

Probation Service

House of Lords Debate

2.23 pm Thurs 21st Jan

Moved By Lord Ramsbotham

To call attention to the current state of Her Majesty's Probation Service;
and to move for papers.

Lord Ramsbotham: My Lords, on 16 May 2000 the then Home Secretary, Jack Straw, addressing the then Central Probation Council, said:

“The new (National) Probation Service will work more closely with the Police and other agencies, and with local Crime and Disorder Partnerships. Local Probation Boards will work to deliver their services in a way that serves their locality better... One of the key challenges will be to find ways of being accountable to local communities for the work of the Service”

The only thing new about this was the mention of a single national service rather than a number of local probation services. He was expounding how probation had operated since its introduction 93 years before. However, less than eight years later, on 28 January 2008, the same Jack Straw, now the Justice Secretary, announced a complete reversal of this. He said that the National Probation Service, which had been in existence only since 2001, would now be merged with the Prison Service in a new version of the National Offender Management Service, which was to be launched in April that year, to deliver jointly his recently announced punishment and reform mantra. The new NOMS was to be under a new chief executive, the then director-general of the Prison Service. These starkly contrasting directions by the same person with the same responsibility for probation explain why the story of probation under this Government has been so turbulent.

Before I go any further, I want to make one wish and one plea to the Minister. My wish is that the clocks around the Chamber should show the letters PANT, instead of the numbers 0:01. The letters stand for “People Are Not Things”, which are words that should be emblazoned on the hearts and desks of every Minister and official with any responsibility for probation.

I sympathise with the Minister, because he will not be familiar with much that will be said during this debate. My plea to him is that, when he comes to wind up, he strikes out the meaningless and dangerous mantra that I am willing to bet is in his script. Every time probation service problems are mentioned, Ministers trot out what Jack Straw alleged in the other place. On 21 July 2009-at Commons Hansard col. 734-he said that resources are not an issue because 70 per cent more money and 50 per cent more staff have been made available to probation since 1997, while the case load has increased by only 53 per cent.

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That is meaningless because money is not the only resource required and, while the numbers of lesser trained probation service officers and management staff have increased, the number of fully trained officers has gone down, which is dangerous. If that mantra is believed, it discloses a wilful blindness to the actual situation on the ground, which has been set out over and over again by those who work there, as they have done to me as I prepared for this debate.

The purpose given to what were called "officers of the court", who were first appointed by the Probation of Offenders Act 1907, was "advise, assist and befriend". Probation became one of the four parts of the criminal justice system. It is the service responsible for the supervision and rehabilitation of those awarded community sentences and it works alongside the courts, the police and the Prison Service, which is responsible for the custody and rehabilitation of those awarded sentences of imprisonment. The system, like any other system, is only as good as how its individual parts perform their own function and work together.

From the outset, probation officers worked principally with courts and the police, all being community based. Work with prisons was confined, as it is now, to those prisoners whose sentences included a period of community supervision or licence. This focus and purpose was confirmed in the Criminal Justice Act 1991, which promised probation a centre-stage role in the management of much toughened, more publicly credible community penalties, including electronic monitoring. Please note the link between credibility and public confidence.

However, all was to change in 1997. On becoming Home Secretary, Jack Straw made it immediately apparent that he did not like the existing system of 54 autonomous county probation forces, each with a local probation committee. He wanted to bring probation and prisons together, which needed primary legislation. Happily, a proposal to change probation's name to the community rehabilitation and punishment service was rejected, before a National Probation Service, under its own director-general, with 42 probation areas each with its own probation board, was established by the Criminal Justice and Court Services Act 2000. The purpose, too, was changed, with the proper punishment of offenders in the community and ensuring offender's awareness of the effects of crime on victims being added to rehabilitation. But the independence of the director-general was not to last for long, because a commissioner of corrections, who was responsible for prisons and probation, was appointed in 2002.

Then, before you could blink, came NOMS in 2004, initially allegedly a commissioning service. In 2005, the Home Office disregarded 99 per cent of the 756 responders to a so-called consultation on the future of probation who opposed the government line and pressed ahead with its plans, which culminated with Jack Straw's 2008 redirection of NOMS.

Those who doubt that the effect of this has been to exclude the voice of probation from policy-making in a NOMS that is virtually run by the Prison Service should reflect on the figures disclosed on 21 January 2009 by Mr Malik in the other place, in Hansard col. 1566W: of the 4,270 persons employed within NOMS, 742 were old NOMS, 3,415 ex-

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Prison Service and only 113 ex-probation service, none of whom is in a senior position or in any of the main units such as strategy and effectiveness, offender assessment and management or the briefing and casework groups. In addition, the post of director of the National Probation Service was abolished in April 2009.

People are the only effective tool for dealing with people-PANT. At the heart of the distinct role of the probation service within the criminal justice system is person-to-person supervision and rehabilitation of offenders awarded community sentences. Working with offenders in the community is not the same as working with them in prison; it needs different training and skills, about which my noble friend Lady Howe will speak. The only alternative to custody is community sentencing, in which the public will have confidence only if offender supervision is seen to be credible. Of course probation staff have other tasks, but to have a credible probation service the Government's basic responsibility is to ensure that there are enough trained probation officers with enough available time to supervise the rehabilitation of the number of offenders for whom they are responsible—nothing more, nothing less. If there are not, neither probation nor the criminal justice system will be effective.

Is that provision being made? In 2008-09, the probation case load was 197,000 on community orders and 46,200 ex-prisoners under supervision. To supervise them are 7,200 qualified and senior probation officers, 6,100 probation service officers and 6,950 managers and administrative staff. However, every area is having to make staff redundant, with further financial cuts of 2.7 per cent next year. Also, in 2008-09 the service was required to complete 216,000 pre-sentence court reports, of which 134,000—60 per cent—were standard reports, which take two to three weeks to compile and eight hours to write up, and 82,000—40 per cent—were fast delivery reports, which take two hours to write up on the day of sentence. Apparently the Government now wish to reverse the 60 standard and 40 fast ratio to 70 fast and 30 standard, which is bound to result in a decreased service to the courts. My noble and learned friend Lord Woolf and my noble friend Lord Tenby will expand on the court story. To all this has now been added responsibilities as offender managers of offenders in prison to meet national standards demanding that sentence reports are written within five days of reception.

The impact of this case load on the number of trained staff on the ground was set out clearly in a December 2008 Ministry of Justice survey of direct contact. It found that 24 per cent of the available time is spent on direct contact with offenders, described as either face to face or by telephone; 41 per cent is spent in computer activity such as writing reports and letters or completing returns to the offender assessment system; and 35 per cent is spent on non-computer activities, such as drafting correspondence, writing reports, attending meetings, administration and travel. I ask the House to note the figure of only 24 per cent of time being spent in direct contact, including by telephone. It is the guts of the situation to which I am drawing attention. There can be no more damning indictment of the Government's failure to provide probation with the vital resources of people and time. It explains why probation officers say that some have case loads in excess of 100, which means that they can spend no more than 15 to 30 minutes with medium-risk offenders, often having no time for others. The report concludes:

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“NOMS needs to decide whether the reported amount of direct contact time with offenders is sufficient to meet its main objectives of reducing re-offending and protecting the public”.

It says that, “repeatedly the main issue regarding bureaucracy and red tape refers to ... the amount of time spent in non-direct contact”.

The review of policing report made similar observations about the use of police time; my noble friend Lord Dear will speak about police involvement with probation.

A Lilliputian touch is added to all this by what are called probation quarterly ratings, published by NOMS and rushed to ministerial desks. The most recent, covering the second quarter of 2009-10, declares that, of the 42 probation areas, the performance of 18 is exceptional, 22 are good and only two require development due to a drop in performance. The ratings result from a data-driven, integrated probation performance assessment of 40 indicators. I have to admit that I am left speechless by the thought of Ministers basking in the delusion that all is wonderfully well thanks to a computer-based assessment of a number of largely irrelevant indicators produced by the vastly expensive bureaucracy that is NOMS, publicly criticised for its incompetence over its failed computer system, C-NOMIS, while on the ground impoverished probation service staff are unable to offer medium-risk offenders more than 15 minutes of contact a week.

How has all this come about? The Government are fond of telling us how much worse things were in 1997. I do not deny, nor does the probation service, that all was not well with the way in which the service functioned at that time, but all the bureaucracy and red tape that I have described has been imposed on probation since 1997. No one has suffered more from micromanagement than probation, illustrated by the fact that there is now an external, an internal and a NOMS auditor permanently present in each area probation chief officer's office, on top of all the other time-consuming obligatory reports and returns, audit and inspections.

Prison staff do not understand the minutiae of probation work, nor can they be expected to do so, any more than soldiers can be expected to be sailors. The two services are different but complementary within the criminal justice system. Therefore, to exclude the voice of probation from the formulation and direction of probation policy and to put it in the hands of people who know only about prisons is seriously unwise.

What can be done? I know that we are in the run-up to an election and that this is not the best time to make proposals, but in the hope that the next Government, from whatever party, will realise the danger and do something about it, I shall make the following suggestions for action. First, repeat Jack Straw's statement of 16 May 2000, substituting the word “restored” for “new”. Secondly, restore an independent National Probation Service by immediately appointing a director-general, with membership of all relevant policy committees, responsible and accountable for the performance of the service. Thirdly, recast NOMS not as a service but as the acronym of the national offender management system within the criminal justice system. Fourthly, ensure that probation really is accountable to local communities, again as stated by Jack Straw, linking regional management to local rather than central control by rationalising probation performance criteria within local area agreements and crime reduction partnerships. All-important local confidence in community-

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based alternatives to custody is best gained by local rather than national action, because outcomes are locally visible. Fifthly, announce that, in principle, and as a basis for resource planning, probation officers and probation service officers are to spend a minimum of 50 per cent of their time in face-to-face contact with offenders. Sixthly, decentralise administration and rein back micromanagement, examine and cut out all superfluous branches in NOMS and rationalise and reduce audit reports and returns.

I have not had time to explore many other factors affecting the situation, such as the commissioning of probation services. Again and again, I come back to PANT. I am sure that, if the incoming Government act decisively, many of the current problems facing probation can be swept away. In doing so, I hope above all, on behalf of the public whom it is their duty to protect, that they will never forget that, not least, all the marvellous people who work in the probation service are not things. I beg to move.

