



Ministry of
JUSTICE

**Government response to the
Justice Committee's Report:
*Cutting crime: the case for
justice reinvestment***

March 2010



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Committee's Report: *Cutting crime: the case
for justice reinvestment***

Presented to Parliament
by the Lord Chancellor and Secretary of State for Justice
by Command of Her Majesty

March 2010

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ISBN: 9780101781923

Printed in the UK by The Stationery Office Limited
on behalf of the Controller of Her Majesty's Stationery Office
ID P002353520 03/10

Printed on paper containing 75% recycled fibre content minimum.

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**Government response to the Justice Committee's Report:
Cutting crime: the case for justice reinvestment**

Introduction

The Government welcomes the Justice Committee report *Cutting crime: the case for justice reinvestment* and is grateful to the Committee and all those who gave evidence in the preparation of this report.

The Committee's report is important and thought-provoking. It sets out a compelling narrative about the challenges faced by the Government in managing some of the most difficult individuals in our society. The conclusions and recommendations will make an important contribution to how the Government continues to meet these challenges, particularly as we move into a period where resources are likely to become more constrained.

The Committee calls for a sharper focus on reducing re-offending, with custody reserved only for those offenders who really need to be there. The Committee's report argues that this is the most effective way to build safer and stronger communities. The Government shares the ambitions of ensuring that prison is used in a measured, responsible way on behalf of the wider community. This includes ensuring that prison is available as an option for sentencers when necessary to punish and reform. During the course of this response we will demonstrate how we will continue to work towards these objectives, building on achievements which the Committee have acknowledged. In many areas our plans are similar to those set out by the Committee. In others, we seek similar outcomes but differ on how they might be achieved.

Like the Committee, we are clear that prison is the right place for the most dangerous, serious and persistent offenders. We also agree that less serious offenders can often be better dealt with in the community, and that in some cases we must do more to divert from custody those for whom a criminal sentence may not be the most appropriate response to their offending behaviour. Action being taken in response to the Corston and Bradley reviews is proof of our commitment to women offenders and offenders with mental health problems respectively. We have already seen a promising reduction in the women's prison population and want to ensure that this trend continues. We have committed to reducing the women's prison estate by 400 places by March 2012. Implementation of the Bradley review is still in its early stages, and we are placing an emphasis on those system reforms – for example, better commissioning and the widespread introduction of liaison and diversion services – that will help ensure better access to community based treatment.

The Committee have set out clearly the challenges involved in reducing re-offending and make a strong case for more targeted investment, driven by an improved understanding of what influences and affects offending behaviour. Our approach has delivered results; crime as measured by the British Crime Survey has dropped by over a third since 1997, and the chances of being a victim of crime remains historically low. Between 2000 and 2007, the frequency of adult and youth reoffending has fallen 20.3 per cent and 23.6 per cent respectively.¹ We recognise, however, that not only can more be done to build on this progress but also that we need to do more further to build public confidence. Requiring offenders undertaking Community Payback to wear high-visibility jackets has been critical in this regard.

Looking ahead, we want to consider the opportunities that a justice reinvestment approach could provide. We are particularly keen to see if more can be done to take people out of the Criminal Justice System through early intervention and by targeted, intensive, partnership-based activity in specific areas. The Integrated Offender Management pioneers and the Intensive Alternatives to Custody pilots build on the very successful work of the Prolific and other Priority Offender and Drug Interventions Programmes introduced in 2003–2004, and show how we are developing work that builds on this. We recognise that such an approach requires the involvement of a wide range of public, private and third sector organisations.

We are clear, however, that prison must remain an option for the courts when dealing with the most dangerous, serious and persistent offenders, and that the Government has a duty to provide the capacity to enable this. A prison sentence, long or short, can be essential for demonstrating to law abiding communities that offenders face the full range of punishments, including the deprivation of liberty behind bars. This is a fundamental and non-negotiable principle underpinning the Government's approach to managing offenders and delivering justice. We are also clear that this is only one part of a wider approach for the Criminal Justice System – an approach that punishes those who break the law while giving offenders the chance to turn away from a life of crime. Many of the concepts which the Committee explores during the course of its report will inform our thinking going forward, even if, in many cases, the operational model suggested by the Committee will not be the ultimate means of delivering better outcomes for victims, communities and offenders.

¹ Reoffending of adults: results from the 2007 cohort:
<http://www.justice.gov.uk/publications/reoffendingofadults.htm>

Government Response to the Committee's conclusions and recommendations

We have identified 98 conclusions or recommendations from the Committee's report. The Response follows the broad structure set out by the Committee in its summary of conclusions or recommendations. In our response we have grouped some of the recommendations out of chronological order where the subject matter is related.

Government Policies and Blueprint for the Future

- 1. The strategy outlined in the Justice for All white paper was clearly intended to signal a radical shift towards a rational approach to the use of penal policy resources, especially in its explicit aims to reserve custody for the most serious criminals, ensure effective community sentences, establish community prisons and require sentencers to consider crime prevention in passing sentence. We regret that the approach taken in the Justice for All white paper has not been implemented as the Government initially intended. (Paragraph 21)**

- 43. There is an inescapable need for a longer-term rational approach to policy and the diversion of resources to prevent future expansion in the number of prison places and the size of probation caseloads. The Government must set a clear direction to reduce the use of custody which must not be diverted by media pressure, even in response to individual difficult cases. (Paragraph 229)**

Since 1997 we have transformed the adult and youth justice systems, and we have put in place reforms that have led to considerable success in preventing crime by working in partnership to tackle both the causes and consequences. As the Committee acknowledges, the *Justice for All White Paper* was a key milestone along this journey. Many of the proposals were legislated for in the Criminal Justice Act 2003 and now form the basis of the sentencing framework. This included a requirement for sentencers to consider the reduction in crime (including deterrence) when passing sentence.

As the Committee says, our intention in the *Justice for All White Paper* was to reserve custody for the most serious criminals and to ensure effective community sentences. However, this approach must be balanced by the need to ensure that sentencers are able to exercise their judgment independently, according to the circumstances of individual cases. This includes making use of custodial sentences where necessary. The Government has a duty to ensure that there are sufficient prison places to meet that demand. It also necessary for the Government to ensure that the Criminal Justice System (CJS) maintains public confidence, and that it delivers justice and reparation to victims and communities.

As the Committee acknowledges, our approach – ‘punishment and reform’ – is based on this understanding. It means that the Government cannot set a clear direction to reduce the use of custody as an end in itself. To do so is simplistic and does not take account of the complexity of the issues at stake. We must be clear that different categories of offenders require different responses. In particular, we need to differentiate between those serious or persistent offenders whose actions require a robust CJS response, and other, less serious, offenders for whom a more rehabilitative and community-based approach might be more appropriate. The Government suggests that on some occasions the Committee over-estimates the numbers of offenders currently in prison who fall into the latter category (given that most of them would currently receive short custodial or community sentences) rather than the former, and as a result over-estimates the benefits which might accrue from moving towards a justice reinvestment-style approach.

In many cases this explains why the Government takes a different view from the Committee on the substance of some of the individual recommendations. However, where we are in agreement with the Committee is that a long term approach is needed, along with a diversion of resources across Government, to manage offenders and reduce re-offending. This is, and has been, our approach, and it has contributed towards our achievement in cutting crime as measured by the British Crime Survey (BCS) by over a third since 1997. We are also in agreement that this requires a joint effort by many criminal justice agencies and local partners.

We have made good progress. To ensure that prison and probation services work in partnership to manage offenders, Directors of Offender Management (DOMs) have been appointed in the nine English regions and Wales. DOMs are responsible for commissioning appropriate services from prisons, probation and other providers. Prisons and Probation Trusts in turn can also commission specific services locally to meet the needs of courts, offenders and their communities.

DOMs and Government Offices for the Regions work to reduce re-offending with local authorities, the police, courts, the Crown Prosecution Service, probation, primary care trusts and third sector groups through Local Strategic Partnerships. Prisons and Probation Trusts are also members of Local Criminal Justice Boards (LCJBs). For Community Safety Partnerships (CSPs, formerly known as Crime and Disorder Reduction Partnerships in England), the recent Policing and Crime Act 2009 includes a new responsibility for them to focus on reducing re-offending, as well as making probation a “responsible authority”.

The Ministry of Justice also works closely with the Home Office, the Department for Children, Schools and Families (DCSF), and other partners to provide a CJS that is effective and efficient, delivers justice, prevents crime and, above all, makes communities safer.

The longer term approach the Committee recommends – justice reinvestment – is based on diverting from custody those who can be dealt with more effectively elsewhere; on partnership working and on targeting resources where they can make most impact. The Government agrees with these principles. They underpin the Government's approach to date, and innovations such as Integrated Offender Management (IOM) and Intensive Alternatives to Custody (IAC) show how we are working to finesse even further how partners can work together to focus resources where they can make the greatest impact. We need to do more analysis to establish how the Committee's conclusions and recommendations can inform future programmes of work.

Use of Custody

- 2. We are pleased that the Government has abandoned its plans for Titan prisons but we are worried that the Government seems to accept the inevitability of a high and rising prison population and remains committed to building larger prisons. We are convinced that prison building on this scale will prove a costly mistake. It will preclude movement towards a more effective community prisons model and may limit this and any future Government's willingness and capacity to reinvest in creative measures to reduce the overall prison population in the future. (Paragraph 33)**

- 12. The Government has spent too much time pursuing an unrealistic attempt to build its way out of the prisons crisis. Lord Carter's review of prisons, and the stark demonstration of the exorbitant costs of penal expansion, should have been seen as a watershed and a warning against the 'predict and provide' approach to criminal justice policy. The reaction against the proposed Titan prisons should be seized by the Government as an opportunity to switch direction and halt the seemingly inexorable growth of imprisonment. (Paragraph 97)**

- 22. We are disappointed that the Government has not implemented its proposals for smaller community-based prisons which would enable prisoners to serve much more of their sentence in a single location, closer to their home community – with consequent benefits for their resettlement. Even if the community prison model is not currently feasible it would be beneficial to apply some of the principles to the existing prison estate so that the estate is not expanded in such a way as to prohibit such an approach in future. (Paragraph 149)**

The Government believes that prison, while essential, should only be one part of a wider strategy for the management of offenders. We are committed to providing sufficient prison places to meet expected demand, but this does not represent acceptance of an 'inevitable' rise in the prison population. This Response details a number of actions we are taking to deal with offenders more effectively in the community, and we are actively promoting a wider range of CJS responses for offenders appropriate to their circumstances and to the seriousness of the offence they have committed. We agree with the Committee that this should not be at the expense of creative measures to reduce crime and re-offending.

The Report expresses concerns about the New Prisons programme and we understand these. As set out in the Government Response to the

Justice Committee's report on the role of the prison officer,² we have consulted on our proposed new prisons building programme. We listened carefully to what was said. We have also carried out further economic analysis and evaluated options for how these prisons might work. We have found that there is no known correlation between prison size and performance. In order to reduce overhead costs without compromising performance or conditions for offenders, we have committed to delivering an overall capacity of 96,000 places by 2014, including replacement accommodation for old or inefficient places.

This solution provides an appropriate balance between value for money and operational effectiveness. Resources are finite and we have a duty to use taxpayers' money as effectively as possible. Our analysis and research has demonstrated that prisons of around 1,500 places, divided into smaller units, will offer economies of scale and value for money for the taxpayer.³ Managing offenders within the smaller individual units will reduce the potential operational disadvantages of operating large prisons and will enable us to modernise by allowing us to close some of our most inefficient prisons.

We have been successful in reducing demand to well below previously projected levels. As well as recommending capacity measures, the 2007 Carter Review⁴ identified various demand-side measures which we implemented as part of the Criminal Justice and Immigration Act 2008. In 2002, the projections suggested we would need up to 103,800 places by 2007; we now estimate our future requirement for prison places will be around 96,000 places in 2014.

We do not believe that building a network of dedicated "community prisons" would represent the best value for money. However, the Government agrees with the Committee that we should minimise the number of times an offender moves from prison to prison and that, where practicable, they should be based close to home. By building prisons in the regions from which the highest volumes of offenders originate, and to which most will return after release, offenders will be able to retain family and community links more easily. Offenders being held within their home region also supports end to end offender management, which enables offenders to be better managed through the transition from custody to the community and ensures they receive the right interventions to support their reform. These new prisons will help reduce the need for inter-prison transfers. This will enable more offenders to complete programmes without

² Government response to the Justice Select Committee's Report: "Role of the Prison Officer" (January 2010) <http://www.justice.gov.uk/publications/prison-officer.htm>

³ New Prisons Consultation Response (April 2009) <http://www.justice.gov.uk/consultations/docs/new-prisons-response-paper.pdf>

⁴ Lord Carter's Review of Prisons: Securing the Future: Proposals for the efficient and sustainable use of custody in England and Wales (December 2007) <http://www.justice.gov.uk/publications/docs/securing-future.pdf>

disruption and therefore increase the opportunities for offenders to address the factors that contribute to their offending behaviour.

