

## Justice Committee

Oral evidence: [Transforming Rehabilitation](#)/Management and supervision of men convicted of sexual offences, HC 482

Wednesday 12 June 2019

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Watch the meeting

Members present: Robert Neill (Chair); Bambos Charalambous; David Hanson; Victoria Prentis; Ellie Reeves; Ms Marie Rimmer; Andy Slaughter.

Questions 375 - 464

### Witnesses

**I:** Robert Buckland QC MP, Minister of State, Ministry of Justice; Amy Rees, Director General for Probation and HMPPS Wales, Ministry of Justice; Jim Barton, Director and Senior Responsible Owner, Probation Reform Programme, HM Prison and Probation Service; and Sonia Crozier, Chief Probation Officer, HM Prison and Probation Service.



## Examination of witnesses

Witnesses: Robert Buckland, Amy Rees, Jim Barton and Sonia Crozier.

**Chair:** Good morning, everyone. Thank you very much for coming to give evidence to us. We start with the usual declarations of interest. I am a non-practising barrister and consultant to a law firm.

**Bambos Charalambous:** I am a non-practising solicitor.

**Ellie Reeves:** I am a non-practising barrister.

Q375 **Chair:** Minister, thank you very much for coming and bringing your officials. You are well known to us. All of us have met your officials in the past, but perhaps they could introduce themselves for the record.

**Jim Barton:** I am Jim Barton, the director responsible for delivering the probation reform programme.

**Sonia Crozier:** I am Sonia Crozier. I am chief probation officer of the National Probation Service. I also have responsibility within HMPPS for women.

**Amy Rees:** I am Amy Rees. I am the interim director general for probation and Wales.

Q376 **Chair:** Let me kick off. There have been some important announcements about the future of probation, welcome ones as far as this Committee is concerned. What changed the Government's mind from last October?

**Robert Buckland:** First, can I pay tribute to the work of the Committee, which has taken a long and informed interest in this? I am grateful to all members for having considered the matter and helped inform the process.

I am fairly new in post, but, as you know, Mr Neill, I have had a long involvement with the system and have worked with probation officers for the better part of 30 years, so I know their worth and value. I think we acknowledge that, although there has been important change brought about by transforming rehabilitation, we needed to make further changes. There had been a process during the TR regime from 2014 onward where we had made adjustments. Most notably, the decision to end the CRC contracts earlier than planned was a major adjustment, but we based our decisions on the evidence and the information, and as a Department we are not frightened to acknowledge when change is necessary.

This was one of the key moments when both the Secretary of State and I felt very strongly that we needed to streamline responsibility for provision in the area to make it clearer and more straightforward, in particular to understand the important role of the National Probation Service. These reforms will give the NPS a stronger and clearer role in managing all



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offenders. We believe that the system we are going to develop will enhance and encourage voluntary sector involvement in rehabilitation to a greater level than we have seen previously.

I have described the scenario as a mixed economy. I believe that very fundamentally. It is important that we retain the voluntary sector, and indeed the private sector, in helping us to make that provision, but the overarching framework within the NPS and the creation of 11 regions will underline the importance of allowing each part of the sector to play to its strengths and deliver more investment in further enhancing the role of our probation staff. That aspect of our proposed reforms has perhaps been somewhat overlooked.

For me, it is absolutely vital not only that we increase the number of probation staff, which is happening, but that they feel valued and understood by wider society as a vital part of the system, whose judgments are to be relied upon by sentencers and whose assessments within the community are an important part of offender management and rehabilitation. As part of that process, your Committee played its role, but the observations of the former chief inspector of probation, Dame Glenys Stacey, also played a very important part in influencing the thinking that has brought us to this position.

**Q377 Chair:** It is Keynesian; the facts or evidence have changed, and you have changed your view.

**Robert Buckland:** To condemn TR out of hand and say that it was a failure is unfair to many aspects of it: for example, the increase in the overall number of people supervised; some of the really good projects that we saw in the south-east relating to stalking; and the work done on unpaid work requirements. I do not think it would be fair to write off the past four or five years as a blind alley, because it certainly was not. A lot of what we have learned from that will be taken forward in the new model, but the end of the division between serious offences and less serious offences will help us, most notably not just with overall accountability but with the workload of probation officers. Perhaps we can explore that as we go into questions.

**Q378 Chair:** You have come into post recently. Have you had the chance to meet many frontline probation staff since you have been there? Perhaps you would tell us what you have found in terms of their response.

**Robert Buckland:** In the few weeks that I have been in office I have already visited a probation centre in Greater Manchester, together with senior probation staff, but, most importantly, to meet probation officers working with offenders on the ground in an innovative way. In the particular probation office I visited they were managing quite hard-to-reach offenders with a particularly innovative programme that involved therapeutic and support services to understand the underlying reasons for offending. For me, it is reacquaintance with a profession I have worked with and been impressed by over nearly 30 years.



Q379 **Chair:** I understand and agree with what you are saying. I think we would all endorse what you say about probation staff.

One of the things that troubled us was what seemed to be a diminution of confidence on the part of the judiciary and sentencers in the way they could rely on the follow-up to sentences. Can you talk to us specifically about how that is going to be addressed in the new system? The decision was that the people who wrote the reports were NPS staff, but in the past the follow-up was done by CRCs. How is the confidence of magistrates and judges going to be addressed? Bring in your officials by all means.

**Robert Buckland:** Absolutely, but can I lead off on that basis? I come to this job in the sense that I will take the position of the sentencer. Having done it myself and sat in the judge's chair and looked at the options when sentencing, I understand that the confidence sentencers need in their options is absolutely vital. We are already seeing some important examples of work being done to improve the options that have existed for a very long time in statute but which, in reality, have proved somewhat different.

Let's take mental health treatment requirements as part of a community order. A number of pilots are now being undertaken in Milton Keynes, Northampton and a few other centres—I think London is piloting two. We have not yet seen the outcome evaluation or the process evaluation, although we will, by the way, have some idea shortly from the Department of Health as to the process evaluation, but we are already seeing a tailored approach to individual need. I accept that that can be a challenge and there is always a resource issue with these options, but it is my aim to try to make sure that sentencers have a proper choice, that the words on the page in the 2003 Act become more and more of a reality, and that by improving that choice prison is not the only staple in the diet of sentencing, if I can use that phrase. That is well understood. I am happy for officials to come in to develop those points.

Q380 **Chair:** I understand that and agree with it, but I am interested in the nuts and bolts of how we give the sentencer reassurance that there will be a better follow-through than appears to have been the case in the past. Who would like to deal with that?

**Amy Rees:** To add to what the Minister said, in July we launched our probation consultation document called "Building Confidence". As part of that, we trialled the new model in Wales, which looks very similar to the model we are now going for in England and Wales, so we were able to gather quite a lot of detailed feedback about what people thought about that model, including the judiciary, and they were very supportive of what we were planning to do in Wales.

It comes down to some quite simple things. There will be one person responsible for probation in a region. If you have issues that you want to follow through, you will be able to go directly to one person. The system



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will have an owner in a region that gives a point of interface with the judiciary that we think has been missing over the last four or five years.

Q381 **Chair:** A resident judge at Chelmsford, Maidstone or somewhere has a specific person they can go to. Is that what it comes down to?

**Amy Rees:** And who manages the whole system.

Q382 **Chair:** That can be followed through, and the recorder, Mr Buckland or I, is in the same position to do that.

**Robert Buckland:** Indeed. I think the relationship between the judiciary and the probation service is absolutely vital. The judiciary need to have confidence that the authors of pre-sentence reports are people who have the experience, authority and understanding to reach judgments that can be relied on. I am not a nostalgist, Mr Neill, but we are looking at building those relationships in a stronger way. With technology, there are many other ways in which it can now be done just as effectively. The relationship—the liaison—is strengthened so that resident judges, circuit judges and recorders can have confidence.

Q383 **Chair:** I understand that. Does anyone want to add anything to the details and specifics of that?

**Jim Barton:** I acknowledge that the model we are now proposing to implement removes the disconnects you have referred to, Mr Neill, in terms of the person offering advice to sentencers not necessarily working for the organisation that is then responsible for those cases. Under the new model, that disconnect is simply removed.

Q384 **Chair:** There will be a direct link between the author of the report and those who do the administration. Similarly, if for any reason there is a breach and people are brought back, do you think you can give better assurance under the new system that it will be joined up?

**Robert Buckland:** Yes.

Q385 **Chair:** That is helpful. How does it differ from the old probation trusts? The Secretary of State says it does not, and I can understand why to some extent. Eleven regions are a bit different. What would you say are the key differences?

