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Letter from the UK by Phil Wheatley¹

Confusion in Corrections

Maybe, as the psychologists have told us, bad news really is stronger than good news. It certainly seems to be true in the world of Corrections in England and Wales lately, where the good news is consistently ignored and bad news, much of it wrong, is accepted as true. The good news, for example, includes the facts that rates of crime and reoffending have been falling for many years. Crime rates today are less than half what they were in the peak year of 1995, according to the latest British Crime Survey. Reoffending rates have also fallen; between 2000 and 2009 Community Sentences improved by 9.4 percent and overall for custody by 10.7 percent. The rate of progress was even more startling for longer term prisoners: 25.6% reduction for 4 years and over, 23% reduction for 2 years up to 4 years and 12.4% reduction for 12 months up to 2 years. The rate even improved for those prisoners serving under 12 months, by 6.5%. This impressive record of success reflects the Labour Government's 2000 Spending Review investments in programmes, drug treatment and education/training for offenders. The Government's own statistics provides strong evidence that the accredited offending behaviour programmes in which much of the Spending Review money was invested has paid off in reducing reoffending. A careful analysis of costs, workload and outputs demonstrates that between 1997 and 2010 the prison system made measurable efficiency gains in the order of 20% while successfully dealing with a 40% increase in population.

What seems to have worked to reduce crime and reoffending has been a combination of factors including:

- A determined effort to treat drug addiction and educate young people about the risks of addiction.
- Greater inter-agency working between Police, Local Authorities, Health and Probation both to reduce crime and disorder and to deal better with young offenders and serious and prolific offenders.
- Nationally led effort to target harden and reduce opportunities to commit crime.
- The introduction of offending behaviour programmes and better practical support for offenders on education, skills, employability and housing.
- Greater co-operation between prison and probation with increased supervision on release.
- An increased emphasis on decency in prisons and a drive to develop staff prisoner relationships as a positive contribution to reducing reoffending.
- A greater willingness from prison managers to work openly and cooperatively with both the private and voluntary sector in order to be both more efficient and more effective.

This approach has drawn heavily on evidence and research. Academics have helped to develop policy and for example played key roles in ensuring offending behaviour programmes are soundly based. Professor Friedrich Losel one of the foremost academics in criminology has analysed the international evidence and demonstrated positive effects of between 10% and 30% for such programmes. Prison research from the Cambridge

Institute of Criminology has influenced regime delivery in prisons and Desistance
Criminology has informed recent developments in Probation practice.

Against this background of solid good news any rational observer would expect that the Government and Opposition would be pleased to recognise success and be working to build on it. How then does one explain the current political consensus that the Corrections system is failing and needs radical overhaul? The Government's position can only be understood against the background of a constant barrage of tabloid reporting of crime by the media and the Conservative Party's election rhetoric of "broken Britain". In their election campaign in 2010 the Conservative Party's took the line, enthusiastically endorsed by the mass media, that crime was growing and that communities were increasingly threatened by that increase. Official crime figures showing falling crime were discounted as inaccurate. Interestingly the conviction that radical change is required is not shared by the devolved Governments of Scotland and Northern Ireland. They are both adopting policies that build on and develop current practice. They are seeking to avoid the overuse of prison, particularly for short term prisoners and to encourage wider community engagement in reducing reoffending.

Informed observers watched with interest when the first crime figures published by the Coalition Government on their watch showed a continued fall in crime. These figures were given minimum publicity and were largely ignored by Ministers and Government spokesmen. This year's published crime figures are the first that Ministers in the Coalition Government have been prepared to actively publicise, presumably on the basis they can now cash in on the success of falling crime rates and that the clash between their 2010 election rhetoric and the figures is so far away that most electors will not notice.

Also telling was the coalition Governments early decision in the Ministry of Justice to cease publication of the annual data on reoffending which compared actual offending rates by sentence with predicted rates. This data allowed progress on reducing reoffending to be tracked over time but in its absence it is no longer possible to do this. Too much good news apparently will not serve.