3. If Lord Carter's analysis is correct in recognising that it is primarily sentencing and enforcement which has caused the problem (by creating a greater supply of offenders into the system and increasing the length of time they remain within it), the solution must include consideration of sentencing and enforcement practice. (Paragraph 41)

The Committee rightly identifies tougher sentencing and more effective enforcement as two contributory factors in determining the size of the prison population. The Ministry of Justice publication *Story of the Prison Population 1995–2009*⁵ confirms this analysis.

There are good reasons for this. Sentencing in individual cases is for the courts and should be proportionate to the offence and supported by rigorous enforcement. We keep the sentencing framework under review and have amended provisions to target public protection sentences more effectively. We continue to target the resources of the CJS to deal firmly with the most serious crime. There has been a 75 per cent increase in the number of serious and violent offenders in prison since June 1997⁶, while violent crime, as measured by BCS, has decreased by 41 per cent. As of June 2009, 54 per cent of those currently in prison are serving sentences of four years or more – including those serving indeterminate sentences.⁷

Changes were introduced in the Criminal Justice Act 2003 which made it easier to recall prisoners and lengthened the licence period for most offenders. We are unapologetic about making these changes, which are designed to increase public confidence and public protection. It is critical that the public have confidence that any breach will be dealt with swiftly and proportionately and that offenders themselves are clear that being released on licence does not mean an end to their sentence.

We introduced fixed term recall to ensure that its use was proportionate, but enforcement of sentences is an issue of public protection and we will not compromise on public safety. Reducing the demand for prison places by making the enforcement process less robust would not, in our view, achieve the ambitions that we share with the Committee of reducing re-offending and building public confidence in the system.

⁵ *Story of the Prison Population 1995–2009* (July 2009)
<http://www.justice.gov.uk/publications/prison-population-story.htm>

⁶ Home Office Statistical Bulletin: *Crime in England and Wales 2008/09* table 2.01

⁷ Ministry of Justice Statistics Bulletin: *Offender Management Caseload Statistics 2008* table 7.4

It is also important that we distinguish between breach of custodial and non-custodial sentences. The numbers in prison for breach of non-custodial sentences have grown rapidly since 1995, but remain relatively small – up nearly five times since 1995, but only contributing 800 of the overall increase in prison population. The increase was driven by the sustained effort of the probation service in improving the enforcement of community sentences.⁸

The overall picture from the latest sentencing statistics for 2008 is of disposals being better targeted according to the seriousness of the offence.⁹

- 4. We welcome the financial injection given to prisons for drug treatment, health, mental health, learning and skills increasing available resources, albeit from a very low baseline. (Paragraph 49)**
- 5. We are not convinced that aiming to spend more on rehabilitation in custody will work while the prison estate is so overcrowded. We believe it is better to invest resources on reducing crime and re-offending within targeted communities. (Paragraph 49)**

The Government welcomes the support of the Committee for our investment in reforming offenders in prison and the significant improvements in performance we have seen as a result. We do not agree that recent investments have been from a very low baseline. Rather, they should be seen in the context of increasing investment in prison programmes since 1997.

We agree that there needs to be a balance between work designed to turn offenders away from crime and work to build safer and stronger communities by reducing the number of those who are socially excluded. To support this we are already investing heavily in both rehabilitative and preventative work.

NOMS delivers a range of accredited programmes that are designed to address offending behaviour and drug misuse. Over 35,000 of these programmes were completed across custody and the community in 2008/09. The number of offenders completing accredited offending behaviour and drug treatment programmes in prison has risen by 26 per cent since 2004/5.¹⁰

⁸ Story of the Prison Population 1995–2009 (July 2009)
<http://www.justice.gov.uk/publications/prison-population-story.htm>

⁹ Sentencing Statistics, England and Wales, 2008 (Jan 2008)
<http://www.justice.gov.uk/publications/sentencingannual.htm>

¹⁰ Interventions and Substance Misuse Group, NOMS

The Government has long been investing in education provision for offenders. This has risen threefold from £57 million in 2001–02 to more than £175 million in 2009–10, bolstered by a dramatic improvement in the quality of learning and skills provision in prisons as a result of the delivery reforms introduced. Prison inspections by Ofsted (and the Adult Learning Inspectorate before it) have been transformed from just 22 per cent of provision being judged as satisfactory or better in 2002/03, to 92 per cent in 2008/09.¹¹ The quantity of education provision in prisons has gone up too, with the 122,782 learners who engaged with education in 2007/08 (up more than 30,000 or 33 per cent on 2006/07) achieving 144,587 outcomes¹² (up 43,000 or 42 per cent on 2006/07).

Funding for prison drug treatment has similarly increased year-on-year, and is now over 15 times that of 1997 (total 2009/10 allocation is around £112 million) with record numbers engaging in treatment.¹³ This includes Department of Health funding (£44.5 million) for the further implementation of the Integrated Drug Treatment System across all English prisons. For young offenders, the Young People's Substance Misuse Service (YPSMS) is a non-clinical service for those under the age of 18 in prison in England and Wales, combining education and prevention with treatment.

We agree with the Committee that overcrowding should be reduced whenever possible. We are not aware of any research that demonstrates a causal link between the level of overcrowding and the rate of re-offending – the rate of adult re-offending for those discharged from prison is down by 9.1 per cent between 2000 and 2007.¹⁴ However, we must strike a balance between meeting the demand provided by the courts and rehabilitating offenders.

The Committee have highlighted the need to improve the way we target resources in custody. They will wish to note that NOMS is piloting, and will be rolling out, a screening tool that will assist in identifying which resettlement interventions are most appropriate for a particular offender and how they can best be delivered. The IAC pilots target diversion of offenders from short term custody by providing intensive supervision and a balance of punitive and rehabilitative requirements in a community order.

¹¹ The Annual Report of Her Majesty's Chief Inspector of Education, Children's Services and Skills 2008/9

¹² Defined as achievement of the goals set out in an offender's individual learning plan.

¹³ Interventions and Substance Misuse Group, NOMS

¹⁴ Ministry of Justice Statistics Bulletin: *Reoffending of adults: results from the 2007 cohort*

We also know that this work needs to be supported through a 'whole system' approach, which is why, for example, we have established dedicated drug courts to reduce persistent drug-related offending, drug dependency and misuse, and improve the efficacy of business. We have made it a priority to increase capacity to deliver services which we know are effective in reducing alcohol consumption among hazardous and harmful drinkers to low-risk levels.

- 6. We recommend the significant strengthening of community provision to enable probation to focus on the management of high risk offenders. The underlying needs of many persistent offenders who cause the most problems to local communities would be managed more coherently in the community. Prison resources could then be focused on higher risk offenders and, when they left custody, there would be better community provision for resettlement. All of which would improve effectiveness in reducing re-offending, improve public safety and reduce the prison population. (Paragraph 52)**

We agree that it is important to focus attention on the highest risk offenders and that the level of supervision should be proportionate to the assessed risk. The Probation Service uses the Offender Management Model to focus on higher risk and prisoners serving an Indeterminate Sentence of Imprisonment for Public Protection (IPP). Known high risk sexual and violent offenders are 'managed' through Multi Agency Public Protection Arrangements (MAPPA), supported by national standards on contact and supervision in the community. MAPPA has been a particularly valuable development in the supervision of high risk offenders.

We are working to actively promote community options for managing offenders. Process evaluations on the seven IAC pilots and a break-even analysis and impact evaluation feasibility study on the whole programme have been commissioned, and while it is too early to assess its effectiveness, performance data indicate that the programme is meeting targets for starts, compliance and completions.

The Government has also developed an offender management framework, which provides a potential model for extending offender management to *all* offenders. The model was designed to strengthen offender assessment, both in custody and in the community, and to target resources based on risk of harm and re-offending. Through the concept of the 'lead professional' and through improved data sharing between agencies, offender management can be more effectively delivered post-release through multi-agency approaches such as IOM and PPO.

We believe that this approach provides the right balance between punishment and reform.

Expenditure on Prisons and Probation

7. **We are concerned that the Ministry of Justice is overly focused on how each individual service can continue to function with reduced resources rather than assessing the most effective allocation of resources across the system as a whole. (Paragraph 67)**

8. **We have grave concerns about the impact of efficiency savings on practice at the frontline for both prisons and probation, which will undoubtedly undermine the progress in performance of both services. Neither prisons nor probation have the capacity to keep up with the current levels of offenders entering the system. It is not sustainable to finance the costs of running additional prison places and greater probation caseloads from efficiency savings in the long-term. (Paragraph 87)**

The Ministry of Justice was created in order to facilitate better co-ordinated management of the CJS – including the allocation of resources across it. NOMS, as an agency of the Ministry of Justice, was itself established to join up the way in which prison and probation services work together to deliver end-to-end offender management. Under this model, the Ministry of Justice sets the overall strategic direction and focuses on structures and building capacity so that NOMS is able to co-ordinate and support the prison and probation services.

We share the Committee's determination that the savings which need to be made across the Ministry of Justice, including NOMS, should not undermine the performance of prison and probation services. The Specification, Benchmarking and Costing programme (which the Committee discuss at Recommendation 35) is delivering costed specifications for services which will provide DOMs with the tools to reduce costs while maintaining quality.

More widely, the implementation of the Core Day from July 2008 demonstrates how the Prison Service can make efficiencies without compromising safety. We anticipate that standardisation will also improve consistency of regime delivery across the whole estate and help maximise the access prisoners have to activities.

- 9. The Government's over-emphasis on use of custody as a criminal justice response, although partially addressed by the promotion of community sentences for short-sentenced prisoners, intensive alternatives to custody and integrated offender management, has left a legacy that resources for effective community-based interventions have been depleted in relative terms and are now spread far too thinly. The Government must go very much further than paying £40m to correct this imbalance; the sooner it recognises this, the less damaging it will be to the confidence of the public and sentencers and to long-term finances. The test with the pilots will be whether resources are provided to roll them out across the country. We are concerned that there are no probation staff at a senior level in NOMS: this suggests a lack of advocacy on behalf of probation for better resources. We have not seen any evidence which suggests that bringing together prisons and probation has yet had a positive impact; in fact the available evidence on the financial outcomes of this merger point to the contrary. We are deeply concerned at this indication that the Government is moving further towards a prisons-oriented criminal justice system. (Paragraph 88)**

We are committed to a balanced CJS based on both community and custodial sentences, underpinned by a commitment to address the causes of crime. The Committee have rightly identified the promotion of tough community sentences, IAC and IOM as examples of our investment in non-custodial responses to offending.

NOMS is responsible for the commissioning and delivery of offender management services, from private, public and third sector organisations, within the strategic policy framework set by Government. Bringing the prison and probation services together in the NOMS regional structures enables offender management to be delivered more effectively, and strengthens and streamlines commissioning to improve efficiency and effectiveness. The new structures have strengthened the position of delivery managers in both prisons and probation; with DOMs having the freedom to determine how services are delivered within a national framework of specifications and standards.

We agree with the Committee that it is important for probation staff to be represented at senior levels within NOMS. Both the National Probation Directorate and HM Prison Service headquarters were disbanded when the NOMS Agency was created. The National Probation Service and HM Prison Service remain separate and valued organisations within NOMS. Probation staff are currently represented in all areas of NOMS' national and regional structures, including at Director and Deputy Director level. Former chief officers, seconded probation staff and those who have joined the civil service from probation are well represented in NOMS national and regional headquarters. Roger Hill, the former Head of the National Probation Directorate, is now the DOM for the South-East region. There is a senior manager responsible for probation services in each regional office and in Wales.

In addition, there are a range of consultative groups whose membership includes probation professionals. These groups advise and help in the decision making in areas as varied as the offender management model, the design of interventions and governance arrangements.

- 10. We recommend that the Ministry of Justice reject any move away from contracting with small organisations with proven track records in providing rehabilitative services for offenders in the name of reducing administrative overheads. Other options should be examined for reducing costs in this area. (Paragraph 95)**

The Ministry of Justice does not have any plans to move away from commissioning with smaller organisations from any sector. The Ministry's priority is to commission high quality services from a diverse market of providers that deliver real outcomes and public value. The development of Probation Trusts and devolved commissioning through other local partnerships such as CSPs and LSPs provide a range of opportunities for smaller organisations to deliver services to offenders within local communities.

