

The magazine of the Probation Institute

PROBATION

Issue 5 | October 2015

Quarterly

YOUNG ADULTS

Creating the best
outcomes for young
offenders through
effective engagement
and new ways
of working

ELECTRONIC MONITORING

When will the full
potential of tagging
be realised?

SCANDINAVIAN SUCCESS

Why are reoffending rates
in Norway so much lower
than in the UK?

RACE AND REFORM

Are black and minority
ethnic staff suffering
disproportionately?

PROBATION *Quarterly*

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NEWS IN BRIEF

Applying the Code at work

The Probation Institute has published Ethical Practice Guidelines which articulate how the values and principles contained in our Code of Ethics can be applied in practice.

Practitioners and managers need to be confident in exercising their professional judgement to navigate effectively the challenges of the cases before them. Our guidance aims to empower and support the proper use of professional judgement.

These Ethical Guidelines have been drafted by the Probation Institute's Ethics Group following an inclusive and broad consultation process with Institute members and others.

We wish to thank all those who have commented and in particular we would like to thank the following for their invaluable contribution to the project:

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Ben Ritchie – Former Policy & Membership Manager, Probation Institute

Les Smith – HM Inspector, HMI Probation

Keith Stokeld – Napo

Prof. Anne Worrall – Emeritus Professor, Keele University

You can read and download the guidelines from our website: www.probation-institute.org/pi-launches-ethical-practice-guidelines/

Partnerships which inform our approach

The Institute is delighted to announce a number of new partnerships as we develop a collaborative approach to probation practice and research. We now work in partnership with:

- ➔ Association of Black Probation Officers (ABPO)
- ➔ Association of YOT Managers (AYM)
- ➔ Confederation of European Probation (CEP)
- ➔ The Griffins Society
- ➔ KSS
- ➔ Magistrates Association
- ➔ Public Health England
- ➔ RISE Mutual CIC

We look forward to building many more rich and valuable partnerships as we move forward.



Ex-servicemen project launch

As this edition of the PQ went to press, we were about to host the launch of our Professional Network dedicated to supporting serving and ex-forces personnel at the Probation Institute offices in Vauxhall.

The professional network is part of our 3 year project, funded by the Forces in Mind Trust, exploring

the existing evidence around support for veterans on community sentences and how their experience and outcomes can be improved.

For more information on the new network and to find out how you can get involved, contact our Events & Professional Networks Administrator, Gary Williams, at gary@probation-institute.org.

Stitching Act into fabric of probation

Probation Equality and Diversity Officer **Amy Hall** (right) explains the importance of the Care Act and how she is embedding it into probation work.



While government legislation might not be everyone's cup of tea, striving to make sure that we are compliant with the recently introduced Care Act is the type of thing I really enjoy.

The Care Act 2014 came into force this year, and it is my responsibility – as the equality and diversity officer for the Cheshire & Greater Manchester Community Rehabilitation Company (CGM CRC) – to make sure that all of our policies and procedures reflect what the legislation entails. Equality and diversity can be viewed as a peculiar job, especially in probation, because it can be hard to define and staff at the front line – those supervising offenders – may struggle to identify exactly what I do. My work regarding the Care Act offers a good example that illustrates why equality and diversity is so important, and why I am so, so passionate about this job.

I started out as a trainee probation officer in Moss Side in 2005. I loved working with offenders, and relished the challenge of supporting people on their path toward rehabilitation. I developed a keen interest in working with women offenders, and – together with local charity Petrus – helped launch the borough's first women's centre, a

centre which today is flourishing.

I loved working with cases face-to-face, but in my role of equality and diversity officer I am now responsible for making a difference to the 10,000 offenders supervised by CGM CRC. And that's a responsibility which gives me a tremendous drive to succeed.

So, back to the Care Act. It is my responsibility to make sure we are doing the right thing, both legally and morally. The Act deals with how to work with adults who have vulnerabilities and how to protect them from abuse or neglect. It also involves provision about care standards, about health education and about integrating care and support with health services.

Stitching the Care Act agenda into all of the other portfolios that we have is a challenging job, but it is vitally important.

The Act impacts upon so many different aspects of probation's work, and cannot be treated in isolation. It has repercussions for our work in areas as seemingly disparate as care leavers, domestic abuse, female genital mutilation, learning difficulty and disability and radicalisation. For example, it would involve considering our responsibilities in dealing with a woman who suffers domestic abuse and has a learning disability. So

it may involve a women's centre, a referral to adult social care and completing a communication screening tool.

I work on the strategic approach to implementing the Care Act, through to working with CGM CRC's change managers to make sure that the work is then carried through at each office. I meet with CGM CRC's assistant chief executives to make sure that domestic abuse policies reflect the Care Act and vice versa, then ensure staff have access to all the up-to-date guidance via our intranet and that they know to look for it.

I can see the difference this work makes to the offenders we serve. I honestly think, that for me, I have the best job in the whole entire world. Previously, as an offender manager, I had the potential to change one life at a time, now I am empowering others to potentially change the lives of thousands of people we supervise, and their families and wider community.

At the end of the day it's about maximizing the successful completions of the offenders we supervise. If an offender, for example, has autism, then striving to make sure that our services are accessible to them is not only the legally right thing to do, but also the morally right thing to do.



RELEASING THE BENEFITS OF TAGS



Tagging is a well-established and widely recognised criminal justice tool. But how effective has it really been?

Charlotte Pickles, Senior Research Director at Reform, explores the issues and makes recommendations for policymakers.

Tagging has been used as a criminal justice tool in England and Wales for decades. First piloted in 1988 to enforce curfews, by 2011-12 around 25,000 offenders were being electronically monitored each day.¹

Whilst volumes have increased at pace, the creative use of tags has not. With the exception of a handful of locally-driven pilots, England and Wales has to date failed to harness electronic monitoring's potential as an offender management tool.

There are two key barriers to realising its potential: a disastrous Ministry of Justice procurement and the need for legislative change. A third concern is the confusion over the evidence-base for tagging.

The College of Policing's What Works Toolkit, looking at national and international evidence, concludes that "[t]here is some evidence that [electronic monitoring] has reduced crime, but overall the intervention has not had a statistically significant effect on crime." In England and Wales it is true that the evidence-base is patchy. Evaluations of the early Home Office pilots found a higher completion rate for electronic monitoring (EM) curfew orders than community orders (71 per cent versus 83 per cent).²

A Ministry of Justice evaluation of Home Detention Curfews found a neutral impact of recidivism rates over a 12 and 24 month follow-up period.³ Recent small scale, and primarily voluntary, local pilots are showing positive results but do not have robust evaluations. Promising, but hardly game-changing.

The College of Policing's conclusion, however, is based on decade-old research, and more recent evaluations from abroad create a much stronger case for tagging. A 2006 analysis of the impact of electronic monitoring on over 75,000 offenders in Florida, for example, found a 94.7 per cent reduction in the likelihood

of revocation for a new offence compared to offenders not on EM.⁴ A 2010 paper for the US Department of Justice, also looking at Florida, likewise found a positive impact: for offenders on EM there was “a 31% reduction in the hazard of a revocation or absconding from supervision”.⁵

An evaluation of the Californian programme for high-risk sex offenders found the hazard ratio for any arrest for non-EM offenders was more than double that for EM participants.⁶ The evidence from the US for both alcohol sobriety monitoring and the management of domestic violence perpetrators is similarly positive.⁷

There is sufficient evidence that EM, used appropriately, can have a real impact on offender compliance and recidivism.

The Coalition Government recognised this potential in their drive to procure the “next generation” of GPS tags. Sadly, more than three and a half years after launching the procurement no tags have been delivered. This is a key barrier to progress. With the exception of a small number of pioneering Police and Crime Commissioners, this has left local criminal justice services without the more advanced technology needed to realise the full benefits of EM.

The procurement process has been plagued by issues, from changing specifications to unreasonable intellectual property requirements, but the fundamental problem is the

contract design.

As Reform’s recent report on the future of tagging argues, splitting the service delivery into four horizontal lots goes against international practice.

The single provider model also removes competition for the life of the contract (up to six years), damaging the market and reducing the likelihood of innovation. Worse still, the contract seeks to procure

a single, one-size-fits-all tag. This ignores the fact that different localities want to prioritise different offender cohorts, and therefore require different technology.

The Reform report concluded that the

current procurement should be immediately scrapped and replaced by an approved suppliers framework – a model used elsewhere in Government. The Ministry of Justice should assure certain standards – for example evidentiary quality, technological reliability, price and security – but local commissioners should then procure the supplier most appropriate to their needs.

Crucially, local criminal justice practitioners should be able to access and use the data obtained through EM to develop personalised supervision regimes, and to prevent and detect crime.

As with procurement, legislation is a key enabler of EM. There are a handful of legislative reforms that could make a sizeable difference in realising the potential of EM.

Firstly, linked to the procurement, the statutory instrument that

names the “responsible officer” in each police force must be changed. Naming a specific company is anti-competitive.

Secondly, the Bail Act should be amended to allow EM to be used as a condition of police bail. Thirdly, the relevant legislation should be revised to allow Magistrates to impose mandatory EM as part of a Domestic Violence Prevention Order, Non-molestation Order or Restraining Order. Finally, the legislation preventing Prison Governors from using early release on Home Detention Curfew for violent and sexual offenders should be amended. Collectively, these changes would enable a wider use of EM which, as part of a broader offender management programme, could help reduce offending and cut costs.

As the evidence shows, the prize for getting EM right could be substantial: increased public protection through increased compliance and decreased reoffending, swifter responses to breaches, and lower criminal justice system costs through reductions in prison time. The current procurement model and legislative framework are barriers to achieving these outcomes. The new Secretary of State for Justice should seize the opportunity to rectify this in his first six months.



Reform’s report is available to download from: www.reform.uk/wp-content/uploads/2015/09/Tagging-report_AW_WEB.pdf

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Electronic monitoring: calling all CRCs



by **Prof Mike Nellis**,
Emiteus Professor of
Law at the University of
Strathclyde

New futures for the Probation Service and electronic monitoring (EM) were envisaged in the Ministry of Justice's 2012 consultation paper, *Punishment and Reform* – downgrading the former, upgrading the latter – as part of the wider Transforming Rehabilitation agenda.

While the transformation of the Service – the creation of 21 Community Rehabilitation Companies and the reconfiguration of a state-based National Probation Service – has proceeded apace, the anticipated large-scale expansion of EM, due to begin in late 2014, appears to have foundered, and a start-date postponed to mid-2016.

This is not bad news, because much is wrong with the Ministry's approach. The means by which the CRC's nationwide were to access the array of modern EM technologies – radio frequency (for curfews), GPS (for tracking), and emulate the London pilots of transdermal alcohol monitoring, and kiosk monitoring (for office reporting) – have never been clear, and no models of good practice have been offered.

Both the design and procurement of the Ministry's third EM contract has been severely criticised for its lack of responsiveness to local criminal justice agencies' needs by free market think tanks Policy Exchange and Reform, who are otherwise in the same political ballpark as the government.