Baroness Farrington of Ribbleton: I remind noble Lords that there is a speaking time limit.

Lord Judd: My Lords, it is good to follow the noble Lord, Lord Ramsbotham, and to thank him most warmly for having secured this debate, having introduced it so powerfully and for all his relentless commitment on these issues.

There is a disturbing paradox in penal policy. In all the mainstream political parties, we know very well that rehabilitation is the priority which should be at the centre of everything. It makes humanitarian sense, in enabling people to become what they are capable of being as self-respecting, positive citizens, contributing to the well-being of society. It makes absolute economic sense because without it, the cost of reoffending, both to the community and to the penal system itself, is very high. Yet we prevaricate. We run scared of sensationalist tabloid journalism which plays on ill-informed public opinion and fear to sell newspapers. It is high time that we all, on all sides of politics, went onto the attack and left people in no doubt that it is the short-sighted elements in the media which help to generate crime and that, while, of course, punishment is necessary to underpin the principle of what is not acceptable, punishment without a deep commitment to rehabilitation is irresponsible nonsense.

Probation is very much part of this challenge. I have always respected the probation service as a vocation of dedicated professionals who enable offenders spared custody to sort out their lives and make a success of them. It has been under considerable pressure to demonstrate its macho and quasi-custodial role of late. Again, of course, supervision of the offender is part of the task, but by far the biggest part is helping people to become good citizens. Another reality is that a high proportion of those in prison or on probation have mental health problems. Many will certainly be the products of extremely disturbed family and other experiences.

If we were to start with a clean sheet of paper to devise a fit-for-purpose penal system, it is impossible to believe that it would be remotely like what we have. There would be all sorts of specialists working in a variety of purpose-designed centres to deal with what is needed, instead of piling people into prison or onto probation, irrespective of whether this will really help or make things worse. I very much doubt whether such a fit-for-purpose system would

cost as much as the frequently counterproductive system we have today.

One day, sooner rather than later, I hope we will have the courage and the resolve to set about providing what is really required. That is not to say that a great deal of good, effective, imaginative work is not done within the penal system, but not infrequently, this is in spite of the overall, prevailing arrangements, rather than because of them. We need far more educational resources, more creative arts, including literature, painting, theatre, music and opera, more mental health resources and more opportunities for meaningful work. We need more counselling and far more resources to help with the resettlement of offenders coming out of prison and with their successful re-entry into the community.

I do some work with the School of Applied Social Sciences at De Montfort University. This school works closely with the probation service and the police. It is clear to all of us that there is ample, strong evidence to demonstrate that social exclusion leads to offending and yet more offending. Prison too often represents and aggravates such social exclusion. Does my noble friend agree that probation at its best stands for and is about promoting social inclusion? Prison removes people from their communities and can slow the process of changing for the better. Does my noble friend agree that it can too easily offer only temporary containment and postponement of crime, rather than prevention? To us, it is clear that probation should be about motivating people to avoid offending, enabling them to develop the skills to achieve this and supporting them in finding the opportunities to have a worthwhile, fulfilling life. Treating people fairly and well brings out the best in them and provides positive modelling for future behaviour.

All of this underlines why probation has to be such a highly skilled profession. It is not just technical skills that are required, but the insight, intellectual maturity and understanding to help people face up to their unacceptable behaviour and to help them become self-motivated to change. A great deal of what is sometimes called emotional literacy is essential if those serving in probation are to build bridges and relationships with some of the most damaged people in our society, not least high-risk and potentially dangerous sex offenders who, all too often, have themselves been victims of abuse and violence. Can my noble friend specifically assure the House that the Government recognise this and are determined to ensure the best possible education and training for probation workers? It would be good to have similar assurances from the Front Bench opposite. I am convinced that it is the quality and depth of their preparation which will produce the best results by probation workers.

The probation service has established a proud tradition of promoting diversity and its values have repeatedly set an example to the wider criminal justice system. The right sort of professional preparation for probation has to provide for building up experience of working with diverse communities and thereby understanding difference. It is that which can, crucially, enable personnel to tackle some of the most pressing and complex social problems underpinning criminal behaviour including, for example, domestic violence and the various forms of hate crime. Our probation service has proved to be one of the most committed, effective and socially valuable of all public services.

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Of course, there is responsible risk-taking involved if imaginative and effective progress with offenders is to be made. Of course, sometimes things will go wrong, even dramatically wrong, but how I wish there were a culture of social responsibility in our society to ensure that, when this happened, when things do go wrong, while of course determined to establish the cause of failure and to learn from it, it is seen as very much the exception and always measured against a background of widespread, too often unsung success. None of us in this House should ever miss an opportunity to ram this home in support of the probation service.

Lord Birt: My Lords, we are indebted to the noble Lord, Lord Ramsbotham, for enabling the House to discuss these important and troubling issues. I declare two interests; I was heavily involved in crime policy when I was the Prime Minister's strategy adviser in the first half of this past decade and I later married the founding director-general of the National Probation Service.

I was present in the Cabinet Room when the Prime Minister first decided to proceed with the proposal for a root-and-branch reform of the offender management system and again, later, when he signed off the detailed and considered plan of implementation of the noble Lord, Lord Carter. The vision that the Prime Minister endorsed was bold. An offender manager corps would focus systematically and continuously on individual offenders, across the whole span of the criminal justice system process—from court, through prison, to supervision within the community. There would be a single focus, and a single locus, of responsibility and accountability. A whole-life plan would be drawn up for every offender, focusing on the reasons for his or her offending behaviour, and with a sharp emphasis on programmes that would reduce reoffending, and thus, vitally, reduce the number of victims of crime. The offender manager would be the budget holder, purchasing programmes and services, including prison services, at arms-length from providers in the public, private and voluntary sectors. In effect, the probation tradition would be elevated and empowered. That was the very heart of the intention underlying the reform.

Ten years on, that vision has largely evaporated. We have ended up, as the noble Lord, Lord Ramsbotham, suggested, with a service, not a system; with integration, not separation; with division of responsibility, not focus; and with direct funding, not purchaser-provider relationships. I have never experienced a better example of the law of unintended consequences.

How did this happen? Ministers came and went. Some took too little interest in the nuts and bolts of organisational and system reform. Those who did would not stay long enough to get a grip. Thus, political oversight slipped away. Nor did the senior Civil Service step up to the plate. They too failed to drive the agreed implementation plan and timetable. Thus, the sectional interests involved pretty much had the field to themselves. They had their own agenda and little if any appetite for reform. So progress unsurprisingly in the early years was snail-like. When change came, in incremental steps, the architecture was redrawn and the original design was effectively cast aside.

In the process, there have been some gains: an improved focus on risk assessment and developing appropriate programmes; more co-operation across services; and better sharing of information about offenders across the system as a whole. I should also emphasise, as others have already done and will continue to do, that many fine people of great integrity

remain in the system, doing their best-not least those who have the unenviable task of managing our prisons in often adverse circumstances, when demand for places outstrips supply.

But let us be clear; overall we have been denied the powerful gains that really radical reform would have brought us. The greatest tragedy has been the emasculation of the probation profession and ethos-the precise reverse of the original intention. At the very least, within the present system-I echo what the noble Lord, Lord Ramsbotham, said-however unsatisfactory that system may be, a head of profession is now surely needed. Just as there is a Chief Medical Officer, a Chief Nursing Officer and a Chief Scientist, perhaps we need a professional head of probation, responsible for policy and standards, and as the flame carrier of more than 100 years of experience of tackling offender behaviour.

However, the greater hope is that the new decade will bring a fresh look at the whole criminal justice system and a greater willingness to institute the fundamental reform still needed right across the system if we are substantially to reduce the high levels of crime that we experience in the UK.

The Lord Bishop of Southwark: My Lords, I add my congratulations to the noble Lord, Lord Ramsbotham, on giving this House the opportunity to debate this important subject.

I am particularly interested in the debate because it was in south London, in what is now the Diocese of Southwark, that the radical decision was taken in 1876 to employ a group of police court missionaries. They acted as advocates in the courts, pleading the case of the friendless and the hopeless, and it was partly as a result of their ministry that the first probation Act saw the light of day in 1905. The 17 serving missionaries then became the first probation officers. We have a stake in all of this.

Probation officers get little thanks. They stand every day between the rock and the hard place-the rock of public indifference to the penal system and the hard place of those who see the probation officers, community service and the rest as soft namby-pambies, hoodwinked by the criminals who should be given no help or quarter. The position of these Benches is that more detailed research is needed to judge better the worth of probation and that this should be evidence-led, rather than media-led.

The truth is that there is a lack of clarity in society at large about the nature of probation. Is it intended to be punitive or restorative? Are offenders meant to benefit from it, or to suffer as a result of it? It would be helpful if the Minister would clarify whether, in the Government's view, punishment takes priority in the probation process over the prevention of reoffending.

The role of community in delivering the aims of probation is complex. Apart from anything else, the word "community" can mean almost anything one chooses it to mean. It is not that offenders commit crimes just because they come from dysfunctional communities-although they often do. Poor backgrounds and lack of support do not by themselves cause crime.

It is more that without shared social structures within which people learn sympathy for one another and gain an understanding that actions have consequences, there are fewer disincentives to crime. Without community structures, which provide a framework of shared

responsibility, crime too often pays. In a society of strangers, there are few consequences for the individual who transgresses the social norms. In a society where everyone is constantly exhorted to be a winner, rather than a loser, there are numerous incentives to get one over on one's fellow citizens, whether in terms of wealth, status or crime.

In some parts of the country, the received wisdom is that community and all that goes with it has almost totally broken down. From the point of view of the Church, that is overpessimistic. In even the hardest pressed parishes of the inner cities or forgotten deep rural Britain, the bonds of community are still present and often centred on the churches, mosques and other religious groupings. But they are often immensely fragile. Many forces are at work which undermine common bonds and preach a gospel of individual choice and autonomy which neglects the important truth that human beings are both autonomous and dependent creatures. The philosopher, Alasdair MacIntyre, describes humans as "dependent rational animals". For him, dependency on others and on social networks is a far deeper truth than the autonomy of the individual.

