

24th October, 2013, London

Letter from the UK (#2) by Phil Wheatley¹

More Blunders of Our Government?

In a recently published book, 'The Blunders of Our Government', two distinguished academics and political scientists, Professor Anthony King and Sir Ivor Crewe, pointed out that radical change is a challenge for Government and failure has its consequences. They write in the introduction to their book, "In previous generations, foreign observers of British politics viewed the British political system with something like awe... Sadly, the British system is no longer held up as a model, and we suspect one reason is that today's British governments screw up so often."² Later, they quote one minister who reflected on one of the many debacles they documented by saying, "It needs exceptionally clever people to produce anything so stupid".

King and Crewe reviewed the years 1979 to 2010 (Thatcher through Blair/Brown), but the lessons they draw from past blunders should echo in the ears of the current Government. This is because the Government in England and Wales is moving rapidly ahead with a radical reorganisation of Probation and the delivery of rehabilitation work in prisons in a programme they call "Transforming Rehabilitation". Success in any area requires a thorough analysis of the evidence and a full understanding of the operating environment in order to generate sound policy proposals. And new policies need more than a well-crafted announcement. If they are to be successful it is essential that committed and skillful managers who have sufficient time to develop their staff and are backed by information technology that is tailored to support the change. Implementation must be properly resourced, carefully planned and determinedly led. The Government has recently released two important publications as part of this programme that suggest some of these factors this may be lacking.

The first of these publications, 'Transforming Rehabilitation', initiates the process of procurement for the delivery of Probation services and sets out the Government's plans³. They call for a rapid process of contracting out on a regional basis all low and medium risk Probation work, except for reports to court and enforcement action. The new providers will be called Community Rehabilitation Companies and may be either newly formed Public Interest Companies or from the private or voluntary sectors. Around half a billion pounds worth of work will be contracted out under this initiative, making it a major sell-off of a service that has historically been publicly provided. The rapid pace means there will be no opportunity to pilot the policy change and learn lessons before national roll out.

The organisations that win these contracts will take over most existing Probation work and also a new and additional area of work. The new work involves resettling and supervising prisoners serving less than twelve months who in future will be released on a twelve month licence period. This is a substantial addition to the current workload. These companies will also be responsible for providing most prison rehabilitation work for prisoners in newly designated Resettlement Prisons.

The second publication attracted much less press and trade union attention. Released under the banner of 'Transforming Rehabilitation,' it is titled, *Transforming Rehabilitation: a summary of evidence on reducing reoffending* and was written by the capable and well-informed statisticians that staff the Ministry of Justice Statistics and Analysis Group⁴. This document gives a broad overview of the existing evidence on what actually reduces re-offending and promotes desistance. It deserves careful scrutiny because it is the best up

to date summary of current knowledge on the subject. It provides an excellent summary of the dynamic risk factors connected with re-offending including the implications of the research into desistance from crime, and carefully explains the value of taking an integrated and holistic approach to reducing reoffending.

The report is especially helpful because according to the authors, “it provides an assessment of the strength of the existing evidence. These assessments are based primarily on the robustness of evaluation designs, which determine the confidence we can have in the findings”. The state of evidence on the various methodologies and techniques for reducing reoffending is classified under three categories;

- **Good** where there is a clear result based on good quality research.
- **Mixed/Promising** where there are contradictory research results, or where the evidence indicates improvements in functioning that should theoretically reduce reoffending, or in studies where the evidence is of insufficient quality to prove conclusively that offending is being reduced, but where results appear promising.
- **Insufficient** where not enough evidence is available to draw conclusions.

Many of the results of this assessment of the existing evidence are really interesting, with several interventions having good evidence to support them.

There is good evidence that drug interventions reduce reoffending and that most of the well known interventions work well, including methadone maintenance, treatment with heroin prescription, therapeutic communities, psychosocial approaches and adoption of an abstinence based approach. The results are particularly good when work in prison is followed up in the community after release.

There is also good evidence that most of the main cognitive-behavioural programmes work, providing they are intensive and involve role-play and relapse prevention.

Psychosocial interventions based on the principles of risk, need and responsivity are also described as good.

While no other treatment method is categorized as good, there are a number of methods assessed as ‘mixed/promising’ in that the interventions may reduce reoffending but the evidence is less clear. For example, the evidence for both domestic violence and for sex offender treatment programmes is described as ‘mixed /promising’. So too is mentoring, restorative justice interventions, the use of family visits and home leave for prisoners to link with their families, diverting mentally ill offenders straight into the mental health treatment system, drink driver training programmes and, finally, employment/education programmes

No other interventions assessed in the report were judged as having sufficient evidence to demonstrate their efficacy.

