The Government’s plans for transforming the management of offenders

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Foreword

I am extremely grateful to Patrick Carter for his excellent report "Managing Offenders, Reducing Crime" which we are publishing today. The report has been developed closely with the Home Office and I fully support the approach he describes. We have drawn heavily on his work in developing the next phase of our strategy to improve the effectiveness of the criminal justice system and in particular correctional services. I believe that we now have a 'once in a generation' opportunity to reduce crime by radically transforming prison and probation services, and those working in partnership with them.

This document sets out our proposals together with our initial response to the report in the attached annex. I am absolutely clear about the route we are taking and many of the key changes we intend to make. However, I would also welcome views from our key stakeholders about some of the proposals. The particular questions on which I would welcome comments are set out at the end of the document.

This approach would not be possible without the significant progress the Prison Service and National Probation Service have made in investing in and improving the performance of prison and community sentences in recent years. We have also made significant strides in developing partnership working with complementary services, including health, education, housing and employment. A partnership approach is essential if we are to address the causes of criminal activity effectively.

This paper sets out briefly some of what has been achieved in assessing the risk of offenders, enforcing sentences and addressing re-offending behaviour. These improvements have been underpinned and supported by substantial changes we have made to the statutory and organisational frameworks for delivery. But as part of our wider public service reform agenda, I believe that we now need to go further.

Public protection will always be the Government's first priority. Those who commit the most serious crimes need to be locked up, in some cases for long periods of time. But this document also shows our commitment to equipping offenders to avoid a return to criminality. I believe these reforms will contribute to reducing crime and thus make a real difference to communities up and down the country.

I know that staff in the Prison Service and in the National Probation Service will want to hear about what this means for them. I understand that some will see this as meaning more change when working lives are already stretched. But, much more importantly, it means that there is going to be a far greater prospect of reducing re-offending, of better protecting those who are likely to be victims of crime and of changing offenders' lives.

This government's investment in prisons and probation has been unprecedented. This year we are investing £900m a year more in real terms than in 1998, first to make imprisonment decent and more effective in reducing crime and then by establishing a National Probation Service with the resources necessary to transform the effectiveness of community penalties. There is encouraging evidence of success emerging with the two services on track to reduce re-offending by 5%. But that is not enough. The radical overhaul we are embarking on is the establishment of a National Offender Management Service which will put the individual management of offenders at the centre of a single system rather than falling in the gap between two different services.

But as I have said already, we are not for the progress made in recent years in both the Prison Service and National Probation Service. We could not have contemplated these changes. The rapid expansion of basic skills training and drug treatment in prison and the transformation of probation's performance on enforcement and the introduction of dramatically more effective community penalties like the drug testing and treatment order provide a platform on which we can now build.

Many of the day to day tasks of prison officers on the landings or of probation staff working on community penalties will not greatly change. But the new context in which they operate, through closer integration of effort, spreading of best practice, and coherent management will make their work both more effective and efficient. What we do with offenders will, in future, be managed by offender managers - largely Probation Officers - who will reduce duplication and join up progress made in prison with supervision in the community with an absolute priority on reducing offending.

These changes are an assertion of my confidence in those who work with offenders and of my belief that the new arrangements will help to make their work in custody and the community, significantly more effective.

David Blunkett
Secretary of State
Our progress so far

1. Since 1997, our programme of reform and significant investment in the Prison Service and in the National Probation Service has made them much more effective. Sentences are longer for serious, violent and persistent offenders. But this has been matched by resources necessary to provide prison places and to supervise them more effectively directly in the community and after release.

2. Since May 1997, seven new prison establishments have been opened and capacity at existing prisons expanded to create 14,700 additional places. This has been supported by a 16% increase in Prison Service staff from 39,629 in 1997/8 to around 46,000 now. By 2006 we will have further increased the capacity of the prison estate from the current 75,000 places to 78,700 places by building additional capacity at existing prisons and opening two new prisons at Ashford (near Heathrow) and Peterborough. In real terms, resource funding of the National Probation Service has risen by over 46% between 1997/8 and 2003/4 and the average number of staff is expected to rise from 14,700 in 1997/98 to around 19,000 by the end of 2003/4, an increase of 29%.

3. This investment has enabled us to improve performance radically in many areas including:

- assessing the risk and need of offenders
- enforcing sentences
- tackling re-offending.

Assessing Risk and Need

4. In order to provide advice to sentencers and carry out sentences effectively it is essential to understand the risk offenders present of committing further serious crimes. Until recently, this critical early work of systematic assessment of both risk and need was disorganised and sporadic. That is no longer true.