If we have no ultimate responsibility except to ourselves, the whole principle on which probation is based is undermined. We must seek out the places where shared responsibility for one another is still to be found, and nurture them, or there will be no communities left within which offenders can be civilised. The message from many of our hard-pressed communities is that time is running out for this. That is why we in the churches in London are collaborating with the development of new community chaplains based in our major prisons, whose work is to help bridge the gap between what goes on in prison and individual people or congregations in the community who are prepared to help befriend ex-prisoners. But volunteers in the community, while adding value to the work of professional probation officers, cannot be a substitute for their face-to-face encounters with offenders.

The objective of probation is to prevent reoffending. This takes lots of contact time and it is worth investing properly in it. We seem willing to invest millions in prisons but we treat the probation service as a Cinderella service. If we believe that even the offender has a future, and if we believe that our society is to have a future, we might run the calculation of cost and benefit a little differently. It was good to hear from the noble Lord, Lord Birt, the rationale for the new offender management system. However, as he indicated, however fine the vision might have been, the reality is very different and it is not working. I trust that, at the very least, this debate will clarify the options available to the Government and help them to think again.

Lord Rix: My Lords, first, I express my appreciation for the many years of dedication and hard work my noble friend Lord Ramsbotham has shown in the pursuit of reforming our criminal justice system and reducing levels of reoffending. His work is an endeavour to ensure that the actions of the prison and probation services to turn rehabilitation into a reality are recognised and, I hope, improved.

My personal experience of the probation service is, I am glad to say, non-existent, but I have had two brief visits to Her Majesty's Prisons. The first was in 1952 when I took "Reluctant Heroes" from the Whitehall Theatre to Wormwood Scrubs one Sunday evening and played to a packed house of convicted rogues and vagabonds, all of them hooting with laughter at

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the antics of three Army recruits and a bullying sergeant major. Seven years later, Wandsworth prison was the background for the filming of "Nothing Barred". I was a plumber helping the prison choir-all actors, of course-to escape down the sewers supposedly attached to the chapel. It was a particularly malodorous experience.

However, I must return to the more fragrant atmosphere of your Lordships' House and, as president of Mencap, report on the issue of learning disability in the prison and probation services. Mencap was a partner of the Prison Reform Trust in the No One Knows initiative-the advisory group chaired by the noble Baroness, Lady Quin. This was a three-year UK-wide programme which aimed to effect change by exploring and publicising the experiences of people with a learning disability or learning difficulty who came into contact with the criminal justice system.

As a result of this programme, in 2008 the Prison Reform Trust produced a comprehensive report, Prisoners' Voices, which made a number of recommendations to Government about the steps which must be taken to improve the ways in which people with learning disabilities and difficulties interact with the criminal justice system. It revealed some truly shocking statistics and showed that around one-third of all prisoners have a learning disability or difficulty which interferes with their ability to cope. However, in the absence of any routine or systematic screening, no one knows for certain who these people are, and subsequently the support they need is not readily available.

There are, however, four pilot programmes currently running at four prisons across the country-Durham, Birmingham, Wormwood Scrubs and Brinsford young offender institution. These programmes introduce a screening process to help identify people with learning disabilities on their entry into prison, with some very positive early results. No doubt the National Offender Management Service will assess their success and how best they can be rolled out across the prison and probation services in England and Wales.

There are a number of reasons why such a screening process is so important but I will mention just three. First, screening underlines the need to consider the appropriate diversion away from the criminal justice system. Secondly, it underlines the need for appropriate support during police interviews and in court; otherwise the suspect or defendant will be unable to participate effectively, which, in turn, may compromise his or her right to a fair trial. Thirdly, it underlines the need for appropriate adjustments in, for example, offending behaviour and rehabilitation programmes; otherwise

the individual will be less likely to lead a useful and productive life on their release from prison or during their time under the authority of the probation service.

As my noble friend Lord Ramsbotham made clear, in 2004 the Government brought the prison and the probation services together as the National Offender Management Service in an attempt to create some much needed joined-up thinking. More recently, the Government attempted to devolve power in the service away from London out into 10 regional offices across England and Wales. While I recognise that greater powers in the regions could bring new opportunities to think creatively and do things differently, I am concerned that such a state of affairs may lead to the needs of people with learning disabilities being undermined

even further at a time of growing budget constraints and additional pressures on the probation service.

It is now nine months since the publication of the review by the noble Lord, Lord Bradley, of people with mental health problems or learning disabilities. I welcome the cross-government action plan which was launched in November following consultation on this report, but we need to ensure that, despite the pressures on public expenditure, we continue to make rapid progress in this field, thus making a substantial difference to many thousands of people's lives and benefiting society as a whole.

The final point I wish to make goes to the root of the problem with the prison, probation and police services. Quite simply, it is the lack of learning disability awareness training. As matters stand, the training that is available for prison staff takes place in just one single day. For staff in the probation service, it is even less. We hoped the 1984 PACE Act would make the bobby on the beat more aware of his or her obligations when arresting a person with a learning disability, but I have my doubts.

That, of course, is where this sad story begins. It is extraordinary. Despite all the recent and current disability legislation, the majority of professionals, in whatever capacity, seem to be totally unaware how to approach a person with a learning disability. Thus, they echo the Venerable Bede and admit:

"Of what follows or what went before, we are utterly ignorant".

I referred earlier to "Reluctant Heroes" and Wormwood Scrubs. The first laugh in that Army farce came when the curtain went up on Act 1, showing a Laing hut with smoking stove and three beds under three lockers. On one locker a recent occupant had chalked:

"Abandon hope all ye who enter here".

Unhappily for those unfortunate people with a learning disability encountering our criminal justice system, that despairing quotation, written in the 13th century, applies to this very day.

Baroness Howe of Idlicote: My Lords, I add my thanks to my noble friend Lord Ramsbotham for this opportunity to discuss a vital service that I worked with and respected highly during the 20 years that I chaired an inner-London juvenile court and also when I served on the Parole Board. My noble friend and other noble Lords have indeed painted a worrying picture, one that I am sure that the Minister will take very seriously indeed. I will speak more specifically on training within the probation service.

It is more than six years since the noble Lord, Lord Carter of Coles, laid out his plan for NOMS, and I and many others raised doubts over how feasible such a scheme was at that time. In the years since, my doubts have turned to alarm at the breakdown of the once effective and valuable probation service. Training has by no means been isolated from the wider disintegration of the service; as we all know, it has repeatedly been revamped over the past 20 years and another new system is to be introduced this spring. The general trend of these changes has been a move from a high-quality degree system to cheaper, on-the-job training in a much more complicated structure.

Most worrying is the seeming belief of the Government that the crucial role of probation officer can be done by less skilled people, when in fact they need excellent interpersonal and communicative skills to direct offenders to a more positive future. The sheer quantity of change is a matter of concern in itself. Equally worrying, the new system of training will apparently entail all learning being done remotely via computers. I will also highlight a number of other concerns about this crucial aspect of the service.

First, since 2002, the number of probation service officers—those who are less qualified and should, in theory, deal only with offenders who are considered to pose less risk—has risen by around 70 per cent. By contrast, the number of fully trained probation officers is falling. This adds up to less experienced, less senior and less well trained probation staff on the front line. There is now a small concentration of that skill and experience in those dealing with offenders deemed most dangerous, while the rest, who represent 80 per cent of offenders, are left with less well-trained staff.

These problems were highlighted by the Sonnex case. Daniel Sonnex was placed as a tier 3—that is, medium-risk—offender, despite the fact that he had in the past attacked a pregnant woman and her partner in order to extort money. Daniel Sonnex's probation officer had a caseload of 127 and only nine months' experience, while, 10 years ago, such a probation officer would have had a caseload of 30 to 35.

Such allocations are symptomatic of my second concern, about a system with too many overarching rules that lacks an intimate knowledge of each individual offender. Indeed, as pointed out by my noble friend Lord Ramsbotham, reports say that offenders may see probation officers for as little as 15 to 30 minutes a week. This is hardly surprising given the rise in the probation caseload from 197,000 five years ago to the current all-time high of 245,000 today. In Lewisham, the borough of Daniel Sonnex, only one of the 22 case workers had more than two years' experience.

The Ministry of Justice is now insisting that up to 70 per cent of all court reports are produced on the day. This and the lack of experienced probation officers means that the quality of many reports will be reduced and the information available to courts will not be as detailed. Ironically, this is likely to lead to a greater use of custodial sentencing.

Another related concern is the rise in the use of indeterminate sentencing. It is widely agreed that those with indeterminate sentences should have a permanent and experienced probation officer. Yet, given their shortage, delays in assessments for the Parole Board will be inevitable, leading to yet further strain on the prison system. The Government will of course point to the 70 per cent rise in funding for the probation service. But, as we know, the money has unfortunately been spent on a vast, failed IT system, consultants and huge increases in premises and bureaucracy instead of training.

My third concern is for the job situation of current trainees. There were going to be 625 additional trained probation officer jobs this year, but this does not seem to be happening. The number of TPOs who will not find work once they have completed their course is still unknown, but what we do know is that 50 have already left the service, having been warned of unemployment if they remain. It is also surely intolerable that probation service officers who have taken up the challenge to become full probation officers and then cannot

find jobs at this level either have to continue as probation service officers and lose around £6,000 a year or leave the service. Each trained person costs £95,000 and if they cannot find work and so leave, millions of pounds will have been wasted. I hope that the Minister will be able to update us on what the real situation is. Unsurprisingly, both trainees and NAPO have complained about the lack of support that these trainees receive. Specific trainees are beginning to talk about how low morale is on the ground. All of this adds to a baffling and scandalous waste of resources.

All of the recent history reconfirms my belief that training should return to a much deeper, more academic system that includes placements and produces probation officers who can utilise a host of skills in building strong relationships with offenders. If we are serious about cutting crime and improving the lives both of victims and offenders, we need a well-trained, well-resourced, localised probation service that is known in the community. It is just that which we have not got. It should be obvious that training will always be at the root of either the success or failure of the service.

Lord Mayhew of Twysden: My Lords, once again, the noble Lord, Lord Ramsbotham, by securing this debate, has enabled us to examine a pillar of our criminal justice system. I, too, am enormously grateful to him for that. The probation service is a load-bearing pillar of our system, and in recent years its load has been massively increased by successive restructuring, reorganising and reordering measures, to say nothing of an excessive flow of criminal justice legislation. That process has been devastatingly referred to already by the noble Lord, Lord Ramsbotham. The important point to note is that these burdens have emanated not at the behest of local authorities, or of the lay magistracy, with which the old probation committees were so valuably associated, but from central government.