There is an urgent need for more open debate on the place of EM in offender management in which probation voices are better heard, and these are interesting times in which to undertake that. In February 2014, the Council of Europe (2014), belatedly recognising that EM was an established and evolving feature of many European penal systems, issued a Recommendation delineating a human rights perspective on EM.

Although not addressed solely to probation services – prison services and police forces also manage EM projects – it is a useful point of

reference for probation interests.

The CEP (the European Probation organisation) continues to promote a more integrated model of EM, accepting its utility but aiming always to subordinate its use to probation understandings of ethical and effective practice. Its commitment is sustained by the example on many European countries who manage EM from within modernised public sector probation services, some for almost two decades.

Professor Anthea Hucklesby's EU-funded, five country (Belgium, Germany, the Netherlands, Scotland, England and Wales) research project on "creativity and effectiveness in EM" will provide much needed insights into the diverse operational realities of EM, and explore its versatility as a penal measure.

Many positive lessons can be learned about EM from abroad, but Scotland and England and Wales themselves make an interesting point of comparison. Scotland has operated an essentially English model of service delivery since 2002, using a single private contractor to deliver a largely stand-alone, curfew model of RF EM, first as a community sentence, later as a form of early release from prison. Its criminal justice social work service, like the Anglo-Welsh Probation Service, mostly stayed aloof from this dubious commercial intrusion into criminal justice, although relationships were never as antagonistic as they became down south.

In 2013 the Scottish Government initiated a public consultation to canvass opinion from all relevant constituencies on the possible future use of GPS technologies with sex offenders, domestic violence perpetrators (and victims) and prolific offenders, as well as the use of transdermal alcohol monitoring, which the police had long wanted to pilot.

Some constituencies were supportive, many were sceptical, but there was a general openness to further exploration. The Scottish Government set up a multi-agency EM Working Party in November 2014, which has brought the right mix of agencies and experts to the table; chances are that future practice will diverge significantly from that emerging in England.

Scottish openness certainly contrasts remarkably with the secrecy surrounding the Ministry of Justice's approach in England and Wales (notwithstanding their ongoing

cooperation with Huckleby's research). The last New Labour government had already planned to move away from a two contractor model (G4S and Serco), and to introduce some GPS tracking alongside the existing RF schemes.

Under the Coalition government the third contract became an unwieldy, multi-contractor arrangement focussed on delivering an all-GPS system, using an as yet to be developed new tag with both GPS and RF capabilities. Public consultation about this, least of all with Probation Trusts as they transitioned into CRCs, but even since, has been zero.

Policy Exchange was a major influence on the Ministry's ambitious vision, portraying GPS as a vital and timely upgrade from notionally obsolete RF forms of EM, and suggesting 75,000 people per day as a feasible upstream monitoring target. They had however wisely discouraged the Ministry from maintaining the centralised procurement strategy that had prevailed hitherto, favouring commissioning by local agencies, particularly police and probation.

They modelled this on an increasing number of existing Integrated Offender Management schemes which were making creative use of GPS tracking with persistent and prolific offenders, which had grown from the ground up since 2010 outwith the auspices of the Ministry.

The Ministry ignored this advice, bullishly defending the new third contract more in terms of its technological innovativeness and alleged value for money than its demonstrable penal utility. As late as February 2015 the Ministry was rightly criticised by the House of Commons Public Accounts Committee for still lacking an evidence-base for its anticipated shift towards mass GPS tracking.

Worldwide, there is now an adequate enough evidence-base for EM, documenting many forms of good and bad practice, and suggestive of yet more. The literature cannot be summarised in five minutes, because the different technologies have different effects in different contexts, related to the support services

they are (or are not) embedded in.

It is significant that the Campbell Collaboration, which collates evaluations from around the world and publicises meta-analyses of the effectiveness of particular penal interventions, has yet to produce one on EM (despite two attempts) - and not only because there are still too few studies using the random controlled trial method that the Collaboration favours.

But even methodologically sound evaluations are only as good as the practical penal purposes to which particular forms of EM are put, and if those purposes have been ill-thought out, misconceived, pitched too modestly, or pitched too boldly, evaluations will not reveal all that might be possible, and may prematurely discredit, or overrate, EM's utility.

Not all EM research has been undertaken with probation interests (or values) in mind, sometimes by academics or think tanks for whom the institutional survival or evolution of the Probation Service is a secondary or marginal matter.

Unless one thinks that anything which serves to reduce offending is (or should be) acceptable to probation, it

would be unwise for probation simply to "follow the evidence" on EM, for it is possible in an era of austerity that some uses of it will be deemed cost-effective as a crime-suppressant regardless of their fit with probation values or ethics.

The Scottish Government commissioned a literature review of EM's effectiveness specifically to aid their thinking about the future of criminal justice social work, not as an end in itself. Gill McIvor and Hannah Graham's (2015) fine report, grounded in the evidence-based axioms of existing good practice in work with offenders, should become the touchstone of all future British debate on EM. It rightly concludes that EM, properly used, can reduce re-offending and potentially create the kind of community sanctions which effect reductions in the use of custody (if the political will is there to do so).

Most of the available global evidence relates

...the think tanks, at least, are right to highlight the anomaly of a centralized procurement system which so signally fails to deliver what local criminal justice agencies need from it.

to various uses of RF EM, which penally liberal Scandinavian countries have used particularly well, but there is sufficient American evidence of GPS's value with sex offenders and in domestic violence contexts to warrant further experimentation in other countries. A cautious review of evidence on alcohol monitoring suggests the same.

Messages from offender perspective research on EM are already familiar: EM-house arrest (especially onerous, full-day versions of it) entails socio-psychological "pains" distinct from those of imprisonment, affects fellow householders in significant ways, and whilst being far from the lenient and undemanding sentence that is sometimes portrayed in the media is usually preferred over imprisonment.

Outside the home the stigma of a visible, wearable ankle bracelet may be intimidating to offenders, and exacerbate difficulties in finding or maintaining employment. Less is certain about the subjective experience of GPS "mobility monitoring", but some evidence suggests that offenders find it less intrusive than the home confinement entailed by "presence monitoring", complicating earlier policy assumptions that GPS-based regimes were manifestly higher tariff than RF-based regimes.

Times are changing, perhaps too much. As forms of penal technique, the various EM technologies undoubtedly have the potential to improve some aspects of offender supervision, but not to transform it unless, for purely ideological reasons, government actually wants commercial tech organisations to deliberately marginalise and undermine probation interests.

The old Probation Service made a fatal mistake in not seeking to own EM and operate it themselves: it may not have saved it but it would have shown that the service was alert to the creative affordances of the digital world, and prepared to shoulder responsibility for shaping the way they play out. Paradoxically, the CRCs are currently no more able to integrate EM into offender management than in the days when probation and EM were split between the public and private sectors. In their commitment to all-GPS/no separate RF systems, Policy Exchange and Reform, and the Ministry of Justice itself, go way beyond what the available empirical evidence warrants, but the think tanks, at least, are right to highlight the anomaly of a centralized procurement system which so signally fails to deliver what local criminal justice agencies need from it. The CRCs should demand that this changes soon.

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It's not all bad news



David Raho, a Probation Officer with London CRC (seconded to NAPO), is a member of the Institute's Electronic Monitoring Group.

He points to the success of the Alcohol Abstinence Monitoring Requirement pilot in London as evidence that, perhaps, EM's time has come.

Any mention of electronic monitoring (EM) in its various forms is likely to receive a somewhat lukewarm response from probation practitioners. The main reason for

this probably has its origins in the time when EM was first being mooted by the Home Office.

It was quickly realised that there were some strong reservations from a range of influential probation

commentators not least the National Association of Probation Officers (NAPO) who were clear from the outset that being involved in EM ran counter to the social work values at the very core of

probation work. That position has now altered somewhat and there are some growing signs that the debate around EM has become a little bit more reasoned and nuanced - but reservations and scepticism still abound, occasionally fuelled by headline news reports of improper behaviour by EM contractors sometimes followed by regurgitated media misrepresentations regarding EM's actual use and real world capabilities.

However, I would argue that times have indeed changed and it is right that probation practitioners should be prepared to look at modifying their practice in accordance with the times and this includes being open to taking a fresh look at EM.

After all, the reality is that electronic monitoring has gradually become an integral component of probation work in many other EU countries and is often now used to assist in rehabilitation rather than simply as a measure to remotely monitor, control, and punish.

Despite having the largest national EM programme in Europe the level of integration with probation services and a sense of working in partnership towards reducing reoffending through rehabilitation is woefully lacking and we are arguably spending more and lagging behind others who use the available technology to greater effect.

It is my opinion that whatever role we might have in the criminal justice system, we should at least be curious about how probation practitioners in other criminal justice systems use EM, as research appears to indicate that they often do so creatively and with some reported success.

We might also take a bit more interest in - and in some cases celebrate - our own innovations in the use of EM, especially where it involves the probation service and others working together in partnership with other agencies

such as the police service.

Understandably, in the current climate seeking a fresh reasoned debate with probation practitioners in particular concerning the possible introduction of new ways of using electronic monitoring and new EM innovations is something of a challenge. Even if the sweeping changes brought about by Transforming Rehabilitation had not taken place there would, it appears, be very little appetite for change as this has previously meant more work with fewer resources or being compelled to use IT systems that all are agreed are not fit for purpose.

...a reasoned debate about the use of electronic monitoring and indeed all technology that might conceivably be used effectively in relation to probation work...is long overdue.

However, a wider, reasoned ongoing debate about the use of electronic monitoring and indeed all technology that might conceivably be used effectively in relation to probation work, including the now much maligned use of biometric reporting kiosks, is long overdue.

It may therefore be of interest that a pilot aimed at proving the concept of electronically monitoring the new alcohol abstinence monitoring requirement (AAMR) successfully concluded in London at the end of July 2015.

This requirement, which was introduced by the Legal Aid Sentencing and Punishment of Offenders Act 2012, may soon be

available to sentencers for use in respect of those who meet particular conditions as part of either a Community Order or Suspended Sentence Order.

Those subject to monitoring via an AAMR must remain alcohol free for up to 120 days. The conditions that must be satisfied by the Court before imposing a requirement include that the offender is not alcohol dependent, consumption of alcohol featured in the offence or contributed to its commission and that monitoring by electronic or other means is available and in place.

These conditions are confirmed by a probation assessment. However, until the Justice Secretary is satisfied that matters can go forward, then only those courts in areas specified by the pilot can make AAMRs.

Compliance with the requirement is able to be monitored remotely at 30 minute intervals by means of an automated transdermal alcohol monitoring device that is currently worn on the ankle.

The device has a sophisticated array of anti-tamper provisions aimed at detecting attempts to make it provide inaccurate or falsely negative readings. The data collected by the device is either immediately transmitted (potentially in real time) via a base unit in the offenders' home or when away from home test data is stored and then transmitted for upload upon their return. The monitoring devices are capable of monitoring the consumption of very small quantities of alcohol with a high degree of accuracy.

