



House of Commons
Work and Pensions Committee

**Support for
ex-offenders:
Government Response
to the Committee's
Fifth Report**

**Ninth Special Report of Session
2016–17**

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Work and Pensions Committee

The Work and Pensions Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Office of the Department for Work and Pensions and its associated public bodies.

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The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the internet via www.parliament.uk.

Publication

Committee reports are published on the [publications page](#) of the Committee's website and in print by Order of the House.

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Committee staff

The current staff of the Committee are Adam Mellows-Facer (Clerk), Margaret McKinnon (Second Clerk), Ian Hart (Committee Specialist), Libby McEnhill (Committee Specialist), Rod McInnes (Committee Specialist), Alison Pickard (Senior Committee Assistant), and Jessica Bridges-Palmer (Media Officer).

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Ninth Special Report

The Work and Pensions Committee published its Fifth Report of Session 2016–17, *Support for ex-offenders* (HC 58) on 19 December 2016. The Government's response was received on 22 January 2017 and is appended to this report.

In the Government response, the Committee's recommendations appear in ***bold, italicized text*** within a frame and the Government's responses appear in plain text.

Appendix: Government Response

Introduction

1. The Government welcomes the Work and Pension Select Committee report into Support for Ex-offenders. We read the Committee's recommendations with interest. Supporting offender rehabilitation is important not only to the economy, but to the lives of individuals and families affected by recidivism. We are fully committed to providing the support needed to enable offenders to integrate fully back into the community, including providing financial support to meet their basic needs until they move into employment, self-employment or training.
2. The Government set out comprehensive plans to tackle safety and security in prisons in its ***Prison Safety and Reform***¹ White Paper published in November 2016.
3. We have taken immediate action by investing additional funds, including an extra £100 million annually to strengthen the frontline with around 2,500 more prison officers which will help us deal with emerging threats and improve safety. We will also refocus the system and change the ways of working so offenders are matched with dedicated officers with the appropriate training and ability to offer the support needed to make prisons places of safety and reform.
4. In order to make sure these changes are embedded across the system as a whole, and to hold it properly to account, primary legislation is needed. The Prisons and Courts Bill, will set out a new framework and a clear system of accountability for prisons which – for the first time – enshrines into law that a key purpose of prison is to reform and rehabilitate offenders.
5. This framework will be supported by new standards and league tables, a new commissioning structure, and new powers for governors. Together, this will create a more focused prison system where governors are clear what they need to deliver and empowered to do so.
6. Under this framework, the Justice Secretary will account to Parliament for progress in reforming offenders, and a strengthened inspectorate and ombudsman will provide sharper external scrutiny of the system.
7. The Government's response to the Committee's recommendations is given below.

1 Prison Safety and Reform, published November 2016
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/565014/cm-9350-prison-safety-and-reform-_web_.pdf

Responsibility for Employment

Committee Recommendation 1

We recommend that the Government clearly state in response to this report who has ultimate responsibility for helping prison leavers into work (paragraph 20).

8. We agree with the committee's recommendation that there should be clear lines of responsibility and a consistency in supporting offenders into work. The Governor and probation personnel are both responsible at different stages of the sentence for helping prisoners into work, and are required to work together to achieve the desired outcomes.

9. The Prison Safety and Reform White Paper set out clear and consistent standards which all prisons are expected to achieve. A new suite of performance measures are being developed to assess how prisons are performing against these standards, and to hold governors to account. Governors are responsible for preparing prisoners for employment on release, and the performance measures against which they will be held to account include the rate of prisoners in employment on release. We will also be introducing equivalent performance measures for probation providers so we can hold them to account for employment outcomes after release.

10. Probation services have a vital role to play in helping offenders to find work, or getting them ready for employment, right throughout their sentence. Community Rehabilitation Companies (CRCs) provide 'Through the Gate' resettlement services to offenders during the last 12 weeks of custody, and then continued support on release. CRCs must work with offenders and prisons to develop a resettlement plan which identifies and addresses needs in relation to accommodation, education, training and employment, as well as finance, debt and benefits.

11. We are currently conducting a comprehensive review of the probation system. As with prisons we want a clearer, simpler system with specific outcome measures, such as getting offenders into work, and quality services available to tackle the causes of offending. We will set out our plans after our review is completed in April.

12. Prison Work Coaches are uniquely placed to ensure continuity in support and shape activity in custody to give an offender the best chance of getting work on release. DWP recently reviewed the Prison Work Coach role and implemented changes to ensure a greater focus on employment (rather than on accessing benefits) and enable input earlier in an offender's sentence.