In the few minutes available, I will focus on only one aspect of this process, the de facto exclusion of magistrates from the new probation trusts. These trusts derive from the Offender Management Act 2007 and replace the probation boards which were set up only in 2001. Some are already in place, and all boards must have given way to trusts by September of this year. I will come in a minute or two to describe how this exclusion, which I believe to be very retrograde, has come about, but I want first to register with the Minister who will reply to the question whether it was ever intended. Certainly, there was no hint of it when the noble and learned Baroness, Lady Scotland, spoke at Second Reading. She said:

“It will enable us to commission probation services from a range of providers in the voluntary, charitable, public and private sectors. It will do this by lifting from probation boards the statutory duty for providing probation services. We will create new public sector bodies: probation trusts. Regional offender managers, acting on behalf of the Secretary of State, will commission services”. [Official Report, 17/4/07; col. 123.]

There is no hint there that the contribution of lay magistrates to the work of probation boards might be dispensed with when the new trusts replaced them. How, then, has this happened? The root of the answer lies in Section 5(2) of the 2007 Act, which provides that the purposes of a probation trust must consist of or include the making or performance by the trust of contracts with the Secretary of State for the making of those probation provisions which are his statutory responsibility under the Act. In short, every trust has got to be able to make probation contracts with providers.

It is true that the Act itself does not expressly exclude magistrates from the trusts, but this insistence on making contracts with providers of probation services has, as I understand it, attracted the jurisdiction over magistrates that is conferred upon the senior presiding judge. And my understanding—can the Minister confirm this when replying?—is that the senior presiding judge has recently ruled that it would not be appropriate for a magistrate to be a trust member because of the risk of a conflict of interest in allocating contracts. But are not magistrates every month of the year used to meeting potential conflicts of interest and to conducting themselves appropriately when such a conflict is perceived?

Be that as it may, will this exclusion really matter? Let us look at the aims under Section 2 of the Act, to which the Secretary of State must have regard when he is carrying out his functions. They are the protection of the public, the reduction of reoffending, the proper punishment of offenders, ensuring offenders' awareness of the effects of crime on the victims of crime and the public, and the rehabilitation of offenders. I suggest that in each and every one of these the magistracy may confidently be relied on to make a valuable contribution and they have done for many a long year.

That is not surprising because they handle year on year about 97 per cent of all criminal trials. They are drawn from the local community. They are aware of local circumstances, local pressures and the state of public confidence locally in the administration of criminal justice. They themselves enjoy the confidence of the public they serve and from whom they are drawn: if it were not so they would not have been around for some 700 years. Therefore to the question of whether their exclusion will really matter, the answer has to be yes, it will.

Did Ministers know or foresee that local magistrates were to be excluded and if so were they content? If they were not content, in any event, let us now have a one-clause Bill permitting, if it does not require, magistrates to be members of probation trusts. This gravely undermines a pillar of the criminal justice system.

Lord Dear: My Lords, I would like to join in the universal chorus of thanks to the noble Lord, Lord Ramsbotham, for securing this debate and also for taking us on what must be described as a tour d'horizon of the problem and also the quite awesome firepower in his sustained barrage on the problem—because problem I believe there most certainly is.

Exactly a week ago this evening, I found myself on my feet in an august establishment in Wimpole Street presenting a paper to the Medico-Legal Society. It had asked me as a one-time police officer to take a critical look at policing, and I tried to be suitably critical. In my suggestions for improvement of that service, I found myself saying very forcefully what I believed then, and believe today: that one of the best things you can do to improve policing is to improve the quality of the probation service. I said that because the police service has, with everyone else in that field, been hampered for years by the revolving-door syndrome. I will not go into the detail of that—we all understand the problem of constant reoffending, often referred to as the revolving door.

After the presentation of the paper, I found myself in the reception, with a glass in my hand, talking to a small group that comprised a district judge and a couple of magistrates. The district judge did not agree. He said the service he got from the probation service was first

class. The two magistrates could not wait to jump down his throat and tell him just how bad the service was from their standpoint in two totally different court areas. What one saw there in microcosm was that the probation service is still, despite all its problems, giving a good service most of the time at the top of the system, at the more serious end of the system, but it is failing dramatically towards the bottom. I will come back to that if I may.

I mentioned the criminal justice system. Most of us who play on that playing field know that there is no system there in reality, but the component parts have to rely on one another willy-nilly to get on. The police have always relied very much on the probation service to help them. As has already been alluded to, to some extent, by other noble Lords, in the 1950s and 1960s, for sure, probation officers were mature, worldly wise, and, significantly, officers of the court. They were involved in the system, they were trusted, they were respected and they were successful. That changed to some extent in the 1970s when probation and social work training became coterminous and it seemed to some of us that probably probation officers were moving too far towards the work of social workers. Following the Coleman review in 1989 things began to move back-the pendulum seemingly began to swing back towards the median and acceptable point. Perhaps it swung too far. In 1995, the Home Secretary said that social work was not an appropriate qualification for probation officers. I will not comment on that, but the balance point was being reached until we had the creation of NOMS in 2004. We have heard a lot about NOMS and I will not repeat it, save to say that the 2004 point signalled a rapid downward spiral and a disintegration of morale in the probation service.

One may look at the horror stories-it is a bit unfair, but they encapsulate much of what we are looking at-such as the case of Dano Sonnex, who was convicted of a particularly unpleasant murder in June last year. He was being supervised by a probation officer in Lewisham who had only qualified nine months previously, yet who was carrying a case load of 127 cases. Ten years previously, a similar probation officer would have carried 30 or 35. In that office of 22 probation officers, only one had more than two years' experience, the IT system did not work and there was a high sickness rate. We were told that this was an unusual set of circumstances. I do not believe that. I think that one could find other cases, if one lifted lids up and down the country, that would approach that sort of thing-a tick-box, process-driven culture, preoccupied with bureaucracy.

This situation has arisen despite increasingly frequent signals in research by people such as Ansbro in 2006, Craissati and Sindall in 2009, Robinson and Burnett, who reported that skilled staff felt marginalised, right through to the report from HM Inspector of Probation in November last year. He found that in London, very few front-line staff have more than three years' experience, and that 15 minutes a week with an offender is not good enough.

Looking at success rates, it is clear that probation can work. Prisoners coming out of prison have a 60 per cent chance of reoffending. Coming out of standard supervision programmes, they have a 50 per cent chance of reoffending. Properly run probation programmes reduce the reoffending rate to around one-third-34 per cent. We must push hard for that as our goal.

Faced with the present situation, the police, and the public that they serve, are disenchanted, dismayed and disbelieving. We are told that crime is reducing, and it is. There was an announcement today that crime had yet again dropped. Nevertheless, there is a fear of crime. It is connected to the category of anti-social behaviour that includes binge drinking, yobbery and minor crime. Most offenders, unless they are properly handled, will go on to reoffend at a higher level. The police are not coping with that set of problems. They cannot do so without reducing the pressure on the streets. To do that, one must focus on the probation service, which is failing to deal with what I call the "crime incubator". Those who come through that go on to reoffend.

The value of the police and probation services working together is best seen in local criminal justice boards, where local partners come together and get a locally constructed programme that works on the ground, as seen by those involved at the time. That has a key role in the whole of the restorative justice programme.

In conclusion, I will say that the various components that form a community order are better managed in an integrated framework. Within that framework, the probation service is essential, and joint working with the police is desirable. Only if we get those two things in place will we see a better quality of life on the streets for us all.

3.29 pm

Baroness Gibson of Market Rasen: My Lords, I, too, will begin by thanking the noble Lord, Lord Ramsbotham, for instigating the debate. I can think of no one better to do so.

In all the debates over recent years about the criminal justice system, costings and effectiveness have been vital factors. I will concentrate on them today. Greater efficiency and cost benefits have been key components of proposals for changing services, including the probation service. Have the changes worked? Let us examine the current position on costs.

The latest figures show that it now costs at least £40,000 per year to keep a prisoner in prison. That compares with about £4,000 per year for a supervision order. If a person is placed on probation with a condition attached-say, attending a drug rehabilitation course, or anger management, or for domestic abuse-the cost will rise by another £2,000 to £3,000. It costs around £15,000 to £20,000 per year to keep someone in a probation hostel. Therefore, the real cost of incarceration for a year could exceed £40,000. The figures for adult prisoners are based on devolved budgets for each institution; therefore the costings do not include the NOMS headquarters or the regional structures that support it. Other expenditure, such as on audits, and other relevant Ministry of Justice funds are also held centrally and therefore not taken into account when working out the cost of each prison place. There are real and legitimate concerns about how the costings are worked out, and there needs to be an independent review of the real cost of prisons and probation.

The prison population continues to rise. It reached a peak of 85,700 last year; as usual, the figure has fallen slightly over the Christmas period. Since the introduction of the indeterminate public protection sentence, five years ago, the number of prisoners on IPP has grown; it now stands at 5,800. That figure is increasing by 140 per month, yet since that sentence's introduction fewer than 100 prisoners have been released and one-third of

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prisoners have already passed their earliest release date. That is having a disproportionate effect on those with mental health issues, learning difficulties or drugs problems. The prison population is likely to grow by 1,500 each year through IPP alone, unless measures are taken to reduce it elsewhere.

The probation service could act as a safety valve, but it is facing a 4 per cent cut during 2010-11 and further cuts in subsequent years. The service is already struggling to fulfil its statutory duties and the courts, especially the magistrates' courts, are bound to take heed of that. The loss of confidence in the ability of the service to supervise offenders is bound to lead to a rise in the short-term prison population. Last year, more than 75,000 people were sentenced to 12 months

or less; at least two-thirds of those had severe problems with drugs, alcohol or both. Given that a community penalty with a drug requirement costs £7,000 or £8,000-compared to at least £40,000 for someone in prison-a switch of resources would seem wise, especially during a recession.

The Government's own offender management strategy evidence shows that drug programmes delivered in the community have a significant positive effect on reoffending rates, as do offender behaviour programmes. The latest statistics show that 50 per cent of people completing a probation order are reconvicted within two years, compared to 66 per cent of those who are imprisoned. However, the figure falls by a further 13 per cent for drug programmes and by 16 per cent for offender behaviour programmes in the community. Surely, it would therefore make sound economic sense to invest in probation rather than decreasing its budget. In the medium to long term, the taxpayer would be saving money. I would be pleased to hear my noble friend's view on that.

