

Justice Select Committee: 'Transforming Rehabilitation'

November 2017

The Criminal Justice Alliance (CJA) is a coalition of 130 organisations - including charities, voluntary sector service providers, research institutions and staff associations – working across the criminal justice pathway. Our members now employ more than 12,000 people between them. The Alliance works to establish a fairer and more effective criminal justice system.

For the first time since the introduction of the Transforming Rehabilitation (TR) programme, final reoffending statistics have been published. Encouragingly, they show a small but statistically significant fall in reoffending rates. However, as this is only the first set of results, we would caution that judgement might be reserved until a fuller set of data is available.

Furthermore, even the current statistics show that reported improvement is by no means universal – six CRCs showed no change in reoffending rates and two actually showed a worse rate. We should remember that these statistics are by no means the only way to assess the performance of probation services, many of which remain under tremendous pressure.

The CJA welcomes the opportunity to respond to this inquiry. This response focuses on the issues most pertinent to the CJA's collective voice.

1. To what extent do the steps taken by the Government address the issues facing probation services?

(b) Are strengthening inspection standards and creating joint performance measures (between probation services and prisons) the best ways of improving performance?

We welcome the Chief Inspector of Probation's comments before the Committee about strengthening standards (previously relaxed following the introduction of TR) and developing a grading framework by April 2018. Alongside reoffending data, both should help better to develop knowledge around best practice and identify areas, such as Cumbria and Lancashire, where there is genuinely innovative and successful work taking place. These strengthened standards should help deliver real improvement for service users. It is important that they are authentically informed by the voices of the people receiving these services.

Jointly evaluating the performance of prisons and probation services is also likely to foster better collaborative working and reduce the incentive to shift accountability. Too often there remains a disconnection between the various agencies involved, encouraging a 'silo' mentality leaving service users being passed between organisations with little continuity.

For example, inadequate screening by prison staff when a person enters custody leads to a poor basis for resettlement planning. Equally, resettlement services in prison are

severely hampered when there is poor communication from offender managers at CRCs, diluting the effectiveness of the Through-the-Gate service. Different parts of the prison and probation services need to recognise, and be held to account for, the possible knock-on effects of poor performance.

2. What impact have the reforms had on (ii) recalls to prison?

We are particularly concerned about the growing number of people released from a sentence of less than 12 months who are being recalled to prison following a breach of licence. Between April and June 2017 there were 2,212 such recalls, an increase of eight per cent from a year earlier. In more than three in five of these cases, 'non-compliance' is listed as one of the reasons for recall. Less than half were recalled because they committed another offence. People recalled to prison for licence breaches (as with short-term sentence prisoners as a whole) rarely have time to engage meaningfully with rehabilitative interventions.

The Chair of the Parole Board, Nick Hardwick, has already raised concerns before the Committee about the appropriateness of some of these breaches, which can be as trivial as a person returning to a hostel drunk. This is particularly concerning with respect to ex-offenders on IPP sentences who, having been released once deemed no longer a threat to public safety, are then recalled back to prison for breaches that - on the face of it - have little or no effect on their risk to the public. Some of our members have expressed concern that ex-offenders may even, in the face of seemingly insurmountable barriers to employment, accommodation and other elements necessary to a stable and crime-free lifestyle, deliberately trigger recalls to prison.

Nevertheless, without further data on the reasons for recalls occurring and a breakdown of the severity of licence breaches, assessing the impact of probation reforms on the increase of recalls is difficult. The cohort recalled to prison are likely to be some of the people most in need of effective rehabilitative support and considerably more needs to be done to find out why probation services are not succeeding with this group.

4. What else should the Government do to address the issues facing probation services?

The provision of safe and affordable housing for people leaving prison remains a critical problem for probation services. Repeated studies have shown that securing suitable housing for ex-offenders has a positive impact on the likelihood of re-offending. Much more needs to be done to ensure that adequate housing options are available and that support is provided prior to, and post, release.

Lack of housing can severely undermine, and in some cases nullify, the positive effects of support in other areas of an ex-offender's life such as employment or help with substance abuse. The National Audit Office's 2016 report on TR found 42 per cent of service users felt that help with housing has worsened since the probation reforms.

We welcome the fact that the duty on Local Authorities to provide housing advice to ex-offenders is being strengthened in the Homelessness Reduction Act 2017. However, when it comes to actually *securing* accommodation, ex-offenders will continue to face significant challenges, whether renting privately or through social housing. Many coming out prison will continue to struggle hugely to provide the deposits, references and bank statements that private landlords commonly require, and changes introduced by the Localism Act 2011 mean that Local Authorities now have greater discretion to exclude ex-offenders from their housing registers.