The Mayor's Office for Policing and Crime (MOPAC), which has been conducting the pilot with the assistance of London Probation (the pilot has been made possible by Alcohol Monitoring Systems (AMS) and Electronic Monitoring Systems (EMS) respectively), has

been careful to adhere to the legislation that differentiates between the use of AAMRs and Alcohol Treatment Requirements (ATR). It was anticipated by legislators and those designing the pilot, including AMS and EMS, that the introduction of the AAMR had the potential to confuse sentencers who they thought would mistakenly believe that an ATR might be usefully combined with an AAMR to more effectively assist in addressing alcohol dependency.

Quite a lot of groundwork was therefore done with sentencers by AMS, EMS, and probation trained staff during the early stages of the London pilot in order to both explain what how an AAMR would work and importantly to explain to sentencers the operational differences between ATRs and AAMRs.

As a rule of thumb, ATRs are appropriate in cases where someone is alcohol dependent and commits offences as a result of being alcohol dependent or in order to maintain their dependence, e.g., shoplifts alcohol.

It is worth bearing in mind that some research indicates that when ATRs are properly resourced and organised, they are quite effective. AAMRs on the other hand are appropriate where the consumption of alcohol features in an offence and that the person concerned is not dependent but is assessed as likely to consume alcohol again and either repeat the same offence or commit a different one.

The obvious candidate for an AAMR is a person who works and keeps out of trouble during the week, but regularly goes out on Friday and Saturday nights and who has perhaps had contact with the police having been involved in some near misses and nuisance matters where alcohol has featured - and then commits a more serious offence after being involved in a

violent confrontation, damaging property, or drink driving.

In this instance a Community or Suspended Sentence Order with a requirement of AAMR or other intervention proportionate to the severity of the offence or combined with other suitable requirements such as a relevant group work programme might conceivably be viewed as a positive aide to help them to address their offending.

However, in the majority of cases,

... when our personal and organisational experience is engaged and brought to bear in relation to new innovations such as AAMR, (it) can result in some very distinctive and promising developments of which all those involved can be justifiably proud.

the imposition of a stand alone AAMR requirement might be seen as a purely punitive measure requiring those subject to it to refrain from an activity or lifestyle they enjoy for a specified period of time with the threat of greater punishment hanging over them if they do not comply. The challenge is perhaps to integrate AAMRs within a more rehabilitative framework.

All cases have been successfully managed by probation staff within the London CRC working in close partnership with AMS and EMS and the pilot is considered to be a

success with over 91% of those 113 individuals being made subject to an AAMR for up to 120 days completing it successfully. Forty-four cases were community based orders with a stand alone requirement, whilst 69 orders contained multiple requirements with all cases successfully managed by probation staff within the London CRC. An average of 70 days of AAMR have been imposed per order. The latest report produced by Alcohol Monitoring Systems Ltd also confirms that between 31st July 2014 and 31st July 2015, there have been: 6,584 days of alcohol monitoring and 298,004 readings taken from the 113 AAMRs imposed.

However, although MOPAC had hoped that that AAMRs would be seen as a new measure for sentencers to use in tackling alcohol related offences linked to the night time economy - defined as those offences occurring after 8pm related to a commercial activity such as a bar, pub, late night food retailer, cab driver or similar - approximately only a third of offences resulting in an AAMR might be described in this way.

Most of those made subject to AAMRs were in fact drink drivers who may well have previously faced driving bans, a voluntary drink drive programme, and/or a substantial fine. This was not quite the demographic the Mayor was aiming to target meaning that those who meet the criteria and might usefully be made subject to an AAMR as an alternative to some other possibly less suitable disposal remain elusive.

As a result of the pilots' success during the last 12 months a further six month extension has been agreed. Substantial progress has been made towards rolling out AAMRs across London and potentially across England and Wales, although much work will

need to be done regarding the nuts and bolts of implementation such as who the providers will be and the integration of AAMR with existing contracts.

The prospect of a wider roll out has also been given a further boost as the introduction of electronically monitored sobriety orders is a Conservative Party election manifesto pledge.

In the US, alcohol monitoring has been used for over a decade and is done a little differently reflecting the distinct aims and objectives of their various criminal justice systems and dominant treatment approach that usually favours complete abstinence above other approaches. This has even led to some criticism of the approach taken in London by US commentators as being overly liberal rather than insisting on total abstinence and imposing excessively punitive measures upon any failure.

It is hoped that those who have conducted the pilot have the

courage to stick to their findings, including the observation that offering some degree of advice and support to those subject to AAMR both increased compliance and led to unanticipated positive outcomes, including service users making realistic statements about modifying their future drinking behaviour. Who knows what might happen if AAMR was always accompanied by some other form of intervention, such as brief therapy?

There are calls, from the police, in particular, to use alcohol monitoring technology as part of conditional bail. One scenario is to monitor the alcohol use of the perpetrators of domestic abuse as a preventative measure. Alcohol monitoring devices have also been used by parties involved in family court cases to prove that they are sober and have not been drinking when having contact with their children. There is scope to use alcohol monitoring on a voluntary basis as part of alcohol

treatment requirements and also as part of post release supervision where alcohol use is strongly linked to risk of reoffending. Alcohol monitoring can also be built into biometric reporting kiosks.

There are a number of different ideas around about how to use available technology and therefore a real need for discussion about the desirability, legalities, and ethics of different uses so that probation practitioners' contributions are at the heart of the debate.

It would be wrong to assume that any one organisation or profession has all the answers. But sometimes it is good to remember that we have a long history and still have a lot of personal and organisational experience in the probation service that, when engaged and brought to bear in relation to new innovations such as AAMR, can result in some very distinctive and promising developments of which all those involved can be justifiably proud.

Other GPS uses: Forensic mental health

When electronic monitoring was first trialled in the 1960's by the Gable brothers at Harvard the overarching aim was to promote positive behaviours in participants using ideas from behavioural psychological theories.

In the ensuing decades electronic monitoring has found widespread use globally as a measure of control and punishment. This article presents some learning from a project using electronic monitoring therapeutically in secure mental health services.

Medium Secure Units (MSUs) provide care for those people with mental health problems who "pose a serious danger to the public" (Centre for Mental Health 2011). Patients may come directly from court, from other hospitals or on transfer from prison, all will be detained under the Mental Health Act 1983 (MHA) and many will be detained under restriction orders. Many patients will come into contact with Probation services and MAPPA on discharge from hospital.

Leave out of the ward is very important to all detained patients within MSUs. The focus of clinical teams is on the recovery of patients and progression of leave is fundamentally linked to this process of recovery.

MHA detention is justified in terms of risk and need rather than an offence-related court imposed tariff - there is no EDR and the length of stay in hospital can vary depending on the individual patient's progress.

Leave is therefore a reward, an incentive, a treatment and a measure of progress all rolled into one with patients always working towards the next milestone - getting leave for the first time, working towards leave outside of the hospital grounds or without escort and, eventually, overnight leave to a future residential placement.

Alongside patient recovery a core role in MSUs is public protection. Breaches of leave do occur and these are defined as follows: Abscond - A patient unlawfully gains liberty during escorted

leave of absence outside of the perimeter of the originating unit/hospital by getting away from the supervision of staff; Failure to Return – A patient fails to return from authorised unescorted leave (DH, 2009).

Bowers et al (1999) found that patients decided to breach leave conditions due to 'socio-environmental factors' such as anger (following unwelcome news), feeling trapped and confined, the quality of the food, boredom, fear of other patients, worrying about relatives or property and the need or desire to carry out an activity or responsibility. Breaches are rarely planned ahead: the majority are impulse-driven, spur of the moment events. The proximal cause of absconding then is most usually the decision to abscond taken in the moment and influenced by these socio-environmental factors.

Occasionally patients unlawfully at large

commit offences. Public expectations remain high and tolerance for mistakes and incidents is, quite rightly, low. Following a homicide committed by an absconded patient (France, 2009) GPS tracking was trialled for the first time within forensic mental health services (Hearn, 2013; Tully et al, 2014) for patients taking leave.

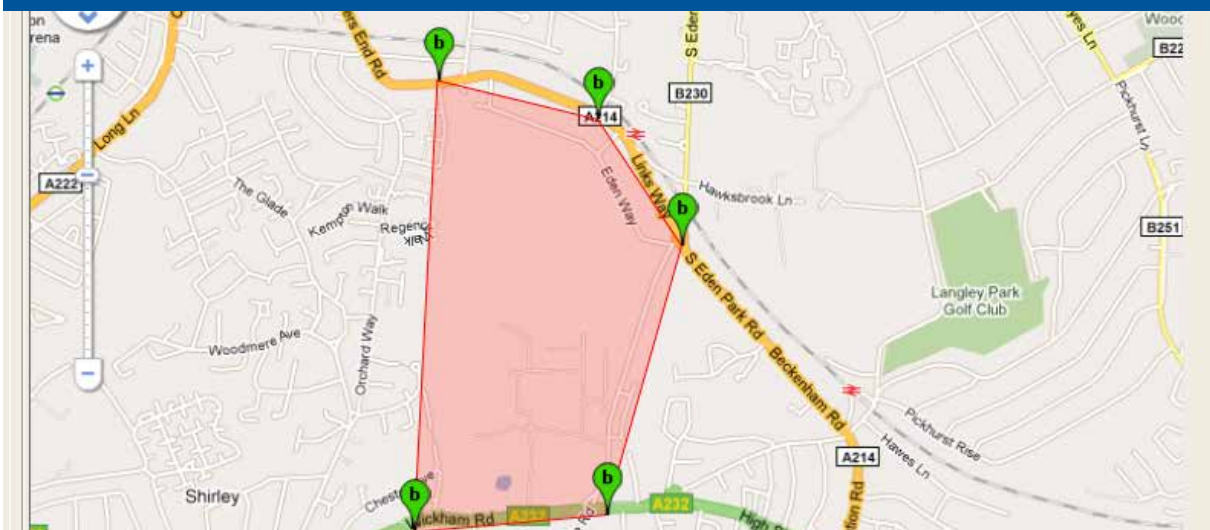
The device used was small and lightweight and worn on the ankle. The strap is fitted to the individual wearer and incorporates thick cabling (to make the device non-removable) and optic fibres (to provide anti-tamper alarms). The device is able to give a location of the wearer to within a few metres using GPS signals, much the same as a SatNav or Mobile Phone, and can be set with geographical parameters that are completely individualised for the wearer. These parameters are known as Geo-fences, enabling the creation of Exclusion and Inclusion zones. For instance:

Geo-fences

Exclusion Zones: For a wearer with leave but who may not be allowed to enter a named area a Geo-fence can be drawn around this area and an alert will be raised should the wearer cross the boundary into this area (this is an Exclusion zone). These exclusionary Geo-fences can be small or large ranging from alerting access to a specific building to a campus or area (such as a hospital, school or a radius around a specific address) up to a large area such as a London Borough.

Inclusion zones: These are very similar but raise an alert when the wearer attempts to exit a specified area. Useful examples might be: patients with only hospital grounds leave, patients admitted for treatment to a general hospital or those only allowed leave in the local area (e.g. a four mile radius).