- Since April 2000 all young offenders have been assessed using a common structured framework called “ASSET”. This underpins the recommendations made to courts and all the work that is done with youngsters either in the community or in custody.
- The Offender Assessment System (OASys) does the same job for offenders over 18. It will ensure consistency for all users. It is already used in most of the National Probation Service and will be fully rolled out across both probation and prisons by 2004/5.
- For high risk sexual and violent offenders, “Multi Agency Public Protection Arrangements” have now been firmly established, placing a duty on police, prison and probation services to assess the risk posed by these offenders before they are released from prison and to manage that risk after they are released.
- There is also a very small number of the most dangerous offenders of all, whose serious offending is linked to severe personality disorder. Working with the Department of Health we have set up four pilot assessment and treatment programmes located at HMP Whitemoor, HMP Frankland, and Broadmoor and Rampton hospitals. Together these pilots will provide over 300 places.

Enforcement

5. For sentences to be seen to be credible it is important that they are properly enforced:

- In 1997, when offenders supervised by 54 probation areas failed to keep to the requirements of a licence, enforcement was rare. Now there is a national standard that requires action to be taken in 90% of cases. Working towards that target, the National Probation Service took action in 85% of cases in the first half of this year.
- The Crime and Disorder Act 1998 extended executive recall provisions to prisoners serving a sentence of 12 months or more, and less than four years. Previously these prisoners could only be recalled to custody through the courts. This was a slow and bureaucratic process, which...
was rarely used. Executive recall powers have provided the correctional services with a swift and effective means of returning offenders to custody if they present an unacceptable risk. In 2002/3 around 5,000 such prisoners were recalled to prison.

- In 1992 an average of four prisoners were escaping from prison every week. In the four years 1992/3 to 1995/6, there were a total of 13 escapes (some from escort), of the most dangerous prisoners (Category A) held in the most secure conditions available. Last year only five prisoners escaped from prison in the whole year, and there have been no escapes of Category A prisoners since 1996.

- Home Detention Curfew (HDC) is a scheme which allows for the early release of prisoners sentenced to three months or over, but less than four years imprisonment. HDC offers eligible prisoners the opportunity to spend the final part of their sentence on curfew at an approved address. During the curfew period (usually 7pm to 7am) they are electronically monitored by means of a tagging device and may not leave their home. HDC provides a monitored return to the community, helping prisoners to reintegrate into society in a way which provides protection for the public and reduces the likelihood of them re-offending. Those who breach the conditions of their curfew – including attempting to remove their tag – or commit another offence whilst on curfew are returned to prison. Between 28 January 1999 and 30 November 2003 a total of 84,034 offenders have been released with this safeguard, and 3,613 were being monitored at the end of November. Only around 2% have been reported to have committed further offences during the curfew period.

- The payment rates for fines and other impositions fell to 55% in 2002/3. But, the new Department of Constitutional Affairs has put in place a new strategy which is improving performance. Under a revised target which focuses on the collection of fines, performance reached over 73% in the first half of this year against an end year target of 75%. The strategy includes:
  - Targeted interventions with the worst performing court areas to improve performance;
  - New measures in the Courts Act to reinvigorate fines, including automatic deductions from earnings or benefits of defaulters, default affecting credit records, clamping of defaulters’ vehicles and allowing offenders who cannot pay fines to carry out unpaid work instead.
  - Improving the process and management of fine enforcement, including market testing as part of the creation of the Unified Courts Agency. For the first time there will be a national focus on, and management of, fine enforcement, driving through the relentless application of best practice.

Tackling Re-offending – Making Sentences Work

6. Education and work – Very often offenders have missed out on much of their education. This normally means they have little or no prospect of a job. We have put in place measures to improve offenders’ educational attainment and improve their chances of securing work:

- All offenders under 16 must by law spend 25 hours a week in education – over 80% will have been excluded/absent from school.
- Prison and probation services together share a priority to give adult offenders the chance to make up lost time on basic skills. In 2002/3, over 41,000 basic skills qualifications were gained by prisoners, 10% of the total number gained nationally. To date in 2003/4 28,000 have already gained a qualification. In 2002/3 the National Probation Service met its annual target of 6,000 basic skill commencements with some 850 gaining awards. The target has doubled this year.
- All prisons offer access to the Open University.
- Learning in custody and the
community is delivered through vocational settings – including kitchens, gyms and workshops – as well as classrooms. In 2002/3 there were about 89,000 key works skills qualifications achieved in these settings, and to date in 2003/4 more than 60,000 qualifications have already been achieved.

