

STRENGTHENING PROBATION, BUILDING CONFIDENCE

Ministry of Justice Consultation Response

The Centre for Social Justice

Response to the Ministry of Justice consultation on 'Strengthening probation, building confidence'.

Introduction

The Centre for Social Justice welcomes the desire on the part of Government to consult on and review the approach taken to the delivery and organisation of probation services across England and Wales.

We also believe that there is a considerable opportunity ahead to confront and resolve the challenges facing the probation service, and, in doing so, to help change lives, reduce crime, and protect the public. In relation to the specific proposals set out by Government, we make the following key comments:

- **We welcome the proposals for co-terminosity between National Probation Service (NPS) and Community Rehabilitation Companies (CRC), but would go further and challenge the continuing split between NPS and CRCs.** We welcome the intention to align NPS and CRC areas in England, but would go further and suggest that the split between the NPS and CRCs introduces unnecessary complexity and cost into the system, and does so at a crucial point of transition for offenders that move between low/medium and high-risk.
- **Building on the Government's own recognition of the value of co-terminosity, we would go further and align probation areas to those of police force areas, enabling Police and Crime Commissioners to drive improved outcomes.** The proposal to move from 21 contract package areas to 10 contract package areas looks likely to further undermine the development and maintenance of local arrangements between partners and the community and voluntary sectors. Furthermore, it appears to undermine the ability of Police and Crime Commissioners to, over time, play a greater role within the governance or commissioning arrangements of probation. Aligning probation areas to police force areas would provide the opportunity for greater local devolution, while still enabling Police and Crime Commissioners to collectively commission if they so wished.
- **We believe that both "reducing reoffending" (proven reconviction) as the primary performance measure and the payment by results methodologies need to be reconsidered.** The reality is that a drug-addicted individual who commits crime to feed their addiction is still drug-addicted and creating victims, even if they and their offences go undetected and do not result in a proven reconviction at court. While the "reducing reoffending" payment-by-results approach may suit the Ministry of Justice, we believe that these measures are insufficient in driving efforts to tackle the root causes of offending and the associated life change.

Furthermore, our own survey of Police and Crime Commissioners in 2018 found significant appetite for greater involvement in probation:

- **86 per cent of PCCs agree or strongly agree that "the Ministry of Justice should enable PCCs to take on commissioning of probation services in future"**

In addition, we found significant demand to play a greater role in relation to the female offender cohort, where Police and Crime Commissioners believe they can bring a number of significant benefits to the table:

- 81 per cent of PCCs recognise there is clear evidence in favour of trauma-informed and gender-specific programmes in criminal justice;
- 89 per cent of PCCs believe they have a pivotal role to play in transforming the approaches to female offenders and reducing recidivism;
- 74 per cent of PCCs believe that the Government's Female Offender Strategy should allow for PCCs to take greater ownership of the female offender cohort;
- 74 per cent of PCCs believe that they could commission better services for female offenders and those at risk of offending than the centre; and
- 93 per cent of PCCs believe they could help leverage other funding sources and convene partners to help improve outcomes for the female offender cohort.

It is disappointing to see little emphasis placed on how Police and Crime Commissioners can play a greater role in strengthening probation and building confidence.

Although we recognise the commercial and financial constraints facing the Ministry of Justice as it reviews the current approach to probation, we urge that in the absence of a renewed commitment from the Government to think again on probation, that these new contracts do not tie the hands of future governments who may wish to deliver a more localised and joined-up approach.

In addition to our response to this consultation, we are currently conducting a larger scale review of probation and local criminal justice. We look forward to engaging with the Ministry of Justice and other interested parties as our work progresses.

Question 1: What steps could we take to improve the continuity of supervision throughout an offender's sentence?

Some of the offenders that probation deals with have chaotic social backgrounds, they are unable to deal with additional complexities currently associated with the service. As identified within the consultation document, the same probation officer works with an offender throughout their sentence in only a half of cases.¹

Significant research supports the importance of engaging with ex-offenders at the first opportunity and creating a consistent and continuous network of support. Individuals need to be informed from the start of their sentence about what is expected of them, the opportunities that probation will provide and the consequences of non-compliance. Thus, it is not acceptable that in almost half of inspected cases CRCs missed the opportunity for early effective intervention.² There is a clear need for swift and fair interventions that inform offenders' expectations about their supervision, and help create a stable and predictable structure for the offender and those working with them.

