



THE GOVERNMENT REPLY TO THE FIRST
REPORT FROM THE HOME AFFAIRS COMMITTEE
SESSION 2004-05 HC 193

Rehabilitation of Prisoners

**Presented to Parliament by the Secretary of State
for the Home Department
by Command of Her Majesty
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HOUSE OF COMMONS HOME AFFAIRS COMMITTEE:

First Report of Session 2004-05

Rehabilitation of Prisoners: The Government's response

Introduction

The Government welcomes this comprehensive and imaginative report, which will help to develop the important work of reducing re-offending by ex-prisoners. The Government does not accept all the Committee's recommendations, but it fully supports the general thrust of the report and its emphasis on the importance of work by prisoners as a key element in improving their chances of rehabilitation.

Since it came into office in 1997, the Government has put the rehabilitation and resettlement of offenders at the centre of its reforms of the Correctional Services. In a succession of Spending Reviews it has devoted an unprecedented amount of additional resources to rehabilitation and resettlement. It commissioned the Social Exclusion Unit to undertake a wide-ranging investigation into reducing re-offending by ex-prisoners. It also undertook a review of the sentencing framework, with the specific objective of creating sentences which better supported the rehabilitation of offenders. The conclusions of both reviews were incorporated in the White Paper, *Justice for All* (2002), and in the Criminal Justice Act 2003 (which for the first time, makes rehabilitation of offenders one of the statutory purposes of sentencing). The new sentences in the Act will be brought into effect from April 2005 with the exception of Custody Plus, which is expected in 2006.

The Government also instituted a radical review of the structure of the Correctional Services under the chairmanship of Patrick Carter, with the specific remit, amongst others, of making the services more effective at reducing re-offending. The conclusions of the review are being implemented by the creation of a new National Offender Management Service (NOMS), which came into existence in June 2004. NOMS is designed to ensure the end-to-end management of offenders with a view to reducing the likelihood of their re-offending.

The Government therefore fully agrees with the Committee that "the resettlement of offenders should become a cornerstone of the new approach to offender management envisaged by NOMS", and that is indeed what the Government's reforms are designed to achieve.

The Committee acknowledges that as a result of the Government's action "the framework is largely in place which could make possible the more effective rehabilitation of offenders". The Committee however considers that implementation is "patchy".

It has been less than a year since the National Offender Management Service was created and the new sentencing structure in the Criminal Justice Act will come into effect shortly. The new Reducing Re-offending National Action Plan is being taken forward under inter-departmental sub-groups which began to meet only from the summer of 2004.

The Correctional Services are therefore at the start of a process of considerable change, which the Government is confident will produce the improvements in resettlement outcomes and the reductions in re-offending rates which both the Government and the Committee seek. It is inevitable that at this stage some parts will be more advanced than others.

The Government has set targets for reducing reconviction rates and there is early evidence of this happening. Reconviction rates for adult offenders for 2001, published in December 2004, show a reduction in reconvictions of 2.9% between 1997 and 2001 in comparison with the predicted rate. For juvenile offenders, reconviction rates for 2003, published in February 2005, show a 4.9% reduction between 1997 and 2003. These results demonstrate encouraging progress towards our targets.

But reaching our targets will be difficult and will take time. The factors identified by the Social Exclusion Unit, which underlie much re-offending, are deep-seated and enduring. Many offenders have a background of multiple social exclusion, including family failure, educational failure, mental health problems and substance abuse. The high levels of re-offending amongst ex-prisoners are a reflection of the depth of those problems. The damage done in the past of these offenders will not be easily remedied, and no single solution in itself is likely to turn around offenders with deep-seated and multiple needs, who comprise the majority of the prison population.

To put it at its simplest, finding an offender a job and a place to live on release is not likely to prevent re-offending if the offender leaves prison with anger management, literacy, debt, health and drugs problems still unresolved. And the inverse is also true. It is necessary to take a comprehensive approach to the needs of the individual offender, and to use resources in an efficient and balanced way, to address all matters bearing on re-offending. The new Offender Assessment System (OASys) – one of the most advanced such systems in the world – uses actuarial and dynamic risk assessment to assess the needs of individual offenders, so allowing sentence plans to be tailored to those needs. It will be at the centre of the new approach to offender management under NOMS.

OASys identifies both *risk* and need. The Criminal Justice Act 2003 provides greatly strengthened powers to manage dangerous offenders. The imperative of public safety and public confidence will continue to be reflected in the Government's resource allocations. The Government will not compromise public safety in pursuing the goal of improved rehabilitation. It is this comprehensive, efficient and balanced approach to the allocation of resources which the new offender management system is designed to achieve.

The Government's comments on individual conclusions

1. The rise in the number of prisoners and the high level of social exclusion amongst offenders both raise serious questions about sentencing policy and the effectiveness of current measures to tackle social exclusion. Our inquiry did not examine these issues in depth. We acknowledge their importance. However, we reject any suggestions that the existence of these broader issues obviate the need to examine critically the treatment of prisoners in custody and the nature and scope of the prison rehabilitation regime. Changes in sentencing patterns and levels of social exclusion will take place only in the long term. Until then, the prison system will continue to have a significant impact on the lives of prisoners and wider society. (Paragraph 23)

The Government strategy for reducing levels of re-offending addresses social exclusion and sentencing policy, as well as the opportunities offered for rehabilitation of individual prisoners while in custody and on licence. The Criminal Justice Act 2003 makes the rehabilitation of offenders one of the purposes of sentencing, creates a new sentencing framework aimed at improving opportunities for rehabilitation, and creates the Sentencing Guidelines Council with an obligation, amongst other things, to consider effectiveness in preventing re-offending in framing guidelines for sentencers. At the same time the Government has continued to increase the emphasis on reducing re-offending as a part of prison regimes.

The Government wishes to see fewer offenders sentenced to short periods of custody, where a community sentence would be the appropriate penalty. The new, single community sentence in the Criminal Justice Act 2003 offers courts an effective alternative to short prison sentences. In future, when the Custody Plus sentence becomes law, short prison sentences will be better able to address re-offending needs, because in all cases they will be followed by at least six months supervision. Considerable efforts are made to help short-term prisoners at present, but the lack of post-release supervision limits what can be achieved.

2. From our own investigations over the course of the inquiry and the oral and written evidence presented to us, it is clear that overcrowding is having a hugely damaging impact on the delivery of rehabilitative regimes across the prison estate, both in terms of quality and quantity of appropriate interventions. The challenge of delivering effective prison rehabilitation regimes is bound to be greater in overcrowded prisons. Nonetheless, models of good practice do exist and we discuss these later in this report. Regrettably, overcrowding is likely to remain a feature of our prison system for the foreseeable future. It should not be used to excuse failures to replicate and translate these models of good practice on a wider scale and to address areas of weakness. (Paragraph 27)

All establishments are operating within their useable operational capacity, which is the total number of prisoners that an establishment can hold taking into account control, security and the proper operation of the planned regime. Many establishments particularly in the women's, open and juvenile estate are currently operating within their in-use certified normal accommodation (CNA) level. This is the uncrowded capacity of the establishment (after adjusting for accommodation out of use) and represents the good, decent standard of accommodation that NOMS aspires to provide all prisoners

The Prison Service is currently 24% "overcrowded" (February 2005). The level of overcrowding has diluted the amount of activity available, while the degree of churn has inevitably caused disruption to regimes. This is particularly the case in local prisons, which have a high number of prisoner movements. Wherever possible the Prison Service tries to minimise the impact of population pressures. The prisoner population has stabilised in recent months and we hope that this

will have a positive impact on the ability of establishments to deliver effective regimes. Good practice is disseminated by the Prison Service benchmarking programme which looks at spreading best regime practice within current resources.

The impact of population pressures – including “overcrowding” – is kept under careful review. The Government is responding to the increasing prison population by expanding capacity; it has introduced 17,000 places since 1997. Current plans are to increase the number of prison places to around 79,500 by 2006. A building programme to increase the number of places is ongoing with approximately 2,200 places yet to come into use. These include a new private sector prison as well as new and re-claimed accommodation in public sector prisons. In addition, funding has also been provided for a new building programme and it is proposed to create a further 1,300 places. The Government is also seeking to reform the correctional services to help balance demand with capacity and provide more effective options for sentencers including effective and demanding community penalties.

3. The Prison Service has repeatedly failed to meet its target of providing an average of 24 hours’ worth of purposeful activity for each prisoner per week. The situation may be even more serious than the official figures suggest. Data from our Prison Diaries Project, based on direct contacts with prisoners, indicates that disturbingly high proportions of prisoners are engaged in little or no purposeful activity. Very few prisons provide for adequate amounts of purposeful activity across all, or even most, or the main categories of such activity. The reasons for this include overcrowding and disruptions to educational, vocational and treatment programmes caused by prisoner transfers, reduced prison staffing levels and generally poor administration. The consequences for prisoners are too many hours ‘banged up’ up their cells, with an adverse impact on their mental and physical health, and missed opportunities for rehabilitation. (Paragraph 37)

The Government acknowledges that the Prison Service has regularly missed the target for purposeful activity in recent years, albeit by a narrow margin. It is encouraging to note however that the average number of hours for 2004-05 currently stands at 24.1 hours, higher than last year’s target. This is evidence that purposeful activity remains an important measure, and it has been retained as a target for each establishment.

The amount of purposeful activity available in prisons will vary across the estate and will depend on the function of an individual prison. Purposeful activity will be higher in ‘trainer’, open and juvenile establishments as these are specifically geared to provide extensive regimes. It will be lower in local prisons, which experience a greater degree of churn and have a higher remand population. The amount of activity at the moment ranges from 19.6 hours per week in male local prisons to over 40 hours in open establishments.

The definitions of purposeful activity are applied consistently across all establishments and the data is considered robust. Each establishment is audited against a Prison Service standard, which requires that they record the “time prisoners spend in all appropriate categories of purposeful activity”. Establishments not complying with this standard are required to follow up any action points highlighted by the audit.

In the Government’s view the prison diaries project cannot be used as a means of validating the purposeful activity KPI. It is acknowledged in Annex 4 of the Committee’s report that the project was not designed to calculate whether prisoners spent less than 24 hours out of their cells in a week. The project focused on the experience of *individual* prisoners whereas the KPI concerned levels of activity within whole prisons. These are not comparable perspectives.

This is particularly relevant given the low response rate, and the small number of prisons involved, which cannot be said to be representative of the estate as a whole. 81% the prisoners who responded had spent more than 26 hours out of their cells in the week in question (section 4 of Annex 4). It is impossible to say whether this represents a better or a worse outcome than the Prison Service KPI outcome of an average figure just below 24 hours of purposeful activity per prisoner per week for the prison estate as a whole.

