



Ministry of
JUSTICE

Penal Policy — a background paper

NOMS National Offender
Management Service

Working together to reduce re-offending

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Foreword

By Lord Falconer

Lord Chancellor and Secretary of State for Justice

There can be no greater duty for any Government than protecting the public. It is a responsibility that is shared across departmental and organisational boundaries. An effective justice system, supported by the right penal policy is an essential, integral part of making it happen.

The justice system is complex. The problems it deals with are complex. However, through the creation of the Ministry of Justice, with the bringing together of the justice system, I believe that we have the best chance for a generation to find the answers to some intractable problems.

The Government has made significant progress in tackling crime since 1997. Over the past decade, the British Crime Survey shows crime has fallen by 35 per cent. Ineffective trial rates have more than halved in the Crown Court. Offences brought to justice are up by nearly 40 per cent since 2002. Fine Collection is at 91 per cent, up from 74 per cent in 2003/04. We have significantly improved prison security, with no escapes from Category A prisons since 1996. We have increased probation resources from £563m in 1996/97 to £936m in 2006/07 – around 70 per cent in real terms. The Government has continued throughout to focus on rebalancing the Criminal Justice System in favour of victims and the community as a whole.

The creation of the Ministry of Justice offers a significant opportunity to build on this success and continue to address the Government's objectives: to protect the public, to punish offenders; and, to reduce re-offending. Considerable progress has been made over the past 10 years, but now the elements are in place to make an even greater difference to peoples' lives.

This paper outlines how an effective penal policy will protect the public and reduce re-offending. This includes ensuring that we build on those non-custodial sentences that offer tough, safe and effective alternative punishments, but are more effective in reducing re-offending.

We will continue to protect the public by ensuring we provide prison places for those who the courts determine need custody. This Government has already built 20,000 prison places over the past 10 years. New prison places have been built faster than ever before. In the last year we have announced that a further 8,000 prison places will be built by 2012. We will continue to protect the public by ensuring that there are always enough prison places available for those people who need to be there.

Our prison building programme will continue to ensure we have capacity to lock the most dangerous prisoners away for longer. We have always recognised that prison must be used for those who need it, and that sentences should be designed to reduce re-offending. However, over decades we have learnt that some short custodial sentences are not effective in reducing re-offending and this has been proved over successive governments.

That is why we want to see greater use of the best community sentences, where evidence shows that they reduce re-offending and offer more effective punishment than custodial sentences of less than 12 months. We will strongly support those schemes where the community are part of the solution.

An effective penal policy is one in which the public have confidence, where communities can see that justice is being done. But it is much more than that. They must see us deliver real reductions in re-offending and improvements in the way we protect them from dangerous offenders. The public needs confidence that they are being kept safe from harm, while offenders are not only being punished but are being effectively rehabilitated and their offending behaviour addressed.

Effective rehabilitation is essential in breaking the cycle of re-offending. We must ensure that problem behaviour is stopped, and that offenders receive treatment for drug or alcohol problems, as well as getting the necessary skills so that they can be a constructive part of society. We must also ensure that offenders in the community are properly monitored, and their liberty and movements restricted. Punishment in the community is no less of a punishment. For community sentences to be effective, the individual being punished, the community, and the sentencer all have to understand that if the penalty is breached, punishment will follow, with custody if necessary. We will ensure that prison places are available for this purpose.

The challenges a justice system faces will only be addressed through the Government and the Judiciary working in partnership. This does not entail encroaching on judicial independence. It means acknowledging and respecting the distinctive role of the other, but working together to a common aim.

This is a critical point. We will make the improvements that the public deserves when all parts of the system work together. The creation of the Ministry of Justice provides both the means by which we join up the justice system, and the catalyst for change.