- The Prison Service, with the Department for Works and Pensions, launched the Custody to Work initiative in autumn 2000. In 2002/3, 30% of prisoners were released with a job or training place to go to and 71% with accommodation to go to. Over 14,000 unemployed prisoners attended their local Jobcentre on release under the Freshstart initiative with Jobcentre Plus. In April-October 2002, 14% of those attending under Freshstart got a job within thirteen weeks of release from prison; others were helped onto the New Deal or other training places and given assistance with benefit arrangements.

7. Drugs – Over half acquisitive crime has a direct link to misuse of drugs – very often because offenders commit crime to fund a habit.
- We introduced drug treatment and testing orders (DTTOs) in October 2000. In 2002/3, over 6,000 offenders were able to address their drug problems in the context of intensive community based programmes and in the first half of this year the National Probation Service commenced 4,000 DTTOs on the way to delivering a target of 9,000 orders.

8. Healthcare – A very high proportion of offenders, and especially those sent to prison, have poor mental health. Around 90% of prisoners have a mental health or substance misuse

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**DRUG TREATMENT AND TESTING ORDER**

Sam suffers from schizophrenia. Since he was sixteen he has been involved in a cycle of crime to support a drug use problem, followed by attempts at rehabilitation. When he received a DTTO for shoplifting he wanted to change his life, but found it difficult to trust people. Eventually he saw that staff did not want to give up on him and became more receptive to help. A mental health worker helped him to understand more about his schizophrenia. Unfortunately, he began shoplifting again within a few weeks and also seemed at risk of self-harm. He was sentenced to a residential DTTO. He found the rehabilitation centre to be challenging but very rewarding and he made progress. When he left the rehabilitation centre he settled very well into the community. He attends college now and acts as a mentor for others going through rehabilitation. He re-established contact with his family and has been drug-free for 14 months.

- Arrest referral workers are now seeing 40-50,000 drug-misusing offenders annually at the point of arrest;
- Following the launch in 1998 of the Prison Service’s revised drug strategy there has been a step change in the availability of treatment. A comprehensive treatment framework is now in place to address the needs of those with a drug problem:
  - Approximately 50,000 will receive clinical detoxification as the first step to get off drugs while in prison;
  - Approximately 50,000 counselling, assessment, referral, advice, throughcare (CARAT) initial assessments will be undertaken with follow-up support provided to many prisoners;
  - Around 5,000 will be accepted onto a drug rehabilitation programme;
  - Approximately 40% of the prison population will at any one time have signed voluntary drug testing compacts to help them stay clean;
  - And 80% of prisoners report drug misuse prior to prison with some 55% admitting a serious drug problem. This generates considerable pressure to smuggle drugs into prison. Against this background the rate of drug misuse measured by random testing has more than halved since 1996/7 with opiate misuse at the lowest recorded levels.
problem, and often both. But we were not addressing these problems effectively enough.

9. In 2000 we established a formal partnership between the Prison Service and the NHS to secure better standards of healthcare in prisons. This partnership has enabled us to deliver significant improvements in health services for prisoners. NHS mental health “in-reach” teams have been introduced to provide services in around 90 prisons, the volume and quality of drug treatment activity has been increased and we have invested in refurbishing or rebuilding some of the worst prison health care centres. As a natural development of this partnership the Department of Health (the Welsh Assembly Government in Wales) took on national funding responsibility for prison health services in April 2003, and responsibility for commissioning health services for prisoners will be fully devolved to the local NHS by 2006.

10. New ways of thinking - Increasingly, we are using programmes that tailor supervision and assistance to the individual, and that challenges the way the person thinks about the world. New programmes (which are subject to rigorous evaluation) include:

• Reprimand and final warning schemes for young offenders, replacing the discredited system of police cautions. In 2002/3 74% of young people warned by the police were assessed by Youth Offending Teams and took part in intervention programmes designed to reduce re-offending.

• Referral Orders were rolled out nationally in April 2002. Youth courts refer young offenders, who plead guilty and are convicted for the first time, to youth offender community panels, unless the offending is so serious that it warrants custody or the court orders an absolute discharge or makes a hospital order.

• Intensive Supervision and Surveillance Programmes (ISSPs) for under 18s are available nationally targeting persistent and serious young offenders. They provide highly structured, individual programmes including education and training, reparation and family support, community surveillance, including the use of electronic tagging, voice verification, tracking by Youth Offending Team staff, and planned police home visits. The young offenders are required to undertake a minimum of 25 hours of supervised activity a week, reducing to five hours a week minimum supervision at the half-way point.