The Labour Party have been reluctant to challenge this negative view. It seems logical that they would wish to take the credit for improvements delivered while they were in government. But paradoxically, even when in office, they often failed to recognise and publicise their own successes on crime. Under Tony Blair, Number Ten frequently briefed against his Ministers on these issues and he removed Jack Straw from the Home Office after the first term of the Labour Government on the grounds that he had failed to grip the issue of crime. David Blunkett then became Home Secretary and made it clear that he thought Jack Straw had left the Home Office in a mess. It is a sad fact is that at the centre of Government the views of the tabloid press were often regarded as a more accurate assessment of the level of crime and reoffending than the Government official statistics.

Now we find ourselves confronted with a set of radical changes proposed by Chris Grayling on behalf of the Government that include the abolition of locally based Probation Trusts, the introduction of a National Probation Service providing advice to the courts and dealing with high risk offenders, and the introduction of compulsory supervision for all prisoners serving less than twelve months. The latter development will add another 20% to the existing caseload. This new work plus all the existing low and medium risk Probation work as well as much of the treatment provision in prisons is to be contracted out on a competitive basis. Public, private and voluntary sector providers are expected to bid for

this work with payment being linked to reducing reoffending results. Probation National Standards are not to be applied to this contracted work and prison governors will only be responsible for the provision of security, order and "hotel" services. The Government's expectation is that the higher caseload can be managed on much less money. Their assumption seems to be that existing Probation Trusts are operating with levels of inefficiency in excess of 30%.

The Government's emphasis is on the value of hard work and on less generous regimes and privileges. The new policies are badged as part of a rehabilitation revolution but spending on research, which Chris Grayling apparently does not value, is an insignificant proportion of Ministry of Justice spending. The expansion of payment by results contracts is going ahead without waiting to evaluate the pilot projects that were originally initiated by the previous Labour Government. The academic expert input to reducing reoffending policy has reduced sharply. Instead the Government has decided, with no apparent reference to the existing evidence base, that it knows what will produce results in reducing offending - which is hard work for offenders in prison and mentoring by ex-offenders in the community. Prisons are already cutting staffing and reducing regime provision including the number of offending behaviour programmes

The integration of reducing reoffending effort will be challenging in the new world of multiple providers working to tight contracts. The need to make cost reduction makes it likely that mentoring by ex-offenders will simply be seen as a cheap way of doing business rather than recognising it requires investment in careful selection, training and supervision to be successful. There is the risk that the splitting of treatment from security and order in prison, accompanied by overall staffing reductions, will create the divisions seen in the USA's prisons. The creation of a USA style prison guard rather than the previous UK approach of prison officers actively engaged in constructive engagement with individual prisoners will be a truly fundamental change and flies in the face of much of the progress that has been made in recent years.

The most obvious way of making savings is by reducing the prison population, which has doubled over the previous twenty years in spite of the reduction in crime. But apart from some limited and sensible restrictions on the use of indeterminate sentences, this option has been rejected. Instead Government talks up tough sentencing and the Prime Minister has made it clear that he wishes to remain tough on crime and that it is entirely a matter for the courts to decide how many prison places are needed. There is no doubt that these policies have succeeded in winning the praise of the tabloid media to an extent that makes it very unlikely that the Labour Party will adopt strikingly different policies.

There are positives. The new policies will probably succeed in driving out inefficiency from Probation Trusts, where management costs are high, and provide real opportunities to break free of an over-concentration on process and compliance rather than reducing offending in community supervision. They also extend a degree of supervision and support to the previously neglected under twelve month prison sentence group. These positives are likely to be more than outweighed by the negative factors including the very real risk that treatment will be more disjointed under the new arrangements and that cuts in funding while workload is expanded will reduce effectiveness. The other major risk is the move away from investment in research and development of evidence based practice that is founded on the best research and academic knowledge.

The challenge for experienced and knowledgeable experts and practitioners is to find a way to influence future policy and to wrench it free from those facile political and media

commentators who have so successfully got a grip of it at the moment. We can and must do better than this. Some good news would certainly help.

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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.