

Paul Goggins' speech to Probation 2004

*The Minister will follow two performances by a women's theatre group, Clean Break, who are staging a mock trial of the Criminal Justice Service's treatment of women. After prosecution and defence the audience is left to make its own mind up about the verdict.*

I am very pleased to be invited to speak at this unique conference, bringing together as it does probation professionals from around the world along with colleagues and partners from the other criminal justice agencies and the public and private sectors.

I feel I must start by responding to the powerful presentation by Clean Break theatre group. Without wishing to pre-empt your verdict I must admit that many of the accusations made are true. The vast majority of offenders – about 83 per cent – are men and so the criminal justice service is naturally geared to responding to male offending. There is also clear evidence that courts are treating women offenders more harshly, particularly for less serious offences.

Between 1993 and 2001 the female prison population rose by 140 per cent while the male prison population rose by 46 per cent. Yet three-quarters of those women in prison were serving sentences of less than a year and in most cases less than six months.

These statistics and other factors related to women offenders are now being tackled through the Women's Offending Reduction Programme – an agreed plan of action with key stakeholders, including the National Probation Directorate, the Youth Justice Board and the Prison Service. So I can assure you that the government shares your concerns and they are being addressed.

When the National Probation Service decided some 18 months ago to hold this international conference, no-one could have predicted how timely it would be. It is being held at a time of unprecedented change for the Prison and Probation services in England and Wales in the way they manage offenders.

I am aware that people whose working practices are the subject of change often feel threatened by the process. They see the need for change as implied criticism. I can assure all of you that the changes which will be introduced in June and fully implemented over the next five years are not a criticism of the National Probation Service nor of the Prison Service. Indeed they have been made possible by and will build on the remarkable progress they have made in improving the performance of prison and community sentences in recent years.

The changes I am about to describe were contained in the Correctional Services Review which we published three weeks ago, so probation and prison staff here have had some time – albeit not very long – to digest the information. But, for the benefit of our colleagues from overseas, I will provide more detail about those changes as well as setting them into context.

In this country we currently spend £4 billion a year on prisons and probation. That is almost £1 billion more than we were spending six years ago. Funding of the National Probation Service has increased by 46% over the last six years and the number of staff is expected to rise to 19,000 by the end of this financial year.

Since it was formed nearly three years ago the National Probation Service has made huge progress in key areas of performance. I am happy to endorse all the achievements which Eithne Wallis outlined earlier. The National Probation Service has much to be proud of.

Given the success of the Probation Service, which I may add has been matched by similar gains in the Prison Service, you may ask why change? Why fix it if it ain't broken? The answer is that we believe these gains are not enough. We believe that these two services can do even better and can deliver even better value for the £4 billion which we are currently investing in them.

The gains so far have been achieved with the two services operating separately. There are encouraging examples around the country of joint initiatives but our research shows that it is all too easy for offenders to fall between the two services. Rehabilitation work started in prison is not always continued in the community. Communication between the two services is patchy.

Our solution is to create a single National Offender Manager Service (NOMS) with a principal focus of reducing crime. Its aims will be to punish, to reduce re-offending and to protect the public. It will ensure the end-to-end management of offenders regardless of whether they have been given a community or custodial sentence. The first concrete steps have been taken. Martin Narey, the former Commissioner for Correctional Services, has been appointed as its Chief Executive. I am delighted that Eithne Wallis, the Director General of the Probation Service, will be Director of the Change Programme and she has already begun to build the team which will finish the new design for NOMS and implement it. She will set a fast pace..

NOMS will be responsible for

- improving the enforcement and credibility of community punishments so that prison is not the first option for less serious offenders

- ensuring that both custodial and community punishments make offenders address their behaviour and offer a path away from crime, and

- raising educational standards among offenders in order to break the link between low educational attainment and criminality.

So what will make NOMS different? For one thing, it will be an offender-centred system. It will manage offenders as individuals within a single system which integrates both custodial and community elements of the same sentence.

And we believe that this integration of prison and probation is best managed at a regional level where joint strategies can be developed with complementary services including health, education and employment. We will shortly appoint 10 regional offender managers who will source prison places, community supervision and other interventions from the public, private and voluntary sectors.

I have already referred to the large amount of money which the government invests in correctional services. We want to ensure that the public, which funds that investment, is getting value for money. That is why we are introducing contestability into the system. We want to encourage those with the skills, community connections, the technology or the capacity to innovate to compete to manage offenders in custody and in the community.

As this market develops offender managers will be able to buy services from whatever sector based only on their cost effectiveness in reducing re-offending.