The Bethlem Royal Hospital Geo-Fence, Beckenham, Kent



When deciding to use GPS tracking with a patient firstly a risk assessment is carried out. The decision to grant leave is made by the clinical team and if GPS tracking is being considered the patient will be given an information leaflet and the opportunity to discuss this with family, friends or an advocate.

Patients assessed as high or medium risk must wear a device when leaving the unit (this cohort of patients would not normally be considered for authorised leave under Section 17 MHA – their leave will normally be for court appearances, hospital appointments or on compassionate grounds).

Patients assessed as low risk are asked for their consent to participate with the scheme. If a patient does not wish to use the device they have leave as normal, however patients who consent to use GPS tracking will usually be able to access more leave more quickly due to the added assurance the device gives.

The results of the pilot were stark. Firstly, as the table below shows, the number of incidents overall reduced by 75% in the first 2 years and absconds reduced to zero. Reduction on incidents is only one half of the story – any unit can achieve a reduction of incidents simply by reducing the amount of leave or tightening up procedures. This will hinder patient's progress and likely have an impact on increasing length of stay.

Conversely, we have found a significant (and unexpected) increase in the amount of leave being facilitated across our services following

the introduction of GPS tracking. In addition the ratio of escorted to unescorted leave has reversed significantly, meaning that since the scheme's introduction more patients are achieving the more trusted status of being able to use leave unaccompanied.

As unescorted leave is less resource intensive this means that patients are able to access longer periods of leave with greater geographical freedoms (monitored through setting of Geo-fences). In short GPS tracking has enabled patients to have more leave, with less restrictions and greater liberty, more safely and with less incidents.

Discussions with patients have revealed a generally pragmatic attitude towards GPS tracking – whilst there are drawbacks from wearing the device it helps them achieve more leave more quickly and so is therefore on balance acceptable.

Some have stated that it has been helpful at times when they have been at risk of breaching leave, helping them to make safer decisions fitting with crime theories like Rational Choice Theory or Routine Activity Theory.

Using GPS tracking for forensic mental health patients on leave was a bold and innovative initiative. First impressions of many have been negative – we have had many conversations with clinicians and service user representatives who are concerned about the implications for liberty and privacy and we recognise those potential pitfalls.

	Abscond	Failure to return	Total
Leave incidents April 2009 to April 2010 (Pre-Tracking)	11 (52%)	10 (48%)	21
Leave incidents April 2010 to April 2011 (Year 1 Post-Tracking)	3 (19%)	13 (81%)	16
Leave incidents April 2011 to April 2012 (Year 2 Post-Tracking)	0	5	5

However with careful management of this, at the end of the first year of the pilot we have found that:

- The proximal cause of absconding is most usually the decision to abscond taken in the moment and influenced by these socio-environmental factors
- Use of GPS tracking helps patients not to make impulsive decisions early on in their recovery when they are most vulnerable - decisions that have long reaching implications on length of stay, liberty, etc.

- The system has helped to manage risk and at the same time has significantly increased patient access to leave which is important for recovery.

There are parallels with how this project utilized GPS tracking with some of the Integrated Offender Management projects such as in Hertfordshire.

It shows the therapeutic potential of GPS tracking through supporting individuals to make better, safer decisions in the community.

Dave Hearn, Associate Head of Commissioning & Contracting, Health Education Kent, Surrey & Sussex

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Inside the geo-fence: a personal view



Sophie Stockbridge gives an account of life working in Bethlem Royal Hospital, Beckenham, with patients progressing through the psychiatric system on their way to release into the community.

When I started, my mentor told me to first meet the patient and then read their case notes and I'm really glad I did. Every patient I met on the all-male ward seemed to be like any other middle aged man, they all liked to play scrabble, were all keen to get a job and would have deep conversations about football with each other. Except the majority of them had spent the best of thirty years or more of their lives working their way through the process a forensic patient has to take, in order to be released back into society.

This process would start from the moment they committed the violent offence as a result of them experiencing a psychotic episode. The next step would be to serve their prison sentence at Broadmoor until the Ministry of Justice feels they

are safe enough to move down to the medium secure hospital in the form of Bethlem hospital, and eventually released.

My first day as a student on the ward was intimidating, I was handed a personal alarm, a bunch of keys to move around the locked ward and a date for my 'break away' training, which is a class for self-defence. However, after meeting the patients I felt much more at ease because despite some of them being very broad men, I could soon see how keen they were to get out of hospital, and would do anything to help that process. They were polite and respectful and despite being somewhat twenty years or older than myself, they would listen to what I could offer them in the form of Occupational Therapy ward based activities.

I ran a healthy living group, which they loved. It included me pouring out different amounts of salt into cups and them guessing what cup contained how much salt they are recommended to have daily, then how much salt is in an average pizza, in a mcdonalds burger etc and they were always very shocked. A smoothie making activity was also involved within this group.

I also played football with them one day, as the Ministry of Justice had yet to grant certain patients permission to visit the gym in the other part of the hospital yet (it was pending).

However, the large garden was attached to the ward and so I found a loophole. The men, despite looking overweight due to the medication for their Schizophrenia making their stomachs bulge, played for a solid hour and told me it was the most fun they've had in months. Other staff members joined in as the game progressed and even the consultant had a look in for a few moments.

One patient, who was released back into the community during my time there on placement, told me how after spending so many of years of his life in Broadmoor and then in Bethlem he thought one of the hardest things he would have to do would be explaining to new people what he had done with his life and, even asked the psychologist to help him fabricate a realistic story instead of having to reveal his real story of committing murder as a result of experiencing untreated schizophrenic symptoms and spending the majority of his life inside secure hospitals. He also told me that all of his friends were either current or ex-patients and that he felt it necessary to end these friendships in order to move on with his life.

I also did a lot of cooking with the patients, which acted as another means of assessing how they might cope if they were to be released and live alone. The patients were always keen to cook for me as well, with one of them even using the food budget allocated to buy me a small dessert. Some would make a bit of a fuss and

set the table, put out paper napkins and try to make it as real to a restaurant setting as possible. Whilst we would be eating the dinner they had prepared, they would often ask me what extra activities I knew about I could enrol them in, if I could look for specific volunteer jobs they were interested in etc.

One patient told me how when he was a teenager and didn't yet understand he had schizophrenia, in his manic state he had booked himself a flight to Israel, and when he got there he soon ran out of money and got by on odd

jobs until he could afford to come home. He told me it was one of the more positive parts of having his condition, because it was one of the best experiences of his life.

One patient who was also autistic as well as schizophrenic, would sign up for the one to one cooking because he was an animal lover and found out all of the hospital meat served to him was halal and he didn't like how the animal is killed using this method.

A lot of the community organisations we enrolled the patients in are fantastic, such as Raw Sounds and Keychanges which try to promote positive mental

health through music and Cooltan Arts which do the same but through the medium of art. Or the Southside Rehabilitation Association (SRA) Centre, which offered employment training in catering, printing, cleaning etc. Or First Step Trust, which had its own car garage and the patients could be trained to eventually work on the public's cars.

Many of the patients' main complaints were that they didn't have any families of their own. All eighteen of the male patients I met were single and even when released the community mental health team would want to be informed of any new relationships they engaged themselves in, so that they could help monitor the situation from a distance. Because a new relationship could act as a potential destabilizer for the patient if it were to end badly.

One patient who was released into the community...asked the psychologist to help him fabricate a realistic story instead of having to reveal his real story of committing murder as a result of experiencing untreated schizophrenia...

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- **Dr Savas Hadjipavlou**, Chief Executive, **Probation Institute**
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EFFECTIVE APPROACHES FOR YOUNG ADULTS

A report from Clinks and the Transition to Adulthood (T2A) Alliance provides guidance to probation practitioners across NPS and CRCs on how to improve outcomes for young offenders through effective engagement and

a tailored, thoughtful approach to practice. **Isabel Livingstone**, Local Development Officer at Clinks and one of the co-authors of the report, writes for **PQ** about the new guide and issues surrounding maturity and transitions.

It is increasingly recognised that young people do not reach 'maturity' at age 18 but in fact well into their mid-twenties. There have been huge developments in our understanding of brain development over the last few decades – in fact 90% of what we know about brain development was discovered in the last twenty years.

However, the UK Criminal Justice System (CJS) and other public services still largely use age 18 as a precise cut off point when children's/youth services end and adult services begin. For young people in the CJS this means they are expected to understand and adapt to a whole different way of relating to services overnight. We know that it's not very effective

because young adults have higher rates of reoffending and recall to prison than older adults. However, young adulthood is also a time when people are very likely to move away from crime if the right support is provided, so it makes sense to focus on this group.

Over the past few years, thanks in part to the evidence gathering and lobbying of the Transition

to Adulthood Alliance, there is now greater understanding that things need to be done differently, and lots of good practice has been developed.

We wanted to ensure that this learning is put into practice by probation services, and help practitioners working with young adults on probation to use the most effective approaches to working with them. So we visited several services that are pioneering great work with young adults and asked them what practitioners can do to engage well with this age group. Their experience has been developed into this guide for probation services on working with young adults.

Writing this guide has been eye opening for me. It has made me reflect on my own young adulthood and just how much support I received as I gradually navigated a path to independence. It has also made me notice the things that young people I know need and rely on – someone they like and who likes them to go to if they have a problem, someone to advocate on their behalf if they are not getting what they need, someone to remind them to turn up at an appointment or pay a bill, someone to help them budget or learn how to cook.

Yet for young people in the Criminal Justice System, that network of support as they gradually transition to adulthood is very often not there. They often have little or no effective support from their families and inadequate support from elsewhere, and yet are expected to understand and comply with requirements of the probation service and job centres, manage their accommodation and finances, all whilst trying to forge an identity and develop a life away from crime.

The value of consistent, holistic and practical support such as mentoring for these young adults has been demonstrated time and

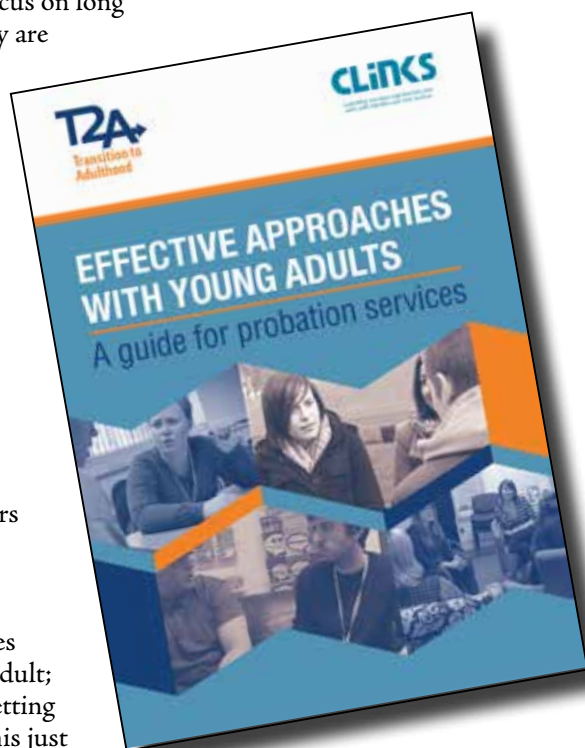
time again, not least by the T2A pilots. However, mentoring services are not available everywhere, so we wanted to explore what probation practitioners can do within the constraints of their service to ensure they engage effectively with young adults.