While the direction of travel is to move from grant funding to commissioning offender services, grants can be particularly effective in supporting smaller providers and specialist services. NOMS will continue to use grant funding alongside commissioning where this better meets outcomes and are developing guidelines on the appropriate use of grants.

- 11. We recommend that the Ministry of Justice publishes its estimates of the financial impact of both the existing prison building programme, and the new building programme, on the rest of the criminal justice system. (Paragraph 96)**
- 14. We recommend that the Ministry of Justice undertake work to identify the key factors influencing changes in the rate of re-offending and crime as a priority. (Paragraph 110)**
- 56. We welcome the work of the Youth Justice Board in exposing the costs of the use of custody for young people at local level and recommend that the same is done for adults. (Paragraph 283)**
- 57. The Government has not demonstrated the cost-effectiveness of its policies to reduce crime or re-offending. Neither has it produced any evidence that the prison building programme and the establishment of the Sentencing Council together represent a sustainable long-term policy. (Paragraph 301)**

The Government published an economic impact assessment alongside its response to the consultation on the New Prisons programme.

The capital construction cost of the core capacity programme (12,500 places) is approximately £2 billion. To date, £1.3 billion has been spent on construction and we expect spend to remain within budget. Annual running costs of the places delivered as part of the core capacity programme are forecast to be £484m once all the projects are delivered and have been operational for one year. The capital cost of constructing five, 1,500 place, prisons has been estimated at approximately £1.2 billion – excluding VAT and site purchase costs.¹⁵

In respect of the impact on the rest of the CJS, achieving resource neutrality over the lifetime of the new prisons programme is one of the principles. The new prisons build programme will increase overall capacity in the prison estate with a view to allowing the Ministry to close old and inefficient prisons, which cost more on a per place basis. To do this we will aim to offset as much of the resource costs as possible from the savings generated from the closures.

We agree with the Committee that we need to improve our understanding of the cost-effectiveness of custody for both adults and young people. This will build on our knowledge of what drives changes in crime and re-offending rates. All assessments of cost-effectiveness will also need to take account of the value that society places on punishment and public protection.

To support this, analysts in the Ministry of Justice are currently developing an improved information base on the costs of custody and community alternatives to prison as part of the Unit Costs in Criminal Justice project (UCCJ). This work will provide estimates of the full economic costs of housing adult offenders in custody and the additional costs generated through prison and community-based activities and programmes that seek to reform and rehabilitate offenders. Three offender cohort studies covering both young and adult offenders are also underway. These will examine the link between interventions and activities provided within custodial or community settings and re-offending outcomes.

Together with the UCCJ project, the cohort studies will provide a better understanding of the cost-effectiveness of managing offenders in prison and in the community. A separate programme of work will seek to quantify the wider social costs linked to criminal careers. This will enable a better assessment of the wider social returns that are generated through interventions that can improve re-offending outcomes and whether these benefits justify the costs of interventions delivered. When available the findings from these different strands of research will be published on the Ministry of Justice website.

¹⁵ Based on estimate figures by quantity surveyors. Recent MoJ analysis suggests £875 million.

Effectiveness of prison and probation programmes in reducing crime

- 13. We welcome indications that reconviction rates following time in prison and on probation have fallen by a considerable margin, although we are concerned at early signs that this trend may be reversing, particularly as this coincides with budgetary constraints for prisons and probation. We are worried that, if the prison system further expands and the increases in funding tail off, these resources will be spread too thinly to continue to reduce re-offending. (Paragraph 104)**

The CJS, like all areas across Government and the economy, will not be immune from the changed financial climate. However, we remain confident that the measures we have taken, and those we plan to take, will help us maintain a strong performance.

We share the concern that efforts to reduce re-offending should not be undermined by pressure on budgets. Between 2000 and 2007 proven re-offending rates for both adults and juveniles have gone down by 23.6 per cent and 20.3 per cent respectively.¹⁶ This coincides with the introduction of end-to-end offender management, which ensures offenders are receiving the right interventions at the right time. Our current progress indicates that we are on track to meet the target of a 10 per cent reduction in re-offending by 2011. Re-offending rates for offenders who were discharged from custody or commenced a community order in 2008 are due to be published on March 18th.

In the current spending period – ending in 2010/11 – NOMS are required to deliver efficiencies of around £0.5bn and are on track to do so. Efficiency savings will need to be made across the whole public sector but we believe that we can prevent resources being spread too thinly through better prioritising and targeting. The Committee's findings will inform this work.

- 15. There is a very strong financial case for investing substantial resources in more preventative work with: former offenders; those with drug and alcohol problems; people with mental ill-health; and young people on the outskirts of the criminal justice system or who have been in custody. (Paragraph 127)**
- 16. We recommend that the Government as a whole makes reducing the social exclusion of former offenders a central part of its social policies. (Paragraph 128)**

¹⁶ Ministry of Justice Statistics Bulletin: *Reoffending of adults: results from the 2007 cohort*

17. We conclude that programmes aimed at rehabilitation – such as tackling offender behaviour, on the one hand, and improving skills and self-confidence, on the other – are worth running in prison, while offenders are inside and in sight. Nonetheless, a more effective investment would be in a substantial programme of 'prehabilitation', aimed at potential offenders and targeted on problem communities, with the objective of heading off the drift into crime and custody before it happens. (Paragraph 129)

The Committee is right to acknowledge that offenders, and those at risk of offending, often form part of the most socially excluded groups in society, and as such they are included in a number of cross-Government programmes aimed at improving outcomes and opportunities for all those suffering from social exclusion.

Getting more offenders into stable homes and jobs are already key targets. We also work with local partners on areas such as improving access to health services (including tackling substance misuse), supporting children and families of offenders, and offering support in managing finance, benefit and debt – all of which help support our aim to reduce re-offending, as well as broader objectives.

A number of partnership arrangements to support this work are already in place. These include the opportunity for local authority areas to prioritise socially excluded offenders or adult re-offenders more widely, as part of Local Area Agreements (LAA). Regional arrangements are being strengthened to improve performance outcomes for socially excluded groups focusing on those Local Authority areas which are underperforming on offender accommodation and employment outcomes.

The Committee makes specific reference to a need for more preventative work with young people. We accept that reducing the number of young offenders should be a priority and welcome the fact that there are now fewer young people in the youth justice system. There has been a 21.6 per cent decrease in the number of young people entering the youth justice system for the first time in 2008/9 compared to the previous year.¹⁷ In terms of re-offending, between 2000 and 2007 (the latest available data), the frequency rate of juvenile re-offending has fallen by 23.6 per cent.¹⁸

The Youth Crime Action Plan, launched in July 2008, clearly articulates the Government's strategy for tackling and preventing youth criminality. It sets out a triple-track approach of better prevention to tackle problems before they become serious or entrenched; more non-negotiable support to

¹⁷ DCSF: Youth Crime: Young people aged 10–17 receiving their first reprimand, warning, or conviction, England, 2008–09
<http://www.dcsf.gov.uk/rsgateway/DB/STR/d000895/index.shtml>

¹⁸ Ministry of Justice Statistics Bulletin: *Reoffending of adults: results from the 2007 cohort*

address the underlying causes of poor behaviour; and tough enforcement where behaviour is unacceptable.

The Youth Crime Action Plan¹⁹ provided almost £100m for new targeted action in priority areas and set out a strategic framework for how children's services, police and youth justice reforms work together to reduce youth crime:

- To identify problems early and reduce the risk of a variety of poor outcomes including offending, the Government has invested heavily in services for families with very young children, and over 3000 Sure Start Children's Centres and extending Family Nurse Partnerships.
- To provide young people with the life skills they need to avoid offending behaviour, significant investment has been made to improve the quality, access and safety of youth provision. This includes additional funding for targeted provision through Positive Activities for Young People and funding new and refurbished youth facilities, so ensuring that activities are delivered at the times that young people want and need, particularly Friday and Saturday nights when problems of crime and anti-social behaviour are greatest.
- To increase access for families to services and support, targeted parenting provision has been rolled out across the country through parenting experts and the Parenting Early Intervention Programme. For the most challenging families, there has been a significant expansion of Family Intervention Projects (FIPs). From 2011/12, 10,000 families will be supported each year.
- For young people on the cusp of offending, multi-agency street patrols and police operations have been put in place to engage and remove at-risk young people to a place of safety. These build on a network of Safer School Partnerships and Youth Inclusion Projects, which provide targeted support.

¹⁹ Youth Crime Action Plan (July 2008)
<http://www.homeoffice.gov.uk/documents/youth-crime-action-plan/>

Balance between punishment and reform

- 18. We are concerned that an assumption has been created that punishment is the paramount purpose of sentencing. There is an understandable public concern that offenders should suffer serious consequences for the crimes they have committed, but if other purposes, including reform and rehabilitation and reparation to victims, were given higher priority, then we believe sentencing could make a much more significant contribution to reducing re-offending and to improving the safety of communities. (Paragraph 138)**
- 29. We recognise the importance of society expressing its abhorrence of crime and understand the expectation that punishment will be an element of sentencing, but the over-riding purpose of the offender management system is public safety, therefore the prevention of future crime. Each offender completing their sentence should be less likely to re-offend than before. Yet there is compelling evidence that the Government has missed many opportunities to reduce re-offending by failing to invest in community provision outside the criminal justice system and by not delivering the raft of promising approaches proposed in recent years (Paragraph 169)**
- 30. Even if the Government cannot agree that reducing re-offending should be the over-riding aim, there must be an agreement that it is currently the most neglected, and that this must change if the system is to become more coherent and rational. (Paragraph 170)**
- 31. The reduction of re-offending and of the incidence of serious further offences requires an essentially public-focused and victim-based approach which goes beyond the traditional culture of the courts and the criminal justice system more generally. (Paragraph 175)**

Overall, a fair and effective CJS demands punishment for breaking the law and offers offenders the opportunity to reform and turn away from crime. Justice for victims and local communities, punishment and reform for offenders and value for the taxpayer are pre-requisites to maintaining public confidence.

The purposes of sentencing are set out in the Criminal Justice Act 2003. The Act does not, however, stipulate which of these should be accorded primacy. This is a matter for the court to determine depending on the seriousness of the offence and the circumstances surrounding the individual case.

Prison is rightly seen as a punishment for offenders and as protection for the public, removing the liberty of offenders and ensuring that they comply with a structured, disciplined and tough regime. As such, it will always remain a crucial part of the sentencing framework. However, we agree with

the Committee that for less serious offenders a demanding community sentence is often more suitable. To achieve the most effective outcomes for victims and the public we need a combination of custodial and community sentences, which, in turn, provide the right mixture of punishment and reform. In 2008, there were 99,500 offenders sentenced to immediate custody and 190,171 community sentences.²⁰ This approach has been instrumental in reducing crime and re-offending.

Delivering justice is also about delivering for victims, which is why we announced on January 27th our plans to establish the National Victims' Service. We know the importance of criminal justice being more of a *service* than a *system* where victims are concerned. The National Victims' Service will provide more comprehensive and dedicated support for vulnerable victims of crime and anti-social behaviour referred by the police.

While we welcome the Committee's analysis, we do not agree that reducing re-offending is the most neglected aim. As noted elsewhere in this response we have achieved significant reductions in both adult and youth re-offending and continue to make this a priority.

19. The starting point – not just for sentencing, but for the work of the police, prison and probation service and the contribution of third sector organisations – must be to analyse how and why criminal activity takes place, the factors that influence the seriousness of offending and “what works” in reducing both the frequency and the seriousness of offending. (Paragraph 138)

87. The Government should develop a mechanism to allow the public to understand the costs of local offending to the criminal justice system and the wider costs to society, including costs to other services (e.g. health, housing, social services and benefits) of failing to reduce re-offending. (Paragraph 406)

We agree with the Committee that the work being carried out by criminal justice agencies needs to be informed by the evidence on impact and cost. Our current knowledge about offenders, and the costs of crime imposed by different types of offenders, suggests that we could generate greatest benefit to the tax payer by focussing on persistent and prolific offenders.

The Home Office and Ministry of Justice both have ongoing programmes of work to continue to develop estimates of the costs of crime and the costs of re-offending generated through criminal careers. Both these programmes of work consider the varying seriousness of crimes in terms of the harm they impose on victims and society more generally, including the physical and emotional impact of crime on victims, the costs to other agencies outside of the CJS, and wider costs to the economy.