But managing offenders within the system is only half of the equation. The Correctional Services Review was also charged with looking at sentencing practices themselves in the context of a marked upward drift. There are now more offenders than ever in the system. In 1996, 85,000 offenders were imprisoned. By 2002 this had increased to 112,000. There was an even bigger growth in community sentences – from 133,000 to 186,000.

Yet there has been no real increase in the number of prosecutions. The same numbers of people are going through the courts. The main reason for this large growth in the use of prison and probation is the increased severity of sentencing.

Ten years ago only one in ten offenders on community punishment had no previous convictions. Now the figure is one in four. There are now fewer steps on the road to custody than there were ten years ago yet there is no evidence of the offending population being more criminal. Put simply, a minor offender today is treated much more harshly than ten years ago.

In the Crown Courts the use of custody has doubled in the last 10 years. In the magistrates courts it has trebled. There is an over-use of custody for less serious offences.

Yet all the evidence shows that a short prison sentence, which gives little or no opportunity to address the root causes of offending behaviour, is ineffective in reducing re-offending. A longer community penalty is always likely to be more effective.

If the upward drift in sentencing were allowed to continue we would be looking, by the end of the decade, at a prison population of 93,000 with around 300,000 on community sentences.

I am interested to see that one of the mini conferences which takes place tomorrow will look at restorative justice and that restorative justice initiatives feature very much in your International Community Justice Awards. One of the reforms to be introduced will be a renewed emphasis for less serious offenders on their paying back to their community for the crimes they have committed.

Sometimes this will be through the use of fixed penalty fines and sometimes through other forms of reparation such as unpaid work. Fines as a punishment have lost credibility in recent years because of poor collection rates. This is already being addressed by the Department for Constitutional Affairs. And one of the recommendations of the Correctional Services Review, which the government will be considering, is a proposal for a Day Fine where the penalty is set as a number of days multiplied by a cash amount related to the individual's ability to pay.

As many of our overseas delegates will be aware, this system is already used in other parts of Europe, with collections rates high, largely because non-payment can result in a prison sentence equal to the number of unpaid days.

If courts could fine some of those offenders who now receive community sentences, which tie up probation officer time to very little real effect, then we would create more capacity in the community which could be used as an alternative to short-term sentences, reserving prison for the more serious offenders.

Let me emphasise, however, that this does not amount to the government going soft on crime. We are very clear that the most dangerous criminals will go to prison for as long as is necessary to protect the public. In the most serious cases that will be for longer than they have in the past. But we all know that sending a violent rapist or child sex offender to prison for a very long time is very different from sending a first-time thief to prison for six weeks.

The Correctional Services Review has coincided with the 2003 Criminal Justice Act. This Act creates several new and innovative sentences which will help create the unified case management process across prison and probation.

A single community sentence will replace all current adult community orders to allow the courts greater flexibility in tailoring sentences to individual needs. Intermittent custody, or weekend prison, which is now being piloted, aims to allow offenders to serve a prison sentence while still working and/or looking after families.

Custody Plus – a combination of prison and community supervision – will replace current sentences of less than 12 months. Custody Minus is a new suspended prison sentence which requires the offender to undertake community penalties during the period of suspension.

Having these penalties available is essential but targeting them at the right people is absolutely crucial. The Act also creates a Sentencing Guidelines Council, chaired by the Lord Chief Justice, which will provide guidelines to the courts on the full range of criminal offences. We will be looking to the Council to deal with the upward drift in sentencing and to end the current regional disparities. It simply cannot be right that if you commit a common assault in Lancashire you have a one in fifty chance of custody, whilst in parts of London the chance is one in three.

The Sentencing Guidelines Council will need to pay attention to what is effective in terms of sentencing. In the past we have not given the courts enough feedback about what works in terms of sentencing. In the future it is essential that we do.

We have already started that process through the feedback built into Drug Treatment and Testing Orders. That kind of approach needs to be more widespread.

As I said earlier, one of the cornerstones of the new National Offender Management Service is contestability – our partnerships with the private, voluntary and ‘not for profit’ sectors. I am pleased to see those sectors so well represented at this conference.

Offending behaviour cannot be dealt with in isolation. The contribution that the voluntary sector, for example, makes in terms of education, employment, mentoring and resettlement makes a real difference to the lives of individual offenders.

One of the Home Office’s key targets is to increase the level of voluntary and community activity by 5 per cent over the next three years. In a healthy democracy this is a good thing in itself. But we also know that if we are to build the capacity we need and if we are able to engage positively and constructively with offenders, then the partnerships that are growing between the sectors are vital.