The creation of a Ministry of Justice gives us an opportunity to deliver on our objectives of protecting the public, reducing re-offending and sense in sentencing. I believe all those involved in the justice system are ready to do it. I believe they want to do it. I believe they *can* do it. It will not require a brand new approach. It *will* require giving the excellent people in all parts of the justice system the opportunity to achieve. We have the same aims. We now have the opportunity to achieve them.

A handwritten signature in black ink, appearing to read 'Charlie Falconer'. The signature is written in a cursive, slightly slanted style.

Lord Falconer
Lord Chancellor and Secretary of State for Justice

Introduction

This Government has changed the face of penal policy. We have recognised that prevention is better than cure, and radically overhauled the youth justice system to focus not only on stopping children re-offending, but on intervening early to make sure that they do not start. We have given the authorities the power to bear down on the anti-social behaviour and crime that blights the lives of too many communities and it has made a real difference.

Public protection is at the heart of what we do. We have been unequivocal in our commitment to keep dangerous offenders in prison until the risk assessed by the Parole Board is such that it may be safely managed in the community. We introduced indeterminate sentences of imprisonment for public protection with the 2003 Criminal Justice Act to ensure that this happened and the courts are using them in large numbers. Sophisticated assessment processes are enabling skilled staff to inform decisions about the risk an offender poses.

Prisoners sentenced to more than twelve months now remain on licence after their release until the end of their sentence and are recalled to prison if they breach.

We have built the prison places necessary to incarcerate dangerous and serious offenders and sought to ensure that the conditions in which they are kept are safe and secure for staff and prisoners.

Total prison capacity has increased by one third since 1997 and now stands at 80,700 places. Further increases are under way. 8,000 new places will have been made available by 2012 through an ambitious building programme. We must ensure that prison places are available to protect the public from dangerous offenders and that there are sufficient prison places to accommodate those who the courts send to prison. In many cases, prison will be the appropriate punishment.

In the community, tough orders are available to punish the offender and stop them committing more crime. The orders have twelve possible components, including punitive, restrictive curfews and prohibition from certain places or activities, rehabilitative drug treatment and courses and programmes to address criminal behaviour and improve skills. An offender who breaches their order goes back to court for tougher punishment which can include prison. Those on community orders can be made to do many hours of unpaid work – frequently on a project determined by the community. This means that the offender pays something back into the local community. This is not a soft option and evidence shows that these sentences can have a greater impact on re-offending rates. Community sentences can be more demanding because with the right conditions attached they can mean intensive, hard work and learning; it can confront them with their offending behaviour and get them to change. This level of investment has to be used where it will make a difference – for example with less serious offenders where very short custodial sentences may not reduce re-offending as effectively. Early evidence shows that the prolific offender scheme is working well to reduce re-offending.

To make sure that offenders can be supervised properly in the community, we have also dramatically increased investment in probation. Resources have gone up from £563m to £936m between 1996/97 and 2006/07, an increase of around 70 per cent in real terms.

More than ever before, we have sought to make sure that there are punishments available that fit the crime and the risk posed by the offender, and prison places for those who need them. We have introduced new training tools and action plans to improve the quality of risk assessment, which will enable better management of offenders to protect the public. We have also made greater use of the programmes and treatment that contribute to stopping someone re-offending. The courts are using the sentencing options available to them. Proven re-offending rates are coming down with a reduction of over 2 per cent points between 2000 and 2004 and more if we take into account the changes in characteristics of offenders.

This progress and information will enable us to make a real success of the progressive programme of commissioning across both custodial and community provision that is central to the work of the National Offender Management Service. All offenders are now to be managed by one person from the start to the end of their sentence, and commissioners will purchase the services and offender interventions that their region and local areas need. Already, innovative programmes are under way across the country to deliver better value for money and safer communities.

We have put in place the framework, the people, the programmes and the knowledge to make a massive difference to the way in which we deal with crime and protect the public in this country. We must make sure this investment pays off. Above all, that means the right punishment, for as long as necessary with the right interventions and the right level of supervision, for each offender.