It is worth noting that the split of probation according to risk levels is stifling continuous support throughout the service. The split fails to recognise the dynamism of risk and the necessity of having one responsible officer who can account for an offender's history and build a long-lasting relationship

¹ *Strengthening Probation, Building Confidence*. Ministry of Justice. 2018.

² *Enforcement and Recall: A thematic inspection*. HM Inspectorate of Probation. 2018.

with them.³ The Ministry of Justice rightly identifies the harm caused by CRC models of operation purposely building in a change of responsible officer into offender management.⁴

There are also basic issues affecting continuity of supervision, such as high levels of staff sickness. We have been advised of high caseloads driving stress and related sickness, particularly in CRCs. In a recent report into Greater Manchester's probation services, particular attention was given to the levels of staff sickness as a cause for transferring cases mid supervision.⁵

Alongside building models of support that focus on building the capacity for a continuous relationship between ROs and offenders, the Ministry of Justice should pay particular attention to the capacity of individual officers to manage offender caseloads.

We have concerns that in a financially pressured climate there will always be a tendency on the part of public and private providers to increase caseloads in order to "make the system work", even as those carrying such caseloads feel less and less able to manage.

Question 2: What frequency of contact between offenders and offender managers is most effective to promote purposeful engagement? How should this vary during a period of supervision, and in which circumstances are alternatives to face-to-face meetings appropriate? Do you have evidence to support your views?

In the consultation document, the Ministry of Justice does not specify what they mean by "purposeful engagement". It would be helpful if they could demarcate the purpose and priorities of the probation officer's role. It is far from clear what "supervision" means and how compatible the functions one might include under a label of supervision are.

We have heard from offenders and ex-offenders that there is no incentive to be honest with probation officers about the issues in their lives, particularly those with a clear criminogenic link, since they fear recall – whether well-intentioned, or simply as a means of quickly dealing with the offender and removing them from the caseload.

We have also heard evidence that open-plan environments in which some probation meetings are held are entirely unsuitable for the private and trusted conversations that offenders/ex-offenders may have with their probation officer. The Ministry of Justice's consultation acknowledges the need for probation officers to meet face-to-face with offenders to assess risk and promote change, but fails to recognise these basic dynamics of mistrust and inappropriate locations.⁶

The original purposes of probation included befriending, advising and assisting offenders to encourage them to reform themselves. However, there has been a cultural shift over a number of decades, potentially hastened by Transforming Rehabilitation, in relation to the nature and focus of probation work.

At present, service level agreements and contracts do not specify the form or frequency of contact with offenders. It is important to maintain this discretion rather than enforcing a hard and fast rule of minimum contact levels. Although further research may be useful in evaluating the optimal levels of

³ *Privatised probation staff: stressed, deskilled and facing job cuts* The Guardian. 2016. Available via: <https://www.theguardian.com/public-leaders-network/2016/feb/23/privatisation-probation-service-stressed-job-cuts> [Last Accessed: 12/09/18]

⁴ *Strengthening Probation, Building Confidence*. Ministry of Justice. 2018.

⁵ *Quality & Impact inspection: The effectiveness of probation work in Greater Manchester*. HM Inspectorate of Probation. 2017.

⁶ *Strengthening Probation, Building Confidence*. Ministry of Justice. 2018.

contact with offenders, this research can only be of use if it fully acknowledges the heterogeneity of offender groups and individual offenders.

There is not one single frequency that will work for all purposes. The level of supervision will greatly depend on the offender's criminogenic needs and the motivations behind their original offending. For example, a prolific drug-addicted burglar on probation has a very different set of needs than an individual who committed a more serious violent crime in the heat of the moment as a result of excessive alcohol consumption.

It is also obvious that the term "supervision" is being used with little definition or meaning. With offenders reporting that they are often actively dishonest and misleading in face-to-face contact with probation officers, it is unclear that such meetings can in any meaningful way constitute "supervision" as either the public or law enforcement would regard it.

