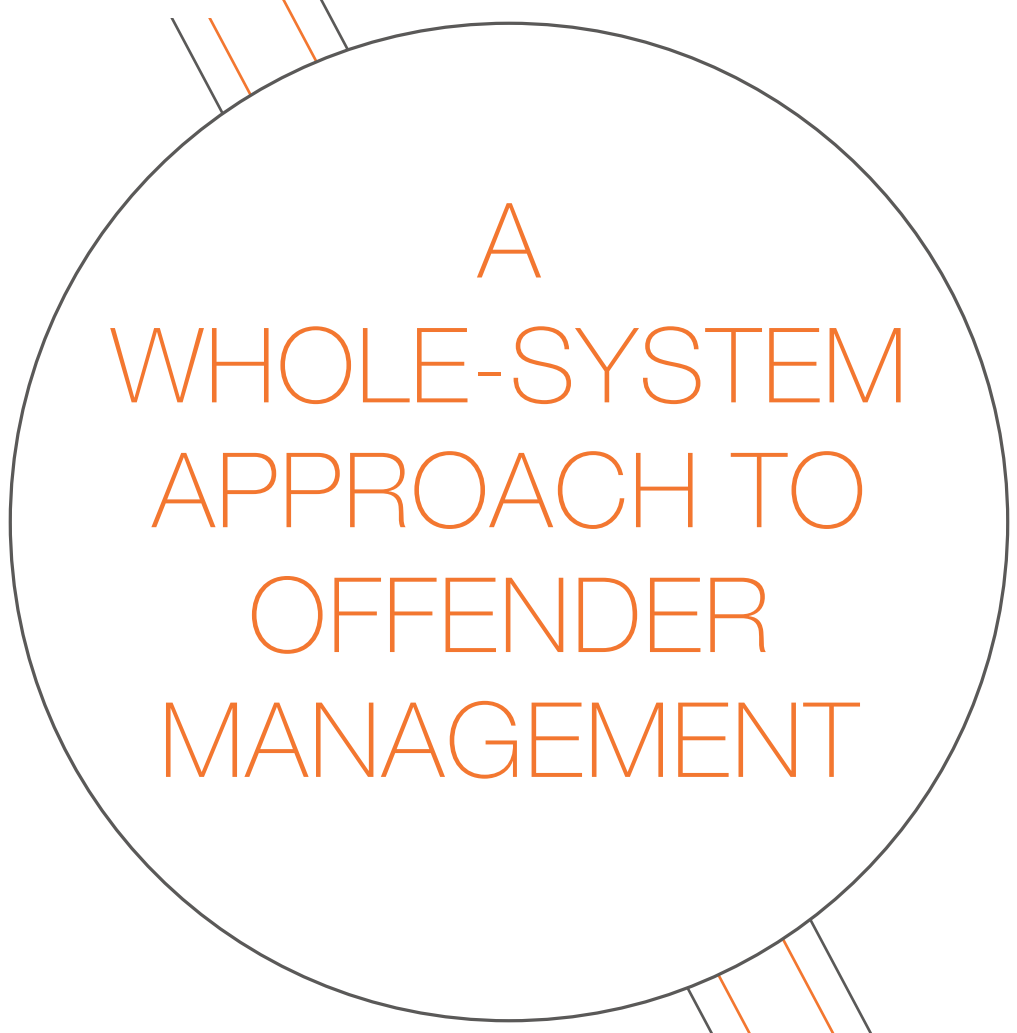


REPORT



A  
WHOLE-SYSTEM  
APPROACH TO  
OFFENDER  
MANAGEMENT

Marley Morris

December 2016

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## ACKNOWLEDGMENTS

I would like to thank all the professionals working in the criminal justice system who gave their time to be interviewed for this project.

My thanks go to Harvey Redgrave and Tom Silva for their comments on an earlier draft of this report. I would also like to thank former IPPR colleagues Jonathan Clifton and Rick Muir for their advice and support, and Rupert Bailey for his initial research on the project.

This paper was generously supported by the Hadley Trust.

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# SUMMARY

## 60-SECOND SUMMARY

The system for offender management in England and Wales is in need of serious reform. In their current configuration, offender management services – that is, prisons and probation – are overly centralised, complex, and disjointed. Adult reoffending rates remain stubbornly high. Local areas have few incentives to invest in efforts to reduce reoffending. And there is little continuity between provision in custody and provision in the community. The recent ‘Transforming Rehabilitation’ agenda has exacerbated these problems by introducing a new layer of complexity – in the form of community rehabilitation companies (CRCs) – onto an already fragmented system.

In order to address these challenges, this report sets out a vision of a whole-system approach to offender management, where powers, resources, and decisions are transferred to the local level. In the long term, we argue that city region mayors – or outside of city regions police and crime commissioners (PCCs) – should have responsibility over probation services and custody budgets for short-sentence, young, and women offenders.<sup>1</sup> In this parliament, given that CRC contracts are now ‘locked in’ until beyond 2020, there is less scope for radical reform. Where there is appetite, however, local areas should be able to bid for controls over custody budgets (for certain cohorts), commissioning of ‘secure schools’, and further co-commissioning powers.

This programme of reform would create incentives for local areas to invest in preventative services and alternatives to custody, facilitate closer partnership working between agencies, and provide greater scope for innovative ways of reducing reoffending.

## KEY FINDINGS

- Recent years have seen limited progress in offender outcomes. Adult offending rates remain high, particularly for those on short sentences. Magistrates have little confidence in alternatives to custody and the proportion of sentences served in custody (for indictable offences) has risen. Many prisons are over-capacity. In the short term, further cuts to the Ministry of Justice (MoJ) budget are set to place greater pressure on the system.
- The evidence suggests that a range of factors contribute to reductions in reoffending. First, it is important to have practical support designed to help ex-offenders find employment, support family life, secure accommodation and deal with specific issues – such as substance misuse and mental health problems. Second, the evidence suggests that practical support for ex-offenders needs

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<sup>1</sup> Alternatively, where a combined authority exists without a directly elected mayor (e.g. West Yorkshire), powers could be devolved to the combined authority rather than the PCC.

to be combined with a personal relationship that instils hope and a motivation to change.

- Context and environment are also important factors that can contribute to reducing reoffending. Incentive policies can ‘design out’ the risk of offences taking place by changing the environment in which crimes are committed.
- Police activity itself can reduce reoffending through diversionary programmes – such as the introduction of ‘neighbourhood justice panels’, a form of Restorative Justice where low-level offenders meet face-to-face with victims and other members of the community to address problem behaviour.
- Many of the policy levers for reducing reoffending lie at the local level – including housing and homelessness support, substance misuse and mental health provision, and the Troubled Families programmes.
- The current system of offender management is highly fragmented, involving a range of structures with overlapping geographical jurisdictions. This makes it harder for the system to work as a cohesive whole and creates a number of ‘handover’ points, where service users are passed between different agencies.
- The system is also highly centralised. While local areas control many of the policy levers, there is little incentive for them to invest in services to reduce reoffending, because they do not control their own custody budgets and therefore do not gain financially from fewer people going to prison. There are limited opportunities for local areas to innovate and tailor services to their own needs.
- Finally, offender management provision is currently disjointed, with different organisations working in siloes. The ideal of ‘through-the-gate’ provision for offenders as they leave custody and enter the community is still not realised in practice.
- The government’s ‘Transforming Rehabilitation’ reforms have compounded some of these problems. The reforms create a two-stream probation system which comprises the National Probation Service (NPS), responsible for high-risk offenders, and 21 community rehabilitation companies (CRCs), responsible for low- and medium-risk offenders. This has added a further level of complexity onto the probation system, with additional handover points between the NPS and CRCs. The introduction of CRCs – which are nationally commissioned and mostly run by large private firms – has also impeded local partnership work and innovation.

### KEY RECOMMENDATIONS

- In order to address these challenges, central and local government need to pursue a whole-system approach to offender management. This requires a holistic understanding of the offender management and wider criminal justice system, involving prevention and early intervention services; programmes aimed at diverting low-level offenders away from the criminal justice system; credible alternatives to custody; sentencing reform to reduce time spent in prison and encourage alternative sentences; ‘through-the-gate’ provision from within custody and into the community; and bespoke rehabilitation services for ex-offenders.

