



# ***TOO MANY PRISONERS***



**The All-Party Parliamentary Penal Affairs Group  
January 2008 - March 2010**



The work of the Prison Reform Trust is aimed at creating a just, humane and effective penal system. We do this by inquiring into the workings of the system; informing prisoners, staff and the wider public; and by influencing parliament, government and officials towards reform.

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## Foreword



The All-Party Parliamentary Penal Affairs Group aims to increase its members' knowledge of penal affairs and to work through Parliamentary channels for reform of the penal system. With the prison population at an all time high of around 85,000 and plans for further considerable expansion of the estate despite radical cuts elsewhere in public expenditure, there has never been a greater need for an active and informed group.

This report revives the title of the group's first publication in 1980 *Too Many Prisoners*. At that time the prison population in England and Wales stood at 44,000, a level that the then Home Secretary described as "dangerously high". In a speech to the Conservative Central Council Willie Whitelaw said:

*"...we must ensure that prison is reserved for those whom we really need to contain in custody and that sentences are no longer than necessary to achieve this objective..."*

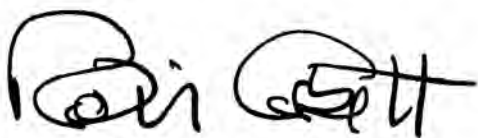
These are sentiments that remain relevant today. With an imprisonment rate of 154 per 100,000 England and Wales has become the top incarcerator in Western Europe. Rates in more moderate France and Germany are 96 and 88 per 100,000. Fevered prison building, at £170,000 per place, is now set to propel us past most of our Eastern European neighbours. It is hoped that this review will prove helpful in allowing parliamentarians an opportunity to pause and reflect on both the pace and nature of change.

The report includes the presentation of each speaker in the past two years. Each meeting had a separate theme. It provides a clear indication of concerns – for the public in whose interest prisons exist, for prisoners, staff and those responsible for various aspects of the prisons in England and Wales.

The group was re-instated on the Register of All-Party Groups and the Approved List in July 2002, when I was delighted to be elected as Chairman. I have greatly appreciated the interest and support I have received from members and fellow officers in the past eight years.

Baroness Stern of Vauxhall CBE, Julie Morgan MP and Lord Ramsbotham have provided excellent support and guidance as vice-chairs, as have Nick Hurd MP and more recently Lord Hodgson of Astley Abbots as the group's secretary. Prior to the general election 143 Members of Parliament and 92 Peers were members of the group.

Finally I would like to thank the Barrow Cadbury Trust, who support the Prison Reform Trust (PRT) to provide the Secretariat, and PRT and its Deputy Director, Geoff Dobson OBE, clerk to the group and Julia Braggins our minute taker, for their help in underpinning our work.



Lord Corbett of Castle Vale  
Chairman, All-Party Parliamentary Penal Affairs Group  
Spring 2010



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## ◆ 22 January 2008: Prison - For whom, and for what?

Paul Tidball,  
President,  
Prison Governors' Association (PGA)

Paul Tidball thanked members of the meeting for their kind invitation. He began by explaining his title: Prison – for whom and for what?

“This is a question which people in this room must ask regularly. There has never been more reason to ask the question, and get some sensible answers, than right now, when we are spending £2.7 billion extra on additional prison places. By Northern Rock standards that's not a large amount of money, but in terms of alternatives to prison, it is a lot of money. The director general of the Prison Service, Phil Wheatley, doesn't strongly resemble Sir Humphrey but he is one of the most solid of civil servants. If he were here, he would probably play with his traditional straight bat and stick with the well rehearsed position of years that it isn't for him to speak on the appropriateness of sentences for individuals.

He would say that he and we should accept whomever the courts send to us, and do our best to keep them in decent and safe conditions, and if possible help them to avoid reoffending when they leave. But I wonder whether now he might waver from that a little. It's unfair to second guess him, and he would tell me to shut up if he were here, but he might just say, as more and more of my members are saying, that it's all very well if someone else is paying for the new places.

There's every reason to think, given that we are getting 3% cuts over the next three years –

that's about £60 million next year and a similar amount the following two years - that we are paying considerably towards those new places. After many years of 'management efficiencies', which used to be the phrase the most senior managers in the Prison Service used, year after year, to get us to deliver more for less, make no mistake that we are now talking about less for less. Even next year we are venturing into a shorter core day for prisoners, so they are actually out of cells for less time than at any time since 1969.

When I was discussing this last with Anne Owers, she agreed that the best governors of the best prisons have spent every waking hour trying to squeeze the amount of time that prisoners get out of cells, to do something useful rather than just hang over the balcony. Yet they are now having a jelly mould jammed over them to say that they cannot have prisoners out of cells for longer than four and a half days a week, and those four and a half days themselves will be shorter than they have been since 1969. And this applies to all prisons. Those governors who made those gains over the years have had to draw their necks in and accept a shorter core day.

There is no doubt that this is bound to have its effect on reoffending. Because if there is any point in having prisoners out of cells doing preparation for employment, offending behaviour programmes and the rest of it, then to do it for a day less in total - if you trim off



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the beginning and of the four and a half days as well – means that the revolving door will no doubt spin faster than it does already. This is about quantity of prison places at the expense of quality, and that isn't in the public interest. It's certainly not what my members want to be engaged in: presiding over warehouses. Those of us who have been around long enough can remember, some decades ago, when that was considered the only worthwhile thing to do with prisoners – just keeping them reasonably safely and not attempt to do anything else – because prison worked by locking people up.

As to how we got where we are and what's to be done, I won't spend an eternity on my autobiography, but I think it might give you some reference points to know from whence I have come. I joined the Prison Service in 1976 as a direct entry assistant governor, and my first posting was to Hewell Grange in the Redditch area. Now it is an adult male resettlement prison, but then it was an open borstal for males aged 15-20. That sounds terribly archaic, but it was towards the end of borstals. This was part of a ground-breaking experiment called the 'neighbourhood borstal project.' Not only were all its residents from the West Midlands but a senior probation officer from every metropolitan district in the West Midlands spent half his or her time in the borstal and the other half out seeing to the other end of things. We didn't actually call it offender management at the time, but it certainly was naked offender management. It certainly felt the right thing to be doing.

I want to tell you about an experience which, for me, was a life changing revelation. The borstal concerned was trying to drag itself into a neighbourhood borstal project from having been a traditional borstal based on the public school system. When I arrived, people were allocated to dormitories based on the areas from whence they came. Something that we decided had to go was the system of taking the best behaved off to camps, with PE instructors. Whether I'd have the energy to do it now, I don't know. But we decided that

we should take the people who needed to go, rather than those who 'deserved' to go. So we decided to take a bunch – and I make no apologies for the word - of 15-20 year olds off to a school in Penarth. We spent a week at that school enabling physically handicapped children to go to a remote beach, down cliffs, taking all sorts of risks with them, instead of to a beach with a concrete prom. On a more leisurely day we pushed them across the Severn bridge, and on another day we pushed them across to a tidal island, surrounded by sea. And when the head master produced some air guns for his own children to use to attempt to pot rabbits, young assistant governor Tidball's heart raced a bit, in case any of my lads decided they wouldn't mind doing a bit of shooting - we were totally marooned there, with no access to other people.

Anyway we enabled those children, for a week, to do things they wouldn't normally have been able to do. Not only did the children benefit, but the staff of the school, several times a day, on a daily basis, were thanking my young men for enabling the children to do something entirely different. Because it was in June, the days were very long, and the little boys and girls from that part of S Wales would come up to the tents at dawn and say 'are you coming out? We can play cricket before we go out on today's project', and the same in the evening. So these were very long days for our lads but I'll never forget the way they reacted to being thanked for doing something worth while.

Now this is blindingly obvious to people here who've been parents and grandparents. But in talking to these young men 30 years ago I knew they had never been appreciated for doing anything worthwhile. And before I finish this folksy story - not the sort of thing you expected, perhaps - when we got back to the borstal, one of the party, a South Walian, absconded. One of my other roles was to investigate absconds, so I got the other lads together, and they said 'Well he wanted to go last night, but we persuaded him not to, because it would have let everybody down.'



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So not only did you have the new experience of people being appreciated for doing something worthwhile, and that reinforcing behaviour in the future, which it did, but they also developed a sense of group responsibility. And frankly that was the best experience I've had in prisons for 30 years. Although we were actually outside the prison, it taught me some lessons about what is key to what happens inside as well.

30 years later I had grounds for despondency when I took four train rides in the space of four months on the same rural stopping route in a delightful part of Britain, and saw parenthood in action. The first time, there were a mother and son of about nine years old. Whenever the boy tried to speak to her she said 'Play with your Gameboy'. This happened countless times. Lo and behold, next time I got onto the same train and sat in the same position, there was another mother and son. The young mother immediately – she must have been desperately tired – planted her head on the window and was asleep for an hour. The young man, with nothing to do, sat with his forehead pressed against the back of the seat in front of him, brooding. Next time, a much more spirited young man, a delightful young man, looked out of the window and said 'Ooh look Mum there's a wader'. I was expecting a bird of some sort, but it was a fisherman. So I thought 'Here's a healthy young man taking an interest'. But as he was sitting down he said 'I hope he drowns'. I found that temporarily funny, I must admit. But as he and his mother got off, an elderly couple said 'That wasn't a very nice thing to say, and his mother didn't even correct him'.

Lastly, on the fourth journey, there was a couple sitting either side of the aisle. Mother had a film playing on her DVD player. Father had a child of about four and a half jumping up and down on his knee. At one point there was expressed an invitation to intercourse from this DVD, and there was a very slight look of concern from the parents – bear in mind that the rest of us on the train had to listen to this as well - and then they continued back with their movie.

I've gone on at length about those things, because when we're talking about spending £2.7

billions on additional new prison places, they demonstrate that there's so much that can and should be done for education and parenting back in the community. We talk a lot about reducing reoffending. We should talk far more about preventing offending in the first place. It is not too fanciful to forecast that any of those four children I was talking about on the train will be future young offenders in our establishments, at great cost to the taxpayer, unless somebody picks them up first and challenges them into doing something worthwhile, and thanks them for it. Let's hope they do.

When people do finally get to the prison, it's late, but not necessarily too late, for prisons to pick up this role. It's the mark of an excellent prison when prisoners actually perceive it as somewhere that is interested in their futures and offers them a leg-up in life.

I can only remember one instance in my service when a tear came into my eye, and that was when I was governor of a women's prison called Drake Hall. It was probably because it was a very grumpy time of day for me – first thing in the morning. I used to arrive at the prison at about 8 o'clock after a 28 mile drive. It was the time of day when prisoners were being discharged. A middle aged woman caught my eye with a smile, and because she grabbed eye contact I was persuaded I couldn't wait till after I'd had my coffee to talk to her. So I asked her 'What are your plans for today?' And she said – 'I'll probably go and see my mother, but the thing I'm really looking forward to this evening is telling my children a bed time story, because I haven't been able to do that before.' How much more tangible can it get? This was a woman of 45 or so, from a travelling family, who couldn't read before she came, and she was aglow that she was going to be telling her children a bedtime story.

I'm not going to go on too long about my experience of Drake Hall, but I just want to say that I subscribe fully to how mad it is to have women who have committed minor offences, shoplifters with drug problems, in prison. I have a colleague who was until recently a governor

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of a women's prison in north-east England. She was going to a funeral in Haverfordwest of a prisoner, originally from South Wales, who had committed suicide in her prison in the Wakefield area. My friend needed an overnight stop to cope with that journey. The present situation is a nonsense. I subscribe to much of what Corston came up with, and I look forward to the promised report-back in April into alternatives and different kinds of custody nearer home.

Very quickly a mention of Cardiff, my last governorship: 'community, community, community' comes to mind. We were lucky enough to be right in the middle of a large population centre. Travel to it, for most of our prisoners' families, was quite easy. The prison itself was as big as it could be without losing its own community atmosphere. When we hear learned lords talking in reports about building large prisons, probably at motorway intersections, because they're more efficient, and when the efficiency of smaller prisons like Swansea and Shrewsbury is called into question, the added value of prisons being in the heart of local communities mustn't be left out of the equation.

Back to the question: for whom and for what? Government policy is clear enough. As Lord Carter, who is the last person I saw quoted, said: 'prison should be reserved for serious and dangerous offenders, alongside the greater use of a framework of effective community sentences'. We are spending £2.7 billion on yet more prison places, knowing that a significant number, as many as 20,000, don't need to be in prison at all – or wouldn't if there were suitable arrangements available for them in the community.

As to the greater use of a 'framework of effective community sentences' – it never seems to happen. Even the lip service that is paid to community sentences is scant. Wouldn't it have been encouraging if Lord Carter had celebrated any one community sentence – a 'state of the art' community sentence? And I speak from within the walls. It's blindingly obvious even to me that a lot more needs to be done to

celebrate, and give confidence in, community sentences.

Prison remains relentlessly popular. Within the last few weeks we've been hearing about imprisonment for careless drivers. I caught the end of a recent Radio 4 programme about abuse of disabled stickers. If I saw someone apparently able bodied parking in a disabled bay in the supermarket I would probably take the risk of challenging them. But when a spokesman for the disabled charity concerned was asked what he would do about those using the disabled bays illegally, his response was, quick as a flash: 'Gaol them!' That is just so symptomatic of the times, that everybody feels so trigger-happy about prison.

It won't surprise you that I believe that the solution to crime must lie in the social fabric, and support in home neighbourhoods. It will be a long haul, involving many parties, to put it right. But one way – and here comes the big idea, something which opposition parties could pick up if they haven't already - in which the criminal justice system on its own can improve its delivery to communities is by taking itself as close as possible to those communities. That is something that doesn't happen very much.

Something that is very rarely mentioned – Carter in his first report made passing reference to them – is the work of the better local criminal justice boards. They are strangely unsung, in terms of taking justice closer to the people. I have advocated to committees on effective sentencing, and in evidence to Carter, that local sentencers should be encouraged to give consideration to sentences beyond whether they are custodial or non custodial and for how long. They should be expected to develop a comprehensive knowledge of all the disposals that are available to them, and to consider a 'menu' – awful word - of local community sentence options while sentencing. That menu would contain what's available, the aims of that particular sentence, the performance history – as in 'what it has done for reoffending' - and the costs of all available disposals, before passing sentence.

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I know there was outrage a couple of months ago about the notion that we shouldn't sentence people to prison unless we could afford it. But if the 'we' is the community – if the community gets the budget in some way, whether it's local government, the local criminal justice board or something else - if the community decides how to spend its money and decides: 'yes it's so important that we send this person to prison that we will spend that large amount of money', then I think it might be used more sparingly.

The most heartening words I have read in years were in a recent pamphlet by Rob Allen and Vivien Stern called *Justice Reinvestment, a New Approach to Crime and Justice*. This is a term coined in the USA to use funds more productively in high crime neighbourhoods through local community based initiatives designed to tackle the underlying problems which give rise to criminal behaviour. It goes on to speak of Connecticut where research based investment in the community and in non-custodial punishment not only halted but reversed the rise in the prison population. More strikingly, it cites the example of Oregon where the state government gave funding to local level county administrators equivalent to the cost of keeping young offenders in custody, and made them financially responsible for the cost of future imprisonment.

I couldn't believe it when I read this. Because I have said before, wouldn't it be marvellous if this sort of thing could happen, and here it is happening, in Oregon. And there has been - and this is the big message - a 72% reduction in the use of imprisonment for that group of young offenders in Oregon. So it is therefore argued that the allocation of full-blooded responsibility to local areas can result in greater innovation and more imaginative use of resources for the benefit of the whole community. Very exciting stuff. I believe, and the sort of radical option which is surely worth at least a pilot in England and Wales. Some of us do tell people this, and something similar was in our evidence to Lord Carter.

Looking elsewhere overseas, it must be worth doing some more analysis. I did pick out a few figures from Lord Carter's report: there were a lot of statistics in it. Whereas in Britain, over 12 years the prison population has gone up over 60%, over the same 12 years, the increase in France, which does have its own problems as we know, has been 1%. I don't know why that should be, but it's worth finding out. In Canada, the change has been minus 11%. Once again, I don't know why. But I know that what the British prison system has been doing for some years, in terms of offending behaviour programmes, has been modelled on Canada, because they have a history of reducing reoffending. But I know no more than that.

Finally, some in the room must be thinking: 'this is odd: this chap doesn't seem to like prisons very much. It's odd that he's head of the PGA and has been at it for 30 years'. I speak for all my members when I say that I, and we, do like prisons, but we only like them if they are well resourced enough to be doing more than depriving people of their liberty. We've had a good run, but there's every sign that the run is coming to an end. We like prisons where we are delivering a robust reducing reoffending agenda and minimising risk to communities. We've spent years as governors convincing staff that that is what we should be doing, and that it isn't a soft option for prisoners. It's a tough option, to get them to face up to what they are doing.

In a civilised country the prison system should be small and well resourced. Here the reverse is the current depressing prospect. Without the strong political will to achieve both, and to take new approaches to doing so, the PGA will be seeking your support to avoid the worst sacrifices that are inevitable if we have to go ahead with the cuts that we are faced with now. Thank you very much for the opportunity to speak.



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## ◆5 February 2008: The annual report of HM Chief Inspector of Prisons

Anne Owers CBE  
HM Chief Inspector of Prisons for England  
and Wales

Anne Owers said she would talk for only a short while because most of what she wanted to say was in the report. She intended only to flag up the headlines, giving people the chance to ask questions if they wanted to. She continued:

“We are clearly in a crisis within the prison system, and that is very disappointing in two ways. For me, because I have seen some really important improvements within the prison system even in the time I have been the chief inspector. There has been some considerable movement in health care, in the quality of education, and in the focus on resettlement - which was really not the language the Prison Service spoke six or seven years ago. A lot of good work is being done in prisons. But there is a real risk now, with the prison population doing what it is, that we will have a penal policy which is driven by prison building, rather than a penal policy in which prison building is a part. That is a real worry.

Just look at the last three weeks. Last week alone the prison population rose by 486; the week before it rose by 400, the week before that it rose by 400. So we have had well over a thousand, nearer 1500, new prisoners in the system, just within the last three weeks. Last week we had over a thousand prisoners who spent a night in a police cell, and 266 of those were in a police cell last Friday evening, which would mean that they would be in a police cell till Monday morning since prisons don't release

people on Saturdays or Sundays. So we are nearly back now to the all time highs that we saw in the middle of November. And the sad thing is that this was not what anyone would have planned. It's not what people want to see happening. When you talk to politicians in all parties it is not something that anybody thinks is a 'good', that we are in this situation.

What my inspections were recording last year was a system that was still more or less managing to maintain the standards that it aspires to, but where there was evidence of considerable slippage. And the worry of course is that that slippage will continue. Amongst the things I was pointing to, about which I am particularly concerned, was first of all the rise in the number of self inflicted deaths in the prison system. In my reporting year we had 40% more self inflicted deaths than in the previous year.

The previous year really represented the culmination of a lot of effort by those working within the prison system to try to reduce the vulnerabilities of those within the system. I equals suicide' because it doesn't quite work as neatly as that. But what I think you can say is that in a system where prisoners are moving in and out and around prisons, those processes needed to protect the most vulnerable prisoners are operating under considerable pressure.

If you look at where the rise in self-inflicted deaths is most noticeable it's among prisoners

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who are the most vulnerable and insecure. That includes foreign national prisoners - and that is very new. We have had very low - disproportionately low - rates of self-harm and suicide amongst foreign nationals up until last year. 25% of the suicides in 2007 were foreign nationals. There was also a rise in suicide rates among indeterminate sentenced prisoners (lifers and those serving indeterminate sentences for public protection). Again this is a group that is very badly served within the prison system at the moment because the systems to manage them are not there. We've now got 10,500 people in our prisons serving life or indeterminate sentences, and the planning has not happened for that significant rise. There have also been rises in the number of suicides among prisoners who are unsentenced, who are also particularly insecure. We know we have got some very vulnerable people in prison, including those with mental health problems, and we have got a system that is finding it difficult, despite considerable efforts, to manage all those vulnerabilities.

Suicide is the sharp end of the problems I am recounting, if you like, but if you look beneath that at the positive things we need and want our prisons to do, we were recording some concerns. It is interesting that we were recording those concerns in some of the training prisons, which are supposed to be the prisons where training happens, and where some of the focused work with longer term prisoners can go on. We expect, in a way, our local prisons to be places in crisis – they tend to be transit camps, they are places where surviving the day can be the order of the day. But this year we were disappointed in some of our assessments of training prisons where resettlement outcomes were not very good in some cases. In some there was insufficient activity and there was a rise in suicides in training prisons.

That is not surprising if you look at what is happening to those prisons. They have increased considerably in size.

When I first started this job, training prisons typically held around 500; now they are more

likely to hold nearer 1,000. A lot of them have prisoners who are situated a long way from home, therefore it is difficult to make and maintain those resettlement links that are needed. A lot of them are receiving prisoners earlier in sentence for shorter periods, and a lot of them simply don't have enough activity spaces for the numbers of prisoners that they are taking. This is at the heart of the prison system, where we expect some really good rehabilitative work to be done, and that's quite troubling. It was also quite worrying – and there's a big contrast - when we looked at juvenile prisons. We looked at the new small units that have been set up for girls, 17-18 year old young women. Given the immense challenge that those young women present - their past histories, their present tendencies towards self harm, the fact that they are difficult and challenging young women - those units were really working rather well. They were doing some good work with that group.

By contrast many of the larger male juvenile units, some of which hold 360-400 disturbed young adolescents in units of up to 60, are struggling to provide the safe and positive kind of environment that those young men will need. Also, we have had promises for a long time to devote more resources a little higher up the age range to 18-21 year olds where we know the rates of reoffending are very high, and the potentiality for making change is also there, but we haven't been able to put the resources in. And one of my real concerns is that within the prison system we are having to devote more and more resources to building spaces, and I worry about whether we can continue to provide even the level of regimes that we have at the moment

Of course, as people will know, from April onwards prisons will largely close down at Friday lunchtimes, because of the 'efficiency savings' that the Prison Service is required to make. So even at the present that's an immediate risk. There is a risk of moving towards more of a 'containment model'. But, broader than that, there is a risk that prisons will suck up public money at the



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expense of those things which can prevent people getting there in the first place, or can support people afterwards, if we don't have a holistic penal policy which looks at what works throughout the system. We are looking at an invisibly overcrowded probation service – it is struggling just as the prison system is, but it doesn't show so much because people are spread out – and the ability to provide things that aren't prison.

One of the things we've focused on, and I know the Prison Reform Trust has as well, is mental health issues. We produced a thematic report earlier this year, which looked at the improved mental health provision in prison. That is certainly the case, although there is still more that needs to be done – because putting mental health nurses in prisons has revealed the extent and the complexity of the need. There still isn't enough primary mental health care. But it also revealed that prisons are reflecting the deficiencies and deficits in mental health care outside. I am very glad that Lord Bradley is going to be doing a review of mental health, and I hope that this is going to be able to do some joining up between health provision and prisons, so that prisons don't become, as they are very often at the moment, the alternatives to care in the community.

In my report, there are sections focusing on all the different sections of the prison population. We look at race, and particularly the experience of Muslim prisoners; we look at foreign national prisoners; and at women. We would very much support Baroness Corston's view of the kinds of environments that are needed for women, and hope that that won't get swept away as it was in 2001 by the diversion of resources to deal with an expanding male prison population. We also look at the improvements in health care, things that have happened in immigration detention, and the way that the prison system is dealing with suicide, self harm, bullying and all the other issues it has in front of it.

I do think the prison system is at a crossroads. I welcome some of the new policies and new approaches– things like Jean Corston's report,

like Keith Bradley's review, and also the much belated look at the effect and management of indeterminate sentences for public protection. The restructuring of NOMS provides another opportunity to get to grips with how you manage the service as a whole. Until now, there have effectively been two competing strands of operational policy, and not enough by way of strategy and policy at the top. But as to how we reverse the drift that Lord Carter talked about in his report – which is something that was not planned – towards a prison population that comes near to 100,000 people: that will require a great deal of thought and work and innovative thinking to try to move us out of the position where, whatever the question is, prison is thought to be the answer.”





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## ◆ 11 March 2008: Prisoners Abroad, Britons imprisoned overseas

John Walters, Chair,  
Prisoners Abroad

Maria,  
former prisoner abroad

John Walters began, promising to be brief. He also introduced Pauline Crowe, Chief Executive of Prisoners Abroad (PA), who would be helping to field members' questions.

"It's good to have the chance to engage with parliamentarians, and thanks for the invite. There are about 2,500 British people in prison around the world. Some of them are travellers who got into trouble while they were travelling and of those, of course as you are not surprised to find out, some were carrying drugs in their luggage. They are not usually the people who are making much profit out of the drug business but the people who have been talked into doing it. Some of them are people who are long-term residents in the country in which they were arrested and imprisoned but they have British nationality. As you will be hearing from Maria in a moment or two, because they are British they are liable to deportation at the end of their sentence. So they are an important group of people for us at PA because they are probably going to come back to the UK to live in a place where they haven't got any contact.

We are the only organisation in the UK offering the services we provide. I ought to say now, there is another organisation which everyone seems to have heard about more than us, which is now called Fair Trials International – they were Fair Trials Abroad. They are only really concerned with issues of fairness and trial. We are much more concerned with the welfare of

all prisoners. We don't make any judgments about the people we work with. We work with them whether they are guilty or innocent – that's not a concern of ours. We work with anybody who is in prison, however horrendous or mild the offence, however fairly or unfairly they are in prison. If they are in prison, they are a concern for PA.

We do three things: we work with the prisoners themselves, offering support and advice. We work with families, and a good proportion of our work is with the families here in the UK whose loved ones are inside in some other part of the world. And we help with the resettlement of those who have come back to the UK with the greatest degree of need. At the moment we don't have the resources to offer a resettlement service to everybody who comes.

I don't think there is any need to spend time in a meeting like this explaining what it is like to be in prison. But if you know what it's like being in prison – and I thought I knew that, after 35 years in the Probation Service - you need to add considerably if you are in prison away from home. You may not speak the language. It's not helpful to be in prison if you don't speak the language of the prison guards. Prison guards around the world, however much English is spoken, are not amongst those who have got English as a second language. You can get yourself into all kinds of difficulties in Japan, for example, if you don't know what you've been

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instructed to do, and you don't do it briskly. You can be in difficulties with fellow prisoners, too, if you don't speak their language. You probably won't understand well the judicial and administrative systems of that country. You might not understand them if you are in prison here. But the chances for example of understanding French bureaucracy, if you are not French-educated, is very slight.

All prisons, I reckon, are brutal places. Some prisons are so well run that the brutality is kept in check. But I think it is fair to say that all prisons are naturally brutal, unless something is done about it. Poorly run prisons are not just brutal, they are life-threatening. We have many people who are in prisons in that category, where the food they are offered is not enough to keep body and soul together. There are prisons where there is no clean water available to drink, let alone to wash in. There are prisons where violence amongst prisoners is absolutely routine and normal. Venezuela, for example, has prisons where the prison guards don't enter: they maintain perimeter security and the prisons are run by criminal gangs who are armed. We have had two prisoners we are working with who have been shot in recent times in prisons in Venezuela – not mortally wounded, but hurt.

We can't change all of that. But we can give people sensible advice about how to get through their sentences. We can give families advice and support and understanding of what's going on. We make cash grants to people in prisons around the world where they couldn't survive without some extra money to buy nutritious food. There are often ways of getting what you need in those prisons if you have got the money to spend. In some prisons, for example, unless you can actually pay for it, you are unlikely to get a decent place to sleep.

We provide publications. We send newsletters to prisoners three times a year. We've got a whole range of leaflets to help you get by. We encourage prisoners who are interested in artistic pursuits. We are pleased that, in the coming year, there is going to be a special

category in the Koestler Awards for people in prison abroad. We try to help people to make positive use of their time in prison, with an endless exchange of letters and even phone calls. It's surprising how many prisons these days you can actually phone the UK from – sometimes we think on a mobile you probably shouldn't have. We do get phone calls, which can be quite distressing. People are often in a situation where they want something sorted out very quickly.

You can imagine the families' needs. It is commonly said that families serve their own sentences, and they do. To be separated from your youngster who went on a trip abroad and was persuaded to have some drugs in their luggage and is now serving a huge sentence on the other side of the world is an agonising situation. This group is not large in number fortunately. Having a husband who had something he shouldn't have had in the back of a lorry is a rather larger category of people. Very often, if the breadwinner is in prison, the family is reduced to poverty, and certainly not in a position to finance visits. So people are very much abandoned.

250 people arrive back in the UK every year, having been deported at the end of their sentences. They are British citizens but they have absolutely no contact with this country. Maybe they don't even have a relative any longer living in this country. These may be people who went abroad as children, who turn up at Heathrow and Gatwick, penniless, homeless, in the clothes they stand up in.

If it wasn't for PA they would be on the street. There is no question about that. There is absolutely no form of statutory service geared to meeting the needs of these people. By long-standing arrangement they go to the Travel Care at the airport, where they get their fare to Finsbury Park where our offices are, and we start from there. We help people find somewhere to live. We help them to get into the benefits system. We help many of them with quite urgent medical needs. Many people are discharged from prison without the medication

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they have been using – at its most extreme, antipsychotic medication that’s been suddenly withdrawn once they’ve left prison. If it wasn’t for us there wouldn’t be an introduction to a doctor who can make an assessment and reinstate their medication. It’s difficult to overstate the neediness of people landed over the other side of the world with nothing. And it’s almost impossible to believe that the country to which they have returned, which is their country, has no more concern about them in terms of its formal services, and would do nothing for them, if it were not for the intervention of the very able staff of Prisoners Abroad, who make that bridge between these people and the services they need.

We know it’s a good service because we get feedback from the people who’ve used it. We don’t just rely on casual feedback, we’ve got some quite systematic feedback. We also know that the people we work with in the short term don’t reoffend, and that’s quite remarkable given the extreme nature of their circumstances. In those cases where people represent a serious risk to the public – people who have committed sexual or violent offences - we cooperate with the police in their resettlement and we make it clear that we won’t work with them unless we can.

But I won’t tell you more about that just now, because I think I should hand over to Maria, who’s one of our service users. She has had an amazingly successful return to the UK, quite against her wishes, since she had no wish to live in this country. We are pleased to have her to talk to us.”