We found that there are lots of small things practitioners can do that really make a difference in outcomes for young adults. Probably the most important of these hinge on developing a good relationship with that young adult. Many young people in the CJS have experienced abuse or neglect and/or been in care, and this experience affects their ability to form relationships with professionals. On top of this, because of their level of maturity they may not focus on long term consequences – they are less likely to engage with probation or other services because it's good for them in the long run, but will engage if they have a good relationship with their worker. So, while effective working relationships between clients and practitioners are important for all age groups, they are particularly crucial for young adults. Practitioners told us about the various things that help them to develop this relationship – always keeping promises they make to the young adult; meeting in an informal setting where possible (even if this just means going for a walk outside the office occasionally, or chatting whilst making a cup of tea); and setting boundaries and sticking to them.

The guide also includes information on the specific issues facing young adults and how they impact on their engagement with

probation, including maturity, trauma, health needs and the development of life skills; as well as guidance on how to tailor services to specific groups of young adults with particular needs such as women, Black, Asian and minority ethnic young (BAME) people, those with disabilities and care leavers. There is also a section for managers and commissioners on things they can do to enable effective engagement of young adults and adapt services where necessary.

Now that we have launched the guide we are planning a series of events to enable practitioners to share their experiences and learning, and also to find out what further support would be useful to them.



Download the T2A/ CLINKS guide from:
www.clinks.org/sites/default/files/basic/files-downloads/probation_guide_digital_ver2.pdf

Top ten tips: From probation officers to probation officers

These are the key suggestions made by probation practitioners that the T2A and Clinks team spoke to on how to effectively engage with young adults and support them to desist from crime.

- 1** Recognise that no-one becomes a fully developed adult on their 18th birthday. Give young adults flexibility and support to meet the requirements of their Order and complete statutory demands.
- 2** Every contact counts - treat every contact, however short, as an opportunity to help them move towards desistance from crime. Your manner during every interaction makes a difference.
- 3** Show them you want them to complete their Order and that you are not there to trip them up but to enforce the law fairly. It is very important for young adults to know that you have an interest in their compliance. You may be the only consistent, supportive person in their lives.
- 4** Be aware of the impact trauma and attachment issues have on young adults and how these affect their behaviour.
- 5** Keep up to date with research - and be aware of specialist issues like brain injury, ADHD and learning disabilities so that you can support appropriately and/or signpost.
- 6** Learn from colleagues - maintain contacts in other agencies such as the Youth Offending Service, mental health services and the voluntary sector and use their expertise to inform your work with young adults.
- 7** Seek access to other agencies' records for information on a young adult's needs, such as the Youth Offending Service's ASSET database or Comprehensive Health Assessment Tool results carried out in custody.
- 8** Build your knowledge of other statutory and voluntary sector services available in your area and work closely with mentoring services where they exist to provide more intensive support than you may have time for.
- 9** Be creative in how you engage with young adults, for instance try out resources and activities that suit different learning styles. Where possible, meet up with young adults in different locations, such as community centres, even just for a walk outside the office.
- 10** Get support from your manager and co-workers to help you to stay creative and inspired in your work engaging young adults.



Getting resettlement right for young people

Beyond
YOUTH CUSTODY



Sarah Wilkinson, Beyond Youth Custody Programme Officer at Nacro, explains that a new way of working is needed to help young people leaving custody.

How can we best prepare young people for release from custody, provide on-going support through to the community and help them desist from crime? First we must look at the characteristics of the cohort of children and young adults who are in custody, the nature of youth incarceration and the implications this has on their resettlement.

Over the past decade, the numbers of children and young people in custody have been falling. In January 2015, the number of children in custody was 981. The first time on record the population has fallen below 1000. The young adult prison population has also fallen, but the trajectory has not been so marked as that for children.

This trend is welcome, but it poses new and significant challenges for services. Those sentenced to custody are more likely to display an entrenched pattern of offending behaviour. They're more likely to have committed serious offences and have a higher concentration of problems.

- **Reoffending rates remain stubbornly high.** Over two thirds of children reoffend within 12 months of release from secure institutions. Reoffending rates are also

substantially higher amongst young adults in the criminal justice system than older adult offenders.

- **Young people in custody have had complicated and chaotic lives.** Many have experienced trauma, abuse, bereavement, grown up in local authority care, been excluded from school, experienced drug or alcohol related dependencies and have mental health problems or personality disorders.
- **Young people are increasingly isolated from family.** The closure of some institutions and restructuring of the secure estate has meant some young offenders end up in custody a long way from home.
- **Gang-involvement is problematic.** A recent inspection report by Her Majesty's Inspectorate of Prisons reported that Feltham young offenders' institution was 'rife with gang violence' and called for new thinking about how to tackle the "debilitating and seemingly intractable" problem.

- **Support isn't consistent between youth and adult systems.** The transition from the youth justice system to the adult justice system further impacts on the consistency and quality of support provided and can cause young people to fall unsupported through the cracks.

Where appropriate support is available and agencies work together in a coordinated way, custody can provide young people with the interventions they need to overcome problems and start the process of building a better life. Central to this is making sure resettlement is the driving force of sentence planning and that the right resettlement services are in place for them in custody through to the community.

All too often it isn't. Services are patchy or poorly coordinated, too little attention is given to preparing young people for release and planning for resettlement doesn't start early enough in their sentence – when it is most effective.

Building a lasting legacy for resettlement

Beyond Youth Custody's (BYC) aim is to help young people turn around their lives by ensuring



We are all involved in an area of policy where there are no silver bullets and no magic wands. But it is definitely possible to make progress by sharing best practice and by learning about each other's successes and areas for improvement.

Lord McNally

As part of Nacro's ongoing work to raise the profile of our research findings, the charity recently held a parliamentary event hosted by Nacro's President, Lord Dholakia, to launch a new report ***Effective resettlement of young people: lessons from Beyond Youth Custody***.

The event was attended by over 100 guests including Andrew Selous (Minister for Prisons, Probation and Rehabilitation), Lord McNally

(Chair of the Youth Justice Board), peers, MPs, practitioners, policy stakeholders and young people.

There was a feeling of determination from those in the room to work together, share learning and best practice and gain momentum to make a difference to young people leaving custody.

the right resettlement services are in place for them in custody and through to the community.

Our five-year programme works to establish an evidence base of effective practice that can be used to support a clear strategy for resettlement services.

We focus on the following areas of work:

- ➔ Producing robust evidence about what works
- ➔ Giving young people a voice
- ➔ Developing and promoting good practice
- ➔ Identifying and communicating what needs

to change in policy and practice

The scope of BYC extends to young adults leaving custody up to the age of 25. This allows us to capture insights from children and young adults who require a distinct approach; and understand better the transitions between different types of statutory provision, responsible agencies and relevant stakeholders.

What does effective resettlement look like?

Effective resettlement is a process that enables a shift in a young person's identity, moving them away from crime towards a positive

future. For resettlement to be effective and sustainable, we need to look 'beyond' criminal justice's short-term aim of preventing reoffending.

There needs to be longer term understanding of resettlement as a process promoting desistance, wellbeing and social inclusion. Crucially, we must acknowledge that this may involve episodes of relapse as well as progress. This process can be facilitated by providing structural support as well as promoting a belief within the young person that they have the capacity to change.

Our research shows that for the resettlement process to be effective, it should be underpinned by the following principles:

1 Co-ordination of services - Partners need to work collaboratively. Young people in custody have multiple and complex needs. They've frequently experienced trauma, victimisation, abuse and social injustice – all of which are commonly exacerbated by the experience of incarceration. The best way to meet these needs is to offer an individually tailored, wrap around package of support delivered by partners across sectors. However, the input of a wide range of agencies in itself is not enough. There needs to be proper coordination between custodial facilities and the community – between the statutory, voluntary, community and business sectors – and necessary information must be shared appropriately between them.

2 Engaging the young person for positive change - relationships lie at the heart of successful engagement. Unless young people are engaged in the criminal justice process, resettlement is unlikely to be effective. Effective engagement and

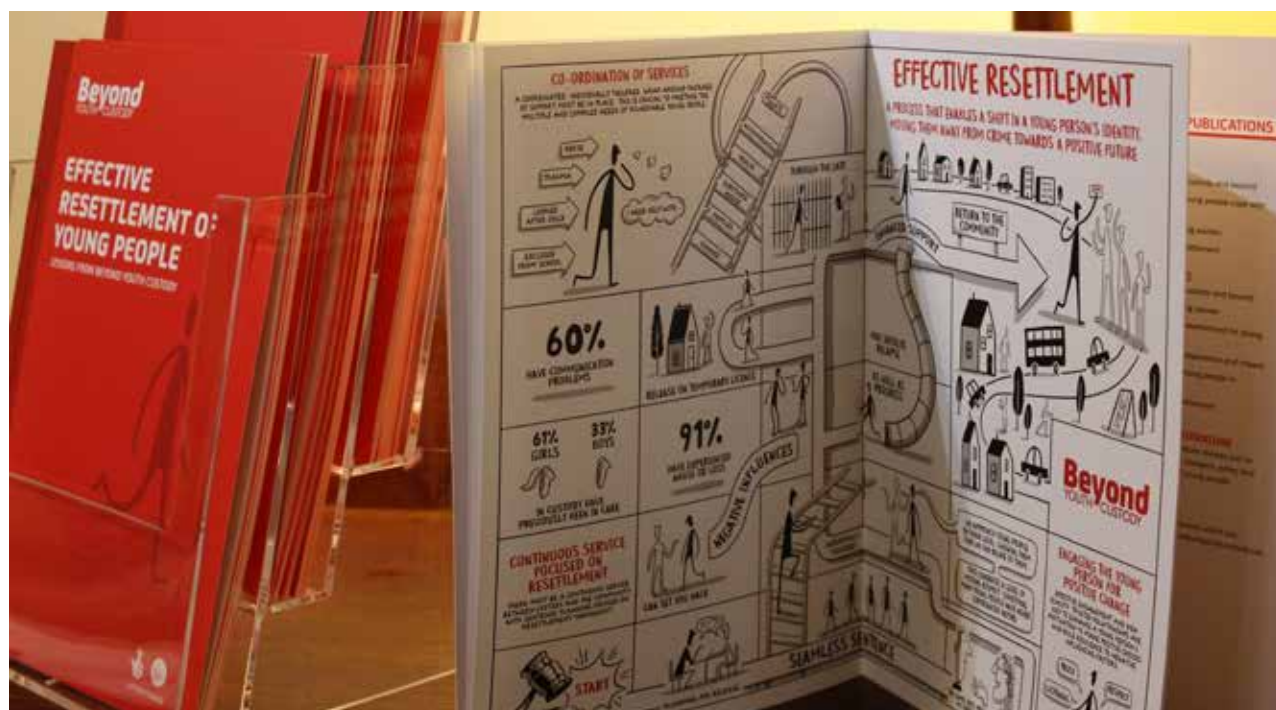
high quality, trusted relationships are crucial to enhance a young person's motivation to make positive choices, stay in support programmes and build resilience to negative influencing factors. Engaging young people in resettlement activities is a challenging process. There are significant barriers that can impede engagement and these are frequently exacerbated by previous negative experiences of criminal justice agencies. Young people are more likely to engage with services if they share a mutual respect with staff and believe that staff care what happens to them. This means listening to young people and involving them in decisions about their own resettlement planning.