²⁰ Ministry of Justice Statistics Bulletin: *Sentencing Statistics 2008*

Home Office estimates of the costs of crime²¹ are used by a wide range of agencies to estimate the costs of crime and the benefits of crime reduction in different contexts, including in local communities. Home Office analysts routinely provide advice on how this might be done. This work is designed to improve the evidence base, which for some types of crime is relatively limited. These estimates are also being used in combination with evidence on crime and re-offending to acquire a better understanding of the costs generated by offenders over a criminal career. As set out in the response to Recommendations 11,14 and 56, this will enable a better understanding of the social returns generated by interventions that reduce levels of re-offending.

The Home Office makes use of the body of criminological and economic research evidence around a number of socioeconomic variables that impact on crime (including, for example, the economy, the impact of the police and CJS and demographic changes). Given the complex way in which these factors interact, a conclusive judgment on their relative importance is extremely difficult to make. Furthermore, what comprises key factors may vary significantly between different types of crime and over time. Home Office Research Studies do look at the macroeconomic drivers of crime, but as mentioned, variables can change over time. Given the importance of this subject matter the Home Office keeps the interaction of the many and complex factors that influence crime under review.

In terms of 'what works' in relation to specific interventions and programmes provided within prison or as part of community sentences, the evidence is strongest on the effectiveness of cognitive behavioural (offending behaviour) programmes in reducing re-offending. This covers both general programmes and specific programmes for sex offenders that tackle offenders' attitudes and motivation. There is also promising evidence in support of programmes tackling other factors which are linked to re-offending, including drug misuse and education, training and employment.²²

We are therefore investing in developing the evidence base that will help us select the most effective interventions. This includes the three cohort studies, the Unit Costs in Criminal Justice Project and the programme of work around estimating the cost of criminal careers referred to earlier.

20. The Government should go much further in reducing the numbers of entrants and re-entrants to the criminal justice system. More emphasis must be placed on ensuring that the criminal justice system is effective in reducing re-offending, diverting people into appropriate support and embracing wider shared responsibility for reducing re-offending by tackling underlying causes within local

²¹ Dubourg, R. and Hamed, J. (2005): *The Economic and Social Costs of Crime Against Individuals and Households 2003/04*. Home Office Online Report 30/05.

²² Harper, G & Chitty, C (2005). *The impact of corrections on reoffending: a review of what works*. Home Office Research Study 291. London: Home Office.

communities. Resources must be shifted into targeting the reduction of re-offending on a much broader scale, taking a whole systems approach, which applies the best available research evidence to determine the most appropriate allocation of resources both between prisons and probation and outwith the criminal justice system. (Paragraph 140)

- 44. Organisation and funding should explicitly recognise the correlation between offending and social exclusion in the places where crime most occurs. (Paragraph 240)**
- 45. Being tough on reducing re-offending is not being soft on offenders. Local strategies must take a more integrated and comprehensive approach which recognises that many of those who commit offences are also victims. Justice reinvestment would enable the most victimised communities, as well as offenders and their families, to benefit from additional targeted support. (Paragraph 245)**

We agree on the importance of both reducing offending and re-offending and have significantly reduced the overall crime rate and the rate of re-offending for both young and adult offenders. We know, however, that more can be done.

Our approach has been to build and strengthen partnerships across Government and more widely. We know that tackling crime and its causes requires the support and co-ordination of a wide range of partners. Much of the resource directed towards offenders comes from outside the CJS. This Response outlines many ways in which this is being done – the change to the statutory duty for CSPs, the increased role for the LCJBs, the refresh of the PPO programme, implementation of the new DIP operating model and the introduction of IOM are some examples.

To embed this approach, performance is underpinned by a system of cross departmental Public Service Agreements (PSAs). These help cement common action on key targets: PSA 16, for example, helps us focus on the underlying causes of crime through work on reducing social exclusion in particular disadvantaged groups – care leavers, those with mental health problems or learning disabilities and offenders.

We are aware of the impact of offending on communities. We have introduced Community Impact Statements to give communities a voice at key decision points in the criminal justice process – at point of charge, at point of sentence and also in mediation, reparation and rehabilitation activities undertaken with offenders.

Looking ahead, the 'Total Place' initiative is exploring the potential for a 'whole area' approach leading to better public services at less cost. There are 13 pilot areas participating in the project, and a number of the pilots are focusing on criminal justice related issues. Each pilot area has been tasked with mapping all public money in its area, exploring how public

organisations can work together better and more efficiently and identifying the barriers that prevent them from doing this.

By mapping total spending in each place, partners have identified the volumes of public money that flow through their area and the complexity of the channels used to ensure that resources reach the end user. This in itself has created a mandate for serious and radical examination of what could be done differently, which has been strengthened by the need for economy in public finances nationally. The Committee's conclusions and recommendations make a valuable contribution to this discussion.

21. We are surprised by the cautious approach that the Government has taken towards restorative justice but we welcome its current commitment to revive the strategic direction in this area. We urge the Justice Secretary to take immediate action to promote the use of restorative justice and to ensure that he put in place a fully funded strategy which facilitates national access to restorative justice for victims before the end of this Parliament. (Paragraph 144)

The Government welcomes the Committee's support for restorative justice approaches. The Government is committed to expanding provision of restorative justice for victims and is working with partners to develop proposals for how this can be achieved as part of the National Victims' Service.

To ensure appropriate building blocks are in place to expand quality restorative justice provision, we are working with the Restorative Justice Consortium to:

- promote national occupational standards in restorative justice practice;
- set up a national accredited practitioner database;
- revise guidance to LCJBs commissioners and managers about best practice in establishing and running restorative justice projects; and
- set up a voluntary code of practice for restorative justice trainers.

Once we have an accredited database the National Victims' Service will have practitioners to refer to and commission services from.

Our current approach with respect to adult offenders is to work with local partners and providers (including those from the third sector) to encourage restorative justice without requiring its use. Guidance to LCJBs is in the process of being updated, and will include references to recent research and report on new practice.

In addition to this, we are taking forward the findings of the Youth Restorative Disposal which has been piloted in seven police forces, and we are working with ACPO to develop a standard approach for restorative justice across police forces – building on existing practice and progressing work with the Home Office to ensure that restorative justice is appropriately reflected in performance assessments.

Our overall view is that this type of practical and incremental approach is consistent with wider 'what works' principles and that a new over-arching strategy is not necessary at this juncture.

23. We recommend that the Government implement the reform of the Rehabilitation of Offenders Act 1974, which it has conceded is required, before the end of this Parliament. (Paragraph 150)

We believe that further work needs to be done to take a fresh look at this legislation before we move to introduce any reform.

24. We are disappointed with the Government's slow progress in implementing Baroness Corston's recommendations for vulnerable women offenders, which it accepted in December 2007. We are concerned that the limited additional funding that has been committed to implementing the recommendations has been partially diverted to existing projects which have been unable to find sustainable funding. This is symptomatic of fundamental problems in funding initiatives which would reduce the use of prison. (Paragraph 157)

The Government rejects this finding. We have made substantial progress over the past two years. We have seen a promising reduction in the women's prison population and want to ensure that this trend continues. We have therefore committed to reduce the women's prison estate by 400 places by March 2012.

For those women who do not pose a risk to the public, our aim is to reduce the use of remands and custodial sentences of under 12 months. We are developing a network of community provision to provide credible alternatives to custody that support women to address their offending behaviour and enjoy the confidence of the judiciary.

In February 2009, we announced £15.6 million of *new* funding to be used to invest in the provision of additional services in the community for women offenders, who are not a danger to the public, and for women at risk of offending. This is a significant new investment. Since then we have committed in excess of £9 million of this funding to 31 third sector organisations to build the capacity of Women's Community Projects and other specialist provision for women in the community.

To continue support for the third sector, building its capacity to deliver effective, credible and quality services to women offenders and women at risk of offending, we announced on 1 February 2010 a £2 million Women's Diversionary Fund jointly funded by the Corston Independent Funders' Coalition (CIFC) and the Ministry of Justice. This will help develop community provision, filling geographical gaps and testing out different approaches with specific groups of women. Our strategy post-2011, depending on a reduction in the women's prison population and evidence of the effectiveness of the new provision, is to reinvest resources into the community.

A national cross-government women's strategy team is leading work to respond to the wide range of issues faced by many women offenders. This partnership based approach is also replicated at a regional and local level, with NOMS and Probation taking a leading role in forging the effective local relationships necessary to ensure a more coordinated approach in dealing with women's offending.

25. We welcome Lord Bradley's review of the treatment of people with mental health problems or learning difficulties in the criminal justice system. There is strong evidence that swift action in this area, in particular to broaden access to diversion and liaison schemes and to secure hospital treatment, could yield short, medium and long-term reductions in the prison population and result in cost savings to the public purse, as well as provide more humane approaches to managing offenders with mental ill-health. (Paragraph 158)

We share the Committee's endorsement of the key findings and recommendations from the Bradley Review²³. The Review is a critical development in our approach to offenders with mental health problems. The publication of the Health and Criminal Justice Delivery Plan *Improving Health, Supporting Justice*,²⁴ on 17 November 2009 set out agreed cross-departmental actions aimed at improving access by offenders to mental health, alcohol and other NHS treatment services. This plan represents a joint work programme between the Department of Health, the Ministry of Justice, Home Office and the Department for Children, Schools and Families, and incorporates the Government's full response to Lord Bradley's review.

The delivery plan commits to the development of liaison and diversion services over the next five years. The Department of Health is leading work with existing services and third sector organisations to identify and build on existing good practice. Two key strands of work will help to make the case for local investment:

- Clarifying the economic case by explaining the impact of liaison and diversion services on community and secondary mental health and learning disability services; and modelling the financial and other benefits for other parts of the CJS and the NHS.
- Developing guidance on the objectives, scope, functions and outcomes of liaison and diversion services.

²³ Lord Bradley's review of people with mental health problems or learning disabilities in the criminal justice system (April 2009)
http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_098694

²⁴ *Improving Health, Supporting Justice: the national delivery plan of the Health and Criminal Justice Programme Board* (November 2009)
http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationspolicyAndGuidance/DH_108606

The plan also includes an aim to narrow the regional variation in the provision of alcohol treatment requirements. Progress is based upon building and improving existing commissioning and delivery mechanisms resulting in better use of existing base funding in the NHS and CJS.

- 26. We commend the Government's progress in attempting to reduce the use of short prison sentences since our report, *Towards effective sentencing*. We have some concerns that a version of Custody Plus, which was not in itself implemented, is now being introduced 'by the back door' without sufficient funding. (Paragraph 159)**
- 27. We welcome Government emphasis on reducing the use of short-term prison sentences but believe a broader approach is required. This should include increasing the capacity of probation to deal with community sentences, and wider community work with the chronically excluded so as to reduce the waste of probation resources on lower risk offenders. It is more cost-effective to deal with offenders when behaviour starts to become problematic rather than when it is entrenched enough to warrant a custodial sentence. (Paragraph 164)**
- 46. The implementation of Integrated Offender Management, and the London pilot in particular, shows that some of the principles of justice reinvestment can be applied successfully to England and Wales, although the framework for longer-term funding and national roll-out of such initiatives is, as so often is the case, uncertain. (Paragraph 254)**

We welcome the support of the Committee for our plans to make better use of short sentences. The plans do draw on some of the principles of Custody Plus, but in a way which is affordable in the current context. We have developed an offender management framework which is based on risk of harm and likelihood of re-offending, rather than on sentence length alone. NOMS is currently testing new ways of extending offender management to all offenders in custody, including the introduction of a new short assessment. The work will be trialled in Yorkshire and Humberside from April 2010.

The Committee refers to the need to increase the capacity of the probation service to deal with community sentences. The budget for 2010–11 of £870m, equates to a reduction of 2.7 per cent year-on-year. However, this is not exceptional in terms of savings expected across public services and is £26m more than the original, indicative, budget.

The Ministry of Justice and the Home Office are working jointly on the development of a national strategy for IOM. The strategy will consider the findings of the evaluations of the six IOM pioneer areas, including the Diamond Districts in London. We need to be confident that there is a clear cost-benefit case for rolling out IOM nationally and to ensure that there is a robust evidence base to support continued investment in this approach.

We recognise the potential of this work to draw in a wide range of partners and for impacting positively on driving down crime and re-offending.

However, IOM is about doing core business differently by bringing agencies together to meet shared objectives and targets. It should not, therefore, be dependant upon securing additional long-term funding. Where investment is required it should be possible to secure this from the efficiencies and cost savings that IOM encourages.