John Walters handed over to Maria, who began:

“Good evening ladies and gentleman. My name is Maria and when I was five years old I left my native country of Jamaica and went to live in the United States for approximately twenty years. My connection to Britain is that my mother was born and raised here. To be honest, I have always thought of myself as British because I could remember when I was young she use to tell me ‘that little black book’, referring to my passport, made me British.

Both my parents were hardworking people and they worked very long hours to provide for my brother and me. Initially, for the first few years, to two young children this seemed like paradise. However, because we truly lacked adult supervision, similar to the other neighbourhood children that we gravitated towards, we began to partake in illegal activities.

As a result, when I was 15 years old, I was arrested and almost three years later convicted and sent to serve over a decade in an Upstate New York Correctional Facility. Upon my arrival at New York State’s only female supermax, I found myself to be one of the youngest housed inmates. I really did not understand why I was going to be housed with adults who were as old as my parents and even my grandparents. In addition, I was told by intake staff that I had no rights, was less than human, and this would be my home for the rest of my life.

During my incarceration, I witnessed several suicide attempts. On a daily basis I watched many of my fellow peers be raped and endure physical abuse by members of staff who were supposed to be there to protect us. As a result of seeing all this, I began to emotionally shut down and decided the only way I could remain sane in what I perceived was an insane world was to pursue a higher level education. I am proud to say that, prior to my release from prison, I attained my BA degree in Sociology.

I try to block out my memories of my prison experience because to me prison is a daily verbal and physical abuse of a weaker creature. But at other times it has strengthened me. For example, before obtaining my present job, I temped for a few months and many nights I worried about whether I was going to be able to pay my rent, council tax and my domestic bills if I did not get enough work in a particular week. Whenever I felt down about my situation I reminded myself that I had experienced worse.

I was given a choice of deportation away from my family and I was scared when I chose to accept my deportation order rather than rat on the police that were involved in my case. But, I

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knew I would rather cope with my mother sustaining a broken heart than risk friends of those cops possibly killing my mother or someone in my family because I chose to remain in the United States. Coming to the UK meant that I would be an ocean away from the horrible living nightmare of prison life.

Therefore, when I arrived in the UK a little over a year ago, I was a frightened yet optimistic young lady. While I did have an uncle, my mother's brother, I did not feel comfortable living with him because for a decade I lived only with other women and whenever I saw a man he represented to me a possible abuser to women. In fact, my first night I spent at my uncle's house, I did not sleep the entire night because I began to visualise my next-door cell mate's rape by our night officer. That was something that occurred every single night. It was normal to us.

For the first few weeks, although I was finally a free woman, I felt as if I was an outsider looking in. I was in temporary housing and lacked any funds to remedy my situation. To be honest, I do not know what would have happened to me without Prisoners Abroad. While I was in prison periodically they sent me news letters and one particular story was an inspiration to me. It described the story of a man who had served a lengthy prison sentence in a United States Correctional Facility and how upon his arrival Prisoners Abroad helped him and now he was a law abiding citizen who was living a full healthy life. His story to me indicated that I too could make it if I was truly ready to change. I did not know the system and my resettlement workers Lorraine and Ola - Lorraine is here and she means a lot to me - were very patient with me. They told me my rights and informed me of where to go to fill out application forms to apply for a National Insurance number, Job-Seekers Allowance and how to apply to Lewisham Council as a homeless individual.

Without Prisoners Abroad I would have been homeless and I do not want to imagine what I might have resorted to, to provide food, shelter or clothing for myself. I do not want you to

think they made it easy or that the transition was without any hard work. I was given five pounds a day, so I could provide food for myself, and my resettlement workers always stressed that it was my responsibility to make sure I made my money stretch – because I wouldn't get any more!

Well I am happy to say England has been my home for a little over a year. I have a nice flat in Brockley, I have a great boyfriend, and I have a permanent job as an administrator at a recruitment agency. So although there are no milk bottles on door steps as my mother told me as a child, I am very proud of my progress in this county so far. Before I close, I ask you to please help to ensure that Prisoners Abroad is adequately funded so that the hundreds of individuals who return each year are given the opportunities so they may also have a second chance in life.

Thank you for listening and opening your hearts for this cause.”

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## ◆ 29 April 2008: Diversion from the criminal justice system and the Corston review

Vera Baird QC MP,  
Solicitor General

“I do not know what previous presentations you may have received on the Corston review. Let me just recap that it was of course brought in because of six self-inflicted deaths in Styal prison. But the broader background is that there has been – to use a rhetoric that is bound to inflame – male domination of the criminal justice system for a very long time. Men account for 90% of the defendants committing crime. Pretty well the same proportion of those who are involved in delivering justice are men – the judges and senior crime prosecutors and so on. And not surprisingly - and in a sense this is not to be criticised - the criminal justice system has worked historically with men: that’s very understandable, especially in relation to sentencing, given that these were the people who were there.

What can be criticised though, I think, is that when women are defendants within the criminal justice system, they are dealt with as a sort of add-on. There are few programmes that are specifically addressing their needs, sentences are not particularly referable to them as women, the extra gravity of imprisonment is likely to be further away from home, often shorter, because they are relatively rarely violent or serious sexual offenders so they get relatively short sentences, and the dangers of the inter-generational passing on of the difficulties of breaking up a home and leaving children without their mother are very important.

In the Fawcett Commission on Women and the Criminal Justice System, which to some extent

pointed the way to Jean’s report – Jean now chairs that Commission – we found that about a third of women in prison had suffered sexual abuse, about half of them had suffered domestic violence (that means of course there’s an overlap), and about 70% had mental health difficulties. Of course there are vulnerable men, let me come back to that, but clearly there is a need for specific provision for women who have offended because of these multiple needs.

The other interesting thing which we found in Fawcett as Jean also acknowledges is this. We wanted to talk about women as workers in the criminal justice system, women as defendants, and women as victims. We put out a bid for evidence on women as victims and all the material that came in was about domestic violence and about rape. So we put out a completely separate bid saying ‘please don’t give us material on these two topics: tell us how in other ways you have suffered as victims in the criminal justice system’ and we got not a single response.

When we looked at the people who suffer through domestic violence and rape, what we found is that, of the proportion of women who suffer these things, a large proportion end up in custody. These figures - 30% of women who suffered domestic violence, 25% who suffered sexual abuse - are far and away above the proportions in the normal population. It follows that women who are traumatised in this way, and thrown into chaotic lifestyles, sometimes end up in the criminal justice system



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as criminals. So we concluded that we are doubly letting down these people, because historically we have not intervened early enough in issues of domestic violence and rape – though we are running very fast, as a government, to catch up with this now - to stop their lives being thrown into chaos by these affronts. Then when their chaotic lives have got them into repeated low level crime, we have put them into prison.

So I think there are compelling reasons why it is important to deliver a distinct response to women's offending. The vulnerabilities that characterise very many of the women currently in prison require us to give them appropriate access to treatment for their multiple needs. So we had to explore what more we can do to avoid the use of custody for those women: and for those for whom custody does appear an appropriate sentence, none the less to look at whether the penal system treats women within its prisons in the same way.

Now let me just return to what I said about men. I have always thought that there are overwhelming reasons, as Jean points out, to look at women particularly – the duty of justice, where they are at the sharp end; they are a small group so they should be relatively easy to deal with; and the cross-generational problem mentioned earlier; the public is less afraid of women offenders; there are far fewer violent or sexual offenders so there is perhaps more scope to talk about more community justice for them. I don't doubt for one minute, however, that there will be a read-across to the very vulnerable men who are also inappropriately in custody. This would be a good way to start.

Jean pin-pointed that in order to deliver good provision for women - because it does involve mould-breaking, and it does involve upping the focus of women within the criminal justice system – there is a need for high level governance and good cross-departmental provision. So the response to her report is now under the aegis of the inter-ministerial group for reducing reoffending. It's a standing item on its agenda.

You can see that reducing reoffending isn't totally what this is about, because we are talking about women who have been thrown into this chaotic life style, and about whether to divert from the justice system in the first place. We argued for ages about whether it should be looked at under the aegis of the cross-ministerial groups on domestic violence or sexual abuse but we thought that the offending element of it was the key part. So that's where it is. The group really is cross-departmental. The health ministry comes, Communities, the Home Office, DIUS, skills people, the Ministry of Justice, and myself and Barbara Follet from the equalities unit.

My role is a relatively limited one. Maria Eagle is running the response to Corston. She is the ministerial champion for women in the criminal justice system. My input is really coming from us as criminal justice ministers in the Attorney General's office, but also through what we can do via the CPS. It may seem a novel notion that they have some input into sentencing but let me come back to that in a minute.

Obviously quite a lot is already going on in the community to support women who are suffering from these multiple traumas as it were, and Jean has welcomed this. There is the women's offending reduction programme, there is the Together Women project, projects like the Asha centre, and the 218 project. These are all forms of what we all know well as women's centres in the community. For instance in my constituency Redcar there is a women's centre which concentrates on trying to reach out into its relatively poor area to Asian women who don't speak English. There is also My Sister's Place, which is another women's centre in my constituency. It has counselling in place which specialises in dealing immediately with people who have suffered traumatising events like sexual abuse. All of that is out there. What it seemed to us that we should do, realising that the purpose was needs assessment for women who have suffered multiple traumas, was to build on what was there already, rather than trying to invent a new section of women's centres of some kind to do this job. So there is



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a cross-departmental group to monitor and audit, and look at what is out there already, and that will coincide with taking forward Together Women and the formally set-up women's centres that are linked to the criminal justice system already. There is a project in Wales called Turnaround, which is about the needs of women offenders as well and there are a couple more demonstration projects in the south-west and south-east of England.

So what we've got is an audit of what's out there that can be upgraded and changed into appropriate places to refer women who have these multiple needs. On top of that we've also got some specifically commissioned stuff for criminal justice, because there is a difference between the two kinds of provision at present. Probably, for the purposes of responding properly, you need to link them up and make both sorts available for women

The next thing we are driving is a national service framework for women, to make sure there is a proper policy for commissioning specific services for women, both in custody and in the community. Regional offender managers have already been asked to look at existing services and provision. We have to know what's there so that they can commission more. I'm going to say relatively little about Jean's proposals about prison, which are about local custodial units for when women inevitably have to go into custody. There is a cross ministerial group looking at that which will report very shortly, and it will have some interesting things to say.

Our role, in the CPS, is to look at the question of diversion. I am a big supporter of diversion from the criminal justice system. We are getting the criminal justice system to be faster, but it remains quite a cumbersome way to give effect quickly to penalties for defendants and justice for victims – of course, which is what all this is about. But importantly once people are stigmatised as defendants in the criminal justice system it is doubly hard to get them out of it again. It is increasingly clear that victims don't demand what we thought they did – notably

their day in court. What they want is some evidence that the person who committed whatever it is has paid back, and has been dealt with in some constructive way that might stop them doing it again.

There are two kinds of diversion around within this response to Corston. The first is that the kinds of centre I have talked about, the Asha centre and the Together Women project, are very well linked into their communities, and are able, as many youth justice diversion projects are, to locate some women who are in obvious danger of getting into the kinds of lifestyles that may lead them into criminal justice. They can take those women in and try to give them the support they need. But further up, when someone is arrested, when somebody is ostensibly an offender and so is in the grip of the justice agencies - especially granted that many of them have these complex needs, provision for which can be supplied just as easily outside the criminal justice system as within it - then the point is to try to keep them out of it.

So what we are looking to do is to have the CPS use a conditional caution for women. This will probably apply to women who may be repeat offenders, because it is often enough not women who are very serious offenders who go to custody, but women who have repeatedly done lots and lots of low level stuff and the magistrates in the end just throw their arms up and say 'Well what can we do? It must be custody'. It may be that this sort of intervention can work for those people.

I well understand that cautions, and all sorts of diversions, have got to be within an appropriate matrix of sentencing generally. It's inappropriate for sentences to be imposed out of court for an offence that might be met with a graver sentence in the court. It's totally inappropriate that diversions should take place and the courts not know about it if the person turns up there later. It's totally inappropriate that the people cautioning may not know that the person's been to court very many times before. So it all has to be integrated and we are very conscious of the sensitivities around that.

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But conditional cautioning has now been rolled out nationally, fairly recently, and it does allow offenders who accept their guilt to be diverted, on condition that they do something that may be rehabilitative for them, or may be reparative, or restorative. And what we want, in order to try and find this opportunity for women, is for areas which have already taken on this high risk of conditional cautions - so they are used to this model - to coincide with the existence of women's centres like the Asha Project and Together Women. We are looking for the experience of conditional cautioning, together with the fabric of experienced resources, to cope with women's needs

Of course this puts a duty on the CPS to appraise themselves of the existence of these services, and to be able to assess their appropriateness for individual persons. And it requires the women's centres to have the capacity to cope with women who are so far down the line as to be on the threshold of going into court, perhaps for the fourth or the fifth time. What we think might be possible is to have the condition that a woman who accepts her culpability would go for a needs assessment, so this is a rehabilitative conditional caution. There is no reason why, if appropriate, there shouldn't be some pay back element or some restorative element too. But the essential idea is to divert somebody into taking an assessment of what their needs are

I think we have to accept that there are limits to what can be done in this relatively low level way. We can't impose very long term conditions: 'You will go and recover from your trauma by engaging with this women's centre'. That wouldn't make any sense at all and would be a very long term proposition which you couldn't realistically impose through a caution. But if we could get women to go for a needs assessment, under this bit of compulsion that a caution implies, then we hope that they would continue to go on a voluntary basis in order to deal with the issues that underpin their offending behaviour. There is always the backdrop that if they don't do it this time then prosecution is likely to follow next time. And of course, if this

commissioning model that I've talked about also comes into play, then similar services are likely to be available post sentence on a community penalty. So it's a sort of first step, before you go there, to try and obviate the necessity of being stigmatised again as a defendant, and before you run the risk of being regarded as somebody who simply can't be dealt with in any other way but prison.

I hope that it's a constructive proposal. It is an interesting development that the CPS, which historically has just been regarded as an agency simply of prosecution - the police put together a case, they prosecute it, and there's no thinking process in between - should be involved. It is a development which means that they take a better and a fuller role, and it's entirely appropriate, and compatible with their experience in the criminal justice system, that they should. Pretty soon, in June, we will issue our 'response to Corston' update, and this will be part of what we can announce. We think we can pilot this in a number of areas starting in September.

There will also be lots of other announcements which I mustn't pre-empt. We will most please Jean, I think, because we will have substantially reduced the amount of strip searching that goes on in women's custodial establishments by the time we issue this report. Piloting that has been overwhelming successful, as one could have predicted for about the last decade that it would be. This is capable of removing a massive blight, and a massive undermining of women, from the system. It won't be a perfect outcome but we think that, even now, two thirds of women in the custodial regime are not being strip searched in the way they were before. It's such a small population that it is quite quickly possible to pilot things and get them up to that level. And we hope to be able to announce by the end of the year that no women will be suffering that same regime again.

I hope this has been a helpful insight into how diversion is playing a role in response to Corston."

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## ◆ 10 June 2008: Unlocking Potential - how offenders and former offenders and their families can improve the criminal justice system

Rob Allen.  
Chair, CLINKS and Director of the  
International Centre for Prison Studies at  
Kings College London

Karen and Earl,  
former offenders

Rob Allen began, “CLINKS is an umbrella organisation that represents voluntary sector organisations working in the criminal justice system, in prisons and in the community. About 18 months ago we were invited by Prince Charles, to do a piece of work about the extent to which offenders and ex-offenders are involved and can participate in criminal justice - by which I mean that they are talked to, that their voice is heard, by policy makers, probation officers, and people working in the prison system.

The Prince’s Trust has done some pioneering work over the years in working with ex-offenders. But Prince Charles asked CLINKS to take this Task Force forward because we didn’t want just to look at young people which is the main concern of the Princes trust. We wanted to look at participation and involvement for all age groups. So 18 months ago we started doing some work and the result is this report. Katie Aston, the secretary, has some copies for members here.

Why did we do it? First rehabilitation of offenders, in our view, is in urgent need of some innovation and some fresh thinking. The idea that somehow experts can diagnose things that have gone wrong with individual offenders, and can

assemble some psychological programme to fix the problems that they find, we considered to be only part of the story – if it’s part of the story at all. Much more important, we felt, was to find a way to enable offenders to find their own routes out of crime, and, as important, to be able to help other offenders to find those routes out of criminality, and into work, into a decent place to live and so on, which are the key to effective resettlement.

Second we thought it was important was that this sort of work challenges the rather damaging ‘us and them’ kind of approach that sometimes creeps into discussions about people who get into trouble. I have to say that, as a Task Force, we were rather surprised that there hasn’t been more dissent shown towards some of the policies that have seen this huge increase in imprisonment, plans for titan prisons, and huge amounts of spending to create more prison places. Because certainly we felt that some of the things that are outlined in this report and its recommendations could well benefit from some of the resources that are being thrown at the prison estate.

What are the recommendations we make? They fall into a number of categories. One is about

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trying to encourage offenders and ex-offenders to play much more of a role working in criminal justice agencies: as probation officers, as youth workers, in youth offending teams, maybe even in the Prison Service. Because we know from the experience of where it is being tried, that people with experience themselves of getting into trouble are often much better at engaging with young people who are at the cusp of an offending career or are already getting into trouble. They can offer relevant advice, and establish a rapport, because they have been through the system themselves. Although we found some examples of this, and some agencies are trying to do this, particularly in the voluntary sector, we feel that there is scope for a lot more systematic opportunities for people who have been in trouble themselves to get paid work within the criminal justice system.

In similar vein we think there is scope for ex-offenders to be able to take part in the training of professionals, whether it's prison officers, police officers, youth offending people, perhaps even in the inspection of prisons. Who better to go and say what a prison is like and how it's doing than someone who has first hand experience of having been in one as a prisoner? So we thought there was a lot more scope for prisoners and ex-prisoners and people under community supervision to be involved in these kinds of ways.

There are some broader recommendations in the report about aspects of policy that we think weigh heavily on the prospects of ex-offenders. One of those is the Rehabilitation of Offenders Act, the whole criminal records approach, which, compared to other countries, is quite a tough one in this country. The government did a consultation and produced some policy proposals a few years ago but have yet to move forward with any kind of legislation. And that means that, while in areas like drug treatment and mental health, it is routine for 'service users' – not a very elegant phrase – in other words people who have themselves been through the system - to play an important role in providing the services, the criminal records regime acts as quite a barrier to being able to do that in

criminal justice. So we recommend that the government should move ahead to reform the Rehabilitation of Offenders Act.

We think too that the whole question that is aired from time to time, and I think is still formally under consideration by the government, about prisoners being able to vote should be acted on without delay. The justification for having restrictions on prisoners voting is that part of imprisonment involves 'civic death' - a frankly horrifying concept in terms of trying to inspire people to be rehabilitated and to lead a decent life

And also we feel, very much in the spirit of this report, that there is a lot of scope for expanding so-called restorative justice, in which offenders are given the opportunity to apologise to the victim of their crime and to do something concrete to make amends to them. This is very much in the spirit of people taking responsibility as active participants in their own rehabilitation, rather than passive people who have things done to them.

And finally, we felt it important that ex-offenders are more widely consulted - by the Prison Service, by the Ministry of Justice, by the National Offender Management Service – about policies and practices that those agencies have in mind to introduce. We go as far as to suggest that ex-offenders should be involved in the governance structures of at least some of these organisations. Should there not be an ex-offender voice on every probation trust or probation board, on every youth offending board, and indeed on the offender management board which is the bit of the Ministry of Justice that takes these things forward? We had a meeting this morning and somebody from the mental health field said 'Don't just ask for one person: you need at least two in order to provide support for people who are offering that kind of perspective,' and I think that's a point well made.

All in all we think we have put together what we think is a credible, innovative and do-able package of changes. We have sent the report to ministers in the relevant departments and we will be seeking meetings with them to see which

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if any of these recommendations they will want to implement and when. So we are not just going to have this report sit on a shelf.

So that's the main outline of the report. I'd like to ask Karen, who was one of the task force members, and is a valued member of the CLINKS staff up in York, to say a little bit about her perspective and what she thinks of what we've come up with."

Karen: "This report is brilliant. Please, please don't just put it on a shelf. I've been breaking the law my entire adult life. I started breaking the law at 15. But even when I was committed to changing my life, the system made it very, very difficult for me to do that.

I was told what would work for me, on my sentence. But what I knew would work I had to fight for – and I mean fight, really fight - to get done. Nobody listened. I just had to tick their boxes, to make sure I did their little bit. Nobody was really interested in what I thought. I mean I was going to be robbing their houses, selling drugs to their children. It just amazed me that nobody was really listening when I said I knew what I needed to do. I was on my second parole sentence: I was committed on my first one. But if you're not

allowed or given help to change your life when you need it, you can't do it."

Lord Corbett thanked Karen for her contribution and introduced Earl.

Earl: "I've been listening to this, and asking myself: I've been to prison several times, and each and every time I came out of prison with the firm resolve that I wasn't going to go back. However you return to the same circumstances you left, and you come across the same problems again. If something like this had been put in place I think I would have broken that cycle years ago. I've wasted several years of my life. I think they're quite simple things to put in place. I don't think they're that costly. A lot of money that I see has been thrown away in other directions, just to tick boxes.

I believe it's better to try to work with somebody than to work on them, because if you try to work on them they will resist you. It seems to me that if you're both in a relationship you will find a way of addressing their problems. I've seen these psychological programmes that ask you to tick this box, that box, and it's no good."





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## ◆8 July 2008: Deaths in Custody - a perspective from INQUEST and a bereaved family member

Deborah Coles,  
Director, Inquest

Peter Smith,  
a bereaved family member

Deborah Coles thanked Lord Corbett for his introduction, which was very appropriate to what she had to say. She thanked the group for its invitation: she knew how much work was done by members on these difficult issues. It was very nice to see friendly faces here. She continued:

“In preparing what I’m going to say I looked at the wonderful minutes of the meeting I last spoke at, which was in January 2005. And in doing so I became very depressed about how little has changed, and how much, in fact, has got worse. Before we get into the real human cost of deaths in custody I’d like to give you some coldly dispassionate statistics.

Since January 2005, there have been 268 self-inflicted deaths in prison and five homicides. Last year, 2007, there was a 37% increase on the deaths that had taken place in 2006, with 91 men, women and children taking their own lives. I’m talking at the moment about self-inflicted deaths. I should add that there are also a large number of non-self-inflicted deaths that give rise to concerns about the treatment and care of people in prison - particularly about medical treatment and care. But for the purposes of today I’m going to be largely concentrating on self-inflicted deaths

Those 91 deaths included eight women, 25 people from black and minority ethnic communities, of which seven were Asian men, and a 15 year old child.

In terms of trying to bring alive some of the statistics, I would like to mention one particular case, and that is the death of Michael Taylor, whose parents Graham and Sheila are joining us here tonight. Michael was 39 years old and was found hanging in his cell at Bedford Prison in April last year. He was on remand for burglary. He had a long history of poly-drug use, and problems with homelessness. He had spent a month in Wormwood Scrubs, where he had been on a methadone maintenance programme and he was very stable there. However following a court appearance he was taken under Operation Safeguard to police cells for the night, despite this being contrary to guidelines about substance misusers not being held in police cells. Because of the overcrowding, it appeared that there was no longer a place available for him in Wormwood Scrubs. He was then sent to Bedford Prison, where they did not have a methadone maintenance programme in place. Experiencing terrible withdrawal symptoms, he hung himself four days later.

There has yet to be an inquest - it’s due later on this year - but given the issues about prison overcrowding, and the concerns about Operation Safeguard, I thought I’d raise this case as something for you to consider. Given the wide concerns about the number of people entering custody with drug problems, this does have implications for the future health and safety of other drug dependent prisoners.

Already this year there have been 31 deaths. As most of you I think are aware, INQUEST works



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with the families of those who die and we monitor the investigation and inquest process. We are seeing an on-going crisis in the prison system's ability to look after those held in custody. Recent inquests point to very serious failings in the duty of care, and raise key questions about the overuse of prison, particularly for vulnerable people. What our evidence-based case work can bring is that it does shine a spotlight on what actually happens behind the closed walls of the prison. Inquests where families are represented can provide an insight into the reality of imprisonment, and how those charged with the treatment and care of prisoners actually conduct themselves.

A very disturbing picture is emerging in many cases, where citizens have died as a result of acts or omissions by those responsible, and who owe, quite clearly, a legal duty of care in the context of human rights obligations. I thought I would just try and raise a number of issues of concern on cases that haven't received particular public and parliamentary attention. I am very conscious that there has been wide ranging debate on a variety of different issues in the Lords and the Commons, but the couple of cases I am going to mention have not merited such scrutiny.

One of those was an inquest that completed in February 2008 into the death of a 16-year-old boy called Gareth Price who was found hanging in his cell at Lancaster Farms YOI in January 2005. In an unusually detailed narrative verdict the jury highlighted failures by all the agencies involved in his care including youth offending teams and the Prison Service. They concluded that the collective failings of the agencies contributed to his death.

Gareth was from a close-knit traveller family. He found prison confinement extremely difficult. He had suffered a series of significant bereavements in his short life. At 12, he found his elder brother hanging in a shed at his parents' home. Shortly afterwards his sister-in-law was killed in a car accident. At 14, he was in a stolen car with friends which crashed and killed his best friend. This was his first contact with the criminal justice system. As his behaviour became more erratic, he committed a number of minor offences before a more serious offence resulted in custody. As far

as I'm aware, he never received any bereavement counselling at all for any of the close family bereavements that he had experienced.

He ended up in Lancaster Farms where almost immediately he started self harming and made a number of quite serious suicide attempts, none of which were reported to his family, despite a legal requirement to do so. So they knew nothing about the impact that imprisonment was having on his mental health. Nor indeed was his Youth Offending Team worker informed of his self harming. No remand planning meetings took place. There was a really appalling lack of communication between the various youth offending teams. There was marked deterioration in his behaviour which resulted in him being sent to the segregation unit, despite the fact that he presented such a suicide risk. At the inquest it transpired that the nurse and the governor, in assessing him as fit for segregation, had not looked at his medical records which detailed his high suicide risk.

He was found hanging the day before he was due to be sentenced. It was expected that he was going to receive a long custodial sentence. The pre-sentence report prepared by the psychiatrist had said that Gareth was at high risk of completing suicide at the time of sentencing. But she failed to pass that on to the prison, and the report of the prison psychologist, who'd made a similar assessment, got lost within the prison systems. So this young boy hung himself from the bars of his cell the day before sentence.

In concluding the inquest, the coroner – and we were lucky that we had the benefit of a coroner who adopted a very wide-ranging approach within the confines of the inquest process – commented: 'what appals me about this death was the number of organisations and individuals who missed opportunities to intervene in Gareth Price's life. This wasn't a single missed opportunity but covered prison and community youth offending teams who failed both on a managerial and individual basis, the psychiatrist, psychologist, solicitor and the prison'. He made a number of very detailed rule 43 recommendations to prevent future death.

What concerns me about this case, which is sadly not much different to many of the cases we have

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dealt with involving the deaths of children over the years, is particularly just this failure in basic communication within prison and within the youth justice team. We did make comment at the inquest as well about the conduct of the Youth Justice Board in the case. Despite the fact that a disturbing number of children have died, some of the basic communication issues, and some of the concerns about the appropriateness of this placement for Gareth Price, were not being taken on board by the YJB at all.

While this inquest was going on, a 15 year old boy, Liam McManus, hung himself in the same prison. He'd been sent to Lancaster Farms for one month and 14 days for breach of license, and it begs the obvious question as to what possible rehabilitation could have been done with that young boy in the space of that time.

Another inquest - a very different case - concluded at the end of last month into the death of a prisoner, Wayne Reed, who died in the privately-run prison Rye Hill. He'd actually been stabbed to death in that prison, and two prisoners were later jailed for life for that killing. We argued on behalf of the family that despite the fact that there was a prosecution in the case, there were a lot of issues about the running of Rye Hill, and its running as a private prison, that needed exploring. Again, there was an inquest conducted where the inquest jury concluded that, and I quote: 'Knives were brought into the prison undetected because the security searches carried out were inadequate, especially those on members of staff'. It found that the prison authorities did not do all that reasonably could be expected of them to prevent the risk of harm to Wayne Reed and other prisoners. It concluded that bad management, inexperienced staff, and lack of security contributed to the death.

It wasn't the first time that the category B prison that holds 600 serious offenders, and is operated by Global Solutions Ltd had come under fire. His murder took place while the Prison Inspectorate was in the prison. In their scathing report Anne Owers said that the prison had deteriorated since the last inspection, to the extent that it was an unsafe and unstable environment both for prisoners and staff. She took the highly unusual step of informing government ministers of her

fears, and questioned whether or not inexperienced and poorly supported staff were fully in control of understaffed wings.

The jury was told that a 'criminal subculture' existed at Rye Hill, and that a security report that had been posted two days before this man died warned that a knife, believed to have been smuggled in by a member of staff, was hidden on the wing where this man was housed. But evidence emerged that the contract between the private prison and the Home Office provided a financial incentive not to carry out proper cell searches, because essentially it meant that, if knives were found, the prison was then penalised financially.

This man's death was one of three deaths to have taken place in Rye Hill. He was a black prisoner. One of our current areas of concern - and we have a number of inquests outstanding - is the deaths of young black men whose deteriorating mental health has not been properly dealt with. Rather than being treated as a medical problem warranting medical support and care, this has been treated as a discipline and control problem, where people have ended up in segregation and have killed themselves as a result. We have got a number of cases of inquests due to start early next year where there are serious concerns about individuals' treatment, and where individuals before their deaths have complained about racist abuse and bullying.

Just finally on inquests we have dealt with this year - and this touches on some of the issues that Peter is going to be raising - many of you will be aware that we published a report earlier this year on the deaths of women in prison. One of the cases that concluded this year was the inquest into the death of 19 year old Petra Blanksby, a woman who was sent to prison on a charge of arson, the arson being an attempt to kill herself. She was sent into a prison that quite clearly couldn't cater for her very profound mental health problems. She was a prolific self harmer, and posed a real challenge to prison staff in terms of their ability to keep her alive. Unsurprisingly, as predicted by her family, and particularly her twin sister, she hung herself. The jury made it quite clear, in a very bold jury narrative statement, that prison was an inappropriate place for her to be.

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What was so depressing about that case - and the inquest took place four years after her death – was that the consultant psychiatrist who gave evidence at the inquest said that if she presented today she would have been treated no differently and she would have ended up in the prison system. From the family’s point of view, attending that inquest, that was the thing that they found more painful than anything that they heard about her treatment.