3 Continuous service focused on resettlement. Preparation for release needs to start early. Resettlement is much more effective when young people are able to visit accommodation, arrange employment or education, meet providers of support services, and re-orientate themselves back into the community prior to release.

Young people need to be prepared for release not just in the weeks before they leave custody, but at the point they enter it. They need to be aware of the community based opportunities available to them.

Sentence planning must focus on resettlement. There needs to be a continuous service between custody and the community, with sentence planning focused on resettlement throughout. The resettlement process should be a seamless one that bridges the divide between custody and community. The work done in custody should carry on in the community so that young people get the support they need beyond statutory periods of post custody supervision.

Enhanced support at times of transition. The transition period from custody to community offers a 'window of opportunity' in which young people can be open to interventions that aims to promote desistance. But it also represents a time of substantial risk during which young people may be under pressure to resume previous forms of behaviour. Reoffending, or



breach, are both more likely in the critical period immediately after release.

Looking forward

There is a growing wealth of evidence about the distinct needs of young adults and what kind of approach by the criminal justice system is required to meet their needs. This evidence is particularly relevant for those working in probation, or in custodial institutions who will be working with young people transitioning from youth to adult services.

During the final two years of the programme we will continue to engage with young people, consult with practitioners and those involved in developing policies, and work with our partners to ensure that learning is communicated at both practice and policy level.

We will also do so through our membership of the Youth Justice Board's Resettlement Steering Group, Transition to Adulthood Alliance (T2A) and the Standing Committee for Youth Justice (SCYJ). These activities will feed into the next phase of Beyond Youth Custody to ensure that our learning secures lasting impact to young people leaving custody beyond the lifecycle of the programme.

BYC has been designed to challenge, advance and promote better thinking in policy and practice for the effective resettlement of young people. It brings together Nacro with research and evaluation partners: ARCS (UK), and Salford and Bedfordshire universities. For more information or to download resources visit: www.beyondyouthcustody.net

YOUTH CUSTODY FACT FILE



**68% OF CHILDREN
RELEASED FROM
CUSTODY REOFFEND
WITHIN A YEAR**



FEWER THAN 1% OF ALL CHILDREN IN ENGLAND ARE IN CARE, BUT LOOKED AFTER CHILDREN MAKE UP 33% OF BOYS AND 61% OF GIRLS IN CUSTODY



11% OF CHILDREN IN PRISON HAVE ATTEMPTED SUICIDE

**£224
MILLION**

£224 MILLION WAS SPENT ON THE PROVISION OF SECURE ACCOMMODATION FOR CHILDREN IN 2012/13

Capital approach: Working with young adult offenders in London



Assistant Chief Officers **Andrew Hillas** and **Patsy Wollaston**, who co-lead London CRC's work with young adult offenders, write for **PQ** about the successes of the EXIT project.

Prior to the Transforming Rehabilitation changes, the then London Probation Trust began to place an emphasis on tailoring its interventions to addressing the specific needs of young adult offenders. During this period, it developed an intensive alternative to custody intervention called EXIT.

It was specifically aimed at assisting young adults whose lifestyles involved frequent offending.

The aim was to provide a robust response to youth offending that would gain credibility with London sentencers while being sufficiently relevant to young people, so that compliance rates would be achieved and real behaviour change would be encouraged.

The EXIT intervention immediately gained widespread acceptance across London and after the results were obtained from several positive academic evaluations, it was decided that this intervention would be a key approach to addressing the needs of young adults within the new London CRC.

MTCnovo, the new owners of the London CRC, are also now implementing a cohort model of working with offenders, mainly based on offender age and gender. This included a cohort working with young men aged 18-25, thus enabling staff who selected to work with this group to develop specialised knowledge and skills.

In conjunction with the Howard League, the London CRC then decided to run a multi-agency conference in June 2015 highlighting the specific needs of young adults, aiming to identify the key issues that young adults in the criminal justice system face.

The conference was titled: *The Hidden Agenda: Identifying best approaches to*

working with 18-25s.

Key issues facing Young Adults in London

Emotional Maturity - The London CRC has developed strong links with the Barrow Cadbury Trust (as part of the T2A Alliance) who have consistently campaigned for the needs for young adults to be taken into account at all stages in the criminal justice system, starting at point of sentence and moving onto the interventions provided in either the community or custody.

The Barrow Cadbury Trust have regularly identified that emotional maturity is often not reached until young men are aged in their early/mid 20s. Emotional immaturity is characterised by impulsive and non-consequential thinking, accompanied by poor ability to acceding to negative peer pressure.

London CRC helped to pilot an emotional maturity screening tool developed by the University of Birmingham, utilised in conjunction with the existing OASys assessment and initial sentence plan. We consider the use of such assessments to be crucial for planning future tailored interventions for each young person.

A further key factor that needs to be taken into account when working with London young adults is the prevalence of gang involvement, and associated incidents of violence that arise from criminal gang activity.

Being directly involved in the commission of, being victims of, or even witnessing serious incidents, frequently triggers mental trauma leading to conditions of Post Traumatic Stress Disorder.

The London CRC is currently negotiating with various health providers to deliver specialist

psychotherapeutic interventions to assist young people to recover from such experiences.

In addition to the EXIT Intervention, London CRC have also developed several less intensive interventions that can be delivered either on an individual or groupwork basis.

These seek to help young male offenders to develop skills/ approaches to assist them to make fully considered and better longer term choices.

These interventions are also aimed at improving the young man's motivations to engage with lifestyle opportunities that avoid involvement with crime.

The London CRC is keenly aware of the need to gain credibility and acceptance from the young person, and that many such young people will have previously experienced difficult relationships with authority figures.

As a result, the CRC has been enthusiastic to use appropriately trained mentors, who provide additional support on a voluntary basis and who bring specialist knowledge and experiences from which the young person can benefit.

This is particularly important in London where **ethnic background disproportionality** is a key factor. Over 55% of the current London CRC 18-25 caseload are from BME backgrounds; it is critically important to enable Offender Managers and Mentors to work effectively across difference and assist them to develop constructive professional relationships with individuals from a range of different cultural backgrounds.

This credibility issue extends to the partners that the London CRC have chosen to work alongside; another key issue for young adults is to provide relevant employment/training opportunities that are both realistic (in terms of the young person being able to succeed) and of interest to London based young men. The

CRC has worked extensively to identify the best agencies that can provide such employment/ training opportunities across the city.

Young adult transitions

It has frequently been reported that the age of 18 is a somewhat artificial and unhelpful boundary to separate young people who are still considered to be children from adults, particularly given the findings that young men don't mature emotionally until their early 20s.

However, while society continues to consider

a young person's 18th birthday as the benchmark between child and adulthood, it is important that the CRC supports the transition for young people moving from youth to adult services.

In conjunction with the London Youth Justice Board and the NPS London Division, the London CRC has agreed an updated protocol for managing the process of young people moving from being supervised by a YOS to being supervised by adult services.

This protocol highlights the importance of keeping the young person central in the process, ensuring that she/he is kept informed of what is happening and the differing expectations that may occur during the supervision period by an agency managing adults.

The young person should also be given an early opportunity to meet with her/his new adult caseworker as part of a three way meeting with their YOS worker.

Furthermore, the London CRC is currently amending its interventions to make them suitable for use with young people aged under 18; the eventual aim is to possibly co-deliver interventions with the London YOSs.

This will achieve further improvement of links

The London CRC is keenly aware of the need to gain credibility and acceptance from the young person, and that many such young people will have previously experienced difficult relationships with authority figures. As a result, the CRC has been enthusiastic to use appropriately trained mentors...

between the London YOSs and the London CRC and will enable both agencies to make financial savings by the economies of scale obtained.

Vulnerability and isolation

Research undertaken into the progress of the 64 individuals who were the first EXIT intervention group clearly identified that those who successfully completed the intervention usually had the strong support of positively motivated others. These could be family members, friends, members of faith groups or even professionals where the professional relationship had been well established.

Conversely, those who were unable to succeed frequently identified the damaging consequences of feeling isolated or only having negative influences around them as key factors as to why they were unable to comply with the EXIT intervention.

The London CRC has also identified that care leavers are disproportionately numbered amongst the London young adult cohort - almost inevitably young people from such backgrounds are most likely to be isolated with few support links.

As a result, the CRC is now liaising with the National Care Leavers Association to develop both a strategy and new interventions to assist these young people to mature emotionally successfully.

Brain Injury

The Hidden Agenda Conference also involved a presentation that outlined recent research undertaken that revealed the large numbers of young people who had sustained significant brain injury (leading to a period of significant

unconsciousness) become involved in the criminal justice system, probably as a result of damage to their thinking processes around decision making.

London CRC has partnered with the University of Exeter to explore this issue further, firstly to identify the scale of the issue and secondly, aiming to jointly identify new ways of working with this group to help them avoid committing crime and to succeed in handling conflict in a positive fashion.

This emphasis on highlighting the needs of the "hidden cohort" of 18-25 year olds is timely, primarily so that this group can be assisted to develop more constructive lifestyles and avoid a lifetime of involvement with the criminal justice system and secondarily to assist probation services to reduce the high levels of re-offending currently occurring with this age group.

Conclusion

London CRC considers this to be an exciting time to be working with young adult offenders, with a range of new knowledge becoming available to inform methods of intervention with this group.

For example, it welcomes the recent publication by the T2A and Clinks *Effective Approaches with young adults: A guide for Probation Services - September 2015* as a further reference resource to best practice in this area (see pages 19-22).

This emphasis on highlighting the needs of the "hidden cohort" of 18-25 year olds is timely, primarily so that this group can be assisted to develop more constructive lifestyles and avoid a lifetime of involvement with the criminal justice system and secondarily to assist

probation services to reduce the high levels of re-offending currently occurring with this age group.

London CRC assesses itself to be at the start of a process in identify best practice in working with this age group and welcomes dialogue with like-minded organisations who have similar aims and values.

THE NORWEGIAN WAY

How our Scandinavian colleagues maintain lower reoffending rates than the UK



Jo Inge Svendsen

gives his thoughts on the effectiveness of community orders in Norway and the UK and reflects on discussions he has had with colleagues in both countries.

As someone who has recently changed jobs from the probation service in the United Kingdom to the probation service in Norway, I have made some initial observations about the differences in the way we are working in the two countries. This article is mainly based on my observations and discussions with colleagues as well as my views about what I consider to be important aspects of effective work with offenders.

I worked in the United Kingdom as a Probation Officer and as a Manager within the Probation Service for more than 17 years and I have myself experienced the effectiveness of community

sentences, in particular the community order. I arrived in the UK in 1997, the 'era' of new labour and a labour government, which presided over a shift within criminal justice and probation from "nothing works!" to "what works".