Committee Recommendation 2

Building on the recommendation by Dame Sally Coates, all prisoners who will be ready for work on release should have Personal Learning and Employment Plans. We recommend that Work Coaches in prisons sign-off on these Plans to ensure that:

- a) ***prisoner employment needs have been accurately reflected; and***
- b) ***Educational activities are geared towards helping a prison leaver into employment (paragraph 26).***

13. The Government has committed in the *Prison Safety and Reform* White Paper to creating a personalised learning plan for each prisoner, incorporating that into their sentence plan and basing it on assessments of every prisoner's learning needs on entry into custody. Governors are accountable for the quality and effectiveness of the learning plans in their establishments.

14. Prison Work Coaches are not in a supervisory role, so it would not be appropriate for them to sign off learning plans. However, we agree with the spirit of the Committee's recommendation: Prison Work Coaches should certainly be involved in the development of those plans for prisoners they see. They can facilitate work experience, training and employment opportunities for prisoners, linking with Jobcentres to bring labour market intelligence to inform the creation of learning plans and the commissioning of prisoner education.

Committee Recommendations 3 and 4

We recommend that all prisons be required to demonstrate strong links with employers, including local businesses, and ensure that the rules and processes for securing ROTL are straightforward and consistent. In addition, all prisons should be required to offer workshop courses, apprenticeships or similar employment opportunities with real employers. This should be a performance objective for governors and Department for Work and Pensions Work Coaches in prisons (paragraph 35).

We recommend that Work Coaches in prison are responsible for identifying local labour market demands. They should then work with the governor to determine what courses, qualifications and training should be offered in the prison. Governors and Work Coaches must be able to demonstrate how this offer reflects labour market demand (paragraph 42).

15. Employer involvement is crucial in shaping activity in prisons and providing opportunities on release. Governors will be accountable for the opportunities provided in prisons and the outcomes these produce.

16. As outlined in *Prison Safety and Reform*, we want to devolve decisions on key operational policies, allowing governors to make better use of tools such as Release on Temporary Licence (ROTL) to allow prisoners to engage in purposeful activity, such as work as part of their sentence.

17. There is already strong emphasis across Government on increasing the number of employers willing to take on ex-offenders, for example:

- a) The National Offender Management Service works closely with the Employers Forum for Reducing Re-Offending to ensure there is a pool of employers willing to offer training and jobs. This is complemented by the See Potential campaign in the Department for Work and Pensions.
- b) The Department for Work and Pensions works with employers at national and local level across a wide range of labour market sectors. These employers are actively encouraged to consider taking on staff from disadvantaged backgrounds.
- c) Department for Work and Pensions Partnership and Employment teams work in collaboration with the National Offender Management Service on employment events inside prisons by inviting local and national employers they work with to take part.

18. The Ministry of Justice offender employment strategy, to be published later this year, will set out how more employers will be incentivised to work with offenders.

19. Governors also have a key role in engaging with employers. *Prison Safety and Reform* explains that governors will be expected to develop local commercial relationships to provide meaningful work opportunities for prisoners.

20. It is crucial that governors have robust information on local demand and recruitment plans in their area. Prison Work Coaches and Jobcentre colleagues are well placed to support governors in this. They can also provide links, through the national Jobcentre Plus network, to any local labour market, which is of particular value where prisoners are being released to other areas. We are exploring how this sharing of knowledge and information can be achieved to best effect.

Committee Recommendation 5

We recommend that the funding transferred from the Department for Education to the Ministry of Justice for the education and training of prisoners be ring-fenced for that purpose to protect it from other calls on prison resources. Meeting local labour market demands and developing employment support in prison should be a focus of how this money is spent (paragraph 43).

21. The budget of £130m, which transferred in October to the Ministry of Justice from Department for Education, is clearly ring-fenced for providing education and training in prisons in England. Education in prisons remains a top priority so, as education budgets are devolved to governors, the very clear expectation will be that they will spend at least that sum. However, it will be for governors to decide how best to use their budget to meet the education standards for which they will be accountable.

Financial Security

Committee Recommendation 6

We recommend that, for those prisoners who cannot work, claims for Employment Support Allowance be made in prison and paid on day one of release. We have seen no evidence to suggest there are barriers to doing this. Universal Credit will eventually replace Employment Support Allowance but the timetable for UC continues to be pushed back and in the meantime delays in payment cause avoidable hardship (paragraph 62).

22. Prisoners in custody can make an advance claim to Employment and Support Allowance and the claim will be processed as soon as they are released and provide medical evidence. Prison Work Coaches will continue to support and advise prison-leavers on how to claim ESA where still applicable.

23. Currently, in common with claimants for Jobseeker's Allowance, most people who claim Employment and Support Allowance have to serve seven waiting (non-payable) days before becoming entitled to benefit. This applies equally to short term advance payments. There are no plans to change this. Claimants who have served the seven days and are experiencing hardship are eligible to receive up to 60% of their payment in advance.