4. It is regrettable that the purposeful activity Key Performance Indicator has been abandoned. Although the Home Office claims that this reflects a change in focus from “hours of activity” to “measures that reflect positive outcomes”, it is difficult to avoid the suspicion that the KPI has been dropped to avoid embarrassment arising from the Prison Service’s continuing failure to meet the target. We welcome the introduction of performance measures and targets relating to particular qualifications obtained and programmes attended. However, we believe that a target relating to overall hours spent in purposeful activity is useful as a means of monitoring the level of such activity and a stimulus to providing it. We recommend that the KPI should be reinstated. (Paragraph 38)

The Government does not accept the recommendation of the committee that Purposeful Activity should be reinstated as a KPI.

The KPI has been dropped because the Prison Service has now begun to focus on the quality of activity available to prisoners. This is evident in new targets, which focus on getting prisoners onto education, drug treatment programmes and preparing them for release by ensuring they have accommodation and a job, training or education place to go to. An additional £14m per annum is being invested through Custody to Work to support and expand these interventions, which are designed to tackle the causes of re-offending and provide prisoners with the skills and opportunities they need when leaving prison.

The purposeful activity measure remains a Key Performance Target for each establishment and is an important indicator of the effectiveness and variety of establishment regimes. Current performance now stands at 24.1 hours per week, which is higher than the target for last year. Performance is monitored regularly and the stimulus to meet the target is reinforced by its inclusion in the Prison Service Weighted Scorecard.

5. We are critical of the management of transfers of prisoners across the prison estate which appears to be more ad hoc and pragmatic than strategic in design. The very high levels of transfers have a direct and significant negative impact on rehabilitation measures, both through disruption caused to intervention programmes and failure to provide prisoners with the particular interventions they need, as identified through assessment and sentence planning. (Paragraph 41)

6. The Committee was impressed with the manner in which transfers are handled in Germany, which is based on a federal system. On conviction, offenders are transferred back to prison in their home region (Land). This has the four-fold benefit of (i) reducing transfers during sentence, (ii) increasing stability in sentence planning, (iii) allowing prisoners to maintain links with family and local community, and (iv) assisting prisoners’ resettlement on release. We recommend that the National Offender Management Service turn its attention to reducing transfer rates as part of its regionalisation policy. (Paragraph 42)

In its management of the prison population, the National Offender Management Service (NOMS) needs to balance a number of requirements. Prisoners must be held in establishments which provide the degree of security they require, and are suitable to their gender, age and legal status. It is also desirable to hold prisoners

in establishments which can provide special facilities appropriate to their needs. Often these objectives conflict with the generally desirable objective of keeping prisoners as near to their homes and families as possible.

Transfers between prisons may also occur for various reasons. The principal function of local prisons and remand centres is to meet the needs of the local courts. Once sentenced, they must transfer prisoners to training establishments so as to free up space to serve the courts. Transfers may also take place when a prisoner has been re-categorised; and as part of their preparation to be released; and in cases where discipline and security require that a prisoner should be re-located.

NOMS are conducting a project in the North-West to explore the implementation of "Offender Management" as an end-to-end process. Initially this will aim to keep more of the short-term prisoners in prisons near to the area in which they will be discharged. Longer-term prisoners will be transferred to locally situated prisons towards the end of their sentences, after they have received suitable interventions in the training estate. The location of offending behaviour programmes has recently been reviewed to provide a more balanced regional distribution. It is likely that through these measures there will be an increasing number of prisoners held in their home area.

7. We conclude that reconviction rates should remain the central focus against which re-offending is measured. However, the two-year post-release snapshot is a blunt measuring tool. Currently no differentiation is made between different types of offenders. As such, the current measure is too basic to provide an accurate assessment of the effective prison rehabilitation regime. We suggest the adoption of a more sophisticated measure which includes criteria based on an offender's sentence length and offence type. (Paragraph 46)

The Government agrees with this suggestion.

The Government is committed to exploring ways to supplement the use of reconviction rates to measure the overall success in reducing re-offending against the PSA targets. Reconviction rates are likely to remain the main measure in the short term. In Autumn 2004 a research contract was awarded to explore methods by which changes in the frequency and severity of a person's offending could be included in measures of re-offending. A report is due by April 2005, and the Government will consider the advantages and disadvantages of new measures during the financial year 2005-06.

8. We regret the decision by the Home Office to reclassify the PSA Target 5 as a standard. Whilst we recognise that targets can have perverse effects, and we support the overall trend towards fewer and simpler targets, it is difficult to justify the dropping of this particular target. Reduction in offending is a central part of the Government's strategy. By dropping the PSA target we are concerned that the Home Office may well undermine its own overall objective in crime reduction, and may leave NOMS without any publicly explainable measure of success. We recommend the reinstatement of the PSA target as evidence of the Government's commitment to overhaul the current sentencing framework and to reduce the numbers of offenders sentenced to prison and community supervision. This would be in line with the Carter Report and the initiatives it has recently introduced. (Paragraph 67)

9. We do not regard the adoption by the Home Office of an 'internal target' of reducing re-offending by 5% as an acceptable substitute for the dropped PSA target. An internal target is inevitably seen as representing less of a public commitment than a PSA target agreed with the Treasury. We

note that this internal target was announced unobtrusively, and was not mentioned in the Home Office's latest report on progress in meeting its targets.

The Home Office is firmly committed to reducing re-offending, as is demonstrated by the target set out in its Strategic Plan for 2004-08 which sets a target of a 5% reduction in re-offending, leading to 10% by the end of the decade. This target is the primary objective of the National Offender Management Service, and reducing re-offending is included within the Management of Offenders Bill currently before Parliament as one of the Service's proposed statutory aims. The focus on tackling re-offending so as to protect the public and reduce crime has never been more explicit.

The PSA targets themselves were drawn up following an extensive consultation by the Home Office. This consultation confirmed that stakeholders supported a move to fewer, high level, targets focussed on overall social outcomes. For this reason the Home Office reduced the number of targets, from 10 headline targets with 36 sub-targets in SR02 to 7 headline targets, with 16 supporting targets in SR04.

The Home Office decided not to continue the re-offending target as a separate PSA target because it contributed to a range of wider outcomes covered by other SR04 PSA targets – reducing crime, increasing public reassurance, bringing offenders to justice, and reducing the harm caused by drugs. But we will maintain a continuing focus on reducing re-offending through the new re-offending Standard, and we will continue to monitor and report publicly on this throughout the SR04 period.

We also regard it as inherently confusing that the Home Office is simultaneously committed to 'no deterioration in re-offending rates' and to a quantified reduction in those rates. (Paragraph 68)

The new re-offending Standard, published alongside the Home Office PSA set, specifies that there should be no deterioration in the levels of re-offending. This reflects the minimum standard to be achieved as a result of the investment over the period of the Spending Review.

The Home Office has set a more demanding target within its Strategic Plan as part of its internal planning in order to deliver the 15% reduction in crime required to meet PSA 1. The National Offender Management Service has been established to achieve this target of a 5% reduction in re-offending by 2008, leading to 10% by the end of the decade.

The White Paper Standard and Strategic Plan target are consistent, representing different stages of the cascading of targets.

10. We endorse the extension of community penalties and the range of 'hybrid' prison and community sentences introduced by the Criminal Justice Act 2003. Both sentencers and the public have an overwhelming interest in sentencing which rehabilitates offenders and reduces the rate of re-offending. We support the development of more extensive and intensive supervision of offenders as both an alternative to, and an extension of, custodial regimes. (Paragraph 75)

The Government welcomes the Committee's support for its work in developing new intensive packages of intervention for serious offenders, which will be further supported by the greater flexibility offered through the new sentencing framework introduced by the Criminal Justice Act. The Government has announced that all the new sentences in the Act will come into force on 4 April 2005, with the exception of Custody Plus, which the Government hopes to implement in 2006. Work done previously on the development of intensive

supervision regimes for offenders in the community, such as DTTOs and the ICC Programme, will be incorporated into our arrangements for implementing the new Community Order, and developed further. While DTTOs and ICCP disappear in the new sentencing arrangements, replacement equivalents will be available to the courts which can be used with greater flexibility and better tailored to the situation of the individual offender.

Since January 2004, pilots of intermittent custody have been running at Kirkham Prison, near Preston, for male offenders and at Morton Hall Prison, near Newark, for females. Intermittent Custody is designed to avoid some of the negative outcomes of imprisonment, such as loss of employment, accommodation and family break-up, which can accompany even short full-time sentences. Offenders are able to serve the custodial part of their sentence intermittently, either at weekends or on weekdays, and the remaining days of the week are spent in the community under Probation Service supervision. By and large, Weekend custody is suitable for those with employment, education or caring responsibilities; Weekday custody is available for unemployed offenders who wish to maintain family and community links.

The results from the first year of the pilots have been largely positive; a total of 158 intermittent custody orders was imposed and many offenders have reported that the sentence has helped to preserve their jobs or prevented children from going into care. The positive response from offenders may help to explain the very high level of compliance; only four offenders failed to attend for a scheduled custody period and the behaviour of offenders has been generally good.

11. To ensure confidence in the new sentencing regime, there must be public education about the new sentencing measures, and publicity about actual sentences imposed, to demonstrate that they are robust and legitimate alternatives to prison in terms of punishment, public protection and rehabilitation. (Paragraph 76)

The Government recognises that there is a lack of knowledge and understanding of the breadth of community sentences among the public and that these sentences are often seen as a 'soft option' rather than a serious penalty, with related low confidence in their effectiveness.

Implementation of the new sentences will provide an opportunity to explain the reasons behind the modernisation of the sentencing arrangements and the benefits to victims, the public and society as a whole. As the new sentences are introduced, information will be made available to the public, offenders, victims and sentencers (as well as CJ agency staff and other stakeholders).

The creation of the National Offender Management Service brings with it a determination to increase the visibility of community sentences, to help improve the public's understanding and knowledge of them and the benefits they will bring to society in terms of punishment, reducing re-offending and payback to the community.

NOMS has launched a communications campaign which aims to demonstrate that community sentences can be tough and demanding, while requiring offenders to put something back into the community. A national visibility scheme for community work began in autumn 2004. In February/March this year we will undertake a 'Clean Up' campaign whereby people in the 10 regions will be given the opportunity to have a say in the unpaid work carried out by offenders as part of their community order.