On the other hand, electronic monitoring, used appropriately, would provide a form of supervision of potential significant value – both in relation to supervision, but also surveillance. In the aforementioned examples, a GPS tag on a prolific burglar clearly helping identify whether the offender is committing burglaries, or an alcohol/sobriety tag on the violent offender clearly helping identify whether the offender is continuing to drink.⁷

At present the approach to electronic monitoring remains largely divorced from mainstream probation services and so we repeat our calls for the electronic monitoring of offenders to be devolved to Police and Crime Commissioners, enabling them to – with probation and policing partners – develop and commission appropriate tools and services for use in supervision, helping drive down offending and aiding desistance from crime.

Finally, we would welcome the Ministry of Justice routinely publishing data relating to the assessments made of offenders on the probation caseload along with their criminal histories. This additional data would be of significant value to both local Police and Crime Commissioners – whether as commissioners of services or simply in holding to account local service delivery – and provide an important dataset against which researchers and others could build insight and analysis.

Question 3: How can we promote unpaid work schemes which both make reparation to communities and equip offenders with employment-related skills and experience?

Unpaid work was intended to be a punitive and reparative component of community sentences. Over time – even as those responsible for the delivery of this basic requirement have failed to effectively and consistently deliver it – there has been a desire to de-emphasise the punitive component and introduce a new rehabilitative element.

We consider this to be misguided. Unpaid work is intended to provide a swift and certain punitive component of a community order. A sentencer giving an offender a period of unpaid work should know and trust that the work will be of a particular nature and that it will be delivered.

It is crucial that the provision of unpaid work is consistently delivered. At present, nearly one fifth of work is not arranged within the first three weeks of an offender's sentence.⁸ The failure to swiftly and consistently organise unpaid work undermines the standing of the court, to say nothing of

⁷ McIvor G & Graham H (2016) *Electronic Monitoring in Scotland*. European Commission. University of Stirling and the European Commission.

⁸ *The Delivery of Unpaid Work: a thematic inspection*. HM Inspectorate of Probation. 2016.

undermining justice and the ability of the probation services to deliver the relatively uncomplicated basics.

Worse still, even in cases where offenders are being provided with unpaid work plans, a stubbornly high number of stand downs persist. Currently, probation services work off the assumption that only two thirds will attend, this is despite evidence to the contrary. Further, in some areas where too many offenders attend, those who volunteer to stand down are still credited with having completed an hour's unpaid work.⁹ Such practices point to the bureaucratic incentives that have distorted the provision of unpaid work and undermine the authority of the court, the sentence itself, and justice.

We would question whether probation services are indeed the best fit for the delivery of unpaid work. With an expectation that much of the work – often branded 'Community Payback' – takes place in local areas and involves cleaning up areas, often clearing some combination of overgrown vegetation and litter, we would question whether a better fit for the effective delivery of unpaid work would in fact be through an organisation or agency outside of probation.

We believe that work can and should be the best route out of criminality. There are already a number of industry-led employment schemes within the criminal justice system, that don't just create unpaid work as part of a tick-box culture, but instead seek to change lives for the better and for the long-term, helping reduce crime and strengthening families.

Organisations such as Tempus Novo,¹⁰ The Clink,¹¹ and Recycling Lives,¹² all offer sustainable models geared towards the offer of employment beyond the prison gate, and are better suited to equip offenders with employment-related skills and experience. These companies not only provide meaningful employment, but they are also rooted in the local market to which offenders will be resettled.

Extant work programmes with evidenced success, such as those mentioned above, should be built upon to provide sustainable routes to employment for more offenders. By attempting to force links between unpaid work and rehabilitation, the Ministry risks confusing and destabilising efforts already under way to move motivated individuals into meaningful work.

Question 5: What further steps could we take to improve the effectiveness of pre-sentence advice and ensure it contains information on probation providers' services?