Here, I place on record my thanks to the National Association of Probation Officers for its comprehensive briefing. A survey conducted by NAPO last year found that 80 per cent of the 42 probation areas were reporting problems with providing the supervisory service that the courts require because of budgetary constraints. Delays in starting programmes were particularly worrying for domestic violence, alcohol, unpaid work and even community sex offender programmes. The maximum wait for a start on a domestic violence programme varied from 13 to 42 weeks, and 17 areas reported that programmes relating to unpaid work were not available instantly because of severe waiting lists. Five areas reported that it was taking months to get individuals on drink impaired driving programmes. In some cases the order finished before the programme started, which meant those offenders were never treated. As the former president of the Royal Society for the Prevention of Accidents, I am particularly worried about this finding.

NAPO believes that the situation is getting incrementally worse the more the cuts bite. This is bound to have a negative effect on reoffending rates. NAPO also believes that the probation service has no real voice in the NOMS structure and its influence has been waning since the merger of the prisons and probation services in April 2008. This raises an obvious question. Will the Minister say how many probation staff are working in NOMS headquarters and will he compare that number with the number of those with a Prison Service or Civil Service background?

There was always a fear among probation service personnel that they would be in the minority under the new NOMS structure and it appears that they are. Under these circumstances, I believe, as does NAPO, that there is an urgent need for the probation service to have its own operational arm with its own director, its own directorate and its own head of department. There could be shared services, of course, for such things as finance, HR and even the maintenance of buildings, but the time for a rethink on NOMS is needed most urgently.

Baroness Stern: My Lords, I, too, thank the noble Lord, Lord Ramsbotham, for ensuring that this important matter is debated. I very much agree with him that the changes made to the probation service in the past 10 years have been ill thought-through. They are not based on evidence or experience and in the current climate they will be unsustainable, as the recent excellent report from the Justice Select Committee on justice reinvestment makes clear.

Many changes for the worse and failed ambitions have been identified by noble Lords. I would like to look at one aspect—that is, the model that currently underpins government policy. This is a very mechanistic model, unrelated to people or places. To make the task controllable and measurable, the Government have defined it as follows: first, allocate your offenders to an officer; then put their details onto a computer programme; then get the computer programme to sort them out into four levels of dangerousness; then, depending on the level, make a decision on whether they are seen by a professionally qualified person or an unqualified person and for how long they are seen—it seems that the choice is between 15 and 30 minutes a week; and then allocate them to an intervention programme.

The success of this activity is measured in several ways. The last annual report for the National Probation Service was for 2007-08. There is no report for 2008-09 because the National Probation Service ceased to exist. It sets out the 15 national performance indicators: seven relate to doing the things described above on time; six relate to ensuring the completion of a number of interventions; one is about staff sickness, which should be reduced; and one is about how many of the offenders get a job and keep it for four weeks. So, one of the 15 is about a real outcome.

The Minister will no doubt say that the probation service work is not shaped by these indicators, and of course much good work goes on around this framework and more likely in spite of it. But that is the Ministry of Justice model that lies behind the management of the probation service and the measuring of its outcomes.

I understand that the Government are now also measuring reconviction rates in each area every three months as a performance measure, presumably as part of the three-monthly reports that the noble Lord, Lord Ramsbotham, described. In that context, I commend to your Lordships a paper by the very respected professor at Leicester University, Carol Hedderman, entitled, *How Not to Assess Probation Performance: Constructing Local Conviction Rates*. It suggests that at least that aspect of measuring performance is not sound at all. Professor Hedderman concludes that the data cannot be used as a measure of anything. The whole process of measuring the performance of criminal justice agencies is complex, and much of the information that we are given is highly questionable. Has thought been given to involving the UK Statistics Authority in assessing the validity of reconviction statistics and their use as a measure of performance?

That mechanistic approach is clearly damaging, and totally remote from the reality in most parts of our society, as the right reverend Prelate said. Many noble Lords have said that we need a substantial rethink and a new understanding of how the non-custodial part of our penal system should operate. We need to rebalance the probation service away from the mechanistic model and towards a model that is responsive to people and places. The former Lord Chief Justice, the noble and learned Lord, Lord Phillips, told the centenary probation conference:

“The job is not primarily about meeting targets, or satisfying business cases, or enforcing community punishments, or breaching those who do not comply with orders, or risk assessments. These all may be part of the job, but if building relationships is not at the heart of the exercise, the exercise will be likely to fail”.

The Minister may say that that is fine, but sounds a bit woolly. I assure him that the idea that what makes people change is usually connected to a relationship of some sort is well supported by a large body of evidence. We need a shift from computer programs to the use of professional judgment. We need another look at the role of professional staff, who are a scarce resource. Does the Minister know of any other probation service where most of the offenders are supervised by unqualified people? We need an end to national management and control. Probation should be a local service, but with a powerful central voice, a media presence and a research and development capacity. We must have an end to targets that are about process and distort the work of everyone in the service.

A most welcome report from the Centre for Social Justice has set out such a model. It calls for probation boards to reopen offices in those deprived areas where most of the people who will be supervised live. From these offices, the service can begin to rebuild its local knowledge of offenders, their families and communities. The probation service must start undertaking home visits again. The service must rethink its role and identity to become, to cite the report, “a benign authority, rather than an offender manager”.

The importance of the probation service in promoting a safer society cannot be overestimated. The work to rebuild it needs to start as soon as possible.

Viscount Tenby: My Lords, it is a pleasure to take part in this debate on the probation service, and I am grateful to my noble friend for providing the opportunity to do so, and for opening it with an incisive analysis of all the problems besetting the service today.

I should start by declaring an interest as a magistrate, now retired. In making this admission, I say straight away that there is nothing more quickly out of date than a retired magistrate, and this is especially true in an era that has seen the introduction of criminal justice Bills on an annual basis.

However, I am sure that some things remain constant. Among these are the high standards of the probation service. In more than 25 years, on what was a large Bench, I could have counted on the fingers of one hand the occasions on which I and my colleagues fundamentally disagreed with probation recommendations. Of course, we may have been lucky with our local service, and our very able and charismatic chief probation officer in quick time became the national chief probation officer, but I am sure that our experience is

by no means exceptional. I am sorry that my noble friend Lord Dear last week came across two current magistrates with a contrary and, I hope, minority view.

That is all the more reason for failing to understand why this part of the criminal justice system has been so shabbily treated over the years—attacked as a matter of course by some tabloids which continue to see the service as an underperforming part of social services which is able at will, and irrespective of other criminal justice agencies, to let loose serious offenders on some whim. Downsized by politicians in Whitehall, increasingly given less influence and representation in the many reconstructions of the criminal justice system in recent years, probation staff may well wonder what they have to do to become appreciated. Nowhere is this clearer than in the Prison Service-dominated membership of NOMS, which has no place in senior management for the probation service.

None of this is new. I remember a plan dreamt up some years ago by another Government to make it unnecessary for future probation recruits to have any qualifications, certainly of degree or diploma standard. The popular press had for some time been banging on that anyone with a modicum of common sense and any experience of being in authority, such as former warrant officers in the services, could do the job as well, if not better. I would not be so ungenerous as to point out that politics is the only career for which qualifications of any sort are unnecessary. Be that as it may, a late, well respected Member of this House, Lord Allen of Abbeydale, and I went to see the then Home Secretary, the right honourable Member for Folkestone and Hythe, to make clear, among other things, what a disastrous effect this step would have on the service's morale. Not only did he receive us with his usual courtesy but, praise be, he agreed with us, for no more was heard of the plan, and it was quietly dropped.

The relationship between the magistracy and the probation service is very special and, given the nature of our criminal justice system, the two services interact daily on a very large scale. It was good to see evidence of that interaction in a recent joint venture—the Local Crime: Community Sentence project—to inform the outside world about the role of magistrates and probation in community sentencing.

Accordingly I am sad that, once trust status has been awarded to probation boards, magistrate participation may end, as the noble and learned Lord, Lord Mayhew of Twysden, said. I understand, but do not necessarily agree with, the problem of members of the judiciary being part of a body engaged in the tendering process—though, like the noble and learned Lord, I think that that point rests on flimsy ground. However, when the Minister answers the noble and learned Lord, will he also answer this? Would not the best of all worlds be achieved by appointing a Bench advisory representative to maintain the vital link? Perhaps the Minister will also comment on whether that is a possibility.

While on this subject, I understand that six applications for trust status have been granted so far with the remainder due for assessment this year. NOMS says

that it has contingency plans for those who fail. Can the Ministry give an indication of what those plans are; or is this one of those occasions so beloved in modern, safe society when everyone gets prizes?

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I understand my noble friend's concern about the Government's intention to alter the ratio between fast-track pre-sentence reports and standard ones. So long as the requirements of justice are met, there is nothing intrinsically wrong with fast-track PSRs, or stand-down PSRs, as they used to be known in my day. Indeed, Benches are as irritated by unnecessary delays in court as anyone else and probably more so; but fast-track PSRs should not be used as a cost-cutting exercise, or for any purpose other than a legal one. That is an important point.

We hear from various sources about the many understandable anxieties among those who work in the probation service as regards inadequate funding despite government assurances to the contrary; increased case work due to reorganisation within the system; and apprehension that the new centralising structure represented by regional DOMs will threaten initiative and independence. The magistracy is committed, as a matter of the greatest priority, to the delivery of local justice, and I believe that the probation service shares this worthy aim. Benches know the areas they serve, their strengths, their weaknesses and, above all, their sensitivities. After reducing probation areas from 42 to 10, can the same now be said of the probation service?

I share the widely held dismay at the phasing-out of the National Probation Directorate some years ago and, even more so, at the removal of the post of director of probation last March. If I had a wish list, it would be for a period of calm and certainty in organisation, a period of assured and adequate resources for the service and, by no means least, a period in which there is national acknowledgement of the important, vital role that the probation service plays as one of the four pillars of the criminal justice system in this country.

Lord Rosser: My Lords, I too welcome this debate. I had an involvement with the National Offender Management Service board and the Probation Trust Programme which ended late last year.