24. Again in common with claimants for Jobseeker's Allowance, there are certain circumstances where an Employment and Support Allowance claimant does not have to serve any waiting days. For example, where the first date of their new claim is within 12 weeks of the end of a previous award of Employment and Support Allowance or other benefit such as Jobseeker's Allowance, or where the claimant is terminally ill.

25. With all working age benefits, the process of determining eligibility for an award of benefit cannot be made until day one of the claim. This is because most benefits have criteria which need to be met before payment can be made. For example, for Employment and Support Allowance, this is the provision of medical evidence. Where medical evidence requirements are met, it is possible for processing to take place on the day of the claim. This means that an offender who has full evidence and is exempt from waiting days may, as long as they meet the conditions, be able to receive an advance payment on release from prison.

26. Universal Credit will provide prison-leavers with better financial support and ensure they are better off in work. Prison leavers who claim Universal Credit will not be required to serve waiting days before being able to receive payments. The Department for Work and Pensions is exploring options for prisoners to make advanced claims to Universal Credit.

Committee Recommendation 7

We welcome the Government's decision to exempt prisoner leavers from UC waiting days. Department for Work and Pensions envisages a large number of prisoners requiring a Benefit Advance. A better approach would be to make the first month's entitlement to UC available on the day of release (paragraph 63).

27. The current arrangements in Universal Credit of providing advances and budgeting support delivers the right approach to helping ex-offenders in urgent financial need manage until their first payment of Universal Credit. If the first month's entitlement were to be paid on the day of release, there would be a large gap until the next payment of Universal Credit. This would be paid at the end of the second assessment period - introducing a potential risk of placing an ex-offender in financial need.

28. Paying entitlement in advance would also mean payment before taking into account potential changes of circumstances, which could occur during the first assessment period. In these circumstances, an unnecessary overpayment might be created, placing the claimant into debt. Paying entitlement early would be confusing for claimants and make it difficult for them to budget responsibly. We believe the current system, with the principle of a calendar monthly assessed benefit paid in arrears, with access to advances and personal budgeting support, to be a fairer and less confusing approach for ex-offenders.

Committee Recommendation 8

Work coaches based in prisons should assess a prisoner's financial circumstances prior to their release and work with Community Rehabilitation Companies to put the appropriate support in place. Department for Work and Pensions should regularly review the data Work Coaches have gathered on prisoner's financial challenges on release, in order to better understand ex-offenders' needs (paragraph 64).

29. Overall responsibility for prisoner resettlement, including providing advice and support on finance and debt, lies with the National Offender Management Service, and is provided through Community Rehabilitation Companies.

30. The 'Through the Gate' resettlement service model, which Community Rehabilitation Companies implemented in May 2015, is based around prisoners being transferred to their local Resettlement Prison 12 weeks before release. At their Resettlement Prison they receive services to help them obtain or maintain suitable accommodation; education, training or employment; advice on finance, benefits and debt. Under the new offender management model, a lead officer will support prisoners on debt.

31. Prison Work Coaches assess the personal circumstances of prisoners they meet in order to facilitate each individual's move towards employment. This can include, facilitating a claim to Jobseekers Allowance or Universal Credit, and where appropriate, signposting to the CRCs where prisoners need help to open a bank account before release.

32. Offenders who go on to become Jobcentre Plus customers after release have access, through their Jobcentre Plus Work Coach, to a range of support tailored to individual need. This can include, for example, short term benefit advances, access to Universal Support² or signposting to debt management services.

Jobcentre Plus and the Work Programme

Committee Recommendation 9

All Jobcentres should have a specified person who specialises in helping ex-offenders into employment. This person may be from the third sector or be a JCP employee but they must have expertise on matters such as disclosure of convictions. Ideally the specialist should have experience of the prison system themselves (paragraph 73).

33. Part of the Prison Work Coach role is to raise general awareness of offender employment barriers amongst Work Coaches and other staff in Jobcentres. The 173 Prison Work Coaches across Great Britain are a dedicated resource of specialist staff which Jobcentre colleagues can turn to for extra advice. In addition, each Jobcentre group has an offender lead who can provide or signpost Jobcentre staff to specialist expertise.

34. DWP has a range of training and guidance products to ensure Work Coaches support offenders effectively. This includes general information about conviction disclosure rules, and guidance on ensuring Jobcentre requirements accommodate claimants who have licence conditions as part of a community order or release on licence.

35. However, we recognise that there are some gaps in the knowledge and capability of Work Coaches with regard to the particular needs of offenders and prison leavers. Officials are exploring the development of specific learning and development for Work Coaches to advise claimants on disclosure, seeking expert external advice on this crucial area.

36. The role of the Work Coach has changed significantly and the introduction of the Jobcentre Operating Model during 2016 has seen a move away from specialist advisers to a “mixed caseload” model of delivery. This means that claimants remain with the same Work Coach irrespective of their conditionality/regime or the benefit they claim at any given point in time.