• Intensive Change and Control Programme (ICCP) is a community based sentence for offenders who would otherwise face up to 12 months in prison. Offenders subjected to ICCP are under probation supervision, with 25 hours a week of targeted educational and offending behaviour work, police and electronic surveillance, and home visits. Eleven pilot projects, aimed principally at 18-20 year olds, will be delivered in 2003/4 and we intend to expand the Programme further next year.

**INTENSIVE CHANGE AND CONTROL PROGRAMME**

Despite experiencing changes in probation officers and mentors, Karl is considered to be doing well on his ICCP interventions. He was withdrawn from one Think First programme for missing two sessions, but this was because of housing and benefit problems rather than behaviour. Since this blip Karl is attending regularly and is doing very well. He has cut down on drinking, completed his Community Punishment hours and is sticking to his curfew. He also participated in an ICCP information video for the National Probation Directorate.

• The National Probation Service rolled out nationally an enhanced form of community punishment in October 2003 and has a target of 25,000 commencements by March 2004.

• Independently accredited offending behaviour programmes in prisons and in the community, with over 7,300 custodial completions in 2002/3.

• 7,700 completions of accredited programmes in the
community in 2002/3, with nearly 6,000 in the first half of this year, towards a target of 15,000 by the end of the year.

- The National Probation Service offers face to face contact with victims of crime within strict timescales. In 2002/3 13,000 victims were contacted within the timescales required (81%). In the first quarter of this year this had increased to 90% against a target of 85%.

11. We have also built up a real momentum behind the development of Restorative Justice, an innovative approach to encourage responsibility so that offenders face up to what they have done and make amends to their victims and communities. Our Restorative Justice strategy was published in July this year and sets out how we want to build on its use in the Criminal Justice System, where we know it works best, and continue to develop the evidence base for the future. Restorative Justice is already established at the heart of the youth justice reforms since 1998 and we intend to build on the progress already made. We have put restorative justice onto a statutory footing as part of the conditional caution in the Criminal Justice Act 2003. We are also funding three restorative crime reduction pilots for adults both pre- and post-sentence, and developing a pilot to test restorative justice as a diversion from prosecution.

12. The Home Office will also shortly publish a National Rehabilitation Action Plan, which will form the Government’s initial response to the Social Exclusion Unit’s report, Reducing Re-offending by Ex-prisoners. The Action Plan has been developed jointly with a number of Government departments and will set out how a range of services will work together with offenders throughout their entire sentence, with a particular focus on continuity between the custody and the community part of the sentence.

13. For the first time the Criminal Justice Act 2003 set out plainly for our courts the purposes of sentencing to which they must have regard in passing sentence. The Act sets out that sentencing is for:

- the punishment of offenders,
- the reduction of crime (including its reduction by deterrence),
- the reform and rehabilitation of offenders,
- the protection of the public, and
- the making of reparation by offenders to persons affected by their offences.

14. The Criminal Justice Act also creates a new sentencing framework that is central to reducing crime and re-offending, including:

- A new framework for mandatory life sentence prisoners, ensuring that the very worst crimes are properly dealt with.
- New sentences – custody minus and custody plus – to deliver a seamless use of community and custodial punishment for offenders who currently tend to serve very short and ineffective prison terms;

**CUSTODY PLUS AND MINUS**

The new and groundbreaking sentencing regime the Government has introduced in the Criminal Justice Act will be much more effectively implemented following the establishment of a single offender management service. Custody Minus, whereby an offender will have the chance to undertake a community punishment but with the threat of swift imprisonment for any failure, and intermittent custody with offenders serving part of the week in custody and part in the community will require much closer working between those in prison and probation services. More effective offender management will be crucial to the success of both these sentences. Custody Plus, the new sentence which will replace
generally ineffective short prison sentences will involve a short spell in prison followed by a longer period of supervision in the community. A typical offender, perhaps using drugs before his imprisonment, might be detoxed in custody. But, unlike now when he will be released with neither support nor supervision and probably return to drug taking, he can expect strict supervision, support and treatment in the community to help keep him off drugs and away from crime. Ensuring that happens in a planned way will be the job of the offender manager.

15. We are piloting from January next year, a radical new approach to custodial sentencing. Kirkham for men and Moreton Hall for women will be the first establishments to provide places for those sentenced to periods of intermittent custody, such as weekends, with the remainder of the week spent under National Probation Service supervision. Intermittent custody aims to avoid some of the negative results of even relatively short periods of full-time custody, such as loss of employment or accommodation and family break-up which are factors known to increase the risk of re-offending.