- 28. It does not make financial sense to continue to ignore the needs of young adult offenders. They will become the adult offenders of tomorrow. Particular effort should be made to keep this group out of custody. A multi-agency approach, akin to that applied to young offenders aged under 18, might bring similar benefits in terms of the reduction of re-offending to those aged 18 to 25. (Paragraph 166)**

The Government remains committed to improving the way young adult offenders are managed. A project is underway which will develop a strategic approach for the management of offenders between the youth and adult criminal justice systems. The project will explore the feasibility of taking into account factors other than age (including maturity levels) when managing young adult offenders, and whether the classification of a young adult offender should remain as 18–20 years old. The project will also explore the possibility of developing a cost benefit case for changing the way we manage this group, and will look separately at the way information is shared between agencies in order to improve the service offered to those moving to the adult justice system.

- 32. We welcome the move to joint targets and more sophisticated measures of re-offending. The Public Service Agreement performance framework and accompanying Local Area Agreement indicators are much more constructive than the preceding targets. (Paragraph 179)**
- 33. We are concerned that there has been low take-up of crime-related indicators in local areas and we believe that local strategic partnerships should better reflect the priority given to crime as a matter of public concern both nationally and locally. (Paragraph 179)**
- 66. There is an urgent need to develop mechanisms for a longer-term approach to planning for crime reduction, including reducing re-offending, at the local level. We consider that a joint strategic needs assessment approach, similar to that required of primary care trusts and local authorities, should be applied to crime reduction and the reduction of re-offending. Justice mapping could support this. (Paragraph 328)**

We welcome the support given by the Committee for the move to joint targets and more sophisticated measures of re-offending. The PSA performance framework and accompanying LAA indicators are rightly seen as being more constructive than the preceding targets.

The inclusion of a range of community safety national indicators in LAAs provide localities with the flexibility and capacity to deliver best solutions to meet their needs, targeting, as appropriate, particular types of crime and re-offending. It is for local areas to decide on which measures to adopt – taking into account national and local priorities. The inclusion of an adult re-offending indicator helps local partners use resources to meet the needs of offenders within their areas. The Committee expressed concern over low take up of crime related indicators. In fact, over 70 LAAs (out of 152) include adult and youth re-offending amongst their top priorities. 85 areas have taken up Prolific & other Priority Offenders, and 96 have taken up Serious Acquisitive Crime. We want to see even more areas take up these indicators in the next LAA round.

To support this locally we have changed the statutory duties of CSPs to include reducing re-offending, and we have asked LCJBs to produce a reducing re-offending strategy for their area, supported by the DOMs.

Recommendation 66 calls for a joint needs assessment approach. In fact, strategic assessments are carried out annually in each CSP area and are effectively the same as a joint needs assessment. All CSP Strategic Assessments will be required to consider reducing re-offending from 1 April 2010.

Mainstreaming provision to reduce crime and re-offending

- 34. There is no coherent strategy between the Home Office, Ministry of Justice and other departments to ensure the most appropriate allocation of resources to reduce crime. A considerable amount of management information about offenders is held locally by prisons, probation areas and other providers which, if captured centrally, would provide a wealth of material to support the case for cross-departmental reform. (Paragraph 187)**

The Government agrees with the Committee's analysis that close working between Government departments is required to reduce crime. The Home Office, Ministry of Justice and the Attorney General's Office are working together in an increasingly strategic way, to develop CJS spending plans responding to the need to reduce public expenditure in the next spending period. The Office for Criminal Justice Reform (OCJR) is co-ordinating this work and is collating evidence about the use of resources in the CJS including, for example, current performance and examples of good practice.

In addition, the Public Value Programme is already considering opportunities for more effective joint working across CJS agencies to save money. The OCJR has developed a cross-CJS analytical toolkit to help improve understanding of the impact of policies and interventions throughout the criminal justice process. It is designed to support more informed decision-making about the system-wide costs and benefits of policy proposals.

- 35. We welcome the NOMS benchmarking programme but we are concerned that it is motivated more by a desire to save money than to ensure that resources are allocated rationally to best effect; it is also limited to interventions that have typically been provided by the probation service and does not seek to consider the cost-effective use of resources for reducing crime more widely. (Paragraph 188)**

We are committed to achieving value for money in meeting our targets *and* ensuring that resources are allocated rationally. The Specification, Benchmarking and Costing Programme works at both these levels. The programme – which is not limited to probation services – sets out over 75 services which have traditionally been provided both by prison and probation services (funded by NOMS) and are delivered to offenders, victims, defendants and courts. Where the business is competed, any provider can bid to deliver from specifications listed in the Directory. All offender services will be specified by the end of 2011.

Drivers of system expansion

- 36. Wider factors, such as the media, public opinion and political rhetoric, contribute to risk averse court, probation and parole decisions and hence play a role in unnecessary system expansion. If Ministers wish the system to become sustainable within existing resources, they must recognise the distorting effect which these pressures have on the pursuit of a rational strategy. (Paragraph 192)**
- 37. We do not contest that crime and responses to it are important political issues but we believe that the extreme politicisation of criminal justice policy is counter-productive, undermines rational policy-making, and conceals the consensus that does exist around the future direction for the criminal justice system. (Paragraph 200)**
- 38. A good deal of media comment assumes that sentencing is below the level that the public expect, whereas the evidence suggests that the public – when asked to make a judgment – set out expectations that are close to the levels that are actually being set by the courts. (Paragraph 215)**
- 39. Parliament must listen to the public's rational perception of what changes are needed and act now to change the direction of the system, replacing expensive custody with community-based sentences and earlier intervention that will reduce re-offending. (Paragraph 216)**
- 40. We welcome recent attempts to challenge public perceptions of crime and punishment, for example through case study websites and roadshows, but we consider that something more fundamental is required to challenge the perception that the criminal justice system is not sufficiently tough. (Paragraph 217)**
- 41. The Government should lead a public debate on the aims of criminal justice policy, and seek to influence, as well as to be influenced by, the public response. In so doing the Government should assert that there are ways of reducing crime, other than expanding the use of imprisonment, which would better protect communities. (Paragraph 218)**
- 98. The public needs to be made aware that a tough outcome in terms of sentence length may not equate to an effective outcome in terms of the reduction of crime. (Paragraph 448)**

The Government does not agree with the Committee's belief that criminal justice policy is more politicised than any other public policy, and nor should it be. The protection of the public is one of the first duties of Government, and it is the duty of opposition parties to scrutinise and

to hold Government to account in this critical area. There is also a duty on all parties to recognise that public confidence in the CJS is a critical factor in policy-making – like any public service, the CJS must serve the public, and must not ignore the views of the wider public when engaged in policy-making.

We agree that there is a need for a rational debate about these issues but we do not agree that the debate impedes rational policy-making. We believe that the Government's approach is effective in getting the balance right between 'punishment and reform' approach. It is certainly effective in terms of reducing crime – a core responsibility – and this position is recognised across the political spectrum.

We agree that the debate on criminal justice is not always conducted on a rational basis: it is too often polarised between those who criticise custody as an approach, and those who wish to see even greater use of prison. The Government's criminal justice policy does, however, work from a rational base: the use of prison where necessary combined with increasingly effective community-based sentences. We do not underestimate the challenges we face in this difficult field, dealing with the most unpredictable and chaotic individuals in our society, but we do believe that our approach is effective and rational.

We do, however, have a growing body of evidence on the drivers of public confidence²⁵, which we are using as the basis for action to build community confidence in all criminal justice services, including sentencing. To build on this, a feasibility study/development reported in January 2010 to inform the development of a national survey to measure public preferences of a range of sentencing disposals and criminal justice outcomes. It demonstrated that a main study could examine the specific elements and variables that drive public preferences, the extent to which the public are prepared to make trade-offs with respect to the different purposes of sentencing and the amount the public are willing to pay for different sentencing disposals.

Following on from the *Engaging Communities in Criminal Justice* Green Paper,²⁶ an extensive programme of work is also underway to give the public more and better information about the CJS; and to make that a two-

²⁵ **Chapman, B., Mirrlees-Black, C. and Brawn, C.** (2002) *Improving public attitudes to the Criminal Justice System: The impact of information*. Home Office research study 246; **Salisbury, H.** (2004) *Public attitudes to the criminal justice system: the impact of providing information to British Crime Survey respondents*. Home Office Online report 64/04; **Page, B., Wake, R. and Ames, A.** (2004) *Public confidence in the criminal justice system*. Home Office Findings No. 221; **Singer, L. and Copper, S.** (2008) *Inform, Persuade and Remind. An Evaluation of a Project to Improve Public Confidence in the CJS*. Ministry of Justice Research Series 15/08; **Kelly, G., Mulgan, G. and Muers, S.** (2002) *Creating Public Value: An analytical framework for public service reform*. Strategy Unit discussion paper, Cabinet Office

²⁶ *Engaging Communities in criminal justice* <http://www.official-documents.gov.uk/document/cm75/7583/7583.asp>

way process. The Green Paper sits within a wider programme of work aimed at ensuring the CJS is efficient and effective, that it protects the public, makes communities safer, delivers justice for individuals and communities and inspires their trust and confidence.

We do know, however, that challenging opinions that are often long-held is not a simple or quick matter and that public perceptions are subject to an extremely varied range of influences – only some of which are within the influence of the CJS.

42. In basing arguments for reform on the best use of taxpayers' money, the political argument could be shifted away from notions about which party is 'harder' or 'softer' on crime and criminals to questions about the most effective use of scarce resources to reduce offending and re-offending. It is time for an objective consideration of what is in the best interests of society (Paragraph 224)

The Government agrees that there is a duty on policy-makers to bring forward reforms based on the best use of taxpayers' money and the best interests of society. This has long been an argument we have used: prison is expensive and must be reserved for the most serious, violent and persistent offenders. Community sentences can often be a more effective use of taxpayers' money in terms of reducing re-offending. We agree that an objective consideration of what is in the best interests of society is the right approach for the CJS and contend that it is this objective consideration which underpins Government policy. The Government has no interest in a crude political argument about which party is "harder" or "softer" and has a proven record in using resources effectively to reduce offending and re-offending. Crime as measured by the British Crime Survey is down by a third since 1997 and adult re-offending has fallen by 20.3 per cent between 2000 and 2007.

What it is not possible to do is to believe that by supporting the use of prison, one is engaging in a "hard" approach on crime. This is untrue: prison is critical to the punishment and reform of the most serious, violent and persistent offenders and its proportionate use is critical to public confidence in the CJS which exists to serve them. The Government believes all views must be taken into account when formulating criminal justice policy.

Rational use of resources

- 47. We urge the Government to think more widely in any application of justice reinvestment principles at a local level; in particular engaging local government, the health service and non-governmental sectors. (Paragraph 254)**
- 48. A regional or sub-regional model of reinvestment may be possible in the future if the national custody budget for the majority of the prison estate could be fully devolved to directors of offender management. Resources could then be moved from prisons to probation and crime and disorder reduction partnerships (CDRPs). In the meantime local criminal justice boards should be encouraged to provide a linkage role between regional and local reducing re-offending plans and between NOMS and CDRPs, in addition to probation, to ensure that prisons are included, where possible, in local partnership plans. (Paragraph 255)**
- 49. We do not consider that the Government's existing programme of work to reduce re-offending pays sufficient attention to the opportunities suggested by a justice reinvestment approach. Although there are welcome signs of an interest in costs and benefits, and some movement of resources between departments, this policy has not been backed by a demonstrable strategy to reduce the use of imprisonment and shift resources from within the criminal justice system; predominantly from prisons. (Paragraph 258)**
- 59. The Government should establish a national justice reinvestment working group at Cabinet Office level, for example, as a sub-group of the National Crime Reduction Board. As a starting point the Government should analyse the existing flow of resources at national level including total spending across central departments, for example on health, education, social welfare and criminal justice for key groups of offenders, including women, young people, young adults and persistent offenders. This, coupled with robust economic modelling of what is effective in reducing crime and re-offending, can be used to inform the development of a national justice reinvestment plan. (Paragraph 302)**
- 60. Effective crime reduction policies should lead to reduced spending on the prison system and better return on investment in efforts to reduce crime and re-offending over several spending cycles. The Government must therefore develop incentives for longer-term planning nationally, regionally and locally. (Paragraph 303)**

- 62. If local efforts to reallocate resources are to be effective in reducing the national costs of custody, local plans must be linked to a national strategy and subject to a quality assurance process to couple the results of mapping with the use of research on effective practice to determine the most cost-effective ways of meeting priorities.
(Paragraph 312)**
- 71. There needs to be a direct financial incentive for local agencies to spend money in ways which will reduce prison numbers.
(Paragraph 338)**
- 81. It would only be necessary to reduce re-offending by a fairly small margin to cover the costs of many community interventions.
(Paragraph 377)**

The Government shares the Committee's conviction that local partners must be involved in work to cut crime and reduce re-offending. We support the principle of joint planning of interventions and use of resources so that partnership activity is effective in controlling, deterring, punishing and reforming offenders. We know that it is essential to link up with partners, such as those in the health and non-government sectors, and we have developed approaches for doing so, as detailed elsewhere in the response. We also agree that LCJBs have an important role to play in providing a link with CSPs and that the joint delivery of LAAs are a critical means of achieving these wider goals.