12. Enforcement of the new orders will be critical to their success and it is imperative that the Government puts in place strong enforcement machinery which is used effectively to ensure compliance with conditions or requirements imposed on Orders and their satisfactory completion. (Paragraph 77)

A National Enforcement Steering Group has been established to oversee the rigorous enforcement of fines, warrants and community penalties. The group includes very senior representatives from the Home Office, the DCA, the Attorney General's Department, the Prime Minister's Delivery Unit and the Office of Criminal Justice Reform. Each of the workstreams has its own project board. The group periodically reports on progress to the Prime Minister through the CJS stocktakes.

The NPS has made substantial improvement on enforcement of community orders. Performance has improved from 44% in 1999 to 87% in December 2004. Current performance is also measured against a more demanding national standard in that offenders are now only allowed at most one unacceptable absence if they are on a community order. The NPS has been giving greater attention to promoting compliance with supervision and in December 2004 80% of offenders were compliant with their orders at the six month stage. The NPD/NPS are working closely with the Prime Minister's Delivery Unit to increase the level of compliance and the target for 2005/06 will be 85%.

While it is encouraging that enforcement and compliance have improved, the Home Office is working closely with the DCA to improve the management of the enforcement process. A new measure for Local Criminal Justice Boards will be introduced in 2005/06 measuring the number of days between the second unacceptable absence and the court resolving the case either through sentencing or other action such as deferment to test compliance. The aim will be to try and achieve this "end to end" process within 25 days in the first instance. The introduction of the 2003 CJA should make enforcement even more rigorous because the discretion previously available not to initiate breach action in exceptional circumstances will be removed.

13. The Committee supports the emphasis in the sentencing framework on formulating a community sentence which imposes the most suitable requirements for the individual offender. (Paragraph 78)

The Home Office National Probation Directorate's Criminal Justice Act Implementation Unit has developed a model for implementing the new Community and Suspended Sentence Orders which builds on their inherent flexibility, and provides a structured framework for ensuring that sentence proposals are both commensurate with the seriousness of the offending and deliver the most suitable interventions for the offender through the requirements suggested. This approach has been developed in consultation with the Sentencing Guidelines Council and the Magistrates' Association.

14. We recognise that home detention curfew has a role to play in the Criminal Justice System. We recommend that the Government continue to monitor carefully the re-offending rates for those on home detention curfew. (Paragraph 81)

The Government accepts this recommendation.

The Prison Service, in conjunction with the Home Office, keeps the Home Detention Curfew (HDC) scheme under constant review and monitors the rate of recall and re-offending for prisoners subject to HDC.

15. We welcome our role in the new sentencing framework which for the first time gives Parliament a voice in influencing the guidance given to sentencers. We look forward to continuing to exercise these new responsibilities. We hope that we can assist in making the sentencing system more rational, fair and effective. (Paragraph 85)

The Government shares the Committee's views on the importance of its role in influencing draft guidelines produced by the Sentencing Guidelines Council.

16. We welcome the Government's publication of its National Action Plan, which has been awaited since 2002. We support the Plan's approach in setting out complementary activity at national, regional and local levels and its emphasis on 'joined-up working' across Government, through information sharing between agencies and the development of partnerships to support regional working. (Paragraph 97)

17. However, we are disappointed at the elementary nature of many of the National Action Plan's action points: for example, establishing processes through which agencies can communicate, developing an accommodation strategy for ex-prisoners in the long term, and developing guidance for healthcare staff. Many of these issues have already been explored in detail and best practice identified, in other recent reports and reviews, and in evidence submitted to our inquiry. We recommend that the National Action Plan should be reissued in an expanded form, incorporating the key recommendations of these reviews and current best practice and setting clear timetables for their implementation. Further, we recommend that the Home Office should report annually to Parliament on the progress made in implementing the Plan. This reporting should take the form either of a detailed Written Statement or a memorandum submitted to this Committee. (Paragraph 98)

The Government does not accept that the Action Plan should be re-issued at this stage. It does accept that it should report progress to Parliament on an annual basis.

The Government welcomes the Committee's support for its National Action Plan to reduce re-offending. It believes that the document reflects considerable progress, especially in the areas of accommodation, health, drugs, education, employment and offender behaviour programmes. It accepts that some areas of the plan are less developed than others, which reflects the complexity of many of the issues and the barriers which exist. Over sixty, achievable, action points have been agreed, and work continues across all the pathways covered by the Action Plan. The government believes that it would be confusing to those engaged in implementing the plan to issue another version at this stage. A fuller version of the Plan has been placed on the Home Office website setting out how activity relates to linked initiatives and highlighting promising practice for those working at regional and local level. The Government recognises that this is work in progress and that it will be important to update the Action Plan in due course to reflect relevant developments both within NOMS and its strategic partners.

Each region is to have a Reducing Re-offending Strategy in place by April 2005, approved by the newly appointed Regional Offender Managers. These strategies will follow all the pathways set out in the National Action Plan, taking account of any regional variations. Regional Offender Managers will have an important role in developing the strategic partnerships necessary to underpin regional working and, in due course, in commissioning interventions to reduce re-offending. In taking this approach forward, account will be taken of the effective local partnerships currently in place, so they can underpin regional working and support local delivery.

18. We welcome in principle the introduction of the National Offender Management Service, although we regret the lack of prior consultation and the failure to publish a comprehensive business case. These failures have undoubtedly created unnecessary difficulties in developing NOMS. We welcome recent signs that the Government has recognised these problems. A more collaborative approach with those working in the Prison and Probation Services will produce effective change more swiftly. (Paragraph 106)

The Government published Patrick Carter's independent report "Managing Offenders – Reducing Crime", which sets out the case for a National Offender Management Service, and the Government's response "Reducing crime – Changing Lives" which accepts that case. A separate business case for the National Offender Management Service is being prepared.

The Government fully accepts the importance of good communications and consultation. There have been two formal consultations on the proposals for NOMS, we received over 400 responses, the results of that process have now been published. In addition Martin Narey, Chief Executive of NOMS has met with over 3,000 prisons and probation staff and the original proposals for NOMS were adjusted in light of the responses we received.

Significant NOMS projects, like the introduction of the Criminal Justice Act and NOMIS (the new NOMS-wide information system) have routine communications with their key stakeholders built into their planning.

Work with the trade unions is now reinforced by the introduction of a Joint Consultative Council (JCC) which includes all trade unions and allows early discussion on developments and NOMS innovations. Additional steps are being taken to include staff representation, largely through the trades unions, in transferring staff into a new NOMS headquarters.

NOMS has introduced a National NOMS Sentencer Consultation Group to create a routine and formal link with sentencers. The chairing of this group is currently rotated between the National Offender Manager and the Chair of the Magistrates' Association. Under the auspices of this group, "sentencer fora" will be established at local area level for sentencers to have a formal communications point with NOMS/probation services.

19. We welcome the target set in the Government's National Action Plan requiring each region to develop and implement a Regional Rehabilitation Strategy. We endorse the objective of collaborative inter-agency partnerships at the national, regional and local levels. (Paragraph 108)

The Government welcomes the Committee's support for this approach. The nine regions in England are aiming to publish strategies aimed at the needs of offenders in their region, led by the new Regional Offender Managers. The Government believes that these will be important milestones in developing the strategic partnerships needed to reduce re-offending. In Wales, the Regional Offender Manager is working with the Welsh Assembly Government to develop an approach which fits the distinct needs for Wales.

20. We await the publication of the Home Office's revised projection of the future prison population. There are considerable grounds for scepticism about the accuracy of the present projection – of 80,000 by 2009 – not least because it rests on very large assumptions about the net effect of sentencing changes arising from the Criminal Justice Act 2003, and because it produces a result in which, conveniently, population exactly matches capacity. Any prison population above 80,000 – and certainly a prison population reaching up from 91,000 to 109,000 as previously projected by the Home Office – would continue to impose intolerable strains upon the prison regime and

prospects for rehabilitation. In the absence of a fuller statement of its methodology than the Home Office has been able to supply us with, there must be a suspicion that the actual calculation may have been the other way round to what is claimed: i.e. that the Government started from a basis of the maximum prison population that the Treasury was willing to pay for, and then adopted sentencing assumptions which delivered that required total. (Paragraph 118)

21. As a consequence of the recent reports and government initiatives, the basic framework is now largely in place to make possible the more effective rehabilitation of offenders. Nonetheless, the evidence we have taken in our inquiry reveals that much remains to be done: there is concern about how some of the recent initiatives (such as the introduction of NOMS) are being implemented; and despite the welcome recent decrease in re-offending rates, the scale of the problem is massive – it remains the case that nearly three in five prisoners are reconvicted within two years of leaving prison. As we have seen, the Government’s optimistic assessment that by 2009 the prison population will neatly match prison capacity rests on some questionable assumptions. It is not clear that the combined effect of sentencing reforms and the prison-building programme will be to relieve overcrowding, as the Government projections assume. Meanwhile the current high level of the prison population creates a constant ‘churn’ of prisoners through the system, and high levels of transfers between prisons, which makes it much more difficult to provide effective rehabilitative interventions. In this as in other respects, overcrowding is having a significant impact on the management of prisons. (Paragraph 123)

The Home Office’s latest prison population projections have been published in Home Office Statistical Bulletin 01/05 (Prison Population Projections 2005 – 2011, England and Wales) on the 24 January 2005. This bulletin presents a variety of possible scenarios of which the ten main scenarios reflect a range of assumptions on sentencing patterns and impacts of agreed legislation (those for which a national implementation timetable has been agreed) including the Criminal Justice Act 2003 (CJA 2003). These main scenarios take account of combinations of the following:

- Two different views of the CJA 2003, i.e. medium impact and low impact;
- Three different views of future sentencing trends, i.e., high, medium and low changes in custody rates and average sentence lengths;
- Further impacts of activities such as those of the Sentencing Guidelines Council – achieving or not achieving a further 15% reduction in average sentence lengths on sentences of 1 year or more over and above that envisaged through the CJA 2003;
- Impacts of other measures such as narrowing the justice gap, home detention curfew, mandatory minimum sentences for 3rd time domestic burglars etc.

The estimated prison populations range from 76,600 to 86,200 by 2009 and from 76,200 to 87,600 by 2011. The bulletin (HOSB 01/05) has comprehensive detail on the assumptions underpinning the projections, the modelling methods used and a description of how underlying legislative and sentencing assumptions influence the behaviour of the projections at different points in time.

The National Offender Management Service continues to investigate options for providing further increases in capacity over the coming years. There are currently a number of projects underway to increase capacity. These include expanding capacity in existing prisons by building new accommodation, which will become available over the coming months and a programme to build new prisons, as

discussed in paragraph 2. The Government is otherwise confident that its strategy of improved assessment through OASys, end-to-end management of offenders, and a new sentencing structure which provides effective alternatives to prison, will deliver the prison population benefits which it anticipates.