Just before I turn to Peter, I think it’s important in giving you case examples to talk a little bit about some of the problems of the investigation and of the inquest process, and of the ability of the current system that we’ve got to make sure that lessons are learned and action taken to prevent future deaths. As many of you will know we are talking about an inquest system that is not fit for purpose. Everybody recognises that. And yet I am really concerned about how much of a political priority it is for this government in terms of the next legislative programme. It did appear in the draft legislation programme but when it came to be debated it wasn’t actually mentioned. We are extremely concerned that this doesn’t drop off the political agenda. Three times it has been promised. And it has to be reformed. The process is just not capable of dealing with the complexity of the cases that it is being asked to deal with. Inquests are subject to appalling delays – two to three years is not uncommon – which not only places intolerable strain on the families and all involved in the process, but crucially it frustrates the learning process. And it often means that the Ministry of Justice response to any criticisms at the inquest is: ‘Well that was then and this is now. We’ve taken action but we can’t actually monitor how effective that action is.’

Another big issue is funding for families, a matter that I know a number of you have raised. As many of you will know, the state provides unlimited public funding for state lawyers. I have never been to an inquest where the Prison Service is not represented. When I raised this at the ministerial group on suicide with the minister, Maria Eagle, I was met with a pretty unhelpful response, which was that there are pressures on the legal aid budget. When I raised the question about the resources available for state lawyers I was told that the system is an inquisitorial process. It is

becoming increasingly adversarial and they are trying to resist that move. In response to that I think there are two key concerns. One is that it is in the broader public interest that where somebody dies in the custody of the state there is a full and thorough enquiry and any failings are identified. It is definitely the case that if the family is not represented at the inquest there is not the same scrutiny as there would be if they are represented. Most coroners now would support families being represented. A lot of coroners recognise the benefit that families’ lawyers bring to the process.

In conclusion, before Peter talks to you, I do find it deeply ironic that Baroness Corston’s review of women – I was on the reference group to that – fully endorsed the recommendation that there should be non-means-tested public funding for families to be represented. And yet this was one of the recommendations that the government rejected. I do think it’s ironic that in rejecting this recommendation it completely ignores the fact that Baroness Corston’s review came out of the resulting parliamentary and public disquiet at evidence that emerged at inquests into the series of deaths at Styal Prison. It was because of the families’ lawyers’ representation, with the help of a very diligent coroner, that the evidence about the treatment of those vulnerable women in Styal generated the concern that it did, and her report was the result of that. If those families had not been represented it is extremely unlikely that there would have been the public and parliamentary attention to those issues about the treatment of vulnerable women, the treatment of women with drug problems, and the failure and the inability of the Prison Service to cope with such vulnerable people. I really do think, in terms of what Parliament can do about this, that this is an obvious issue of equality and human rights. We hope that in exposing what is going on we can change the system for others. I think it is now a good time for Peter to talk to you about a personal battle for justice following his daughter’s death.”

Peter Smith began: “My name is Peter Smith and I’m talking about my step daughter, Rebecca. She died on 1 June 2004 at Buckley Hall Prison. She had been sentenced to three and a half years for arson. She had set fire to a settee at her home in

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Bath at 12 o'clock mid-day. She had been on the phone to the psychiatrist before she set fire to the settee. She had told the psychiatrist what she was going to do. She was actually next door because her phone didn't work, so she was on her neighbours' telephone. She told him as well that she had set fire to her settee, shut the door, and then come out a few minutes later because she had frightened herself to death, with smoke inhalation and so on. The fire brigade were called, and the police were called, and she was taken off to the police station in Bath and was charged, eventually, with arson and with endangering life – in other words, the lives of people living about.

Rebecca had suffered very early on, as a teenager, from very serious mental health problems. She was bi-polar, and she was a schizophrenic. Of course we didn't find this out until much later, because, after the age of 18, 'confidentiality' says they don't tell you anything, even if it is your daughter or your step daughter. She suffered from various episodes, and she had tried to commit suicide in 1993 by jumping off a multi-storey car park. She managed to shatter three vertebrae, both legs and an arm. But she made a recovery from that, to everybody's amazement. She got in with a disreputable person, which led to her having two children, both boys. We're still in touch with them.

When Rebecca was on her medication she was great. She would laugh, joke, she was a human being. But when she felt all right, the medicine had side effects of course, she felt dozy, she would put on weight and so on – so after a couple of weeks of feeling great she would cut down on the medication and then of course she would fall off the edge again. But she was getting much better, as she was getting older. She seemed to accept the fact that she would be on medication for life.

It wasn't till she had committed this offence and ended up in the healthcare centre in Eastwood Park that we began to realise that there was a pattern to her behaviour. Because of her condition she liked everything to be pat, and to be just right. She didn't like changes, she didn't like strangers. They frightened her. So when my wife and I decided to go away for a fortnight or

something like that, because we'd be out of her life for a fortnight she'd get frightened, so then she'd have one of her episodes and she'd have to be sectioned, and sent off to the local psychiatric ward.

And of course then she did this: this was something which was totally unexpected on my part, I must admit. She ended up on remand and then when she came up for sentencing the psychiatrist in court suggested that she be held over and held for psychiatric reporting down in Southampton. But the judge went ahead and sentenced her to three and a half years. So she ended up again in care, with the Prison Service, at Buckley Hall.

Whilst she was at Eastwood Park, unknown to us, she had tried to commit suicide. She had been found with a plastic bag on her head and a ligature around her neck. She had been talking to some of the other inmates to help her to commit suicide. But we didn't hear anything about this of course until much later. At Eastwood Park there was a health centre, where they could look after her. But when she went up to Buckley Hall, they have no medical facilities whatsoever. If you reported sick, they had to call in a GP from outside. If you had mental health problems, a CPN had to be called in. With her very serious mental health problems, she ended up in a place where there was, as far as I can make out, no professional medical help on hand to look after her. It was left up to the prison officers on watch at the time, and to the other people who were there, to assess her condition and look after her.

So when she was complaining about aches and pains in her bones – she suffered from arthritis since her suicide attempt, and she couldn't work, and she asked to be let off - they let her go to her cell. She'd been on suicide watch quite a lot at Buckley Hall, but they'd taken her off. They let her into her own cell, and lo and behold, an iron? went missing on the wing she was in, so there was a search of the cells. They opened her cell, and they found she had another plastic bag over her head and a ligature round her neck. But this time, when they called medical help and so on, there was a bit of a panic, as far as I can make out – there was trouble with radios and telephones and people getting to the right place



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at the right time, and getting the right equipment to the cell. Eventually she was taken to the local hospital and found to be dead on arrival.

When this all happened, we were sitting at home. Two young police officers came to the front door. They came in and said: 'Dreadful news. Your daughter Rebecca has died in hospital. Is there anything we can do?' Of course in that situation you are in total shock. So we said no, and they left us a telephone number to get in touch with the prison. The police had done their job, as required, and off they went. So a few minutes later we rang the number given to us, and there was no reply. This to me was absolutely amazing: had they given us the wrong number? We rang it half a dozen times and nothing happened. I rang the local police station and said 'Look you've given us this number for Buckley Hall Prison: can you check it out for me please?' They checked it out and yes it was the right number. We rang them for about an hour, an hour and a half, but no reply. So what to do? We went to bed. At eight o'clock in the morning we started ringing again and eventually got through.

I'm a civil servant by background - 30 years in the navy, and 27 years as a civil servant - and I know from my own history of the civil service and the services that in the event of something happening, you have a plan. If A happens you do B, C, D, E and F. You inform so and so, and so and so. You go through a sequence of events. You don't even have to think about it: it's there. But what appears to have happened at Buckley Hall was that the place went into chaos. There was no phone being manned. Nobody came to us, and spoke to us direct from the prison. The local police were sent off to inform us, which was fair enough, but nobody from the prison came to see us, and to speak to us.

This went on, and eventually next day we heard from them. And from there on, it went on and on and on. The coroner sent us a death certificate, and he released Rebecca's body eventually, after a few days. But then we went into a bit of a free fall. What do you do? The Prison Ombudsman came down to see us. The assistant governor of the prison came down to see us, about a week afterwards. So we met all these people. But nobody said to us: 'Do you require any assistance

in the inquest?' We knew there was going to have to be an inquest because the coroner had told us. Nobody said: 'You'll be expected to attend the inquest, you'll need legal representation'. Nobody said 'you can have legal representation if you want'. Who was going to pay for it? That was something different. But that was left floating in the air.

Eventually, after we had the funeral - we let things die down as we were all a bit shattered by this stage - I said to my wife: 'Well look. All this is going on, we're getting word from the coroner that the inquest was going on, and he was making dates and so on, and he wrote to us saying people he wanted to appear at the inquest - we were included of course - so I said I think we should be legally represented at this inquest. Here we are, two people who have got no legal representation whatsoever, you're going to have the coroner, and the Prison Service and the Home Office I presume being represented by their legal counsel who will be able to state their case, and raise any questions. But we don't know what questions to ask: we don't know what to say. We're in no position to question anything that is said in the coroner's court because we don't have the background'.

So when we decided to apply for legal aid, we then found that because I had a pension, I'd paid off my mortgage, and done all the stupid things you're supposed to do, and I had some savings in the bank, they then turned round to me and said 'Well you've got all this money, you can pay for your own legal aid'. And I thought 'Why the hell should I pay money to be represented at my own daughter's inquest, when everybody else who is involved will have their fees paid by the public purse - ie by me as a tax payer? To me it's totally wrong, that we are now stuck in a situation where people who are the survivors of a suicide, shall we say, have to appear at an inquest and have to pay money. Eventually, after much haggling, and it has taken two years, I've beaten them down, and I will now pay £5,000 towards my own legal aid. And there we are. If I hadn't paid off my mortgage, and I hadn't saved any money, I'd be much better off. I think it's disgraceful that people like me, and others in the same boat, are expected to pay for our own child's inquest.'

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◆ 14 October 2008: Restorative Justice - a victim and an offender describe their experiences of the best tool the criminal justice system does not use.

Peter Woolf.  
Author, *The Damage Done*.

Will Riley,  
Chair, *Why Me?*

Harriet Bailey,  
Chief Executive, Restorative Justice Consortium.

Peter Woolf began. "I was born in north-east London some years ago into a criminal family who ducked and dived. It was expected of me to become a criminal. By the time I was ten years of age I was committing crime on a daily basis, breaking into houses etcetera. I started taking drugs at the age of ten, and I went to an approved school. By the time I was fourteen I was a heroin addict and basically a predator I suppose. I was on the streets. Everything was about getting money for drink and drugs. I spent eighteen and a half years of my life locked up in prisons. At an estimate I would imagine I received approximately forty years in total sentences. I have done everything: Borstal YP (YO as it's called now), and prison. I tried to work it out once. I have been in about 34 prisons in this country. I have been on probation, I received fines and suspended sentences. Nothing really worked for me. I was a drug addict and what better place to send a drug addict than to prison?"

Will Riley. "I'm rather less colourful I'm afraid. I am a business man. I work from home. I have a lovely home in Islington, and I was working there

one afternoon when I decided to go upstairs to get my gym kit. I walked upstairs and I saw a man on the top floor of my house. It was a man I did not know. What rushed through my head – what would rush through all of our heads - was 'It's a burglar'. That was quite something to have in your house. Foolishly I decided to capture the burglar".

Harriet Bailey asked Peter what had brought him to Will's house that day.

Peter. "I was on parole from a four and half year prison sentence for burglary. I was taking drugs and drinking again, and by this time I was sleeping rough. I call it the 'Park Lane to Park Bench' syndrome. Once I was Jack the Lad and suddenly I wasn't Jack the Lad, and I was even more desperate when I wasn't.

I woke up that particular morning in a squat in east London. The squat was filthy. There was human waste on the floor and in the bath. There was blood up the walls from syringes. There were empty syringes and empty beer cans. I'd had a bit of heroin that morning, and half a can of super-duper lager, and I went out onto the streets to do

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what I've always done: break into people's houses and steal anything that wasn't nailed down.

I went to Islington and broke into Will's house. I'll never forget that day, for a number of reasons. (laughter). I remember most vividly opening the wardrobe, because I was going to change my clothes while I was in this house. I was going to steal some clothes and throw my old ones away. I remember seeing all these shoes at the bottom and thinking 'Good Grief' or words to that effect (more laughter) and I remember thinking 'This chap must be a big old boy!' And as I was thinking that a voice came, and it was Will saying 'What are you doing in my house?

I came out with some old flannel. 'I live across the road and I saw someone acting suspiciously in your house so I came across to check it all out for you', And he said 'where do you live?' and I said 'number two', and he said 'where's that?' and I said 'over there'. Well it turned out it wasn't; so Will knew."

Will. "I stupidly decided to catch him. I'm not used to fighting. I don't usually have to fight. But I managed to throw him on the floor. And in the fight I realised that he was quite drugged up – in his eyes. It got quite rough. I had a kitchen hob thrown on me and we had flower pots and all this sort of stuff. When you're in this environment you can only rely on what you've seen on television, really. You think 'I'll capture him and then I'll tie him up', and then you think 'what will I tie him up with?' You've seen those films where they tear the telephone wire out of the wall and then you realise that you've got a wireless phone....and all this sort of thing is running through your head. But I was determined.

I screamed at the top of my voice that I had a robber in my house and 'call the police' so we fought, down the stairs. I realised we have got a very tall house and that if I threw him out of the window I would have killed him. So I let him go and then he ran down the stairs. We got outside and it looked like two old men having a

ding-dong, and they couldn't work out which one was the guilty one. The police came along and to this day they tell me that they caught him and I tell them that I caught him. And that was it: he went off, and then I had to handle the destruction.

I had to go to hospital. The adrenaline was running to such a high extent because I was so determined that the hits he had given me had had no effect. The policeman said 'You've got to go to hospital' and I said 'why is that?' and he said 'you're bleeding' and I put my hand to my head and there was blood everywhere. So I went off to hospital, and then my wife and child and the nanny arrived. My wife naturally thinks I've gone to the gym because nothing stops me going to the gym, and then she was told 'By the way your husband's in hospital.' It was your worst nightmare."

Harriet. "So all this happened and then afterwards you were both offered the opportunity to take part in a restorative justice (RJ) conference. How did you feel about that?"

Peter. "Well for me it was something I'd never... I've been in gaols all my life. It's how I grew up. I'm quite at home in gaols. I had a visit from my solicitor who said to me 'I've been approached by the government. They are doing some research. Do you want to take part in a RJ conference? Well I hadn't a clue - why should I? - what RJ was, but I agreed to see this police officer called Kim Smith who was the facilitator of this conference and he came along and explained the nuts and bolts of it. It gives you the opportunity to ask some questions, and to apologise for what you've done. If I'm honest, the reason I agreed to go on it – I was in Pentonville prison at the time – was to get out of the cell for an hour. No more, no less. I didn't want to say sorry for breaking into the house. That only dawned on me a little while later. I remember saying I didn't want to say sorry. It was a bad day at the office for me. I'd been nicked and I was back in prison. What I wanted to say sorry for was the harm – the actual physical harm – I'd done. I wanted to say sorry about that.



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All my life I'd been a crook. I wasn't about to change. I was convinced I was going to die in prison anyway. In fact the day before I'd gone to the drop-in centre in Hampstead Road and asked the doctor there if he would put me in a mental hospital for the rest of my life. And he said 'why do you want to do that?' And I said 'I can't do this life out here. I'd be better off being in an institution. If you don't do it, I'll either kill myself or someone else'. And I wasn't really worried about who that someone was; That's the frame of mind I was in. I didn't care about myself so I wasn't going to start caring about anybody else".

Harriet Bailey asked Will why he had decided to do it.

Will. "To get out of my office for a while (laughter). I had a criminal psychiatrist friend, and she said 'it might help you'. But I didn't know what I needed to be helped with. I thought it might help you (Peter). I was just curious. I'd never been to a prison, and I wanted to see one. And so I went. And it was 45 minutes of life changing for both of us. Quite remarkable. It's the one tool the criminal justice service does not use, and should use. It's pretty scary. You arrive in the prison library, where there were all sorts of slits in the wall so they can see you stealing books, and you sit down, and this compassionate policeman Kim Smith put a box of Kleenex and some chocolate HobNobs on the table in front of you. And you think God, what is this? It's crazy. Why am I doing this? It's a bit like meeting the in-laws. It's a Wednesday afternoon, we've got to sit here and look at the HobNobs and wait for the guy I caught six weeks ago to come to the door. And in he came, looking pretty shifty."

Peter. "The build up to it was that this was the research time in 2002. No-one knew a lot about RJ at this stage. Everyone was talking about me going to meet Will and another victim, a doctor. I thought, really and truly, I was going to go over there and talk the talk – it's what I've done all my life, talking to probation officers. I've laughed in the right place, boo-hoed in the right place, nodded my head when I needed to nod my head and said the right things, and they'd believe

exactly what I said and everyone would live happily ever after.

However, as I was going over to the meeting, suddenly all my bravado was leaving me, and I was thinking 'I don't really want to do all this. I don't want to say sorry to anyone. I want to go back to my cell where it's all nice and safe and comfortable, and lie on my bed and read a book and do whatever I want.' I got to the door, and Kim Smith opened it. I was about to say 'I'm not doing it. I'm going back to my cell,' and Kim went 'Hello Mate, come in!' and pulled me in. And there I was, in the room.

I can see the seating arrangement still. There was Will and his wife, and an empty seat; and the doctor's partner and the doctor and an empty seat. And I started the old flannel. I did exactly what I went in to do. I started saying 'Poor old me. I've had such a hard life,' which is crap if you'll excuse my language. I wasn't any worse off than anyone else. We've all had hard lives. I dare say you might have had a hard life, but it didn't make you start breaking into people's houses.

There comes a point in everyone's life when they know right from wrong, and I chose to do wrong. I'm not blaming anyone else. I chose to do these things, and this is the result, and I'm blessed about it really I suppose. The turning point came when I said to Will 'When we met...' and Will went ballistic."

Will. "Yes that was it for me. I'd listened to the flannel; and it was good stuff. If I'd been a social worker I'd have been very happy with this for a couple of hours. It was beautifully and eloquently done, all this sob stuff, and I thought 'I've got to get out of here. I can't handle this.' And then he said 'when we first met...' And that was it. I completely lost it – in a middle class manner. I said 'We didn't meet at some Islington cocktail party. You broke into my house. You destroyed the one belief I had which was that I could protect my family, my daughter, my wife and my loved ones, in my house. You stamped on that and completely destroyed it'. I haven't told you before that after the event I couldn't put the key in the door of my house

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without thinking that somebody would be on the other side of that door.

I realised that there must be many thousands, millions, of people suffering from this trauma but they don't know that they're traumatised. They don't go to work, or they go to the doctor, or they get a pharmacological response to it – but in the end it's a trauma. I was able finally to verbalise what I was feeling, with my wife there. She knew I was upset, but she had no idea how upset I was. When you are a victim of a crime you feel empty. It's a very odd thing. You feel guilty, because you should have had double locks on the doors, you should have had an alarm system, or you should have heard the bell go. Somehow, in an RJ conference you restore that, and you see this person and you think: why should I feel guilty? This is the guy who had done this to me. And it's a huge relief.

As I unleashed some force, the doctor beside me started to talk. You could see that the effect that I'd had on Peter was like a train, but when the doctor started to talk he was in tears."

Peter: "To me, I felt the other way really. I've been in all the grand courts and I've received all these different sentences, and honestly the Old Bailey was a breeze compared to what was happening to me at that time."

Lord Corbett observed that Peter was outnumbered, and that listening to the hurt of Will and the doctor and their wives could not have been a very comfortable situation.

Peter: "You've got no idea. Excuse me for getting on to my high horse at this moment. In the criminal justice system, you break into somebody's house and you get arrested sooner or later. The only sort of contact I would have had with a victim prior to this was in statement form. So really and truly I hadn't given this a lot of thought. Victims were always bits of paper. Statements were always the same. They were never ever different. They read, if it's a burglary. 'I left my home at 7am this morning. I locked and secured my premises. I returned home at

5pm to find my door broken. I gave no-one permission ..' and so on. Signed. And if there is any property involved, it says 'I have been shown items marked xyz 1, xyz 2. I can identify these as mine. I gave no-one permission ...' and that's all the victim ever seemed to me. But victims mean more than that.

The police have to arrest you because you've broken the law, and that has to be dealt with. However that's not what happened here, is it? This is a personal thing. I broke into Will and his wife's house; I broke into the doctor's house and this becomes personal. Suddenly I am hearing all the things I never heard before. I didn't give it a jot of thought before; I didn't think one iota that emotions and feelings came into it. To me it was just breaking into a house and stealing something.

This doctor was a surgeon. He had just split up from a long term relationship and he wanted to go off and show the world that he could handle his life on his own. So he went off and bought this flat and he was getting along just fine and dandy and then I came along and I smashed his door down and in effect I smashed his world to pieces. And from that flat I stole a lap top computer. That lap top computer went 200 yards up the road and was swapped for two £10 bags of heroin. On that computer was all his life's work, notes on his patients, all sorts of stuff. He was telling me how his work was being affected. So in effect his care of his patients was being affected, and I thought 'Good Grief: I'm responsible for all this'.

In the court I would never have heard any of this. I'd just hear that I've broken into someone's house and the property has been recovered and so on and the judge would say to me 'you're a bad man and you must be treated in such a way that the public are protected'. And yes the public did need protecting from me but there's another way."

Harriet Bailey invited Peter and Will to expand on the effects the conference had had on them. Peter had been a career criminal before. What had happened since then?

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Peter. “Well I don’t know about being a career criminal. I was certainly a professional prisoner by that stage. Since that day I have never done anything wrong. I wouldn’t even avoid paying a fare. I’m an honest guy I do a bit of gardening, I do what I can round the community. I have worked with the Metropolitan Police with the PPO schemes. I got so much back from RJ. I can’t emphasise what an impact it had on me. It opened the door. And more followed. It’s not just the conference itself. It’s about communication.”

Lord Corbett enquired whether it was just the one session. On learning that it was, he described this as remarkable.

Will. “Well I could open the door again, without anybody behind it. I was so moved and so affected by what it had done, that I wanted it to be available for all, for every victim of crime, and not just of crime, but every victim. This is conflict. This happened to be physical conflict, but people go through mental conflict. The ability to talk it through directly – and not necessarily with the perpetrator of the crime, but with a criminal; somebody who can understand what you are going through. It has had tremendous effects for victims and for surrogate offenders. It is quite remarkable, and it is so simple. How do you control the family? You usually do that by sitting round the kitchen table and conveying to the children what is right and what is wrong. What is acceptable and what is not acceptable, what is love and what is not love.”

Peter said he knew the difference, but no-one was there to follow it up. “Why don’t we commit crime? Because if someone caught us we would be ashamed. No-one was ashamed of you (Peter). You were encouraged: ‘Good on you son’.”

Peter. “It was like getting your A levels when you went to Borstal.”

Harriet Bailey wanted to put this into context. The conference had taken place because of the research that was going on. She continued:

“Peter and Will were very lucky: they had a very rare experience. They happened to be in the right place at the right time, in the right borough when the government was setting up these pilot groups, and at the right crown court. They said yes to the invitation and they were randomised in to the trial, (but they could just as easily have been randomised out.). The RJ Consortium estimates that less than 1% of victims of crime would have that opportunity. Only one project set up as part of this pilot had managed to continue running and this was in Thames Valley.

The government’s research came out in June this year. It cost £5million to put these pilots in place and to evaluate them. They were evaluated by the University of Sheffield. This was a very thorough evaluation, looking at the different aspects of RJ. It looked at the victims of crime. Will told us of the power RJ had for him. It was an opportunity to get past the person behind his door, and to be able to get on with the rest of his life. The research showed that more than half of victims of crime would like to have that opportunity. More than half of those given an opportunity to say yes to RJ actually went ahead and took part in a conference.

And of those, more than eight out of 10 actually said they were satisfied with it, and most would like to recommend it to other people. This compared with the three in 10 victims of crime who were satisfied that the criminal justice system met their needs, and the 4 in 10 who felt that the criminal justice system brings offenders to justice. So the success rates for victims, in terms of their personal experience and satisfaction with the criminal justice process, are twice as high with RJ. The Ministry of Justice research showed that victims of crime want RJ and find it helpful.

As regards the offender side of things, the research looked at the way RJ had affected reoffending rates. Peter had found RJ a catalyst to stop crime completely. The research said this was rare: In general, participating in RJ was found to reduce the frequency of reoffending by about 27%. This rose to 33% when RJ was provided just before release from prison, and to

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55% when used alongside community sentences. The research had looked at the use of RJ with adult offenders only, and had not broken the results down by age.

RJ was not used on its own, but alongside other interventions – with drug treatment, education, training and so on. It was not a ‘pink fluffy get-out clause’ but when used in parallel with other interventions, the research showed that participating offenders benefited from being part of RJ. Not all, but many, would change their behaviour as a result.

The other focus of the report was around money. It was about cost-benefit, and seeing what you could get out of RJ in terms of the money that had been spent. One of the pilots was set up in the crown court – the one through which Pete and Will met. At that level, reduced reoffending could bring great monetary benefits in terms of reductions in the cost of future crime. Across the research, savings were £1 for £1, or up to £9 of future saving for every £1 spent on setting up the pilots and providing RJ. This did not take into account the victim benefits – if for example Will had needed time off work, or treatment for post traumatic stress disorder. RJ pays for itself through its success – it can pay for itself nine times over when used for serious crimes

So RJ is good for victims of crime, good for offenders and good for the criminal justice system in terms of money. This is before mentioning the benefits to communities. The reason many victims of crime get involved in RJ is to stop further crime and prevent future victims: another benefit.

The Restorative Justice Consortium is concerned about the government’s response to this research, on which they spent £5million pounds. We have been told that it is “inconclusive”. A senior official in NOMS said that he “did not recognise it”. This is a great concern to us, in that it is high standard research, carried out rigorously, and it was run parallel to the CJS not as an alternative. It had control groups, which showed that those who went through RJ were less likely to reoffend, and

that the victims were much more satisfied with the CJ process afterwards.

We are calling for five model projects to illustrate and put the research findings into practice. The Thames Valley project is still running. It is only running thanks to the strength of the partnerships that were built when the pilot was set up. They are managing to survive, with two members of staff, against all odds. They are managing to provide RJ to the probation, police and prison services. But there are no others out there. We’ve got the evidence on paper now and we would like to see five services like that set up to let professionals see how this works.

That is because we need to see more access to RJ for victims of crime. Will was brought into this through no fault of his own. He didn’t want to be a victim of crime. He didn’t want to have his house broken into. Afterwards, he needed to get more out of the system than the system was ready to give him. That victim statement that Pete heard wasn’t the chance for Will to get any answers to any questions that he’d got. I have questions if I have an argument with someone let alone if I have been burgled by them. We all need answers to those questions in order to process what’s happened and in order to move on, and we need more respect for the victims of crime in order to give them what they need. This is one way of doing it.”

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## ◆ 18 November 2008: The Youth Justice Board - priorities for future action

Frances Done,  
Chair,  
Youth Justice Board

Frances Done thanked Lord Corbett for his kind introduction. She continued:

“I know you are all familiar with the work of the YJB so I won't go into any background. I thought what I would do is concentrate on a few points about initiatives and developments around our plans for the next few years, focusing on the main objectives of the Board. The four main objectives, which are outlined in our corporate plan for the next three years, won't surprise you. They are first of all preventing offending, secondly reducing the rate of reoffending, thirdly safe and effective use of custody and finally, last but not least, improving victim and public confidence. I just want to say a few things about each of those because I know there will be different issues people want to raise.

First of all: prevention. This has been a very strong YJB focus right from the outset. It's really pleasing that last Monday we were able to announce that, for the last three year period, we've been able to show that first-time entrants to the youth justice system have reduced by 10%. That's 10,000 young people who are not in the youth justice system. I think those of you here, because you are interested and expert in these areas, will know that that's quite an achievement, because it's being set against the complications caused by 'offences brought to justice', which was a target going the other way. So it does represent a real achievement, and it

represents a capacity for the youth justice system to concentrate on the young people who need much more attention, rather than those who shouldn't really have been in the YJ system at all.

That's a result of very heavy investment by the Home Office, £30 million a year over three years, in youth inclusion programmes which are really focused and targeted on young people who need to be given opportunities and positive activities rather than falling into offending behaviour. The Youth Crime Action Plan which was published earlier this year, a cross-government plan with which we are obviously very much involved, really focuses on this end, on prevention and early intervention with families, assessing at local level between the schools, neighbourhood police and youth offending teams which young people need support.

At this point there was a division, and Baroness Stern took the chair.

So we are very supportive of the focus which is developed locally now between police services and youth offending teams, schools and local children's services, really getting to grips with what can be done locally to prevent young people coming into the system. There are a whole range of initiatives happening now around the system between the police and other relevant agencies which are really encouraging because they are jointly trying to ensure that,



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through restorative justice type schemes, community resolution, and different schemes all over. They represent quite a turning point in my view, where the police are trying to do the same as the youth offending services and to keep young people out of the system.

So that, I think, is a major step forward and has got to have pressure and power behind it to keep going and going and going. Because that whole prevention/early intervention strand mustn't be regarded as something that's been achieved. It's got to go on for twenty, thirty years, not just two or three.

To turn to reducing reoffending: Since 2000 there's been a very significant reduction in the frequency with which young people reoffend. That's a good achievement but is actually not good enough. Because the actual rate of reoffending, the proportion of people who reoffend after referral orders or community sentences or custody has basically stayed fairly static. So for example there are still 75% of young people who reoffend after custody. We really are concentrating our efforts on making sure we do something to bring that down substantially. There are three areas I would like to focus on about our activity around that.

One of the issues for future work which has got to succeed, and which involves much wider audiences than normal criminal justice networks, is the whole question of resettlement. When I go to YOIs or other secure units for young people, the one thing that comes back from senior managers and directors every time is that they are unable to say that young people leaving have got the resettlement plans - the job, the school, the mental health service, the substance misuse service - that they need to support them, and in particular the individualised support that they need to help them not to revert to their offending behaviour when they leave. That is absolutely universal. There obviously are occasions when it does work, but not enough.