There have been concerns over the quality and veracity of pre-sentence reports for a number of decades.¹³ Offenders will often use the PSR as an opportunity to reinforce the mitigation that will be put forward by their defence at court. There remains little third-party verification of claims made – either in the PSR or in mitigation at sentencing – and this can and should be improved.

At the same time, there have been significant changes in the volume of PSRs produced. Between 2012-13 and 2016-17, there has been a 22% fall in the number of PSRs produced.¹⁴ Further disaggregation of PSR figures finds that standard delivery reports were at their all-time low at 7% in 2016. Also, in

⁹ Ibid

¹⁰ *Tempus Novo*. Available via: <http://www.tempusnovo.org/> [Last Accessed: 19/09/18]

¹¹ *Clean Sheet*. Available via: <https://cleansheet.org.uk/> [Last Accessed: 19/09/18]

¹² *Recycling Lives*. Available via: <https://www.recyclinglives.com/> [Last Accessed: 19/09/18]

¹³ Raynor P., Smith D., Vanstone M. (1994) *Consistency and Quality in Pre-Sentence Reports*. In: *Effective Probation Practice*. Practical Social Work. Palgrave, London

¹⁴ *The Changing Use of Pre-Sentence Reports*. Centre for Justice Innovation. 2018.

2016 the number of stand down reports (given orally) exceeded the number of written reports for the first time.¹⁵

Academic evidence evaluates this shift to a new “culture of speed” in pre-sentence reporting. While a speedier process of pre-sentence reporting is not necessarily harmful to the quality of reports produced, it is harmful to have a target to reduce the number of Standard Delivery Reports. It is necessary that reporters use their own discretion to evaluate the format of report that is suitable for the offender, to assure that the most accurate report is provided to the court.

The Inspectorate’s report into the work of probation services in courts draws attention to the tensions caused by report targets. In the case of Standard Delivery Reports, the Risk of Serious Harm (RoSH) assessment was sufficient only 60% of the time. On average, the outcome was the proposed sentence just over half of the time. If courts do not have confidence in the sufficiency of the analysis, the pre-sentence report is effectively useless.

	Oral Reports (n=58)	Short Format Reports (n=86)	Standard Delivery Reports (n=20)
Sufficiency of offence analysis	78%	61%	74%
Was the RoSH assessment sufficient?	62%	67%	60%
Was the outcome the proposed sentence?	65%	49%	53%

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We have continued to advocate for a review of PSRs. In *Desperate for a Fix*, we called on the Ministry of Justice to launch a review of Pre-Sentence Reports and explore how they might be more effectively produced to better convey an accurate understanding of the root causes of offending, with greater detail on the pattern of offending. We recommend that consideration should also be given to how technology might be used to help test the veracity of claims made by the defendant and to allow other agencies to feed into the PSRs.¹⁷

Our work indicates that PSRs are heavily reliant on self-reported answers and lack third-party verification.¹⁸ This issue is compounded by the complexities associated with working in a split system whereby CRC officers are unable to directly contact court officials.

We believe that the judiciary should be provided with relevant information surrounding the factors that drive harm and culpability and the most effective sentencing options. More integration would ensure that the courts have a greater wealth of knowledge to base their sentences on. Therefore, we

¹⁵ *Stand-Down and Deliver: Pre-Sentence Reports, quality and the new culture of speed*. Robinson, G.J. 2017. Probation Journal, 64 (4). pp. 337-353.

¹⁶ *The work of probation services in courts: a thematic inspection*. HM Inspectorate of Probation. 2017.

¹⁷ *Desperate for a Fix*. Centre for Social Justice. 2018.

¹⁸ *Ibid*.

suggest that Quarterly Crime and Criminal Justice Briefings should be prepared for the local judiciary, with inputs from police, probation, and the Police and Crime Commissioner.¹⁹

Question 8: How can we ensure that the particular needs and vulnerabilities of different cohorts of offenders are better met by probation? Do you have evidence to support your proposals?

While the Centre for Social Justice broadly agrees that meeting cohorts' particular needs will necessitate a greater focus on equality in the new contract bids,²⁰ we do not think that it is sufficient to only assess needs based on gender or ethnicity alone.