The Committee recommends that custodial budgets be fully devolved to the DOMs. A national prison service is an effective way of managing resources that enables us to make best use of the estate and to ensure that we have sufficient capacity to meet demand. However, the NOMS budget for the operation of prisons in each Government Region and Wales (with the exception of High Security prisons), together with the budgets for Probation Boards and Trusts in each region, have now been delegated to DOMS as a combined overall budget. As commissioners, DOMs have responsibility for determining service needs and demand and the authority to decide the level and mix of funding for all providers they fund (including prisons and Probation Trusts) against agreed service delivery and outcomes. This must take account of existing contractual agreements and this budget does not include services not funded by NOMS, such as learning and skills or offender health, although we expect DOMs to be fully engaged in these discussions.

At this stage we do not believe that it is necessary to establish a national justice reinvestment working group at cabinet level. However, we are looking at ways in which it might be possible to incentivise better local agencies and to consider options that provide best value for tax payers. We welcome the contribution of the Committee to this thinking.

This includes the need to evaluate properly the cost and the effectiveness of particular projects, and we accept that more work needs to be done to improve our understanding of how resources flow across the system. We are committed to increasing our knowledge base around "what works" in reducing re-offending and as our understanding improves we would expect better targeting of resources and anticipate that we will be able to increase efficiencies and ensure a better return for investment.

Our current understanding of the costs to society generated through persistent and prolific re-offending, combined with what we currently know about the costs of programmes and other activities, suggests that only small reductions in re-offending may be necessary for community interventions to "break even" in broad cost-benefit terms.²⁷ However, this does not necessarily mean that reduced re-offending would deliver sufficient cashable financial savings to the CJS to justify costs as many of the benefits of reducing crime are non-financial, such as preventing the physical and emotional burden imposed on victims.

We are also committed to improving our ability to carry out longer-term planning at all levels of the system. While we believe that to manage demand in the medium term we shall need to increase prison capacity to 96,000 spaces by 2014, we want to focus our resources where they will have the most impact and to set out how we will use competition, commissioning and service specifications to get the best value from public, private and non-profit providers. As set out above, we are committed to strengthening the process for taking decisions at the regional and local level.

As part of this process we agree that local plans to reduce re-offending need to be linked to the national PSA Delivery Plans so that national and regional level action is closely aligned. Guidance we have produced for both CSPs and LCJBs supports this goal.

²⁷ Based on MoJ analysis of the costs of specific types of interventions and analysis of the potential costs to society generated by a criminal career for different types of offender.

Justice Mapping

- 50. The under-use of geographical analysis is partly the result of a lack of available expertise in mapping techniques and a lack of resources to conduct the necessary analysis. Where local leadership by local authorities and the police has driven the development of effective, analytical and innovative crime reduction techniques within proactive partnerships this has been extremely successful. The Government should undertake audits of the capacity of crime and disorder reduction partnerships, local criminal justice boards and local authorities to use geographical mapping. The combined results should determine whether additional resources must be employed to increase such capacity, for example, by providing hubs for technical support or by developing local expertise through training. Whatever form this capacity building takes it should be targeted in the first instance on improving areas which are failing against relevant public service agreement targets. (Paragraph 268)**
- 51. Priority-setting to concentrate effort on existing offenders in particular areas is hampered by both the poor quality of data available locally and lack of accessibility to data that is available. We find it remarkable that there are still problems with information sharing when it is over 10 years since the Crime and Disorder Act 1998 made it quite clear that information can be shared for the purposes of preventing offending. (Paragraph 271)**
- 52. Justice mapping should be used as a catalyst for stronger local authority and partnership strategies which prioritise the reduction of crime and re-offending in particular areas through, for example, local area agreements and crime reduction plans. (Paragraph 276)**
- 53. The co-ordination of justice mapping activity at local level must be locally determined. (Paragraph 277)**

The Committee make a convincing case for the increased use of local 'justice mapping' as a tool to help target resources more effectively and the Government is in agreement about building capacity in this area. As the Committee have noted, we have already made significant progress, particularly in Local Authority areas with high crime rates and large numbers of offenders. There is scope for making further use of geographic analysis and we are exploring how to improve capability at both national and local level. In doing so, we will draw on similar work going on in other Government departments as the issues extend beyond the CJS.

We agree that CSPs can play a key role in this area but do not think that additional audits of their capacity to do so are required. CSPs already have an obligation to consider whether they have the necessary skills and knowledge to meet their statutory requirements, and any particular training

needs in this area should therefore be identified and addressed. We also agree that mapping techniques should help inform local authority and other partners prioritise and focus action to reduce crime and re-offending at a local level. In October 2009 we also introduced the CrimeMapper website²⁸ which provides local data on levels of crime. Users are also able to see the number of offences brought to justice over a twelve month period.

The Committee rightly emphasise that justice mapping must be locally determined, although the number of offences brought to justice are not collected below LCJB area level. The quality and availability of data at a finer geographical level have not been examined, and careful consideration would need to be given as to the cost-benefit of any further disaggregation of data. Collecting and using data at a 'lower' level would have substantial resource implications for data suppliers and analysts, including the police and HMCS, and we will need to give further consideration as to the benefits that would accrue before committing to such a task.

54. The Ministry of Justice, the Home Office and the Department for Communities and Local Government should devise guidance and a mechanism whereby DOMS and Government Offices can work with regional "reducing re-offending" partnership boards to use justice mapping to inform their plans. The aggregated mapping information generated by local partnerships would similarly provide valuable data to inform national policy. (Paragraph 278)

79. As the Government has acknowledged, there is a need for better mechanisms to monitor and evaluate the effectiveness of partnership interventions at a local level. This would enable areas to build up a picture of what policies are most effective. (Paragraph 374)

The Government agrees with the Committee that mechanisms between DOMs, Government Offices and the regional reducing re-offending partnership boards are critical in ensuring that local information – including 'justice mapping' – informs joint plans. DOMs are accountable for re-offending outcomes in their regions. They establish regional reducing re-offending arrangements with partners, and make links to other relevant boards. DOMs work closely with their Government Office colleagues for crime, inclusion and local government – including in the negotiation of LAAs.

Since autumn 2009, delivery meetings have been held quarterly between Home Office Regional Deputy Directors, DOMs, Youth Justice Board Heads of Regions and OCJR representatives. These review progress and consider targeted support for local partners. In addition, the local adult re-offending data, available on a quarterly basis, allows regional partners to map performance trends down to local authority level.

²⁸ <http://maps.police.uk/>

We will continue to provide local areas with information about re-offending and are committed to improving the quality of the data. The Committee's findings will inform that work. A key part of this is the need to improve our understanding of what works in partnership intervention. There are a number of mechanisms in place to help us achieve this.

We have worked with CSPs and the LCJBs to improve the way in which we assess their effectiveness. The CSP National Support Framework includes separate guidance on evaluating effectiveness and the Crime Reduction website includes a practice database which enables areas to build up a picture of which policies are the most effective. LCJBs, meanwhile, have been examining their capacity and capability to increase the efficiency and effectiveness of the local CJS through the 'Realising the Potential' process. This work has included a challenging analysis of how the boards work in partnership to deliver improvements.

More widely, Comprehensive Area Assessments (CAA) were introduced in April 2009 and provide a robust assessment of how local services are being delivered. They focus on citizen experience and perspective, as well as on places and partnerships, rather than on the performance of individual institutions. In future, CAA will look to undertake more specific assessments of issues related to re-offending, for example, considering offender accommodation and employment performance as part of PSA 16 social exclusion priorities.

55. Bringing together justice mapping with information on the costs of re-offending to local partners may provide a sufficient incentive for the reallocation of partnership resources in some areas. We welcome the evidence that local authorities have successfully used NOMS/Home Office methodology to help mobilise resources to reduce re-offending. The NOMS Civic Society Alliance should promote the principles of justice reinvestment among local authorities as part of its ongoing strategy to build capacity to reduce re-offending. All local strategic partnerships should use the NOMS framework to illustrate the costs of re-offending to local authorities and health care trusts. (Paragraph 282)

We agree with the Committee that local authorities should be encouraged to make best use of existing evidence to help reduce re-offending. The Civic Society Alliance was a short term initiative designed to improve local partnership working on reducing re-offending. The local partnership toolkit published in conjunction with this included a tool that local authorities could use to estimate the cost to their area of re-offending.

The resources invested in this alliance were refocused into the Reducing Re-offending Beacon Scheme, which was successful in identifying and promoting good practice in local partnership work to reduce re-offending; developing, promoting and supporting reducing re-offending indicators in the LAA National Indicator Set; and developing and implementing changes to CSPs. These initiatives have further increased the profile of reducing re-offending work with local authorities and partners.

Generating options for policy makers

58. While Government can do more to identify those interventions which are successful by investing in high quality evaluation, a policy which promotes the most effective use of resources to reduce crime and manage offenders would benefit from the existence of an independent cross-disciplinary centre of excellence. Government could then identify the level of resources that should be invested in what is already known to be effective on a scale which would reduce medium and long-term costs to the criminal justice system. (Paragraph 301)

63. The [new] national centre should undertake monitoring to: ensure that local plans are based on robust evidence of effective and cost-beneficial practice; determine whether progress is being made in delivering results; and advise partnerships on adapting their plans if the desired outcomes are not being achieved. (Paragraph 312)

There has been considerable progress in recent years in developing partnerships with the academic community and implementing a more evidence based approach to crime and justice policy. Current examples include the Correctional Services Accreditation Panel and the Campbell Collaboration. The Government agrees that the evidence base in crime and justice policy can be improved further.

The Government will continue to explore whether we need to fund new national centres of research excellence to help generate and disseminate evidence on what works. This will need to take account of the potential costs involved and that any such undertaking represents value for money.

However, evaluating the effectiveness of local partnerships is (and needs to be) largely the responsibility of the partnerships in question. Examples of how this works in practice include:

- Local Strategic Partnerships' collective performance is assessed using the Comprehensive Area Assessments.
- CSPs are statutorily required to include a strategic assessment of the extent to which last year's plan was implemented and to have in place arrangements for assessing the value for money of partnership activities.
- LCJBs are accountable to the National Criminal Justice Board (NCJB) via the Office for Criminal Justice Reform. The Performance Management framework used to assess LCJB performance complements frameworks used by Home Office and HMIC.

The Improvement and Development Agency works with local authorities and their partners to develop and share good practice, while the National Policing Improvement Agency has a role in identifying and supporting effective practice in CSPs. The Policing White Paper *Protecting the Public: Supporting the Police to Succeed* – published by the Home Office in December 2009,²⁹ sets out how we will continue to support and strengthen effective partnership working.

The Government will continue to explore whether the right arrangements, responsibilities and relationships are in place, and what more can be done to facilitate simpler and more efficient partnership working.

61. We recommend that the Government gives consideration to the most appropriate means of drawing together existing research with a view to devising a transparent and coherent model for directing resources more effectively to prevent further expansion of the criminal justice system and increases in costs. (Paragraph 308)

As mentioned in the response to Recommendation 34, to assist in moving towards a more co-ordinated CJS approach, OCJR is developing a toolkit to provide a standard approach to determining the cost-effectiveness of different policy proposals. An important element of the toolkit is a high level model of how the overall CJS in England & Wales works, which was produced in consultation with the various bodies that carry out the system's essential functions. Another significant element is an overarching set of guidance, based on the available evidence, which advises Government analysts how to carry out economic appraisals of criminal justice policy proposals. It is intended that the toolkit will be reviewed and updated regularly so as to take account of improvements in the existing evidence base.

²⁹ *Protecting the Public: Supporting the Police to Succeed* (December 2009)
<http://police.homeoffice.gov.uk/publications/police-reform/protecting-the-public.html>

Shifting resources to facilitate reinvestment

- 64. The prison population could be safely capped at current levels and then reduced over a specified period to a safe and manageable level likely to be about two thirds of the current population (taking Lord Woolf's 1991 proposal as a model and bearing in mind comparable figures from other Western European countries). (Paragraph 321)**
- 65. It will take time to realise both the assets from the custodial estate and savings from the prison expansion programme, the payments for some of which are spread over 30 years. Initial investment is therefore required as part of an explicit attempt to reduce prison population. The Ministry of Justice cannot take forward such a policy on its own. It requires a higher level Government commitment and a combination of short-term and long-term strategies. We recommend that a business case is made to the Treasury for spending a significant part of resources which are currently earmarked for the new prison building programme on a programme of justice reinvestment. (Paragraph 323)**

We do not believe that an arbitrary cap on prison numbers would help cut crime or reduce re-offending. The right response is to provide enough spaces to support an effective CJS that has the confidence of the public and to invest in interventions and activities – such as IAC and IOM – that help turn offenders away from crime. These approaches will be assessed on a 'what works' basis, and will provide the context to enable us to gauge the potential for new and innovative approaches such as Social Impact Bonds (which the Committee discuss in Recommendations 73 and 74).