These were optimistic times and I remember colleagues enthusing to me about how they felt that, at last, there was a positive view of their work, in contrast to their previous experience of central government's damaging and negative attitude towards community sentencing and probation over a period of many years.

Much has happened in the probation world since then – a lot of resources were transferred to the probation service during the late 1990's and part of the 2000's, and we saw the emergence and fast growth of the National Offender Management Service (NOMS). This could have been seen as an altogether positive development but, with hindsight, it is easy to see that the resources allocated to the probation service during this period were somewhat disproportionate to the results achieved.

Changes were in my view inevitable and, with a later change in government, came a change in attitude and priorities, which moved to the opposite extreme. This resulted in plans for and realisation of privatisation of parts of the service with the mantras "rehabilitation revolution" and "payment by results". I would argue

that these simplified ideas and plans for reorganisation did not fully consider the complexity of our work and the difficulty in developing accurate measures of effectiveness and reduction in reoffending. What this failed to consider, in my view, were the views of the offenders and a consideration of the importance of the effective relationship between the supervising officer and the offender in reducing reoffending.

The results of this process and the substantial changes resulting from it are now well-known in the UK. However, in the midst of all this, when central government were looking at ways of cutting costs and making probation work more effective, NOMS produced results from research showing what we already knew - that one of the most successful factors in reducing reoffending rates is an effective relationship between the offender and the supervising officer, built on respect and trust.

To achieve this, the probation service must have highly qualified, experienced and committed staff members who are able to and who have time to engage with offenders during the period of community sentences.

The jury is still out on when it comes to how well the changes experienced during the last couple of years have supported the opportunities for probation officers to spend sufficient time with offenders to develop such effective relationship – I have my own views

and thoughts about this and I am not very optimistic or hopeful. Early feedback from colleagues in the UK appears to be confirming my reservations.

So, how have the Norwegians addressed this issue and how do the Norwegian probation officers work with their offenders subject to community orders? Furthermore, and essentially in my view, what is seen as positive and effective in this work by those we are working with, the offenders themselves? In 2014, the Directorate of Norwegian Correctional Services published a report by Erlend Sand Buer, "Community sentences in Norway – What Works in Norway"?

Before going into this in more detail, it is helpful for the reader to have some basic understanding of the Norwegian community order. What does it imply being subject to a community order in Norway and what are its requirements?

First of all, community orders are aimed at offenders who have been assessed as low risk of harm and could, where appropriate, be used by the courts as an alternative to up to a 12-month custodial sentence. The main element of the order is restriction of liberty rather than the removal of liberty altogether, as is the case with a prison sentence. The court cannot impose a community order without the offenders' consent.

The main purpose of the community order is to work with and assist the offender in

Facts and statistics

Some key figures from Erlend Sand Buer's study of What Works in Norway.

34%

Reoffending rate for community orders in England and Wales

Less than 20%

Corresponding reoffending rate for Norway

reducing the risk of reoffending, by addressing the criminogenic needs identified during an initial assessment period.

The length of a community order is between 30 and 420 hours and the court must set a length (in months) for when the hours should be completed (no longer than 12 months). This means that the offender cannot choose to complete the hours over a shorter period than decided by the court, as this is part of the restriction of liberty.

Prior to the start of the order the probation officer and the offender will put together a plan for progress and completion and agree the various elements of the order, dividing the hours to each of the elements of the order as well as ensuring that they are evenly distributed throughout the period of the order.

The various elements of the community order in Norway are:

- Community service/work (with non-profit voluntary/charitable organisations);
- Individual supervision sessions;
- Programmes;
- Restorative justice & mediation (in partnership with the National Mediation Service);
- Treatment (e.g. substance or

mental health treatment);

- Any other crime prevention activities or initiatives.

What did Mr Buer's research show when it comes to the experience of the offender and how does this illustrate the important issue of the relationship between the offender and the supervision officer?

This is a brief outline of the findings:

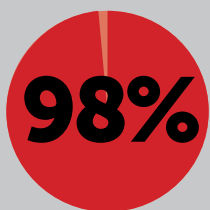
1 Nearly 90% of the offenders experienced the community order as helpful and useful to address their needs linked to offending. At the same time, they also felt that the order helped them to pay back to society. This is in my view a very interesting and telling finding, as it indicates that the offender fully realises that (s)he has committed a crime and done wrong – and that they see the importance and value of restoring this situation. This proves in my view that it is fully possible to combine effective punishment with rehabilitating and crime reducing interventions.

2 98% of the offenders stated that they had been treated with respect and dignity during the community service part of their order. This is another positive and important finding and, combined with the overall positive feedback from the organisations involved with the offenders, it indicates that this part of the order

is an important and positive way of providing appropriate work related to experience and -training. Many of the offenders we work with have limited or no work experience. So, it is an important area where we can start addressing the issue, providing the offender with a positive work experience and at the same time with the feeling of being valued and important. The arena also gives the offender a good opportunity to practice and improve social skills.

3 Whilst 43% of offenders felt that the completion of the community order was demanding, all of the offenders who took part in the research assessed the various parts of the order as positive. Furthermore, they did not experience the order as a punishment which is in itself positive, as psychological theory and research shows that punishment in itself is not effective in changing offending behaviour.

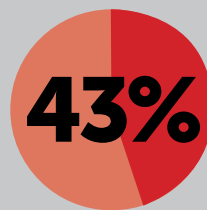
These are important findings as they clearly indicate what is effective in our work with offenders. First and foremost, this shows what we already know, that community penalties are more effective than custodial sentences in reducing reoffending rates. This is the case for the United Kingdom as well as for Norway, but the overall reconviction rates in Norway are far below those of the United Kingdom. However, we have to take some care in making comparisons between community



Of offenders felt they had been treated with respect



Of offenders said their order was helpful



Said their order was demanding

**DIGNITY
&
RESPECT**

Essential to creating a meaningful experience

and prison as, generally, offenders in custody have committed more serious offences and have a more extensive 'career' as an offender. Nevertheless, reoffending rates for offenders subject to community sentences in the UK is 34% whilst it is in Norway is below 20% - a significant difference.

What other conclusions may we draw from the results of Mr Buer's research?

- Offenders need to experience the content of the community order as relevant to their situation, useful and helpful. By achieving this, there is also a better chance of getting the offender to see the link between their behaviour and the crime they have committed.

Furthermore, this seem to help offenders to realise that they have 'done wrong' and will thereby support engagement in effective work aimed at reducing the risk of further offending. As the results from the research show, this was achieved in the great majority of the cases.

- It appears from the results of this research that to treat everyone, also those subject to punishment by the correctional services, with genuine respect and dignity is essential in building an effective working relationship. This was stressed by all the offenders as important in order to enable them to work with the supervising officer and in achieving the goals set in the supervision plan to support the completion of the order. It was achieved in nearly all the cases within the research and it is

evidence of the importance of matching the offender with the community service/ work placement in order to make create a meaningful experience providing the offender with real learning of new skills as well as being acknowledged positively by others.

citizens and good neighbours.

I have spent most of my working life working with offenders with the overall aim to reduce offending rates and protect the public.

In this work, punishment plays an essential part and I do believe that there is a need for society to take steps to punish those who commit crimes.

However, we also need to remember that these offenders also are a part of the wider society and that not addressing the issue of rehabilitation and reintegration to our communities will create issues and problems for us all.

Punishment therefore needs to be delivered in a dignified way where we treat offenders with humanity and respect, which will prevent resentment and thereby decrease the likelihood of further offending.

I accept that this is a difficult balancing act, as it is important that the punishment is 'felt' by the offender.

From my experience so far, supported by the research referred to above, the Norwegian way of working seems to be more effective than the approach in the UK.

Based on the evidence of what is effective in our work with offenders, it is my view that we all have a responsibility to argue and act against the repeated calls from central government and the tabloid press for more severe punishment for offenders. As professionals, it is our responsibility to act on behalf of the wider community to ensure a debate on punishment and rehabilitation, which is sober and based on evidence and experience of what works and at the same time is effective.

...the Norwegian way of working seems to be more effective than the approach in the UK. Based on the evidence of what is effective...it is my view that we all have a responsibility to argue and act against the repeated calls from central government and the tabloid press for more severe punishment for offenders.

- There appears to be no contradiction between making punishment in the community effective and demanding and at the same time a positive experience for the offenders, providing a platform for potential learning and changes in behaviour. In the end, what we want is a reduction in reoffending and to ensure that offenders become ex-offenders, law abiding

Community sentences: the UK picture since 2000



Catherine Heard, Policy and Research Associate at the Centre for Crime and Justice Studies, asks why increased use of community sentences has not led to a corresponding fall in prison numbers. Her report forms part of an ongoing comparative project funded by the European Commission: *Alternatives to Custody in Europe (ACE)*¹ which compares law and practice across eight EU states: Italy, France, Greece, Latvia, Poland, Portugal, Spain and the UK.

Over the past decade, the Centre for Crime and Justice Studies has been charting developments in alternatives to custody and calling for a more ambitious approach to criminal justice policy, informed by principles of social justice.

Our research has shown that the UK's increased use of community sentences has not led to any overall reduction in prisoner numbers. At best, it may have controlled the growth of short-term prison sentences. At worst, it has simply expanded the net of criminalisation and punishment, exacerbating rather than resolving social harms.

Our latest report, *Community sentences since 2000: how they work – and why they have not cut prisoner numbers*², should be of value to people working in probation or those thinking of entering the profession. It offers a unique review, not only of community justice measures, but of the whole range of alternatives to custody, from bail, through community sanctions and probation, to early release systems. It gives an overview of attempts at government level to control the staggering rise in prisoner numbers since 2000, explaining why they have largely failed.

The way the alternative measures work is explained, with supporting statistical data on the use of different measures. Probation practices are described in some detail. The report covers the three UK jurisdictions.³

The EU countries involved in ACE have widely divergent systems and practices, notably in pre-trial detention, community sentences and probation. Most have chronically overcrowded prisons, as was shown in a separate report published by the

same research team in 2014. By building up a comparative picture in a similar way, ACE aims to identify better approaches to ending the wasteful, harmful over-use of prison currently blighting so many European countries. It seeks to promote the fairer, more effective use of alternatives. To that end, we have developed a set of core principles on the use of alternatives to custody, to inform and underpin the policy and approach of governments and criminal justice agencies.

The use of alternatives: some guiding principles

A commitment to making better use of alternative sanctions and measures is required. 'Better use' is not just applying probation and other measures instead of prison when appropriate. It is also avoiding the over-use of community sanctions. These sanctions are forms of punishment and control: they must not simply widen the net of punishment by criminalising people in ever-increasing numbers. They must not increase prisoner numbers 'by the back door' by penalising breaches with custody. The better, more targeted use of alternatives would save resources and reduce the widespread harms caused by excessive use of prison. It would enhance community safety more effectively than prison sentences, at a fraction of the cost. Our core principles cover all the key stages: pre-trial, sentencing, and post-release. They are informed by international minimum standards to which all EU member states have signed up. It is also important to recognise that policy-makers committed to reducing prisoner numbers need to look beyond criminal justice solutions and confront

the socio-economic factors and political choices that contribute to high prisoner numbers and to law-breaking.