The motivations behind individual crimes need to be evaluated alongside the criminogenic factors of individual offenders. Our recent report, *Desperate for a Fix*, identified the extent to which substance misuse is associated with acquisitive crime: 50% of all acquisitive crime is committed by those with a heroin or crack cocaine problem.²¹ Ultimately, this cohort of offenders will remain vulnerable to the incentives of a criminal career if they still have a habit to fund when they leave prison. Their needs may differ fundamentally from offenders who have similar physical characteristics but whose criminal habits are linked to domestic abuse at home or the lack of secure accommodation.

Many offenders in our criminal justice system have chaotic lives and have faced lifelong deprivation. The Centre for Social Justice has long championed the importance of family ties, accommodation and employment for ex-offenders. In support of our work, Lord Farmer's recent review found that maintaining a close relationship with family while in prison can reduce the odds of reoffending by 39%.²² Further, studies suggest that ex-offenders are 9% less likely to reoffend if they are in employment²³ and they are 20% less likely to reoffend if they are settled in stable accommodation.²⁴ Greater acknowledgement needs to be given to the role of social factors underlying the motivations for crime, not to excuse offending but in order that it can inform sentence planning and onward activity and ensuring that root causes are tackled.

In evaluating the vulnerabilities of different cohorts of offenders, we urge the government to go further than simple descriptive statistics and explore fully the variation of criminogenic factors and the influences that led to the original criminal activity. There is a danger in solely focusing on issues such as gender and ethnicity and obscuring some deeper, more fundamental issues. In redesigning probation, the Ministry of Justice should explore the use of a risk-need-responsivity model capable of tailoring treatment and supervision based on criminal justice risk and criminogenic need factors, allowing sufficient flexibility for probation services to offer specialist services at a local level.

Question 12: Do you agree that changes to the structure and leadership of probation areas are sufficient to achieve integration across all providers of probation services?

We do not agree with these changes to the structure and leadership of probation areas. Under the consultation's guidelines, areas would be redrawn so that NPS and CRC operate conterminously with a HMPPS senior officer who is responsible at a regional level for both NPS and CRC. It is not currently

¹⁹ Ibid.

²⁰ *The Young Review*, 2014.

²¹ *Desperate for a Fix*. Centre for Social Justice. 2018.

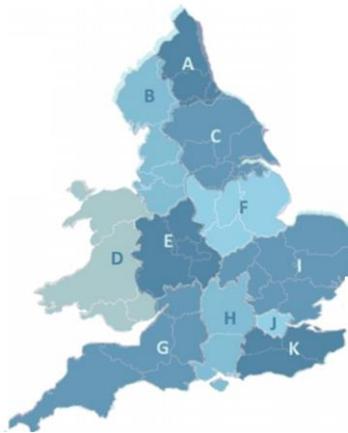
²² *The Importance of Strengthening Prisoners' Family Ties to Prevent Reoffending and Reduce Intergenerational Crime*. (2017) Lord Farmer.

²³ *Jobs strategy aims to cut reoffending* (2018) Ministry of Justice.

²⁴ Prison Leavers, Crisis. Accessed via: <https://www.crisis.org.uk/ending-homelessness/law-and-rights/prison-leavers/> [Last Accessed: 19/09/18]

clear what this senior officer's role will be in joining up the provision of probation, whether they will have significant powers to join up NPS and CRCs' practice or whether they will act as a further accountability loophole.

In their consultation response documents, the Ministry of Justice argues that these new borders will provide a more streamlined service as both NPS and CRC will be operating in the same regions.²⁵ However, they fail to acknowledge the concern that probation services will have to work in collaboration with multiple local organisations and PCCs with competing demands, priorities, and geographies. In some areas, probation services will be working in collaboration with 7 different PCC areas, covering a wide mix of urban, metropolitan, and rural areas.



We urge the government to redraw these areas in order that they align with police force areas. This would go a long way to helping ensure the probation services are better connected to local voluntary and other organisations, and are configured to address the needs of local caseloads. These new regions are simply too big to fully integrate and respond to local needs. The well-established Police and Crime Commissioner model provides a pre-existing unit of local organisation and would deliver a number of obvious synergies, including increased local accountability, improved opportunities for co-commissioning and pooled budgets.