22. The Social Exclusion Unit report in 2002 pointed out that the best way of reducing re-offending is to ensure that prisoners on their release have the ability to get into work and a home to go to. In the remainder of this report, we investigate the current levels of provision of training, education and employment opportunities within prison, and of resettlement arrangements after release. (Paragraph 124)

The Social Exclusion Unit report on Reducing Re-offending by Ex-prisoners identified a wide range of factors which can have an impact on the likelihood of an ex-prisoner re-offending, including drugs and alcohol misuse, mental and physical health, financial support and debt, attitudes and behaviour, family links, as well as education, employment and housing. To improve accommodation outcomes for ex-prisoners, the Prison Service will be introducing, from April 2005, a shadow Key Performance Target for local prisons which will require them to assess the immediate housing needs of newly received prisoners. This will ensure that help is given to all prisoners, including those on remand or serving short sentences, to sustain, transfer or close down tenancies and Housing Benefits claims when appropriate.

The Government believes that no one pathway is more important than another, and that because these factors are mutually re-enforcing, a case management approach is needed with coordinated interventions focused on individual offenders' needs. That is what the National Offender Management Service is designed to achieve.

23. Accurate individual assessment of prisoners on admission to prison is vital as a means of identifying factors underlying criminal behaviour and individual problems, such as illiteracy or drug dependence. We note the admission by the Prison Service's Director of Resettlement that hitherto the Service has failed to take this essential first step in the rehabilitation process. We agree with Sir David Ramsbotham that a full assessment of needs and risk is as essential for a prisoner entering prison as for a patient entering hospital. (Paragraph 132)

The Government agrees with the importance of individual assessment of prisoners to identify risks and needs and as the first step in the rehabilitation process. That is why it has invested considerable resources in developing the IT based offender assessment system, OASys. OASys provides the means to identify the risk and needs of individual prisoners, to develop plans which address those risks and needs, and to aggregate the information at local, regional and national level, in order to inform the allocation of resources. OASys is operational in all prisons and probation areas and will be fully joined-up by Autumn 2005. The Director of Resettlement's comments to the Committee reflected the fact that OASys is in its early days and aggregated information was not yet available.

24. This assessment should inform sentence planning for each stage of the custodial process. It should assist in determining the selection of proportionate and appropriate targeted interventions to address criminogenic factors plus the prisoner's personal deficiencies. Resettlement objectives should be incorporated within needs assessment and sentence planning at the outset. The Prison Service should move away from viewing prisoners as passive objects to be managed and seek actively to engage prisoners, requiring them to take responsibility for themselves and their behaviour, and to play an active role in their own rehabilitation, from sentence planning through to resettlement. (Paragraph 133)

25. Both needs assessment and the resulting rehabilitative regime must be based on all available relevant information about what has happened to the individual before admission. The details of required treatment, response to treatment, and information regarding future needs, must be passed on to those responsible for offender management both in prison and in the community. (Paragraph 134)

The Government accepts the Committee's conclusions. By integrating supervision and sentence planning into the overall process of assessment, OASys helps the assessor by making the links between these two essential aspects of offender management. OASys is designed so that the objectives for supervision by the Probation Service and sentence planning by the Prison Service are clearly targeted to the profile of risk and needs identified during the assessment stage. This will form the basis of a single sentence plan for each offender, which is the central component of offender management under NOMS. The supervision and sentence planning section in OASys allows progress against objectives to be monitored and this will, in turn, inform the re-assessment of risk of reconviction and serious harm. OASys is a dynamic process in which the offender has a central role. The interview, for the original assessment and for reviews, is an opportunity actively to engage with the offender about their offending and their attitudes. OASys includes a self-assessment section for completion by the offender that can be useful in shedding light on the offender's attitude to his/her offending behaviour. OASys is an open process and the offender will be made aware of the information contained in the form and the risks and needs identified and the targets set.

26. We welcome the development of OASys and recognise its importance in offender management. The OASys model has the potential to become a building block in multi-agency information exchange, linking the various elements of the criminal justice system, including social support services and voluntary agencies, in order to achieve closer co-operation in meeting the needs of prisoners in custody as well as those serving community penalties. (Paragraph 135)

27. We are concerned at the slippage in the OASys implementation timetable and emphasise the importance of implementing OASys across both the Prison and Probation Services as a matter of urgency. In particular, attention must be focused on ensuring that both Prison and Probation Services are running IT versions of OASys which are mutually compatible and freely able to exchange information electronically. (Paragraph 136)

The Government welcomes the Committee's recognition of the importance of OASys in offender management, in custody and in community supervision by the Probation Service and its potential to improve links with all the agencies involved.

We have always been clear about the importance of the benefits that will be achieved from connectivity between the two OASys IT systems. Implementation of electronic support for OASys in both the Prison and Probation Services was achieved by the end of 2004. A pilot between Cheshire Probation Area and the Prison Service has successfully demonstrated the mutual compatibility of the OASys IT support systems for exchanging information electronically. The rollout of this facility across all probation areas has rightly been deferred, however, in order to meet the higher priority of getting OASys ready to support the sentencing provisions in the 2003 Criminal Justice Act which come in to force in April 2005. The revised timescale for completing the rollout of connectivity is by the autumn of 2005.

The National Offender Management Information System (NOMIS), which is being implemented to support the NOMS organisation, is being developed so that it will interface with the Prison and Probation Services' OASys IT systems. Options are now being examined. NOMIS is being designed as an offender management database accessible by all staff responsible for dealing with offenders either in prison or in the community.

28. We recommend that the OASys assessment tool should be extended as soon as possible to apply to remand and short-term prisoners. (Paragraph 137)

The Government partly accepts this recommendation.

OASys offender assessments, for those sentenced to less than 12 months imprisonment, are mandatory only for young adult offenders, aged 18 to 20. Some adult short-term prisoners will have had an initial OASys prepared by the National Probation Service, as part of a pre-sentence report, and this will be available to the Prison Service to inform offender management.

When Custody Plus is introduced in 2006 all those sentenced to under 12 months will normally have an OASys completed as part of the pre-sentence report, and this assessment will be used to manage offenders while in custody. Local initiatives have produced a number of tools for assessing urgent welfare needs, and they are in use particularly for remand and short-term sentenced prisoners.

It would not be appropriate to use OASys with remand prisoners unless the offence was admitted.

29. We endorse the conclusion of the Prison Industries Review that: "Industrial workshops are one of the best means, within prison walls, to reflect real working life. A proportion of the prison population will never have been exposed to real work before, and this may be their first opportunity to gain some transferable employment skills. In order to advance the resettlement agenda prison work needs to be targeted at those who are least likely to want to work. These individuals should be allocated for work, particularly on work initially that requires little training. They should not be ignored if they are difficult, or lack motivation. They should be the target audience of industries, and will benefit most from prison work. They have the potential for most return in terms of reduced re-offending on release." (Paragraph 147)

The Government agrees with the Committee's view that industrial workshops are one of the best means of reflecting real working life for prisoners. The Prison Service Management Board welcomed the Prison Industries Review and accepted all the report's recommendations. A detailed implementation plan was agreed and progress against each recommendation is regularly monitored.

The Prison Service has recently introduced a new performance standard for industries providing a strategic framework within which all industries workshops will operate. The standard echoes the principles of the sentence planning section of the Offender Assessment System (OASys) and requires establishments to allocate work in accordance with identified needs and objectives, thus targeting work to those who will derive the most benefit from it. Simultaneously, the Prison Service is working to broaden the learning and skills opportunities for prisoners working in industries.

31 prisons and units across the Prison Service estate provide regimes specifically designed to assist prisoners with their resettlement needs (including working out schemes) at an appropriate point in their sentence. Three of these are dedicated resettlement prisons – Blantyre House, Latchmere House and Kirklevington Grange. Altogether they offer a total of 2400 places for prisoners to work out in the community in either voluntary or paid employment.

30. We agree with the Prison Industries Review that it is “indefensible” that the Prison Service cannot find enough work or purposeful activity for prisoners. There continues to be an unacceptable disparity in the provision of work opportunities for prisoners across the prison estate. Whilst a maximum of just over 30% of prisoners may be involved in some form of prison work activity, only a third of those have placed in prison workshops, the type of work activity which most closely reflects “real working life”. This suggests that involving prisoners in work schemes remains a low priority in the Government’s current rehabilitation agenda. (Paragraph 153)

The full quote the Committee appears to be referring to is “It is indefensible that the Service has reached the point that it cannot find enough work or purposeful activity for prisoners whilst it has to find funds to purchase goods it doesn’t have the capacity to make¹”. This quote comes from the section of the review of industries report that deals with clothing and textile goods. The point being made was that some of these workshops were under utilised while the Prison Service was having to buy some clothing goods. Since the review a number of discontinued items have been re-introduced and are again being made in Prison Service workshops.

On the more general point, the Government does not accept the Committee’s view that involving prisoners in work schemes is a low priority. Work in industries workshops represents one of a number of activities in which prisoners are encouraged to participate. Significant investment (£19.97m) has been made over the last 12 months on providing better facilities to support learning and skills across the prison regime. Funding amounting to some £14m is invested each year through the Custody to Work initiative to support schemes and projects designed to meet the resettlement needs of prisoners – this includes working out schemes, providing links with housing agencies and employment advisers.

Significant effort is also being invested in sourcing new, quality work to sustain workshops while providing increasing numbers of prisoners with the opportunity to seek and gain relevant vocational qualifications and work experience. Plans are in place to provide an additional 700 workshop places around the estate across a whole range of industries with some due to open as early as April this year. To maximise resources some prisons such as HMP Ranby (Nottinghamshire) are already utilising innovative shift work operations that enable either long or continuous operating hours.

This is being achieved in the face of population pressures, while the age, design and location of many prisons severely limits available space.

31. Whilst the Home Office claim that the key recommendations of the Prison Industries Review are being implemented, it is clear that prison industries remain peripheral to the Prison Service’s strategy for rehabilitation. Prison industries continue to be run in isolation from other activities rather than as a complement to other rehabilitation measures. There has been no substantial increase in the number of hours workshops operate. Hardly anywhere in the prison estate does the work regime yet reflect the structured working week found in outside work. Of particular concern is the failure of the Government to include outstanding recommendations from the Prison Industries Review within Pathway 2 (Education, Training and Employment) of its Reducing Re-offending National Action Plan published in July 2004. We take the omission of these recommendations as a sign that the Government has no intention of implementing them. This would be a great mistake. We recommend that this omission from the Plan be remedied as a matter of urgency. (Paragraph 154)

¹ Prison Service HQ Review Programme: Prison Industries para 176

The Government does not accept the Committee's conclusion that prison industries are peripheral to the Government's strategy for rehabilitation. In the past prison industries have developed – over many decades – in a haphazard fashion both geographically and by sector. With the Industries Review the Government now has a clear strategic direction for prison industries which combines the complementary aims of increasing the efficiency and effectiveness of industries while also increasing the resettlement opportunities possible.