The probation service has seen a number of changes over the past few years, with the creation of the National Probation Service, the introduction of the National Offender Management Service and now the move to trust status. It also finds itself in a potentially more competitive environment where questions are being asked about whether more services could be provided more effectively by the voluntary or third sectors in particular, and where directors of offender management are contracting with probation areas and trusts for the provision of probation services under service-level agreements. Good performance is related to delivery to the service-level agreements. The performance measures are split into four areas: public protection, offender management, interventions and operational capability resource use and strategy. I do not share the view that these are inappropriate or meaningless measures of performance, and I applaud the work and efforts of probation staff in raising performance levels in many areas.

The probation service has to compete for resources in just the same way as other agencies in the criminal justice system and the health and education services. It needs to show that it is able to give a valuable and worthwhile return in terms of outcomes achieved through the use of the resources it has. My view is that the probation service is more than capable of meeting the challenges it is already facing and will continue to face.

I have positive thoughts about the National Offender Management Service and about the move to probation trusts. For too long we allowed the often wide variations in performance between probation areas to continue, without probing sufficiently deeply into the reasons for such variations and whether they were justified. Indeed, I am not sure that the information was always there in sufficient detail for proper assessments of such a nature to be made. Under the National Probation Service, greater emphasis started to be placed on assessing and comparing the performance and practices of the large number of different probation areas, as well as looking at the position of the probation service nationally. Reoffending rates do vary between probation areas, and it has been legitimate and valid to ask why, while acknowledging that it is not only the probation service that can impact on reoffending rates.

Probation has usually been regarded as a service with its roots very much in the localities each probation area serves, and that continues. I certainly do not disagree with that approach, unless it means fragmentation with no central direction, strategy or accountability for what is also a national service, and one which operates very much in a goldfish bowl.

The moves to trust status for probation areas and the need to achieve a required level of performance to gain trust status have led many probation areas to take a long hard look at how they operate, function and deploy their staff. In addition, they are looking at how they work with other organisations and bodies-such as the Prison Service, courts, police, voluntary and third sectors, local authorities and the community as a whole-which are either a part of the criminal justice system, or which also have a key role to play in the rehabilitation of offenders, reducing reoffending and protecting the public.

The outcome of such exercises has varied from one area to another, but common themes have been a reduction in layers of management, action to raise the performance of all areas to those of the best performing, more effective deployment of staff and ensuring that required resources are directed at the management of high-risk offenders. Contacts with other bodies and organisations involved with offenders and their rehabilitation have also been developed and strengthened, since it is not only probation officers who play a role in programmes for offenders and spend time with them. In a small number of cases, these exercises have led to amalgamations of probation areas.

Far from being concerned at the changes that have taken place, I believe that the creation of the National Offender Management Service has been a step forward, and that there is clear evidence of the progress being made. Excluding the shared services or activities being provided for prisons or probation as a whole, the cost of the management and administration role of the National Offender Management Service headquarters and regional offices comes to just under £125 million out of a total NOMS budget of, I believe, some £5 billion. That figure of £125 million is to be reduced to some £100 million by the end of the next financial year. There is a director of offender management in each of the 10 regions to which budgets have been devolved from NOMS headquarters. The director is responsible and accountable for the work of NOMS in that region-this means the work of the probation service, the Prison Service and the contracts that NOMS has. This devolving of power provides for more flexibility, more local initiatives and more competition, bearing in mind that for a number of activities the probation service in the area concerned is not the

only provider available. Directors of offender management and NOMS headquarters are applying a more robust approach to costings and laying down minimum standards and specifications that need to be met so that there can be the effective benchmarking of costs in the probation service and in prisons.

The overall reoffending rates are also moving in the right direction, with reductions in some categories, significant reductions in the adult reoffending rate within one year of completing custodial sentences and court orders. There was a reduction in the frequency of adult reoffending of some 20 per cent between 2000 and 2007, and reoffending rates for juveniles are also significantly down over the same period.

The 2010-11 probation budget of £870 million, which was announced at the end of October last year and is just over £25 million above what was originally projected, is a reduction of just over 2.5 per cent year on year, but it is at the lower end of the savings that are being sought in the public sector and is a reflection of the importance of the probation service, on which spending increased in real terms by nearly 70 per cent between 1996-97 and 2007-08-I make no apology for saying that with case loads increasing by just over 50 per cent over the same period.

The probation service is moving forward. It is very committed and has very able and capable people at all levels, who through their dedication have achieved a great deal. The changes that have been made over the past few years and that continue to be made have also contributed to giving us a probation service that regularly achieves virtually all the targets that it has been set, although not surprisingly in the current circumstances there are difficulties in achieving targets on securing employment for offenders, and it delivers a service that has resulted in a reduction in the frequency of reoffending. We should be prepared to recognise just what has been achieved by all those involved with and in the probation service.

Lord Woolf: My Lords, first, I will disclose my interests. I have the privilege of being chairman, president and patron of various organisations that work in the criminal justice field. I am the lifetime president of the Butler Trust, which for many years has identified and given awards for exceptional work in prisons and now extends that to the probation service. I agree with the noble Lord, Lord Rosser, that the probation service is still doing good work, but I am afraid that it does so despite the havoc that has been wrought on that profession over the years.

Like others taking part in the debate, I am grateful to the noble Lord, Lord Ramsbotham, for giving us this opportunity. I strongly endorse his opening remarks. He is a pillar, if that is the right word, in his support for the criminal justice system, and after being one of the most distinguished of our Chief Inspectors of Prisons he has gone on to make a huge contribution. When he was appointed, I remember that it was thought that the then Home Secretary thought that appointing a judge as Chief Inspector of Prisons would mean that he was getting a tough soldier who would achieve his purposes. He did get a tough soldier, but that soldier did things that the Home Secretary thought were on the liberal side and who was tough on things that were being done incorrectly, making a nonsense of basic principles.

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Perhaps I am being unduly vain but I also refer to the Strangeways report, for which I was responsible. After the inquiry, all parties at the time thought that the report had got it right by emphasising that criminal justice would benefit by being tackled on the whole not nationally but locally. For a time after the report we made progress down that route. It is a tragedy that the vision that the Strangeways report was meant to promote was not followed successively thereafter.

I say that notwithstanding the fact that I had had hopes that when NOMS was established during the period when I was Chief Justice, and I was therefore consulted, it would have a basic rationale to bring together the different parts of the criminal justice system. Taking what has been said already about the need for each part of the criminal justice system to support the other parts, I thought that purpose would be achieved. Unfortunately, I believe it was seriously damaged by the fact that the first head of NOMS left after a short period of time. If anyone could have made NOMS work, it was Martin Narey, who went on in other fields to make a huge contribution in this area. But NOMS did not have the benefit of leadership of that sort of individual and not having it has proved to be a serious disadvantage.

When I started as a young advocate, the probation service was just that which has been described today. Probation officers had great experience, which was based locally. A young advocate, such as myself, was taught by his pupil master that the best thing he could do if retained for a defendant was, when he got to court, speak to the probation officer. The probation officer would know the facts about the offender and what could be achieved in that community for that individual. I hope I remembered that guidance and that one or two of my clients, but I fear not all, benefited from my efforts to do just that. It is on a local basis that you can get the necessary results if you are to prevent a person from reoffending.

There can be no dispute that the prevention of reoffending, which is made so much more difficult by the overcrowded state of our prisons, is the major problem that we face if we are to achieve what we should with our criminal justice system. That is true for the courts in the same way as was described by my noble friend Lord Dear in relation to the police. Both are dependent on the probation service.

It is right that time and again we come to occasions when there is an opportunity to think again. We are about to have a new Government, who I hope will think again, whatever their complexion. In that regard, I would draw attention, as has my noble friend Lady Stern, to the excellent report, *Cutting Crime: The Case for Justice Reinvestment*, prepared by the Justice Committee of the other place. In that report, there are clear signposts as to the way forward. I hope that the new Government will read those signposts.

Lord Dholakia: My Lords, we come to the conclusion of the debate. I thank the noble Lord, Lord Ramsbotham. He has succeeded in underlining the immense value of the work carried out by the probation service. Almost all noble Lords who have spoken are clear about the need to ensure that the service is adequately resourced to carry out its vital work of protecting the public and reducing reoffending. I appreciated the contribution of the noble Lord, Lord Birt. The decision-making process in Downing Street bears no resemblance to its outcome. What a shambles: we have had six Home Secretaries in 12 years, and none has

grasped the urgency of the situation. It is about time we took this issue seriously because again and again we have seen the usual suspects-I now include the noble Lord, Lord Birt, in those talking about the issue and yet not bringing about fundamental change.

Last Tuesday's Daily Telegraph, not the most liberal newspaper in the country, published an interesting article by Mary Riddell on prisons. She cited the number of vulnerable inmates who have died in our prisons and talked about other disturbing statistics. Forty-seven per cent of adult prisoners are reconvicted within one year of release. That figure rises to 60 per cent for people serving sentences of less than one year and reaches as high as 75 per cent among children. Even more frightening is the fact that the Ministry of Justice is committed to spending up to £4.2 billion in creating 10,000 extra prison places by 2014, which would take the prison population to 96,000. In the present economic downturn and recession, this simply does not make sense.

I echo the noble Lord's concern about the reduction in probation service funding from £894 million this year to £870 million in 2010-11, particularly as this comes at a time when many probation officers are struggling with high caseloads and problems with staff morale. I acknowledge, as does every one of us, the constraints that will apply to all areas of public expenditure over the next few years. But it is important to help resettle those who commit crime, even if it is not a popular vote catching issue. If we are not careful, the budgets will be reduced to such an extent that the resettlement process will be hampered for a long time to come. This makes it particularly important that the resources available for criminal justice expenditure should be used in the most cost-effective way. I suggest that a strategy to achieve this should include the following elements.

First, we need determined measures to reduce this country's excessive use of imprisonment. At a cost of around £40,000 per prisoner per year, custody is by far the most expensive way of dealing with offenders. This country has 154 prisoners for every 100,000 people in the general population compared with 96 in France and 90 in Germany. Many of the less serious offenders whom we now imprison could be better and more cost-effectively dealt with by community sentences supervised by the probation service. Supervision programmes which challenge and change attitudes to offending help offenders to restrain aggressive and impulsive behaviour, develop employment-related skills and tackle addiction problems. These factors are more likely to reduce reoffending than a short prison sentence. This is particularly so if community sentences are combined with help with accommodation, benefits and the other practical needs of offenders. It should be an explicit aim of government policy to reduce the prison population to levels nearer those of our European neighbours, thereby freeing up additional resources for community supervision programmes. Of course we are aware of successive Governments relying on the slogan "Prison Works". This is a myopic view and does not take into account the social and economic factors that result from such a policy.