- In the long term, this vision should be delivered by **granting city region mayors (including the Mayor of London) responsibility for probation services for low-, medium- and high-risk offenders in their regions**. Outside of city regions, responsibility for probation would fall to the PCC. City region mayors or PCCs would commission probation services in their region and would thereby be able to coordinate probation with other key services in the local area.
- At the same time, **responsibility for the budget for prison places for young, female, and short-sentence offenders would also be devolved to the local level**. This would incentivise city region mayors and PCCs to invest in efforts to reduce reoffending.
- Finally, **responsibility for the commissioning of youth custody would also fall to city region mayors and PCCs**. YOIs would be broken up into smaller custodial units that prioritise education and operate as ‘secure schools’. City region mayors or PCCs would then be free to directly commission custodial places at ‘secure schools’.
- In the short term, reform is constrained by the agreement of CRC contracts, which last for seven years. However, some policy changes are still possible. Custody budgets for young, female and short-sentence offenders can be devolved now, depending on local buy-in. Where CRC contracts are failing, they can be renegotiated to encourage greater innovation; and, if they have to be terminated, there is scope to pilot the devolution of probation responsibilities to local areas. As part of future devolution deals, we argue for the introduction of local justice and rehabilitation boards, involving CRCs and local representatives, in order to jointly commission services.
- Where there is appetite, further responsibilities for youth custody and women offenders could be devolved. In particular, the Mayor of London is well-placed to deliver the Taylor review’s vision by commissioning places at a new selection of ‘secure schools’ in the Greater London area. Finally, some of the savings from the closure of HMP Holloway should be transferred to the Mayor of London in order to set up a North London women’s centre and pilot a whole-system approach to women offenders in London, based on the model used in Manchester.

# 1.

## INTRODUCTION

### THE CURRENT SYSTEM

The current system for offender management (prisons and probation) in England and Wales is dysfunctional. Service provision is commissioned by a plethora of overlapping but disconnected structures, operating at different geographical levels. Support for offenders in custody and in the community is disjointed. And powers to deliver rehabilitation services are not properly aligned with financial incentives to reduce reoffending.

As a result, recent years have seen limited progress in improving outcomes for offenders. Despite a welcome fall in some crime rates, a number of challenges remain.

- Adult reoffending rates are very high – particularly for those on short sentences – and have remained flat over the last decade. 60 per cent of offenders on short-term sentences (less than 12 months) commit another proven offence within a year of being released from prison (Prison Reform Trust 2016a). The National Audit Office has provided a conservative estimate of the annual cost of reoffending to society in England and Wales of between £7.4 billion and £10.7 billion (NAO 2016).
- Magistrates have limited confidence in alternatives to custody. Over the past five years, the proportion of offenders being sentenced to custody (for indictable offences) has risen, at the same time as a drop in the proportion of offenders given sentences that are served in the community (with a sharp fall in the number of community orders not sufficiently offset by a rise in the number of suspended sentences). England and Wales imprison a total of 147 people per 100,000 of the population, the highest rate in Western Europe (Prison Reform Trust 2016a).
- The prison population has ballooned and prisons are in many cases overcrowded, with nearly two-thirds of prisons operating above their certified normal capacity (MoJ 2016a). In many cases, people whose problems stem from mental health, low education, and a breakdown in social relationships are in custody rather than alternative provision.

The current system is therefore failing both to rehabilitate offenders and to reduce demand on prisons. Moreover, on top of these long-term challenges, there are a number of immediate issues that are set to put the system under more pressure in the short term:

- The Ministry of Justice (MoJ) has received very stringent cuts, with overall reductions of 15% to its resource budget by 2019/2020 (HM Treasury 2015)



- There will be cuts to ancillary services such as welfare, housing, mental health, adult skills, and legal aid. This is likely to increase demand on the justice system.
- A rise in prosecutions for historic sexual offences and violent crime is putting more pressure on prison places.

Amid these multiple challenges, this report sets out an ambitious programme of reform for the offender management system in England and Wales. Our proposal is for a whole-system approach to offender management that devolves services to the local level, integrates provision in custody and the community, and brings together a range of service providers to develop a tailored package of rehabilitation support. The system we outline is targeted at ways to divert people away from the criminal justice system, develop demonstrably effective alternatives to custody, and rehabilitate ex-offenders. Over time, this has the power to create a virtuous circle that lessens the pressure on the offender management system and enables local actors to reinvest savings in services that reduce demand further.

The report is split into four chapters. For the rest of this chapter, we set out the government's current approach to offender management. In chapter 2, we draw on the literature to identify what works to reduce reoffending, and make the case for a local approach based on the available evidence. In chapter 3, we explain the contours of a whole-system approach to offender management. Finally, in chapter 4 we make an ambitious set of long- and short-term recommendations for how the system should be changed.

## **THE GOVERNMENT'S REFORM AGENDA**

### **Adult offender management**

In recognition of the many challenges facing the offender management system – particularly sustained high levels of reoffending – in 2013 the government embarked on a major programme of reform under the heading 'Transforming Rehabilitation'. The central pillar of this reform agenda was the restructuring of the National Offender Manager Service (NOMS), the MoJ's executive agency for managing offenders in custody and in the community in England and Wales. The 35 probation trusts that previously delivered probation services were replaced by a two-part system, comprising a new National Probation Service (NPS), responsible for high-risk offenders, and 21 community rehabilitation companies (CRCs), responsible for low- to medium-risk offenders.

Under the new system, CRCs are contracted to deliver probation services for the majority of those given community orders or suspended sentence orders by the courts and those who require supervision upon release from custody. The CRC contracts are designed using the principle of 'payment-by-results': part of their payment varies depending on the degree to which they reduce reoffending in their region. The introduction of competition within the probation system and the 'payment-by-results' mechanism is intended to encourage innovative methods of rehabilitation and reduce demand on prisons over time.

Alongside the CRCs, the NPS exists as an operational arm of NOMS. It is responsible for making initial decisions about the risk posed by offenders, for managing the probation of high-risk offenders, and for providing information and advice to the courts with respect to all offenders.

As part of Transforming Rehabilitation, the MoJ introduced a number of additional reforms to the system to pave the way for improved outcomes. Of particular importance was the introduction of ‘resettlement prisons’. These are prisons specifically designated for short-sentence offenders or offenders in their final months in custody, situated near their home location and designed so that the presiding CRC can provide ‘through-the-gate’ support for their offenders – that is, continuous provision from custody and into the community (MoJ 2013a). The reform package also expanded statutory rehabilitation provision to offenders serving short sentences (less than 12 months in custody) (MoJ 2013b).

However, while the reforms were targeted at the right outcome – namely, to reduce reoffending – initial developments since their introduction indicate that they have compounded some of the problems within the offender management system. The arrival of CRCs, whose geographic areas are not coterminous with those of other key local and regional actors, has added another layer of complexity to the offender management structure. Local and combined authorities hold a number of the key policy levers for supporting rehabilitation, but in many places they have struggled to work successfully with CRCs. This is in part because the payment-by-results mechanism for CRCs means they are primarily beholden to national government targets rather than local partners. At the same time, police and crime commissioners (PCCs) – directly elected officials who are responsible for bringing down crime and overseeing the police service in their region – have overlapping jurisdictions with CRCs, complicating local partnerships. Another key criticism of CRCs is that the region they cover is too broad – obliging offenders to travel unreasonably long distances to access probation services. Moreover, several providers have recently said that the contracts are loss-making and unsustainable due to smaller than expected caseloads (Plimmer 2016).

Recent reports from the probation and prison inspectorates have highlighted the problems with the Transforming Rehabilitation reforms. In their inspection of the implementation of Transforming Rehabilitation, the probation inspectorate found evidence of inadequate assessments and oral court reports by NPS staff, shortages of probation officers, and a lack of involvement of offenders in developing sentence plans. More than two thirds of offenders released from custody had received inadequate employment, accommodation and finance support while in prison (HMI Probation 2016). Only in one fifth of cases did the CRC officer share information with those providing ‘through-the-gate’ services from within custody (ibid). A report published in October 2016 found that there is still very poor communication between prison and probation staff (particularly CRC staff) and prisoners have little sense of involvement in plans for their resettlement into the community after release (CJJI 2016).

The government plans further reforms to offender management – primarily with respect to the prison system. In her speech at the 2016 Conservative party conference, the new Justice Secretary Liz Truss set out plans to invest £1.3 billion in rebuilding prisons, to grant greater powers – particularly over education, skills and learning contracts – to prison governors, and to ensure all prisons have dedicated officers to support rehabilitation from within custody (Truss 2016). In November, the MoJ published a white paper on prison reform outlining a plan to improve transparency and accountability, set new standards, grant budgets and powers to prison governors, assign dedicated officers to provide one-to-one support and mentoring to prisoners, take action to address security threats, and invest in the recruitment and retention of staff and the prison estate itself (MoJ 2016b). Although promising, these plans are focussed on reform of processes within the prison system. As we argue in this report, in order to deliver successful long-term results, prison system reform should be combined with a broader vision of how the offender management system can reduce reoffending.

Ambitious plans are also being discussed for the devolution of criminal justice powers to city regions. The greatest progress has been made in Manchester: in July 2016, the MoJ and Tony Lloyd (PCC and Acting Mayor for Greater Manchester) signed a memorandum of understanding to devolve new powers in the field of criminal justice to the Greater Manchester Combined Authority. These new powers include a greater role for the combined authority in the co-commissioning of probation services with Manchester’s CRC, a more devolved youth justice system, and a commitment to ‘consider options’ to devolve the custody budgets for young people, women and those on short sentences (MoJ GMCA 2016). However, there is still some way to go before the details of the MoJ’s devolution agenda, in Manchester and elsewhere, are worked out in full.