The costs of crime, including both its impact on individual victims as well as the wider commercial impact, have recently been estimated at £34 billion per year⁵. Such a high cost should provide a solid justification for investing in research to reduce offending. Sadly, the MOJ’s own published assessment of the best available evidence on reoffending and desistance shows clearly how little reliable research has been commissioned by

Government, who have been directly responsible for all prison and Probation Services. As a result, there is little evidence for providers in the new Community Rehabilitation Services to draw on. This leaves the field open for quack remedies, which are often peddled with great enthusiasm by their supporters.

As King and Crewe have demonstrated, politicians and policy makers who take the key decisions on allocation of funding have a long track record of not using the evidence that is available and the Ministry of Justice is no exception. For example, cognitive-behavioural programmes have a good evidence base, but the number of people completing these programmes has been reduced over the last two years in England and Wales. The Government, on the other hand, has sought to increase restorative justice interventions where the evidence is at best mixed.

The current policy 'fix' to compensate for this lack of evidence is to award contracts to providers on a payment-by-results basis. This, however, is an unreliable method of building a good quality evidence base; it takes a long time for reoffending results to emerge and they will inevitably be complicated by the difficulty of taking proper account of differences in risk of reoffending caused by variations in the sentenced offender population. These variations can result from changes in policing, sentencing and patterns of crime. As an example the risk of recidivism of elderly offenders convicted of historic sex abuse is likely to be low, whereas chaotic drug abusers convicted for shoplifting will probably present a high risk. Therefore if police resources to deal with shoplifting are reduced and instead are targeted on historic sex abuse then the reconviction rate will appear to improve without any real improvement having taken place.

It remains to be seen whether those Community Rehabilitation Companies that base their service proposition ruthlessly on the published evidence will be rewarded with contracts. Greater success may come from pandering to the enthusiastic supporters of politically popular treatments or simply by being cheap without necessarily providing high quality and high intensity interventions that research evidence suggests are necessary to reduce reoffending. The outcome of the competition will be known by autumn next year when the Government will announce who has been awarded the contracts.

There is no doubt that the timescales are challenging for providers to put together quality bids and for the Government to evaluate them. It is still unclear whether the collaborative effort needed to ensure a holistic approach to working with individual offenders can be secured in an operating environment with multiple providers, many of whom are in competition with each other. In addition, adequate resourcing is bound to be difficult in the current climate of austerity and with an increased workload of short-term prisoners to supervise.

Though the jury is still out, even the most optimistic observer must recognise the potential that this may prove to be another Government blunder in the making. Perhaps King and Crewe ought to be ready to prepare a sequel to their book.

Phil Wheatley

¹ Phil Wheatley was appointed Director-General of HM Prison Service on 1st March 2003, the first Director-General to have previously been a prison officer. On 1st April 2008, the Prison Service was merged with the National Probation Service to create the National Offender Management Service (NOMS), which he subsequently led as Director-General. On 14th June 2004, he was made a Companion of the Order of the Bath (CB) on the Queen's Birthday Honours List. He retired in June 2010. Jack Straw, Justice Minister

during Wheatley's time as Director General of NOMS, praised him as "an extraordinarily dedicated individual" with "a record of public service that is second to none". Phil Wheatley went on to serve as a member of the Northern Ireland Prison Review Team led by Anne Owers. The Review Team report was accepted in full and is currently being implemented, committing the Northern Ireland Prison Service to regimes based on desistance criminology. He is currently a non executive director for the Northern Ireland Prison Service, and in a consulting role he has worked for the Foreign and Commonwealth Office, the Government of Bermuda and the private company G4S which operates prisons and justice services in the UK and elsewhere. His successor is Michael Spur who was previously the Chief Operating Officer of NOMS.

² King, A. and Crew, I. (2013), *The Blunders of Our Government*, Oneworld Publications, London.

³ Ministry of Justice, (2013), *Target Operating Model: Rehabilitation Programme*, Ministry of Justice, London. See also MOJ website, *Transforming Rehabilitation: A Strategy for Reform* at <http://www.justice.gov.uk/transforming-rehabilitation>

⁴ Ministry of Justice, (2013), *Transforming Rehabilitation: a summary of evidence on reducing reoffending*, Ministry of Justice Analytical Series, London.

⁵ See "New figures show crime costs £34 billion," at <http://www.victimsupport.org.uk/about-us/news/2011/01/economic-impact-of-crime>.