That is not surprising given the nature of custodial provision, which is spread all over the

country. Community services and YOTs are not aligned with the custody, obviously. But we are absolutely determined to bring those two together. We are working now directly with three specific areas of the country on trying to find new ways of commissioning, working with groups of local authorities and the custodial units in that area to try to bridge those gaps. Not straightforward obviously. But we want to really open up the secure estate to that and there is a real enthusiasm in the young offender estate to do it. So there is a lot of work going on in London, with the local criminal justice board and London councils. We are working with the authorities in north-west and south-west England, to start trying to break into this 'it can't be done because the YOTs are all over here, and the custodial units are there' syndrome. There has to be a really new approach to commissioning.

The second thing is that we've got a new performance framework for Youth Offending Teams. I won't go into the details which are in essence boring. But it does give a real opportunity that we've not had before. That's because the new framework by which we will be assessing YOTs is very tied up with the new local services framework around local area agreements, where local areas decide their priorities. Many of them have, with encouragement, chosen youth justice - reoffending rates for young people, getting young people into jobs, making sure that young people who are offenders have suitable accommodation: those indicators have been chosen in many cases as priorities for local areas. So we are now in a position to make sure that the significance of youth justice performance within the whole assessment of performance locally has a real power that it's not had before. We intend to make a lot of use of that. There are six youth justice indicators in the set and performance on all will be published annually and for which local services will be held accountable.

The third area of accountability, which is obviously very high profile at the moment, is our support role and our development role in



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relation to serious youth violence. Obviously the whole issue of gangs, the way they are operating, what you need to do to prevent young people being pulled into gangs, the whole issue of knife crime and so on is very high profile, and the YJB has a really significant role in preparing work on that. For example we are rolling out knife referral programmes (the Knife Possession Prevention Programme), for all young people who are found in possession of a knife. Those are being introduced in ten areas, and they are planned to be rolled out across the country from next April. So there is a huge amount going on. But a lot of it is with a view to protecting young people who are falling into those areas of activity, for example identifying those young people who are at risk of being drawn into gangs and actually going to deal directly with their parents and their families and their schools to give them the opportunity to stay away. And that's a really important area of work.

I wanted to say something about safe and effective use of custody, as I know it is an area of great concern to this group, and has been for a very long time, and I suspect will be for a very long time to come. In the young offender estate, since 2000, there have been very major improvements. An awful lot of extra money has been spent, and the main impact has been to be able to separate out young people from adults. We still have some young offender units which are on the same site as adults, but there is no mixing between the two any more.

We have managed to create separate units for young women which are very well staffed and relatively expensive – these are good facilities for young women. Obviously we want to minimise the numbers of young women going into custody, but those who do, now have much better provision. We have been developing new arrangements for vulnerable young men in custody. A new unit has just opened in Wetherby with 48 places, which is designed specifically for young men aged 15-17 who cannot cope with the basic YOI regime. A huge amount of effort has gone into safeguarding, advocacy, social workers in YOIs, education

improvements, and substance misuse programmes, and all of these have made major improvements. But I don't think any of us at the YJB would say that we don't have any further to go.

We do have a vision of a separate estate for young offenders up to the age of 18 which is entirely separate from the adult estate. That's not a practical proposition at the moment but we have made major moves towards it and that's been by using opportunities and by a very cooperative approach by the Prison Service enabling us to take those opportunities. For example, by March next year, it is hoped that all the young offenders in the north-west England who are in YOIs will be in Hindley, and Lancaster Farms will no longer be used for young people up to 18. While the plans are fairly well advanced there are still a few hurdles (outside of the control of the YJB) to go through. It would give us the opportunity to develop a facility which is much more focused on young people, because we really need to have all the staff who are in the unit wanting to work with young people, and not prison officers from the general estate.

Very quickly onto current issues: obviously restraint is one. We are very involved in the issues arising from the review of restraint to be published by ministers just before Christmas. There are a lot of complicated issues being considered there. At the same time as that is published, it is likely that the independent report we commissioned into the outcome of our three year investment in safeguarding in the secure estate will be published too. That should give you a very good overview of what has been achieved and what is still to be done. There are reviews going on at the moment about single separation and searching of young people, both of which have been a cause of some concern. They will shortly be available. Also there is a great deal of concern across criminal justice reform interests about the transport to custody of young people who go from court to YOIs. This is a serious concern to all of us. We are doing a review now, and this will be ready shortly as well. That I'm afraid will inevitably

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involve a real issue about money, but at least we will have bottomed what the options are and what needs to be done to make sure that young people are not kept for long periods and delayed when they go.

We are developing our secure estate strategy for the next five years. We will not be looking just statically at the period in custody. This is much more now about what happens to young people before custody – whether they should be there in the first place – about what happens to them in custody, and then how that links to what happens after custody. We need to move away from thinking about these three parts of the system as though they were separate. They are just part of something that should be coherent. Although we don't have a target for reducing the numbers in custody now, that does not mean that we are not very focused on achieving reductions in those numbers. As you are well aware, the numbers have remained relatively static. On any one day there are around 2,900 - 2,950 young people in custody. That is a lower percentage of all sentences; it has come down, but it still needs to come down further. We agree with many of you here, I'm sure, that there are young people in custody now who should not be there – not because magistrates shouldn't have sent them there. Magistrates do their sentencing on the basis of the arrangements that are in place. But we collectively should have found ways of making sure that they didn't need to be in custody. That won't apply to every young person, but it does apply to a number, and we intend to get those down.

In the Youth Crime Action Plan there is whole range of issues proposed which we want to pursue. Particularly as a first step we want to charge local authorities the cost of secure court-ordered remands. That's the end of the system where it's easier for local authorities perhaps not to take seriously enough the needs of the young person until such time as they end up in front of a court. Two thirds of the cost of the court-ordered remand is found by the YJB – the tax payer and not the local authority - and we want to change that as soon as we can.

That's all up for discussion. We are very keen on the idea that every time a young person goes into custody for the first time there should be an independent review. Local Safeguarding Children Boards would be the best place, provided they have independent chairing. We think that will probably end up showing us all to be at fault in some way – all the relevant agencies. We feel that's a really powerful way of bringing home the lessons about what happens to a young person, and what could have been done earlier down the line which would have prevented custody.

Alternatives to custody: obviously we have very strongly promoted intensive fostering. There are about 50 young people who have gone through intensive fostering programmes. 26 have finished and some are still under way. The evaluation's not complete but we do think it's a very promising approach. For a young person who's at the right point in their life, and who is prepared to withstand the rigour of the twelve months intensive fostering, it's a very useful alternative to going back to custody time after time. So we are very encouraged by that.

We want to publish custody rates for the last 12 months up to the end of March 2008. - and I'll be writing to magistrates' benches and chief executives of councils and chairs of youth offending teams very shortly. We'll be wanting to draw their attention to what they should be looking at, what they should know about those rates, why they are what they are in their area, and to really call them to account, to an extent, for what is actually happening. That will be followed through of course through the youth offending team and youth offending partnership assessments that we'll be doing later in the year. So we intend to put as much pressures as we can on authorities in that way.

Very briefly now, just a couple of points. I've said last but not least and I mean that, but I know it may be an area you are interested in asking questions about. Victim and public confidence is very much part of our objective too. Clearly we are part of the criminal justice system so it's not all about the YJB work. But we do feel that

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the restorative justice element of referral orders is a very powerful mechanism which I would hope could have wider resonance in the criminal justice system. We know that when victims have been given the opportunity to participate in the process – they may not take it, but even being given the opportunity to participate has been helpful to them. When they do participate they generally have a very high satisfaction rate as a result, and of course that gets through to a much wider group than just the victims, their families and so on. We have 5,000 volunteers working with referral order panels, youth offender panels. There could be a lot more: there are far more people out there. We are just launching a recruitment campaign for volunteers in the youth justice system.

Finally we are very focused, working through youth offending services, on the disproportionality of ethnic minority representation in the youth justice system. It's a very complex set of issues because as we know it's not just about the youth justice system, it's about where it comes from. But having said that, there are some very specific disproportionalities that relate to the way that YOTs and courts take decisions, and each YOT and partnership has had to have an action plan first on understanding the situation in their area, and then what they are doing about it. We are beginning to develop some very good practice which we will be disseminating to other YOTs. This is an area of public confidence as a well because you cannot have a justice system which has public confidence if it's got gross disproportionality of representation by ethnic minorities in it, which in certain areas we do have.

So I am very optimistic about what is being done and what can be done to improve the possibilities of preventing young people offending, and helping those who do and supporting them: holding them to account, yes, but supporting young people. This is the best chance we get with offenders, to get to them while they are young and give them the best possible chance. However it would be naïve not to suggest that there are a few challenges. Not

least finance, because we are funded largely by the Ministry of Justice and there is a huge budget issue for them: that's no secret. There is a big budget shortfall that has to be bridged by the MOJ. So there will obviously be pressures arising from that.

I will end by saying that the very highest priority for us, and for everyone involved in youth justice, is to keep up the pressure for prevention. We must not allow any complacency to set in just because the numbers are no longer rising. We just have to keep going and keep going so that we don't get young people unnecessarily into the system, but equally we can use all the resources we've got to support those who have offended and who will continue to offend otherwise. It is an incredibly high priority for us as well to ensure that no young person goes into custody unless it is absolutely essential for the protection of the public. That is a very challenging task and we do intend to focus on it."



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## ◆ 20 January 2009: Probation Chiefs Association

David Scott,  
Chair of the newly formed Probation  
Chiefs Association (PCA) and Chief  
Officer, London Probation Area

Steve Collett and Sue Hall,  
Vice Chairs, Probation Chiefs Association

David Scott said, “I am a probation officer by training. I have spent my professional career with probation, most recently in Hampshire, then London, and I served six years on the Parole Board. The experience of being on the Parole Board was immensely helpful, working alongside judges and other professionals, and seeing some of the most difficult cases that our system deals with. Probation has been my business and I am passionate about the work that we do. That’s quite enough about my role and me. What I want to talk about is the role of the Association, and Lord Ramsbotham has given me a very helpful cue for that.

We lost the Association of Chief Officers of Probation (ACOP) at the beginning of the decade when we became a national service. We set up this association to be an independent national body, which represents the views of probation leadership in England and Wales. It is important that I stress two of those words: the importance of us being independent and the importance of us being rooted in the leadership of probation – that’s the 42 chief officers in England and Wales who provide the Council for the association.

We are not a trade union. We exist to work with the grain of government policy and to be a critical friend of government. But above all, the aim of the association is to promote the work

of probation, the work that we do in the community and in the wider criminal justice system, and to communicate that to the wider public. That mission, to promote confidence in our work and to engage with sentencers, is absolutely fundamental to what we do. We want to inform discussion, to be very solution-orientated, and to be widely consulted in terms of decisions and thinking about the development of criminal justice in England and Wales. In doing that, we have the support of the key stakeholders in and around the Ministry of Justice and we have the strong support of the Probation Association, which represents the local governing bodies of probation.

What I want to briefly talk about is some of the challenges that we face. But I want to start with a very robust assertion about the business of probation. I don’t think I can say this loudly or assertively enough. Probation is a law-enforcement agency—that is our business. Our two key priorities are, and I imagine will long continue to be, protecting the public and the reduction of reoffending. You will certainly find no chief officer who disagrees with that and I’d be surprised if you were to find a member of staff who disagrees with that.

We reject absolutely and emphatically any notion that we have an institutional desire to put offenders first and that somehow we put

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offenders before the concerns of the wider public. It is really important to us as an association that we challenge this and that we make clear the reasons why. We actually strongly support making punishment transparent and visible but we have had some reservations about the process of implementation, which you may want to pick up in the questions.

Why are we so concerned to talk about being a law-enforcement agency? We assess and manage risk. We are in the business of offender management. It's what we do: it's our core skill. We are in the business of trying to steer offenders back into society who are legitimately released by the Parole Board or the courts. We are in the business of providing offenders with support in environments like hostels, or what we call approved premises. We understand the kind of tensions in local neighbourhoods and local communities. We are very much in the business of working with and getting alongside the victims of serious crime, as part of a process that gives them a real stake in the wider criminal justice system and keeps them informed about what's happening. The Probation Service has, as part of its core mission, a close association with victims, and a very honourable part in its history is about working with Victim Support for example. And finally probation chiefs up and down the country are at the heart of local criminal justice. I would underline the central role we play with Criminal Justice Boards, one of whose key roles is to make the local delivery of community justice more effective, and also to promote confidence. So we emphatically resist any suggestion that we put offenders first, although we do have a key role with offenders and in their rehabilitation.

I want to talk about two or three things before moving on to questions. I thought it would be worthwhile talking about some of the challenges of public protection, and then I will talk a little about public confidence. Public protection is, I suspect, one of the reasons everybody is drawn to this room today: the concern about fear in the community, vulnerability in the community, and the risks posed by the most serious offending dealt with in our society. It has

another key impact for us from a probation point of view, because it is often the lens through which people see the probation service - in other words when things go wrong. It is very important to be absolutely clear that it is a fundamental requirement of probation staff and probation areas to do their job properly. But it is difficult – and one of the areas we would like to engage in discussion around – to communicate what we do, when very often it is hard to get across what success would look like. Very often, when we are dealing with high levels of risk, we do that with very small levels of reoffending. But of course the reoffending when it happens is often catastrophic.)

It's important, in talking about this that we can challenge some of what we think are the dangerous myths around public protection. One of the things I want to come onto is engagement with the media. The media will often describe and write about public protection in a way that conveys the whole concern about stranger danger: you are at risk from this mad individual who comes into your community whereas what probation officers up and down the country deal with is the reality that a high level of the most serious offending actually comes from people who are known. So, therefore, getting across a more sophisticated understanding of the challenges of public protection is important to us.

I would like to give you just one example of some of the work we try to engage in with the media – and this was before the association was formed. A couple of years ago I was invited to an editorial meeting at the BBC, at the most senior Director General level, with heads of department. We were talking about how the media covers public protection, public safety and public fear of the most serious level of crime. I thought it was outrageous that the images of the two victims in Soham, schoolgirls Holly and Jessica, in their Manchester United uniforms, - would flash up on the television screen, whenever there was a public protection case. It seemed to me an absolute outrage because of the effect that this would have on the family and friends of those two school girls, their



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neighbours and their community, as they tried to settle back down again. And what I noted – I can't claim cause and effect – was that this picture has been withdrawn and is not now seen.

We are trying to get into a discussion with the media about our role in public protection, the fact that we work very closely with the police, the prosecution service and other agencies. We don't do it alone. But to get an informed discussion about public protection is very difficult because there is so much fear and hype. And if probation is portrayed as being either indifferent or on the side of the offender, then it seems to the association we have major difficulties.

Can I talk briefly about public confidence: I have mentioned that the association is very concerned to promote probation and inform the public about what we do. We are not naive. We know that we do this in a climate where the public report fear of crime as being one of their highest concerns. We, therefore, want to work with sentencers to get the best possible information across about what we do, and to communicate that, because it seems to us that we can't begin to get public confidence unless we first get sentencing confidence. So we are very concerned about being a transparent service and about sentencers and the public gaining an informed understanding of what we do.

We can give you a number of examples. There is a piece of work that we are interested in, called Local Crime, Community Sentence. This involves very close collaboration with the Magistrates' Association. We are in conversation with the Judicial Studies Board to see if we can assist by giving good case examples and case evidence about what we do. We are also in some discussions with the media because part of the frustration that we constantly face is this media view that anybody who is dealt with by way of a community punishment is somehow let off, somehow absolved of responsibility. This seems to us to be singularly unfortunate. And this leads to some questions about where journalists get their understanding as to how criminal justice

works. So part of the programme of education and discussion with the media is to try and get this rooted in a better appreciation of what community penalties are about. Public perceptions are important.

I want to say a little more about community engagement and I want to connect it with one of the final challenges that we face. We were very pleased that the Lord Chief Justice was the first to speak at our launch and welcome our association. He spoke about the fundamental importance of a probation service that is vibrant, has moral courage and offers the best possible advice to sentencers. It was a ringing endorsement and we were most grateful for what he said. Probation is, of course, rooted in local communities and we believe the best probation work is done at this very local level. However, there is a tremendous tension at the moment between what is delivered locally and what is organised centrally. Chairman, your comments at the beginning touched on that.

We want to get across the importance of our engagement in local communities. One of the particularly important areas involves dealing with the short-term prison population. The prison population is at the level, which is giving fundamental concern to a number of stakeholders, organisations and agencies. It is crucial to us that probation is not painted as being on the side of community sentencing and therefore not concerned about imprisonment. We are now in an agency where we work very closely with prisons. But – and this is a very big 'but' – one of the challenges that is being thrown to us and one we are anxious to pick up, is the short-term prison population. Because what we know is that if offenders go to prison for twelve months or less, the risk of re-offending is in the mid 70% when they come out – a very high level of risk. If the sentence is under six months it's virtually off the scale in terms of risk. There is no treatment for offenders serving a year or less in prison. So you have what is called the 'revolving door' effect.

What probation is very keen to do is to use the power given to us by government to see if we

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can strengthen the ways in which people are worked with in the community instead of going to prison for short periods of time. It is vitally important to us to get across the fact that sentencing is the sentencers' decision and not the decision of probation staff and the challenge for us is to be able to give sentencers and the public more confidence in the use of community sentences. There is some very imaginative work going on up and down the country and I am sure we will pick some of that up in questions.

I have given evidence twice to the Justice Select Committee. We talked about an initiative called 'Diamond Districts' which looks at very innovative ways in which the police, probation and the other agencies can work to keep people in the community, rather than to be put through this revolving door of imprisonment. It is a huge challenge. But if this is just presented as probation being on the side of the offender we are heading into a very strong cross wind indeed. So multi-agency work with the police and other agencies at local level is vital to us. Quickly then about workload: there are huge questions for the probation service as we speak. Chief officers up and down the country are very concerned about what I would call the deliverability of the agenda. The resource demands are hugely challenging. We do understand the need for public services to find new ways of tackling historic problems. But the probation service also deals with hidden challenges. If the Prison Service is full, people understand that. The Probation Service at the moment – although it is working on this within the new agency - has no effective way of handling capacity. So it is very much at the mercy of the workload that comes its way. It seems to many of us that there is a risk that good practice and high quality work is put at great risk by the sheer corrosive level of the demands being placed on probation in England and Wales.

We absolutely want to work with improvements to the criminal justice system, to look at ways in which we can reduce reoffending and promote more effective rehabilitation of offenders. We do

not and cannot do that alone. We have a unique role but we work very closely with the police and local authorities, and increasingly, with housing, the third sector and private sector. We are not resistant to change. We want to work with the grain of change. We think there are some very interesting opportunities in the whole area of restorative justice, which we are keen to talk about further

And finally on the subject of challenge, the guest speakers at our launch were very interesting. The Lord Chief Justice talked about the moral dilemmas and the moral challenges facing us. Lord Seb Coe talked about the opportunity to engage with a much wider community; with the sporting community and with local communities. He described sport as being the 'hidden social worker'. So, Chairman, we are abroad in a very challenging world. We want to make a difference. We welcome the opportunity to speak here this evening and I am now keen to pick up on questions. I would particularly like to be able to get behind some of the issues I have just touched on, about how we promote public confidence and public awareness because that seems to me to be absolutely vital."

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## ◆27 January 2009: Prisons and drugs - making things better, three independent ways ahead

Dame Ruth Runciman,  
Chair, UK Drug Policy Commission.

David Blakey CBE, QPM,  
Author of the 'Blakey Report'.

Dr Tim Wilson,  
Partner, PricewaterhouseCoopers.

Professor Lord Kamlesh Patel of Bradford,  
Chair, National Prison Drug Treatment  
Review Group.

Dame Ruth explained the role of the UK Drug Policy Commission (UKDPC) in helping to organise this meeting. The UKDPC is not a lobbying organisation, but like others present, it wishes to encourage the use of evidence to help formulate the most effective policies.

Dame Ruth has a long-standing interest in prison welfare. Many of the recommendations made by the ACMD's Criminal Justice Working Group, which she chaired in the 1990s, are still valid today.

Dame Ruth briefly summarised the UK Drug Policy Commission's findings from their review of interventions aimed at problem drug using offenders within the Criminal Justice System (see their report 'Reducing Drug Use, Reducing Reoffending').

"First, because custody can have a serious, negative effect on rehabilitation, we risk causing more harm than good by sending significant and growing numbers of problem drug users to prison, especially for relatively short sentences, rather than using community sentences to address their drug-related offending.

However, the criminal justice system can be effectively used as an opportunity to promote engagement with treatment. Programmes within prisons can be effective at reducing drug use and offending. And the argument for using prisons as an opportunity to tackle problem drug use becomes more of a moral obligation by virtue of the fact that there are so many problem drug users passing through it. Second, we absolutely must not lose sight of the principle of delivering care in prisons that is equivalent to that found in the community. Third, given the considerable ongoing investment in drug interventions in the criminal justice system (£330m per annum in England and Wales), it is striking that we still know so little about the effectiveness of many of them, especially those in prisons, and crucially whether they represent value for money.

We need prisons that are recovery focussed and hopefully today's meeting will move us towards this goal."

David Blakey described his review ('Disrupting the supply of illicit drugs into prisons') as a 'one-man' review over 40 days. All the

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recommendations made in the review were accepted by government.

He described the problem of reducing illicit drug availability in prisons. "There are lots of drugs outside prisons and it should not be unsurprising that prisoners take these problems with them into prisons. It is unlikely that governors are 'compliant', turning a blind eye to drugs, as they cause trouble. There are lots of drugs in prison but we don't know how many. Seizures are not collected centrally. There is some skepticism surrounding Mandatory Drug Testing with suggestions it can be 'fiddled'. Well all key performance indicators have been fiddled by someone, somewhere at sometime. But it would have to be a huge coordinated conspiracy if the overall figures and trends are misleading.

There are five ways that drugs get in to prisons:

- With visitors
- 'Over the wall'
- In the post.
- Brought in by reception and remand prisoners
- Through corrupt staff

Visitors: Arrangements for searching visitors varies by prison to prison and time to time. It is a big issue and drugs can be hidden in body orifices. There are lots of things that could be done to tackle this including Closed Visits where a pane of glass separates the visitor from the inmate. However, whatever approach, it is clear is that teams of prison officers who are motivated in their jobs work best.

Over the wall: prison walls are long and irregular and it is difficult though not impossible to prevent drugs being thrown over, often concealed in litter.

Post and parcels: Drugs can be stitched in clothes, hidden in equipment etc. Some prisons don't accept parcels unless they are from recognised companies. There is also an issue of abuse of 'Rule 39' where solicitors' letters are left unopened by security staff.

Reception and remand prisoners: one way of curtailing drug smuggling in this way is to reduce the number of outings from prisons. Should prisoners be taken to court just to find out that

their remand/hearing has been delayed? There could be more use of Video Court facilities. Corrupt staff: Clever inmates can corrupt staff, although of course most are honest. The prison service accepts this is a problem and units are being formed to tackle this corruption and there is now a memorandum of understanding between prison staff and ACPO so that the prison service have a duty to report corruption and police have a duty to investigate it.

Any strategy for disruption needs to simultaneously look at all five ways of entry, and it needs one person responsible for both rehabilitation and operations. This should be a high ranking officer e.g. deputy governor. A guide already exists on disruption although it needs some amendments. There are five ways to disrupt:

- Use of good practice
- Disruption of mobile phones
- Use of searching
- Use of search dogs
- Use of legislation

In the long term the best approach to reducing the entry of illicit drugs into prisons is threefold. First create better relationships with partners at prison level, second, use technology more productively and last develop effective intelligence systems

Dr Tim Wilson, described the findings from the PricewaterhouseCoopers review ('Review of Prison-Based Drug Treatment Funding'). He cautioned that he is not an expert in this area but this allowed him to ask plenty of questions. The review was commissioned by the Secretary of State for Health and Home Secretary (as 'Justice' was with the Home Office back then).

The remit was to consider:

- What is the funding for? What outcomes is prison drug treatment there to achieve?
- Is there a particular service model that is most effective?
- What can/should be implemented?

In some areas the evidence is very strong (e.g. NICE guidelines) but in other areas it is weak.

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As part of the review there was an extensive stakeholder consultation exercise, development of an economic framework and working with a steering group and expert panel.

Found there was a lack of strategic alignment. Different departments and different people had different views of what drug treatment was for. The lack of clarity and complexity meant that intention at the top doesn't filter through. Even the number of acronyms used in this area is telling.

There is a churn of inmates around the system with prisons at full capacity. As prisoners are frequently not in their local area, it makes the link between prisoners and the community almost non-existent.

There are two options: (1) a local joint commissioning option but there would be concern over the expertise required and also PCTs have lots of other issues and may not give prison drug treatment enough focus. (2) a regional joint commissioning option, perhaps with a lead PCT.

Prison is a fantastic opportunity for drug treatment, but it may not be at the right time in their lives, and they will return to the same home life.

People are not clear on effectiveness, what we are trying to achieve with things like CARATS. We need to do more measuring and evaluation of outcomes,.

The review recommended:

- Being clear on what outcomes are desired for prisoners on release.
- Defining a set of national minimum standards.
- Seizing opportunities to free up existing resources through efficiencies.
- Prioritising which groups will benefit most – for instance drug addicted mothers may have a bigger impact on society. This issue should be debated.
- Considering regional/local options.
- Creating a single funding stream.
- Joining up information streams so people do not get lost in the system.”

Lord Kamlesh Patel congratulated the UK Drug Policy Commission for organising this meeting. He stressed how there were many complex problems and challenges involved in this issue including mental health, suicide, death on release due to overdose, specific need associated with ethnicity and race and the high prison population and ‘churn’ of prisons .

“But we are not starting from a blank slate. There has been progress with the Drugs Intervention Programme, substitute prescribing in prisons, and CARATS which provide a vital service. Lord Patel emphasised that although there is currently no evidence to support the effectiveness of CARATS we also do not have any evidence against them. Injecting behaviour is lower in prisons but is riskier, and disinfectant tablets are needed across the estate. Prison is also the most common place where injecting drug users receive vaccination e against Hepatitis B.

The Department of Health has committed to reaching minimum standards in prisons by 2011 and £24million has already been committed to clinical treatment through the IDTS scheme in 2008/2009. 29 prisons also received NOMS additional funding for psychosocial treatment. The review group will consist of 18-20 members with a real mix of practical experience and knowledge. There will be bimonthly meetings, which will include government officials as observers. There will not be a two year wait for a final report as Lord Patel hopes to be able to implement recommendations as they are developed and agreed by the review group and government officials.

The group will consider a range of issues including two issues from the PwC report: (1) outcomes and (2) evidence of what works. Lord Patel is also involved in the Drug System Change Pilots programme which aims to improve the end-to-end management of drug users both in the community and in prisons. This work programme is already underway and there were just under 50 expressions of interest and 11 were chosen to go forward to the next stage and put forward full proposals.

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Some of the Pilot areas will look at offender pathways, including continuity of care and drug treatment issues.

The group will have a website and all the workings of the group will be as transparent as possible. There will be a blog so that anyone can comment, and there will be a service user 'voice' at the heart of the proceedings."



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## ◆ 17 March 2009: The National Offender Management Service (NOMS)

Phil Wheatley CB,  
Director General, NOMS, Ministry of  
Justice

Phil Wheatley thanked Lord Corbett for the introduction. He continued. "I thought it might be useful to say where we're going with NOMS, what NOMS amounts to. I know it's not a universally liked system, but it might be helpful to identify some of the big issues we're trying to grapple with, in order to do get the maximum possible public protection out of the prison and probation service for the amount of money we've got. Obviously I can only spend what money I'm given but I've tried to make sure that money works to the maximum effect.

Although NOMS is a word that has been around for a long time, we've restructured, and restructured quite sharply, at the beginning of 2008. What we've got is now different from the previous version of NOMS – although we've preserved the essential features that give us a real gain.

Basically what we're trying to do at the moment is to integrate prison and probation so that we operate in a way in which the two systems help each other, rather than sit in their separate silos and say 'we're pretty good in prison: it's those probation people' or vice versa, 'community punishment is wonderful: prison's a terrible place.' It obviously makes sense for us to integrate, because offenders are moving between the two systems. It's very unusual for somebody to come into prison without having any contact with the probation service: many of the more prolific offenders have had lots, and

even first time offenders will normally have had the least comprehensive pre-sentence report prepared by the probation service. Any long sentenced prisoner, serving over 12 months, will now go out to supervision at the end of it. That's built into the legislation. Only short sentenced prisoners have no supervision from the probation service. So it makes sense to integrate the two systems.

We're trying to make sure that, as we develop those systems, we avoid what you might call 'producerism', in which we've got a large group of people in prisons who are just interested in running prisons. Rather like bin men. They were once interested only in emptying bins: they weren't very interested in helping the public. They had a job which involved emptying bins, and they sometimes did it in a way which offered as little assistance to the public as possible. It was more about making sure that bin men had a nice life.

We are trying to avoid that sort of 'producer capture', so that those who get the work, whether public sector, voluntary sector or private sector, get it because they are the best at doing the work, and produce the best result – with no bias towards any particular sector. My interest is: can they do the work we're putting out, will they do it in the best possible way, and will they make our money work as hard as it can be made to work? I am trying to avoid just saying 'the public sector prisons are good and

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everything should be public sector', or 'everything should be private sector', or indeed having a bias towards the voluntary sector. So we are genuinely prepared to buy from a variety of different providers – but buy in a way that integrates the system. If I buy from different providers and they then don't work together, so they don't exchange information, or don't use the same information, we won't get the integration we want to get from the total system.

That's a slight variation on an approach to begin with which said that everything had to be sent to the market, and the market was the most important thing. Yes we will use the market. But you have to be careful in a world in which there isn't - in corrections - a perfect market. There is at the moment a much larger provision from the public sector than the private sector and very little voluntary sector provision. So we haven't got a perfect market and we need to be conscious of that, and to work out the best way of doing things.

Alongside that, the other plank of what we are doing is making sure we 'offender manage'. That means, when you unpack it, that when we take offenders in, we try to work out what their background is, what are the factors that make them more likely to offend, what factors make them less likely to offend, and then what can we sensibly do, in what order, that might make a difference to their likelihood of reoffending. That involves prioritising. We cannot meet every need that we might see amongst offenders, who come in with their multiplicity of needs, and we have to make sensible prioritised decisions about where to put our resources. We aim for the most resources near the highest risk and the most prolific offenders, because frankly you are more likely to make a difference if you invest with the prolific and the higher risk than if you invest in somebody who's got very little chance of reoffending in the first place. If you make a 10% difference to a group that have a 1 in a 100 chance of offending, that's not a very big difference to the public. Whereas if you make a 10% difference to somebody with a 90% probability of offending, that's a large number of offences prevented.