The past 12 months have seen continued investment in both facilities and strategic policy to ensure that the profile remains high and the improvements in the governance of industries maintained:

- An additional £2.3m capital investment for machinery replacement or upgrade.
- A new performance standard published as a tool for translating the statement of purpose and providing a framework within which all industries workshops will operate. A major element of the standard is the drive to mainstream appropriate training for prisoners and to involve prisoners in a number of key activities that support production such as administration, forklift truck driving and warehousing.
- A series of Prison Service Instructions issued giving guidance on the management of industries at local, regional and national level.

Two references are made to the role of industries in vocational and skills training in Pathway 2 of the Reducing Re-offending National Action Plan. We will however consider including a specific reference to the Prison Industries Review in any future published report on progress with the Action Plan. One of the key benefits of the review was to significantly raise the profile of industries as a major contributor to the prison rehabilitation regime.

32. It should also be a priority of the Prison Service to establish a policy team to develop a long-term prison work strategy, and foster links with internal Prison Service departments, government departments, employers and local authorities. (Paragraph 155)

The Government accepts that this function is essential in developing a long-term prison work strategy and this was recognised by the Review of Prison Industries, which effectively started this process. The central support function for prison industries has been re-organised to develop a long-term strategy (including looking at what new industries, products or services could be suitable for the Service) and including developing relationships with other government departments, employers (national and regional) and local authorities. Strategic reviews of all the industry sectors the Prison Service is involved in have already been undertaken. These will form the basis of developing a long-term strategy for industries building on the successful implementation of the recommendations that arose from the internal review of industries.

33. The model of HMP Coldingley demonstrates that through a coherent, focused prison work strategy, prisoners can obtain transferable skills and qualifications at the same time as gaining experience of a real working environment and routine. We recommend that the Prison Service develop a prison industrial strategy to ensure that – in the words of the President of the Prison Governors' Association – “prison after prison does the same thing and does it in a very businesslike way to very high standards and very competitively”. (Paragraph 160)

36. We believe that the Prison Service should make the development of structured work a central part of the national prisons strategy. Every effort should be made to use the Coldingley system as a model for other establishments, adapted as necessary to extend it to those who have little previous experience of work or who are reluctant to take on prison work. (Paragraph 163)

37. A coherent constructive prison work strategy will not be developed while the responsibility rests on ad hoc initiatives by individual prison governors. (Paragraph 164)

42. We believe that a radical reprioritisation of work within the prison rehabilitation agenda is necessary. Partnerships between the prison sector, companies and their supply chains should be established as a matter of priority to identify and provide sustainable employment opportunities for offenders on successful completion of relevant training courses. Basic labour shortages and skills gaps in the external labour market should be identified and matched to vocational training and work programmes in prison. There should be much greater use of day release schemes on the German model to enable prisoners to experience work in the community prior to their release, and demonstrate their abilities and trustworthiness to employers. (Paragraph 180)

The Government agrees with the Committee's view that prison work can offer prisoners a better experience of a real working environment in which transferable skills and qualifications are encouraged. That is indeed a part of its strategy for prison industries and elsewhere we outline what steps are being taken to develop the strategy. The new performance standard is a major step forward in providing a solid framework for industries as it links the training and work opportunities that will be delivered in prisons with the labour shortages and skills gaps in the relevant external labour markets. Providing effective strategic direction and a national framework for industries are crucial to the management of a successful regime. But there is also a place for local initiative within an overall agreed framework. There is now a formal requirement on Governors to consult and gain agreement before workshops can either close or be re-designated. In the event of a disagreement the Industries Management Board acts as the final decision maker.

It is also agreed that partnerships with the private sector are invaluable in providing opportunities for prisoners on release. An established partnership is already in place with a large multi-national company that provides quality work experience for prisoners in the production of office furniture. It is hoped to expand the number of prisons involved in this venture and the Service is actively seeking a further major contract with another company later this year.

34. In one respect only we consider that the Coldingley regime is open to criticism: that it does not allow prisoners to work part-time in order to accommodate other rehabilitative activities such as education, as recommended by the Prison Industries Review. We recommend that in this respect the regime should be modified. (Paragraph 161)

The Government accepts this recommendation.

The regime for prisoners at HMP Coldingley has been further modified since the early stages of the part-time working initiative at the time of the Committee's visit to the prison in May 2004. The opportunity for prisoners to work part-time and thus to be able to access other rehabilitative activities, including education, has now been built into prison's regime and resettlement systems.

35. We recommend that the Prison Industries Review recommendation to extend prisoners' working hours should be adopted across the prison estate as a matter of prison policy. A key performance indicator target should be set requiring individual prison establishments to provide a full working day for prisoners. We consider that the prison regime should be restructured to support prisoners working a conventional 9am to 5pm working day (in education, vocational training or work programmes, or a mixture of these), fostering the work ethic and giving prisoners responsibility for their future post-release by encouraging them to obtain recognised qualifications and marketable skills through on the job training. (Paragraph 162)

The Government is committed to increasing the vocational and training opportunities for prisoners, and to providing a structured regime and an incentive scheme which encourages self-discipline. There are difficulties in measuring the work provision for individual prisoners but there is a basket of measures used to assess performance in this area. These are Basic Skills (Entry, Level 1 and Level 2), key Work Skills, ETE (Education, Training and Employment), purposeful activity and time unlocked. Each establishment is also audited against a Prison Service standard which requires that they record the time prisoners spend in all appropriate categories of purposeful activity.

The present target is 24 hours per prisoner for week and the Government does not accept the recommendation to introduce a 9am to 5pm working day. This would represent a two-thirds increase on the existing target and does not recognise the particular constraints of managing work in a secure environment. Movement of prisoners to and from work must be carefully controlled to ensure that the number of prisoners moving around the prison is limited to that which the staff on duty can safely control, and movement of groups of prisoners through locked doors and gates is necessarily time-consuming. Equally time-consuming is the need to search prisoners going to and from work to ensure they have not secreted about their person any tools or equipment that could be used as a weapon or to aid an escape, and that opportunities for prisoners to pass drugs and other contraband are minimised.

The need to operate within these security constraints means that provision of a longer working day would necessarily have an impact on other regime activities including access to visits, healthcare and education. Substantial additional staff resources would go some way to meeting the problem but the physical and security constraints will always be significant factors as well.

38. We note that prisoners do external work under day release schemes from open prisons on a much greater scale in Germany than in the UK. We recommend that the Prison Service should expand its current system of day release along the lines of the Tegel model set out above, to allow a wider number of prisoners to take part in work and educational programmes in the community as part of their preparation for release. Home leave can provide prisoners with the only chance of sustaining the family unit, and is particularly pertinent to women prisoners, the majority of whom are desperately trying to maintain relationships with children. Save in the most serious cases, there should be a presumption that home leave is available for women prisoners. Day release and home leave plans should become an integral part of the Prison Service's broader resettlement strategy. (Paragraph 170)

The Government does not accept this recommendation, which – if the Tegel model were adopted - would provide the presumption of an entitlement to day release for 21 days a year for all prisoners. Nor does it consider that there are grounds for applying different criteria to men and women.

The Government agrees that Governors must make appropriate use of Release on Temporary Licence (ROTL) to improve the resettlement opportunities for prisoners and to maintain family ties. Indeed, ROTL plays a key role in the management of prisoners in the resettlement estate. This comprises some 30 establishments, mainly open prisons, which provide specific regimes for longer-term prisoners, including lifers, during the final two years of their sentence. Activities during the resettlement programme include opportunities to address outstanding offending behaviour, educational and training needs; unpaid community work and, ultimately, full time, paid employment.

Before any prisoner is released on temporary licence the Governor of the establishment must be satisfied that the release would not be likely to undermine public confidence in the administration of justice. For this reason prisoners are required to serve a certain period of their sentence in custody before they become eligible to apply for temporary release for resettlement purposes. However, eligible prisoners can, subject to need, be released to deal with childcare issues and urgent domestic circumstances without serving a minimum period in custody. The Prison Service has recently completed a review of temporary release policy and is due to issue the new guidance in the spring of this year. The policy will enable Governors to better tailor temporary release to the needs of the individual prisoner.

It is vital that temporary release is underpinned by a stringent eligibility and risk assessment process to ensure that, as far as possible, the public is not put at risk and that public confidence is not undermined. For this reason the Government would not support a policy which allowed a presumption for temporary release for particular purposes or categories of prisoner. Women prisoners, as with any prisoner, must be risk assessed before release is granted and a decision to grant release is based on the circumstances of each individual case. The new sentence of intermittent custody – which is being piloted in a male and female prison – is a more appropriate way of meeting some of the needs which the Committee identifies in those cases where a court considers that it is a safe and appropriate sentence.

39. We support a major extension of the Transco approach. We recognise that it directly meets the employment needs of a private sector company. The programmes are driven by those needs, rather than by charitable or educational aims. However, in identifying and meeting those needs, the Transco work scheme offers a higher quality of education, training and motivation than the vast majority of prison-based education or training. (Paragraph 177)

Developing links with employers is an important part of the Prison Service Custody to Work strategy. The Prison Service has identified a number of sectors that have significant national and regional labour shortages on which it is focussing its work to develop such links.

The sectors that have been targeted are: construction, catering, industrial cleaning, utilities, sports and fitness, driving and distribution. These sectors were identified following consultation with the Confederation of British Industry (CBI), the Employer Services Division of Jobcentre Plus, the Department for Education and Skills and a number of the Sector Skills Councils for these sectors. The Custody to Work Unit is also working with the Home Office Business Crime Reduction Unit to pilot employment projects for offenders with major employers in the retail sector.

The Prison Service acknowledges the value of the National Grid Transco (NGT) approach as it delivers guaranteed jobs for prisoners selected for the scheme. The strength of the scheme is that it is business led and contributes towards meeting the recruitment needs within the Gas sector.

40. We note that the Transco work scheme demonstrates that some of the labour shortages in the economy that are currently met through managed migration could be met by enhancing the employment potential of the prison population (Paragraph 178)

The Migration Scheme managed by Work Permits (UK) is for low skilled jobs in the hospitality sector and the food manufacturing industries. In 2003-04 there were 20,000 places on the scheme. It is estimated that there are over 100,000 vacancies in the hospitality sector, so the Government recognises that with a quota of 10,000 work permits for migrant labour there is considerable scope for the employment of ex-prisoners in the sector.