Question 15: How can we support greater engagement between PCCs and probation providers, including increased co-commissioning of services?

In our 2018 Survey of Police and Crime Commissioners, 86 per cent of PCCs agreed or strongly agreed that “the Ministry of Justice should enable PCCs to take on commissioning of probation services in future”.

Despite this significant appetite, one PCC has recently expressed great dissatisfaction with the probation set up, expressing concerns that the reforms that will follow the consultation will be simply “smoke and mirrors”.²⁶ A lot of this lack of confidence is again rooted in the split of NPS and CRCs and the unwillingness of the Ministry of Justice to create real opportunities for local Police and Crime Commissioners to play a greater role in probation.

²⁵ *Strengthening Probation, Building Confidence*. Ministry of Justice. 2018.

²⁶ *Derbyshire's PCC says probation announcement is 'smoke and mirrors'* Derbyshire PCC. 2018. Available via: <https://www.derbyshire-pcc.gov.uk/News-and-Events-Meetings/News-Archive/2018/PR-667.aspx> [Last Accessed: 10/09/18]

Inspectorate reports and funding crises have reduced PCC confidence in probation providers. Further, in some areas a disconnect exists between PCCs and probation, with CRC leaders not attending partnership meetings.²⁷

This reality is reinforced by contractual arrangements in which CRCs are accountable only to the Ministry of Justice. PCCs are unable to scrutinise CRC performance and challenge their operational models.²⁸ This accountability deficit is only set to worsen if the Ministry of Justice follows through with their plans to redesign probation regions.

The new map provided in the consultation will see up to a maximum of 7 PCCs having to work in partnership with both NPS and a CRC in their region.²⁹ This system is needlessly complex and appears to place commercial viability and economies of scale over the value of a locally connected and locally accountable probation service.

By organising probation on police force areas, we believe that there remain opportunities for PCCs to collaborate or even co-commission. We are aware of at least one group of PCCs who would, if given the freedom, have significant interest in commissioning a service across their multiple force areas. We do not see an issue with PCCs who want to co-commission on such a basis. However, they should be able to take that decision themselves – it should not be forced on them, or be prevented.

As a reminder, our recent polling found that 86 per cent of PCCs agreed or strongly agreed that “the Ministry of Justice should enable PCCs to take on commissioning of probation services in future”. However, the proposals set out in this consultation do not appear to recognise the appetite for greater involvement, and in fact appear to actively obstruct it.

The APCC notes that local areas and PCCs control many of the policy levers to reduce recidivism at the local level, but they have little incentive to invest in these services as the benefits from reducing reoffending will be absorbed by CRCs,³⁰ with the APCC reporting that PCCs are unable to benefit from the practice of co-commissioning.³¹

The Government should seriously reconsider their proposed restructure in light of the challenges this will pose to partnership and co-commissioning with PCCs.

Question 17: What should our key measures of success be for probation providers, and how can we effectively encourage the right focus on those outcomes and on the quality of services?

As the consultation document makes clear, the payment by results mechanism introduced in TR has not driven the improvement in quality of services as originally envisaged.³² In fact, it has resulted in perverse motivations with payment being conditional on outputs rather than results.³³

Under TR, CRC payments were linked, in part, to their ability to reduce reoffending rates. Although on an aggregate level, the reoffending rate has reduced by two percentage points since 2015, this marginal effect is far from uniform and masks concerning trends. The frequency of reoffending has

²⁷ *PCCs best-placed to oversee probation*. APCC. 2018. Available via: http://www.apccs.police.uk/latest_news/pccs-best-placed-oversee-probation/ [Last Accessed: 10/09/18]

²⁸ Sussex PCC Transforming Rehabilitation Inquiry Submission, 2017.

²⁹ *Strengthening Probation, Building Confidence*. Ministry of Justice. 2018.

³⁰ APCC Transforming Rehabilitation Inquiry Submission, 2017.

³¹ Ibid.