**Amy Rees:** There is obviously a size difference, which we have acknowledged, and that is important. Beyond that, there are some more important differences. As I just referred to, there will be a single director responsible for probation services in a region. That means both the directly delivered part and the commissioned part, but that responsibility is through a civil service relationship so the Minister will still be able to have a line of sight, not just on the direct delivery but on the commissioned services.

**Jim Barton:** Perhaps another point of difference with probation trusts is the size of the market involvement. I know that the Committee has



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followed the history of probation very closely over many years since the creation of probation trusts in 2010. You will remember that there was always an intent that probation trusts should commission out potentially up to 20% of their services. From my anecdotal memory of that time, having worked for one of those trusts, I think only one or two got anywhere close to that level, despite a considerable push from Ministers through successive Governments to try to achieve it. What we are committing to under this model is that there will be an absolute requirement that the National Probation Service commissions the provision of interventions from market providers, whether they be private or voluntary sector organisations.

**Sonia Crozier:** The other obvious difference is that we have become a national probation service in areas where it is important to have a greater degree of consistency. We have pursued that very hard and have taken out some of the differences that we inherited from 35 trusts—for example, in the use of our approved premises and the targeting of that. The benefits of being a national service will be taken forward into the new regions but will be combined with the kind of flexibility at local level around commissioning and engagement with the voluntary sector that Jim Barton has just described. It is about taking the best of what works nationally but combining that with new opportunities to have a greater focus on local engagement.

Q386 **Chair:** One of the criticisms of the previous regime was that, whatever the intention, in practice some voluntary groups were involved, maybe not as many as had been hoped, but that one thing the old trusts had was a fairly direct link into the local community through representation and membership of the trusts. That seems to have been very much lost.

Given that a lot of the folk who will be dealt with by probation will have housing and social services issues, potentially education issues and health issues, how will you get a meaningful say at local level as well as national level rather than everything being referred up the line to the Minister, as I found when I was in a health authority, and becoming very centralised? How are you going to avoid that?

**Robert Buckland:** We are already having active dialogue with police and crime commissioners. There was dialogue prior to the announcement, as you would expect and hope, and that has carried on. I met a representative sample of PCCs only last week to discuss ways we can jointly commission local services.

It seems to me that the “and crime” element of the PCC model is one that comes into play when we are dealing with prevention and rehabilitation. Therefore, it is an entirely logical step to use that network as an important framework, below regional level, to identify some excellent examples of local provision so that we can, as you say, have a direct link with the small charity that might be working with veterans in Wiltshire, for example, or an organisation that might be working with a particular cohort of vulnerable offenders in another part of the country.



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There will be a direct link in terms of how the relationship with the NPS is maintained. As Sonia says, the local being blended with the national is where the balance needs to be struck.

**Q387 Chair:** It is local knowledge, isn't it? Some of the key decision makers being involved is critical. What are the practical means by which you can achieve that, Ms Crozier?

**Sonia Crozier:** As we take forward future design, we want enough well-informed local managers who are working to a common set of principles engaging with local partners. That is different from the position we have been in previously where you might have managers from the NPS and the CRC combining two voices locally, which can be confusing, or perhaps there are no voices because one thinks the other is doing something. We will have a unified approach, with leadership flowing down and sufficient local managers on the frontline doing all the things you have just described, building relationships with local charities at a very local level in small towns across the country.

**Q388 Chair:** You signed MOUs with both the Mayor of London and the Mayor of Greater Manchester in relation to elements of justice devolution. Many of us would say that some elements of probation work are pretty obvious examples of areas where you could devolve a lot of the delivery of these matters. How will that fit together under the new set-up?

**Amy Rees:** We are in active dialogue with both of those Mayors and both regions. We already work quite closely with them. For example, in Greater Manchester we have had an intensive alternative to custody pilot running for some time, so it is building on a dialogue that already exists. We think the new model will be much better placed to allow us to work much more closely with those kinds of partners and others. Why? Because we are directly commissioning from a framework that will both allow much smaller organisations to be part of that framework and enable us to commission together with all sorts of organisations—PCCs, metro mayors or local authorities.

**Q389 David Hanson:** I will take you back to the National Audit Office, if I may. In its report in March this year, it said that the part-privatisation of probation services had been extremely costly to the taxpayer. What is your current estimate of the cost?

**Robert Buckland:** Where we are with the overall cost is that the net figure, in fact, is somewhat more encouraging when one takes into account the fact that we will have ended the contracts early.

**Q390 David Hanson:** What is it?

**Robert Buckland:** The projected spend? The overall non-spend on the contracts is £1.4 billion. The net figure is £800 million in terms of money actually not spent, so there is still an overall excess, if you like, rather than a deficit.





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Q391 **David Hanson:** There is a figure of £171 million in the National Audit Office report as the cost to the taxpayer. How do you account for that? What is that for?

**Robert Buckland:** That figure is included very much in the net figure. I can break that down. That £171 million consists of £113 million that the Department agreed with 20 of the 21 CRCs with regard to changing the baseline. You will remember that there was a frequency of reoffending baseline assessed as at 2011. What happened was that that was not reflected by the reality of the number of cases being dealt with by CRCs, and it was remodelled to a figure based on the 2015-16 year.

Q392 **David Hanson:** There was £467 million put in 18 months to two years ago. Where has that gone?

**Robert Buckland:** I am just trying to explain, if you will bear with me. A figure of £1.8 million was allocated to the Merseyside CRC. There was a particular issue there because they had overseen quite a significant improvement in the frequency of reoffending in their area and were making some progress. There was a request made by the parent company for the original baseline to be maintained because they were performing.

A figure of £30.2 million was agreed by the Ministry with regard to some technical variations with providers, which related to the source of the data used to calculate the volume of casework by CRCs, and £43 million was agreed with CRCs to deliver an enhanced through-the-gate specification right through to the end of 2020. There was £213 million that was a marginal adjustment factor change; in other words, that was the change to the contracts made back in 2017. That payment was made to rectify the original assumptions that we know have been looked at carefully by the PAC and which I know you understand.

There was an £82.2 million additional fee for service payments made to CRCs in the financial years 2016-17 and 2017-18, but, as I have said, because of the underspend of £1.4 billion, you take that into account and, although that money has been significant, the overall net sum that we are not spending—it is a bit inelegant—or the net money we have avoided spending because we ended the contracts earlier is £800 million.

Q393 **David Hanson:** But by ending the contracts early you are still going to spend that money in some form or other in the next couple of years, but not with the current CRCs.

**Robert Buckland:** Yes, but it is an important point—

Q394 **David Hanson:** As a taxpayer, Minister, what I am interested in is that the National Audit Office has said that the cost to the taxpayer is £171 million. I want to hear from you whether you agree with the National Audit Office or whether you can publish figures that show a different form of defence. I would appreciate that.





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**Robert Buckland:** With respect, I have gone through the figures with you because you deserve particularity. I know you would insist on nothing less as a former Minister for Prisons yourself.

What I am saying is that the projected overall spend on the contracts was going to be £3.7 billion. By ending them, we spend only £2.3 billion. You then add on the £470 million I have talked about. I am not giving you a conservative estimate. There are other rounding figures that mean an overall £800 million underspend.

Q395 **David Hanson:** Has it been a good deal for the taxpayer, Minister?

**Robert Buckland:** I have acknowledged that there have been problems with TR. That is why we are making these reforms. I am sitting here telling you frankly that we think we can do better, of course; but it would be wrong to say that overall, looking back on this period, we will have ended up spending more than the projected £3.7 billion. In fact, we will be spending £800 million less than that, which I think is an important overall framework in understanding where we are financially.

Q396 **David Hanson:** How much additional money have you put into the current CRCs for 2018-19?

**Robert Buckland:** I do not know whether Jim has any more granularity on that.

**Jim Barton:** You will appreciate that this is a reasonably confused figure, because, within the £467 million total, some payments, essentially, are backward looking because they correct assumptions in the original payment mechanism; some of them reflect adjustments to the ongoing monthly payments that we make—the changes to the fee for service mechanism that we made in 2017—and some of them are straightforward top-up payments to buy new services.

On the specific question about 2018-19, the changes we have made previously that will impact this year are the £22 million additional spend on a significantly enhanced through-the-gate service. That service is now live in all but four resettlement prisons, with 500 additional staff in post delivering improved support for offenders pre-release. The changes that we made to the frequency baseline that the Minister referenced previously mean that as a result most CRCs would, if we had not made those changes, have been paying us because of underperformance on the frequency measure. Most CRCs are now in a position where their frequency payments hover around a zero figure.