41. We endorse efforts to develop the Transco work scheme across other industries and sectors. However, whilst the Prison Service offers support to the programme, we do not believe that there is yet a central drive from within the Prison Service to maximise its potential. The Prison Service now needs to give priority to supporting this type of initiative. The development of training programmes leading to guaranteed employment requires stability in the prison population and longer-term commitments to individual prisoners. We are not convinced that the Prison Service is yet committed to providing such opportunities. (Paragraph 179)

The Government does not accept the Committee's view that work with employers is given a low priority. The Prison Service has established links through the Custody to Work initiative with a number of major employers in the target sectors. Many of these have been developed at regional and local level through resettlement projects such as Prison Service Plus and the Swing project which is helping prisoners in the South West to obtain employment on release. In 16 months the project has placed 68 prisoners into full time employment, all of which had retained their employment after four months.

The focus of many of these activities has been on establishing direct recruitment arrangements. New arrangements whereby the responsibility for planning and funding offender learning and skills will be with local Learning and Skills Councils (LSCs) offers new opportunities for employer engagement in the delivery of training in prisons and for establishing pathways into related employment for prisoners on release.

The Prison Service is leading a programme aimed at co-ordinating the employer engagement activities of the Prison and Probation Services with those of LSCs and Jobcentre Plus (JC+). LSCs will identify the skill needs of employers in the target sectors and develop and accredit training with offenders. JC+, in partnership with the Prison Service, will seek employment for prisoners in related occupations. The programme will involve employer organisations, such as the CBI and the Chartered Institute for Personnel and Development. This wide-ranging programme has been approved by the Employment, Training and Education Sub-Board of the Reducing Re-offending Programme Board.

The Prison Service welcomes the contribution of National Grid Transco (NGT) in delivering training for prisoners linked to employment in the gas industry, and its work to encourage employers in other sectors to train and recruit offenders. The Service, through the Custody to Work Unit, has continued its contact with NGT and provided it with the necessary backing to set up and maintain the effective operation of the project. The Prison Service would welcome establishing a joint development plan to ensure that the project achieves its potential by focussing on appropriate prison establishments and avoiding unnecessary duplication.

43. We recommend that a business case should be formulated for the creation of a specialist not-for-profit agency outside the Prison Service, staffed by personnel with the necessary financial and commercial expertise and experience, to co-ordinate investment, marketing and supply for prison industries. (Paragraph 181)

The Government will give further consideration to this helpful recommendation.

The Committee has raised an interesting point about how work for prisoners might be procured. We will need to undertake some detailed work in order to fully assess whether this recommendation should be implemented. The Prison Service has already re-structured the central unit that supports industries and a team within that unit are conducting the tasks noted by the Committee. These responsibilities include supporting establishments, engaging with employers, sourcing quality work and spear heading appropriate qualifications to improve prisoners' prospects on release.

44. We recommend that the emphasis on prison work should be on employing the largest number of prisoners in some form of productive work scheme for the standard number of hours of the working week, rather than design a system facilitating full-time work for a very small number of highly trained prisoners. (Paragraph 182)

The Government accepts this recommendation.

The Prison Service endeavours to provide as many prisoners with purposeful activity as possible. The aim of prison industries is to occupy prisoners in out of cell activity and wherever possible to help them gain skills, qualifications and work experience to improve their employment prospects on release, thus impacting upon reducing re-offending.

45. Building on the recommendations of the Internal Review Report, we suggest that the Prison Service consider developing a more structured sequence of work opportunities for prisoners. Contract workshops offering basic, low-level work can still have value where linked in an integrated manner with the teaching of basic skills, such as numeracy or accounting skills. Workshops should provide prisoners with experience of the real working day which will be a new experience for many of them. As they proceed through their sentence, and on condition of successfully completing requisite elements of their sentence plan (e.g. education courses, offending behaviour programmes and drug treatment programmes), prisoners should have the opportunity to apply for higher skilled work, ultimately moving towards training and working in a prison workshop or on day release in education and training programmes. As the sentence progressed, the emphasis should increasingly be on getting prisoners into work outside. The advantage of this more structured sequence of prison work is that it would give prisoners clear staging posts. It would also provide prisoners with an incentive for completing the other rehabilitative elements of their sentence plan, not least basic education and treatment programmes. (Paragraph 183)

The Government has accepted the Prison Industries Review and welcomes the Committee's endorsement of the strategic direction now in place. The Committee is right to point to the sentence planning process as the most appropriate means of allocating prisoners to work places. OASys focuses on the needs of individual offenders and objectives are identified such as referral to a cognitive skills programme, basic skills assessment and interviews with employment advisers. Building on progress already made against the Review recommendations the performance standard and the developing Prison Service Order seek to match this process by enabling prisoners to progress through industries and undertake a variety of different tasks, including what might be described as traditional back

room operations. This will enable prisoners to have a broader experience of work and develop a number of different practical skills underpinned by appropriate work based training.

46. We believe that extra investment in prison work, training and education is much more likely to be forthcoming if a strong business case can be made in terms of benefits for the UK economy as a whole. We recommend that HM Treasury, in conjunction with the Home Office, should carry out an assessment of the potential of ex-offenders to meet UK skill needs. (Paragraph 186)

The Government does not see a need for an assessment of this kind.

As discussed under paragraph 39, a major part of the NOMS employer engagement strategy is already focused on developing links with employers in sectors that have feasible employment opportunities for ex-offenders (either because of low skills requirements or because of regional or national skills shortages), and which overlap with existing or developing training and work activity for offenders. These sectors include utilities, hospitality and catering, construction industry and industrial cleaning.

The aim is to encourage business-led initiatives in which skills shortages can be met by training prisoners. The National Grid Transco model – which it is estimated will eventually provide 1,300 new skill-based jobs a year – shows what can be achieved in partnership with an imaginative national employer. Local Skills Councils are reflecting this approach at local level, identifying skills shortages amongst local employers which can be met by training prisoners who will be released into that community.

The Jobcentre Plus Employer Services Directorate (ESD) is a key player in the delivery of the NOMS employer engagement strategy. ESD support delivery by providing information about labour market needs, promoting the case with employers for employing ex-offenders, and using its vacancy and job placing services to link ex-offenders with employers in the target sectors.

One of the Government's key priorities is to reduce the numbers of prisoners who re-offend. That is why, in 2001, the Social Exclusion Unit were asked to investigate ways of reducing re-offending by ex-prisoners. Their detailed report provides a wealth of evidence on the problems ex-prisoners face in obtaining employment.

A criminal record is not always in itself a barrier to employment. Lack of skills and basic readiness for work are. That is why the Prison Service is also focusing on basic skills and employability. A key objective is to get offenders into mainstream services from which they have often been excluded.

47. We urge the Prison Service to monitor closely the development of the Howard League's pilot project at HMP The Mount. (Paragraph 190)

The proposals to pilot the running of a workshop at The Mount are still under discussion. The Prison Service will monitor the project as it progresses.

48. We recognise that the argument for paying prisoners a more representative wage is not to make them better off while they are in prison, but to give them experience of paying tax, national insurance and living costs, and facing up to the same responsibilities as other citizens. We recognise the complexity of developing such a policy, not least in terms of public perception, the costs of administration of such a system and the setting of deductions. We recommend that the Prison Service run a small number of pilot schemes to assess the impact of paying market rates with appropriate deductions to cover the cost of accommodation, food, child

support and – as a requirement – reparation for victims. This might help overcome objections that prison work undercuts local companies. (Paragraph 192)

The Government will consider the value of further pilots paying real wages, in addition to that already planned at The Mount, in co-operation with the Howard League.

Where the Prison Service has been able to find suitable work in which to place prisoners at a normal rate of pay, it has ensured that these prisoners pay tax and National Insurance as appropriate. The Prison Service will continue to look for work opportunities which will allow it to pursue such a policy. However, new powers would need to be provided in legislation to allow enforced deductions from earnings for the purposes which the Committee propose. In its White Paper, “Justice For All” the Government recognized the benefits of an approach of this kind and will continue to look for a legislative opportunity to implement it.

49. The provision of basic education to address the very high levels of illiteracy and innumeracy amongst prisoners has hitherto been a successful intervention strategy by the Prison Service. Impressive targets have been met, as the statistics demonstrate. We commend the Prison Service’s efforts to date. (Paragraph 210)

50. We recognise, however, the challenges that remain. The evidence suggests that implementation remains incomplete. The number of basic skills awards gained in 2003-04 was over 46,000. This is a fine achievement, but needs to be placed in the context of the 130,000 prisoners estimated to pass through the prison system in a year. We note the other deficiencies to which the Adult Learning Inspectorate has drawn attention, which reflect our own observations. (Paragraph 211)

Since April 2001, over 130,000 nationally accredited literacy, numeracy and ESOL qualifications from Entry Level to Level 2 have been achieved by offenders in custody in England – a major contribution to the Government’s targets for improving basic skills. Furthermore, our basic skills target for next year is 20% higher than the achievement we expect this year. The Probation Service has improved its delivery of basic skills training significantly over the past few months. It has been working in partnership with the Learning and Skills Council since April 2004 and for the first time, the Probation Service is now exceeding its basic skills targets.

However, there is a need to broaden the range of learning and skills outcomes achieved by offenders, for example to support achievement for vocational awards, which are also of immense value to future employability. The Offenders’ Learning and Skills Service (OLASS) Project will begin to shift this focus as vocational training is incorporated into provision in prisons and the community.

51. There is a disturbing degree of variation between individual prisons in the extent of prisoners’ access to education and the provision of educational programmes. Such variation reflects disparate investment in education by individual prisons and demonstrates the lack of a unified education policy across the prison estate. We recommend that minimum standards be imposed by the DfES by way of key performance indicator targets which every prison must meet. (Paragraph 212)

Work is currently underway through the OLASS Project to develop a new service of education and skills for offenders in both custody and the community. The Learning and Skills Council will plan and fund the new service (in close co-operation with key delivery partners including the Prison and Probation Services, the YJB and Jobcentre Plus), and will replace the current contracts in prisons.

A new funding methodology is being developed to ensure provision meets the need of the offender, and to address the current disparities in funding between different establishments. The new methodology cannot address these disparities in one step, but we are aiming towards a more cogent distribution of learning and skills funding as quickly as possible. The new service is being trialled in three Development Regions, with a full-roll out in 2006.