### **Youth offender management**

Since the 1998 Crime and Disorder Act, offender management for youth offenders (for 10 to 17 year olds) has been managed separately from adult offenders in England and Wales. The system is overseen by the Youth Justice Board for England and Wales, an executive agency sponsored by the MoJ. Young offenders are sent into secure custody in three main types of institutions:

- Youth Offender Institutions (YOIs), for 15–17 year olds and mostly run by HM Prison Service – these institutions tend to be larger and provide fewer hours of education per week
- Secure Training Centres (STCs), for 12–17 year olds and run by private contractors – these institutions tend to be smaller and provide more hours of education per week
- Secure Children’s Homes (SCHs), for 10–17 year olds and run by local authorities – these institutions tend to be very small and look after the youngest and most vulnerable groups (MoJ 2013c)

In the community, the lead organisations for offender management are Youth Offending Teams (YOTs), which operate at the local authority level. YOTs bring together representatives from key local agencies – including police, probation, social, education and health services – to provide

support upon arrest, produce risk assessments, advise on sentencing decisions, deliver community-based sentences, supervise ex-offenders after they are released from custody, and run preventative services.

Youth Offending Teams have proven to be particularly effective at reducing the number of youth offenders in custody and the number of first-time entrants in the youth justice system. In general, YOTs are structured according to a 'key worker' model, where young offenders are paired with a case worker who provides an individualised and consistent package of support and, where appropriate, refers the young person on to specialist services. YOTs are also strong examples of multi-agency working, as staff from different partner agencies are seconded into the teams, allowing cross-collaboration between frontline service providers with a range of specialist expertise. Finally, YOTs have been successful at pioneering triage approaches – where young offenders are assessed and, where possible, referred on to alternative interventions at the point of arrest, in order to divert low-risk or first-time offenders away from the youth justice system (Muir 2014).

The most recent significant reform of the youth justice system took place in 2012, when the coalition government devolved the youth secure remand budget to local authorities. The government acted in response to the large numbers of children who were remanded in secure custody, despite not having been sent into custody at the point of sentencing. The rationale for the decision was that, if local authorities had financial responsibility for the secure remand budget for youths, they would be incentivised to invest in higher quality alternatives to custody, such as intensive foster placements or community supervision. The courts would then in turn have greater confidence in these alternatives, which would reduce the use of secure remand. There have been some positive outcomes since this reform was introduced – the number of nights under-18s are spending in secure youth remand has fallen significantly in the past few years. However, critics have noted that some local authorities are holding back savings in the youth remand budget to plug budget holes or protect against future risks rather than reinvest in alternatives to custody. This highlights the need for care in aligning incentives through any devolution mechanism (Clifton 2016; Allen 2015).

The youth offender management system has delivered significantly more positive outcomes than its adult counterpart – including a dramatic 64% fall in children in custody since 2006/07 (MoJ 2016c). However, this does not mean that reform is not needed. Reoffending rates for young people have remained stubbornly high, despite the fall in the number of first-time entrants. And the successes themselves highlight the opportunity for change: the sharp reduction in the number of young people in custody opens up new avenues for innovative thinking around the design of youth offender management services.

In light of these developments, the government commissioned a major review of the youth justice system by former headteacher Charlie Taylor who recently published his findings. In his final report in December 2016, Taylor made the case for replacing the current secure youth custodial estate with 'secure schools'. These would be smaller custodial establishments designed and conceived as high-quality schools for

young offenders, delivered alongside the appropriate security provisions. The MoJ has said it will pilot two secure schools for young offenders in response to the review. The report also calls for further devolution of the youth justice system, including the devolution of the youth custody budget and commissioning responsibilities to local areas (MoJ 2016c).

## 2. WHAT WORKS FOR REDUCING REOFFENDING?

One of the primary aims of the offender management system in England and Wales is to reduce reoffending. Reoffending rates remain stubbornly high, and reductions in reoffending can benefit the entire criminal justice system through a virtuous circle of reduced demand on prisons and probation and greater savings to reinvest in prevention and diversion, alternatives to custody, and rehabilitation.

It is therefore vital that the offender management system is led by the evidence on what works to reduce reoffending. Of course, every crime is different and depends on the specific context in which it was committed. There is therefore no ‘silver bullet’ that helps to reduce crime. Reducing reoffending will depend on a complex number of factors linked to the individual lives of offenders and the situations in which they find themselves.

Nevertheless, there is a wealth of evidence on the different factors that predict the likelihood of reoffending.<sup>2</sup> There is also a small but growing body of research into which specific interventions are most effective at reducing reoffending.<sup>3</sup> This chapter summarises the key lessons from this research. It shows that most of the policy levers are held at the local level and require services to be integrated and centred on a consistent professional presence to rehabilitate individual offenders.

### PRACTICAL SUPPORT

Probation services have invested considerable resources into monitoring data on reoffending, in order to identify those who are most at risk. Some of the risk factors that have been identified are not amenable to policy intervention, including age (older prisoners are more likely to stop committing crimes) and gender (men are more likely to reoffend than women). Other factors, however, are more open to influence:

- **employment:** finding a job (which itself is linked to education and training)
- **relationships:** finding a long-term partner or having a child
- **religion, community and social group:** finding purpose in life and being part of a supportive social group (and conversely not associating with those who will lead you astray)
- **substance misuse:** giving up alcohol or drugs
- **health:** addressing mental health problems and emotional well-being

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2 For example, the prison and probation service have constructed a detailed ‘Offender Assessment System’ which collects data on reoffending rates and identifies the biggest risk factors/protective factors (NOMS 2015).

3 See for example: WSIPP (2013) and MoJ (2013d).

- **accommodation:** having a stable place to live
- **finances:** securing a steady income and good financial management.

It is perhaps not surprising that these factors have a significant impact on reducing reoffending, given the large number of people who enter custody partly as a result of similar underlying social issues, such as mental health problems, insecure housing, drug addiction or earlier abuse. As Table 2.1 illustrates, the proportions of the prison population that have experienced social problems of this kind are far higher than those of the general population.

**TABLE 2.1**  
The social characteristics of prisoners as a percentage of the prison population and the general population\*

Characteristic	Proportion of prison population	Proportion of general population
Taken into care as a child	24% (31% for women, 24% for men)	2%
Experienced abuse as a child	29% (53% for women, 27% for men)	20%
Observed violence in the home as a child	41% (50% for women, 40% for men)	14%
Regularly truant from school	59%	5.2% (England) and 4.8% (Wales)
Expelled or permanently excluded from school	42% (32% for women, 43% for men)	In 2005 <1% of school pupils were permanently excluded (England)
No qualifications	47%	15% of working age population
Unemployed in the four weeks before custody	68% (81% for women, 67% for men)	7.7% of the economically active population are unemployed
Never had a job	13%	3.9%
Homeless before entering custody	15%	4% have been homeless or in temporary accommodation
Have children under the age of 18	54%	Approximately 27% of the over 18 population*
Have symptoms indicative of psychosis	16% (25% for women, 15% for men)	4%
Identified as suffering from both anxiety and depression	25% (49% for women, 23% for men)	15%
Have attempted suicide at some point	46% for women, 21% for men	6%
Have ever used Class A drugs	64%	13%
Drank alcohol every day in the four weeks before custody	22%	16% of men and 10% of women reported drinking on a daily basis

Source: Prison Reform Trust 2015: 28

\* In most if not all cases, the above data applies to England and Wales (unless otherwise stated in the right-hand column). Prison Reform Trust 2015: 28 gives a full breakdown of data sources used in this table

There is therefore a clear rationale for services to focus on practical support designed to address each of these factors – such as helping offenders find employment, gain access to secure accommodation, manage mental health and drug issues, and strengthen family bonds – in order to reduce reoffending rates.

## MOTIVATION AND HOPE

While finding work, giving up drugs, addressing mental health problems and building personal relationships are important for helping many offenders to give up crime, they are not a panacea. They must also be accompanied by a change in mindset from the offender, who needs the motivation and desire to change. As the crime policy expert Tom Gash has argued, finding a job or getting married ‘can be helpful in pulling people away from temptations, but few without an underlying motivation to change will stick in work or new relationships for long’ (Gash 2016: 235).

Many different things can trigger this motivation. For some it occurs in response to an external shock or ‘turning point’ (for example a friend dying from an overdose), while for others it is a gradual process of growing up and realising that crime doesn’t pay. In particular, many offenders describe the importance of having somebody who is able to instil love, trust and the belief that they can contribute and give something back to society.

This means that the focus of the offender management system should not simply be on which practical services are delivered to offenders, but also on who delivers the support and the manner in which it is provided. Research has shown that probation officers work best when they instil hope and motivate people to change – rather than just providing practical support (Farrall and Calverley 2005). Building a trusting relationship with frontline professionals is important for fostering a change in attitude. Similarly, research into effective case management shows that the best results come from having continuous contact with the same probation worker – starting inside prison and following them through resettlement in the community. This is essential for building rapport and trust with the offender, as well as for helping them to navigate a large number of services provided by different agencies (Partridge 2004).