So we are trying to prioritise our interventions and integrate our work, because most offenders in my experience come with a multiplicity of problems. They've probably nowadays got a substance abuse problem, and that may well mean that they drink heavily as well as using drugs. Or they use a variety of drugs. A common mix at the moment will be somebody who's using crack cocaine and then using heroin to come down off the effects of crack cocaine, so they end up with a physical addiction to heroin and an emotional addiction to crack cocaine. So you have to work out how you are going to deal with that problem. And it is a substantial problem once you've got a habit like that. It probably costs in the region of £100 a day for somebody who's deeply addicted. We're looking to deal with complex problems, and the offenders we're dealing with are highly likely to have had a very poor education. They probably dropped out of school early on. They may be very bright, very capable of being educated, but they haven't been educated. So we have to make sure we are dealing with educational deficits to give people a better chance of employability, and try and give people some skills, which again gives them a better chance of employability. Obviously we have to take account, in the work we do, of what happens in the economy which may affect the rate at which people can realistically expect to get jobs. We must take account of the real world as it alters round us.

Although we are doing offending behaviour programmes (OBPs), which most of you will know about, and there's a good research base to support OBPs mainly based on a cognitive behavioural view of the world - done properly, there's good research evidence that they make a difference to reoffending - we don't think that that is the only thing that makes a difference. I am increasingly coming to the view that the thing that makes the biggest difference to offenders is having convincing and persuasive people working with them, who genuinely care about them, and who can persuade them that they should do things differently. Most of you have probably found that you have changed what you do, from time to time, because you've been convinced by somebody whom you trust and

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believe in, and who makes you think differently about a problem. That then needs supporting, by help to deal with the other problems. But you've got to motivate people to think they can be different.

And that means that we need good quality staff, who actually have the time to engage with offenders, and who are able genuinely to influence them. That has implications for our selection of both probation and prison staff. It's got implications for the training and supervision of staff. We need to concentrate on making sure we have the best quality staff. By that I don't necessarily mean the people with the greatest number of qualifications. It's quite interesting in this area that some of the people who make the biggest difference are not those who've got a university degree and a social work qualification. They are the people who can really successfully engage with offenders, who have very high quality interpersonal skills, and who genuinely care. I don't think you can pretend you care, if you are simply carrying out a role, and really when you go home you hate offenders, and you only play at it at work. Offenders will work out that you are not really involved in this and you won't have the effect of someone who has a genuine interest in the work, and a real interest in the people.

I'm not suggesting something wet by that. You don't influence people unless you are prepared to set boundaries and say what's right and what's wrong. I'm not advocating a return to the sort of non-directive social work we might have seen in the nineteen seventies. These are people who have the ability to set boundaries, and be themselves, persuade offenders to think differently, supported by a process of dealing with deficits, and then with follow-through into the community. You can come out of prison with the very best of intentions, you can be on a community payback scheme and have the very best of intentions, but if things don't go right, those good intentions can evaporate quickly. And that probably means some prolonged support and involvement to make sure that those good intentions are turned into reality.

We are making changes in the system to enable that work to take place between the services. That includes exchanging information better, making

sure we integrate the programmes we do, so that what we do in prison is supported by a relapse prevention group in the community, not repeating in prison what has already been done in the community, so that we make sure we maximise our effect and don't duplicate.

I fully accept that in doing all that we have a duty to make sure that we administer the punishment of the court effectively, and I use the word punishment perfectly happily. I think that most of what the courts do for offenders is seen by offenders as punishment, and we shouldn't be mealy mouthed about the fact that coming to prison, or doing community payback, or having restrictions placed on your liberty by wearing a tag is a punishment. It's not my job to add to that, or to make it more difficult than the courts have already said it is, but I think we ought to acknowledge that it is a punishment and that we have a duty to make sure it happens properly, and we don't back off from enforcing the order of the court. We have done a lot of work, particularly on the probation side, to make sure that we do enforce the orders of the court. If people don't follow the orders of the court, we take them back, we breach them. We don't do that in an unthinking way, but we don't let people away with not doing what the courts have said should happen.

On the prison front, our current security performance, which is what really underpins the order of the court, is better than it has ever been. I have to be careful when I say that because it could go wrong at any time. But this far into the financial year this looks like the year with the least escapes we have ever seen, and with the least absconds from open prison, and it looks as well like the year with the least failures on temporary release, which we also need to look at. So our security performance, both in secure and insecure conditions is improving. Frankly, if somebody had said we would be able to do this 10 or 15 years ago, although I knew we could improve, I wouldn't have thought we would be able to do as much as we have done. It is a very solid performance. But we need to remember we are only as good as our last year's performance, and one big event could make a lot of people in this place very concerned indeed, whatever our previous good work.

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Another thing that is going particularly well this year – although I am cautious about claiming that this is a great success - is the suicide rate. I worry about this in prison. There is a small suicide rate under probation supervision and in approved premises. But the suicide rate in prison is a real worry – but both the rate and the number of suicides are at the level we last saw in the early 1990s. So a significant reduction on the higher levels we have seen over the last 15 years or so. So there are some things that are going well.

The system is running, on both prison and probation side, fairly full. There are round about a quarter of a million people, about 230,000 according to the last figures I saw, under probation supervision of one sort or another - probation orders, community punishment, and supervision in the community following sentence. The prison population is currently hovering just short of the 83,000 mark, and is 1% up on what it was a year ago, which is a significantly lower growth on what we have seen over the last three or four years. One of the main things that have changed recently is that there appears to have been a reduction, over the last six months or so, in the numbers of short term prisoners. The number of these

prisoners is down by about 1,000 on the same period last year. That is not because sentencing guidelines have changed but because the courts are doing something different. That may be a product of a different crime levels, I'm not sure what the linkage is. But it has meant that we currently have some free places in the prison system, although we are still building to expand it, and it is still growing.

That's a rough summary of the different things that we are doing. This is all being done, obviously, against tight funding. You would expect that to be the case. Some of the changes we are making as we improve the system - and there genuinely are improvements - are not always greeted kindly by our staff, who look at the changes and think: 'This may make my job more difficult'. 'This is change'. 'I am not sure how this will work'. We have to be careful that we take account of those concerns. But we don't back off from doing things that will make the system work better simply because people don't like it. We have to make sure we make the system work as best we can in order to protect the public. And that is probably enough from me."

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## ◆ 19 May 2009: Prisoners' education - are we doing enough?

Pat Jones,  
Director, Prisoners' Education Trust (PET)

Anne Pike,  
Offender Learning Coordinator, Open  
University

Pat Jones said what it was a pleasure it was to be there, and that she would shorten what she had to say, to make maximum use of the first half hour, in the hope of allowing questions. She continued: "I have two pieces of good news and five points to make, so we should be able to get them into a fairly short amount of time.

Let me explain that I want to offer an independent and voluntary perspective on prisoners' education. PET is the only charity specialising entirely in prisoners' learning, working across England and Wales. We have two government contracts, one with the Department for Innovation, Universities and Skills (DIUS) and one with the Learning and Skills Council (LSC). Both give us very positive and constructive relationships. But rightly, neither contract prevents us from speaking out.

But the two pieces of good news to begin with. We recently did a survey with *Inside Time*, the prisoners' newspaper, which is reported in a publication called *Brain Cells*, in which 480 prisoners expressed their views on education and learning. A couple of the encouraging things they said, from our point of view: first of all, almost 60% said that in prison they had acquired skills that would help them find legitimate employment on release; and even more encouragingly, 50-60% wanted to continue learning after release, with 30% wanting to continue academic studies. Those findings confirm one of our central beliefs: that many

prisoners do want to learn, and that education in prison gives prisoners not just real achievements in terms of qualifications but a hunger for learning that may be even more valuable in an economic climate in which jobs can no longer be guaranteed.

The second piece of good news is the recent report from the UN Special Rapporteur on the right to education of persons in detention. It's an admirably brief survey and a terrific analysis. In the introduction, he recognises that learning in prison is usually considered a tool of change; but he argues that education is also much more than that. It is, he says, an imperative in its own right, required by respect for each person's humanity and potential. He also recognises the difficulties, and comments that delivering the right to education in prisons is complex, not least because it takes place in a context that is 'inherently hostile to its liberating potential'. I quite like that phrase because I think it sums things up admirably. He might have been reassured if he had read a letter we got just this week from a prisoner who said 'prison education has contributed to helping me learn to focus, to crystallize my thoughts, to understand that crime does not pay but creates victims, and to realize, beyond doubt, that my time in prison can be used to learn what I can, as much as I can...'

In a nutshell, this is why it matters to have an independent voice on prisoners' education. Government policy of its nature will always be



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fairly instrumental in this matter. But we believe it matters to retain a larger and principled vision.

But to make my five points fairly briefly.

The first and most important is about recognising the range of prisoners' learning needs and potential, and the gaps in current provision. Our primary concern is not the sizeable number of prisoners with deficits in literacy and numeracy. The profile of this group is well known, and, in general, Offender Learning and Skills Service (OLASS) providers are doing a good job to meet their needs. But there is a huge gap; there is a significant number of prisoners who have reached level two (GCSE) either before or inside prison, and need opportunities to progress. Current OLASS provision does almost nothing for them. It is rare to find a level three course in prison, and even level two is often rationed and covers limited subjects. Prisoners serving four years or more are particularly badly served, as a recent OFSTED report noted. The report said that none of the 19 prisons they visited had explicit strategies for those serving over four years.

This is where distance learning, our speciality, and the OU are highly relevant. Distance learning offers a more economic and efficient way of meeting a wider range of educational needs and enabling progression. The average prison curriculum has between 10 and 20 subjects and levels; last year we funded 278 different subjects and levels. It's quite amazing what you can study through distance learning. I looked at a couple of feedback sheets today, for massage courses, a Tai Chi course, and even a guy who had started a course in 2006 with the Institute of Swimming Pool Engineers, and had been studying chemicals and swimming pool design. If that's the thing that is going to get him a job, we were happy to fund it.

The point here is that whilst the mainstream basic level provision is important, so too is access to a range of specific courses and levels, both accredited and unaccredited, not just to increase employability but also to strengthen aspirations, sustain motivations and enable prisoners to focus on a wider range of goals.

In this area, of course, the OU scheme in prisons is an amazing achievement, and I would want to

congratulate DIUS and anyone else concerned with it. In our experience, the prisoners who do OU study achieve the biggest change in self-perception, attitude and worldview. The study that they do changes them more than any other kind and Anne will say a little bit more about that.

The second point I am sure you are familiar with. It is about the impact of learning. Each month I read and review around 300-400 applications from prisoners for grants; this month, one applicant said this; 'I am now 20 years into a life sentence, and I have completed many courses. It has taken this time for me to develop the self-confidence needed to study at degree level.' Another, who left school with no qualifications, said in her letter that when she came to prison she thought it was the end of the world. She started education to pass the time, and 'surprisingly..started to enjoy it'. 'This is a theme repeated over and over again in the letters we get. Prisoners simply want a second chance, or don't feel they ever had a first one. It is striking how many are motivated to learn because they want to redress their own deficits, having wasted or lost schooling, and how many of them then develop aspirations to improve their lives. Huge numbers every month want to do counselling courses because they want to work with young people and prevent them making the mistakes they have made; others want to be models to their own children. Others talk about the impact that educational success has on their sense of themselves. We have immense evidence of the impact it has.

My third point is about the problems: the barriers and issues which mainly arise from prison regimes, you will be unsurprised to hear. The biggest barrier is the fact that for a huge number of prisoners there are no courses at their level for them. They have to go backwards, unless they can secure external funding and do distance learning. Other regime issues include these: overcrowding means waiting lists for popular courses, especially workshop based skills; for distance learners, materials get lost between the post-room and the prisoner; contact with tutors through post is discouragingly slow. Learning records rarely seem to be passed on: prisons all tell me that they pass learning records on, but also all tell me that they don't receive them. So there must be a vast



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stockpile of learning records somewhere. The level of churn means repeated assessment, and prisoners get moved before completing courses. Access to the library is limited.

The biggest complaint, and most frequent frustration, is the limited access to IT for learning. Whilst there are very real security issues and economic constraints, it does seem to us that the prison system could do a great deal more to support prisoner learning. Many barriers would be a little lower if prison staff worked at reducing them. One of the most disturbing results of our survey was that only 18% of prisoners felt they had received good support from prison staff, whereas almost 70% had received good support from education staff. So outsourcing prison education has had lots of advantages. But one huge disadvantage is that it enables HMPS staff and the HMPS regimes to say: 'education isn't our concern or our responsibility'. I think that's going to be an increasing problem. One of the results too is that distance learning is almost invisible in regime terms. A Head of Learning and Skills in one prison showed me what was reported to the senior management team about educational achievements in the prison. The numbers achieving literacy and numeracy at levels one and two were reported. Distance learning, OU, and higher education were not even on the report form. They were completely invisible.

Fourthly, I wanted to ask you to maintain awareness of the contribution of voluntary organisations to prisoners' education and learning. There are only a handful of us at national level delivering training or learning, often linked to resettlement. You will be familiar with many of them: The Shannon Trust delivering the Toe by Toe literacy scheme, Safe Ground's 'Family man' and family relationship courses, and the Foundation Training Company doing resettlement courses. We plug some of the gaps left by OLASS and prison learning and skills, and we identify new needs and meet them - most notably the support needs of prisoners with learning difficulties or disabilities, which the Prison Reform Trust have done so much to bring to attention. We can see areas of potential and work in partnership with OLASS and prison staff. But sustaining our funding is a constant challenge, particularly for smaller

organisations, who when faced with the complexities of e-tendering for ESF funds simply give up and find something more useful to do with out time.

I believe we can genuinely offer added value, both through innovating and through holding onto niche areas of expertise. We can also enable efficient use of scarce funds; so the grants that we get from DIUS to administer access to OU courses for the first time means we can look across the range of applicants from the whole country and look for the strongest applicants and make sure they get the funds. Happily we've been able to fund over 90% of applicants, but it is going to get more competitive very quickly.

My final point, and the one on which I'd like to ask your help, is about the future of prisoners' education and the importance of increased use of online learning. It has to be the future of prisoners' education that far more is done through e-learning and blended learning. It will widen opportunities, widen the range of courses and subjects prisoners can do, and most importantly, ensure that they are equipped to carry on learning when they are released into a world that increasingly uses ICT. The current edition of the Howard League journal describes prisoners as 'cavemen in an era of speed-of-light technology'. The article even argues that denying access to web-based learning is a deliberate strategy of social exclusion, repeating the theme through the history of imprisonment that when you want to punish prisoners you silence them or separate them from means of communication. It's a very interesting argument.

We probably wouldn't go that far, because we're aware of how strong the commitment is, in various quarters, to move in this direction. It now seems that there is clear agreement around the scheme that is going to be the main stream provision, the Virtual Campus, which OLASS has trialled in two prisons, and which the OLASS 3 contracts envisage as rolling out across the prison estate. But we understand that this is still subject to ministerial approval, and that one of the biggest barriers to that is not the security aspects, nor the economic aspects, but fear of public reaction to what seems like a privilege for prisoners. There is

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a very real need here for as many voices as possible to argue the efficacy of this, in terms of the usefulness of educating prisoners so that you can increase their chances of employability, reduce their chances of reoffending, and create more safety for communities and fewer costs for tax payers.

The Virtual Campus is still in its very early stages; it offers a range of controlled and monitored online facilities for learning and resettlement planning. But it has the potential to enable a real leap forward in carrying e-learning content beyond the narrow range currently available in a handful of prisons; it has a system which is called 'secure relay messaging' – which you and I might know as email, but it is really important in relation to prisons not to call it email, because that will get all the fears of the security people up. But if we call it secure relay messaging, to indicate that there is somebody who will check the relay, hold the baton, and check that what is being communicated is acceptable, then emailing tutors, and all the other things that need to be done for blended learning and e-learning can be done.

The Virtual Campus is not going to change the world, or even the profile of prisoners' education, which will still require the one-to-one literacy teaching, the classroom based group work, distance learning, embedded skills development, the trade skills training, going out on license to college, and all the other forms of education there should be for prisoners. But it can extend the range of progression opportunities, and the range of subjects and levels, and it is crucial that it actually happens.

So to conclude, prisoners' education issues do not grab headlines in the way that many other prison policy issues do, and that is why I am particularly grateful to the APPG for spending some time on this issue. Because we do believe that education can play a crucial role in enabling prisoners to choose to change. I was listening to Phil Wheatley talking last time, and in other places, about the huge challenge in how we enable prisoners' to choose to desist from crime. Education, apart from the things they learn, involves making choices and building motivation. Therefore we think it has

a unique and absolutely essential role in creating rehabilitation potential'.

Anne Pike: "The Open University has around 1500 students in approximately 150 prisons in UK and Ireland. 7% are female, which doesn't sound much but it is actually 1.8% of the female prison population, compared with approx 1.5% of the male prison population.

Contrary to popular belief, our prison students are not all lifers in high security prisons. Less than 25% are in this category, there are many in lower category prisons. But they do have significantly lower entry qualifications than most OU students. 28% had very low qualifications, such as a few GCSE's or Level two Maths and English, but most of those may have been taken in prison anyway. Many students come to the OU because they have completed all there is to be had in normal education. For more than 50% of our students in prison we don't know about their previous qualifications. Perhaps they didn't want to tell us. Or perhaps the induction process isn't quite good enough.

They are studying about 220 different courses across all levels and faculties, though Social Sciences and Law are very popular. Most students start with the Openings courses, which are access courses designed to develop study skills and are a good introduction to higher level study. 30% of our prison students go on to higher level courses, which is 2% higher than outside prison. They are in fact extremely committed - their retention is higher than the norm and significantly higher than other groups of disadvantaged students. Their success rates are comparable with the norm despite the barriers to study, though this may be partly down to the commitment of the staff supporting them.

Pat has touched on the benefits of OU study. Results from my research show that students gain confidence from staying the course, and from succeeding. They feel empowered by their knowledge and their ability to break away from the 'bad' elements in the prison – to be valued, to be treated as a student instead of a prisoner. This is sometimes the first time in their lives that

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somebody has thought they could do something like this. Most students identified one or two key people that they said had provided the vital encouragement. Sometimes it was an education officer, a teacher, or occasionally the associate lecturer from the OU who believed in them. But basically they are provided with options and in particular the option to stop reoffending. Higher Education changes their values and gives them hope for the future.

Often it's not the first or even the second course which makes the difference but there certainly seems to be a point at which they realise that there is another path and that education really can change their lives. Qualifications are fine but I firmly believe, though I don't yet have the hard evidence, that it is the softer skills which come from self-directed independent higher level distance learning, which really help these prisoners to ultimately succeed.

The barriers to study have already been discussed by Pat. By far the biggest barrier is the lack of access to IT and the internet. The OU is committed to working with the Prison Service to help pull the prisons into the 21st century. We must, as it is the only way we can go forward. That's the way higher education is. There are now only a tiny fraction of our degrees which are accessible in prison. We can provide a few alternatives of course but that is not the answer. One student told me "What's the point of rehabilitation if you don't know modern technology". One student I spoke to was leaving prison never having seen a mobile phone or the internet. How can they resettle into an alien world?

So what can be done? In the international research group which I led last year, a number of recommendations were put forward. Firstly, as Pat suggests we need to encourage government to allow roll-out of the Virtual Campus to all prisons as fast as possible. Secondly, prison governors should be given a target to achieve at least 2% distance learning and higher education. In a large European study over three years and six countries, there were estimates that between 3% and 5% of prisoners were capable of higher

education. The UK has less than 2%. Thirdly, there should be improved progression from basic education through to higher levels. We must not lead students to the promised land, only to tell them there's no place for them there.

The last recommendation is probably the most difficult. We need to nurture a society which believes that prisoners can change, and that education really does make a difference. How do we do that? Well, we certainly need more evidence from good quantitative and qualitative research which investigates the links between higher and distance education, employment and reduced recidivism. We need to show that education is cost effective. Perhaps we need some role models of prisoners 'made good'. For example there are some rather notorious former prisoners with OU degrees now in the NI Legislative Assembly. We need to introduce more learning opportunities for prison officers, and to consider a learning environment in prison which can be used by all in the prison, staff and prisoners alike, thus maximising use of resources and developing a culture of learning."



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## ◆ 16 June 2009: Victims and Witnesses at the Heart of the Criminal Justice System - myth or reality?

Gillian Guy,  
Chief Executive,  
Victim Support

Gillian Guy: "Thank you very much for inviting me. I've been given quite a wide brief, first to introduce myself and who we are, and then to tell you about some of the issues we are confronting at the moment.

I will begin by introducing myself. I joined Victim Support (VS) as its chief executive in 2006 following a career in the law and local government. Victim Support operates two distinct services: they are all volunteer-led. The first service is to victims of crime, on a one-to-one basis, supporting them to recover from and cope with the effects of the crime. The second one takes place in courts, where we support witnesses who are going through court proceedings. We take them right the way through and also support them after the event as well. In total we support some 1.5 million people a year.

Over the last three years VS has undergone enormous change. It was about 80 separate independent charities until last July, when we merged to form one single organisation, really to be able to take on the voice for victims and witnesses, and also to make sure that our services are consistent and of a high standard across England and Wales, which is our patch.

As well as merging, we also introduced a new business model, to make sure that we do contact victims who are referred to us within 48 hours, and to make that a personal contact – it used to be a letter, which people might be

familiar with here if they have unfortunately been a victim of crime. We then do a needs-assessment so that we understand what people want from us, or what they need, then we either commission that or provide it through our volunteers. It can be practical support as well such as fitting locks or new windows, if that is what people require at that time.

We have about 6,000 volunteers, who provide one-to-one support, and deal with the aftermath of crime, helping people deal with what can be a devastating experience. It's not necessarily to do with the severity of the crime: it's often about the vulnerability of the person themselves and what they are experiencing. I suppose my focus on the victims and witnesses of crime makes me a little unusual as a speaker to this particular body. But I am very glad to be here, as one of the things we are concerned about is that the victim's and witness's perspective can get lost. There are many other things going on in the justice system, and we fear that victims and witnesses can be left behind.

What we hear on the ground about victims' and witnesses' experience does underline that and reinforces those concerns for us. Victims tell us that, though they have entitlements now, for example to information under the Victims' Code of Practice, they don't always get it. So what is happening is not always what is written down in terms of the code. It is also fair to say that, in an age when it is possible for us all to check our bank accounts online, even if with some

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frustration, 24 hours a day, the code does not even require agencies to provide critical information directly to the victims. Very often there is a sort of ‘Chinese whispers’ effect, where one agency passes on information to another, until it comes out the other end to a sometimes very confused victim. You can imagine, I am sure, the anxiety and even the risk this can cause if that information does not come through in a timely manner: when for example a perpetrator has been released on bail, and the victim does not hear about it in good time.

Witnesses also tell us about being asked to report to court for nine o’clock in the morning and then they can find themselves staying all day. They may not be called, and they may not understand that they will be kept waiting. They may not understand that this could happen, so their expectations are dashed – because cases have been double- or triple-listed. We understand the practicalities, and why this can happen, but that has a very poor impact on witnesses. Some of them don’t turn up the next time, and I have to say I quite understand that.

So we conclude, as an organisation, that, far from being at the heart of the system, victims and witnesses are made to feel peripheral to it. You might think then that I would want to use today’s opportunity to lobby you to ‘rebalance the system in favour of the law-abiding majority’ or perhaps to lobby for a greater role for victims and witnesses in criminal justice, such as in determining sentence.

But actually I don’t want to go down either of those routes. I would prefer instead to do two other things. The first of those is to try to unpick the preconceptions and the rhetoric around what I would call the victim-offender dichotomy that seems to surround the criminal justice system; in other words the segregation of victims and offenders.

Secondly, I would like to propose some concrete measures which would recognise their experience, and the contribution that victims and witnesses make, and might create a ‘step

change’ towards what we say we want to do, which is to place victims and witnesses at the heart of the system. What can we do that will make that really happen?

To begin with the offender-victim spectrum, the first thing I believe we all have to do is acknowledge its existence. What I mean by that is that, despite what the media may tell us, when we talk about ‘victims’ or ‘offenders’ we are often talking about the same people. There aren’t two races of people: victims and offenders. We particularly find that when we are talking about young people, who can easily slip between different types of behaviour. I have brought with me some copies of our research report, *Hoodie or Goodie?*, which highlighted how being a victim of crime can trigger offending behaviour in young people.

For example, we found that young victims might use strategies like befriending perpetrators of violence to protect themselves, and they might then get caught up in criminal activity, because they have to be seen to be part of the gang. As we all know, many young people now do carry knives and weapons to protect themselves.

So bearing all that in mind, how does an organisation like VS, which gives a voice for victims and witnesses of crime, and is the only one with only that focus, respond to such political sound-bites as “rebalancing the criminal justice system in favour of the law-abiding majority”? I hear that a lot and I think it is fair to say that the slogan has outlived the policy document that went with it.

It does seem to rest on the principle that we can only give more rights to victims and witnesses if we take something away from someone else - from the defence or from justice itself - or if, on conviction, we make sentences tougher, and longer. I think that premise is flawed. I am wary about ideas and sentiments that sound like they are pro-victim and pro-witness but which in fact trade on the victim agenda to justify policies which have very little to do with the problems that we encounter for victims and witnesses in the system.



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The notion of balance can conveniently play into the agenda of budget holders: you have so much, so you give more here and less there. But what it actually does is to set up two distinct parties, with clear needs, to fight it out over ring fenced and diminishing resources. We know they are reducing over time, and the prognosis does not look brilliant. There has to be a winner and a loser in that situation. This approach fails to address the underlying issues and interventions that are required if there is to be a real breakthrough in the incidence of crime. We are more concerned about stopping crime, really, than about trying to pick up the pieces afterwards. The incidence of crime gives us more victimisation, and repeat victimisation, for people. That approach also fails to engage essential players, such as education and housing, who all have a role to play but who are very rarely seen around the table when we are discussing these issues.

Given the understandable need for society to address offenders and their treatment, it also reinforces the conclusion that victims and witnesses are somewhat on the sidelines, an adjunct to the criminal justice process. However, if you don't have a victim, and you don't have the witness playing their part in the system, you don't get to the end point of justice. We all know the slogan "no witness, no justice" and we know the policy around that. Yet if there is that critical role to play, for the victims and witnesses to be waiting for the crumbs and scraps from the table after we have built more prisons, after we have looked at offender management, doesn't seem the right order of priority. And that's what we are about.

At this point Lord Corbett had to leave the meeting and Julie Morgan MP took the chair.

So the argument we make on behalf of victims and witnesses is that they should not be treated as a distinct human form but rather as a distinct 'community of need'. They are a group of people who require policies, support and interventions in their own right, both within and also outside the criminal justice system. Because almost half of victims of crime never get near the system:

they don't report the crime, it does not get referred through the courts and justice does not come as a result of any intervention.

The things that victims tell us they want to see improved – better information; realistic expectations of sentencing, including a framework that is comprehensive but also comprehensible; having their time and contribution properly recognised – could all be achieved without detriment to any other group being managed through the system. Meeting these needs is not all about money. But it is about a radical shift in approach and culture in some of the organisations that make up the criminal justice system.

So what shift would help us truly to place victims and witnesses at the heart of the system? First of all, we have to be quite clear and honest about what we can achieve - and whether it is truly possible in an adversarial justice system, to get victims and witnesses to the very heart of it. However that should not mean that those of us who come into direct contact with that system shouldn't be treated as though this is a service and we shouldn't have expectations of it along those lines. It should be an excellent service, and we see no reason why the values which are taken for granted in the commercial sector - quality, choice, and influence – should not apply here.

I would like to say a few words about each of these: first, quality. We now have a large library of documents that talk about victims and witnesses, and we are all glad they exist. If you read those standards the criminal justice system will deliver, they are many and various: the Victims' Code, the Witness Charter, the Prosecutor's Pledge, and more. But how real are they to the public? What difference do they make? Are they felt by people going through the system? If you are a victim, will you really be told what you are entitled to be told: why your crime is not being investigated any more, why your investigation has been discontinued or the charges reduced? You need to be a party to that information and that does not necessarily happen.

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If you are a witness, the Witness Charter promise of waiting times in court bears no relation to reality at all. I believe it says two hours is the expectation, in the Charter. I would like to meet the person who has waited two hours or less: I believe there is a prize about. Basically, cases are routinely double and triple booked and the wait is much longer. It is often not even the same day

Quality of service also depends on the physical environment. Many of our courts lack the facilities that would give the basic comfort to people to be able to give evidence. Separate waiting areas for defence and prosecution witnesses would seem quite an obvious thing, but actually this does not happen in all courts. There are separate entrances – which we hear is about the nature of the buildings, whether because they are listed or because they are old, or in need of money again. But actually we would argue it is about a mindset. It can be very different, and we see courts where it is very different and things work very well. They have good quality information, and welcome desks, and our service is well signposted.

Just to touch briefly on choice: so many people have to be lined up for a trial, so much procedure has to be followed and legislation abided by, that the process is never going to be a 'nimble' one. So if we are serious about victims and witnesses being at the heart of the system, then we need to extend an element of choice to them, within those parameters. Choice, for example, could be about when, where and how evidence is given. We question as an organisation why, for example, we have limited categories of witness who are entitled to special measures in court. If special measures improve the quality of evidence then should they not be available to any witness who wants and needs them? We may be saying that in fact they diminish the quality of evidence. However no one is coming out and saying that, so I think we need a debate about what is needed.

At this point the division bell rang and the presentation was suspended for several minutes

To recap: We need to be clear about what best evidence is, and then be absolutely honest with people as to whether that entails special measures or rules them out. And if it doesn't, and if we do feel that evidence is enhanced by a level of comfort in witnesses that enables them to feel better about the evidence they are giving, then why shouldn't people be entitled to them?

I would normally pause there and talk about my own experience as a witness. I thought, as a hard nosed lawyer, that it would be like water off a duck's back. And - I don't know if anyone else here has given evidence - it isn't. It is quite an intimidating experience. Everyone has some kind of need in terms of their vulnerability in that scenario.