As the Minister pointed out, we believe that the change in the frequency baseline was, with the benefit of hindsight, absolutely the right thing to do, because the deterioration in performance between 2011 and 2015 happened before the CRCs existed or were under private ownership. If we had our time again, we probably would not have signed a contract that linked frequency payments to a baseline in 2011 that we and providers did. Last year, we made the choice that to enforce that element of the



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contract would have meant that contracts would have been underfunded. The consequence of that is a poorer probation service. That is not in our interest.

Q397 **David Hanson:** What is the plan for payments for 2019-20 until the contracts expire?

**Jim Barton:** We will apply current contractual terms, so it will depend on the volume of work that CRCs do and their performance under the PBR mechanism.

Q398 **David Hanson:** What is your rough estimate of the net cost to the Department of that contract for 2019-20?

**Jim Barton:** That is included in the figures you cite. When the NAO rightly says that the cost of those contract changes is £467 million, that extends from the date we made the changes to the end of the contract. For example, through-the-gate is £22 million a year, and £43 million in total between the point when we made that change and the end of the contracts.

Q399 **David Hanson:** In a previous session with Richard Heaton, we asked for a breakdown of the costs for each CRC, and the net plus or minus figure for each CRC. I have a letter from Richard Heaton dated 8 April in which he says: "You also asked for a breakdown of costs for the financial year... We are still finalising our year end position, so are not yet in a position to provide this data. We will provide you with an update as soon as we are able." Do you know when that will be?

**Robert Buckland:** I will take that away and make sure that the Committee is furnished with that information as soon as possible.

Q400 **David Hanson:** This is the final question from me on financing. In May this year, the permanent secretary, Richard Heaton, required a ministerial direction to process payments to CRC subcontractors because he could not reconcile those payments with his duty as accounting officer. Why could he not reconcile those payments? Why did the Minister overrule the decision of the accounting officer?

**Robert Buckland:** I do not have the information before me with regard to that particular decision. I accept that the procedure is not one that is commonly used.

Q401 **David Hanson:** It has not been used generally in the last 10 years.

**Robert Buckland:** I accept that, Mr Hanson. It is a matter on which I will want to furnish the Committee with full information. I do not have it to hand.

**David Hanson:** I am grateful for that, Minister. Could we have an explanation as to the reasons why the accounting officer's decision to rule out payments to subcontractors was made by the Minister, unless anybody at official level can help?



Q402 **Chair:** It will be helpful to have that.

Mr Barton, you talked about proceeding on current contractual arrangements until they terminate. Is there a risk of any further payments being necessary? You are working on the current volumes and assumptions until the end of the contract. Those assumptions of workload proved erroneous and unreliable in the past. Is there still a risk that we may need further bail-outs for some of those firms?

**Amy Rees:** As Jim outlined quite clearly, the contracts will operate in the way we have now set out. The package to which we have been referring in terms of the £467 million was one that we designed in order to take us to the end of the revised contract period. We believe, from the best knowledge we have, that that will be enough to stabilise as we go forward.

Having said that, in the way we have just described, the contracts are built on changing metrics. Did they reduce reoffending? Is that binary or is it among the reoffending group? What happens to fee for use? What happens to the rate card? Lots of elements can change over the next two years, so it is impossible to say it will be exactly as this, but in good faith we negotiated those contract changes in the belief that they would take us to the end of the contract period, and that would be sufficient to stabilise the system.

Q403 **Chair:** I think the Committee is rather in favour of the change you made. There remains a risk, but your view is that it is a manageable one.

**Amy Rees:** There are lots of changing numbers, and multiple parts and frequencies, which mean that it is difficult to say, when you take all of that, that there is no risk at all, but we believe we have taken steps to eliminate the risk as far as we can.

Q404 **David Hanson:** Can I get a commitment from the Minister, helpfully, for the Committee? When the period with the current CRCs has been finalised and completed, will you agree to publish a cost analysis of the final package for the costs of CRCs and the changes from 2011 to 2020?

**Robert Buckland:** What we can do is provide as much information, with as much granularity as possible, for the Committee, so that we understand the whole period. What that will look like precisely I cannot tell you now, as Amy has said, but in terms of learning we have had to deal with a number of issues—for example, Working Links and what has happened in Wales as well. We have the learning and experience of the model now to deal with any contingency issues that might arise between now and the end of 2020.

Let's not forget that the issue was the profile of offences and the unforeseen outcome that was the increase in serious offences that had to be dealt with by the NPS. The workload of the NPS increased in a way that perhaps had not been foreseen, which meant that there were fewer of the less serious offences that would have been dealt with by the CRCs.



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Understanding that fundamental reality can perhaps inform as fully as possible not just members of the Committee but the wider public about the scale of the challenge that CRCs faced.

**Jim Barton:** On the question about further contractual changes, you will have noticed in previous evidence that we had planned to end current contracts on 4 December 2020, but in our announcements on the future direction of travel we are referencing transition happening in spring 2021. We think we need to take the time to manage transition well. That is a hard lesson learned from transforming rehabilitation. To provide us with the small number of additional months needed to do that, we have an option to extend CRC contracts into the first half of 2021. We have recently published, through the *Official Journal of the European Union*, notice that we have that option and that we intend to make that contract change. That would be on amended contractual terms.

Q405 **Chair:** I understand that. Perhaps hard-wiring anything by an absolute fixed date is never wise.

**Robert Buckland:** That's right, Mr Neill. As Jim said, the pace of change is different from the period prior to the introduction of TR in 2014. We will be developing our business case by late summer and looking to move on to the next stage, the competition stage, in the autumn. You are looking at a clear set of milestones within which there will be a lot of work that I will be keeping a very close eye on, because I get the point that we have to get the commissioning right. You will be bearing down upon me very hard if we do not, so it is very well understood.

**Chair:** That is fair enough.

Q406 **Victoria Prentis:** It occurs to me that as part of this session I should declare that I am a trustee of Nacro and a non-practising barrister.

You have already talked about the transition strategy. Is that part of a wider transition strategy for ensuring that there is continuous support?

**Amy Rees:** The straightforward answer is absolutely. We are conscious that we now need to get to the end of the contractual period, which is likely, as Jim has just said, to be spring 2021, with everything in the best shape possible. We are going to do that in three ways: first, ongoing contract management that will continue throughout the period and is well understood; secondly, the benefit of what happened in Working Links is that we now have tried and tested contingency plans if we cannot make it to the end with any particular provider through unforeseen circumstances; and, thirdly, there will be active dialogue with the current providers about how we can best manage the transition. That is all on the CRC side of the house; there is also quite a lot we will need to do on the NPS side of the house to be ready. We are starting that work and planning now.

Q407 **Victoria Prentis:** How are you going to incentivise the CRC companies to keep up the work?



**Amy Rees:** First, our contractual terms are very clear about what they are obliged to do. Secondly, as we have just discussed, we have quite a lot of stabilisation measures to try to make a stable business for them going forward. In addition, we are working closely with them on how we can manage transition so that it is beneficial to both sides; and we are in active discussion, as you would expect, with trade unions about how we manage the change for the staff who will be affected.

Q408 **Bambos Charalambous:** I have two points, the first of which is about the contracts. The contracts were very badly drafted in the beginning, which led to lots of problems. Has any lesson been learned from the procurement process? I think it was rushed through and that has led to untold problems now.

**Robert Buckland:** Mr Charalambous, you reiterate and perhaps develop some of the points we have already discussed. I have already dealt with some of the baseline assumptions made about the type of cases that were going to be coming through the system, and the fact that we ended up with more serious offences that had to be dealt with by the NPS. That meant that fewer less serious cases would have been dealt with by the CRCs. We were also making sure that there was a full and proper understanding of the need for as stable a staff base as possible. My experience of the probation service is that we should encourage as much longevity of service and experience as possible. Nothing is better than experience, bearing in mind that we are dealing with a cohort of individuals who display all sorts of challenges. One learns from experience how to deal with them.

More fundamentally, there is the role of probation staff and the wider public understanding of the importance of their role. I want to make sure that, in future, probation officers are valued by everybody as much as they are by people in this room and those of us who have worked with them, and that their vital role is enhanced and understood. That aspect of the reforms is going to be really important.

