, with prisoners nearing release having priority. Common forms of prisoner's debts include fines and court fees, unpaid income tax and rent arrears. The service can support clients to put payment plans in place or apply for debt relief orders (a form of bankruptcy).

Resolving debt issues while in prison can make it significantly easier for clients to access housing on release. Clients with rent arrears, for example, will usually be refused social housing even if they are otherwise eligible, whilst a poor credit history can cause them to be refused private rented accommodation.

Developing new advice-finding tools

A lack of awareness of advice providers and other support services came out as a key barrier to access, in our work with service users. There was significant demand for straightforward and up-to-date information for newly released prisoners on support options in their area. However, maintaining a comprehensive, up-to-date index of voluntary sector support organisations is challenging as details of

available services can change frequently. At present, Citizens Advice and AdviceUK maintain separate online databases for the public, which do not offer the full range of information about services which users would require. In addition, Advice UK runs UK Advice Finder, a paid-for service targeted at professionals which covers the whole of the advice sector.

- Advice sector bodies should develop a public-facing, online cross-sectoral advice database which includes all accredited advice providers, together with details of the services they offer, their eligibility criteria and the process for gaining access.
- Probation providers should give prisoners details of the advice database as part of their pre-release preparation.
- Advice providers should offer welfare advice intermediary training (see case study) to individuals working with former prisoners including voluntary mentors, third sector staff and members of offender mutual aid groups.

CASE STUDY: WELFARE ADVICE INTERMEDIARY TRAINING, HACKNEY LAW CENTRE

In 2014 Hackney Law Centre trained a group of 34 East London vicars and atheist clergy to act as advice intermediaries – a first point of call for community members with social welfare advice needs. Clergy were targeted because they were already common destinations for advice seekers. The training curriculum was based on the model of first aid, with intermediaries given the skills to diagnose common social welfare problems, to deliver basic interventions such as help with paperwork, and to make effective referrals to formal advice provision where necessary.

The project seeks to reduce demand on advice providers, without developing a 'cut price' advice offer, by ensuring that people whose issues could be resolved without advice were able to do so, and that those who needed advice were directed to the appropriate help without the inefficiencies of inappropriate referrals.

Hackney Law Centre is now seeking to build on this approach by developing a smartphone app which provides users with the same kind of diagnostic approaches and a service directory which was provided to trainees.

Developing an offender-oriented advice model

Service users that we spoke to expressed a strongly-held belief that the ethos and structure of existing advice providers were not suitable for people who had been in prison. While this view was not shared by the advice professionals that we spoke to, we can identify examples of social welfare advice provision which have been more specifically tailored to the needs of people within the justice system. Community advice services like CASS Plus or Highbury Community Advice,³³ which have their roots in the advice sector, have made significant adaptations to meet the needs of people involved in the criminal justice system:

- Probation providers should consider commissioning social welfare advice providers to offer dedicated services for people under probation supervision.
- Dedicated advice services should seek to maximise the involvement of people with lived experience, bringing them in as volunteers and offering them training in advice and development which enables them to move into professional roles.

- Dedicated advice services should build on the lessons of community advice by instituting an open, client-led and casework-oriented model.
- Dedicated advice services should use co-design processes to incorporate the perspectives of service users into their model.

CASE STUDY: CASS PLUS ADVICE SERVICE, DEVON AND CORNWALL

CASS (Community Advice and Support Service) Plus is a social welfare advice service with offices in three criminal courts in Devon and Cornwall which has been tailored to meet the specific needs of vulnerable and criminal justice system-involved individuals. It has made a number of adaptations to traditional social welfare advice models to meet the needs of its clients:

- Co-location in a criminal justice setting
- Open-door drop-in sessions with no limitations on who can access the service
- A diverse group of volunteers with an emphasis on recruiting advisors with lived experience of the justice system
- A client-led approach where volunteers respond to the issues which clients prioritise
- A focus on supported referrals, where clients are helped to access support for chronic needs, alongside traditional social welfare advice
- A pro-active approach to case work, with clients regularly followed up by volunteers to check the status of ongoing issues and offer further assistance

Conclusion

Social welfare advice is not a panacea. It will not end the shortage of affordable housing, overcome the prejudices of employers, or change the culture of benefits sanctions. Clearly, a comprehensive effort to meet the social welfare needs of former prisoners would require a more far-reaching programme of reform than we are considering here. Nonetheless, where prisoners are entitled to support or fair treatment, improved access to social welfare advice can help them secure it.