However, we do agree with the Committee that the Ministry of Justice cannot take forward strategies on crime reduction and reducing re-offending on its own. As well as the regional and local partnership arrangements described elsewhere in this response, we have established a number of cross-departmental groups to join up delivery at the centre, and make the business case for change. The NCJB, the Inter-Ministerial Group on Reducing Re-offending and the National Reducing Re-offending Programme Board, as well as the various cross-Government boards which are responsible for delivering the PSA targets, help bring these issues together and drive forward change.

- 67. It is worrying that so few probation areas have become trusts in anticipation of the Government's aspiration for all areas to have done so by March 2010. We are concerned that the capacity of probation areas to make the transition to trusts is being undermined by the severe scarcity of resources for them to perform even their most basic functions. We envisage that these trusts will take some time to embed and we expect the Government to take this in to account in**

**movement towards opening probation to competition.
(Paragraph 332)**

68. We do not believe that performance incentives alone will result in the reallocation of resources at a scale and pace sufficient to prevent further prison building. (Paragraph 333)

69. If the Government is to realise its aim of integrated local commissioning in sufficient time to prevent the further escalation of criminal justice costs, there is an urgent need for further national direction. (Paragraph 333)

Successful applications have now been made by all remaining Probation Boards to become Trusts by April 2010. We believe that the new Trusts will have sufficient resources to enable transition to the new structure. As already noted, the confirmed Probation budget allocation for 2010/11 will be £870 million (£26 million more than the original indicative budget). This does represent a reduction of 2.7 per cent on 2009–10 funding but the Government believes that evidence provided in the Trust applications provides confidence that standards of service delivery can be upheld and improved. The Government agrees that integrated local commissioning must be a priority, and we intend that the new Probation Trusts will be able to provide local leadership in integrating local commissioning of offender services. Probation Boards already play a full and important role in a range of local integrated commissioning arrangements including commissioning of drug and alcohol services and commissioning of accommodation support services. Trusts will continue to develop and expand this joined up approach.

With regard to competition, there has been limited experience in probation services to date. Time will be required to embed the relationship between DOMs and Trusts and to develop a market of providers that understand our requirements. NOMS will support the use of competition in Probation. Costed service specifications have been developed for Community Payback and Victim Contact services for use in Best Value reviews this year. DOMs and Probation Trusts will use these reviews to establish the quality and value for money offered by existing service and make recommendations about service improvements or the use of competition to identify alternative providers. Further specifications for probation services are being developed.

70. The relevant agencies and partnerships would benefit from their responsibilities and shared concerns being collated and published together in a single guidance document. This should be published as soon as possible after probation becomes a responsible authority in crime and disorder reduction partnerships following the passage of the Policing and Crime Bill. (Paragraph 333)

We agree that clear guidance is crucial to deliver effective partnership working. Guidance has been produced for CSPs to support the legislative changes to their role and status brought by the Policing and Crime Act

2009. The guidance will help CSPs and their partners embed these new duties within their everyday activities by providing information on what each responsible authority (including health and local authorities) can contribute to reducing re-offending. It also includes a number of case studies that highlight effective good practice. In addition, it makes clear how CSPs and LCJBs should work together.

The Government has also recently produced guidance for LCJBs highlighting the actions they could consider to help reduce re-offending as part of wider plans and taking into account local priorities and relationships with other regional, county and local partnerships (such as CSPs and Primary Care Trusts).

72. There is a strong case for exploring greater devolution of custodial budgets, and we are encouraged that this is currently being given serious consideration with respect to youth justice. We are not convinced that simply making local authorities pay for custodial places represents the most constructive means of redistributing resources. We do not believe that this will be either possible or acceptable unless some money is invested up-front to enable local authorities to reduce the use of custody in their area. There is support for local partners to share money and invest in jointly funded services if there is some initial pump-priming. Devolution of custodial budgets must therefore be viewed as a longer-term goal. Such a model would also require much greater engagement between local authorities and the courts but this may be possible if the community justice court model were to be adopted universally. (Paragraph 352)

We agree that the devolution of budgets from central to local government is a complex process. The Committee acknowledge that no consensus emerged from the evidence on how to approach this issue. NOMS has devolved probation and prison budgets to the DOMs in 2010/11 and intends to continue to do so in future years. Further devolution would require a great deal of further thinking and would need to be linked to a broader analysis of the incentives in place at a local level. We have begun some early work on how far this might be practicable, desirable or achievable, and the Report's conclusions and recommendations will inform that work.

The Committee makes specific mention of work looking at the feasibility of devolving the Youth Custody budget. As stated in the Report, the Youth Justice Board (YJB) has been looking into this issue, following a commitment in the Youth Crime Action Plan, and has consulted informally with a wide range of stakeholders. We would also need to be assured that this will deliver improved outcomes for some of our most vulnerable young people as well as maintaining confidence in our youth justice system and ensuring good outcomes for victims. We need to understand the potential risks and benefits of transferring financial responsibility. We consider that this kind of policy change would need careful, controlled testing.

In terms of the community justice court model, we are able to draw on the experience of the 'Community Justice Centre', a court in north Liverpool co-located with all the CJS agencies that provides onsite support and advice services. This opened in autumn 2005. The *Engaging Communities in Criminal Justice* Green Paper took much of the best practice from North Liverpool and looked at how it could be applied to improve justice for all communities. However, because of cost considerations, the Government has ruled out the creation of new purpose-built centres as an immediate option, and has proposed instead to implement elements of the approach – via Community Justice Teams – in 30 local authority areas.

73. We believe that the movement of resources could be achieved much more quickly, bringing down spending on imprisonment more dramatically, if local partnerships were given an added financial incentive to reduce the use of custody as a proportion of the 'expected' rate, based on the characteristics of local offenders and the sentencing trends of the local courts. We consider that the use of social impact bonds – as a means of reducing crime and re-offending in particular areas, by particular groups, including women, young adults, persistent offenders and those with substance misuse or mental health problems – warrants serious consideration by Government. (Paragraph 353)

74. We recommend that the Government provide financial support at the local level to kick-start the process of reallocating resources to reduce crime. The Adults facing Chronic Exclusion pilots show the benefits of cross-departmental investment, but pilots such as this are not self-sustaining. A national justice reinvestment fund should be created, based on a business case for the long-term movement of resources from the criminal justice system to local areas. Funds previously allocated to building the three planned large accommodation prisons, and a significant proportion of the money which must be found annually to support the cost of the new resulting prison places, should be included in the new fund. Other government departments must also be encouraged to allocate resources to the fund. This fund should be used to provide central match funding to encourage partnerships to develop plans to pool and align budgets and reduce the use of custody. It could also be used to support the use of social impact bonds. The fund could eventually become fully devolved as part of the local area grant once the pooling of resources for reducing re-offending is common practice. (Paragraph 358)

The Government agrees about the importance of financial incentives and is looking at ways to test new local accountability frameworks and financial structures which can better support and empower local partners to reduce youth and adult crime and re-offending.

The Government also agrees that the use of Social Impact Bonds warrants consideration. We are, therefore, looking at how they could be used as a way of funding work with offenders, based on payment by results. The Bond could be used to fund interventions aimed at reducing re-offending, so that demand on prison places is reduced, bringing down spending on imprisonment.

We are considering an early Social Impact Bond prototype to fund work with short sentenced prisoners in HMP Peterborough. Mentoring in prison, and support after release would be provided, connecting offenders to local services based on their individual need. Any prototype would allow us to learn more about commissioning by outcomes. Alongside this work, we will continue to consider how Social Impact Bonds can be used to fund work with particular groups of offenders, and with larger cohorts, where the opportunity to deliver savings through reducing demand could be greater.

There is, however, a significant time lag in being sure that such an approach works, and, by itself, would not justify stopping necessary planning for future prison capacity, nor to bringing the current prison building programme to a halt in order to provide a new fund for local areas. The Government has a responsibility to provide the prison places required by the courts and to provide sufficient capacity to meet anticipated demand.

75. The value of multi-agency panels to review the cases of young people and adults on the threshold of the criminal justice system and at risk of custody should be highlighted in guidance issued to crime and disorder reduction partnerships. (Paragraph 359)

The CSP Guidance includes the need to join with safeguarding arrangements for adults and young people, as well as Multi-Agency Public Protection Arrangements (MAPPA). The Youth Justice Board contributed to the guidance outlining how youth offending services should work with CSPs to help reduce re-offending.

We intend to support implementation with further case studies illustrating good practice, potentially looking to provide a relevant case study covering multi-agency panels.

The multi-agency panel approach will also be the basis of risk assessment used by the National Victims' Service to ensure all agencies play a role in protecting and providing services for vulnerable victims.

76. Local agencies must also work much harder to develop effective ways to deal with low level young and adult offenders outside the criminal justice system altogether rather than them unnecessarily absorbing the resources of Youth Offending Teams (YOTs) and the Probation Service. Lower risk offenders should ultimately become the responsibility of local authority and other mainstream agencies, enabling probation trusts and YOTs to concentrate on the core business of supervising serious, high risk and dangerous offenders. (Paragraph 362)

We are already taking steps to deal with low risk young and adult offenders outside the formal criminal justice process. These include: the Youth Restorative Disposal pilot for low risk first time offenders; the triage scheme which aims to prevent young people from re-offending and slipping deeper into the CJS; and the problem solving courts approach, which aims to use agencies outside of the CJS to provide assistance for issues in people's lives that may either contribute to their offending behaviour or increase the chance of them becoming a victim of crime.

The Government agrees that local agencies have an essential role in developing ways to deal with low level offenders outside the CJS, although it is not clear that placing responsibility for managing them on local authority or other mainstream agencies would be the right way forward.

Measuring the impact of justice reinvestment

77. We urge the Government to consider introducing an explicit indicator for adults related to reducing the use of custody in the next National Indicator Set. Areas which have been found to over-use custody in relation to the characteristics of those sentenced should then be encouraged to take up these indicators in the next negotiation of local area agreements. (Paragraph 365)

Local areas are already able to select from a range of indicators that relate to reducing crime and re-offending and we do not think that an additional target on the use of custody for adults would be helpful. Sentencers should be free to pass the appropriate sentence based on sentencing guidelines and the circumstances of the case, without regard to explicit targets limiting the use of custody.

78. Developing something akin to a QALY to measure the relative cost-effectiveness of measures to reduce crime could take into account the quantity and frequency of re-offending and the associated costs, plus wider costs to society, victims and offenders' families. (Paragraph 372)

The Ministry of Justice is seeking to refine its appraisal of options for reducing re-offending and crime. This will include getting better information on the costs of re-offending and criminal careers; accounting for the wider impacts of crime on households and individuals (as currently estimated by the Home Office); and assessing the expected volume and frequency of crime committed by different offenders over time. These will be used in the cost-benefit analysis of options for measuring re-offending.

80. A broader set of outcomes – including the wider social costs of imprisonment to individual offenders and their families, and costs to communities – needs to be captured as a complement to existing measures, perhaps based on social return on investment methodologies. We are encouraged that the Office of the Third Sector has introduced such methodologies but we would like to see them being adopted more widely by Government. We owe it to victims and communities to recognise the wider social costs of crime and those of our responses to crime. (Paragraph 375)

We agree with the Committee on the importance of assessing the wider social costs of crime. As mentioned in the Committee's Report, OCJR has developed guidance for the appraisal of policy proposals. This guidance builds on work undertaken by the Home Office to estimate the socio-economic costs of crime to individuals and households of particular offence types – notably the physical and emotional impacts on victims.³⁰ Making consistent use of this analysis allows us to assess a broader range of policy outcomes than has been possible hitherto, thereby avoiding a narrow focus on purely financial costs and benefits.

³⁰ Home Office Online Report 30/05: *The Economic and Social Costs of Crime Against Individuals and Households 2003/04*.