## CONTEXT AND ENVIRONMENT<sup>4</sup>

The previous two sections focussed on the importance of supporting individual offenders to turn their lives around – for example through drug treatment, mental health services, or mentoring. This has traditionally been the approach adopted by most offender management agencies that try to ‘treat’, ‘change’, or ‘support’ the individual concerned. However, there is a growing school of thought that focusses on reducing crime by adjusting the surroundings that people find themselves in – as opposed to just trying to change the individual. This so-called ‘situational approach’ emphasises the power of the immediate environment to influence crime.

By examining in detail the nature and patterns of crimes, academics such as Richard Wortley and Gloria Laycock have revealed that many offences tend to be unplanned and are therefore strongly influenced by the environment in which an individual finds themselves. This means that through inventive policy design the likelihood of crimes being committed can be minimised.

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<sup>4</sup> We are indebted to Tom Gash for providing these arguments and references. For a more detailed discussion of the ‘situational approach’ to crime, see his excellent book *Criminal* (2016).



In Cardiff, for example, the police, university and local government were able to substantially reduce the number of alcohol-related fights and injuries by compelling bars and clubs to use plastic or tempered glasses as a condition of their licence (which don't shatter and cause lacerations during fights), staggering closing times (so that large crowds are not let out onto the street at the same time), and using CCTV to help deploy police to particular hot spots (which prevents fights escalating). These relatively simple modifications all helped to change the environment to reduce the risk of drunken aggressive behaviour and harm (see Gash 2016 for a more detailed discussion of this, and other examples of how changes to the environment can reduce crime).

Of course, taking a 'situational approach' to reducing crime should not be at the expense of interventions focussed on changing the lives of individual offenders. Any effective crime reduction programme will need to try to do both.

### **POLICING ACTIVITY**

The final factor that can be used to reduce reoffending rates is police activity itself. A number of programmes have been put in place that enable the police to 'divert' low level offenders away from the court system in order to deliver more effective forms of justice. These programmes have been shown to incentivise offenders to change their behaviour and reduce the likelihood of reoffending, as well as saving large amounts of court time (Muir 2014).

Police forces have experimented with a number of 'diversionary' programmes. These include on-the-spot fines, cautions and other 'out of court disposals', and 'neighbourhood justice panels', a form of Restorative Justice where low-level offenders meet face-to-face with victims and other members of the community to address problem behaviour.

In Durham, for example, the police and crime commissioner has introduced the 'Checkpoint' scheme. This enables the police to defer prosecution for people who commit low-level offences, provided they accept help (such as by attending a drug treatment programme) and successfully change their behaviour. Anyone who fails to change his or her behaviour or breaks the terms of the programme will end up back in court being tried for the original offence. This 'tough love' approach helps to break the cycle of reoffending – by mixing support with the threat of sanctions.<sup>5</sup>

These approaches save police and court time and also reduce the likelihood of reconviction – helping to reduce the number of crimes being committed further down the line (see Muir 2014 and Clifton 2016 for further details).

### **LOCAL POLICY LEVERS**

It is clear from the research outlined above that many of the policy levers for reducing reoffending lie outside of the criminal justice system itself – in services such as mental health, employment support,

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5 <https://www.durham.police.uk/Information-and-advice/Pages/Checkpoint.aspx>

housing, and children’s services. Many of these key services are the preserve of local government and, increasingly, combined authorities or regional city mayors. As the think tank Reform has recently argued, ‘Reducing reoffending means changing the behaviour of individuals. These changes are achieved locally, through local networks and services’ (Lockyer and Heys 2016: 10). Table 2.2 summarises some of the main ways in which the factors that reduce reoffending overlap with local services.

**TABLE 2.2**  
**Many of the policy levers to reduce reoffending are held at the local level**

Factors that reduce offending	What local services address these factors?
Housing	Local authority responsibilities include: building supported and sheltered housing, allocating social housing, homelessness prevention and support services, and administering housing benefit for vulnerable groups
Substance misuse and mental health	Local authorities control public health budgets  NHS services are commissioned by local clinical commissioning groups (with strategic direction from health and wellbeing boards)  In a small number of cases health budgets are moving to a combined authority e.g. Greater Manchester, Cornwall
Education	City region mayor/combined authorities increasingly control adult skills budget e.g. Greater Manchester, Greater London, Sheffield City Region, as well as the apprenticeship grant for employers  FE Colleges and training providers are autonomous local institutions providing courses  Local employers will increasingly control apprenticeship funding
Welfare and work	Some city region mayors/combined authorities have been given control over aspects of co-commissioning/co-designing the work and health programme (including for vulnerable groups)  Local authorities have a number of policy levers at their disposal, including providing council tax support; commissioning back-to-work provision for young people who are NEET; and using planning conditions to create jobs
Relationship support	Currently held at national level (through DWP) but the government has set out its ambition to engage local authorities more in commissioning
Troubled Families programme	Support is commissioned through local authorities
Physical environment	Local authorities control many of the levers that can be used to help ‘design out’ crime, including planning regulations, licensing authorities and transport
Policing strategy	Policing strategy is set by the locally elected police and crime commissioner  In a small number of cases, the functions of the PCC are given to an elected Mayor – e.g. in Greater London and Greater Manchester

Source: IPPR analysis

Note: The responsibility for some functions will vary in different parts of the country. This table is intended to be a high level summary to show the ‘direction of travel’ across the country as a whole, but there will be some exceptions to this depending on specific local circumstances.

It is clear from table 2.2 that the resources, infrastructure and powers to reduce reoffending often lie outside the direct remit of the offender management system and in the hands of local policymakers. There is therefore a compelling case to devolve the offender management system in order to pool budgets, strengthen local partnership working, and provide a seamless service from custody and into the community.

### 3.

# A WHOLE-SYSTEM APPROACH TO OFFENDER MANAGEMENT

In chapter 2, we argued that the evidence base for reducing reoffending points to a locally designed and tailored approach to offender management. However, the complex architecture of the current system inhibits local innovation and thereby undermines positive outcomes for offenders. There are five main problems:

#### 1. FRAGMENTATION

The current system for offender management – and indeed the wider criminal justice system – is of Byzantine complexity. Due to the number of agencies involved with the delivery of criminal justice, the system has become highly fragmented and disjointed, suffering from a number of complex relationships and handovers. By way of illustration, the current system in England and Wales is divided into 43 police force areas, 13 crown prosecution regions, seven court service regions, seven National Probation Service regions and 21 community rehabilitation companies, 11 prison regions, and 375 councils. It is easy for the system to become disjointed and for people to fall through the cracks. For example, the different arms of the criminal justice system in Bournemouth cover different and overlapping geographic areas (see Table 3.1).

**TABLE 3.1**

**The structure of the criminal justice system in Bournemouth is complex and fragmented**

Public body	Structure
Police	Dorset Police (strategic alliance with Devon and Cornwall)
CPS	Wessex
Courts	South West
Probation	South West & South Central NPS region
	Dorset, Devon and Cornwall CRC
Local authorities	Bournemouth Borough Council
	Dorset County Council

Source: IPPR analysis

The recent changes as part of the government’s Transforming Rehabilitation programme have added a further layer of complexity onto the system. The splitting of probation services into the NPS and CRCs entails a separation in responsibility between pre-sentencing

reports and action taken upon breach of a community order (NPS) and delivering interventions and supervision for low- and medium-risk offenders (CRCs). This creates additional ‘handover points’ (for instance, at point of sentencing), and there is evidence of particular groups – including domestic violence and safeguarding children cases – falling through the cracks, due in part to poor joint working between NPS and CRCs (Napo 2015).

## **2. WEAK INCENTIVES**

As a result of the split between local delivery and national policy and budgets, incentives to reform and deliver integrated services to reduce reoffending are limited. Work delivered at the local level may reduce demand on national services, but local actors get little reward for such successes. For example, local authorities, police and the courts gain little financial benefit from diverting people from the criminal justice system or reducing reoffending, because prison costs are met by the MoJ.

## **3. CENTRALISATION**

The criminal justice system is highly centralised: key decisions are made in Whitehall rather than in the local areas where services are delivered. This means that services are reliant on a one-size-fits-all approach, and cannot be adapted to local conditions. As IPPR North argue in *Decentralisation Decade*, ‘it is innovation that seems to be one of the biggest victims of an overly centralised system’, as top-down service design makes it difficult for professionals to tailor services to local needs (Cox et al. 2014).

The mix of crime varies across the country, which means the types of services on offer need to adapt accordingly. For example, London has high rates of drug offences, violence and gang-related crime, whereas the North East has higher rates of shoplifting than other areas. These offences all require quite different types of services to be incorporated within offender management, something that is hard to do when prison and probation services are in large part managed centrally, with budgets and targets set by the MoJ.