52. In the medium to long term, we consider that an overly narrow emphasis on basic education should not be encouraged. We welcome the appointment of Heads of Learning and Skills in each prison to take forward a broader education strategy. In particular, we consider there to be a strong case for widening the methods of delivering education. Transplanting the formal educational classroom model into the prison rehabilitation regime is not necessarily the best method of encouraging prisoners to learn. (Paragraph 213)

It is clear that offenders often bring with them poor previous experiences of classroom education, and that a formal education model may often not be the best method of encouraging them to learn. Much research is being conducted by the National Research and Development Centre for Adult Literacy and Numeracy into how adults learn best.

Evidence suggests that basic skills are most successfully delivered when embedded in vocational training. The Prison Service is committed to delivering training through prison industries workshops and other regime activities. The Prison Service Industries Review emphasised the benefits of providing training opportunities in industries wherever the opportunity arose and this is reflected in the National Reducing Re-offending Action Plan. Two projects in the North West and South West are piloting the introduction of training programmes into workshops.

The OLASS arrangements, being trialled in three development regions, with a full rollout in 2006, will allow us (in the prison setting) to bring together contracted education and vocational skills training (the latter currently delivered in the main by prison staff) and will offer integrated vocational and basic skills provision.

53. We recommend that consultative forums be established in each prison to allow prisoners the opportunity to contribute to decisions regarding delivery and content of educational programmes. (Paragraph 214)

The Government accepts the value of such forums. Currently many prisons already have such consultative forums organized by the education department; prisoners meet on the wing and discuss issues such as food, education, and libraries.

54. Consideration should be given to the feasibility and desirability of raising the payments given to prisoners attending education and training courses, with a view to ensuring that there is no significant disincentive to prisoners to attend such courses. (Paragraph 215)

Nationally, Prison Service Order 4460 on Prisoners' Pay sets out the minimum rates of pay which must be paid to prisoners who participate constructively in the prison regime. Chapter 1 of PSO 4460 requires that pay schemes are audited on an annual basis and that there must be no disincentive between pay rates for educational and other employment opportunities.

Currently, prisoner pay is a matter for individual governors, who decide on the balance of pay for different activities, within the context of challenging targets for education and a climate in which all the messages from the centre are that education is a high priority. Many of them have reviewed pay structures within

their establishments. The Adult Learning Inspectorate Chief Inspector's Report has stated that, "The disparities in pay between different activities for prisoners were reviewed and resolved in many prisons."

This is an issue that we are keeping actively under review. But there seems to be little hard evidence to suggest that lack of pay for education is in practice deterring participation. HMP Standford Hill raised education pay and found it had little effect on attendance, HMP Canterbury have found that embedding learning in workshop activities is having the greatest effect on attracting hard to reach learners.

55. We note the damage done to prisoners' education by the 'churn' of prisoners through an overcrowded system. We support the proposal by the Prison Reform Trust that every prisoner should have a personal record of achievement which they will take with them when transferred to a new prison. Communication between prisons, and co-ordination of educational provision within the prison system, should be improved to minimise the disruption caused to prison education by transfers. (Paragraph 216)

The Government accepts the thrust of this recommendation, although it is planning a solution that differs in its detail.

It is a fundamental requirement of the 'Offender's Learning Journey' – the document outlining the new Offenders' Learning and Skills Service – that the offender should be able to make seamless transitions between custodial settings and the community without disruption to their learning. Information Advice and Guidance, Assessment and an Individual Learning Plan are key elements of the journey, and will ensure that the learning experience is tailored to need. The offer includes a system of more effective individual learning plans which, on the basis of IAG and assessment, set out learning and other goals and progress against them.

At present, prisons are required to transfer Individual Learning Plans within a maximum of 5 days. There are plans to improve performance in this area. Three development Regions are prototyping different methods of transferring records and an ICT strategy has been developed. It proposes an offender learning database, based on an electronic system which shares Individual Learner Records (ILR), and is used by LSC funded providers with 14-19 year olds throughout Bristol. The database would make it possible to access all IAG and ILP information when offenders move around the estate, negating the need for repeat assessments.

56. We recommend that the Prison Service consider encouraging more extensive use of the 'Toe-by-Toe' system of teaching basic reading and writing skills. (Paragraph 217)

Toe by Toe is a programme designed for primary school children with dyslexia. Although not specifically designed for adults, it appears to be successful with prisoners with a wide variety of educational histories and learning difficulties. Its highly structured approach appeals to learners who thrive on easily grasped, repetitive procedures which progress in very small incremental steps. The Offenders' Learning and Skills Unit is currently funding a small project to evaluate the Toe by Toe methodology.

The evaluative exercise offers a structured analysis that will:

- identify the success factors in the secure estate;
- determine the role of the learner/tutor relationship in the scheme's success and consider its applicability to all learners;

- ascertain the potential for mainstreaming within the wider *Skills for Life* learning community and stronger links with the overall *Skills for Life* initiative.

57. We welcome plans to integrate accredited training into prison workshops. Nonetheless, the Prison Service deserves criticism for having failed hitherto to remedy the core defects that it has itself identified in its vocational training programme. Vocational training workshops enable a more innovative and integrated approach to education and work, setting training alongside work opportunities for those prisoners who reject the formal classroom model of education. We were impressed by the well-equipped motor mechanics training centre at HMYOI Aylesbury, jointly run by the prison and Toyota; but we note also the massive gap between this and the standard provision that is available in YOIs and in the prison estate as a whole. During our prison visits, many prisoners told us that they attended particular classes because they were the only ones available, not because they thought they would help them get jobs. (Paragraph 223)

The Prison Service is committed to delivering training through prison industries workshops. The Prison Service industries review emphasised the benefits of providing training opportunities in industries wherever the opportunity arises. Two projects in the North West and South West are piloting the introduction of training programmes into workshops. HMP Wymott currently delivers through its workshops, qualifications in fork lift truck driving, engineering and weaving.

The OLASS Project will introduce a planned approach to the work related learning offered in prisons. Using Prison Service's Heads of Learning Skills' knowledge of the needs of their learner population, allied to the LSC's Strategic Area Review process which sets out local labour market needs in offenders' resettlement areas, OLASS aims to introduce provision that is aimed specifically at employment and employability. Making such changes can not be done overnight, but introducing the LSC's mainstream learning planning processes and expertise into the offender learning environment can serve only to address the concerns the Committee raises.

58. We consider that the management of vocational training by DfES provides the potential for a more holistic approach to the delivery of education and skills. (Paragraph 224)

The Government agrees with this assessment and believes that future changes will result in a yet more integrated approach. With the transfer of lead responsibility for planning and funding offender education to the Learning and Skills Council, vocational training will be brought within the overall learning and skills service. The LSC's remit for planning and funding all post-16 learning (bar HE) will ensure that provision is consistent with that available in the mainstream. In addition, LSC understanding of regional and local labour market needs as part of their planning role will support the development of vocational provision which is relevant to the offender's "receiving" labour market.

59. We welcome the investment in upgrading vocational training workshops and recommend that this should be sustained to re-equip and modernise all workshop equipment. It is vitally important that all vocational training workshops should be designed to meet the relevant industry standard and provide recognised qualifications or awards. (Paragraph 225)

60. Without this investment, prisoners will be trained on machines which are out-of-date in practices which are no longer relevant in the modern workplace. Prisons with appropriate, well-resourced workshops, in favourable locations and with medium- to long-term prisoners are likely to be better able to attract work contracts, provide a fuller working day and pay enhanced or 'real' wages. (Paragraph 226)

Through the Offenders' Learning and Skills Unit's Round 4 Capital Modernisation Fund Project (*Prisoners – "From Learning to Earning"*) £7.36 million was invested to provide new, fully equipped, classrooms adjacent to workshops and a further £4.46 million was spent upgrading workshop facilities and equipment with the specific intention of supporting level 2 training and making it more relevant to employers' needs. The Capital Modernisation Fund Project enabled the upgrading of 119 vocational training programmes and the building of 77 new classrooms to support vocational skills between 2002-04. We will be evaluating the impact of this additional funding.

We acknowledge that currently resources for equipment, tools, and machinery are variable across the Prison Service. We consider that, generally, equipment in production workshops reflects industrial standards. A significant number of dedicated training workshops will have equipped facilities which support level 2 programmes, and workshop accommodation, machinery, and workshop practices meet health and safety requirements. Since the new arrangements will entail a review of how vocational training is delivered, we will be in a better position to assess the requirements once the prototyping work is underway.

61. We share the Government's disappointment at the results of the most recent research into the impact of offending behaviour programmes. We consider that the great expansion in offending behaviour programmes since they were introduced in the early 1990s, and the alteration in focus of whom they were delivered to, have compromised programme delivery. (Paragraph 233)

62. In our view, the results of the Home Office research argue in favour of reducing the priority given to offending behaviour programmes. They should continue to be offered as part of the range of interventions for prisoners but fitted into a much wider rehabilitation agenda. We welcome the Government's plans to develop strategies to evaluate the effectiveness of current programmes through reviews of (i) the targeting of programmes and (ii) the approach to auditing the quality of delivery. We recommend that a much more sophisticated selection process be introduced to ensure that appropriate prisoners attend each of the particular courses, and that providers of programmes be carefully scrutinised on an ongoing basis to ensure satisfactory and consistent high standards of delivery of the programmes across the prison estate. (Paragraph 234)

The disappointing recent research results were based on general offending behaviour programmes. Although these are the biggest volume they are not all the programmes delivered. The Prison Service has subsequently issued revised guidance to establishments on the targeting of general offending behaviour programmes, and continues to closely monitor delivery. Specific offence related programmes continue to use specialist assessments to ensure accurate selection.

There is no clear explanation for the contrast between findings of the three evaluations of programmes delivered between 1992 and 2000. Such variation is consistent with the international experience of variable re-offending reduction rates found so far in the evaluation of prison-based cognitive skills programmes. The findings might also be explained by differences in programme delivery and implementation. Staff running the earlier programmes and the prisoners who participated in the first study may have been more highly motivated. Programmes in the second study were rapidly expanded and this may have affected the quality of delivery. There is clear evidence internationally and from our own programmes that re-offending can be significantly reduced by offending behaviour programmes, and the Government continues to believe that they have a part to play in the range of interventions within prisons.

The balance of investment in these programmes is flexible. For example in 2004 resources were reallocated from general offending behaviour programmes to drug programmes, and the Prison Service also reviewed the location and distribution of programmes across the estate which resulted in the movement of resources and a better distribution of programmes within Regions. Additionally there has been considerable investment in other aspects of the broader rehabilitation strategy, particularly education, custody to work and tackling substance misuse.

Revised selection and targeting processes have been introduced but further consideration is being given to the sequencing of interventions. Accredited offending behaviour programmes continue to be subject to an annual audit that is ratified by the Correctional Services Accreditation Panel. The quality of delivery is audited across the estate to try and ensure consistency.