This also links into the government's civic renewal agenda which is about government and its agencies engaging with communities at a much more fundamental level. It is about helping communities to renew themselves from the bottom up. And what the voluntary sector provides is a route in – a way for volunteers to engage and play their full part in crime reduction.

The community-based end-to-end management of the offender envisaged in the operation of the National Offender Management Service underlines this. Crime is committed in the community and in the vast majority of cases the offender returns to that same community. It is important for the community to share in ownership of the causes of crime, reparation, the rehabilitation of the offender and the eventual reduction in crime.

I am happy to take questions.

## **1. GENERAL**

### **Q What is the timescale for implementation of NOMS?**

An implementation team is already being established which starts work on Monday (February 2). This team will report to the Correctional Services Board chaired by myself. NOMS comes into being on June 1 but not everything will be in place. We expect that within five years there will be a fully Regionalised NOMS visibly working in and with local communities.

### **Q How much will the reforms cost?**

We are working on detailed costings. But Patrick Carter, who led the CSR, has estimated that the full package of reforms will be considerably cheaper than the present system in the long term.

### **Q What do you mean by a renewed focus on paying back to the community?**

The government's restorative Justice Strategy has encouraged offenders to face up to what they have done wrong. We intend to build on this for low risk, low harm adults. The Criminal Justice Act includes new conditional cautions which will be linked to financial reparation to the victim.

### **Q Will there be a more extensive use of electronic monitoring?**

Yes. Home Detention Curfew, electronic tagging, has provided a monitored return to the community and has helped offenders to re-integrate into society. We intend to extend the use of electronic monitoring and are currently developing a pilot of satellite tracking technology which would allow offenders to be continuously and accurately tracked.

## **2. PRISONS**

### **Q Are the proposals simply a panic response to prison overcrowding?**

The over-riding purpose of the reforms is to improve the management of offenders and reduce re-offending. Offenders for whom prison is the right penalty will continue to be sent to prison. But there are many offenders for whom tough non-custodial penalties will be more appropriate. Our proposals will provide sentencers with a full range of penalties and advice on what is more likely to be effective in reducing re-offending in particular circumstances.

### **3. PROBATION**

#### **Q The National Probation Service is less than three years old. Why are you changing things again?**

The creation of NPS has brought much greater innovation and consistency of service provision to what had previously been a fragmented and disjointed service. This reform package is the next step in transforming the delivery of community penalties .

This government has invested heavily in the correctional services and we have seen great improvements in the enforcement of community penalties and in the delivery of community-based programmes and interventions to help offenders desist from crime. But the new sentences which will be introduced following the Criminal Justice Act will require much closer working between prison and probation and a fully integrated approach to the management of offenders will continue to be at the heart of the new Service. The frustration of the present system, which often works in ways which prevent the effective management of offenders, will be replaced by a single end-to-end responsibility for offenders whether they are in custody or the community.

#### **Q What does the change mean for the local governance of the probation service?**

We are committed to maintaining local involvement in the delivery of correctional services. We do not yet have a view on how best this can be achieved within the new structure and this is a specific area on which the Home Secretary has asked for views.

#### **Q Will the merger mean that the Probation Service is in effect taken over by the Prison Service?**

Absolutely not. These changes are designed to deliver improved end-to-end management of all offenders and in doing so re-balance the use of custody and community penalties. Given the emphasis on case management, probation staff will have a key role to play.

#### **4. HR ISSUES**

For NMS to work effectively there will be an increased emphasis on devolution to the regions. There will be a necessary slimming down of the HQ functions that are currently spread between the Prison Service, the Probation Service and the Home Office.

##### **Q What will happen to staff?**

For most staff in prisons and probation the changes are unlikely to have an immediate impact. But over time the relationships will change. The main changes will be felt first in the headquarters of the services as we begin to bring functions together. The Implementation team will ensure that there is full consultation with staff and unions.

##### **Q Will there still be prison officers and probation officers?**

Yes. There is no intention sat present to make any changes. But over time we want to make it ewasier for appropriately skilled staff to move between jobs. Already, for example, a variety of differently graded staff deliver offending behaviour programmes within custodial and non-custodial settings.

##### **Q What will happen to the different grades and pay structures?**

No decisions have been taken yet and any changes would be subject to the usual consultation agreements with staff and the unions.

##### **Q Why haven't you consulted with staff before deciding what to do?**

The government has accepted the recommendations of an independent report and outlined the principles which will underlie the new arrangements. But the detail is still to be decided and we want to hear the views of key stakeholders including the unions and individual members of staff.

#### **5. OPERATIONAL ISSUES**

##### **Q Won't people be more at risk if fewer people go to jail?**

Prison is the right place for serious and dangerous offenders. These proposals are all about making sure that prison places will continue to be available in cases where the courts decide that this is the right punishment.. But there will be a range of other penalties available to sentencers to together with advice on which are most likely to be effective.