## **4. SILOED WORKING**

Policy is currently largely designed centrally from within silos. Those who deliver services as frontline practitioners and operational experts, including social services or police officers, are able to offer only limited input when new service models or policy ideas are developed.

For example, the Transforming Rehabilitation reforms were spearheaded by the MoJ, largely against the advice of those who deliver services and the leading experts within the sector. The contracts to run the 21 newly formed community rehabilitation companies were skewed heavily towards large private providers with little background in running probation services, while some smaller charities with specialist expertise were squeezed out through the bidding process (Travis 2014). Since the contracts have begun, many local actors have struggled to work successfully with CRCs, because in many cases they have few local roots and their main incentive is to meet

central government targets through the payment-by-results mechanism rather than work with local partners.

## 5. DISJOINTED PROVISION

Policy has often been developed without the full appreciation of the offender management system as a whole, and how it properly relates to the wider criminal justice system. Offenders are therefore often passed from one provider to another, rather than meeting with a consistent key worker. The government's aim of a 'through-the-gate' system to effectively link provision in custody and in the community is still far from realised.

Moreover, a tendency to focus on the event of the crime or offence itself as the trigger has come at the expense of an appreciation of the offender's wider circumstances and environment. As we discussed in the last chapter, there are multiple factors that increase the likelihood of reoffending, from barriers to employment and adequate housing to emotional and relational challenges. There is therefore scope for a far more integrated and joined up approach to addressing the combination of complex issues associated with reoffending – linking services within the criminal justice system, as well as those outside the system, such as mental health and substance misuse services.

## THE IMPORTANCE OF WHOLE-SYSTEM THINKING

As we argue above, one of the key problems with the current offender management system is that different elements are treated in isolation. Targets are set centrally by Whitehall, which then either commissions a private contractor to deliver them or heavily incentivises a public sector organisation. The result is a fragmented system, where the incentives of different actors are not properly aligned and where providers find it needlessly difficult to work together.

There is a growing recognition that offender management is not suited to this approach. This is because criminal offending stems from complex problems that require sustained behaviour change. Rehabilitation involves a comprehensive understanding of the underlying issues that led to the offence, and may, therefore, require a range of services – including family support, education and skills, physical and mental health, housing and employment support. Moreover, it requires an individual to work with skilled professionals who can build trust and motivation.

A whole-system approach to the reform of offender management is needed, which focusses on how services can work effectively together to reduce reoffending in a local area. Such a whole-system approach has a number of key features:

- All services are focussed on the **individual needs** of the service user, in order to develop a continuous, individualised package of support.
- There is an **agreed vision** across all parts of the system and an understanding of how different organisations and agencies (including charities and community groups, and other non-governmental actors) are properly aligned.

- All stakeholders recognise they have **collective responsibility** over the system and an understanding of how changes in one part can affect another.
- There is **close partnership working** and positive relationships across different organisations and services – including pooled funding, co-commissioning, multi-agency teams, and so on.

A whole-system approach to offender management would therefore centre on developing an individualised package of support for each offender to reduce reoffending and would align incentives across all levels of governance in accordance with an agreed vision of how the offender management system should be run. It would also foster collective responsibility for bringing down reoffending rates and would ensure agencies work closely together to develop and commission new and innovative practices.

### EXAMPLES OF WHOLE-SYSTEM APPROACHES

There are a number of examples of previous success stories in whole-system approaches, both in the UK and elsewhere:

#### Youth offending teams (YOTs)

As we highlighted in the opening chapter, the introduction of YOTs has been very successful at reducing the number of young people being drawn into the system for the first time and the numbers held in custody. It has proved far better than the adult system on these measures. Two key features of the success of YOTs have been the key worker model – where offenders are paired with a case-worker who offers a continuous package of support based on the needs of their client – and the multi-agency approach – where staff from a range of services are seconded into YOTs to provide specialist support.

#### Greater Manchester’s whole-system approach for women offenders

Greater Manchester has pioneered a whole-system approach for women offenders, funded by the CRC, NHS England and savings from the 'payment-by-results' mechanism from the local justice reinvestment pilot. The project was overseen by the Greater Manchester Justice and Rehabilitation Executive Board (chaired by interim Mayor Tony Lloyd). This approach is centred on nine women’s centres, which operate as hubs across the city region for female referrals. Women are referred to the centres at the point of arrest, point of sentencing, and point of release. The centres are ‘safe spaces’ where key workers provide tailored, individualised support – addressing issues such as employment and housing needs, mental health, substance misuse, and domestic abuse.

The additional funding has strengthened the operation and coordination of the service and developed a formal ‘alliance’ between the nine centres, which has helped them to secure additional funding for their work. An interim evaluation of the whole-system approach highlighted the positive improvements in wellbeing, confidence, health, and employability experienced by women who were referred to the centres, and noted that the whole-system approach had helped to share best practice, streamline reporting processes and facilitate closer partnership working between the centres (Kinsella et al. 2015).

## Justice reinvestment in the US

The US is well known to rely heavily on imprisonment in its criminal justice system. Over the past forty years there has been a 500% increase in the prison population, and over two million people are currently locked up, at an annual cost of more than \$50 billion.<sup>6</sup> The prison population is disproportionately drawn from disadvantaged black neighbourhoods.

The clear failure of incarceration to reduce the number of offences or protect the poorest neighbourhoods, coupled with the astonishing cost to the public purse, has led to a change in approach in a number of states. Surprisingly, this approach has been driven by leading Republican thinkers who were previously associated with 'tough on crime' rhetoric. As the *Washington Monthly* explained: 'Right-wing operatives have decided that prisons are a lot like schools: hugely expensive, inefficient, and in need of root and branch reform' (*Washington Monthly* cited in Nolan and Khan 2013).

A number of states are therefore adopting the model of justice reinvestment, which aims to use the funds currently spent on prison to prevent crime and reduce reoffending. Falling crime rates primarily help those in disadvantaged neighbourhoods who tend to be the victims of crime, as well as offering offenders a chance to turn their lives around.

Detailed studies by criminal justice expert Rob Allen have explored the key features of justice reinvestment in the USA (Allen 2014, 2015). They include: introducing lower sentences for drug offences; allowing prisoners the chance to 'earn' release from prison or probation if they take part in education and training; making greater use of 'community corrections' such as substance abuse and mental health programmes; and encouraging more 'diversionary activity', such as through the police and courts making quick decisions to refer offenders to alternative programmes, rather than getting stuck in the slow and bureaucratic prosecution system. These are accompanied by swift and tough sanctions if offenders breach the terms of their programme, including 'quick dips' or longer 'dunks' in jail.

The emerging results from justice reinvestment programmes are compelling. Texas saw a sharp drop in prison population after 2010, and it is now down to the same level as in 2000 and continuing to fall (McCullough 2015). In North Carolina, the prison population has fallen by 8 per cent since the passing of the justice reinvestment Act in 2011 (Council of State Governments Justice Center 2014). The programmes have also enabled states to make a number of savings, although it is important to note these can take at least five years to materialise. For example, Hawaii reinvested \$3.4 million in treatment and parole supervision, with an estimated expected saving of \$130 million after six years; and Ohio reinvested \$14.5 million over two years in probation and supervision, with a projected saving of \$578 million after four years (LaVigne et al 2014).

Given the recent and parallel nature of the changes, it is not possible to identify precisely which part of the justice reinvestment approach has driven

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6 [http://sentencingproject.org/doc/publications/inc\\_Trends\\_in\\_Corrections\\_Fact\\_sheet.pdf](http://sentencingproject.org/doc/publications/inc_Trends_in_Corrections_Fact_sheet.pdf)

the improvements. Some commentators argue that changes to sentencing and parole decisions are the main driver of reduced prison populations, while others focus on the improvements to probation and investment in drug rehabilitation, education and mental health services for prisoners. In the absence of more detailed evidence, it seems sensible to view the different reforms as part of a holistic and complementary package.