To take your point, as you have heard from my officials, we are taking great care with any assumptions that are made about the future, but the big advantage of this change is that we will no longer have the division between serious and non-serious; we will have an overall framework with the regional model. Let us take an individual probation officer, for example. The inspectorate said that a caseload of more than 60 is too much. We are already mindful of that and want to help probation officers manage a lower caseload and a wider range of offences, not just all serious offences. A lot of NPS officers have had to deal with quite a serious diet of heavy cases. It is right to level that out so that there is a mixed caseload, to acknowledge the fact that it can take a very heavy toll when you are dealing with complex and challenging individuals. That wider understanding of the context is very much part of how we are going to develop the process. I take on board your comments. I think



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that this time, with the timescale we are talking about, we can and will do better.

**Amy Rees:** TR was certainly an ambitious and innovative reform, and we acknowledge that there were two particular areas of complexity that will not exist in the new model. The first, as the Minister said, is that there will not be split offender management. That was quite difficult to contract for. We will not have to contract for offender management, which was a complicated and tricky thing to do.

The other area was the inclusion of payment by results, which, as you can appreciate, was also a pretty tricky thing to try to contract for. We will not be doing that in the new model, so we are certainly looking to simplify the new contracts that we will be signing with new providers.

Q409 **Chair:** It seems to be accepted in light of experience that payment by results was not the right model for probation.

**Amy Rees:** We would certainly acknowledge that PBR added a massive level of complexity and risk that we and providers have been learning about in reality.

Q410 **Chair:** You are not going to pursue it anyway; that is understood.

Ms Crozier, turning to the relationship with the workforce, they have been through a good deal of upheaval and probably need some stability as well as support, don't they?

**Sonia Crozier:** Absolutely, but I have to say from my direct contact with NPS staff that the announcements have been broadly welcomed. There is a real sense that they want to get behind the changes as we go forward. Let us not forget that, whether you work in the NPS or a CRC, there is a strong culture of vocation in the probation service. People do not give up despite adversity, and that has been seen and assessed by Her Majesty's inspectorate of probation; they have gone into probation areas where things are not as they should be, but people carry on. Obviously, we cannot rely on that good will forever, so the transitional work Jim will be leading has to put supports in place to make sure that we carry people forward to contract change.

Q411 **Ms Marie Rimmer:** The National Audit Office said that the possibility of multiple provider failures is a live risk. How are you managing that?

**Robert Buckland:** I think you are referring to the issue of what happens between now and the end of the CRC contractual period. We have already talked to the Committee about the experiences we have had, for example with Working Links, where we had to take action to make sure that another provider came in. That was done via Seetec. I am happy with regard to the transfer of undertakings, for example; it is not TUPE, but it is analogous to it. That happened in as smooth a way as possible so that staff were not unduly inconvenienced.





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We took a lot of learning from that, which I think makes us very resilient if we are to face another challenge of that nature between now and the end of 2020. Wales is leading the way, because by the end of 2019 we will have a unified service up and running. That has been a very important source of information to equip officials with the wherewithal to deal with any failure.

We have to be mindful of the fact that it would not be right, according to competition rules, to slot another private provider into a region because of the 25% rule, so there would have to be another solution, which will be a GovCo solution. We have thought ahead on this. We have had the experience already and we will put it to good use if needed. It is my belief that the provisions and contingencies we have made in order to support the CRCs will be enough to carry them through to the end of 2020, but we are ready if there is an issue.

Q412 **Ms Marie Rimmer:** How are you going to monitor it as it goes along, without waiting until it collapses?

**Amy Rees:** As you would expect, we monitor these contracts really carefully. Since the lifetime of the contract, we have been in active dialogue, hence the changes we made to the contracts over the last couple of years. We will be in even more active dialogue now about how we manage transition. We have an existing experienced contract management team that will continue to monitor the health of those contracts going forward.

Q413 **Ms Marie Rimmer:** Our report was deeply concerned that the voluntary sector was less involved in probation than before the TR reforms were implemented, which was an unintended consequence. What is the MOJ doing about that?

**Robert Buckland:** Perhaps I could preface the remarks and then Jim can come in. On the basis of what I said before, we think the new model, with its direct link between the NPS and providers, means there will be room for smaller localised organisations, whether it is the third sector or other types of organisation, to provide localised tailored support. I talked earlier to the Committee about co-commissioning with police and crime commissioners. You make an absolutely fair point. That was lost in the mix when it came to previous provision. We do not want to do that. In short, we are going to design a system to make sure that we can and will involve the smaller organisations. Jim might want to come in on that.

**Jim Barton:** I have a couple of minor additional points. As the Minister pointed to, we are consciously designing the shape of the new market in a way that reduces barriers to entry for the voluntary sector. For the innovation partners, we intend to put in place larger contracts aligned with the future NPS regions. The first thing we are doing is fundamentally changing the payment mechanism. As we have already referenced, there will be no payment by results. Therefore, the financial sums that organisations need to put at risk, or have in their reserves earmarked to





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cover risk, will be significantly lower. That should make it possible for larger voluntary sector organisations or consortia to consider themselves credible bidders for those contracts.

The second thing we will make sure that we do, which again is learning from transforming rehabilitation, is to provide much earlier clarity on what financial guarantees organisations need to put up, because I think that came as a slightly unpleasant shock to some organisations towards the tail-end of a procurement process, having invested a fair amount of time and effort to get there. We will make sure that people have sight up front of all the information that is relevant to them when making a decision with their trustees as to whether they can bid for contracts.

As the Minister referenced, the second part of our market strategy is a framework or dynamic purchasing system that has consciously been chosen and will be created with the aim of reaching out to more specialist and, therefore, predominantly smaller not-for-profit organisations that can support individual offender need and specific cohorts of offenders. We have learned the lessons and we aim to apply them.

**Q414 Ms Marie Rimmer:** Is the voluntary sector still strong enough to carry out the role you envisage for it? As I am sure you are aware, we have lost some incredibly good smaller providers, particularly BAME providers. Is the strength still there in the voluntary sector to provide services?

**Jim Barton:** As you will know, we fund Clinks, the umbrella organisation for the sector, for a number of reasons. One is to do precisely that—to monitor the health of the sector. Their last report, “TrackTR”, was published last year, and gave some evidence that we are on a declining trajectory. It is getting worse and harder for the sector as a whole, and we acknowledge that. We will continue to work closely with Clinks and, through them, the rest of the sector during transition, because it is not in our interests for the voluntary sector to be hollowed out.

**Q415 Ms Marie Rimmer:** It is going to be incredibly difficult, isn't it?

**Amy Rees:** Anecdotally, in Wales, where I am based, we have been discussing this with the VCS for longer, since last July. It is true that the market and the VCS have found the landscape more difficult, but we are reassured that there are still providers out there; they absolutely want to work with us and are in active dialogue with us about how we can strengthen them and shape the contract so that it is better for them. They need a bit more certainty for a bit longer than we have perhaps given them in the past. I am reassured that there is still a market and a vibrant sector that we can work with, but it definitely has been difficult for them over the last couple of years.

**Q416 Ms Marie Rimmer:** In October, the MOJ accepted our recommendation that it should publish a workforce strategy. Indeed, we were told that the Department was working on one. By May, the MOJ said instead that it had rejected the recommendation. Why did you change position?



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**Robert Buckland:** Being frank, with regard to strategies, one can spend a lot of time drawing up a plan. It is far better to get on with it, and the figures are yielding some positive results. In the last year, 2018-19, we have appointed an extra 624 probation service officers, which is already a substantial increase for the NPS. My plan is to recruit more officers. We have an active recruitment campaign now; I want to see it very much focused not just on the NPS but on where there are issues with provision at the CRCs, so that we crack on with recruiting more officers there as well.

In short, we want more probation officers doing a caseload, as I was saying, in accordance with the recommendations of the inspectorate, and handling a more mixed caseload, to acknowledge the fact that it can be a very stressful and difficult job; plus the enhancement of the role of probation officers in terms of their professional status. That is a strategy. I have set it out to the Committee, and I am happy to write to the Committee to explain it. That is our strategy. We have it, and we are going to crack on with it.

Q417 **Ms Marie Rimmer:** You are using the inspector's report and other reports, so you must have some idea of the numbers you need, and where. How do we know that it is actually happening, and when is it planned to happen? Is it keeping up to date, Ms Crozier?

**Sonia Crozier:** One of the key lessons we learned from transforming rehabilitation is the cost of breaking the probation pipeline in terms of qualified officers coming through. We had a break, and it has taken us some time to recover from that, but we now have a well-rehearsed process for recruiting new officers to the National Probation Service and a commitment, as the Minister has just outlined, that, through transition, we will not break that pipeline again in preparing for the future. We have a good system now to project forward and reach out to the market, to attract graduates into the organisation.