What do the numbers tell us?

Overall, the quantitative data presented in this report reveal a steady growth in both the use of custody and in the length of sentences served. At the same time, the use of community sentences has expanded.

These trends largely arise from changes to statutory sentencing provisions, which have become more punitive. Reforms to community sentencing, though frequent in this period, have failed to reduce prisoner numbers overall. Indeed, the expansion in the use of community sanctions since 2000 was never likely to address the UK's extremely high prisoner numbers.

Government policy on prisoner numbers since 2000

The number of people in prison following conviction for a criminal offence in England and Wales, Northern Ireland and Scotland has increased sharply. Yet there has been no discernible government policy or strategy to reduce prison numbers and the use of custody overall, as distinct from simply controlling growth.

This is despite government data showing that reconviction rates for those leaving custody are higher than those dealt with by alternatives such as fines or supervision. It is despite regular reports of prison over-crowding and poor conditions, with incidents of mental illness, self-harm and suicide at alarmingly high levels and staff struggling to maintain safety.

In policy terms, government emphasis in all three jurisdictions has been on 'reducing reoffending' (in particular, by looking for alternatives to short-term prison sentences), rather than cutting prisoner numbers. There has also been a policy shift towards the greater use of community sanctions.

These have frequently been re-packaged as 'tougher' and making the person 'pay back', or forgo freedom of movement, sometimes combined with probation. In the development of alternatives, there are four notable trends, all driven by government policy on criminal justice and on public sector delivery.

1 Requirements imposed with community measures have become more onerous. For example, the maximum length of a curfew has been extended to 16 hours a day.

2 The punishment element is more visible. For example, people on unpaid work requirements must wear bright orange jackets saying 'Community Payback'. Every Community Order must contain at least one punitive element.

3 There is a growing role for the private sector, notably with financial incentives to cut reconviction rates under 'payment by results' in England and Wales, and electronic monitoring outsourcing across the UK.

4 Use of electronic monitoring has greatly increased, both as a requirement to a Community Order (with a curfew requirement) and as a post-prison control (through home detention curfew).

There is little evidence yet that any of this will reduce prisoner numbers overall, help divert people from prison, or avoid the costs and other harms of incarceration.

What are the factors behind the UK's excessive use of prison and what, if anything, has been done at government level to try to address the problem?

England and Wales

Prison populations rose steadily under Labour between 2000 and 2010. They continued to rise under the Coalition. Throughout this period there was no clear government policy to reduce numbers in custody.

In July 2009 the Ministry of Justice identified two main drivers behind the increase: more people sentenced to immediate custody (under tougher sentencing laws) and more people recalled to prison for breaking release conditions. There had also been a rapid increase in the number of breach cases resulting in prison, reflecting 2003 laws to toughen enforcement.

In November 2014 the Ministry of Justice accompanied a release of sentencing statistics with a statement welcoming the steady increase in the average prison sentence handed down since 2010. Noting its 'major steps to toughen sentencing' the Ministry linked these to continued falls in crime rates.

These recent examples illustrate the degree to which any policy aiming to reduce prisoner numbers is avoided. Recent reforms to community sanctions and post-prison probation are seen by some as ideologically driven attempts to open up criminal justice processes and interventions to the private sector. Their impact on prisoner numbers or reconviction rates remains to be seen.

Although there have been many parliamentary and NGO reports pointing to the need to cut overall prisoner numbers, none has had any detectable effect on government policy since 2000.

Scotland

In July 2008, the Scottish Prisons Commission advocated limiting custody to cases where the seriousness of the offence, coupled with public safety grounds, warranted nothing less. It recommended a significant reduction in the prison population by avoiding the unnecessary use of short sentences. Emphasis was placed on the reparative aim of justice, making good to the victim or the community, for example, by unpaid work, paying a fine or compensation, and engaging in rehabilitation. It also referred to wider social problems – notably poverty – giving rise to crime. It said non-CJS agencies had to be mobilised to tackle these problems.

This led to a reform programme by the Scottish government. Scotland has since built on its community punishment regime to try to reduce overcrowding in prisons. There is a statutory presumption against short prison sentences. Anyone who would previously have received a short prison sentence is now more likely to get a community sentence.

In its latest justice strategy programme, a priority of reducing reoffending (as distinct from cutting prisoner numbers) is highlighted. A central part of this involves community sentencing.

Overall, while the political debate on prison numbers has appeared more progressive, it is unclear whether Scotland has yet taken a truly different path towards reducing the use of custody. As our report shows, recent figures for the use of custodial sentences and average sentence lengths are not convincing.

Northern Ireland

An independent review of prisons was launched

in 2010 following an unprecedented rise in the prison population. The resulting Owers report found a 'continuing failure to get to grips with longstanding population drivers, such as the numbers of remand prisoners and fine defaulters, together with a new driver, the number of prisoners recalled ...'

To put this right, a complete transformation was required. The authors rejected a market-based approach to prisons in favour of a political approach to resolving dysfunction in the prison service. A Prison Reform Oversight Group with official, professional and civil society input was set up to work towards reform. The Department of Justice launched a consultation on community sentences to encourage their greater use, resulting in draft legislation with provisions for low level offences to be dealt with by fines, not prosecution. An effort was made to combine prison reform and community justice into one overarching Strategic Framework for Reducing Reoffending, in May 2013.

Disappointingly, plans to follow Scotland with a statutory presumption against shorter prison sentences did not result in legislation.

Conclusion

As this report shows, the UK's use of alternatives to custody has expanded greatly since 2000. However, despite many restructurings, community measures have done little if anything to stem the steady increase in prisoner numbers.

Although couched in the language of rehabilitation, the decision to break up probation in England and Wales and open its services to a competitive market and payment by results may hamper the rehabilitation prospects of probation work in prisons and in the community. Extra pressures will be placed on services with no additional funding to meet those pressures. Increasing the use of community sanctions and making them more punitive cannot avert the risks and harms of our over-reliance on prison. It simply widens the net of punishment, consuming resources that would be better spent promoting and funding other ways of diverting people from criminal justice towards the support they need. Our long-standing over-reliance on criminal justice interventions leaves little space to develop fairer, more effective solutions.

The Revolution Will Not Be Televised by Bevan Powell

"The revolution will not be televised!"

The prophetic lyrics of the legendary poet and jazz performer Gil Scott Heron, resonate with Probation's own 'Rehabilitation Revolution' and radical reforms, known as Transforming Rehabilitation (TR). The biggest shakeup of the service in its 108 year history received little media coverage.

The TR programme replaced 35 Probation Trusts across England and Wales with a single National Probation Service (NPS) and 21 private sector Community Rehabilitation Companies (CRCs). Over 70% of the work of the former public sector probation service is now firmly in the grip of private and voluntary sector providers. A key component of the TR implementation, and perhaps one of the most emotive and sensitive, was the transfer of existing Probation staff to the NPS or a CRC through what was described as an 'Assignment Process'. In response to a survey carried out by the NILE Group, a significant number of staff from Black Asian and Minority Ethnic (BAME) backgrounds felt that the process was unfair and in many cases believed that their race influenced assignment decisions.

"The TR Process has led to a decrease in black staff in NPS. There is also a decrease in the numbers of black senior managers. Overall, the discrimination and inequality is very much apparent." A quote from a respondent of the NILE Joint Action Research Initiative (JARI) survey. Similar sentiments were echoed throughout the survey.

The NILE Group is an independent consortium of Black Asian and Minority Ethnic staff organisations/networks representing BAME professionals within the UK Criminal Justice System aiming to improve race relations and race equality.

Results from the survey found staff suffering from low morale and lacking confidence following the TR Assignment process. Our concerns are that a significant number of BAME staff from CRC's and NPS have low levels of morale and confidence following the Assignment process. NILE has recommended that Her Majesty's Inspectorate of Probation carry out an immediate investigation

into the Assignment Process to ensure that there were no breaches of equality legislation.

Lord Herman Ousley had this to say in his written forward within the JARI report; *"The JARI report makes some sharp recommendations which all require serious urgent consideration, not least the need for the HM Inspectorate of Probation to conduct or commission a thorough independent investigation into the implementation of the Staff Assignment Process in each of the 35 Probation Trusts to identify any breaches in the provisions of the National Framework and the Equality legislation. That is the minimum of requirements if the Probation Service is to be seen as fair and bias-free, serving all sections of the population with confidence, trust and integrity. The current situation of the over-representation of BAME "offenders" within the Criminal Justice System and the under-representation of BAME probation staff at senior levels and in decision-making roles is neither sustainable nor credible"*.

Lord Ousley's comments raise the question of who will champion issues of race within the new fragmented world of probation. The NILE Group believes that this places greater emphasis and demands on the role of Her Majesty's Inspectorate of Probation and the Probation Institute. The offender population is made up of a diverse range of people from different backgrounds and communities. Treating these people as though they were one homogenous group is where I believe some of the greatest challenges and obstacles spring from, inhibiting the reduction of reoffending and attempts to reduce the disproportionate number of people from Black and Asian and other minority backgrounds in today's prisons and broader CJS. Cultural competence within probation is a starting point: organisations must embed these skills if they are to successfully reduce offending across all groups.

Although there is not one agreed definition of cultural competence the model preferred by me is taken from the National Centre for Cross Cultural Competence Georgetown University, USA:

To achieve Cultural Competence organisations must:

1. Have a defined set of values and principles, and demonstrate behaviours, attitudes, policies, and structures that enable them to work effectively cross-culturally.
2. Have the capacity to (1) value diversity, (2) conduct self-assessment, (3) manage the dynamics of difference, (4) acquire and institutionalize cultural knowledge, and (5) adapt to diversity and the cultural contexts of communities they serve.
3. Incorporate the above in all aspects of policy-making, administration, practice and service delivery, systematically involve customers, families and communities.

A diverse workforce is a key component underpinning the idea of cultural competence and is key to the NPS and CRC's addressing the issues of difference. The NILE Group believe that the involvement of BAME staff at all levels is critical to success. However, following on from the TR Assignment process, the NILE Group suggest that first step must be the immediate engagement and reassurance of BAME staff.

Opinion is split as to whether or not Chris Grayling's social and economic experiment will achieve improved outcomes for probation. Reductions in recidivism is an obvious indicator, however in addition the NILE Group would also like to see the over representation of BAME "offenders" within the criminal justice system addressed and reduced. A workforce that reflects those it serves at all levels within probation and zero tolerance of racial discrimination is another outcome. The NILE Group believe that organisations such as itself and the Association of Black Probation Offices (ABPO), working alongside probation agencies is important to achieving racial equality. With annual contracts worth £450m annually the public will want to see a serious return on investment.



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Senior Probation Officer, Thames Valley CRC



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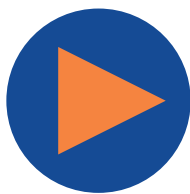
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