Housing remains a significant problem for many ex-offenders – HMI Probation and HMI Prison’s joint report on Through-the-Gate services in October 2016 found that over two thirds of prisoners needed help finding accommodation on release. Furthermore, the difficulty with securing housing can have a significant impact on newly released prisoners who are parents, who are unable to get custody of their children due to the lack of housing, but are unable to access family housing because they do not have custody of their children. One example of a positive intervention to tackle this issue which we commend to the Committee is Commonweal Housing’s Re-Unite Project. This provides family housing at the point of release for women to ensure they can be swiftly reunited with their children.

While the Inspectorates’ joint report recognised that CRCs are not under an obligation to provide accommodation themselves, and the availability of safe and affordable housing is an issue that extends beyond the criminal justice system, it rightly criticised CRCs for not doing enough to address accommodation needs. The Inspectorates found no examples of innovative work being done in this area, particularly of the type proposed by CRCs during the bidding process such as funding deposits and short-term assistance. A lack of up-to-date and reliable data on accommodation outcomes for people coming out of prison is also undermining the push for positive change on this issue.

The Criminal Justice Joint Inspectorate’s June 2017 report went further, recommending not only that the Ministry of Justice and the Department for Communities and Local Government should work together to prioritise accommodation needs of homeless prison leavers but also that consideration should be given to making CRCs and the NPS responsible for securing their accommodation. We strongly support these proposed recommendations.

5. How can the Through-the-Gate provision be improved so that prisoners get the right help before their release from prison and afterwards?

Effective Through-the-Gate support can be found in the work of various organisations. For example, Switchback begin their Through-the-Gate support three months prior to leaving prison to begin planning for the offender’s stable future. Only nine per cent of those supported reoffend within a year of leaving prison. St Giles Trust’s peer adviser programme is another service proven to equip prisoners with skills to aid their own employability and also to share such expert personal knowledge with other prisoners.

The success of Through-the-Gate services needs to be measured in the first instance on whether or not service-users’ needs are actually being properly addressed, not simply whether processes are being followed. Many service providers have described the rise of a ‘tick-box’ culture to meet contractual requirements. Resources are oftentimes being over-expended on the administration of resettlement services, including the repetitive tasks of data input, rather than focusing on producing positive outcomes for service users. Catch22’s Chief Executive Chris Wright recently described this risk aptly as ‘ticking the box, but missing the point’.

At the point of introduction of TR, much was made of the anticipated creativity and new ways of thinking that Through-the-Gate services might encourage, but there seems little evidence of genuinely innovative practices. For example, greater consideration might well be given to wider use of restorative justice (RJ) in probation services. RJ has the capacity to transform the lives of both victims and offenders but this tool is being underused, arguably to the detriment of victims, offenders and the safety of communities.

The use of RJ across CRCs is currently, at best, patchy. While it is encouraging that the NPS is ‘committed to reducing re-offending, preventing victims by changing lives and protecting the public’ through RJ (NPS Strategic and Positioning Statement, July 2016) there is too little evidence of this happening in practice. Victims are entitled to receive

information about RJ through the Victims' Code of Practice but if RJ is only made available when requested, this will result in very few people securing that access.

One of the best windows of opportunity for RJ in the criminal justice process is in sentencing reports written by probation staff. Whether probation staff do or do not recommend RJ in these reports is critical to whether or not victims and offenders get access to this often hugely helpful process. The NPS should adopt a more active support and awareness policy around RJ.

7. When should there be a review of the future of the Transforming Rehabilitation model and the long-term plan for delivering probation services?

Now that the first set of Payment by Results figures has been released, and the measurable effectiveness of the Transforming Rehabilitation model can begin to be assessed, it is important that the viability of continuing this model is properly reviewed. We agree with the observation of the Justice Secretary made to the Committee on 25 October, that with CRC contracts up for renewal in 2022 it is certainly not too early to evaluate what we have learned since the introduction of TR and to begin thinking seriously about what good looks like for probation services in the future.

For further information contact Ben Summerskill, Director, on 0203 176 1153 ben.summerskill@criminaljusticealliance.org.uk or Peter Keeling, Policy Officer, on 0203 176 1153 peter.keeling@criminaljusticealliance.org.uk

This response does not reflect the individual policy position of any member organisation of the CJA