Q418 **Ms Marie Rimmer:** The Committee is still concerned about the critical shortage of probation officers. It seems to me that what you are saying is that you can give us some information and we might not need to be as concerned as we are. Would you let us have that information, please?

**Robert Buckland:** Indeed. As I said, the very significant increase in appointments last year is a good sign that we are moving in a positive direction to achieve the ambition I have for the service.

Q419 **Ms Marie Rimmer:** Could you let us have something that we can see and test ourselves?

**Robert Buckland:** By all means.

**Ms Marie Rimmer:** Thank you.

**Amy Rees:** I just want to add a little bit on workforce. There is obviously recruitment, but the other important announcement we made as part of



the announcement the Minister alluded to earlier is that we will be creating a statutory professional framework. That is really important, because people qualifying on day one is one issue, but going forward we have to ensure that professional learning, training and development is maintained. This is a guarantee that that will happen for everyone existing in the system and for new people coming into the system. We also think that it is a really important statement to the criminal justice system more widely about acknowledging the professionalism and the critical importance of the work that probation staff do.

**Q420 Ms Marie Rimmer:** We welcome the intention of implementing the independent statutory register for probation. Would you like to tell us a little more about that? Which body will own it, how will it work and when will it come into force?

**Robert Buckland:** The statutory basis is the big departure. We will develop the detail of the plans as we come to the legislative stage, because it will require legislation. As Amy said, it will be a new framework of standards and excellence, which will support probation officers not just in enhancing their role but in setting a standard to which they will work, which allows the sharing of best practice. We have many examples among local probation officers of individuals doing great and innovative work. Let's share and understand that better and spread it through the service. What better way than via a framework? To coin a phrase, it is a royal college approach, which has worked so well in other professions that I want to see it in the probation profession.

As I was saying to you, Ms Rimmer, you do not need to convince me about their value. I have seen it for myself. What I want to do is to convince the public about their value and to understand them. I do not want them to be a forgotten corner of public service; they are a vital part of public service and, without them, we would soon notice the difference.

**Q421 Ms Marie Rimmer:** Yes, we have noticed the difference.

**Sonia Crozier:** I am absolutely delighted about the announcement on formal registration. That will give confidence to staff that, in future delivery of probation, there will be a commitment from us on the quality of the training they should be offered post qualification, which will give greater consistency and enhance quality. It will restore some of the sense of confidence, in the way the Minister just described, and the sense that we are not a forgotten corner of the criminal justice system but have something of value to add, in our ability both to effect change in individuals and to protect the public.

It also gives assurance to victims of crime. Some of the most difficult conversations I have with victims, particularly of serious crime, are about their concerns whether the professionals overseeing individuals are actually properly qualified and trained to do their job. Once we have registration, it will give confidence to victims of serious crime as well—the confidence piece that the Minister so well articulated.



Q422 **Ellie Reeves:** The Justice Secretary said last week that there is a strong case for abolishing custodial sentences of six months or less. There has been quite a lot of discussion and debate around that. It is certainly something that the Justice Committee has recommended in reports that we have done. Are we working towards firm proposals in relation to that? Can you tell us a bit more about what is happening?

**Robert Buckland:** We are indeed working towards proposals that we would like to put out to consultation. I cannot give you a firm date as to when that might happen.

Q423 **Ellie Reeves:** A rough date?

**Robert Buckland:** I have an ambition to do it this summer.

Q424 **Ellie Reeves:** By recess?

**Robert Buckland:** I would like to see that happen, but you can understand that I cannot give you a precise date, much as I would like to.

The issues you raise are ones we need to air more widely. There are a number of options that are equally valid. First, I said earlier that I put myself very much in the seat of the sentencer, the person who has to make the decision and strike the right balance between the need to punish, to protect the public and to look at realistic ways in which we can rehabilitate offenders. For too long, judges have been faced with the choice that prison was the only solid option, the one that would clearly have an impact for the local community. In particular, there is the challenge faced by repeat offenders, particularly in acquisitive crime, who might have an addiction that is not addressed, and who keep turning up in court. Then the door revolves and back they come into the community after a short custodial sentence.

The most effective answer to the problem of the ineffectiveness of short custodial sentences is to get community sentences right and, in effect, through the important work of experienced probation officers and pre-sentence reports, give judges a very clear blueprint that they can follow with regard to supporting and rehabilitating an offender in the community. I believe that is what the public want. I have no problem at all with making a strong public case, in the media or more generally, that effective community sentences can actually reduce victims of crime.

I believe that the British public are with us on this; they do not want to see their taxpayer resources wasted on short-term prison sentences that do not reduce victims of crime. They want to see their taxpayer money used on effective solutions. That is why the session today is particularly important. If we get the reforms right, and if we follow through on the intentions you have heard about, we solve the problem for sentencers to a very great degree.



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I end on this point. The Committee might agree that, sadly, there will always be exceptions to the rule, and there will be some occasions when there is genuinely no alternative to a custodial sentence. But the law is already very clear about when only a custodial sentence will follow. The 2003 Act and the legislation we are familiar with sets that out in statute. We must remember that the framework is already very stringent, but what we must do now is to improve the provision within that. My priority is to concentrate on pre-sentence reports and tailored community programmes.

Q425 **Ellie Reeves:** Thank you for that answer. It is clear that robust alternatives to custody need to be in place for that to work, and I hope that it will. Ms Crozier and Ms Rees, what is your sense? How confident are you that the probation service will be sufficiently strong to oversee the alternatives to custodial sentences?

**Amy Rees:** I am really confident that what we announced last month is absolutely the right platform for us to move forward and have confident, effective probation services that the community and sentencers can believe in. We will have hard work to do to transition to that system, and to make sure that we employ the right number of fully qualified probation staff and other probation staff, and that they are well trained, but for all of them we have set out a plan for how we are going to do it. I believe that the new framework we have set out for how we are going to deliver probation services is the way we strengthen the system to the point where people can have confidence.

**Sonia Crozier:** To reinforce that point, key partners such as senior police welcomed the announcement. Those partnerships are absolutely the cornerstone in being able to provide effective community orders—for example, integrated offender management, where police and probation work collaboratively in the management of some of the most prolific offenders. What we have seen, post TR, is some weaknesses in those arrangements as they were, before they were held by the trusts. The announcement will restore some of those key partnerships, to underscore community orders, particularly with some of the most difficult groups.

**Chair:** That is understood. Ms Rimmer, do you want to come back?

Q426 **Ms Marie Rimmer:** Yes, please. We received a letter from you, Mr Buckland, on 5 June, about prison estate modernisation, and I would like to ask a question about that. It is about the prison operator framework and the six companies that entered the competition. We were told that any failure on one question meant that the bid had failed the whole framework and would not be eligible to compete in the call-off competition. The main focus was on the “safety, decency, security and enabling that are fundamental to any prison.” I was somewhat alarmed, to say the least, to read in the next paragraph that all six of them were successful. Therefore, they are now in that framework and will be able to compete for bids. The first was G4S Care and Custody Services UK Limited.



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I am alarmed as a former procurement officer that G4S could be eligible even to put in to be considered, and that the Department would allow it to put in for that competition, when we consider that we have taken Birmingham off that company in recent months. It is not about competition on paper; it is about their capacity to deliver. We have recent experience that this company has failed. In one of your paragraphs, you say that it is an “important milestone”. Indeed it is—six years these companies are on the list. You say: “I am satisfied that the steps taken by my department as part of this stage of the competition will ensure a stable pool of prison providers, who will deliver safe regimes that deliver best outcomes for offenders.”

What went on in Birmingham had a human cost, a financial cost and, it may well be, legal costs, but it does not appear to have damaged the reputation of the company; it has not paid any reputational price. How can the MOJ really consider putting it on that list?

**Robert Buckland:** Thank you for the question. First, the MOJ has to operate within the law, and within a legal framework. You are absolutely right to talk about Birmingham, and the particular experience there. A lot has happened with that prison, of course, and our taking it back under direct control. But, as I think you acknowledge, the framework does not mean the award of contracts; it is the overarching structure within which companies can bid. The Department has to take great care in applying criteria equally.

I hear everything you say about that particular company or organisation, but I have a duty as well to make sure that we are not exposed as a Department to any future litigation risk, or other type of risk, that could be caused if we did not apply the criteria in an objective way. That does not mean that we have prejudged the situation at all. The next stage is going to be the crucial stage—the award of a contract. I am not going to start making comments here that could be either misconstrued or understood in some way as the issue having been judged partially or not in accordance with the law. I am sorry that I have to give such a careful response, but experience teaches me that I should do that, bearing in mind the importance of a level playing field.