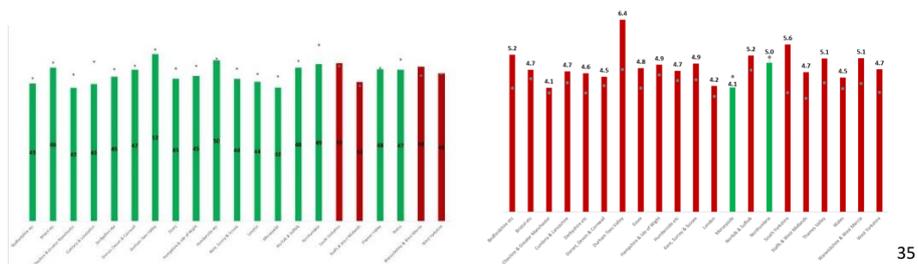
³² *Strengthening Probation, Building Confidence*. Ministry of Justice. 2018.

³³ APCC Transforming Rehabilitation Inquiry Submission, 2017.

increased. The 2011 baseline number of offences was 4.2, however, between 2015-16 this average increased to 4.7. Fewer offenders are reoffending, but those that are reoffending are committing more crimes.³⁴

Disaggregating these figures to the CRC level, a more concerning trend emerges. The contrast between results recording the rate and frequency of reoffending becomes clearer. The first graph charts the CRCs' reduced rates of reoffending when compared to the 2011 baselines. Seventeen CRCs reduced their reoffending rates.

The reoffending results are very different, however, if you consider the frequency of reoffending. The second graph shows that only two CRCs (Merseyside and Northumbria) recorded a decrease in the average number of reoffences when compared with their 2011 baseline.



It is unclear as to which measure of reoffending should be used to measure desistance. As noted by the Magistrates Association, a reduction in the frequency or seriousness of reoffending may note a significant behavioural improvement for some offenders, however, the current blunt measure for Payment by Results, whereby binary measures are compared, cannot account for this.³⁶ Also, as noted in the consultation, the use of 2011 as a baseline is arbitrary and misleading.³⁷

Although we welcome the review on the use of this measure, we propose that the government goes further and looks for an alternative measure of performance. Reoffending will always be a difficult measure to apply, especially with the controversy surrounding when to call a case a success and confounding factors. Further, reoffending captures detection, not the underlying rate of crime. Reoffences are only recorded when the individual has gone all of the way through the criminal justice system and has been convicted guilty. Desistance is distinct from the reoffence rate. It captures both the rate of an individual's reoffending and their propensity to commit a further offence. Using reoffending statistics alone, we obscure the assessment of desistance.

We strongly support the view that legal and psychological rehabilitation are necessary precursors to reducing the reoffending rate.³⁸ We need a greater focus on providing a rehabilitation service that addresses the inequalities underpinning criminal behaviour. Intermediate outcomes are those which are directly or indirectly linked with reductions in reoffending. They include: settling into suitable accommodation; reducing substance misuse; creating positive relationships; and gaining meaningful employment. Research already exists about the importance of intermediate outcomes of

³⁴ *Proven Reoffending Statistics Quarterly Bulletin, July 2016 to September 2016*. Ministry of Justice. 2018.

³⁵ *One Year of Transforming Rehabilitation Payment by Results*. Jack Cattell. 2018. Available via: <http://www.russellwebster.com/one-year-of-transforming-rehabilitation-payment-by-results/> [Last accessed: 12/09/18]

³⁶ Private correspondence with Magistrates Association.

³⁷ *Strengthening Probation, Building Confidence*. Ministry of Justice. 2018.

³⁸ *Four forms of 'offender' rehabilitation: towards an interdisciplinary perspective*. McNeill, F. 2012. *Legal and Criminological Psychology*. 17 (1) pp 18-36

rehabilitation and the path to desistance.³⁹ These outcomes are related to criminogenic, or protective factors, widely recognised in the academic literature as incentivising a criminal lifestyle. Our probation service needs to provide a rehabilitative service that is focused on these intermediate outcomes rather than focused solely on a defective reoffending rate.

³⁹ *Intermediate outcomes of mentoring interventions: a rapid evidence assessment*. Taylor, J. et al. 2013. National Offender Management Service.

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