**Q What if courts continue to send the same number of people to prison?**

This is where we will be looking to the Sentencing Guidelines Council to ensure that the new sentencing guidelines are implemented.

**Q Why ask for opinions when you have clearly made up your minds?**

We are clear on the way ahead but we do value the views of practitioners and other stakeholders as to how to implement our plans most effectively

**Q Will this mean more work for the private sector?**

The government is not interested in using the private sector for its own sake, whether in prisons or the community. We want the most effective sentences no matter who delivers them. But experience in the prisons sector has shown that competition leads to improvements and we therefore intend to encourage partnerships between providers in the private, not for profit and voluntary sectors which harness their respective strengths.

**6. THE CONFERENCE**

**Q How much has the conference cost and wouldn't this money have been better spent elsewhere at a time when probation areas are short of money?**

The conference has cost £250,000. This is what was budgeted for. It is the only major staff conference this year and the last conference which will be held under the NPS banner.

International work gives us the opportunity to share experience and expertise with colleagues in other countries. Over the last year the NPS has worked with many countries including the Czech Republic, Estonia, Bulgaria, the Netherlands, Austria, Bermuda, Lesotho and Jordan. International work has generated an income of approximately £1 million for the service.

## **7. PROGRAMMES**

### **Q Is there an ongoing role for programmes as part of the future work with offenders in the community?**

Certainly, some of our most successful sentencing options depend on programmes to ensure that offenders address their offending behaviour and make changes to that behaviour which is likely to reduce reoffending. For example, work with drug abusers as part of a DTTO or with a persistent young offender as part of ICCP. Our management of sex offenders in the community is based on the delivery of well designed and evaluated sex offender programmes.

### **Q. Will voluntary agencies be able to deliver programmes to offenders in the community?**

Yes, this already happens. Some Probation areas have entered into partnerships to deliver certain programmes, e.g. Warwickshire has a partnership with a local drugs agency to deliver the Drink Impaired Drivers programme. Others work with the NSPCC or faith based organisations where these are appropriate to the task. We want to encourage a range of diversity of provision that reflects both an equitable service for offenders but recognises local needs.

### **Q. Prison and Probation Services both deliver programmes. What changes do you see there?**

One of the achievements of the past two years is the closer working relationship developed between the Prison and Probation programme development teams. All development work is now joint and there is also a growing portfolio of shared training for programmes. This can only make it easier to develop common bases of work under the National Offender Management System.

The new sentencing framework of the Criminal Justice Act will make it easier to develop "seamless" provision of programmes to offenders, so that they can continue or build on the work they began whilst in prison.

## **8. ICCP**

### **Q Why has ICCP been introduced?**

- Fills a crucial gap between community sentences and prison
- The intensity & restriction of liberty in ICCP provides a greater degree of credibility with Sentencers and the public
- Builds on the manifesto commitment to provide services for this age group following the Youth Justice Reforms
- Provides a model for effective partnership work
- Has the potential to offer a cheaper more effective option than short custodial sentences

**Q. What evidence is there to indicate that it is successful?**

- Since its introduction in April 2003, ICCP has continued to meet its target commencement rate.
- At present there is no formal evidence of ICCP's effectiveness either in terms of reducing the use of custody or in reducing reconviction. With only 272 Commencements to date, and no completions due until at least April 2004, it is too soon to state the extent the order is achieving its objectives.
- Anecdotal evidence indicates that sentencers welcome this initiative and it is being used appropriately. There is also some evidence from the Quality Reviews to indicate that probation staff are proposing ICCP for those offenders with a high risk of re-offending.

**Q Isn't ICCP simply a political initiative to take pressure off the over-crowded prison system? What would you say to those people who accuse you of going soft on crime?**

- Evidence suggests that short-term prison sentences are ineffective – hence high reconviction rates. There is insufficient time during custody or on release to engage in effective interventions aimed at increasing rehabilitation and reducing reconviction.
- Intensive sentences can provide a more credible and effective alternative for those offenders who do not represent a significant risk of harm to the public.
- ICCP will be far from 'a soft option'. The project will involve over 500 hours of activity within the first 6-months and a maximum of 2016 hours home detention i.e. being detained at an address for specified periods of time. The restriction of liberty involved in this project exceeds that of a short 3-month custodial sentence and subsequent YOI licence period. The partnerships formed as a result of ICCP will ensure a higher level of surveillance
- This can result in fewer victims and greater control of offenders in the community.