My aim is to make sure that, when we go down this road in future provision, everything that has been learned until now will be absorbed, not just by the Ministry but also by the providers who might be part of that future. You are right to bring me up and say that we have had that experience and you cannot ignore it. I understand that; I expect it to be fully absorbed by everybody either at the centre of the system or who has an aspiration to be part of its future. While I have to give you a careful answer, it is one that fully understands the experience that all of us who have taken an interest and are concerned with the prison system have had.

Q427 **Ms Marie Rimmer:** Getting through that framework and being accepted makes them eligible to compete in call-off competitions. They are now





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eligible to bid. As you say, "G4S Care and Custody Services UK Limited; Serco Limited; and Sodexo Limited...are now eligible to bid in future mini-competitions to operate individual prisons, the first of which will be for the new Resettlement Prison at Wellingborough, which we intend to launch in July of this year"—next month. That company is now eligible to bid for Wellingborough next month.

**Robert Buckland:** Yes, but the process will take some time because, of course, we have to build Wellingborough first. That is an HMPPS lead; it will be built by the service. Running the prison will not actually start, in terms of operation, until—I cannot remember the final date for Wellingborough, but it will be a couple of years before it is finally constructed.

As I have said to you, nothing is prejudged. There is no question that there will be a particular bias towards or, maybe, against particular organisations. As I have said to you, we have absorbed the history of provision, and we understand that that will inevitably be, and has to be, part of the learning adopted not just by the Department but by the providers. I think Amy wants to come in.

**Amy Rees:** Clearly, we have learned lessons from Birmingham, and that was very difficult, but it is obviously not the only prison that G4S run. They run Parc in my patch, which is a well-run and well-managed prison, and it is important to say that. They look after a lot of complexity; they look after young people, adults and some sex offenders, and do so incredibly well and incredibly skilfully.

Q428 **Andy Slaughter:** I totally understand that you have to follow procurement processes, but you must be able to have some discretion and regard as to the previous record of companies that are allowed to tender. In addition to the organisations that my colleague named, I think that MTC is on the list of organisations that are bidding. You will know that, historically, that company has a terrible record, in the United States in particular, for prisons that have had to be closed following riots. Do you not look into the background of companies? What sort of assurances do you accept, when there are extreme cases, that people are then allowed to bid?

**Robert Buckland:** That is a fair question, Mr Slaughter. You can expect decision makers to make an informed decision and, of course, the decision is not taken in a complete vacuum. One has to look at the overall picture, as Amy said; you learn the lessons, and absorb that learning. It is about being balanced and fair. The G4S example that has been given is Parc, which is a prison that I know very well myself. Sometimes there is a mixed picture. We are not living in a vacuum. We look at the world as it is, not as we would like it to be.

Q429 **Chair:** The firm Mr Slaughter refers to looked after contracts in London. When we first took evidence on this, its then chief executive, who has now departed, was pretty frank, saying that in some respects they saw it





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as an opportunity to get into the UK outsourcing market. Frankly, they made unrealistic assumptions, as we know, and needed to be bailed out. Can we make sure that lesson is learned?

**Robert Buckland:** That is another powerful point. As Amy alluded to, in the case of Birmingham some very important points and lessons have been learned. Similarly, we are looking for providers who genuinely understand that this is not just a series of processes but is about the lives of real people. The Prison Service, for which I am proud to be the Minister responsible, has, first of all, thousands of dedicated prison officers and other staff within it, but also responsibility for 82,000 or so prisoners. They are real people. Many of them may have committed the most grievous crimes, but we as a society and a state have a responsibility to manage that in a safe, clean and decent way.

Q430 **Chair:** On professionalism, we rightly talk about the probation service, but it applies across all those engaged in our criminal justice agencies, including contractors. It has to.

**Robert Buckland:** Yes.

Q431 **Ms Marie Rimmer:** Prison governors told us last week about their frustration with through-the-gate services. When will we see proof that the new funding is making a difference?

**Robert Buckland:** Jim referred earlier to the detail of the £22 million a year that we have set aside for through-the-gate services. It is still fairly early days. The roll-out began in April. We have managed to roll it out to all but four of our resettlement prisons. I cannot give you data and figures at this stage, but I hope that by the time of my next appearance—I am sure there will be another appearance before your Committee—we can furnish you with that information. I am confident that, with that focused funding and approach, the sort of results that we all want to see will start to emerge.

**Ms Marie Rimmer:** We will keep a close eye on that.

**Robert Buckland:** Yes.

Q432 **Ms Marie Rimmer:** One in three offenders on release from custody under CRC supervision does not have settled accommodation. We heard that CRCs are giving out tents and trying to supervise people sleeping on night buses or in church graveyards. They are actually trying to supervise people released from prison in those places. What are the Government doing about that? It really is critical.

**Robert Buckland:** The overall headline is the recognition that this is a serious problem and that some of the figures relating to rough sleeping and the correlation between that and the prisoner population are significant. The Ministry for Housing, Local Government and Communities—I always get it wrong, but you know what I am talking about—recently announced a pilot of £6.4 million to target that particular



issue in certain pilot areas. I obviously want to see that work proceed apace and understand the outcomes from it, but the direction of travel of this Government is very clear. When we talk about our ambition to halve and then eliminate rough sleeping, we are talking not just about the non-offending population but about offenders as well. The pilot is a really important example of us putting our money where our mouth is. It may be that my officials can elaborate on where I see the Government's intentions going.

**Q433 Ms Marie Rimmer:** It is part of the revolving door. They have nowhere to sleep when they come out, and nowhere to get a bath or get something hot to eat. They have nowhere to smarten themselves up to go for a job interview. What chance have they got? It is far worse than ordinary—if I can say that—rough sleeping. Those people are heading right back into prison.

**Robert Buckland:** Accommodation and employment are the clear pathways away from offending. That is absolutely well understood; the question is what more we can do.

**Q434 Victoria Prentis:** With respect, the direction of travel is going the wrong way on this. To look at the most recent report from Glenys Stacey, whom you referenced earlier, it is clear that the figures for those sleeping out on their first and second night out of custody are considerably worse now than they were a year or two ago. What are we going to do about that?

**Robert Buckland:** As I have already said, the pilot is a very important part of that work, but there are other aspects of release. You and I have had a dialogue about Friday release.

**Victoria Prentis:** Yes, I was just about to mention that.

**Robert Buckland:** Let me say this. We have to anticipate Friday release. What we need to do is to prepare well before the day of release. If we are scrabbling around on a Friday, a Monday, a Tuesday or a Wednesday, the system is not delivering as it should do. There has to be pre-release preparation. It is like any transition—for example, from primary school to secondary school. It is particularly relevant for, say, a young person with disabilities; the analogy is the same. If you get the transition work done earlier, you will have that package ready even if it is a Friday.

**Victoria Prentis:** I am happy to accept that.

**Robert Buckland:** Where I want to focus the work is on what precisely we are doing to get that package ready before release, whether it is benefits—

**Q435 Victoria Prentis:** Is that a major focus at the moment?

**Robert Buckland:** My main focus is benefits eligibility and UC. I want to try to crack that problem. I am working with the DWP, and my colleague,



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Will Quince, shares a real commitment to it. At official level as well, work is going on to try to crack the issue about applications for UC.

Q436 **Victoria Prentis:** I am sure you have been into prisons, as I have. At the moment, there is a computer terminal at quite a lot of prisons that purports to join up to applications for UC. In fact, it does not. Is that something that is being worked on at the moment?

**Robert Buckland:** Yes. We want to look at the issue of hardware in prisons. Obviously, it needs to be secure and not used inappropriately but used under supervision. Secondly, having an email address is a requirement for UC applications, and, of course, that is a big obstacle at the moment. A bank or building society account is needed as well. Those sorts of contingencies and practical steps need to be sorted well before release. I want to try to crack that.

Q437 **Victoria Prentis:** Can I suggest one other solution? Nacro, in particular, has found that it really helps to have a mentor who physically accompanies you through the various organisations that you need to visit on your first day out of prison and, ultimately, delivers you to your accommodation. Is that something that is being scoped?

**Robert Buckland:** I am interested in that concept. Of course, in the DWP, we have the work coach scheme as well. Again, that is something I would like to see ramped up. Particular expertise will be needed to work with prisoners. I have already come up with some ideas of my own about how we can do that; it may well be that there are ex-offenders who could be part of that process. We could have more general mentoring involving ex-offenders, with appropriate safeguards. Let us be realistic. I know this cohort pretty well, and one has to be utterly wide-eyed—not wide-eyed, but open to the reality, to put it diplomatically. With those safeguards, there is a lot of mileage in sorting out that aspect of it.