A number of key features of the justice reinvestment programmes in the US demonstrate their commitment to a whole-system approach:

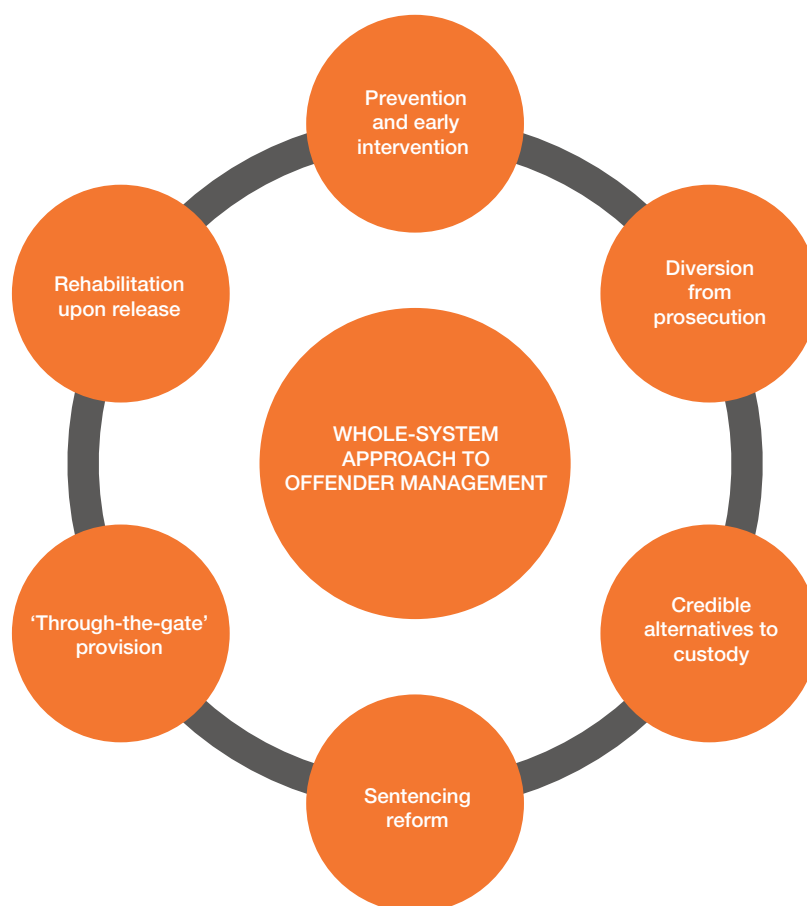
- *They involve all the relevant agencies and stakeholders:* Justice reinvestment approaches have to include all the agencies involved in crime and rehabilitation such as police, prisons, judges, local prosecutors and legislators. If one part of the system is not on board, it can quickly breakdown. For example, even if a state invests in excellent rehab programmes, the approach will not work if judges do not use them and rely on strict prison sentences instead.
- *They are based on detailed data analysis:* The bureau of justice assistance (BJA) was launched in 2010 to provide technical assistance to local areas to collect data about their criminal justice system and develop models for change. This means that reinvestment proposals are based on detailed analysis of where they can have the most impact – for example, by targeting particular parts of the system (e.g. parole) or particular offences (e.g. drugs).
- *They allow local leadership and a space for innovation:* Many of the reinvestment programmes have resulted from strong local leaders wanting to change the system that they work in. For example, the growth of ‘problem solving courts’ was largely driven by individual judges who realised that long custodial sentences were not preventing drug use or crime, and wanted to develop their own alternatives.
- *They provide incentives to reinvest:* All of the approaches rely on encouraging areas to reinvest funds used on prison places in alternative activities. This has been done in a number of ways. Many of them ensure that there is a financial cost to the local area if an offender goes to prison or breaches their parole, and in some cases counties are actively charged for how many people they send to prison. Other states such as Pennsylvania have legislated to mandate that a portion of cost savings from reducing prison numbers must be reinvested in public safety improvements (Council of State Governments Justice Center 2013).



# 4. RECOMMENDATIONS FOR REFORM

In the last two chapters, we have set out why the current centralised, fragmented offender management system is failing to deliver significant reductions in reoffending and lower demand on prisons. In this chapter, we set out our long-term aspiration for a devolved, whole-system approach to offender management.

**FIGURE 3.1**  
Long-term vision for a whole-system approach to offender management



Source: IPPR

## THE VISION: A WHOLE-SYSTEM APPROACH TO OFFENDER MANAGEMENT

For a whole-system approach to offender management to work, it must set out a convincing vision for how all parts of the system should be focussed. Our vision embeds offender management within the wider criminal justice system and alongside other public services. This is because, within a whole-system approach, prison and probation services should not be considered in isolation, but as part of a wider process, involving the police, the courts, and other local services that have a bearing on reducing reoffending or preventing crime. Figure 3.1 illustrates our vision for a successful whole-system approach to offender management, which involves a range of interconnected services and reforms designed to relieve pressure on the prison system. Many of these services currently exist to some degree; the distinctive feature of a whole-system approach is that they are widespread, consistent, and closely integrated.

### 1. Prevention and early intervention

- Local areas introduce support systems for individuals with a high risk of entering the criminal justice system, before they have committed any crimes – for instance, families of offenders or young people with a record of anti-social behaviour.
- Police and local government use situational approaches to ‘design out’ potential crimes by changing the environment in which crimes are committed.

### 2. Diversion from prosecution

- In order to reduce first-time entrants into the criminal justice system, the police and Crown Prosecution Service make a greater use of triage at the point of arrest, for some adult cohorts (such as women and young adults) as well as young people.<sup>7</sup>
- Police forces also make a greater use of street triage – whereby mental health nurses accompany officers to incidents if it is suspected their support is needed.
- Vulnerable individuals are diverted away from the courts and, where appropriate, towards mental health services, substance misuse support, or social care.

### 3. Credible alternatives to custody

- Probation services design and deliver credible alternatives to custody – for instance, Intensive Alternative to Custody orders, which involve a combination of intensive probation supervision and targeted interventions (e.g. unpaid work or curfews).
- These alternatives are integrated with drug and mental health treatment programmes, as well as education and welfare services, to ensure that the root causes of crime are tackled and reoffending rates are reduced.
- Magistrates and judges feel more confident in using these alternatives to custody, which reduce demand on prisons.

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<sup>7</sup> Triage involves the assessment of (generally young) people at police stations in order to identify needs and, where possible, divert low-level offenders away from the criminal justice systems and towards alternative interventions.

#### 4. Sentencing reform

- Sentencing guidelines are reformed to encourage the use of shorter jail terms and of alternatives to custody.
- Magistrates and judges have more autonomy over the running of the courts system, allowing them to innovate and tailor their service to local needs – for example, by setting up courts that are dedicated to drug offences or domestic violence, where specialist services are available for both victims and offenders.

#### 5. Through-the-gate provision

- Prison governors have the autonomy, resources and capacity to rehabilitate offenders. This includes high quality education, training and mental health programmes, with prisoners earning the right to be released if they have turned their lives around.
- Low- and medium-risk offenders are incarcerated near to their homes and families, ensuring they have support and relationships to help them keep on track.
- There is effective ‘through-the-gate’ provision so prisoners are already linked to the relevant probation, social work, welfare and housing services when they are released back into the community.

#### 6. Rehabilitation upon release

- All ex-offenders are appointed a probation officer who has sufficient autonomy, skill and capacity to help them rebuild their life after prison.
- Local areas have invested in high quality education, housing, welfare, drug rehabilitation and mental health services.
- If ex-offenders are found to break the terms of their parole they are dealt with swiftly, with immediate sanctions or a brief spell back in prison.

Each element of the whole-system approach to offender management needs to be in place in order to successfully reduce demand on the system. For instance, without proper sentencing reforms, reduced levels of reoffending will not necessarily lead to a fall in demand on the system (and thereby a cost saving), because prison places will be ‘backfilled’ by other entrants into the criminal justice system. Therefore, while this paper focusses on prisons and probation, these should be considered within a broader context of reform that is necessary to reduce demand on the offender management system as a whole.

### **DESIGN PRINCIPLES: WHAT ARE THE KEY FEATURES OF A WHOLE-SYSTEM APPROACH TO OFFENDER MANAGEMENT?**

In order to implement this vision for offender management, we have drawn on the literature and our interviews and case studies to identify a number of key design principles that underpin a whole-system approach. These principles include:

1. **Ensuring the right incentives are in place:** incentives must be aligned to make sure that different parts of the system work together.
2. **Granting autonomy for frontline professionals:** staff providing offender management services should be empowered to innovate according to the needs of their local area.

3. **Agreeing objectives:** there should be a clear set of goals for the system to achieve, shared by different actors in the system and agreed or set locally. Points of interaction should also be clear to ensure alignment, and handover points should be kept to a minimum.
4. **Collecting high-quality data:** data should be shared throughout the system, so that professionals can learn from each other and respond, creating feedback loops, and data should be open to public scrutiny.
5. **Tailoring to local need:** the system should be developed and delivered locally, according to the needs and contexts of local communities, with central oversight where necessary.
6. **Building partnerships:** a wide range of actors who can help to achieve the goals of the system need to be involved in partnership, including services that operate beyond the scope of the formal offender management system.

### THE LONG-TERM OBJECTIVE

Few would disagree with the vision set out above. The key challenge for government is how to design the offender management structures to realise this vision.

One of the key challenges in the short term is that the recent introduction of the Transforming Rehabilitation agenda and the duration of the CRC contracts – they began in 2015 and run for seven years – precludes further major reforms to the system, as for now any policy change to probation must operate within the current framework. We therefore outline two sets of recommendations in this report: a long-term proposal for a locally coordinated, whole-system approach to offender management, and a series of smaller short-term policy reforms broadly consistent with the current NPS/CRC structure.