16. It is this framework of sentences which the correctional services of the future must be designed to deliver. We started the process of organisational reform with the creation of the Youth Justice Board in September 1998. We have moved on to deliver a more cohesive approach to the delivery of effective community punishment by creating a National Probation Service in April 2001. And in 2003 we brought the correctional services closer together by the creation of a new post of Commissioner for Correctional Services, to manage and oversee the delivery of our targets for reducing re-offending. As part of our radical programme of public service reform, we now need to go further.

The Use of Custodial and Community Penalties

17. The greater use being made of prison and probation in recent years is also an important background to our proposals for reform. In 1996, 85,000 offenders were given a custodial sentence and 133,000 were given a community sentence. By 2002, this had increased by 32% for prison, with 112,000 offenders given a custodial sentence and by 41% for Probation with 186,000 offenders receiving a community sentence. There has been a similar growth in the number of offenders under supervision at any one time. In 1996, an average of 55,000 offenders were in custody and a further 127,000 offenders were under supervision in the community at year end. By 2002 this had increased to 71,000 in custody and 141,000 in the community (end 2001 figure). The latest figures show that prison numbers have grown further. On the 12th December last year there were 74,084 people in prison of which 14% of the sentenced population were serving less than 12 months.
18. These increases have occurred at a time when the number of offenders prosecuted or cautioned has remained broadly constant. There has not been any increase in the overall seriousness of offences brought to justice to explain the greater use of prison and probation. The criminal careers of offenders do not appear to have lengthened. The proportion of offenders sentenced each year with no previous convictions has increased over the last decade. In 1991, 34% of offenders found guilty had no previous convictions. By 2001, this had increased to 37%.

19. The key explanation for the growth in the use of prison and probation over the last decade is the increased severity in sentencing. But inconsistency in sentencing and the fall in the use of fines are also important factors. In 1991, 15% of those found guilty of an indictable offence received a custodial sentence. By 1996 this had increased to 22% and by 2002 it was 25%. There has been a similar increase in the use of community sentences. In 1991, 22% of convictions for an indictable offence resulted in a community sentence. By 2002, this had increased to 33%.

Next Steps

20. This Government’s unique investment in the Prison Service and National Probation Service shows we do not accept the counsel of despair which suggests that offenders cannot be turned away from crime. We believe prison can reduce re-offending if those inside are required to take positive steps to help them keep away from crime. This is why we have changed the Prison Service to attack some of the causes of re-offending by improving basic skills, getting prisoners off drugs and keeping them clean from drugs. Simply keeping somebody in prison only to release him with the same lack of education as when he was convicted is a waste of money and a waste of opportunity. And, sending offenders to prison but seeing some of them return to the community still addicted to drugs is unacceptable.

21. Believing that offenders in the community will reduce their re-offending through occasional interviews with probation officers is also naïve. Therefore, in the community we have introduced rigorous supervision with much more use of electronic tagging and demanding sentences such as the drug testing and treatment order and as a result we are reducing rates of re-offending.

22. Some might argue that we should be content with what has been achieved already. But those achievements, significant and hard won as they were, are not enough. If we are to realise the potential of the correctional services we need radical further reform which builds on all that has been achieved in the last six years including work in new partnerships with the ‘not-for-profit’ sector and the wider community. These arrangements must also ensure that the radical new measures set out in the Criminal Justice Act will be implemented effectively and re-offending will be reduced.

23. We intend dramatically to change the way offenders are managed and supervised in the Criminal Justice System. First of all for less serious offenders there will be a renewed emphasis on their paying back to the community for the crimes they have committed. Sometimes this will be through the use of fixed penalty notices, which provide a speedy response to low level offending or through the use of fines – which offenders will be required to pay or go to prison – and sometimes through other forms of reparation to the community such as unpaid work. For more serious offenders more demanding community punishments such as the new Intensive Control and Change Programme will keep offenders under rigorous
supervision in the community, limiting their opportunity to commit crime but working with them intensively to help them stop permanently. By making non-custodial penalties more effective and by diverting from prison minor offenders for whom a very short stay in prison serves little purpose, we shall be able to make prison work more effectively in reducing serious crime. We also renew our determination to eliminate any aspects within the correctional services which expose offenders to danger or discrimination. In particular racism will not be tolerated.

24. Judges and magistrates must continue to be able to make independent decisions on sentences in individual cases. But the wide range of sentencing outcomes across the country is inexplicable and unsustainable. Sentencing also needs to ensure the consistent and cost effective use of prison and probation capacity. The new Sentencing Guidelines Council, chaired by the Lord Chief Justice, provides a unique opportunity to develop a new and coherent approach to sentencing across the board. The SGC will provide sentencers with more comprehensive, clear and practical guidance. As a result, judges and magistrates will know what is needed in terms of punishment, and - with the support of offender managers - what is most likely to work with particular individuals in reducing the chances of their re-offending.