Moving on then, in terms of choice, I think the question has to be asked why we cannot give victims and witnesses a say in where and when they give evidence, rather than turning up at the convenience of a process. And that's very much how it feels. It is quite a mystery to people when they do turn up. Courts tend to sit from 10 to four on weekdays. I do know some courts which don't sit on a Friday, for reasons I haven't quite got to the bottom of, and some don't have the business that will entertain them for the whole time. But it does seem to me that we could extend the opening hours so that we could have multiple sittings in the same day, reduce some of that waiting time and enable someone to manage the listings rather than just double them up, in order that there is no chance that anyone wastes time waiting for cases to come on – at the convenience of the court obviously. There is a pilot just starting of 'double shifts' in some London courts, and we eagerly await its findings. I very much welcome people thinking laterally about how to get better use out of the day, and the building.

The third element I just wanted to touch on was influence. From our point of view, the criminal justice system has tied itself in knots over what the influence of victims and witnesses ought to be, and how realistic this is. There are a few strands here that need

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unpicking. One of those would be around complaints in the system, which ought to influence what happens. Another would be influencing the outcome of the case – perhaps the sentencing or how things are managed. And the third element would be about influencing the service provided.

I would wish anybody great luck and fortune in making a complaint in the criminal justice system. Starting from the position of someone who knows their way around it, it's not easy. I don't know how anyone who doesn't know their way around it would manage. First, you need to find out which agency let you down – that in itself is quite difficult. Second, you have to find – and exhaust - the agency's own complaints procedure. If that doesn't work, you then have to go via your MP to the Parliamentary Ombudsman. That's a mechanism that has been in place for a number of years now and the number of complaints has not yet reached three figures. According to the British Crime Survey there are about five million crimes a year in Britain. So either the criminal justice service is providing a frighteningly good service, unbeknown to us, or no-one bothers to complain.

So our view is that we need a simple, open and single process to complain about the service provided by the whole of the criminal justice system – a process which encourages complaints as a spur to improvement; a system which does not seek to block them or make it complicated,

We might go as far as saying that influencing the outcome of the case is what you would expect if victims and witnesses were truly at the heart of the criminal justice system. Certainly that is what some victims have been led to expect. That's where some confusion happens in court rooms. But we would stop at that and ask whether we really want a system where eloquent and articulate victims can, for example, sway the court into passing a harsher sentence than in the case of an over-awed or intimidated person who simply wants the case to be over and done with.

So again, let's be honest with ourselves and the public about what can actually be achieved: in an adversarial justice system, the victim is not a party to the case and plays no part in sentencing. To pretend otherwise is misleading and damaging, and leads to expectations being dashed. It probably explains why there has been such low take-up for the Victim Personal Statement. There's much confusion about that.

Influencing the service itself is an easier matter, and a very different matter. The criminal justice system – it surprises me to say it - could actually learn from the NHS, as it is challenged in terms of what it does for people. And it could also learn from the commercial sector, and indeed the public sector, on how to involve the public in shaping and designing its service. Service design is a bit of a buzz word at the moment, but you can design services, just as you can design buildings, to make sure that they are fit for purpose. We all expect to be able to give feedback on services these days – through whatever medium best suits us - and we also expect to see that acted upon and make some kind of difference.

So, in conclusion, I'll answer my own question: is it a myth or a reality? Are victims and witnesses at the heart of the system? No surprise to you: not yet a reality, I would say. And it won't be a reality unless we transform the criminal justice system into a criminal justice service, built on those ideas of quality, choice and influence that underpin the best services in any sector.

It is quite a radical agenda, but not one that involves chipping away at the rights or welfare of those who perpetrate crime, or are accused of it. Nor does it involve undermining the pursuit of justice. Our view would be that it should be a uniting agenda, uniting those people involved with the system, and uniting those on the receiving end of the system. It should also be one that encourages us all to think afresh about the role of victims and witnesses, to question the easy rhetoric, and to challenge the system itself to live up to that rhetoric and recognise it is indeed a service as well."



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## ◆ 7 July 2009: Maria Eagle MP, Minister of State, Ministry of Justice

Maria Eagle MP  
Minister of State, Ministry of Justice

Maria Eagle MP thanked Lord Corbett for his introduction and continued: “Obviously I’m quite new in the job. I have primary responsibility for prisons and probation in the department. I have perhaps the advantage that somebody else wouldn’t have had, of having been in the department for two years, and having done elements of the job at the more tactical end of the job. When David Hanson first came into the department I was doing things like Safer Custody, offender management programmes while he was doing more of the bigger picture work. Since that time I have also become, the champion for women in the criminal justice system, and am primarily responsible for taking forward the Corston agenda which I have seen as a very important part of the job that I am doing. So I have come with the advantages of knowing the landscape a little better than perhaps a brand new minister, while the disadvantages of people knowing me is that they already know what I think is important and not important – where my priorities are.

I want to say a little bit about it all, but I have only been in the job two and a half weeks and I haven’t completely formed my views on every issue. That having been said, I do have some quite decided approaches to things. I think one of the main principles of the effective justice system we’re trying to provide, and what the prison and probation system is part of, is to provide justice. That means doing justice to individuals within the system whether they’re offenders, whether they’re victims, whether they’re families of victims, or the public and the local community. Now, anyone who’s ever been

an elected MP, or others who have contact with local communities will know very well that justice isn’t just about the defendant in the dock, it isn’t just about the person who might have been sent to prison. They’re an important part of the justice system, but they’re not the only one. What we’re trying to do in the Ministry of Justice (MoJ), and what I think my role is, is to try and make sure that we do justice. That means that we protect the public, it means we punish where people have done wrong – the prison and probation system has that as one of their purposes – but it also means that we try and reduce offending and reoffending and give people a chance to change their lives around and leave behind the paths that have led them to incarceration and custody. And that’s basically what the system is about.

Equally important I think is that our communities, many of whom are plagued, and MPs like myself will take you down to the relevant streets and point out where bad behaviour and criminality are blighting whole communities, and we owe these people just as much a thought, a policy and making sense to put that right as well. So, we have a very wide remit, doing justice is not a narrow thing, and we have of course within MoJ to balance all of those considerations in doing what we’re trying to do. We have to do this in the context of there’s never enough money to do everything you want to do.

If there’s one thing I’ve learned in eight and a half years as a minister, is that there’s never enough money to do everything that you want to do. But, I have to say that politics is about the

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language of priorities, and actually public administration is about the language of priorities. One always has a choice as a decision maker about how to spend money and it's not always as unfettered as those who don't have the choices in front of them might think, but there always is some discretion, there always is some room for changing policy, for making changes, for improving things. Within that context, we are in a tougher time now than we have been for a few years in terms of public resources. This is after many years of increases in resources, for example, we all know that our prison system now holds almost 83,500 people as of today, with a capacity slightly above that, and we all know that it's been increasing at a rapid rate over the past ten or fifteen years and needs to increase further. There may be some argument about that, but if, which is from where I see it, duty number one to society is to be able to put into custody all those who are sent there by the court, we always have to have enough capacity to do that.

I think if there's failure to do that, if a judge or a magistrate sends someone to prison and we turn around and say sorry they can't go because there's no space, that is a fundamental difficulty and that affects confidence in the entire criminal justice system across the whole of society. So that's something that the department has to take very seriously, but within that we currently have over the next few years a decline in the capacity to increase resources. Since 1999 we've seen a big increase in resource availability. That is not continuing in the current spending review period, and is unlikely in my view to continue in the next spending review period. So, this is the context in which we must work. That to me says that we have to be better at what we do – we have to seek to be clear about how we carry out what we're seeking to do, and do it more efficiently.

Now, of course this is something we should do anyway as a public service because our money comes from the taxpayer and at the end of the day the taxpayer wants value for money. I happen to think that we can show good value for money and efficiency savings that don't affect

the frontline services and I think we need to focus on doing that.

I want to say a little bit about the Corston agenda because I think it's not only an important issue in itself, but if we can get it right, it has the potential for doing some of what I've just been talking about – better using resources to achieve better outcomes. You will have all read Jean Corston's report, but I know this particular group takes a great interest in these matters. I'm not going to rehearse what's in it – I assume you all know Jean Corston's report. She was effectively saying that many of the women in prison are not serious and dangerous offenders and shouldn't be there. They could be better helped to sort out their own lives and given a chance to lead better lives that aren't punctuated by imprisonment more cost effectively outside prison.

Now, it is certainly the case that putting people into prison is one of the most expensive interventions, however that's only one consideration. If judges and magistrates send people to prison we have to be able to accommodate that. The government's policy is that prison is the right place for serious and violent offenders. However it's probably not the right place for certain of the women who are in prison and this was the central point that Jean was making. Women who rotate around the system because they're persistent and petty offenders, and this is more of a reflection of the chaotic way they've come to be leading their lives than it is of an inherent venality of serious and dangerous offending. It's a downward spiral for many of these women and Jean makes some suggestions about how we might change that by making better use of the resources we currently use to keep women locked up. We have agreed with much of that analysis, but we didn't agree with all of it, particularly in respect of the small custodial units. When we looked at this further we thought the size she was suggesting was too small and had various drawbacks, although we did think that a bigger size of small unit could be more cost effective. However, we did agree with an awful lot of what she said and have sought to try and take some steps.



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Since we have implemented some of our responses the number of women in prison has fallen by about 5%. It's difficult for me to say at this point if this is because of what we've done – there may be some links – but what I do know is that we've started to get across to the entire criminal justice system the kind of points that Jean was making. This is that there are better options for offenders who are not serious and dangerous offenders in the community. In order for us to reap the full benefits of imprisoning fewer women we have to get the number of women sent to prison down and then recycle those savings into more useful ways of spending money. It's not an easy thing to do and we still have work to do to work out how to recycle those savings.

In a time of straightening financial circumstances the Ministry of Justice has been persuaded to find £15.5 million to not only build on the Together Women projects and the one-stop-shops that are already providing alternatives for women in the community that can command the respect of sentencers but also to develop some new ones. What I want to see is a virtuous circle of provision that commands the confidence of sentencers and provide some better solutions than just sending people to prison, but that then enable us to release some resources, some of which can then go back to reinforcing those efforts in the community. I'm not claiming that we've done it yet, but we're at a turning point where we are focusing on how we can do this better and the female population is on the decline. In many ways it's easier with women as they're only 5% of the population in prison. They're a small enough group that if we focus on them it'll show an impact more quickly and more cheaply than a larger group. But I also think that it may show some useful lessons about how we can handle other vulnerable groups in the prison system.

I know many of you support what we're doing and I'm grateful for that, but I can't emphasise enough that to make a success of this we really need to show some better outcomes. There are many voluntary sector organisations out there, the Together Women project for example, who are able to address many of the issues

these women have in a can-do and holistic way, not in a way that the public sector couldn't as many in the public sector already do this kind of thing, but in a way that commands the support of the women themselves. We need to find a way of working together, across sectors to support this provision. There's no need to reinvent the wheel because I think there's a lot of good practice out there, but what we do need to do is spread good practice.

I think what Keith Bradley did in his report also shows a potential way forward for those with mental health issues, and we know that very many in prison may have mental health issues which underpin some of the reasons why they're in prison. So we need to work together across government, and with the local public sector as these issues of crime can often be solved locally. I know certain problem areas in my own constituency and what kind of focus would make a real difference to the level of crime.

Having said that, the criminal justice system still needs to deal with the people who come before the courts, and we need enough prison places to be able to do that. Let me at this point pay tribute to Colin's members who are obviously at the frontline of dealing with some pretty difficult people in our prisons, and also those working for probation. Over the last 10 or 15 years, we've seen an enormous increase in our capacity to protect the public from dangerous offenders and to look, whether they're in prison or in the community, much more closely at their behaviour. In the past, at the end of their sentence, or at the half-way point of their sentence, the doors would have opened and they would have been out in the community and they'd only have come back to attention again if they'd done something bad and been caught.

Public protection has been improved through things like the Multi Agency Public Protection Arrangements, and the way in which we use approved premises. The great success story is recalling people to prison when they've breached their licence conditions – 99.3% of the target. However, 0.7% are still on the run and 19 of them are murderers and 26 of them are sex-offenders, but we wouldn't have known these

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figures before 1999 because we didn't collect them. I think at that time around 30% were sent back to prison and now it's 99.3%. But I think that does highlight an issue which is, I think that in terms of delivering justice and public protection, the transformation of the criminal justice system over the last 10 to 15 has been something to see. If you look at MAPPA arrangement, they're envied around the world for being sophisticated and effective. They can never be 100% effective but that is what one strives for.

We all see cases that cause the public a lot of concern, and sometimes there are serious failings. The case of Dano Sonnex is the one that springs to mind and this is bound to have an impact on public confidence. At the end of the day, public confidence is an important part of our work, as without it being in the right place, we're not going to be in a position to say 'let's not lock as many people up and deal with them in a different way'. So we need to have a much more sophisticated debate which I look to people like Juliet and others to help us with because it sounds very different coming from me than it does coming from people who are out there campaigning.

As a Minister it's important that my messages aren't misinterpreted - we need to protect the public, but we also need to reduce reoffending and we need to give people a chance to turn their lives around and in the most cost effective way possible. I think that we're all in the same place in respect of that. But I do think that we've got a debate that is not mature about how best to do this. We saw it in the headlines this morning with regard to the recall figures - that murderers and rapists are out on the streets. That is a problem for all of us, wherever our policy and theoretical views, we have to take the public with us if we're going to have any change. We're also in the run-up to a general election which doesn't necessarily make for a clearer debate or for a more rational debate. But I think if we can show change and improvement, and I think in the women's agenda gives a real opportunity to do that.

My dream in this job - which is very difficult - is to get government, and I mean all areas of local and national government, working together in a

way that coherently wraps provision around the individual. I think we're a bit better at doing this now than we used to be and we now have some models that will enable us to do it better. We need to cooperate a lot more - and sometimes I think budget pooling is the only way of enforcing cooperation - and work together locally, regionally, nationally and across departments. Often people who end up in the criminal justice system have issues or needs that could have been picked up by other departments or services earlier in the process. The Youth Crime Action Plan is an example of local, cross-departmental work to stop that flow of young people into prison. It's important to do this alongside making sure that the local community is confident that we can solve their problems. The Youth Crime Action Plan includes things like family interventions and non negotiable family support. It's not necessarily going to make the tabloid headlines, but it is the sort of work we need to do. YCAP is showing quite positive results but we need to communicate this to the public. Otherwise, the debate will always be overwhelmed by proving how tough you are on crime. I think it's right to be tough on crime, and this is what my constituents tell me in my advice surgeries.

That really is my overview on where we are, but this does not detract us from our commitment to build more prison places, because the first obligation of government in respect of the justice system is to have enough places so that sentencers can do their job. We have to get ahead of the curve of the increases which is what the extra places to bring us up to 96,000 by 2014 are all about. Without that we won't retain confidence in the criminal justice system. But we must also recognise our obligations to give people a chance to change their lives. We do a lot more than we used to to deal with drug and alcohol problems, and through offending behaviour courses, but there are still too many people who aren't getting the help they need. The system has been transformed over the last 10 to 15 years in terms of what it can now achieve, but we do need a better public debate and the cross-departmental, local, regional and national approach to working to make the necessary changes."

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## ◆ 13 October 2009: *A New Start - Young Adults in the Criminal Justice System*

The Transition to Adulthood Alliance, T2A, funded by the Barrow Cadbury Trust

Rob Allen:

Chair of T2A Alliance and Director of the International Centre for Prison Studies, King's College London

Evan Jones:

Head of Community Services, St Giles Trust

Elroy Palmer:

T2A/SOS Croydon Worker, St Giles Trust

Rob Allen thanked Lord Ramsbotham, and the meeting for its kind invitation. He would start proceedings on behalf of the Alliance, and then hand over to his two colleagues from the St Giles Trust. He continued: "I was very pleased to be asked to chair this alliance for precisely the reasons that you mentioned: namely that this is a group of organisations which are full of practical experience – not just policy wonks and ideas people. We hope that the recommendations in this paper are ones that are going to be implementable. They are certainly born out of experience and, to use that ghastly phrase, the user voice. We have taken care to talk to people who have been in trouble themselves and who have been through the system, and to ask them about what they think will work with this age group.

What this is about is the young adult age group, not juveniles. Whatever one thinks about the government's reforms, there has been quite a bit of activity on the juvenile front: Youth Offending Teams, the Youth Justice Board, and all that sort

of thing. But once young people get to the age of 18, it is pretty much into the adult system, and a pretty steep cliff it is. In 2004 the Barrow Cadbury Trust produced a report called *Lost in Transition*, which was about how difficult it is for young people, once they leave the juvenile age range, to be in that adult system. The report was warmly received, but I have to say not very firmly acted upon. So Barrow Cadbury in their wisdom decided to try and reignite interest in this rather neglected age group, pulled together an alliance of organisations working in, and expert in, the field, and produced what we call a green paper. It's blue in colour, but it makes a series of recommendations about how better to deal with this age group.

It's surprising in a way that this age group hasn't had more attention, given that they are responsible for quite a large amount of crime. About a third of crime is committed, it is estimated, by 18-24 year olds. They are a group who seem to continue to offend. The recidivism rates for this age group are certainly higher than

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other adult age ranges. They are imprisoned at a higher rate than other adult age ranges. And of course they are a group with very high needs. Although I am not going to talk in detail about it, I think that all of the Alliance felt very strongly that although there are ways in which the criminal justice system should improve the way it deals with young people in this age range, actually the long term answers to many of the problems of 18, 19, 20 and 21 year olds who get into trouble lie well outside the criminal justice system. They lie in our education system, in our social care system in our health system, and so on.

Nonetheless we have tried to focus on what can be done within the criminal justice system, or alongside it, for those young people who do get into trouble. There are 21 recommendations. I am not going to go through them you will be pleased to know. But I will summarise the four key chunks of action we think this government, or the next government whoever it might be, ought to address.

The first is actually about trying to keep as many of this age group out of court and certainly out of prison: out of the criminal justice system. There are quite high rates of diversion - cautioning, final warnings, reprimands - for the younger teenagers, but the moment you hit 18 you are not given as much of a chance by the police or the prosecutors. You are into court proceedings at a much higher rate. We certainly think there is scope for dealing with some of the more minor crimes committed by this age range more constructively by diverting them away from prosecution in the courts - not necessarily to nothing but to the kinds of measures that can address the underlying difficulties. These will often be related to substance misuse - this is an age group that drinks far too much, far too frequently; mental health difficulties, which are rather neglected for this age group; homelessness; family problems; and unemployment - this is an age group which has been particularly hard hit by job losses over the last year.

So there is a lot of activity which could constructively be undertaken, rather than

processing people through the courts, for example by establishing a broader range of diversion options for the young adult range, getting local authorities to do that, ideally so that young people in this age group are diverted from getting into crime in the first place. For those who are in at the shallow end, as it were, we don't want to get them unnecessarily into the deep end, from which it is much more difficult to get out.

The second chunk of activity is around sentencing. It is interesting that the Sentencing Guidelines Council, and the advisory panel bodies which I know Parliament is currently discussing or is about to do again - they both looked recently at the question on the one hand of the sentencing of adults, and secondly at the sentencing of youths or juveniles. But neither of them made any engagement with this particular age group, either 18-21s or 18-24s. It is as though, as far as sentencing is concerned, once you get to 18 you are dealt with as an adult. We draw attention in the report to different European countries where this isn't the case. Germany is perhaps the best known example, where courts have the flexibility to treat young people up to the age of 21 as juveniles, where their state of maturity or the circumstances of the crime are similar to a juvenile crime. In Sweden they have a slightly different system in which they give a kind of discount to the young adult age group in terms of the type and length of sentences that are applied.

Whatever it is, we think there needs to be a sentencing system which pays more attention to the developing maturity of this age group. And that doesn't give them the full going adult rate when they get into trouble. We also think that community sentences should be much better geared to this age group. Some work that the Centre for Crime and Justice Studies did last year showed that there is very little in the range of community sentences that is specifically targeted on this kind of age range, and there could be. Over 7,000 18- 21 year olds go to prison each year for sentences of six months or less. We really should be able to find intelligent and compelling alternatives for them, if not for those who get longer sentences too.

The third chunk is about those who do go into custody - in particular looking to improve the



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quality of the experience. Anne Owers, David's successor, when she went to Rochester which is one of the bigger places that takes young men in this age group, found that half of the six hundred young men in there spent all day in their cells. We are supposed to be providing a more constructive and educative regime. We have got some quite ambitious ideas in the document, about trying to make education really at the heart of regimes for this age group. There has been some progress in the young offender institutions for the younger age group. But in those places where there are under 18s in one part of the building and over 18s in another, the contrast is very stark. Despite the government promising in 2001 in the manifesto to try and translate upwards some of the emerging lessons from the youth justice system to the young adult age group, very little has happened. So we think there is a need for substantial activity there.

And the final question is what happens to those young people when they come out. We are very hot and strong about the need for much more active speedy resettlement and reintegration work. People need to be met at the gate, and people need to be with them in the minutes, hours and days after they are released in order to make sure that the good intentions they often come out with are put into action. And that means going along and sitting with them for hours in housing offices or social security offices or job centres. We'll hear from St Giles, who pioneered some of this kind of work, particularly making use of people who have been through the system themselves, and who have experienced the realities of one minute being locked up and having everything provided for you, and the next minute being on your own and prey to some of the influences and so-called friends and mates who are perhaps ready to get you back into the kind of behaviour that got you into prison in the first place.

So we are recommending a much more vigorous approach to resettlement, underpinned by some specific initiatives relating to criminal records. We are worried that the attitudes we have towards criminal records can place an unnecessary barrier in the way of the

resettlement of this age group. As we have been consulting on this document, we have noticed quite a bit of concern about the impact of the new Safeguarding Agency, which of course is very necessary in some form. But some people have expressed some quite strong concerns that in its way it will make employers and others rather more risk-averse towards people who have been in trouble of any kind, whatever the focus of it is supposed to be. So I think there is some concern about that, and about the need to ensure that those young people who have had help, whether with mental health, or with substance abuse, are able to continue that when they get into the community. It may be that there is therefore a need for expanding those kinds of services.

We launched this in July, and we have had a process of consultation which has just formally come to an end – although I am sure that anybody around this table who is minded to let us have views, not only in this meeting but afterwards, would be able at this late stage to contribute to that. Your views would be taken very seriously. The commonest question has been: OK it sounds all right but what is it all going to cost? We have commissioned some work on a number of the recommendations from some economists to give us a detailed answer. But in broad terms, if we are able to divert people who are unnecessarily caught up in the criminal justice system, and can reduce the number of custodial sentences, and replace those with measures that reduce the horrifically high rates of recidivism and reoffending, then we would be quids in. There is no question about that. There is a cost attached to improving the regimes in YOIs, but that part of the package is predicated on there being fewer young people who need to go into custody. You may say that's a rather heroic assumption, but I think it is for the voluntary sector to make those kinds of bold and ambitious proposals for dealing with vulnerable groups. As I said at the beginning, there has been a lot on juveniles, there has been work, if not too much action, on women. There has been work on mental health, work on drugs. But for this age group, very little. So I hope that, if nothing else, we have been able to kick start some thinking about how as a society we deal with this age group, and more specifically how the criminal justice system responds to them'.

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Evan Jones began by introducing the work the St Giles Trust had been doing as part of the T2A initiative. "T2A is funding three pilot service delivery projects, two outside London and one in London, which is ours. We have been delivering a youth offending project called SOS since 2006, and T2A has given us additional funds to allow us to expand that to cover additional boroughs and provide a more enhanced service. So we are now delivering to two boroughs as well as providing some work in schools and training up volunteers to support outreach staff.

In terms of what we are doing and what makes it different, as Lord Ramsbotham said, a lot of this has been done elsewhere. But we think we have corralled together quite a lot of bits of good practice. To sum up what the project does: it works both sides of the gates, and it does it in quite a generous way. We don't get to know someone a week before release. We get to know them months and months before release. We go in mainly to Rochester YOI and we will be meeting the person on a fortnightly basis when we get into the work. There isn't much going on in Rochester, so we are the most interesting thing that happens for those individuals that week. It gives us such a great opportunity to build a relationship that will then take a few knocks out in the community with all the distractions there.

We work with families. A lot of projects focus directly on the individual concerned. We don't think that works. We think you need to look at what their surroundings are. And particularly for young offenders, the best accommodation option for most of them is home, if we can persuade Mum to have them back. That's one of Elroy's jobs. If we engage with someone some months before release we have got a chance to do that work, and make the family home a safe and secure and suitable place for them. Our staff are all ex offenders. We think that helps enormously with engagement with the potential clients, and the credibility they bring to the role. Our staff are all trained in the NVQ 3 in Information, Advice and Guidance, which is something St Giles has delivered for a long time. Many of our staff trained with us in prison,

when they were serving prisoners. Others trained later in the community.

We also pull off two tricks at once. A lot of projects have mentors over here and support workers over there. Support workers are people who do practical things like get you housing, sort out your benefits, and that sort of nuts and bolts stuff, while mentors are people who work with you, to support you to change your attitudes and behaviours. We have evolved that into one package. Our staff are competent to go with people to get their housing and benefits sorted, and get them into training and employment, but they are also able to challenge them in the most direct way about how they got into trouble in the first place, and how they are going to avoid getting into trouble again.

So those are the distinctive features of the project. In terms of results, the big one for us is reduced reoffending. That's what we are really aiming at here. From a sadly rather small sample of twenty individuals who have been out of prison for two years, we have only got a 25% reoffending rate, which is well below the 75-80% which you'd be expecting. At the moment it looks like the people we have had in the project for less time than that are going to carry on with that level of reduced reoffending. So even on that group of 20, that's probably 10 people who statistically should have gone back. What would they have cost each? £100,000? £200,000? It's very hard to say, depending on the offence and what they did, but that probably pays for the project already.

In terms of where I think we should be going with this, in terms of the T2A agenda of dealing with those gaps between services, the gap at 18 where you get dumped by the YOT and there's a separate prison system for you, and what happens to you at 18 when that changes: in this country we have what I call an overdeveloped charity sector. You don't see that in lots of other countries. We have a charity sector that's large, efficient and competent but still quite imaginative and creative and fast moving. We should commission the VCS (voluntary and community sector) to work across those gaps. Let's accept the silos. I don't think you will get



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rid of them: housing, employment, social services and so on. But we could commission services to work between them. At the moment, closer working between the VCS and the statutory services is actually leading to the opposite. If we work closely with probation, they will commission a service that mirrors what probation do. If we work with a YOT they will commission a service that mirrors what they do. It will take a YOT and probation working together to commission a service for 15-25 years olds, which I think is what we need.

That's my little soap box bit. I will now hand over to Elroy, who is much more on the ground with this. He is one of our front line workers delivering a service to young offenders in Croydon."

Elroy Palmer thanked the previous speaker, and began: "I am a T2A SOS worker for the Croydon area. I have been involved since February this year, and I have a case load of about 30+ clients, male and female, 16-24 years old. The SOS project has been running for three years and its whole aim is to reduce reoffending. It has been hugely successful, so it was the ideal place for T2A to be housed in London.

A few simple but important things make the project successful. These include the use of ex-offenders like myself, who have been through the system just like these young people. We provide listening support, tailor-made to the individual, and through group sessions, one to one meetings with their key worker and intensive mentoring we are able to both tease out those issues and challenge the behaviours that caused this young person to get involved in the criminal justice system and look at the future obstacles that are going to be in their way.

When they are released they are labelled and have an intrinsic sense of failure. It is my role to socially and emotionally support them, and allow them to see beyond these labels, and to build their self esteem and resilience. Our aim is to provide self empowerment in these young people, so that they can take charge of their

own lives. Invariably the challenges we face are building trust between the case worker and the client, who is in the midst of isolation, low self esteem and the mistrust of anyone and anything official. This is where the ex-offender programme comes into its own. Being able to identify and then advise on particular problems facing young offenders coming out of custody is invaluable, and in building trust, reaches out to those hard-to-reach and closed-off individuals.

One important role we assist in is to bridge the gap between statutory agencies, facilitating the move from the YOT teams to the adult offending system – probation, an experience that so often leaves young people feeling scared, confused, and a little excited that they are graduating to the big time in the criminal justice system. The first thing we explain to them is that there is no magic pill. If they want to make a real change in their lives then we require 100% commitment from them. If we are asking the community to welcome them back after a period in custody, then the onus is on them also to accept the needs of the community to feel safe, and not be a victim of crime. A key development for the SOS project is that some of these young people are now invited into schools to give talks on the futility of crime, and gang violence, an experience which many of them find rewarding.

Housing, employment, education and training are key factors in successful resettlement, but finding places for ex-offenders in any of these areas is a difficult task. Over the age of 18 it becomes even more difficult – but essential in giving someone a sense of worth. Once you stabilise someone's life, you can give them a chance to move forward in a positive manner. Since I have been in Croydon I have had to deal with a range of clients, some of whom only need a small amount of support, just a little push in the right direction, whereas some people really require holding hands and taking to appointments, and when they sit there you have to do the talking for them. Without that person there with them, whether it's me or someone else from the team, that young person will view that appointment with the DHSS, the benefits office, or with housing, as a daunting

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task, something that's not worth doing, and they will walk away from it. But with that little bit of support to get them in there they can do it. And little bits of success. Things can change. One of the things I tell my clients is: 'Now you are out, you have a blank canvas. It's up to you how you paint it. If you paint it yourself you can paint your own picture, how you want it to be. It's like climbing a mountain. You can see the peak, and it looks miles away, and you think you are never going to get there. But every now and then, stop, and look behind you at how far you've come'. That gives them the spur to go on.

One client I met at Croydon, a young woman called L, was referred by probation. She had recently been released from prison. She had been holding drugs for her boyfriend who was gang-affiliated. When the whole house of cards crashed down, he went off and she was left carrying the can. When she came out she realised there was no-one there for her. She had gone in as a juvenile, and when she came out she was an adult. When she tried to tell probation what she wanted to do, their response was, 'That's fantastic. Come back and tell us when you've done it.'

When I met her she was sitting in reception trying to drum up customers for the cannabis she was selling. So after a very brief meeting we

sat down and talked, I explained the service, and said 'Is that something you are interested in?' And she was buying what I was selling. She really did want to make a change in her life. I asked her: 'What is it about selling the drugs, a life of crime, what's keeping you there?' She said it was something to do during the day, and she'd got no money. Simple little things like that. So I signed her up to college: 'Now you've got something to do during the day, and here's a grant.' That turned out not to be enough. So now she works in a clothes shop, re-stacking shelves at night. She comes home, cooks, has something to eat, and then in the morning she gets up and goes to college. Once college is finished she comes home, changes into her uniform and goes off to work. Last week she won an award for self achievement, and it was my personal pleasure to be there and watch her shine. From such a small closed-off little bud, we just watered that a little bit, and she is turning into a beautiful flower. All it takes is for somebody just to guide these young people through, and we can save a lot of heart aches and a lot of victims. Thank you."