37. This allows the Work Coach-offender relationship to develop and reflect the changing needs of the claimant (a prison-leaver has very different needs and priorities to someone who served a sentence many years ago, or someone serving a community sentence).

2 Universal Support is advice, assistance or support from Jobcentre Plus or local partners to help Universal Credit claimants with managing their claim or award of Universal Credit. This includes accessing and using online services or managing their financial affairs. Universal Credit has made funding available to local authorities to help deliver this.

Committee Recommendation 10

We recommend that ex-offenders who are ready to work should have access to the Work and Health Programme on a voluntary basis (paragraph 74).

38. Prison leavers and those serving community sentences will be eligible for early entry to the Work and Health Programme in England and Wales at the discretion of the Work Coach, and at the most appropriate time in their claim, if they meet the following eligibility criteria:

- Jobcentre Plus has already helped the individual with their core job search activity;
- They would benefit from additional support than the Jobcentre Plus offer or other available support or services;
- The claimant has committed to the goal of finding employment within one year.

39. Employment support currently delivered through the Work Programme and Work Choice were devolved in Scotland under the Scotland Act 2016. The design and eligibility for the Scottish programmes will be a matter for the Scottish Government, and DWP is working with them to have a clear and co-ordinated approach.

Measuring Successful Transition

Committee Recommendation 11

Community Rehabilitation Companies should be required to track the outcomes of the prisoners they resettle, including whether they have helped them into work. This data should then be used to inform Government decisions about employment and education interventions (paragraph 79).

40. The Government agrees with the committee's recommendation that Community Rehabilitation Companies should be required to track the outcomes of the prisoners they resettle. Community Rehabilitation Companies are now required to collect data on employment outcomes, which will support the performance measures on which we will hold probation providers to account.

41. We are introducing enhanced measures of resettlement which include the recording of employment at the start and end of the sentence and at the end of the licence supervision period for any offender. We aim to include this in future publications, for both Community Rehabilitation Companies and the National Probation Service, once data collection has bedded in.

Supporting and Incentivising Employers

Committee Recommendation 12

We recommend that the Government pilot the reduction of National Insurance contributions for those employers who actively employ ex-offenders. The Government should also consider other ways to recognise and reward employers who take corporate social responsibility seriously and actively employ ex-offenders. It could, for example, be a factor in procurement and commissioning decisions (paragraph 92).

42. The Government notes with interest this recommendation. The Ministry of Justice is exploring a range of options which would recognise or reward those organisations who actively employ ex-offenders, as well as working to better understand the most effective tools to incentivise others. In addition, we will be working with the Employers' Forum for Reducing Re-offending to understand what more could be done to increase overall awareness about the benefit of employing ex-offenders.

Committee Recommendation 13

We recommend that Department for Work and Pensions develop practical guidance to help employers recruit ex-offenders. This should include information on spent and unspent convictions, insurance and how to recruit to different roles. It should also include information on businesses who have already hired ex-offenders and what support they can provide to other employers (paragraph 93).

43. The Department for Work and Pensions launched an employer toolkit in February 2017. The toolkit is a practical 'how-to' guide that will act as a starting point for employers wanting to make their recruitment practices more open. The guidance will help businesses take the necessary steps to employing people from disadvantaged groups, including ex-offenders. It incorporates a range of tips on recruiting those with criminal records including spent and unspent convictions, and insurance. It also contains testimonials from businesses who have already hired ex-offenders.

Banning the Box

Committee Recommendation 14

We welcome the Government's decision to Ban the Box for the majority of civil service roles. We recommend that the Government extend Ban the Box to all public bodies, with exclusions for the minority roles where it would not be appropriate for security reasons. The Government should also consider making banning the box a statutory requirement for all employers (paragraph 99).

44. The Civil Service is committed to becoming the most inclusive employer in the UK. The Civil Service is committed to improving diversity of opportunity and creating an inclusive working environment that attracts the best talent and makes the most of potential skills and productivity of ex-offenders in the community.

45. Following the former Prime Minister's commitment in February 2016, Business in the Community's Ban the Box campaign was formally launched across the Civil Service on the 17th October 2016, with 380,000 roles (97% of those across the Civil Service) identified as suitable for the removal of the 'box' that ask about criminal convictions at the initial stages in the recruitment process.

46. A number of departments are already operating their recruitment process in line with the Ban the Box principles. This approach is now being formalised across the Civil Service. The Civil Service Jobs system, which is used for approximately 70% of recruitment in the Civil Service, has been designed to remove the 'box' asking about criminal convictions from application forms as standard. The Civil Service is now working across departments to implement this initiative quickly and effectively to ensure its roles attract the widest possible range of applicants.

47. The Ministry of Justice will explore options for promoting 'ban the box' across both the Public and Private sector.