Under our long-term proposal for offender management, **city region mayors (including the Mayor of London) would be responsible for probation services for low-, medium- and high-risk offenders in their regions.** Outside of city regions, responsibility for probation would fall to the PCC.<sup>8</sup> City region mayors (or PCCs) would commission probation services in their region and would thereby be able to coordinate probation with other key services in the local area, such as housing, employment, education, mental health and substance misuse support and local Troubled Families programmes. The NPS would be scaled back, but would retain capacity to provide probation support for high-risk offenders. City region mayors and PCCs could then commission the NPS to provide probation services for high-risk groups if they so wished. The National Offender Management Service would also have back-stop powers to intervene in these areas in extreme cases (such as major riots) or where there is evidence of sustained underperformance.

At the same time, **responsibility for the budget for prison places for young, female, and short-sentence offenders (less than 24 months) would also be devolved to the local level.** City region mayors and PCCs would therefore also have control over a significant part of the

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<sup>8</sup> Alternatively, where a combined authority exists without a directly elected mayor (e.g. West Yorkshire), powers could be devolved to the combined authority rather than the PCC.

prison budget for their area. They would then be charged by NOMS for the accommodation costs of any of their resident offenders who are either women or are given short sentences (the system for young offenders would work differently – see the below recommendation.) As we argued in our earlier report on prisons and prevention (Clifton 2016), this would incentivise city region mayors and PCCs to invest in efforts to reduce reoffending, because any reduction in demand on the prison service should lead to savings within the custody budget (provided other parts of the whole-system approach to offender management, such as sentencing reform, are also delivered – see Figure 4.1). Reinvestment could be focussed on diversion and probation services – which city region mayors and PCCs would now be able to commission – as well as other related services to help rehabilitate offenders, from employment and learning support to mental health and substance misuse provision.

Finally, in the long term, as the expected reforms to youth justice proposed by the Taylor review are realised, **responsibility for the commissioning of youth custody would also fall to city region mayors and PCCs.** YOIs would be broken up into smaller custodial units that operate as ‘secure schools’. Rather than simply being charged by the YJB for each ‘bed night’ they need for a young person, city region mayors or PCCs would be free to directly commission custodial places at ‘secure schools’. Responsibility for youth custody commissioning would allow local actors to align youth offending teams with secure school provision to truly deliver a ‘through-the-gate’ service for young offenders.

The advantages of such a devolved approach are clear:

- It would provide the scope and incentives for local areas to invest further in services that divert people from the criminal justice system, provide alternatives to custody and support rehabilitation.
- It would allow local services to be far better coordinated than at present, linking up probation with other services that can help to reduce reoffending.
- It would give greater scope for local professionals to innovate in the way they administer offender management services, in order to tailor provision to local need.
- It would ensure that all elements of the system work towards a shared goal.

Our model of devolution grants responsibilities for offender management to a mix of city region mayors and PCCs, depending on the needs and structures in each region in England and Wales. We think a flexible approach to devolution is the right one. Where directly elected city region mayors exist (or will exist), there is a compelling case for granting them prison and probation powers, because this creates opportunities to pool budgets and connect offender management up with other relevant services currently run by local and combined authorities. In areas where there are no directly elected city region mayors or combined authorities, probation and custody budgets could instead be devolved to PCCs, who already have responsibilities for preventing and reducing crime in their force areas. As with city region mayors, PCCs have the scope to exert local leadership and coordination by virtue of their directly elected status, which makes them particularly suited to taking on these additional

responsibilities. In some cases – such as Greater Manchester and London – the role of mayor and PCC is combined, which maximises the benefits of devolution.

Crucially, while clear direction should be set from central government, local actors should be given the scope to choose for themselves the degree to which they are to take on additional offender management responsibilities, and devolution deals should be tailored to each individual area. Only with full local buy-in can a devolved, whole-system offender management approach work effectively.<sup>9</sup> At the same time, local actors need to show that they are able to handle these extra responsibilities effectively. The process of devolution should therefore be delivered in stages. City region mayors or PCCs should be able to bid for the proposed additional powers if they can demonstrate that robust governance structures are in place and that they have the capacity to take them on. Under this model, responsibility for offender management would be handed to local areas gradually, reflecting local need and capacity over time.

National government also needs a role in offender management. Under our approach, the MoJ would continue to provide strategic oversight and set national standards for prisons and probation. The NPS would be scaled down but would retain capacity to provide services for high-risk offenders, as an additional support mechanism for city region mayors and PCCs who might struggle to deal with some offender groups, such as those convicted on terror-related charges. HM Prison Service would continue to oversee most adult prisons, as there is little clear benefit for devolving responsibility for these prisons to the local level, and retaining national control would enable economies of scale and greater practical flexibility in distributing high-risk prisoners across the country. The National Offender Management Service would also retain back-stop powers to intervene in extreme cases, such as widespread riots, in order to provide reassurance to local areas (and thereby reduce the risk of them holding back savings in case they need to respond to an extreme situation).

Finally, a joint inspectorate for offender management would provide regulatory oversight over the prisons and probation system. Combining HMI Prisons and HMI Probation would signal the government's commitment to an integrated offender management service and well-functioning 'through-the-gate' provision.

Table 4.1 summarises our long-term proposals for a devolved offender management system, explaining how responsibilities would be allocated and why.

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<sup>9</sup> For instance, some city region mayors/PCCs may understandably not want control over custody budgets for women offenders, because there may be very few women offenders in their area. This illustrates that the devolution deal needs to be tailored to local need.

**TABLE 4.1**

**Summary of IPPR’s proposed long-term reforms to the offender management system**

Level of governance		Functions	Proposed benefit
Central government	National Offender Management Service	<p>Oversight of the devolved offender management system</p> <p>Operational running of most adult prisons through HM Prison Service</p> <p>Capacity for high-risk probation services where necessary through NPS</p> <p>Back-stop powers to intervene in extreme cases or where there is evidence of sustained underperformance</p>	<ul style="list-style-type: none"> <li>• Can set overall strategy and oversight for England and Wales</li> <li>• Can provide reassurance to local actors in emergency situations or where additional support is needed for high-risk offenders</li> <li>• Retaining control over adult prisons enables economies of scale and makes it practically easier to distribute high-risk prisoners across the country</li> </ul>
	HM Joint Inspectorate for Offender Management	Independent inspectorate of prison and probation services	<ul style="list-style-type: none"> <li>• Independent and integrated service overseeing how prison and probation services in England and Wales properly connect</li> </ul>
Sub national: combined authority, local authority, force area, neighbourhood level	City region mayor/ combined authority	<p>Responsible for commissioning of probation services</p> <p>Prison place budgets for young, female, and short-sentence offenders</p> <p>Responsible for commissioning of youth custody provision</p> <p>Coordination of a range of services aimed at preventing crime, providing alternatives to custody, and reducing reoffending (e.g. through housing, employment and skills, mental health, and substance misuse services)</p>	<ul style="list-style-type: none"> <li>• Control over commissioning of probation services gives scope for an integrated approach to offender management, connecting probation with other services that can help to reduce reoffending</li> <li>• Introduction of a local financial incentive in order to invest in reducing reoffending</li> <li>• Responsibility for commissioning of youth custody would enable better quality ‘through-the-gate’ services for young people</li> </ul>
	PCC	<p>Outside of city regions: responsible for commissioning of probation services</p> <p>Outside of city regions: prison place budgets for young, female and short-sentence offenders</p> <p>Outside of city regions: responsible for commissioning of youth custody provision</p> <p>Oversight and accountability for local policing and crime reduction</p> <p>Coordinating efforts to reduce crime, such as local early intervention, restorative justice and diversion services</p>	<ul style="list-style-type: none"> <li>• Control over commissioning of probation services gives scope for an integrated approach to offender management, connecting probation with other PCC powers to reduce crime</li> <li>• Introduction of a local financial incentive in order to invest in reducing reoffending</li> <li>• Responsibility for commissioning of youth custody would enable better quality ‘through-the-gate’ services for young people</li> </ul>

Source: IPPR

## RECOMMENDATIONS FOR THIS PARLIAMENT

For the current parliament, the broader vision we have outlined of a whole-system approach to offender management is constrained by the MoJ's CRC contracts, which are set to be next up for renewal beyond 2020. Nevertheless, there are significant steps the government can take now to work towards a more devolved, integrated system. Indeed, the direction of travel over the past six years suggests the government is committed to reform. The creation of PCCs, the transfer of responsibility of public health budgets to local authorities, the delivery of the Troubled Families programme at the local level, and the development of radical devolution deals to city regions open up a range of new opportunities for locally coordinated work targeted at reducing reoffending. A new set of city region mayors in Greater Manchester, Liverpool, Sheffield, Tees Valley, West Midlands, and West of England are to be elected in May 2017. Moreover, the government's recent white paper on prison reform – including the introduction of six new semi-autonomous 'reform prisons' – and the recent Taylor review on youth justice signal further momentum on criminal justice reform.

Our proposals in this section are therefore intended to feed into this fast-evolving picture. We propose a menu of reform options that take steps towards the vision outlined above, while working within the constraints of the current Transforming Rehabilitation programme. Our recommendations are targeted at both central government – with respect to the scale and structure of devolution – and at city region mayors and PCCs – with respect to the types of activities that should be carried out with any extra powers.