Secondly, we must ensure that the most intensive probation programmes are focused on offenders who would otherwise have received custodial sentences. Although the probation service's caseload went up from 159,200 in 1997 to 243,400 in 2007-08, this did not lead to a reduction in the prison population. In many cases, community sentences replaced fines and we have seen a fall in the number of offenders fined over the past decade. We

need to ensure that all probation areas are operating effective “gate-keeping” systems in order to ensure that, wherever possible, an intensive community sentence is considered, rather than looking at prison.

At the same time, the Government should reinforce the credibility of the fine by introducing a means-related “day fine” system of the kind which operates in a number of other European countries. These systems fix fines more precisely in line with offenders’ means and the evidence shows that they give courts the confidence to use fines more frequently for offenders at all income levels. We need to ensure—a point so ably made by the noble Lord, Lord Ramsbotham—that the paperwork which probation officers are required to carry out is kept within reasonable bounds in order to maximise the amount of time that probation officers spend face to face with offenders. The current edition of NAPO News, the magazine of NAPO, the National Association of Probation Officers, talks about a survey carried out for the National Offender Management Service which shows that only 24 per cent of probation officer time is spent in direct contact with offenders. There must be something fundamentally wrong that the majority of time is being taken in dealing with paperwork—an appalling misuse of the time of professional probation officers.

My final point is about voluntary organisations. These have particular expertise in areas of practical help such as accommodation, employment, education, mental health, addictions, mentoring and support for offenders’ families, all of which can make a crucial difference to the likelihood of reoffending. I hope the Minister will have some comments to make on that.

The measures I have outlined should help to ensure not only that the probation service is properly resourced to carry out its vital task of public protection, but also that the resources provided for probation services are spent in the most cost-effective way.

Lord Henley: My Lords, I thank the noble Lord, Lord Ramsbotham, for introducing this debate and, before I get on to what he had to say, congratulate him on the very impressive list of speakers who have been encouraged to speak this afternoon and who ranged widely over a whole raft of problems facing the probation service, which the Minister will, in due course, have to answer. I commiserate with the Minister; he is not, as we all know, responsible for this; he is not even the principal spokesman for this department in this House. We well understand why it is that his colleague, the noble Lord, Lord Bach, cannot be here today and I am sure the noble Lord will do his best to answer all the questions that have been put by the speakers this afternoon.

We have had a very wide range of speakers. The noble Lord, Lord Judd, started off by asking for more to be done in the way of educational resources in prisons and in the whole process. I think that that is something that ought to be addressed. The noble Lord, Lord Birt—the noble Lord, Lord Dholakia, was rather amusing about it, quite rightly—took us through the decision-making process that took place in the early days of Blair thinking and confessed that it was possibly one of the best examples of the law of unintended consequences. As I see other noble Lords nodding around the House, many would agree with that.

The right reverend Prelate the Bishop of Southwark raised the very important question as to whether punishment was taking precedence over rehabilitation; again, something about which we would welcome hearing from the Minister. The noble Lord, Lord Rix, with his great

experience as president for many years of Mencap, talked about the problems that many people face. I think the figure he quoted was that more than a third of people in the prison system have learning difficulties.

We heard about the importance of training from the noble Baroness, Lady Howe of Idlicote, with her great experience as a magistrate and in other matters. My noble and learned friend Lord Mayhew spoke about the exclusion of magistrates from probation trusts. Again, the Government will have to address that, because it became clear from what my noble and learned friend said that that was not intended at the time-or certainly did not seem to have been intended, given what he quoted as being said by the noble and learned Baroness, Lady Scotland.

The noble Lord, Lord Dear, spoke about the reliance of the police on the probation service. That was echoed by the noble and learned Lord, Lord Woolf, who spoke about his experiences as a young advocate. He referred to the need to be able to talk to probation officers and the importance of localism in terms of the probation officer. That was echoed by the noble Baroness, Lady Stern. I could go on, but the noble Lord, Lord Tunnicliffe, will have taken notice of what has been said and will address these matters when he speaks. However, the call by the noble Viscount, Lord Tenby, for a period of stability might be the point that noble Lords on all sides of the House should take most note of.

In his opening remarks, the noble Lord, Lord Ramsbotham, stressed the turbulence that the service had faced in recent years, particularly under the current Secretary of State for Justice, who has had responsibility in this area as Secretary of State for Justice and in an earlier incarnation as Home Secretary. The noble Lord took us through the history of the probation service since before 1997, although obviously I was most interested in its history since then. He stressed the marginalisation of the probation service within NOMS. It is a sorry story-a sort of Grand Old Duke of York story, with the current Secretary of State with whatever hat he is wearing marching to the top of one hill, bringing the troops down and then marching to the top of another hill. That issue will have to be addressed in due course.

I should refer to the six points made by the noble Lord, Lord Ramsbotham, which he put to me, or, rather to the Opposition, as issues that whoever forms the next Government would have to address. All that I can say at this stage is that I listened to the First Secretary of State at Question Time, who seemed to be predicting a Conservative victory at the next election. I would never predict anything of that sort and I do not know what the outcome of the next election will be. However, without commenting at the moment, I shall certainly pass on to my friends and colleagues in the shadow team on justice the suggestions of the noble Lord, Lord Ramsbotham, as to what he thought was important within the probation service.

I have only two questions to put to the Minister. I should be grateful if he could address them when he comes to reply. The first relates to the Sonnex case, mentioned by the noble Baroness, Lady Howe, and the noble Lord, Lord Dear. The Minister will remember that a report was commissioned by the Secretary of State in light of the failings outlined last year as a result of the Sonnex murders. The report found that in only 54 per cent of cases was the London Probation Service performing its role of protecting the public to a sufficiently high standard, and there was a further decline in the year since those brutal murders. I should

like the Minister to outline what steps the Government are taking to show that, following that report, there is a real improvement in the workings of the probation service.

My second point is about funding. Obviously, the Opposition can make no commitment on the level of funding that will be available. We have not seen the books and do not know quite how serious will be the problem that we might inherit. However, it would be useful if the noble Lord could confirm what the current figures are and what they have fallen from. In answer to a recent Written Parliamentary Question regarding the likely level of expenditure on the probation service in the next five years, the Justice Minister, Maria Eagle, said:

“The budget for the National Probation Service for the 2010-11 financial year is £870 million. Planning for the next spending review period, that is 2011-12 to 2013-14, will be considered as part of the next comprehensive review”. [Official Report, Commons, 11/11/09; col. 480W]

The Secretary of State confirmed those figures at recent departmental questions in another place on 5 January. That budget equates to a reduction, as I understand it, of 2.7 per cent year on year, consistent with the savings expected across public services but is £26 million more than the original indicative budget. I should be grateful if the Minister could confirm those figures and give some indication of when the Government hope to give an idea of what they are projecting for the future.

Lord Tunnicliffe: My Lords, I, too, thank the noble Lord, Lord Ramsbotham, for the opportunity to debate the probation service. The Government are committed to protecting our communities and reducing reoffending. It was, in large part, due to the hard work and dedication of probation staff that the frequency of adult reoffending was reduced by over 20 per cent between 2000 and 2007.

Ensuring that probation is adequately resourced to deliver its vital service has been a long-term priority for the Government. In the past 12 years, we have increased probation funding by more than 70 per cent. Over the same period, case loads increased by 53 per cent. We have continued to prioritise investment in the probation service. The 2010-11 probation budget of £870 million announced in October 2009 is a good settlement. The budget provides an additional £26 million above our original planning assumptions. Directors of offender management are working with probation chiefs to ensure this additional funding is targeted on front-line delivery. The settlement equates to a reduction of 2.7 per cent year on year and is at the lower end of savings requirements across the public sector.

It is vital that we continue to invest in the future of the probation service, not only in cash but by ensuring that new people continue to join the profession. Since 1998 over 12,000 probation officers have qualified. The rise in staff in probation of nearly 50 per cent over the same period has therefore been supported by a regular injection of freshly qualified staff. This is in stark contrast to the position in 1997 when no probation officers graduated, following the suspension of the arrangements for qualification. In the past two years we have, for the first time, experienced a situation where we have been unable to offer jobs to all newly qualified probation officers, which is regrettable. We have, however, gone to great lengths to ensure that these staff find suitable work in probation or associated professions. We have set up a national clearing system to match vacancies to graduates and

the vast majority of newly qualified probation officers now have appropriate employment.

We will introduce a new vocational qualification for probation officers from April 2010. This will enable both external entrants to the profession and existing probation staff to qualify while working as probation service officers. This will make sure that there is both a development path for those already working in probation and a vocational entry path for people who want to become qualified probation officers. All probation service officers who complete the training will be guaranteed permanent contracts of employment when they qualify.

The public have a right to expect public services to improve over time and the probation service is no exception. The Offender Management Act 2007 placed additional emphasis on delivering better local services and better value to the public by using the principles of commissioning and competition. It also provided the legislative capability for creating locally based independent probation trusts.

All of the 42 boards in England and Wales have been through a rigorous assessment process to achieve trust status, and many will vest in April of this year. Probation trusts will provide services both directly, using employed staff, and through local commissioning from other providers, many of whom are from the third sector.

In order to achieve the standards to become trusts, they have demonstrated how they will reduce their layers of management, freeing up moneys to invest in local front-line delivery. Current plans indicate that a 9.1 per cent reduction in management and back-office costs will be delivered in 2010-11. Probation trusts are designed around a local delivery model with devolved authority. We will continue to support probation trusts to get closer to their communities, and, as they continue to develop as independent bodies, they will earn more freedom and flexibility of operation over time.

Probation trusts will be strong public sector providers which can compete, specialise and locally commission services. We are already seeing evidence of this with some of the first-wave trusts having won competitive contracts for new offender services. The early trusts have been very active in local commissioning, and are now expanding into more local multi-agency partnerships to join up with health, education and local government services. This enables these organisations to better address the complex mixture of factors that have to be changed to reduce offending behaviour.