25. If we are to deliver transformation we need the right organisational structure. Building on the achievements made in the Prison Service and National Probation Service we shall establish a new single National Offender Management Service. It will have two very clear objectives: to punish offenders and to reduce re-offending. Although there are commendable examples of prison and probation working much more closely together in recent years, it is still all too easy for offenders to fall between the gap between the services. It is precisely because of the achievements made by the services since 1997 that it is now vital that they are brought together and that we engage with wider opportunities not least in meeting essential practical requirements including housing, mentoring and support for employment. The Prison Service can be proud of the extent to which they make offenders employable, get them off drugs and provide them with job interviews. But if those key developments are not built upon in the community through directing offenders into mainstream education, helping them not to return to drug use and helping them to hold down a job, the gains made inside can all be wasted.

26. We will appoint immediately a Chief Executive of NOMS who will begin setting up the organisation and will lead the new service. A new National Offender Manager will also be appointed as soon as possible. The National Offender Manager will report directly to the Chief Executive and will be responsible for reducing re-offending and managing the budget for offender services. But we believe that the task of integrating the management of offenders whilst in custody or under supervision in the community is best managed at regional level where effective links can be forged and joint strategies developed with complementary services, including health, education, and employment. Therefore reporting to the National Offender Manager will be 10 Regional Offender Managers responsible for end-to-end management of offenders in the nine English regions and Wales. The Regional Offender Managers will be responsible for ensuring effective case management of individual offenders.

27. The new National Offender Management Service will also ensure greater value for money by encouraging the greater use of the private and ‘not-for-profit’ sectors in prisons and in the community wherever it can demonstrate its greater cost effectiveness. In the community in particular we want to make
much more use of the ‘not for profit’ and voluntary sector by involving communities in the supervision of offenders and the reduction of crime.

28. Reducing re-offending is not easy. But we owe it to our communities to succeed and ensure that the monies invested in the Prison Service and National Probation Service reduce re-offending and make our cities and towns safer. That is this government’s vision for the correctional services and we begin the task of turning it into a reality immediately.

Conclusions

29. The achievements and reforms we have summarised in this paper have put us in a strong position to launch the next phase of the reform of the correctional services.

30. Our proposals will help to ensure that within five years there will be a fully regionalised National Offender Management Service which energises local communities where effective links can be forged and joined up strategies developed. An essential part of this will include working even more closely with complementary services, including health, education, housing and employment. Regional offender managers will contract with public, private and voluntary sectors in their area to deliver custodial places and targeted interventions with much greater efficiency, effectiveness and transparency. We will also be better able, with the support of the Sentencing Guidelines Council, to manage the demand for correctional service, ensuring cost-effective use of capacity.
Annex – the Government’s Response to the Carter Report

Report Findings - A new approach is needed to ensure offenders are punished for their crimes, the public is protected and the appropriate help is available to reduce re-offending. This will ensure the system is focused on the ultimate goals of reducing crime and maintaining public confidence.

31. We agree with this vision which is entirely consistent with the reform programme we have been pursuing and the new sentencing framework created by the Criminal Justice Act.

Targeted and Rigorous Sentences

Report Findings - Building on the measures set out in the Criminal Justice Act, there needs to be:

- A renewed focus on paying back to the community
- Fines rebuilt as a credible punishment
- More demanding community sentences
- More extensive use of electronic monitoring
- Greater sanctions and help for persistent offenders
- More effective use of custody

32. We agree the need for an increasing emphasis on paying back to the community building on our Restorative Justice Strategy described previously. The use of reprimands and final warnings within the youth justice system is proving very successful. We intend to develop a similar approach for low risk, low harm adults building on the new conditional cautions in the Criminal Justice Act. This will not be a soft option and our aim will be to link conditional cautions to financial reparation to the victim, community work etc.

33. As discussed earlier, the Government has already launched a strategy that has significantly improved the level of fine enforcement. The creation of the Unified Courts Agency (in shadow form from April 2004, and formally in April 2005) together with a new focus on enforcement performance and legislative measures to support it directly supports the revitalising of the fine as a sentence. We therefore do not accept the recommendation that responsibility for fine enforcement be moved from the Court Service.