With accommodation, there are a number of other agencies involved. The Ministry of Housing, Communities and Local Government is one part of it, but local authorities are an element as well, and other housing providers. It is about trying to understand how you can bring together those organisations in the prison before the date of release.

Q438 **Victoria Prentis:** And that should be done in a way that people who are often illiterate and not used to bank accounts can manage. Can you assure us that the real characteristics and inadequacies of a lot of the prison population are really taken into account in what we expect them to do in their first five hours out of prison?

**Robert Buckland:** The early preparation approach will allow that understanding to be enhanced. In other words, the individual prisoner's needs will be understood at an early stage.

**Victoria Prentis:** We know you are going to do it your way. You have told us lots of times and we are thrilled, and we would love you to do that.



**Robert Buckland:** I don't sound like Frank Sinatra though.

Q439 **Victoria Prentis:** You do, believe you me.

Can you assure us, Minister, that these appalling homelessness figures are not going to get worse on your watch?

**Robert Buckland:** I certainly do not want them to get worse, and my officials are here, hearing the aspirations of this Committee, which are my ambitions as well. I want to see real support for offenders. Why do I want to see that? I want to make sure that we have fewer victims of crime. That is what it is all about.

Q440 **Ms Marie Rimmer:** Can I give one more example? Healthcare is also an issue. We heard an example from a prison governor last week. A member of staff drove an offender with severe mental health problems straight to A&E on release, as no healthcare provision had been arranged for him on pre-release. The result was that he was rapidly recalled to prison. He had no chance. There need to be practical steps on healthcare. They need to have a doctor and for there to be somewhere they can go. He should not have been released with severe mental health problems without some provision. It is just outrageous.

**Robert Buckland:** The problem we have is that we are, by law, obliged to release prisoners. Once they get to their release date we have to, because we are holding them unlawfully if we do that afterwards.

Q441 **Ms Marie Rimmer:** We need to do something about his mental health issues. I am not saying keep him in. He should have been getting care there, and his release should have been planned, with treatment and support for him. We have a duty of care to him.

**Robert Buckland:** You are absolutely right, in terms of how we pre-prepare for the release date. That is what I mean by identifying the particular needs of a prisoner—say, a mental health need—and working with the health service and local commissioners to make sure that there is provision for people with those particular needs. I absolutely get that and understand that; it is that sort of crisis that I think we all want to avoid. That is very much part of our thinking in developing the through-the-gate facility.

Q442 **Chair:** Talking about joining things up, you referred to discussions with the Ministry of Housing, Communities and Local Government. Have you been able to establish from talking to ministerial colleagues there how many local authorities currently treat persons who have been sentenced to imprisonment as having made themselves intentionally homeless?

**Robert Buckland:** That is a good question, Mr Neill. I do not have any figures to hand, but I would be interested to learn more. It is something I am sure we can try to establish and find out. I am sure that, locally, there probably are some figures available. Understanding the system of intentional homelessness, and how it has consequences and effects on released prisoners, is very much part of our thinking.



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**Sonia Crozier:** I confirm to the Committee that we have set up a national working group around the homelessness Act. We are actively engaged with the housing Department to track the new referrals system, whereby we have a duty to make referrals to local authorities of individuals who are homeless and under our supervision. Although that legislation is still quite new, we have a system to do exactly as you describe, to ensure that the legislation is landed as intended in the way homeless people are dealt with.

Q443 **Chair:** Authorities that prevent ex-offenders getting local authority accommodation clearly act against the overall policy objective.

**Robert Buckland:** The legislation has a duty, which was an important innovation that we supported and brought in, and that means that we all have to work together for those local authorities to carry out their duty, otherwise there will be consequences.

**Sonia Crozier:** I am a member of that group. It is early days, but we have the systems in place to monitor it.

Q444 **Chair:** Perhaps you could keep us updated on that.

**Robert Buckland:** Yes.

Q445 **Chair:** Could you help me about one thing? Offenders who have served short prison sentences are supervised for 12 months at the moment. Is that sensible?

**Robert Buckland:** I think it is, and one of the welcome innovations of TR was, via section 2 of the Offender Rehabilitation Act 2014, to allow an increase in the scope of supervision. An extra 40,000 offenders were supervised as a result of that change, and I make no apology for that. The question is about the quality of that supervision and how to improve it.

While I take on board the observations and recommendations of this Committee, with respect, I do not support following an abolition line on section 2. I think we need to use the system in a more intelligent way. How will that work? Frankly, it will work by giving our probation officers and our staff more discretion to manage support under that particular regime. Let's face it: each prisoner will have their own individual needs, although some will have fewer than others; therefore, giving and having a culture of discretion means that resources can be targeted on the particular prisoners who will clearly benefit more from a tighter supervision regime. It is all about operations and practicalities rather than upending the framework.

Q446 **Chair:** Dame Glenys Stacey referred to it in her May report this year, a thematic report on post-release supervision for short-term prisoners. She said that the system was not working for that group. Do you agree with her?



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**Robert Buckland:** I have responded implicitly to what Dame Glenys said by acknowledging the fact that we can do better. I think that is all about operations and reconfiguring the way we manage offenders, rather than saying that the system itself needs to be reformed.

Q447 **Chair:** She talks about the need for intensive and holistic rehabilitation for that group.

**Robert Buckland:** With greater discretion, that can happen, Mr Neill. There will be individual offenders who perhaps need a more intensive approach, but there will be others who do not. Adopting a one-size-fits-all approach and box ticking is not where any of us wants to be, least of all probation officers. That is not what they came into the profession to do; they came into it to make a real difference, and I and my officials want to empower them to do that.

**Chair:** There is a specific issue that arises. Mr Slaughter, do you want to come in on that?

Q448 **Andy Slaughter:** Minister, can I ask you a couple of questions about sex offenders? Obviously, we are dealing with quite a substantial proportion of the prison population, one in five—about 20%—of both prison and probation. You are aware of the HMI reports, which found, to put it bluntly, poor quality work in prisons, poor release planning and poor risk management, which led to the action plan in January this year. Can you say something about how that is going? Did it come as a surprise to you that things were so bad? If it did, why was it a surprise? If it was not, how are you progressing with resolving some of those issues?

**Robert Buckland:** I would not say it was a surprise, in that we had already identified the challenge before the report was published—in particular, with regard to the active risk management system, or ARMS. Having identified that problem, we had already started to look at ways in which that assessment tool could be revised. The training for that tool has been revised; the trainers have been retrained in order to refine and improve the quality, because we absolutely accept the point that that work is never done. There are always ways in which we can refine and improve the quality of those assessments.

It is virtually finished; there is a quality assurance tool for users that is in final draft form and is all about making sure that the good intentions of those who drafted it are delivered on the ground. We now have a formal framework for individual staff supervision and development—in other words, much more of a purchase on the system, so that we can track and anticipate any issues of that nature and hold a general standard, rather than expecting too much deviation or inconsistency in the use of that tool. With that basic framework, we are getting to a better place.

Q449 **Victoria Prentis:** One of the difficulties with prison programmes is that we do not evaluate them. I am not blaming you for that, Minister—you have only been in post very recently—but could I encourage you to





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change your attitude, or the Department's attitude, to evaluation? There was a recent FOI request from, I think, Transform Justice, the answer to which is enlightening. It shows that 95% of courses are not evaluated. In that context, it cannot be seen as surprising that the SOTP, which we all held up as the gold standard for 20 years, was not working, because how was anybody to know whether it was working? Could I encourage you to look at that carefully?

**Robert Buckland:** I am grateful to you for that question, Ms Prentis. First, I think it is right to say that none of the programmes that we use in the prison system are as a result of putting a finger in the air and testing which way the wind is blowing. They are all brought in on the basis of international evaluation. These are programmes that have been examined internationally and understood to be of a suitable standard, so the idea that this is some sort of random, ad hoc approach is, I am afraid, misplaced.

Q450 **Victoria Prentis:** I appeared in court for many years saying how marvellous the sex offender training programme was, and how it was a gold standard and copied internationally. It has now been shown comprehensively not to work and, possibly, to be counterproductive, and we have changed our systems accordingly. How am I to have confidence that the new systems, and, indeed, all the other programmes that we provide at vast public expense, are actually useful, unless we evaluate them?

**Robert Buckland:** We followed the evidence on the SOTP, because in 2017 we withdrew it and replaced it with new schemes.