**Q. This age group is characterised by its non-compliance on community sentences what will be different in this project and how do you intend to protect the public?**

- We have accepted that not all offenders who engage with this programme will complete successfully. The difference this programme brings is the intensity of contact and its added 'control' mechanisms, which are different to that of existing community sentences. In addition there is also agreed levels of police surveillance. This combined approach will result in a quicker response to non-compliance & further offending, thus reducing the opportunity to commit further offences; resulting in fewer victims. Current information indicates that the rate of non-compliance is 52%
- Offenders subject to ICCP will also gain more support than in existing orders, enabling a better response rate.
- A completion rate of 40% has been put forward for agreement & NPD are presently reviewing the current National Standards to ensure consistency of practice and a focus on increasing compliance rates

**Q. How will this initiative fit in with the new sentences under the Criminal Justice Act 2003?**

- Under the provisions anticipated, ICCP is likely to be positioned as suitable for high-risk (of reoffending) offenders receiving the generic community sentence or custody minus.

**9. DIVERSITY**

**Q. What percentage of staff in the NPS are from minority ethnic groups?**

NPS have met the targets set by the Home Secretary. Additionally we have met and gone beyond the 2009 milestone, which was set at 8.3% for 2003. The current representation is 10.5%. The 2009 milestone for Probation Officers was 8.6% the 2003 representation is 11.3% and the 2003 milestone for non Probation Officers was 8.1% and the 2003 representation is 10%

**Q What percentage of minority ethnic staff are in management positions?**

The numbers of minority ethnic staff at ACO level has risen from 4 in 2000 to 15 by March 2003 an increase of 4.5%. Also SPO's from minority ethnic backgrounds now represent 9.2% of this grade.

**Q. What steps are being taken to increase the numbers of minority ethnic staff attaining senior position in the NPS?**

A positive action programme called ACCELERTE is due to begin in June 2004. ACCELERTE is designed as a learning and development programme for 40 middle and senior managers, 30 of whom will be from minority ethnic backgrounds and 10 of whom have disabilities. Its intention is to enable participants to realise their potential and to compete effectively for the most senior jobs in the Probation Service.

**Q. How does the NPS support minority ethnic staff?**

The staff associations for minority ethnic staff – ABPO and NAAPS – proved Black and Asian staff with an important resource for support networking and professional development. They receive financial support from the NPD for their annual conferences and executive member's time.

**Disability**

**Q. What percentage of staff are from disability groups?**

Monitoring for disability will be undertaken in the near future. There are also plans to set up a Disabled staff group in the next financial year.

## **Gender**

### **Q. How many women are there in the NPS and how many hold senior positions?**

59% of probation officers are female; 46% of senior posts in the NPS are held by women; there are 18 female Chief Officers of probation areas – 43% of the total (March 2003 figures).

### **Q. What is the number of female board members and how many women are board chairs?**

Female board members make up 34.7% of board members. There are presently (prior to new board selections) 9 female board chairs. (March 2003)

### **Q. What is the NPS doing to implement the DDA?**

A senior manager for disability was appointed last year. He is working closely with Estates and areas to ensure that the Reasonable Adjustments set out in the legislation is acted upon and implemented throughout the service. Recently a probation circular was sent out detailing the latest developments in this area.

## **Service Delivery**

### **Q. How is the NPS ensuring that its services are appropriate for minority ethnic and disabled offenders?**

Over the past few years a number of initiatives have been developed to ensure NPS services are appropriate. A thematic report on race equality produced by Her Majesty's Inspector of Probation (HMIP) identified that pre sentence reports were not being consistently produced for minority ethnic offenders. To address this a cash performance linked target was set in 2003/4 for all areas to produce PSR's for 95% of minority ethnic offenders. Another example of this is race equality impact assessments, which were identified in the Race Equality Schemes, produced by all our areas in 2002. Most areas have received training in conducting impact assessments and will use this knowledge to identify whether their procedures, policies and practices have a negative impact on minority ethnic service users. If such negative impact is identified, actions will be put in place to deal with it. It is intended to extend this impact assessment to other areas of diversity in the coming year.

Additionally steps are being taken to ensure that other diversity needs of offenders including disability, faith and sexuality are addressed. This includes a faith conference being organised for NPS staff in February 2004.

Language - Areas with more diverse populations have developed translation and interpreting services, (often in partnership with local providers) including sign language for use when needed.

**Q. How does the NPS address the diverse needs of victims?**

Our work with victims takes into account the diversity of victims in a similar way to offenders. The National Guidance from NPD on Victim contact has a section on special needs and diversity. This guidance stresses that it is important that victim contact is fully accessible to all minority groups, and that any special needs are taken into account before an initial visit.