34. Revitalised fines should replace a very substantial number of the community sentences which are currently given to low risk offenders. In practice such offenders get little if any supervision from the National Probation Service and a fine which is paid would be a more effective and appropriate sentence. We have also extended the use of fixed penalty notices (FPNs), which provide a means of dealing quickly and effectively with low level criminal behaviour. We aim to extend their use for other offences and expect to see increasing use being made of them by the police.

35. The report recommends the introduction of a day fine system where the fine is set as a number of days which can then be multiplied to take account of an offender’s ability to pay. This would require primary legislation and is something we will explore further. The day fine would only be available for offences that would go to court (i.e. excluding fixed penalty and minor offences). Prison would be available for non-payment linked to the number of unpaid days.

36. The Criminal Justice Act introduces a generic community sentence around which much more demanding community sentences for more serious offenders can be built. We fully support the report’s findings that there should be a gradation in community sentences based on a risk assessment of offenders. We agree that there should be
intensive supervision and monitoring (ISM) for the highest risk offenders. We have already been testing such an approach through the Intensive Change and Control Programme. Once fully developed ISM should replace prison sentences for the increasing number of relatively low risk and first time offenders who have been given prison sentences in recent years.

37. Electronic monitoring has proved very successful and its use has been expanding rapidly as described above. The use of such new technology to provide a means of monitoring the location of offenders under supervision in the community will be an increasing feature of correctional services in the future. We are already developing a pilot of satellite tracking technology which could enable offenders to be continuously and accurately tracked.

38. The Criminal Justice Act introduces a new principle for persistent offenders. The new sentencing framework will provide sentencers with a range of new disposals, short of a full time prison sentence, to enable them to impose tough and flexible sentences on persistent offenders. However, the new principle will mean that a progression up the sentencing scale towards custody of increasing length is inevitable if offenders continue to re-offend.

39. The Act also makes clear that a court must only pass a custodial sentence if it is of the opinion that the offence or offences are so serious that neither a fine alone nor a community sentence can be justified.

A New Role for the Judiciary

Report Findings - There needs to be greater emphasis on judicial self-governance ensuring compliance to guidelines. In the short term, when capacity is fixed, the Sentencing Guidelines Council needs to provide guidance that takes account of the capacity of prison and probation. Over the medium term the Sentencing Advisory Panel needs to provide evidence on what works to reduce crime and increase public confidence. This will form the basis for changing the capacity of prisons and probation.

40. We established the Sentencing Guidelines Council (SGC) through the Criminal Justice Act. Members of the Council are currently being recruited with a view to its first meeting being in early March. The Council will over time formulate a comprehensive set of guidelines, and cost and effectiveness are factors it is statutorily required to take into account in devising them. One of the first matters we will ask the Council to consider is the generic community sentence (also introduced by the 2003 Act) which has the potential to divert offenders, who would otherwise have received custody, to more demanding community sentences. We are already providing comparative sentencing information to magistrates’ courts and criminal justice system areas and will consider with DCA and the Lord Chief Justice how best to develop this. A key issue we want to pursue as soon as possible is how to eliminate general sentencing drift and unjustified variations in sentencing severity between areas.

41. We have information on the cost effectiveness of different disposals and interventions, and models to predict future correctional service workloads. We will share these with the Council, the Sentencing Advisory Panel and others.

A New Approach to Managing Offenders

Report Findings - A National Offender Management Service should be established, led by a single Chief Executive, with a clear objective to punish offenders and help reduce re-offending. Within the service there should be a single person responsible for offenders. This would be separate from day-to-day responsibility for prisons and probation. This new structure would break down the
silos of the services. It would ensure the end-to-end management of offenders, regardless of whether they were given a custodial or community sentence.

42. We will from 1st June this year introduce a new National Offender Management Service (NOMS) with responsibility for both punishing offenders and reducing offending. The new service will provide end-to-end management of offenders, regardless of whether they are serving their sentences in prison, the community or both.

43. We will also appoint immediately a Chief Executive of NOMS who will begin setting up the organisation and will lead the new service. The key roles of the Chief Executive will include:

- being accountable to Ministers for reducing re-offending and delivering other agreed outcomes from the new service and for the efficient operation of public sector providers;
- overall responsibility for strategic developments including policy and standards, strategic finance and human resources etc;
- ensuring increased contestability in the provision of correctional services;
- sitting on the National Criminal Justice Board and acting as an observer on the Sentencing Guidelines Council to provide advice on the capacity of NOMS to deliver.