- **Allow city region mayors and PCCs to bid for custody budgets for short-sentence offenders, young offenders and women offenders**

City region Mayors and PCCs need a stronger financial incentive for investing in services that reduce reoffending and divert potential offenders away from the criminal justice system. As we argued in our earlier report on prisons and prevention, by devolving the budget for prison places to city region mayors (or PCCs), they would have such an incentive, because local actors would save money by investing in efforts that put reduced demand on the prison system (Clifton 2016). The system could work by granting city region mayors or PCCs control over budgets for certain cohorts, and then charging them for every 'bed night' spent in custody by offenders within those cohorts. There is a precedent for this: the budget for remand places for young offenders has been devolved in this way, and initial outcomes appear positive (Clifton 2016).

As with our long-term vision, we propose focussing on devolving custody budgets to city region mayors/PCCs for offenders on short sentences (less than 24 months), as well as young offenders and women offenders. The rationale for focussing on these cohorts is that short-sentence and young offenders have a high risk of reoffending, so there are potentially greater rewards for investing in these groups. There is also greater scope for local activity for young people, given that YOTs already operate at the local level. For women offenders, there is a particular importance in using the financial incentives that come with devolved prison budgets to encourage community alternatives to custody. Women are significantly more likely than men to self-harm and face mental health problems



while in prison, and between 13 and 19 per cent of women in prison are estimated to have dependent children (Prison Reform Trust 2016a).

This process of devolution needs to be carefully designed. In particular, there needs to be an arrangement for upfront funding that can be 'clawed back' if agreed targets to reduce reoffending are not met. This is to ensure that there is an opportunity for local actors to invest in innovative approaches early, rather than wait for savings to emerge from their custody budgets down the line. It is also important that the funding formula for custody budgets is not simply based on the latest levels of offenders in custody, as this will penalise local areas that reduce reoffending by subsequently reducing their funding for custody places. Instead, there needs to be a 'time lag' in the funding formula that factors in historical custody rates, and the formula should be placed under regular review to ensure that perverse incentives do not emerge for some local areas (Clifton 2016).

- **Create local justice and rehabilitation boards involving CRCs and local representatives in order to jointly commission services**

The devolution deal for Greater Manchester prioritised moving towards a co-commissioning arrangement for the combined authority, and a number of local interviewees we spoke to for this project emphasised the importance of gaining greater joint commissioning powers. While local and combined authorities can currently jointly commission services with CRCs, there are no uniform structures in place for this type of partnership working.

We therefore propose introducing local justice and rehabilitation boards in city regions, chaired by city region mayors and including local stakeholders (such as CRCs, prison governors, YOTs, health, education, employment, housing and children's services), with a remit to oversee the devolution process and jointly commission services to reduce reoffending. These boards would be modelled on Greater Manchester's Justice and Rehabilitation Executive Board, which has commissioned and overseen a number of innovative approaches in Manchester, such as the whole-system approach to women offenders. They would help to develop a co-commissioning arrangement between the CRC and other local actors, and would facilitate closer working partnerships at the local level. In areas with active and successful local criminal justice boards (LCJBs), these could instead take the leading role in joint commissioning of services, in order to avoid unnecessary duplication of structures.

- **Where CRC contracts fail and have to be terminated, pilot a local approach**

Given the very poor reports from recent inspections into CRC provision – for instance, the MoJ audit that failed South Yorkshire CRC in December 2015 (Leftly 2015) – there is a significant possibility that some CRC contracts might need to be renegotiated or even terminated early, before the end of this parliament. Where there is scope for renegotiating the contract, the payment-by-results component (as well as the 'fees for service' component) should be modified to bring forward payments and encourage greater innovation in provision. At the same time, where there is local appetite, and provided that the aforementioned changes

are made, city region mayors or PCCs could use the opportunity of the renegotiation to take on responsibility for overseeing the relevant CRC contract.

Finally, in those cases where the contracts fail and there is little scope for renegotiation, the MoJ should consider transferring responsibility for probation services to the local city region mayor or PCC, depending on whether there is local appetite and whether the MoJ is satisfied that there is sufficient capacity. This would enable an initial piloting of local integrated approaches to probation for low- and medium-risk offenders, before a wider roll-out when the CRC contracts are completed.

One problem with this proposal is that the CRC regions and the PCC force areas are not coterminous, so assigning responsibility locally after the termination of a CRC contract would be complex. In areas where there is significant overlap between the jurisdiction of the PCC or city region mayor and the CRC, such as Greater Manchester, the MoJ could address this problem by negotiating with neighbouring CRCs to redraw their boundaries. On the other hand, in areas where CRC regions encompass multiple force areas, the MoJ would need to reach agreement with every PCC or city region mayor in the region before agreeing any devolution deals. The possibility of introducing piecemeal localisation of probation services in the short term therefore depends on the willingness of local actors, the confidence of the MoJ in their delivery, and the scope for negotiating with neighbouring CRCs to redraw their boundaries. Any devolution deals would therefore have to take place on a case-by-case basis.

- **Where there is local scope and appetite, devolve responsibility for commissioning ‘secure schools’ to local areas**

In certain places, there is also a strong case for devolving responsibility for the commissioning of youth secure accommodation to the local level.

This is particularly the case for Feltham Youth Offender Institution (YOI) in London, where there have been sustained concerns raised by the prison inspectorate and where there has been appetite for greater local control (HMI Prisons 2015). The Taylor review has argued that YOIs should be replaced with a set of smaller ‘secure schools’ that prioritise the education rather than incarceration of youth offenders (MoJ 2016c). As both leader of the GLA and the Mayor’s office for policing and crime (MOPAC), the Mayor of London is well-placed to realise this vision.

The Mayor of London should therefore bid for control over the budget and commissioning powers for London youth custody from the YJB. The YJB currently commissions NOMS to provide specialist custodial places at Feltham A (the unit for children and young people within Feltham). The Mayor should instead split the cohort in Feltham A – which holds up to 240 15–18 year old boys – into four or five smaller cohorts of approximately 50–60 offenders. The mayor should then be given the power to commission (or co-commission with the YJB) providers of new ‘secure schools’ in the Greater London area to look after each of these cohorts.

- **Where there is local scope and appetite, devolve further responsibilities for women offenders to local areas**

As illustrated in the Greater Manchester case study in the previous chapter, there is a strong case for granting more powers to local areas over support for women offenders, given the imperative for developing alternatives to custody and diversionary services for this cohort.

In particular, the closure of HMP Holloway – the largest women’s prison in the country – offers an opportunity for a major rethink of women’s offender management in London. The financial savings from a reduction in custodial beds are an estimated £5.4 million per annum (MOPAC 2016) and the site is estimated to be worth £200 million (Bourke 2016). But MOPAC has recognised that the long-term benefits of the closure of HMP Holloway can only be realised through a reduction in the number of women serving shorter sentences and an expansion of alternative provision (MOPAC 2016). MOPAC and London CRC have begun to jointly commission a pan-London female offenders service with a total value of £4.1 million over the next three years, focussed on new innovations in female offending services (ibid).

In order to create an integrated approach that brings together prison services with support in the community, the government should transfer some of the savings from the closure of HMP Holloway to the purview of MOPAC. The additional resources could then be pooled with the MOPAC/CRC funding for the pan-London female offenders service and used to set up a North London women’s centre. The funding could also be used to build an alliance between the main women’s centres across London, in order to develop a whole-system approach to women offenders modelled on the structure developed in Greater Manchester. This could involve sharing best practice, standardising approaches, managing referrals between centres, and raising additional funds. (See Prison Reform Trust 2016b for a similar proposal.)

## 5. CONCLUSION

This report sets out a framework for a whole-system approach to offender management. The current approach to prisons and probation is poorly integrated, overly centralised, and ineffective at reducing reoffending. The Transforming Rehabilitation reforms, in spite of positive intentions, have further undermined local innovation and joined-up practice. Our proposals are for a devolved and integrated system of offender management, which takes a bespoke focus on the individual needs of offenders, properly aligns financial incentives to invest in rehabilitation, and involves close partnership working at the local level.

Our ideas are divided into long-term and short-term recommendations. In the short term, CRC contracts make it difficult to fully develop a devolved approach to offender management. But there is still scope to devolve custody budgets for certain cohorts of offenders where there is local appetite, support the co-commissioning of services, and take further steps to devolve parts of the youth justice system, particularly in London.

In the long term, freed from the constraints of CRC contracts, there is the opportunity for a much more ambitious programme of reform, which largely devolves responsibility for probation services, custody budgets and the commissioning of ‘secure schools’ to the local level. This will enable and incentivise local actors to invest in services to rehabilitate ex-offenders, divert people away from the criminal justice system, and provide credible alternatives to custody. Over time, our proposals are designed to create a ‘virtuous circle’ of reduced reoffending, falling demand on the prison system, and greater opportunities to reinvest in offender management services.

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