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## ◆ 3 November 2009: The Bradley Review - moving forward

Rt Hon the Lord Bradley  
*Author of The Bradley review of people with mental health problems or learning difficulties in the criminal justice system*

Lord Bradley thanked Lord Corbett and the group for inviting him to give a short presentation on his report and importantly to discuss the way forward subsequent to its publication. He continued:

“Knowing many people in the room take a close interest in the report I was asked to undertake by Ministry of Justice in December 2007 I won't go into detail about how the report was compiled. I will look at the recommendations and the way forward from that and we will have plenty of time for questions. It is very nice to see friendly faces who were extremely helpful in giving me a practical application of how people with learning disabilities are currently treated in the criminal justice system and what I was determined to do from the start was try to ensure the recommendations I did come forward with were not high level, theoretical, academic in tone, which would be for other people to interpret, but to come forward with really practically based suggestions which I believe will make a real difference to the way this group of people are treated within the system or in treatment outside the system.

The original brief for the review as you know was fairly narrow looking principally at schemes already up and running back in 2007. Typically two people working very hard but often ineffectively not because of their own commitment but because they were not linked effectively along what is called the criminal justice pathway. They were working very much in one part of the system whether it be in the police, the courts or in prisons rather than

looking at the way in which people move through the system and what support and help could be given to them, whether they need to be within the criminal justice system or whether there were opportunities to look outside in of the criminal justice system within the health system or within the community. So I went back to government and said I wanted to do this rather broader review, looking at the complexities of the system within the criminal justice pathway and its interface with other agencies particularly health but also housing and such like and a much broader take on what needed to change to make it more effective to support people with mental health and learning disabilities who got into offending. That was greed by the government therefore the review took a little longer and the report was published in April of this year. I will come a little later to what has happened since.

The methodology was very much a practically based methodology. Obviously we reviewed the literature but also crucially we held meetings with people already working in the criminal justice system those in the health system working in the community to see how they were currently organised and most importantly talking to users and carers, people who had been through the criminal justice system, to really understand the issues that they had been confronted with, the way they had been dealt with in the system and what therefore we could learn from that. Throughout the review process we visited all settings, police stations, courts, secure accommodation, bringing together the agencies to talk through the issues in one room.

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It was surprising how often this was the first time the range of agencies had sat down in a room together and talked through and about the same people actually linking up what they are doing to those people from their own organisational settings. It was very rewarding to see that interaction taking place. Regardless of what my review said they were starting to work together in a more effective way. That was also true of users and carers who contributed and really expressed their frustration and problems in a practical way.

What did I want to consider during the review process? Obviously I wanted to gain an understanding of the size and nature of the problem, understanding the current policy context, what existing services were available and how they are organised, how we could reshape the system. We had to be absolutely certain to include public confidence in any changes and public protection because I believe the report had to command public support otherwise it wouldn't make the changes that are important and appropriate in a timely way.

What did the review find? First of all there was clearly a lack of information and definition on the size of the problem. Who we are talking about? How will we define people with mental health or learning disability? How will we define diversion? Are we talking about diversion within the criminal justice system or out of the criminal justice system or between agencies?

Let's have clarity on what is meant by the issues with which we were presented. What assessment was currently being undertaken to identify people who had learning difficulties? What assessment tools were the agencies using? Were they common? Did they understand what those tools were? Did they share the information between the agencies about what they collected through their assessment procedures? Many times the answer to all that was no no no. There wasn't common assessment, there wasn't information sharing, there wasn't the mechanisms to share that information. So, as an individual moved along the criminal justice pathway, information was

collected on a number of occasions. It was inconsistent, it was incomplete, it was incomparable and it didn't enable the complexities of the individual to be built up along the criminal justice pathway, as at each stage a new set of information was collected and it started again which was frustrating, timely and costly and was not the right response.

That was compounded by lack of joined up technology. So if information was collected at the police station this was not easily transferred to the courts, it wouldn't be easily transferred to the prison, it wouldn't be easily transferred to secure health service accommodation and not easily transferred back into the community, whether the individual was sentenced on a community sentence or whether they had to go into secure accommodation. There was a lack of joined up thinking about the needs of the individual.

Many people, as you know better than I do, with mental health and learning disabilities also have other issues such as drugs, alcohol and general substance misuse. We too often silo the activity around those particular parts so we look at mental health we might look at drugs we might look at alcohol but we wouldn't join those services together to have a comprehensive response to the complex needs of the individual. So organisations are working in silos. Budgets are working in silos. We need to bring those together.

There was a lack of awareness of what options the sentencers may have and how they would actually implement changes. So for example there was a lack of awareness of the opportunities for community orders with mental health treatment attachments. There was lack of training of sentencers and others involved in criminal justice system to really understand the options with increasing risk aversion they are more likely to opt for that individual to be remanded into custody even if the offence was at a very low level. By the time information had been gathered on them the time someone had spent on remand was often longer than the sentence that would be imposed. So we then structured the report

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around that pathway starting particularly at early intervention and early assessment of the needs of the individual.

Crucial to this is having an effective early point of response when someone first comes into contact with the criminal justice system and that is normally at the police station. But for particularly young people what more could we do to stop them getting into the criminal justice system in the first place. What early intervention, what early assessment or early identification particularly with children is there to identify learning disabilities or mental health problems and passporting those people to services before they get into trouble. So within schools if an individual has learning disabilities for example, they might be disruptive in the classroom, they might end up out of the classroom, they might end up out of the school, they may end up then in the park and its only at that point when they make it into trouble that we start to take an interest in what their needs are.

That isn't good enough and we need to have a system of identification and awareness of those problems at the earliest point even before they get into the criminal justice system. If they do offend, then we need a system that identifies at the police point of contact the individual's needs. We need to assess and transfer information in the most timely way through to the courts if that is necessary, if the police do not feel they can dispose of the person back into the community at that first point of contact.

At the first appearance the courts should have information about mental health and learning disabilities so that they can make an appropriate decision at that point otherwise time is wasted on the very expensive route which is currently employed, which as I say is often on remand commissioning a very expensive psychiatric report. This takes so long to prepare and deliver that you then find that when they come back to court they are released because they have served their time already during the remand process.

A lot of good work has gone on in terms of investment in healthcare within the prison

setting but that investment is mainly in secondary and in reach services as opposed to primary services. We need to have a much broader spectrum of support for those that do need to go to prison to support their mental health learning disabilities or drugs and alcohol issues so that effective work can be done so when they come back into the community it hasn't been a wasted opportunity. At that point there needs to be much greater linkage back into community services to ensure again that people don't go back round the system because there isn't the support and help to stop people reoffending when they come out of secure accommodation.

We need a much better and effective system of transferring those it is necessary to transfer between prison and secure mental health accommodation. My report sets a target of 14 days for that to be achieved and that work is now very well advanced within the Department of Health to achieve that target. Throughout this we need much better continuity of care of the individual as they move through the criminal justice system and I'll come onto that with my key recommendations around that and within that the use of mentoring and the third sector to provide support for those individuals coming back into the community so they are not isolated when they return.

So moving on to key recommendations. First of all to implement the 82 recommendations I make in my report, I believe we needed a National Programme Board, regional strategic bodies and local delivery mechanisms to actually make real progress on this. I am pleased to say that the national programme board has been established. All the government departments are involved in that board. It is chaired by David Behan, Director General of Social Care from the Department of Health. It is up and running and they are working on streams of work looking at my recommendations putting them into sensible groupings, linking them to other developments such as the Corston and the social care initiatives. That board is responsible for rolling out the programme and implementation. The implementation programme will be announced on the 17th. Sitting alongside



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that I recommended a National Advisory Group to be the external monitor of implementation. It wouldn't be good enough just to allow government to own this agenda. We needed some grit in the oyster. The National Advisory Group I believe is that grit in the oyster. The Chair of that group is Keith Pearson who is Chair of the Eastern Region Strategic Health Authority and some of the organisations in this room have been invited to join the Advisory Group. They will have their own work to do to monitor implementation, undertake their own investigation into changes that are happening and try to roll out good practise. Putting those two together will I hope be effective in ensuring that recommendations actually do become implemented.

Crucial to implementation is bringing the agencies together within the regions whether it be criminal justice, whether it be health, whether it be local authorities and the other agencies. They can look across their region at what the needs are and plan strategically what services should be available down at a local level. The actual commissioning of those service must be done at a local level. You cannot micromanage from the centre what needs to happen on the ground. These are complex areas and different parts of the country have different demands, different needs. We need to push down to local Criminal Justice Boards linked to health PCTs, mental health trusts, Local Authorities and the voluntary sector to ensure comprehensive commissioning arrangements can be agreed.

Crucial to that support is the establishment at a local level of what I call criminal justice mental health teams which bring together all the agencies. They are not a new body but they are bringing together those people already working in the system in a more effective way to work particularly with the police at that first point of contact at the police station to ensure that assessment and identification is done at that point, to ensure that the problem is recognised and information is gathered and shared as a person either goes along the criminal justice pathway or back into the community. They have to be able to share that information and have a

care programme in place to follow people through the system and back into the community, so they pick them up again as they follow people into the local area instead of being left to flounder around when they re engage back into the community. Many teams have already been established around the country in advance of the national programme and in advance of the national advisory group because at a local level people want to get on with this agenda. I have been very heartened already going round the country again meeting the commissioners meeting the new teams that have been established and this work is already underway.

One other point of implementation that is absolutely crucial is for those people who are covered by the mental health act section 135 and 136 who need to go to a place of safety. Too often that is a police station or a police cell and that is not appropriate. There are some very good examples of new facilities being established often attached to mental health units. Agreed protocols are needed with the police so that a person is taken there properly assessed, properly cared for and a decision is made in an environment that is conducive to doing that work rather than being stuck in police cells.

I am pleased that all of my recommendations have been accepted by the government especially the transfer of commissioning of healthcare at the police station to the NHS. So we will have a consistency of commissioning arrangements. That is not to say everyone will commission the same services but at least there will be a mechanism to assess the outcome of that intervention because it will come under the NHS commissioning framework. The police were very supportive throughout the review, I have to stress that. They are very happy for that commissioning to be transferred to the NHS.

Also crucial on implementation is proper training of all staff working in the criminal justice system and in the health system to understand and commonly understand what mental health and learning disability issues there are. And that is not just about training within organisations it is about training across organisations so there is



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a clear common understanding of what the issue is and how that should be addressed.

Finally Robin to actually deliver this agenda we need leadership on this. This is not the most popular agenda in the world. Arguments to put resources into the criminal justice system are never the most popular in the world, but I do think that with champions at that national level, regional level and local level change can take place. I spoke at a conference this morning and as I was walking in three people got out of a taxi and shouted “hello do you remember us?” And I had spoken to them at a regional conference in the North East. At the end of the conference a chap came up to me and said he was very interested in what we were doing and thought he could really do something with a multi agency approach.

As I was going into the Royal Society this morning they said “We’re the new team” they have established it they are running with it. It is small beginnings by individuals to provide a much better service than we currently have. So I am optimistic for the future but we have to keep the momentum behind these suggestions and I know from previous meetings that everyone in the

room will get behind that agenda. I am not saying that all recommendations find favour with everyone but I do think there are enough pegs within the report to enable work to be undertaken and change to happen.

At the end of the day there are 80,000 in prison, many of those have mental health and learning disabilities. What I am not saying is that overnight we can change the nature of people in prison. But by better assessment, better identification, better follow through in the system, over time we can change the nature of the population of people in prison. We can do far better within the community within the community and within the health service and within social care to support people appropriately who don’t need to go to prison for the nature of their offence. I think that is the real gain we can have incrementally over a number of years to change that population. Thank you.”



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## ◆ 1 December 2009: Behind Closed Doors - an Independent Monitoring Board view of custody

Dr Peter Selby,  
President,  
National Council for Independent  
Monitoring Boards

Dr Selby observed that he had wondered whether members would look different from this side of the table. However they did not. He continued: "I thought I'd start with a story. About a year ago or more, the National Offender Management Service launched a consultation on the question whether officers in women's establishments should carry batons. I tell the story not to get you excited about batons, but just to tell you about two responses, which equally could be described as IMB responses to this consultation. Some boards, including members of boards in women's establishments, said that they thought this probably would be appropriate in some circumstances, and although they would not want them to be used wantonly, there were some very difficult women in these establishments, and they thought officers should have some means of protection.

Another view was mine, and that was that there are some subjects I am not even prepared to discuss. And one of them is whether women should be threatened with sticks, especially women who have probably been threatened and hit with sticks more times in their lives than I have. So I was not prepared even to answer the question.

Between those two extremes were a variety of responses, and of course most of my colleagues were more sane than I was, and said: 'We did put in a reply, but it was a reply that said we did not think much to this idea'. The reason I tell

this story is so that it is clear to you that members of independent monitoring boards are not, as one opposition spokesperson entirely appropriately asked me, all people who think that nobody should be in prison at all. They are not a prison reform lobby. They are very keen to tell you they don't campaign, and that they represent the public.

Sometimes some of us think that's quite frustrating, and we wish they were more united and robust in the face of a prison system that we are very concerned about. But actually it is extremely important that we aren't all those things, and that some of us live with the frustration of disagreement, and with the fact that we have on the boards people who think – though they might hesitate to say so - that actually the *Daily Mail* is probably on to something in what it says about crime and punishment.

So when people talk about 'what the public thinks about prisons', I tend to say, 'Excuse me, we are the public'. That's how you get to be on an IMB, because you are a member of the public. Now of course that's not completely fair, because most people aren't interested in prisons at all. So you start off with the fact that members are a bit interested.

What I have to say about IMBs is probably common knowledge in the room. To those of you who already know, my apologies, but I thought I should say a little bit. We have about

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1800 members and about 165 boards. I say 'about' because I once asked a senior churchman in the Seychelles how many islands there were, and he said that last Friday there were 129, but that it kept changing, because more islands would pop up from the sea. It's a bit like that with IMBs. Unfortunately we are a growth industry, in that we are constantly having to create new boards. The only thing that reduces the number of boards is when NOMS decides to amalgamate prisons, as they have done on the Isle of Wight recently for instance. Then we have a crisis because we have to amalgamate the boards, because the statute says there shall be one board per prison.

We are a growth industry also because – I must mention this but I am not going to talk about it because it is not what this all party parliamentary Group is concerned about -some 15 or so of our boards are to do with the immigration estate. We deal with custody in total, with the exception of police cells, and court cells, which are otherwise monitored.

We are much whiter, and more British, than the population of our prisons. That almost goes without saying. What is worrying is that we are also quite a bit whiter than the population as a whole from which we are drawn. We struggle with that, and we are trying to be inventive about how to recruit in ways which enhance the diversity of boards. But I want to say that it's not simply an ethnicity question. One of the things which of course you would expect me to say, but which is rather unhelpful, is that our boards are rather old – I mean composed of elderly people, like me.

And I might count as quite a young board member, if I were one. We are working, for example, at trying to get supermarkets and other organisations to second people to boards for a bit. We think we can say to them that they will get some very good professional training, and will be involved in sectors of the community they may not know much about. We are having some little bits of success with that – we had an event jointly organised with BT the other day. I have yet to see what fruits that will bear. But it is quite important that we don't only consist of retired people.

I have mentioned that we are members of the public and have a wide range of views. But in so far as I deal with what comes out of boards, namely the annual reports, I have to say that there are some things that we really do agree about. I'll mention a few of them because I think they are quite important.

I'll group together people with indeterminate sentences for public protection, and foreign national prisoners, because they are both sets of people who are serving sentences which exceed their tariff. In the case of foreign nationals this is because we have not managed to deport them, and in the case of IPP prisoners because they have not been able to prove that it's right to release them. Members of boards are pretty unanimous in being appalled by those two situations.

They wouldn't all put it as I would. Having, for ten years of my life, regularly walked past the tomb of King John, I actually think that *habeas corpus* was intended to be of universal application, not just of application to British law-abiding citizens. I think it's a very serious matter that we have slid into such a situation. When I was a student I used to think that retributive theories of punishment were awful. Now I think that a chance would be a fine thing, because at least it would mean that people served their sentence, which was what they got for their crime.

But you will find that once members of boards get involved with prisons - that's the difference between 'our' public and general public, that they get involved – and once they meet the people concerned, they are quite shocked. For example I had a letter the other day from a woman whose son was sentenced to 18 months with an indeterminate sentence for public protection after that. He has now served three years on top of his tariff. As she says - and how can you argue? - if he had committed some very serious crime he would surely have got more than 18 months, and if he hasn't committed a very serious crime, why does he have to prove that he has a right to be at liberty? It used to be the other way round. That sort of thing gets to the radicalism of IMB members.

Another thing they agree about. I read report after report, and I defer to Lady Stern who reads

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our reports and we are always very grateful to her for reading them as thoroughly as she does. Report after report says that the end of slopping out produced a situation in many prisons, where you have two men eating and sleeping and defecating in the same room, and that's wrong.

That's not actually dignified, respectful treatment of human beings. I don't see any chance of that situation changing. But it's actually a matter of agreement among boards. They think that's wrong.

They then agree that overcrowding is a bad thing. I have tried to encourage people to be a bit more sophisticated in the words they use. There are two different things: one is overcrowding and the other is overpopulation and they are not the same. The worry we have is that if we constantly talk about overcrowding we encourage the view that if only we had more prisons there wouldn't be overcrowding because people would be in single cells that were meant for one person, or double cells that were meant for two only. There is overcrowding, let's be clear about that. But the real problem is overpopulation, which will not be dealt with by building more prisons. The trouble is that, as our boards will tell you, there are huge shortages of purposeful activity places in our establishments. There are also huge shortages of educational opportunities in our establishments, and there are serious strains on the healthcare systems. IMBs certainly think that.

That leads me to say that one of the things that I am a bit critical of IMBs about is that they tend to say in their reports 'We have wonderful staff in our prison. The governor is absolutely excellent and has a real sense of vision and purpose, the officers behave towards the prisoners with total propriety and respect, and all blame is to be laid at the door of the government, NOMS, the area manager, the budget' and all that sort of thing.

You can understand why they say that. They say it partly because there's some truth in it. There are a lot of good people in the Prison Service

and they are doing their best. But they also say it because it would make their lives very difficult if they said anything else. They are stuck with a very difficult job, and I really want to stress this. I am the only member of the National Council who isn't a member of a board. Long may it remain like that: they need an independent voice, and they also need to be absolutely rooted in the day to day business of pounding the landings.

The issue of what the 'i' in 'independent' means is probably our biggest single issue. In order to be an effective IMB you have to have a good relationship with the administration of the prison. You could not do the job if you went round confronting people all the time. You would not learn anything, you would not help the prisoners, and it would not be a good thing at all. On the other hand we do have significant numbers of people who have been on boards for a long time, who have a very warm relationship with the governor and want it to stay that way. We have to give people training in what independence is. And that is quite difficult because one of the things members of boards often think is that 'independence' means that nobody like the National Council should tell them what to think or do, or offer them training of any kind, because 'independence' means that they don't have to listen to anybody.

I defer to the Bishop of Liverpool who succeeded me as Bishop to Prisons when I say that I do occasionally say to colleagues that my qualification for this work is nothing to do with anything I know about prisons. We have 150 boards, all fiercely independent, and all wanting a strong lead at the same time, and that is very like the parishes of the diocese of Worcester. That's how I learned the job.

I've told you some of the issues, and some of the things we agree about. Let me tell you a few things we've managed to do. Members of the National Council are an incredible group of people. I was bowled over when I first met them because they are so dedicated. One of the members of the Council got her teeth into the question of inquests, and opened a can of worms – about which I know we have heard in

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this group when we had a speaker from Inquest. One of the first things she discovered was that nobody knew how many delayed inquests there were; there were no central statistics. We managed to sort that out, and by pushing at the door we have managed to effect some improvement. It's not good, and there are major problems with the Coroners' Service, about which you all know in other connections. But we have actually achieved something, and we can achieve things by looking at issues.

Another matter about which I can say we have had a modest level of achievement, and only because we have a National Council, was the issues of late arrival of young offenders at prisons, which was frankly a disgrace. What was happening was that contractors knew that adult prisons have lock-down times, after which they would not receive people, whereas juvenile establishments, for what were originally good reasons (this is about the law of unintended consequences) don't have lock down times. So what you would have – and this was pretty well documented - was vans holding both adult and young offenders, which should not happen anyway, driving past young offender institutions to deposit the adults first, and arriving at 10, 11 and 12 o'clock at night with young offenders, who of course are hugely vulnerable. Somebody, I think it was Lady Stern, put down a question in the House about the figures and got answers which our boards knew were not true. They weren't just untrue as far as our boards' impressions were concerned. They weren't true as far as what the prisons were saying either.

At that point I got involved and I wrote to the Minister. And I can tell you that the person on the Council, who had been going to the meetings about it for some years, could not recall any occasion when IMBs started to be treated with such deference. David Hanson, the then Minister, jumped up and down and ordered an audit of this problem, and, again, we saw the beginnings of an improvement.

Our boards are all agreed - you will find it in 70% of our reports I should think - that sending mentally ill people into prisons is inappropriate to their needs, hopeless for the officers and

staff, and bad for society at large. They all agree about that. Thanks to Juliet Lyon we did a survey of our boards and their experience and we were able to make a submission to Lord Bradley. What comes of that still remains to be seen, but we are here and pushing at those sorts of doors.

Let me now say something on the more controversial side. I proposed a debate at the last national conference, which in the end we did not have because we ran out of time. This was that IMBs should become involved in the campaign to get votes for prisoners, on the grounds that not giving someone the vote is an act of disrespect and unfairness, which we are charged to monitor. Now you won't be surprised to know that this was not an uncontroversial proposal, and it would have been a very interesting debate if we had had it. But it leads me to say that one of our difficulties in the IMB world is determining the boundaries of our concern. As anyone who knew me before I had this role will know, I am an opinionated git with very strong opinions about prisons, which I will tell anybody at the drop of a hat. That is not always very helpful to the cause of IMBs because I know that while I do this job, anything I say must be rooted in the evidence that those boards provide, not just in my personal prejudices.

But there are issues that the boards have to face that cross more than one boundary. Is this really an issue of fairness and respect, or is this an issue of efficiency? Or is this an issue of government finance and budgetary priorities? I simply want to say that this is going to be a continuing struggle in the IMB movement. There will be among us people who, if they walk round a prison and nobody has actually hit anybody, will be satisfied that it is a safe and respectful environment, while at the other extreme there will be people who will say 'this policy doesn't begin to work'. We shall have those struggles back and forth, and I am very glad to sit in the middle of it, but also to be egging people on to be more explicit about what their priorities are, what they want to do, and what they want us to achieve. And I think with that I will stop."



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## ◆ 19 January 2010: The Case for the Rehabilitation of Offenders (Amendment) Bill

Lord Dholakia  
and Paul Cavadino

Lord Dholakia thanked Julie Morgan for her introduction. He proposed to give just an overview of what he was trying to achieve with this bill in Parliament, whilst the detail would be filled in by Paul Cavadino. He was sure that most members would already know Paul Cavadino, who had been until recently the chief executive of Nacro. He wanted to thank members of the group for their support in the debate on the second reading, on 11 December. He continued:

“The purpose of my bill is to enact a series of changes to the Rehabilitation of Offenders Act 1974. When I initially raised this debate in 2006, I had total support from the Conservative Party front bench spokesperson and also from the minister. What I now find after the second reading is that there are some other views being expressed. I have the support, no problem, from the Conservative party, but the minister seems to be slightly cool about the proposals.

But as far as I'm concerned, I want to take this bill through the House of Lords. Once it has gone through the House of Lords I intend to open up discussion with the Justice Secretary Jack Straw to see if it is at all possible to take this bill to the Commons. Most of you know that the likely date of the general election would not be beyond the first two weeks of May and in between there are a number of holidays. So whether I will have time to get it through successfully is questionable. But whatever happens I will be taking it forward.

Why do I feel so strongly about this? I recommend every one of you to read an interesting article by Mary Riddell in today's *Telegraph*. It talks about why it is necessary to look very carefully at the prison situation in this country and I encourage you to read it. Now what I am proposing, and the detail that Paul and I have worked out, is nothing new.

Successive committees have commented, from as early as 1972, that there were not enough measures for looking at the rehabilitation of offenders. Then there was the 1974 Act, which we are talking about, which certainly assisted. But the extent to which past sentences are still hanging about the necks of people coming out of prison is not helping. We felt it necessary to look at what has happened since 1974. The government set up a rehabilitation task force as early as 1999. Later, a working party was set up to look at the whole issue, and this working party produced a report called *Breaking the Circle*. This report made a number of substantial recommendations, and almost all of these recommendations were accepted by the government. I was sure that from then onwards they were looking for a suitable time to produce a bill, or to incorporate these measures in any of the criminal justice legislation going before Parliament. But to this day no such measures have gone through. So we thought it right and proper to take these measures forward in a private member's bill, either to force the government to come up with their own measures, or if not to try and get this through the Lords and Commons.

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So what we are proposing is nothing new. In fact it simply lifts many of the arguments that came up, and the proposals that were accepted by the Home Office, from 1999 onwards. The working party was composed of various elements working in the criminal justice field. It wasn't just one political party or one pressure group: there were a number of groups working together to try to establish a common thread, to assist offenders. Now let me stop at that stage, and ask Paul to give you more of the details."

Paul Cavadino began: "The research that's been done, both in this country and world-wide, about the impact of employment on reoffending, indicates that an ex-offender who gets into and stays in a job is somewhere between a third and a half less likely to reoffend than an offender who remains unemployed. So getting offenders into jobs is key to reducing reoffending, and it's key to protecting the public from future offending. This Bill is designed to remove some of the obstacles which offenders currently face in getting into employment.

The Rehabilitation of Offenders Act 1974 was the first step. What it did was to introduce rehabilitation periods after which offences become 'spent' and don't have to be declared when an ex-offender is applying for a job or for insurance. Over the years, that has helped many ex offenders to apply for jobs without having to declare old or irrelevant convictions.

However the rehabilitation periods in the Act are sometimes very long. So for example if you get a sentence of nine months in custody, it takes ten years for that offence to become spent. If you get a sentence of three months, it takes seven years before that sentence becomes spent. For most non-custodial sentences, the rehabilitation period is five years. But if you get a sentence of more than two and a half years - say for example if you get a three year sentence - that never becomes spent. So it means that there are many reformed offenders who have not offended for many years, who are no risk to anyone, but who always have to declare all their convictions, however long ago they committed the offences, if they are asked when they are applying for a job.

The former Home Secretary Jack Straw, currently the Secretary of State for Justice, established a working group in 2001, which produced a report in 2002 called *Breaking the Circle*. This report assessed the way the Rehabilitation of Offenders Act was working, and particularly it looked at how far it was achieving an effective balance between protecting the public and rehabilitating offenders. And it concluded that it wasn't doing that, and that reform was needed – reform that would reduce the lengths of time which offenders had to wait before their sentences became spent, and that would also extend the benefits of the Act to sentences of more than two and a half years. It looked at experience abroad, and it found that in most European countries the provisions were far more generous and far-reaching than those of the Rehabilitation of Offenders Act in this country. In general, in other European countries, the equivalent legislation sets rehabilitation periods which are shorter than ours, and extends the benefits of those provisions to sentences of more than two and a half years. The working group made recommendations which would bring our legislation more into line with the provisions in other countries.

The working group consisted of a wide range of representatives of different types of organisations: government departments, criminal justice agencies, employers' organisations, rehabilitation organisations, organisations like UNLOCK which represents reformed offenders. The report had the support of all those groups. It was a consensus approach, trying to get a better balance between protecting the public and rehabilitating offenders. The government published a response to the report in 2003 in which it accepted most of the recommendations, although it made some modifications and some amendments. The version of reform which the government said it would support in 2003 was basically that the current rehabilitation periods should go, and in their place, anybody who got a non custodial sentence should have the offence become spent after the end of the sentence plus a 'buffer period', as it was called, of an additional year. Anybody who got a custodial sentence of less than four years should have the offence become spent after the end of the sentence, including any post release supervision,

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plus an additional buffer period of two years. And for anyone who got a custodial sentence of more than four years, their offence should be come spent at the end of the sentence including post release supervision, plus an additional buffer period of four years.

Now if those provisions were implemented it would mean that many offenders who don't come within the provisions of the Act at the moment, because they are serving sentences of longer than two and a half years, would eventually be in a position where their offences became spent. And it would mean that those offenders who do currently come within the provisions of the Act would have to wait for shorter periods than at present before their offences become spent. So that it would mean that many offenders would find it easier to get jobs, and easier to get insurance, when they have committed offences a considerable time ago but since then have stayed out of trouble, have become rehabilitated and reformed

One of the things that the working group found, which surprised many of the members but which nevertheless is true, was that if an offender stays out of trouble for two years, if they have no further convictions, then statistically their chances of reoffending are no higher than an ordinary group of people in the community who have not got a previous criminal record. It's a very striking statistic and it does emphasise how important it is to try to ensure that at the earliest practicable stage we do everything possible to assist offenders into the employment that can help to provide a stake in society, a legitimate income, a status and a sense of self worth, and a reduced chance of reoffending.

Now the Rehabilitation of Offenders Act has a range of exemptions. There is a range of jobs and professions for which people applying for jobs always have to declare their convictions and cautions, however long ago they received them. They are positions working with children and young people, involving regular and unsupervised access to children and young people, jobs working with vulnerable adults,

senior positions in financial institutions, jobs involving national security or jobs in criminal justice agencies. A range of professions and jobs of that kind are exempted from the Act and so a person applying for one of those posts always has to declare all of their convictions, however long ago the offence was committed. The recommendations of the working group would not change those exemptions.

Now the rehabilitation of offenders amendment bill which Lord Dholakia has introduced, and which has its committee stage on Thursday, is based entirely on what the government said it would support in 2003. The bill has been framed in line with that, and with what the Conservative front bench also said it would support in the debate in the House of Lords in 2008. Many of us would like ideally to go further.