Engagement with the public

82. Public information campaigns should seek to promote understanding of the cost of the criminal justice system to the public purse and where the costs of the failure of current initiatives fall. The Government should use this to gauge public reaction to the costs of the system. The forthcoming election represents an opportunity for constructive local debates on the direction of policy, if party spokespeople and candidates are prepared to move the debate on to consider what is cost effective in reducing future crime and what the nation can afford. (Paragraph 384)

Promoting an understanding of the cost of the CJS, and particularly prison, to the public purse is central to the Government's communications strategy for building confidence in the system. In particular, it is a fundamental element of the arguments used to promote confidence in community sentences – where appropriate they can also reduce the burden on the taxpayer if they are effective in reducing re-offending and reduce the costs of prison.

83. We welcome the proposals in the *Engaging Communities in Criminal Justice* white paper. We are encouraged that the Government is seeking to target efforts to engage the public in areas which are particularly affected by crime. Criminal justice agencies must recognise a sustained effort may be required to engage with some communities. The justice reinvestment framework also fits well with the community justice approach. It has the potential to help produce solutions to community problems, as well as to help reform offenders and reduce re-offending. It could also enable offenders to make amends to their victims and communities for their crimes (Paragraph 397).

The Government agrees with the Committee on the importance of promoting public understanding of the CJS. The *Engaging Communities in Criminal Justice* Green Paper (April 2009) proposed a range of engagement activity with the public, with the purpose of making the CJS more transparent and accountable to the communities it serves and more responsive to local need. This work, which includes national and local communication campaigns such as 'Justice Seen, Justice Done' and the Community Cashback scheme, is ongoing. We have plans to develop our evidence of the factors that exert the strongest influence on public perceptions and confidence, which will help shape future information campaigns.

Sentences of Community Payback are also crucial to promoting public understanding. In 2009, 62,485 Community Payback sentences were successfully completed in England and Wales. We estimate that over 8.4 million hours of free labour were provided to benefit communities by

offenders sentenced to unpaid work. Offenders undertaking Community Payback are also now required to wear high visibility jackets so that the public can see justice being delivered in their communities.

84. Public engagement should promote involvement in the system rather than simply seek views on it. We would like to see more sophisticated methods of public engagement implemented so that people can become more closely involved in the system in more informed ways, for example, through volunteering or by being encouraged to develop local solutions to local problems. In this context we welcome the Ministry of Justice's volunteering strategy, although it will only work if it is properly resourced. (Paragraph 401)

The Government welcomes the Committee's support for our public engagement work in areas particularly affected by crime. Community Justice Teams are now established in thirty local authority areas as a new way of tackling problems in areas of greatest need. The teams work to encourage community engagement in solving offender problems.

We agree about the importance of increasing public engagement in the CJS, and have already undertaken a number of measures to achieve this:

- Community Impact Statements enable communities to set out their concerns about the issues facing them at a local level, which in turn inform the criminal justice agencies response.
- Similarly, Citizens' Panels enable the community to nominate Community Payback opportunities as part of restorative justice. A National Voting Campaign will also be implemented to allow the public to influence the type of payback completed by offenders.
- The launch of the Community Prosecutor initiative allows the Crown Prosecution Service to engage formally with the public so that their charging decisions take due regard of community concerns.
- The recently launched Safe and Confident Neighbourhoods Strategy³¹ includes visions for more effective community engagement, and recognises the vital role which neighbourhood policing teams can play in achieving this.

We also welcome the Committee's endorsement of the Ministry of Justice Volunteering strategy. The Government accepted the majority of the recommendations in Baroness Neuberger's 2009 report on Volunteering across the CJS, and is taking these forward.³² OCJR has also issued

³¹ Safe and Confident Neighbourhoods Strategy: Next Steps in Neighbourhood Policing (March 2010) <http://police.homeoffice.gov.uk/publications/community-policing/safe-confident-neighbourhoods/index.html>

³² Volunteering across the criminal justice system. Baroness Neuberger's review as the Government's Volunteering Champion (March 2009) http://www.cabinetoffice.gov.uk/third_sector/news/news_stories/090303_neuberger.aspx

guidance to LCJBs on Promoting volunteering in the CJS, and is currently working with departments and agencies to scope the activities required by both criminal justice staff and the public.

85. The Government should consider adopting the Connected Care model as part of its strategies to engage communities in criminal justice and manage the costs of the criminal justice system. (Paragraph 401)

The Government recognises the value of Connected Care type models. Activity intended to engage communities in the CJS is already underway, as outlined above. The publication of local re-offending data allows local authorities, and their partners, to track their progress in reducing re-offending on a quarterly basis. This encourages them to work in partnership to tackle crime and re-offending, acting on issues that matter to the local community.

In addition, Joint Strategic Needs Assessments are intended to create stronger partnerships between local communities, local government, and the NHS, and provide a firm foundation for commissioning that improves health and social care provision. Local communities are involved at all stages, from planning to delivering and evaluating, and in ensuring the engagement of particularly vulnerable and hard to reach groups, those with complex medical and social care needs and those experiencing exclusion.

86. Justice reinvestment is not just about moving money between agencies or partnerships but also about placing it under the direction of local communities and involving them in the process of spending it. Participatory budgets offer another means for local people to engage in determining local priorities, within a justice reinvestment model. We welcome progress made by the Home Office in this area in allowing reinvestment of the proceeds of crime in the community. We consider that participatory budgets could also help to increase the visibility of other positive aspects of the justice system, including the revenue generated by fines. (Paragraph 404)

The Government recognises the benefits of a participatory approach. The Community Cashback scheme, launched in 2009, reflects elements of the participatory budgeting principles by directly involving local people in making decisions on the spending and priorities for a defined public budget. This scheme has enabled the public to nominate and prioritise projects which they would like to see recovered criminal assets spent on.

However, community engagement can be a resource intensive process, particularly as many partners already have established consultation and engagement strategies in place. Our approach is to instead tap into existing arrangements where possible to avoid duplication.

Challenges for the Sentencing Council

88. We welcome the fact that the sentencing guidelines are now recognising the effectiveness of different approaches more explicitly, for example, the youth sentencing guideline emphasised limitations in the effectiveness of custody for young offenders. This approach needs to be followed consistently. (Paragraph 417)
89. We support efforts to provide sentencers with information on courts' use of probation resources, although this is unlikely to be effective in encouraging sentencers to be more judicious in their use of resources on its own as it will not include the costs of custodial sentencing. The cost-effectiveness of all sentences given locally should also form part of the information shared at meetings between the judiciary and the probation service. (Paragraph 420)
91. The wider question of whether the cost of a sentencing framework is too high – in terms of its use of prison and probation resources – should be answered otherwise the existing system is left in a precarious position and at risk of its future sustainability being undermined. (Paragraph 431)
92. We believe that the role of the Sentencing Council should be to ensure that sentencing practice succeeds in reducing offending and re-offending. (Paragraph 432)
93. We agree with the judiciary and other witnesses that the availability of resources should not influence individual sentencing decisions but a mechanism must be found to ensure that one element of the accountability of the judiciary and magistracy to the public is the appropriate use of scarce resources. We are emphatically not advocating a system of elected judges but there are advantages of the US system in terms of judges' accountability to the public to be cost-effective in their sentencing. Both the Government and the Sentencing Council should consider how sentencers can be given a better understanding of what works in terms of reducing offending and re-offending and is therefore best in terms of justice and public protection. Sentencers also need data on the cost-effectiveness, and thus the consequences for the taxpayer, of their decisions. This could be achieved, for example, by strengthening the role of local criminal justice boards, which bring together criminal justice agencies, including the Crown Prosecution Service and HM Courts Service, to consider the implications of decision-making at local level. (Paragraph 433)

We welcome the Committee's support for the youth sentencing guideline and share its expectation that the Sentencing Council will be effective at ensuring that courts are better informed about the cost of different sentences and their relative effectiveness in reducing offending and re-offending. The Committee is aware that the Coroners and Justice Act 2009 provides that, in developing its guidelines, the Sentencing Council is required to have regard to these matters and to promote awareness of them.

The requirement on the Sentencing Council to assess the resource implications of its guidelines will provide an indication of the resources needed for prison, probation and youth justice services. That will enable the Government better to make decisions as to how any disparity between the resource requirement and resources provided can be managed.

We created the Sentencing Council to generate greater consistency in sentencing, to promote greater public awareness of sentencing matters and to achieve greater public confidence in the CJS. The Council is independent but we will now work with the Council to help it deliver its functions to support these aims.

Sentencers are now provided with information about the cost and effectiveness of probation interventions. A bench handbook was originally prepared and disseminated to sentencers – with information about effectiveness and cost for each sentence. This has now been replaced by individual information sheets for each requirement. Information is sent to Probation Boards and Trusts about local and national re-offending levels which is then used in liaison meetings with sentencers. Information on the cost effectiveness of sentences will be published as it becomes available as a result of the analytical work detailed elsewhere.

Regular meetings take place between the Probation areas/Trusts and local courts to review probation work at the area level and inform courts about new initiatives. There are also national forums where the same exchange takes place.

- 90. We agree that the Sentencing Council must be well-resourced to enable it to perform its research function. We have concerns that it has taken similar bodies in other jurisdictions considerable time to ensure that data is of sufficient quality to form the basis of decisions about the most appropriate allocation of resources within sentencing guidelines. We do not believe that the Government's assessment of the cost implications of improved data collection adequately reflects the additional administrative burden on courts. It also underestimates the potential of improvements in court technology to provide a more rational approach to sentencing. (Paragraph 422)**

94. The Sentencing Council must be given the resources to recruit expertise to develop a database housing all data on sentencing decisions and the characteristics of offenders sentenced to provide a basis for the development of evidence-based guidelines. In addition courts and probation areas must be given the capacity to record, collate and provide this data to the Sentencing Council. (Paragraph 434)

Securing the data required will be a challenge but we are committed to ensuring that the Sentencing Council is properly resourced to deliver the new functions. We are working with the Chair designate to establish what is needed, to establish data sharing and to recruit staff with the appropriate expertise.

We note the Justice Select Committee's concerns about the assessment of the cost of the additional burden on the courts. Data collection is not a specific duty set out in the legislation but the Government did want to illustrate that such costs could arise and therefore included an initial estimate of the costs of the data collection in the cost assessment. The actual costs of data collection, including the cost of any additional administrative burden on the courts, will depend on how, following discussion with the Ministry of Justice and the Judiciary, the Sentencing Council decides to manage data collection.

Promoting confidence in community sentences

- 95. Sentencers must receive systematic feedback on outcomes so that they have a clear idea of the efficacy of their sentencing. We welcome the Government's proposals to explore whether oversight throughout the duration of community orders, along the lines of that provided by community courts, could be made available in all magistrates' courts. (Paragraph 446)**
- 96. We recommend the Government assesses the potential for drawing in wider community-based sources of funding for courts, for example, through local businesses, which we heard about in Seattle. In the meantime probation could usefully provide feedback to courts on progress in individual cases, for example, through the use of case studies, in addition to sharing aggregated data on outcomes. (Paragraph 446)**
- 97. Government should consult with sentencers and the Crown Prosecution Service to seek views on appropriate means of dialogue with crime and disorder reduction partnerships to ensure that provision to reduce re-offending is available to meet the needs of the courts. (Paragraph 447)**

The Government agrees with the Committee on the importance of feedback to sentencers, and welcomes its support in this regard. We are piloting the use of s.178 of the Criminal Justice Act 2003,³³ which can allow an offender to be brought back to court to review progress on a community order. We indicated in the *Engaging Communities in Criminal Justice* Green Paper that we would look at expanding the use of the s.178 powers to other areas, subject to consultation and consideration of cost, evaluation evidence and operational constraints. We are also piloting the use of Community Impact Statements with the aim of providing sentencers with sufficient evidence on the key issues facing the community, and offenders are now required to wear high-visibility jackets when undertaking Community Payback.

We agree that dialogue between the Crown Prosecution Service, sentencers and CSPs is critical for reducing re-offending. The Crown Prosecution Service is a core member of LCJBs and is already involved in the work to improve LCJB and CSP engagement. Work is currently in hand to explore and improve partnership work through the Policing White Paper and the NCJB local delivery review. The establishment of neighbourhood partnerships through the Government's Safe and Confident Neighbourhoods Strategy will also make an important contribution.

³³ Power to provide for court review of community orders

**Government response to the Justice Committee's Report:
Cutting crime: the case for justice reinvestment**

This work will build on the regular liaison which already takes place between senior members of the judiciary and of the Ministry of Justice, including through the National Sentencer Probation Forum. This promotes communication between sentencers and offender managers and provides an open exchange of knowledge, views and experience of what is effective and practical in helping to reduce crime. In 2008, the Senior Presiding Judge for England and Wales issued updated guidance on ways in which sentencers and representatives of the Ministry of Justice should liaise in order to ensure that the court is best assisted to do its work.



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ISBN 978-0-10-178192-3



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