Changing the behaviour of offenders to prevent reoffending is the best form of public protection. Probation delivers the community part of that service, but it is recognised that close working with prisons to manage offenders at all stages of their sentence is also vital.

The National Offender Management Service Agency -NOMS-was created to join up the way in which prison and probation services work together, to deliver end-to-end offender management as part of a restructured Ministry of Justice. The aspiration to create an offender management service to avoid duplication of effort, to increase effectiveness of delivery, to improve public protection and to continue to reduce re-offending is the right approach.

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The NOMS Agency has been in existence since April 2008 and, in that time, in co-operation with our partners, we have seen significant and measurable progress in all of these areas. In cost reduction terms, the new regional structures replaced two former structures, delivering a saving of £10 million pounds. In delivery of services, the implementation of schemes to divert offenders from prison to serve their sentences in the community are resulting in improved reoffending rates when compared with short-sentenced prisoners. These schemes have been piloted in a number of areas across England and Wales and the results have been very positive.

Each English region and Wales has a director of offender management who is responsible for commissioning services and managing performance. They are required to ensure that the appropriate services are delivered both to reduce local re-offending rates, and to provide the public with safe, protected communities. By looking at offender management as a single service delivered by two parties, prison and probation, these locally based directors are able to commission a range of services, such as prison places, community payback and specialised programmes. They do this using public, private and third-sector providers. In Wales, for example, the South Wales Probation Trust won a contract to provide specialist programme delivery into both a private and a public-sector prison following a competitive process. Delivery models such as these leverage the strengths of probation, provide demonstrable value and increase the range of interventions in prisons. NOMS is also implementing new, improved common offender assessment systems across prison and probation.

It is important that, in building the NOMS Agency, we have ensured that we have skilled professionals from both probation and prison backgrounds. The agency has an active programme of secondments from probation areas to NOMS, and probation staff are recruited into substantive management posts. Representation is at all levels, including seconded chief officers and former chief officers who are working at director and deputy director level in the agency, managing key areas of operational policy and practice. The agency will continue to recruit probation staff at all levels as vacancies occur, on both a seconded and a substantive basis.

I hope that I have answered many of the questions that were raised by noble Lords but I shall touch on one or two of them. The noble Lord, Lord Ramsbotham, suggested that we should have a more independent national probation system. There has been no merger of prisons and probation. The probation boards are about to become independent probation trusts; 27 have been approved so far. The distinctive roles and skills of prison and probation have always been preserved in NOMS. The noble Lord referred to local area agreements providing good local links. He will be pleased to hear that local measures linking community priorities and probation trusts' local delivery are being developed.

Concern has been expressed about offender assessment times. We want to free probation officers from unnecessary bureaucracy. In August, we made major changes to the offender assessment system—the system used to determine both risk and requirements to change offending behaviour. The changes shorten the time it takes to complete an assessment, but by drawing on research we have improved the assessment as a predictor of general and violent offending.

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The noble Lord, Lord Ramsbotham, referred to the rationalisation of NOMS. The restructuring of the NOMS national and regional headquarters will deliver £17 million-worth of savings a year, and an additional £14 million from national headquarters next financial year. The accurate figures for NOMS are set out in the agency's annual report and accounts, but 94 per cent of all agency staff—that is, all the staff working in NOMS—are engaged in front-line probation and prison work. As regards regional HQs, we have nine English and Welsh regions. Moving NOMS staff out of headquarters to the front line has been part of the reorganisation.

The noble Lord, Lord Judd, made a compelling case for a whole suite of things that are needed to improve outcomes. I am sure that many of us sympathise with some of the points that he made. The point about the importance of rehabilitation and addressing offenders' needs is well taken. That is the most effective means of reducing reoffending and protecting the public. Indeed, the point about individual contacts having the most impact is also well taken. The aim of NOMS is end-to-end offender management. We are seeking to understand and address these needs in the community and in custody in order to reduce reoffending. We achieved a 20 per cent reduction in reoffending between 2000 and 2007.

The noble Lord, Lord Birt, gave us an interesting insight into Downing Street decision-making and referred us to the Carter vision. He claimed that the vision had evaporated. The Government feel that the vision may have taken longer to come about and has some way to go, but the trust process is happening and we are starting to see the results of that. That transition is producing benign improvement in the management of probation services. The Offender Management Act 2007 and the creation of the NOMS Agency sets out a clear framework for probation trusts as primary providers of probation services commissioned by directors of offender management and others, including the third sector.

The right reverend Prelate the Bishop of Southwark referred us back to 1876 and recalled how long probation officers and people like them have worked in our communities receiving little thanks for their work. I agree with him. We must all start to value these sorts of people in our society. Social workers have similar problems in many ways. They deserve much more thanks than we give them.

What is the nature of probation? Is it restorative, punishment or protection? It is inevitably all three. Probation does play a role in some punishment; it plays a key role in protection; but the restorative element is the most important and has to be our long-term objective.

The role that a community plays in our society is well understood. We share the right reverend Prelate's view that it is important. That is why the Government have recently made, in respect to probation, a statutory partner in local crime-reduction partnerships, so that local agencies can work effectively together to make the best use of resources. That is a theme that a number of noble Lords have touched upon.

We all respect the tremendous work the noble Lord, Lord Rix, does in the mental health field and with respect to prisoners. We take the points he made. So far we are intending to work with a number of pilots. We recognise that identifying offenders with learning difficulties is

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very important. The screening tool pilots are being looked at with interest. In addition, awareness training for conditions such as autism is being rolled out in Wales across court services, prisons, probation and police. We must do more to progress, and progress is being made.

The noble Baroness, Lady Howe of Idlicote, touched on her experience, explaining how important it is to take this issue seriously, and how the Carter plan started out down that road. We feel that we are improving the training and the handling, and the whole concept of NOMS adds to the vision of the Carter plan.

I will now touch briefly on the Sonnex case. The Government have already apologised for the significant failings on the part of London Probation and police which led to the Sonnex tragedy. The review carried out into the failings of London Probation made it very clear that those failings were not due to lack of resources. They were due to poor management as a result of an inexperienced offender manager responsible for supervision being overloaded. London Probation had been subject to targeted improvement at the time of the murders. It was subsequently made subject to direct improvement. Under the new chief officer performance in London has particularly improved.

The noble Baroness also touched upon the IPP situation. It is true that we have not made the progress we feel we should have made in these areas. Nevertheless, the figures show real progress. Of 2,460 prisoners, more than 2,000 have now completed one or more programmes. The Government have put in £3 million over each of the past three years to address this issue. The prison and probation inspectorates will publish a joint review of the management of these offenders in the next few weeks and we will carefully consider the best response.

The noble and learned Lord, Lord Mayhew, raised the issue of magistrates. This is a matter for the senior presiding judge who is to discuss the matter shortly with the Magistrates' Association.

The noble Lord, Lord Dear, said that he found some parts of the service failing dramatically at the bottom, but better at the top. In recent years, it has been more geographically patchy and that is why the new commissioning, the trustee process, the transformation process is designed to improve the service from top to bottom. Each year probation increases its delivery of sentences and court services. Satisfaction has improved over recent years.

I agree with the noble Baroness, Lady Gibson, that diverting offenders from custody makes sense in certain types of offence. The Government are funding a series of initiatives and pilots to that end.

The noble Baroness, Lady Stern, raised the issue of computers. These are devices to help human beings make better decisions, using well proven and better algorithms. They are working well and have a worthwhile contribution to make.

On the issue of probation trusts, I can tell noble Lords that the programme to turn boards into trusts is on time, and that announcements will be made shortly.

To the noble Lord, Lord Rosser, I can say nothing: his was a brilliant review of the service, perhaps better than mine. I note the thoughtful words of the noble and learned Lord, Lord Woolf. The centre is preventing reoffending. We must continue with that. The noble Lord, Lord Dholakia, spoke thoughtfully about budget reductions. They are being properly and sensibly managed.

Finally, the noble Lord, Lord Henley, said that we needed a period of stability. I could not agree more. We should stabilise NOMS. It is a good thing, and the transition story is a good story, not a sorry story. I hope that my comments on Sonnex will satisfy the noble Lord. I answered his final question in my opening remarks.

Lord Mayhew of Twysden: My Lords, I appreciate the difficulty of the Minister's position. Perhaps I may remind him that earlier I invited him to say whether the Government intended that magistrates should be excluded from probation trusts, or whether they would even be content to be excluded. He did not deal with that, but simply said that it was a matter for the presiding judge. Will he expand on that?

Lord Tunncliffe: My Lords, I do not have knowledge of the Government's intention. If I can usefully divine that, I will write to the noble and learned Lord.

Baroness Gibson of Market Rasen: My Lords, perhaps I may remind my noble friend of the question that I asked, which is fundamental to the debate, about the background of NOMS headquarters staff. He may not have the information with him today, but it would be helpful for the House to know how many of the NOMS headquarters staff have a probation service background. Perhaps he will let me know in due course.

Lord Tunncliffe: My Lords, I will do that.

Lord Birt: My Lords, I appreciate that the Minister is having trouble sitting down. However, perhaps he would like to comment on the notion expressed by several Members of the House of having a head of profession for probation officers.

Lord Tunncliffe: My Lords, we have no intention of creating a head of profession. We believe that the probation experience that we are ensuring is at the head of NOMS, and distributed through it, is sufficient to achieve and maintain the standards that we look to achieve. I must remind the House that I am technically limited to 20 minutes and that I am trying to sit down.

Lord Ramsbotham: My Lords, I begin by thanking all the Members of the House who have taken such trouble and made such wide contributions to the debate. I admit that there was a second purpose of holding this debate, which was to send a message to the probation service that Members of this House understand the problems that they face and think that it is extremely important that they are brought to the notice not only of Ministers but of everyone, through the columns of Hansard.

I mentioned that in 2005 there was a so-called consultation on the probation service. Of the 756 people who responded, 99 per cent opposed what the Government were trying to do. If one reads the responses-I have not read them all, but I have read a number-one is left with

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the same impression as I am left with today, when 94 per cent of the House, if my maths is correct, have taken one line, while the noble Lord, Lord Rosser, who gave us the view from NOMS, took another. It is not my purpose to comment on that, except to say that it is important for those people who are responsible for an operational service to listen to the views of the people on the ground.