As we've outlined above, current practice offers valuable ideas on how to improve the provision of social welfare advice for former offenders. However, while some of these options – such as better links with probation – will not require significant additional resources, others such as dedicated clinics, will likely have a cost implication. And even those ideas with no direct cost may be swimming against the tide of a sector which, faced with an increasing gap between demand and supply, is struggling to cope with existing client groups rather than seeking out new ones.

For this reason, we would urge commissioners of offender services – whether probation providers or the newly empowered prison governors – to actively seek to include advice providers in their supply chains, and working with them to design new, dedicated models which can better meet the needs of former prisoners or help current prisoners to prepare for release.

Endnotes

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1. One of the five purposes of sentencing as defined by Section 142 of the Criminal Justice Act 2003
2. Ministry of Justice (2016) *Prison Safety and Reform*. November 2016 p20
3. Ministry of Justice (2016) *Proven Reoffending Statistics Quarterly Bulletin January to December 2014, England and Wales*
4. Ministry of Justice (2016) *Prison Safety and Reform*. November 2016, p5
5. The Low Commission (2014). *Tackling the Advice Deficit: A strategy for access to advice and legal support on social welfare law in England and Wales*. Available online at: <http://www.lowcommission.org.uk/dyn/1389221772932/Low-Commission-Report-FINAL-VERSION.pdf>
6. Cited in Low Commission (2014) *Tackling the Advice Deficit: A strategy for access to advice and legal support on social welfare law in England and Wales*. para 1.12
7. Op cit paras 1.15-1.17
8. Justice Select Committee (2015) *Impact of changes to civil legal aid under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012* p.30
9. Op cit. p30-31
10. Law Centres Network (2014) *Written Evidence to the Commons Justice Committee on the Impact of changes to civil legal aid under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012*
11. National Audit Office (2014) *Implementing reforms to civil legal aid*
12. See <http://courtnav.org.uk/>
13. Ministry of Justice (2013), *The factors associated with proven re-offending following release from prison: findings from Waves 1 to 3 of SPCR Results from the Surveying Prisoner Crime Reduction (SPCR) longitudinal cohort study of prisoners* p20
14. Ministry of Justice (2012) *Accommodation, homelessness and reoffending of prisoners: results from the surveying prisoner crime reduction (SPCR) survey*
15. Rough Sleeping in London (CHAIN reports): <http://data.london.gov.uk/dataset/chain-reports>
16. Homeless Link (2011) *Better Together: Preventing Reoffending and Homelessness*. (London: Homeless Link)
17. Citizens Advice (2016) *Helping people find a way forward: A snapshot of our impact in 2015/16*
18. PWC (2013) *Law Centre Network Social Impact Study* p16
19. Ministry of Justice (2013) *Analysis of the impact of employment on re-offending following release from custody, using Propensity Score Matching* p.ii
20. Ministry of Justice (2013), *The factors associated with proven re-offending following release from prison: findings from Waves 1 to 3 of SPCR Results from the Surveying Prisoner Crime Reduction (SPCR) longitudinal cohort study of prisoners* p20
21. Ministry of Justice (2013) *The impact of experience in prison on the employment status of longer-sentenced prisoners after release*. P11
22. Citizens Advice (2016) *Helping people find a way forward: A snapshot of our impact in 2015/16*
23. PWC (2013) *Law Centre Network Social Impact Study* p16
24. Ministry of Justice (2015) *National Offender Management Service annual report 2014/15: Management Information Addendum*. Table 8
25. Unlock (2015) *Supplementary Evidence to the Commons Work and Pension Committee Enquiry on Support for Ex-offenders*. <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/work-and-pensions-committee/support-for-exoffenders/written/40991.html>
26. Crisis (2016) *Crisis response to the Work and Pensions Select Committee inquiry into support for ex-offenders*
27. DWP, (2013), *Evaluation of the Jobcentre Plus Offer*. P159
28. Op cit. p162
29. Citizens Advice (2016) *Helping people find a way forward: A snapshot of our impact in 2015/16*
30. PWC (2013) *Law Centre Network Social Impact Study* p16
31. HMI Probation (2016) *Written Evidence to the Commons Public Accounts Committee inquiry on Transforming Rehabilitation* <http://data.parliament.uk/WrittenEvidence/CommitteeEvidence.svc/EvidenceDocument/Public%20Accounts/Transforming%20Rehabilitation/written/34636.html> para 6
32. Op. Cit. para 16
33. For more on these services see the case studies on the Centre for Justice Innovation website at <http://justiceinnovation.org/portfolio/advice-and-support-in-practice/>

**Point me in the right direction:
Making advice work for
former prisoners**

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