Q451 **Victoria Prentis:** We did, but very, very late in the day, after goodness knows how much failure.

**Robert Buckland:** I note the point about 95%, but, with respect, we do not recognise where that figure comes from or what the source of it is, and we need to explore that.

Q452 **Victoria Prentis:** It was in response to an FOI request, from the Department.

**Robert Buckland:** Well, we don't recognise it.

**Amy Rees:** If I may add something, a distinction is made between accredited programmes and general interventions. Just to set the record, we run 18 different sorts of accredited offender behaviour programmes, of which eight have been evaluated. Six are proper, full evaluations—longitudinal studies; four have been published, and two are due to be published. We have a further two assessments, but of process.

We are in the process of trying to evaluate all these things. The particular difficulty with sex offenders, as you know, is that, while any reoffence is very serious, the reoffending is actually very small; it is about 0.5%. It is not that I am trying to deny how important that is, but it takes us quite a





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long time to build up longitudinal evidence of whether these things are effective.

Q453 **Victoria Prentis:** But with so many more sex offenders in prison, and this is a cohort of whom the public are particularly terrified, it is really important that, having got it wrong for so long, we get it right now, and we are very transparent about it.

**Robert Buckland:** I agree, and therefore there are two stages of evaluation. One is the process evaluation, to see whether the actual thing is happening as it should, and the other is the outcomes evaluation. Amy is absolutely right to say that these programmes will take a long time to understand. The other thing is that a lot of those prisoners are in for a very long period. I know that some people get concerned about waiting times, but there is a real issue about when you carry out the programmes. Do you really want to carry them out early in the sentence, long before anticipated potential release, when, frankly, the effects of the programme might be dissipated? It is all about timing and the best use of resources when it comes to managing sex offenders.

To come back to Amy's fundamental point, although these people have committed very serious crimes, and there is a clear public protection function that the Prison Service has to carry out, the number of offences of recidivism is, thankfully and mercifully, very low. We want to keep it that way, most definitely, but we want to make sure that our programmes, as you rightly say, do not become counterproductive. We are in a learning stage. We acted on the evidence that led to the end of the SOTP, but it is right to say that we are not in a position yet to be able to evaluate fully the effects of some of the programmes that we are using.

**Sonia Crozier:** Can I make another observation? You are quite right to say that the number of individuals convicted of sexual crime has increased but, within that increase, there has been a change or shift in the type of sexual crime. I have some numbers. In 2008, 958 individuals were convicted of internet offences, taking photographs, publishing indecent photographs, and so on. That figure rose to 2,193 in 2018. What you see there is that change. One of the other things the thematic inspection helpfully identified was the need for us to be quicker in responding to changes in criminal activity.

Q454 **Victoria Prentis:** The point you make is that people are in for looking at images offences rather than actual contact crime. Can you assure me that the programmes we currently provide—the new programmes, which I have not myself looked at in any detail—are specifically targeted or can be specifically useful for people who are committing looking at images crimes?

**Sonia Crozier:** We have to have a broader spread of interventions for those who commit very serious contact crimes, for which there are the



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long programmes that we are all used to, such as SOTP and the new programmes.

Q455 **Victoria Prentis:** Kaizen and Horizon.

**Sonia Crozier:** Yes.

Q456 **Victoria Prentis:** They are already in place, and that is what worries me. We are not reacting quickly enough to changing types of sex offending.

**Sonia Crozier:** We have new programmes in the community for those serving shorter sentences or those who are not eligible for the programmes you have just described, because they have not committed contact crimes.

Q457 **Victoria Prentis:** Is it for when they are in prison or after they are in prison?

**Sonia Crozier:** We have one-to-one programmes in the community, Maps for Change and a new one that is being rolled out at the moment, for offenders who typically would not go to prison for long periods of time and get the more traditional programmes. We have interventions available, but what the inspectorate said was that we should have been doing that earlier and more quickly.

Q458 **Victoria Prentis:** Do you have any idea whether those programmes work? Have we had any independent evaluation of them?

**Sonia Crozier:** Certainly, we will be reviewing the reoffending rates, as we do with those on licence and on community orders, and it will feature within that.

Q459 **Victoria Prentis:** Minister, because this area has lacked transparency for so long, it would be very helpful if you could provide the Committee with whatever evaluation is being carried out and whatever the strategy of the Department is, to make sure that we react quickly enough to changing types of offending.

**Robert Buckland:** You are absolutely right to talk about online offending. I made the point in my former role as Solicitor General that online offending can be as harmful, bearing in mind the nature of the exploitation involved.

Q460 **Victoria Prentis:** Yes. Don't forget that there is a real victim somewhere.

**Robert Buckland:** Absolutely right. They might be a virtual victim, but there is still a real risk and a danger posed that, if it is allowed to escalate, you are suddenly in even more serious criminal territory. It is about understanding that and accepting the point that there is a public protection issue as well. It is still important, even though it might not be as stark as the commission of contact crime. It is about developing programmes tailored to that, which, let's face it, are all about educating, informing and reducing—in other words, getting those people to



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understand the consequences of what they are doing online. That sort of programme would be valuable.

Having learned the lessons, and with the strictures that you and other members of the Committee bring to us, we are absolutely mindful of the need to keep these under review and use the evidence to move on, rather than pretending that this particular offending is static and does not change. Like so many other types of offending—whether it is dishonesty that has moved online—it will change in its nature.

**Amy Rees:** May I respond more broadly to your question on how we will be able to react to changes in trends and make sure that we administer the thing that will help the most? This was also a theme that came out in the inspectorate's work.

A big part of our answer is the decision to move to offender management in custody. What we are doing is moving resources on the community side, who are the real experts in risk management, from the community into the prison, so that they can follow the journey right the way through, because people's risks change, as you know. One of the very detailed factors to consider when we decide whether to give someone a programme is the proximity of their having done another programme and how that changes over time. How does their offending change, not just their index offence but previous offences? We will now have risk management in place in custody, to deal with that dynamic risk, so we think we will be able better to respond and match what we do for people to the presenting need.

Q461 **Victoria Prentis:** I am sure that is true, but we need to know the net value of the programmes to make sure that we are targeting them properly. At the moment, I do not feel that we on the Committee have that information, and I am pretty certain that the Minister does not have it either.

**Robert Buckland:** To reinforce Amy's point, OMiC is definitely going to help us to understand where to target that provision, because we will be looking at the offender rather than just making assumptions that they form a particular class or cadre of people, and saying, "Here's a scheme, off you go." That is not the way we intend OMiC to work; it could be far more individually based.

I have never liked the term "offender management". I never think it is adequate to describe what needs to be done, but for the sake of today's argument let's use it. Doing it in prison has to be part of the integrated, whole system approach that I want to see. Over the years, with varying degrees of success, we have tried to bring the probation service and all it offers—that approach—into the heart of our prison system, and very often we have not been able to do that. What I am seeing, a month in as Prisons Minister, or rather as Justice Minister, because I view the whole system as one, is really structured, careful and evidence-based initiatives



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that lead me to believe that we are getting closer to cracking that conundrum.

Q462 **Andy Slaughter:** You have dealt with most of what I was going to ask. To be clear, we are talking now about the programmes introduced in 2017, Kaizen and Horizon primarily. Are you saying that it is too early to evaluate whether they are successful? If that is right, how long will it take and when will we be able to see some evidence of that?

**Robert Buckland:** There has been a process evaluation of Horizon. I do not know whether the results have been released. I do not know whether we have any more information about that, or whether we need to write to the Committee. We will write to the Committee with any information about, certainly, a process evaluation. Of course, that is different from an outcomes evaluation, which will, I am afraid, depend on the test of time.

Q463 **Andy Slaughter:** When you say time, are you talking about another year or five years?

**Robert Buckland:** It is difficult, because one of the outcomes measures is reoffending. We are dealing with a cohort some of whom are in for a very long time indeed.

Q464 **Andy Slaughter:** Some of them, equally, had been in for some time when the programmes changed, so there is a certain difficulty.

**Robert Buckland:** We will write to the Committee, if we may, with any further information.

**Chair:** That would be very helpful.

**Amy Rees:** To reinforce the Minister's point, all of them would have been assessed against the international accreditation in terms of the general base of what we know to work and know not to be harmful with those offenders. All the programmes were assessed on the best knowledge of the international accreditation.

**Andy Slaughter:** You didn't just buy them off somebody knocking on the prison door.

**Chair:** Minister, ladies and gentleman, thank you very much for your time. It is an important topic and clearly one we will want to return to as we go forward. We are grateful to you for your time and effort.