**CONTESTABILITY**

The Government are not interested in using the private sector for its own sake, whether in prisons or in the community. We want the most cost effective custodial and community sentences no matter who delivers them. The experience with the Prison Service’s use of the private sector has been extremely positive. Four private companies successfully run nine prisons (shortly to grow to eleven). Many prisoners and visitors to these prisons speak positively about the way they are treated by staff. More significantly, the threat of contestability in running prisons has led to dramatic improvements in regimes and reductions in cost at some of the most difficult public sector prisons. So effective has contestability been that the public sector have won two prison contracts back from private sector operators and in the last few weeks, responding to the threat of the private sector, Dartmoor and Liverpool Prisons have transformed their performance. We intend therefore to encourage partnerships between public and private sector providers and the voluntary and community sectors which harness their respective strengths. As a market develops, offender managers will be able to buy custodial places or community interventions from providers, from whatever sector, based only on their cost effectiveness in reducing re-offending.

44. A new National Offender Manager will also be appointed as soon as possible. The National Offender Manager will report directly to the Chief Executive and will be responsible for reducing re-offending and managing the budget for offender services. But we believe that the task of integrating the management of offenders whilst in custody or under supervision in the community is best managed at regional level where effective links can be forged and joint strategies developed with complementary services, including health, education, and employment. Therefore reporting to the National Offender Manager will be 10 Regional Offender Managers responsible for end-to-end management of offenders in the nine English regions and Wales. The Regional Offender Managers will be responsible for ensuring effective case management of individual offenders. They will source the prison places, community
punishments, supervision and other interventions required for their offenders through contracts with providers from the public, private, ‘not for profit’ and voluntary sectors within their region and elsewhere.

45. The public providers of prison places, community punishments and interventions will report directly to the new Chief Executive to whom they will be accountable for the efficient operation of the services. The public sector prison service will be a delivery arm of the offender management service but with custodial places financed by offender managers who will prescribe the interventions made with offenders in prison. The Prison Service has, in practice, been a Next Steps Agency in name only for some years. Its formal status as an Agency, in theory semi independent of the Home Secretary, will end and it will become an integral arm of NOMS but with continued substantial day to day operational freedom.

46. The Youth Justice Board will remain an NDPB with responsibility to the Home Secretary. Funding and oversight of the YJB will rest with the Chief Executive of NOMS.

Implications

Report Findings - The proposals will target resources more effectively and should keep numbers under supervision lower than currently forecast. However, this relies critically on the Sentencing Guidelines Council. At the same time there is the issue of old and unsuitable prisons. Depending on the business case, they could be replaced by new, larger and more suitable institutions, providing better value for money.

47. The report estimates that the proposals it makes could check the projected increase in the numbers in custody (80,000 by 2009 rather than 93,000 as currently projected) and under supervision in the community (240,000 rather than 300,000). We believe this is possible with substantial revitalisation in the use of fines, a range of community sentences, some of which are significantly more demanding than at present, and a step change in sentencing practice. The proposals outlined in this paper will provide the effective infrastructure to enable these changes. But as the report notes, the change in sentencing practice depends critically on the role of the SGC and judiciary. They have a pivotal role in helping ensure we can align the capacity of correctional services to deliver with the demand placed upon them by sentencers. They are also crucially important in ensuring we use the available capacity of correctional services as cost effectively as possible and consistent with the needs of justice.

48. The report highlights the issue of replacing old and unsuitable prisons stock. We believe there is an excellent value for money case for a replacement programme to create a new generation of larger prisons with the facilities needed to deliver effective programmes designed to reduce re-offending. New large prisons could also provide economies of scale which would allow us to close some smaller prisons and redirect resources to community punishments. We are preparing a detailed investment case to explore further with Treasury colleagues.

Implementation Team

Report Findings - The first step should be to set up the implementation team, who will need to set out a timetable for the next four years.

49. We will set up as soon as possible a project team reporting to the Correctional Services Board which is chaired by the Minister for Correctional Services. The Board consists of senior representatives from the Home Office, DCA, HMT and No. 10, as well as a number of non-executive directors who provide external, independent challenge.
What are your views?

We have set out our decisions in responding to the Carter Report. We would welcome views on how the changes we have announced can be implemented, for example:

- How can we ensure effective community involvement and partnership working in the new National Offender Management Service (NOMS)?
- How can the Sentencing Guidelines Council best help manage demand for probation and prisons cost effectively?
- How can we improve contestability and value for money in the new structure?
- What should be the future for Probation Boards within NOMS?
- How can the use of fines be revitalised?
- What are the main challenges to shifting the emphasis from custody to community punishment?
- By what key measures should the success of NOMS be judged?
- How can NOMS reduce re-offending rates?

Please send your comments and ideas to:

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by 18 February 2004.

A full copy of Patrick Carter’s report is available on www.homeoffice.gov.uk