There is an excellent briefing paper about the bill, for example, which has been produced by UNLOCK, the national association of reformed offenders, which is on their website, which makes a series of proposals for taking the provisions contained in this bill further. But the bill as it stands is deliberately framed to maximise consensus, in a way that is trying to achieve something tangible, which would improve the position for many offenders. It is based on recommendations which had a wide degree of support from many different types of agency both inside and outside of the criminal justice process, and which has in the past received a strong degree of all party support. So it's perfectly possible to put forward a strong and sensible argument for going beyond the provisions of the bill. But the provisions in the bill are designed to achieve an important step forward that would help considerably to provide greater fairness for ex-offenders, and to ensure that they don't suffer double punishment, in addition to the sentence of the court, by being refused jobs on the grounds of convictions that don't make them a danger or a risk – a refusal which will only increase their chances of reoffending'.



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## ◆ 2 February 2010: Circles of Support and Accountability - an innovative and successful community contribution to reducing sex-offending

Stephen Hanvey:  
Chief Executive Circles UK

A Core Member

A Circles Volunteer

The Right Reverend James Jones:  
the Bishop of Liverpool

Stephen Hanvey began: “Firstly, thank you for the opportunity to present Circles of Support and Accountability. Before handing over to my colleagues, Rosemary and Mike, to give you a practical sense of what we are about, perhaps I can provide some comments by way of context. So without wishing to sound too melodramatic, somewhere this evening four or five members of the public are getting ready to meet with a known sex-offender. They’ll then spend an hour and half with him, or less likely ‘her’, having a cup of coffee and a discussion in a probably chilly room, in a neighbourhood centre or faith-community building, and anyone else on the premises will not know quite why this group are there, or who they are. This Circle of Support and Accountability meeting will be the one occasion in the week when the Core Member, as we term him, will know that these local people are not out ‘to out him’ - but to help him keep to his intention not to commit any further offences and to take his place in the local community. He will have made an explicit commitment not to reoffend, and the volunteers have agreed to provide him with their support and to encourage him in his attempts to integrate safely and responsibly back into the

community. The volunteers will all know the nature of the offence behind the conviction, and that any indication of a return to dangerous thinking, distorted attitudes or behaviour on the part of the Core Member must result in the statutory services being notified, with a likely recall to custody. That is part of the understanding of accountability which sits alongside the support of the volunteers, in giving time, company, modelling appropriate relationships, fun and the chance to experience being someone who is seen as more than the sum of their offending past.

Boundaries will have been carefully outlined, only first names used by the volunteers, and any communication between the Core Member and volunteers during the week will be acknowledged, as Circles do not have secrets. Secrets have been part of the problem. The Core Member will be both affirmed for the efforts and progress they are making, and challenged if someone in the Circle feels uncomfortable that he is denying his responsibility or trying to manipulate the conversation, in a manner that spells risk. Some 62 Circles, managed by 10 local projects,

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are currently in operation. Local partnerships of probation, police and voluntary sector criminal justice agencies, including national organisations such as the Lucy Faithfull Foundation, SOVA, and the NSPCC are now involved in this community-based model, which has its roots in Canada during the 1990s – an extraordinary story in itself.

The model is about reducing reoffending by known medium and high risk sex-offenders, and helping them, through the skills and time of carefully selected and trained local people, to manage dangerous inclinations and patterns of relating, and instead to become responsible, contributing members of society. Circles have been in operation in England and Wales since 2002, when tentative pilots were set up by the Lucy Faithfull Foundation and Quaker Peace and Social Witness. The growing evidence that they work, that they do indeed reduce reoffending amongst this notoriously demonised group, was sufficient for the Home Office and then the Ministry of Justice to support the development of the model, which led in turn to the creation of Circles UK, which it is my privilege to represent, as the umbrella organisation set up to provide advice, national standards and training to new and developing local Projects. The evidence from Canada, through matched control group studies indicates a reduction of 70% in reoffending. We're now seeing colleagues in Holland and Belgium take up the model, using the materials developed in England and Wales over the past seven years, and despite the extraordinarily difficult financial climate we have a continuing hope that this community initiative, which draws on restorative justice principles, and acknowledges the need to manage real risk, can become integral to better safeguarding and crucially, to community cohesion.

I'm delighted and grateful to be able to invite Rosemary a volunteer, and Mike - just first names you'll appreciate, in accordance with our maintenance of boundaries – both of whom have been Circles members for some time, to tell you their stories, as members of a Circle run by the Lucy Faithfull Foundation. Given the real risks to the safety and well-being of those

convicted of sexual offences, at a time particularly when public interest has been further stirred by the *News of the World* announcement last week of the roll-out of the public notification scheme ('Sarah's law') could we ask that all present convey nothing from this meeting that might jeopardise the privacy of Mike, in particular.

I will now pass over to Rosemary'. Rosemary began: "I'm here as a volunteer member of a Circle of Support and Accountability. Our circle has five volunteer members and one core member: Mike is the core member. Our circle is administered by the Lucy Faithfull Foundation, a child protection charity whose mantra is 'No More Victims'. So contrary to what you might read in some newspapers, Circles of Support are not support groups for sex-offenders. We're not having parties to help them. They are instead a means of protecting the public, using the public themselves.

It is something I heard about on the BBC World Service late one night when I couldn't sleep, and I also read an article in the paper, and as soon as I heard about Circles I could not imagine not wanting to get involved. It seemed like such an obvious thing to do, a fantastic way of approaching, in a very different way, a real problem that we have. So I tracked down the Lucy Faithfull Foundation via the Quakers, over the internet.

You might be wondering what sort of person volunteers to get involved. Speaking for myself, I am a mother of two children. As far as I know my children have never been abused, but I could very easily imagine how awful it would be if they had. So I have a very real interest in ensuring there are 'No More Victims'. By profession I am a commercial lawyer. I am also a member of the part time judiciary, and in that capacity I sit in the crown courts. I am ticketed to try serious sex offences so I do see rape and sexual abuse from a different side, and I am very well aware of the effect on the victims of child sexual abuse. So I have an understanding which again makes me interested in this very different way of trying to approach the problem.



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As I said, I tracked down the Lucy Faithfull Foundation and I was trained about three years ago now. I had an intensive two-day training over a weekend – we were not being trained to become counsellors: we are not counsellors, and we are not therapists, we are volunteer members of the community. We were given some insight into the sort of triggers that set off sexual offending, and also some insight into the distorted thinking that sometimes underlies offending, and very often the legacy of abuse that was visited on the offender himself or herself, when he or she was young. The patterns repeat themselves, which just shows the need to act and step in and break that cycle so it doesn't keep on repeating, over and over again.

Where do we fit in? As members of a Circle we are volunteers. We are an additional layer of protection for society. We sit on top of the police and probation services in respect of a medium or high-risk sex-offender, almost always somebody who has been in prison, and always somebody who has committed to living an offending-free life in the future. That's a prerequisite and we sign a contract that binds that person to do his best not to offend. Whether people like it or not, sex-offenders, apart from a very few very serious offenders, will be released into the community. They will finish their sentence in the community. They will be supervised by probation for a period of time, but not for ever. So unless you subscribe to the tabloid 'castrate them and lock them up for life' position, that is a fact of life. Circles are only there for people who have been categorised as medium or high risk, so it's a very serious business.

The authorities don't ease off because a Circle is in place. Probation and police are still going to be there supervising, having visits, monitoring. But with the best will in the world they can't be there all the time. Unless you have unlimited funding, you cannot monitor somebody 24 hours a day, seven days a week. I know there are a few very dangerous people who probably are monitored like that, but we can't as a society afford that for everyone. So Circles are there as another layer of protection. I like to think of it as a kind of Neighbourhood Watch. It's people

from the community who are adding that layer, and adding those eyes and ears to help protect the community.

When our first meeting began it involved a very frank disclosure from Mike. That's part of the procedure and a prerequisite. You have to know exactly what the offending was. And as you can imagine, that's a very difficult and fraught meeting. It requires understanding on the volunteers' part of why the offending happened, but also the sorts of triggers that may lead to it happening again. What can we look out for? What might you do that might put us on guard that you might begin to offend again? The meetings take place on a weekly basis to start with, and then less often as time dictates. The meetings are minuted, the police and probation are always given a copy of the minutes, and they are invited to attend the meetings if they want to. I'm bound to say we haven't had a great deal of attendance. We have had a probation officer attend, but obviously they are busy people, our meetings are held in the evenings, and they have other commitments. Lucy Faithfull staff often attend the meetings. They are always there to give us support. If they can't come to a meeting they get the minutes. They are always on the end of a phone or an email, if we've got difficulties. I know that if I ring the Lucy Faithfull Foundation, someone will be there, day or night. If there's a real emergency they'll be there to talk to, to advise us, and to listen to us. So we do feel well supported, and that's very important. Between the formal meetings, every volunteer will have contact with the core member. It may be a phone call, it may be a meeting, a walk, a movie, a spot of lunch, a coffee, a chat, just to see how things are going and what can be done.

There are two things the name tells you: support and accountability. I'd like to start with the support. People coming out of prison may feel that they've done the hard bit. Prison no doubt is hard, and if you've been to Grendon, as many sex-offenders will have been, many of you will know it as a therapeutic community, where you do a lot of work and have to speak very openly and address your issues. It's very hard: years of therapy and facing up to what you've

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done, and perhaps realising for the first time the effect of what you have done on your victims. But that's the easy bit.

When you come out into the greater wider world, you discover that you really are seen as the lowest of the low. Mike often says that if you are a murderer you do your time and then you become an ex-murderer. You never seem to become an ex-sex-offender. You are always regarded as a sex-offender. You are always frightened of vigilantes. No one ever looks up to you as a hard man. Some murderers might have a reputation as being hard men, and have a bit of glamour. You certainly don't get that as a sex-offender. You are probably cut off from all your family and friends: they've all disowned you. You've got nobody. You've got the problem of how you make new friends. Can you do it on an honest basis, if you don't tell them what your past is? If you do tell them what your past is, are you risking your safety or risking them saying they don't want to be your friend? How do you judge when you can make a disclosure? Or do you just stay at home and do nothing?

So there's a terrible feeling of isolation, and that's where a Circle can really help. That's why we're in contact all the time, meeting, talking on the phone, trying to stop that isolation. It doesn't take much imagination to know that if you are somebody who is very isolated, feeling very vulnerable, the temptation may be to turn to people who are even more vulnerable than yourself. That may mean child victims. It may turn you back onto your previous course. So we are there to help you to lead a law-abiding life, to ensure there are no more victims.

We are also modelling appropriate relationships. At one of our very first meetings, one of our members turned up with a cake. A nice thing to do, she'd baked a cake. We're just being normal people, showing what friends are like, acting as friends and caring for each other. I've also given support by writing letters. When Mike's had problems and nobody will listen, I might write a letter as a responsible member of society. I may get listened to. Visiting the housing office and just being there as a helping hand, to stop the loneliness and isolation.

Then there's the accountability, which is obviously very important. We challenge and question. If there's a danger of reoffending, we have to tell the authorities, we have to tell the police, via the Lucy Faithfull Foundation, and the chances are that the Core Member will be recalled. That has happened. We have to look for the triggers. We have been trained to ask some very penetrating and challenging, and often very personal questions: what are you using a laptop for? Why have you got a mobile phone with a camera on it? Who are you taking photos of? You've got a new girlfriend: has she got a pre-pubescent son? Is there a pattern here? What's going on? Why are you taking a shortcut past the school? What are you fantasising about? It can become very personal, and very difficult, and it can be very embarrassing. We've had some conversations over lunch that have been more frank than I can ever imagine having with anybody else. You learn to do it, and I've grown by doing that. But we do it because we have to. We may be embarrassed but we know it's the right thing to do.

So overall it's a fantastically rewarding thing to do. I know I'm doing something really useful. I've seen the support that we give. But I am also aware that there aren't enough Circles to go round. If any of you were to visit Grendon prison, as I have, and sit in the sex-offenders wing on one of their afternoons where they're sitting together for a group session, maybe 20 people who've committed the most awful offences and are talking about them in therapy, they will all say: when I come out, how do I get a Circle? And the answer I am afraid for most of them is: well you won't. There's not enough money, and frankly not enough people who have volunteered so far. There's always a short supply. But onwards and upwards: Circles are growing!' She then handed over to Mike.

Mike, the Core Member, then spoke. "I'm really honoured to be asked to do this. I am an offender. I had a history of abuse with my family over a period of ten years, for which I was given a ten year sentence. I found out about a place called Grendon when I first went to prison and decided I really needed to find out why I have become the person I have become. I spent four

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and a half years in Grendon. As Rosemary says, there is very intense therapy. It's not easy, and it's quite scary when you suddenly realise that really everything's always been about me, and not about my family or anybody else. I found out about Circles while I was in Grendon because Quakers had visited the prison, and I managed to arrange a Circle because I was coming up for release. Unfortunately that fell by the wayside, because rather than being released into the Thames Valley area I was told that I had to come back to London, because no other borough would take responsibility for me. When I came back to London I was told by my probation officer that the Lucy Faithfull Foundation would like to interview me with the possibility of becoming a Core Member of a Circle. From my perspective that meant that there was somebody up there smiling at me. I got to meet my Circle, and I had to give a very frank and detailed explanation of my behaviour. Also part of the pattern that led me onto the course of offending was that I come from a very seriously abused childhood, both sexually and physically. I began to repeat the pattern of my own experiences.

With the Circle I have been allowed to be less isolated – I wouldn't say I'm totally un-isolated. I find it difficult to make new friends. Again it's this disclosure thing: when do you tell somebody about your past? I want to be very honest. If I tell somebody about my past that's because I value them as a friend. I've disclosed to two people outside my Circle successfully. They've been supportive and understanding. Circles really have made the difference between me living behind closed doors, with the curtains shut, and being allowed to begin to break back into the world. Again, there's a commitment not to reoffend. That's one of the things Circles is about: No More Victims. I totally support that.

So after this disclosure, and from then on I began to meet members of the Circle socially. I have an interest in art, and reading; I have been out to the British Library, art galleries, we've met up for coffee. I can't express how valuable that has been to me. Again, the other choice would be – what would it be like if I had reoffended? I had made the commitment not to

reoffend while I was at Grendon. That was the whole reason for going there. (Pause - I feel so nervous, I'm not usually so nervous.)

The only people I associated with when I was in a hostel were other sex-offenders. Some of them were child sex-offenders. Some of them were rapists of adults. They were the only people I could relate to who were not judgmental, which is difficult, because they are not appropriate people to be mixing with. I have no contact with anybody like that now, since I've moved from the hostel.

Circles do such incredible work. I've been challenged very heavily at times. Without going into details: where do I get my sexual relief from? What do I fantasise about? How do I maintain appropriate behaviour? Sometimes it feels like I'm being interrogated, and it is uncomfortable, but that's par for the course. I am very aware that Circles are very successful. They are cheaper than keeping somebody in prison. The cost of keeping me in prison for a year is £35,000-£40,000. Circles are a much cheaper alternative, because they work. You have to support Circles because there are children out there that are not affected yet, but may become victims.

One of the things I learned in Grendon as well was that I can ask for help. If I felt I was leading up to offending, in a situation where I thought things were getting risky, it's actually a lot easier to say: 'Look, I've got a problem' rather than spend the rest of my life in prison. I wish I'd known that, 30 years ago. Had I been able to say that, ok I might have had to move out of my family home, but my daughter would not have suffered at my hands. I think I'll leave it there."

Stephen Hanvey thanked Mike for his eloquent testimony. He then said how delighted he was to introduce the Bishop of Liverpool, who had spoken at the Circles UK conference.

Bishop James Jones began: "Mine is just a post script really to what Mike has shared with us. Thank you very much for your commitment to be honest and, through your honesty with us tonight, to open the window on a subject which

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many of us have thought about but never had access to till this evening, when you have shared yourself in the way that you have. The only point that I want to make, so that we have time for questions, is that I am aware from the statistics that over 80% of the people who are sex-offenders have a history similar to your own, in that they have been abused sexually as children. Although I don't think there are any statistics to tell us the number of children who have been abused who have not gone on to be offenders. Many of us in this group are very committed to the principles of restorative justice, where you bring the offender face to face with the victim. The extraordinary fact is that, with the sex-offender, they have already been brought

together in one person, because the offender is both offended victim and offender. It seems to me that, when it comes to therapy, the disconnection that has happened between the victim-hood and the offender has to be mended and reconnected. I felt that when I was listening to you I was listening to somebody who was actually in the midst of that struggle of linking being a victim with being an offender. I think that presents Circles UK with a unique challenge. And that's why when I was at the national conference I was asked to contribute to this session I was only too glad to do so, because at the conference I observed that here were people who were grappling with something that was unique. So I wanted to be here, and sit next to you, and hear your story."

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## ◆ 2 March 2010: The future of the Parole Board

Sir David Latham, Chairman,  
&  
Linda Lennon CBE,  
Chief Executive,  
The Parole Board for England and Wales

Sir David Latham began: "I am the present chairman of the Parole Board. I was appointed on 24th February last year for one year. I was reappointed by Jack Straw last Thursday for one year, or the end of the consultation exercise. I am not sure whether that was intended to be longer than the year or less than the year. We shall wait and see.

I was appointed with the brief to take the Parole Board through to the end of the consultation exercise. I did not appreciate at that stage exactly what problems were facing the Parole Board. When I arrived, there had been no chairman for about eight months or thereabouts. Sir Duncan Nichol had relinquished his post in May of 2008, and Christine Glenn, the then chief executive, was just about to leave. Linda did not arrive till April. I found it rather a depressing picture. As Linda will tell you in more graphic detail, we were quite simply not able at that stage to cope with the workload. Linda and I have had to do an enormous amount of work to get ourselves into the position to be able to say to you that we are at least doing something to meet our obligations to the two constituencies we have to look after: the prisoners on the one hand and the public on the other.

What I propose to do is to ask Linda to bring us up to date from the evidence that Duncan Nichol gave on the last occasion, and when she has done that I will take over and deal with the

consultation exercise and my thoughts about the future of the Parole Board".

Linda Lennon: "Thank you David. I am going to talk about the challenges that David and I faced when we joined, and to bring you up to date with what we are looking to do to improve on performance. It was quite interesting for me to look back on Sir Duncan's report, because he started to talk about the deluge of recall work, and the impact of indeterminate sentences. For me, the biggest challenge has been the rise in the numbers of oral hearings facing us. Over the past four years there has been a 50% increase in oral hearings, from 1,900 cases in 2005-06 to a predicted 2800 this year. I think that's an unprecedented level. The increase has been driven primarily by the expanding population of indeterminate sentenced prisoners, following the changes in the Criminal Justice Act 2003, which subsequently came into effect in April 2005. Just to give you some examples, back in 2005-06 we did not have any indeterminate hearings. In 2006-07 we had 74, and so far in the first nine months of this year, we have had 708.

Looking at the increases in workload, obviously subject to any future changes in legislation, we are predicting that for the coming year in 2009-10, the indeterminates will rise by another 33%. The following year we are expecting them to rise by another 14% and in 2011-12 up another 18%. So as you can imagine that is a huge increase in the workload.



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The biggest problem that David and I found was that there had been no increase in judicial resource to match the increase in hearings. So one of the first tasks was to look at every single case, to determine what stage it was at, and whether it needed a judge to chair it or not, so that we could then go to the director general and the minister with a business case to get more judicial resource. I was fortunate in that I was seconded from Her Majesty's Courts Service, so I had a pretty good idea how to go about bidding for judges, and with David's expertise, too, that has been particularly successful. Since I joined in April, we held 467 oral hearings in the first quarter. In the most recent quarter we have increased that to 573, but we need to almost double that figure in order to get on top of our backlog. At any one time between October and January we had between 540 and 730 outstanding cases that we could list, had we had a judge to hear them. I will also touch on recalls as well. I know that when Sir Duncan came, recalls were running at about 14,000. That peaked in 2007-08 to 19,060. Last year it reduced to 17,184 and this year we are expecting it to get down to about 14,000 again. The indeterminate workload is decreasing, but we have had to put a lot of resource into recall work, and to give that a really high priority.

As you will appreciate, such delays in hearing cases can lead to claims for compensation by prisoners, who claim their right to a timely review of detention by a court under Article 5.4 of the ECHR has been infringed. When they can prove that a timely review has not taken place, they look to seek damages from us, understandably. The board defends those cases where release is not directed, but we have had to pay out compensation in some cases where it has been proved that a prisoner has suffered loss of liberty due to a delay in their release. So we have to look at how we prioritise the listing of cases, with the resources that we have got. In a nutshell, that summarises the main challenge that David and I found: ever-increasing workload, and not having the resources to match, and on occasions having to pay out money to prisoners that we would ideally have wanted to put into hearing those cases.

Moving on, in terms of what we've done, the big challenge was getting in enough judicial members. First we took the business case which was approved by the DG and the Minister, and we did quite a lot of research into why judges were not applying to join the Parole Board. It was for a combination of reasons: first there was a very bureaucratic, intensive recruitment process, and bearing in mind that they go through a very detailed recruitment process to become a judge, this was putting a lot of them off.

Another issue was that retired judges were not being paid the same fee rate as they would be had they sat in somewhere like a crown court or a Tribunal. Understandably, they were choosing to go and work in different disciplines. So we approached the ministers and OCPA with the agreement of the Cabinet Office Minister, Tessa Jowell, to bring in a much more simplified interview and recruitment process. We also agreed that with the Lord Chief Justice and the senior judiciary. A letter went out from David with the full support of the LCJ and the senior presider, asking judges who had a rape ticket, a murder ticket, or experience of mental health work, to express interest in the job. We had around 70 applications from judges, whereas in the past we were attracting about 10 or 12. All of those judges were invited to interview, and Sir David chaired every single board. We also had independent members, an OCPA member, and either myself or one of my senior team sitting on the panels. We haven't just rubber stamped every application: we have chosen those judges who we feel meet the competencies and demands we require. So far, 19 additional judges have been approved by the Minister, and we are just about to make another submission for a further 39. That will mean we would have, if approved, an additional 58 judges, which would more than double our judicial capacity. That is really good news.

We have also got the agreement that we can pay our retired judges the same fee rate as they would get if they sat in a crown court or a tribunal, and that is helping to attract more retired judges to do this work. The other thing we have done, is when David and I researched



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the amount of preparation judges were doing, they were having to do a lot of this work in their own time. When I first joined I was naïve enough to think I could just get the judges to work harder. But when I looked at their workloads and compared it with what judges did in crown courts and family work, I realised that the workload was far greater than that, and they were giving up vast amounts of their own time. So what we have done now, again with the senior judges' and the minister's approval, is to allow the judges to have two days' preparation, reading and writing up reasons time to three days' sitting. And I think that has proved helpful in retaining the judges we have already got.

The first tranche of judges has been approved by the minister. We are running training in the week of 15 March for 16 of those, and they will then become available to us to sit. We are looking at planning further training, probably in June and August, to get the remaining judges through. So that is really positive.

We have also been doing other things to tackle our backlog. One of the key changes is that the Parole Board rule change last April enabled us to train up independent members to chair our IPP hearings. So far we have trained 29 independent members, and this means that we can then take judges who were chairing those hearings to chair the lifer hearings where there is no choice about having a judicial chair. We have invested heavily in training these independents, we have a proper accreditation process in place, and that is also beginning to pay dividends.

We have also now got an intensive case management process in place. It's a bit like a pre-trial you would get in a court case. A member looks at what directions are needed, what witnesses should be called, and does a lot of preliminary work which means that we can get the cases ready at a much earlier date, which means that we don't then have to defer and adjourn them.

What we have not done is sacrificed on the quality side. As you will appreciate, it is

absolutely vital that we protect the public by maintaining very high standards of quality, and we have been monitoring and evaluating our written reasons. We have been doing that with experienced members and feeding back lessons learned into either individuals or best practice across the membership. We have also set up a Parole Standards Board, which involves other agencies, which is looking to drive up improvements in the quality of parole reports, and setting and monitoring standards. That has been done in close cooperation with NOMS, with whom we enjoy a very good working relationship and it has gone out to all probation officers and prison officers as guidance for the quality and standards that we require. Also a parole resources pack has gone out across the prison and probation network, which we are hoping will drive up the quality of dossiers. This has been endorsed by Michael Spurr the Chief Operating Officer in NOMS.

Finally, internally, we have been doing a lot of work to reorganise the team. When I arrived, there was no way of telling me how many staff I needed to do what work. That was quite a difficult position, because some of our case workers had seen their work more than doubled, and were being constantly deluged by work. So we have done a big review of all of that, to even out the workload, and attach case workers to prisons, so that they can build up really good relationships with the parole clerks in the prison, trying to get away from a blame culture, and talking to individuals. We are also rolling out a new IT system in May, which will replace a number of stand-alone systems which are very antiquated. This will allow our staff to manage cases on a single database. In addition some of you may have heard about the LEAN programmes, where you look at eliminating waste. We have just started doing the first of those workshops, looking at things like how we copy documents and process post, and we had our first set of presentations last week, which have already knocked a large amount of waste out of the system, and given us time to invest in other areas, to improve quality and even out the workload. That's what we have been concentrating on over the past ten months, and

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hopefully gives you a picture of the times and what we have been doing to try and address the challenges.”

Sir David Latham: “Meanwhile, looking at the future: when I came, the consultation exercise was proposed. It didn’t start as soon as anyone expected. It was intended to start in April of last year, but it didn’t start until June. The consultation exercise has now been completed, in the sense that all the responses are in. What was it intended to do? It was intended to look at the future place of the Parole Board. There were those of us who thought it might be an opportunity to look at the jurisdiction of the Parole Board as well. But essentially the consultation exercise has concentrated on its constitutional position, on the one hand, and its practical position on the other.

As far as its constitutional position is concerned, those of you who were here on the last occasion will remember Sir Duncan indicating that he did not feel that the Parole Board could properly continue as a non-governmental body with an umbilical cord directed to the Ministry of Justice. That was tying it too closely to the executive, to a source of money, and in particular to the Minister who actually appoints its members. Some other constitutional position would have to be found for it. That was certainly one of the matters that drove the need for the consultation exercise. The other was a feeling that it ought in fact to be connected to the Courts Service – using that word for the moment very generally - either as a court or court-like body, which is what the Court of Appeal describes it as, or as a tribunal. The debate which has taken place in the context of the consultation exercise seems not really to have concentrated on the question of whether we should remain attached directly to the Ministry of Justice. There may be some voices to support that, and the fact that we are working extremely well with the Ministry of Justice at the moment makes it from our point of view slightly sad that we think it’s inevitable we’ll have to be removed from a direct connection with it.

At the moment the likely options are that we become connected to the Courts Service as a form of court, or that we are or remain a non-governmental body, but with our sponsoring unit being not the Ministry of Justice, through the Access to Justice group, but the Courts Service, linking directly to the Lord Chief Justice. The alternative model, which is the one proposed by Justice and those who support that view, is that we should become a tribunal and part of the Tribunals Service. There is a sort of irony there in the sense that the general policy of the present Ministry of Justice is, as I understand it, that the distinction between tribunals and courts should go, and there should be a unified structure with one administration. But at the moment we do have this bifurcation between tribunals and courts, and the debate is whether we should be connected with the one or the other.

There are clear parallels between the way that the Parole Board works and the way that the mental health review tribunals work. Both are concerned with assessing risk in relation to those who are being detained. But of course mental health patients are detained for another reason and another purpose. Therefore it is argued that the Parole Board could sit neatly within the same unit as the mental health review tribunals, as part of the Tribunals Service. I can understand that point of view but I don’t agree with it. The Parole Board has carried out an extensive consultation exercise amongst its members and amongst its staff and the clear view of both members and staff is that the Parole Board, in its present form, is capable of working well. We have a committed staff, and we have a structure in relation to the way the Board operates which in itself does not seem to be the subject of any sensible criticism. By that I mean we operate our decision-making process through panels, particularly those in oral hearings, where you have a judge, or as has just been explained a trained non-judicial chair, supported by two experienced panel members, who will often be, on the one hand, a psychiatrist or psychologist, and on the other, an experienced lay person, perhaps with experience of probation or similar work. We

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think that it would be a pity if change were in some way to disrupt that aspect of the way in which the Parole Board works, which is, in our view, satisfactory.

We accordingly came to the conclusion that the right way forward, to meet the constitutional problem on the one hand, but also to enable us to continue with the beneficial work that Linda and her team have been doing, would be to transfer the sponsorship from the Ministry of Justice to the Courts Service. The advantages of that are as follows: firstly, the Parole Board, unlike the mental health review tribunal, is an integral part of the criminal justice system, and in our view the Parole Board's place is within that system. If we have a direct connection with the Courts Service, directly linking through to the Lord Chief Justice, that would recognise what we consider its proper place in the system to be. Secondly, that has the great advantage that we are the direct responsibility of the body which provides us with the judicial resource which is necessary to do our work. In other words, the LCJ would be directly responsible for ensuring the Parole Board is properly staffed. Finance would come directly through the Courts Service, and not through the Tribunal Service.

Our concern about being part of the Tribunal Service is that those benefits would be diluted to an extent that might ultimately be unsatisfactory. We would simply be one of a large number of tribunals. The LCJ would not be looking at us as directly as he would with our solution. Our administrative structures would be seriously affected, I think. It is difficult to see at the moment how it is proposed that we would operate as a tribunal: I can see it could be done. It's not an impossibility. But it seems to all of us who have been looking at it that the benefits of us being part of the tribunal structure are only apparent and not real, whereas, if we are directly connected to the courts we are, in our view, obtaining the best solution.

Why not make us a court? The answer is that the Parole Board panels operate inquisitorially. They don't operate like a court. The panels ask

the questions, they summon up the evidence, and there are no rules of evidence. In the public interest, it is essential that Parole Board decisions are made on the basis of all available material which could possibly be relevant to the assessment of risk, irrespective of whether it is legally admissible in court terms. I don't think that the public would tolerate a system whereby issues so critically connected with public safety could be affected by a decision on admissibility of evidence. It's possible for a court structure to be developed which on its face would appear to protect the Parole Board's present procedures. But I fear 'creep' if we become a court. If we are called a court and we start to operate in any way like a court, I have this gut feeling that we shall end up having to accept structures and strictures which would prevent us doing the work in the way we do it at the moment. And for those reasons we have put forward a clear preference for us to remain essentially as we are, in terms of structure, but connected to the Courts Service directly. We shall wait and see what, ultimately— I suspect no decision will be made this side of the election — whoever is in power will determine to be the right solution.

That's where we stand at the moment. The next step is to be a paper, sometime this month we hope, from the Ministry of Justice, pulling together the threads of the consultation exercise, identifying what options are being proposed and putting forward some view as to what principles can be gleaned, to produce a practical solution'.

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