63. We consider that the current Prison Service Key Performance Indicator for offending behaviour programmes is misplaced, because it measures their success by the number of courses run, rather than by outcomes. We recommend that the Prison Service put in place ongoing monitoring programmes evaluating outcomes in terms of completion rates and impact on reconviction rates on an annual basis. (Paragraph 235)

Data is currently recorded on the number of programmes that have been started or completed by prisoners rather than the number of courses run. The KPI uses the number of completions because one of the purposes of a target of this kind is to set priorities for resource allocations. At present the two-year reconviction figures for evaluating the effectiveness of programmes lag some three years behind the delivery of the programme and provide only a retrospective view of effectiveness. For statistical reasons they could not be disaggregated to the level of an individual establishment completion rates. For both these reasons reconviction rates are not suitable for use as a KPI measurement. Home Office research staff are involved in evaluating the impact of programmes on reconviction rates and developing interim measures of programme impact.

64. We endorse the view of the Prison Service that HMP Grendon is “a model of good prison practice and a leader in the treatment of severe personality-disordered offenders”. Although by its nature this model of treatment will only be suitable for a minority of offenders, we consider it important that the work done at Grendon should continue. We recommend that the Government should commit itself to maintain and if possible increase the present level of resourcing of Grendon and other therapeutic units. We agree with the Minister that prisoners should only be sent to Grendon if they are willing to benefit from that regime and have been assessed as suitable for allocation there. (Paragraph 240)

The Government welcomes the Committee’s view that HMP Grendon is a model of good practice and that it is important that the work there continues. The Government accepts the Committee’s recommendation to at least maintain the level of resources of therapeutic units.

The Democratic Therapeutic Community core model received full accreditation from the Correctional Services Accreditation Panel (CSAP) in March 2004. There are currently six Democratic Therapeutic Communities in operation.

65. We consider that the expanding use of remand is cause for concern. The growing numbers of remand prisoners are impacting significantly on the already overcrowded prison estate. The fact that over 50% of all remand prisoners are not subsequently given a custodial sentence points to an urgent need for reform to reduce the numbers of remand prisoners. It is unfortunate that the Government’s National Action Plan contains no reference to remand prisoners. We recommend that the Government should

commission a comprehensive review of the role of remand in the criminal justice system as a matter of priority, particularly in light of the weakening of the presumption in favour of bail introduced by the Criminal Justice Act 2003. (Paragraph 247)

The Criminal Case Management Programme brings together the work of criminal justice agencies, the judiciary and the defence. It provides a strong foundation in the police and CPS prosecution team working together to ensure a more robust and appropriate charge. The courts, judiciary, prosecution team and defence will more actively manage those cases coming before the courts to ensure full and timely case preparation. The prosecution team will improve its support of victims and witnesses to ensure their full co-operation and satisfaction in this process. The combination of these activities will lead to an increase in early guilty pleas, a decrease in discontinuance, better management of bail, and more effective hearings, in particular, fewer ineffective trials. This will effectively reduce the time taken to resolve a case and therefore the time spent remanded in custody.

The Defendant Attendance Steering Group is developing a coherent national approach to address problems with the bail management process identified by the National Audit Office Report *Facing Justice: Tackling defendants' non-attendance at court*. A review of bail management processes will investigate issues around the type of information available to bail decision makers, the communication of conditions and breaches between police and courts, reminders to defendants, and the monitoring and effectiveness of bail conditions. This will aid the development of a set of cross-agency standards to help inform local and national protocols, and will form the basis of a strategy to improve the bail process as a whole. An effective and efficient bail process will improve confidence in the system – enabling the courts to make fully informed bail decisions and encouraging defendants to adhere to bail requirements.

The Government is conscious that the provisions in the CJA 2003 on reverse presumptions are likely to result in an increase in remands in custody. Such an increase would, in principle, be justified in order to improve the effectiveness of the criminal justice system and to protect the public, but it is only prudent to ensure that it will be on a scale that the Prison Service can cope with. We are therefore examining the impact on the prison population of a Practice Direction issued by the Lord Chief Justice in 2004 about how courts should deal with defendants who fail to appear, which may to some extent have forestalled section 15 of the 2003 Act.

The Government does not believe that the Reducing Re-offending National Action Plan is an appropriate document for addressing these issues.

66. Whilst respecting remand prisoners' status as (in most cases) unconvicted prisoners, we believe that measures should be put in place to ensure the time remand prisoners spend in custody is used constructively. (Paragraph 252)

Remand prisoners are innocent until proven guilty by a court and therefore have the right to refuse to attend work or education. In many cases, much of their time is spent on visits from their solicitors and other aspects of their defence. Nevertheless, remand prisoners who wish to do so are permitted to attend education courses, to work in prison workshops, and to receive drug treatment. As the Committee recognises, remand prisoners are usually held in local prisons which experience a high turnover of prisoners and the difficulties associated with overcrowding. This means that it is not always possible to meet the full demand for work and education places by remand prisoners.

67. We recommend that remand prisoners should undergo a needs assessment on reception to prison, including mandatory drug testing, and that the Prison Service should develop a separate prison regime tailored to

meet their specific needs. This regime should include a short induction programme, education and work opportunities and drug and alcohol treatment programmes, with arrangements in place for continuation of treatment and programmes in the community. Participation in these programmes would of course be on a voluntary basis. Short, intensive basic literacy and numeracy programmes should also be made available to those remand prisoners who need them. We recommend that Jobcentre Plus surgeries in prisons should assist remand prisoners with benefits and employment issues arising as a result of their imprisonment, and that prison housing advice and support services should try where possible to preserve the accommodation to which the prisoner will be returning. (Paragraph 253)

All prisoners, including those on remand, undergo an initial health assessment on reception which aims to detect immediate physical or mental health problems, drug or alcohol abuse as well as risk of suicide or self-harm. If required, a therapeutic urine test may be undertaken as part of the clinical assessment – the result of which may inform further clinical management. Those prisoners assessed to have a need for treatment will be referred to the appropriate treatment programme.

A more thorough assessment takes place in the week immediately following reception during the induction programme. All prisoners receive induction on admission to prison, which includes interviews concerning access to legal services and bail, healthcare, and resolving problems related to being in prison such as preserving accommodation and employment, and meeting family responsibilities. The induction programme is flexible in order to accommodate the differing needs of prisoners including those returning to prison, changing status or on remand for the first time. All prisoners, including those on remand, may be selected for drug testing on reception on a routine or occasional basis. This is laid down in Chapter 4 of the Mandatory Drug Testing Prison Service Order, PSO 3601. But to conduct MDT at reception for this limited purpose would duplicate existing healthcare assessment work and dilute the finite resources needed to run the wider MDT programme effectively throughout the prison estate.

To provide a regime specifically for remand prisoners with no guarantee of take up would be impractical and a waste of resources, therefore the Prison Service makes regime places available to all prisoners.

Although remand prisoners cannot be required to work, those work opportunities which are available are equally available to remand prisoners. Education courses are slightly more difficult as remand prisoners cannot commit to completing most education courses as it is uncertain how long they will remain on remand. There are also court appearances, and personal and legal visits, to interrupt their attendance.

The Prison Service is introducing from April 2005, a shadow KPT which will require local prisons to carry out an initial housing needs assessment on all new prisoners, regardless of status. This will initiate the necessary actions to preserve, close down, or transfer tenancies, and to begin paying off any pre-existing rent arrears. This assessment will take account of the fact that prisoners on remand continue to receive housing benefits for up to 52 weeks.

All prisoners, including those on remand, have access to Job Centre Plus and benefits advice, and are given assistance to preserve existing employment.

68. A radical rethink about the treatment of short-term prisoners is urgently required. The complacent thinking that nothing effective can be done to rehabilitate short-term prisoners has crippled the response to regime provision for short-term prisoners. Inaction towards and neglect of this majority group of prisoners can no longer be justified. (Paragraph 260)

69. We welcome the Government's attempts, through the introduction of the new sentencing framework in the Criminal Justice Act 2003, to rebalance the criminal justice system and enhance the use of robust community penalties such as Custody Plus as an effective alternative to imprisonment. We hope these measures will have a significant impact on reducing the number of prisoners who serve a short prison term with no supervision post-release. (Paragraph 261)

70. However, we are critical of the failure to include in the Government's National Action Plan strategies for the short to medium term to improve the prison rehabilitation regime for short-term prisoners. We recommend that this omission be remedied as a matter of priority. (Paragraph 262)

The Government is not complacent about the need to rehabilitate short-term prisoners. Some prisons – such as the Kent prisons described by the Committee – show what can be achieved where there is a defined catchment area (in this case the Medway) where relationships can be built up with local agencies, and offenders can be closely managed from prison to the community.

Across the prison estate there are a number of other programmes designed specifically for short-term prisoners. For example, the 'Step On' Project at Manchester prison focuses on identifying and assessing potential participants, and directing them to internal and external services and agencies relevant to their needs, and the Jade Project at Bristol prison is a resettlement advice service for remand and short sentence prisoners that is primarily concerned with arranging education, training, or employment in preparation for their release. At the regional level, the South West Integration Project (SWing) aims to reduce re-offending of short-term prisoners by meeting resettlement needs.

The weakness of the present arrangement lies in the structure of the short-term sentence set out in the Criminal Justice Act 1991, which greatly limits what can be done to assist the rehabilitation of those offenders. 75% of short-term prisoners, representing half of all offenders passing through prison in a year, are in custody for less than 13 weeks, and half of these for less than 7 weeks. Many will have spent a proportion of this time on remand. All leave prison with no supervision on release.

Custody Plus is an important step forward. By extending post release supervision by the probation service to over 60,000 short term prisoners we believe we shall achieve a significant additional reduction in reconviction rates. The new sentence plugs a gap identified in the Social Exclusion Unit and joint prison/probation Inspectorate studies into the resettlement of prisoners.

Custody Plus is not a community penalty. It should only be used where the court is clear that the custodial threshold has been passed. If a community sentence is deemed appropriate we would expect to see – as would the Sentencing Guidelines Council – the court use the new generic Community Order. The time in custody will be used to prepare the offender for the activities which will form part of the period of supervision. Offender Managers will ensure that there is a coherence between the time spent in prison and that spent in the community.

In the meantime a range of practical interventions have been introduced for short-term prisoners within the limits of the present structure. These identify and address pressing needs in areas such as health, basic skills, drugs, and job search and benefits advice (see details of the latter at the response to recommendation 115 below). From April 2005 all local prisons will be required to carry out housing needs assessments for every new prisoner, including those serving short sentences. This will identify those who require assistance closing down, sustaining, or transferring tenancies and Housing Benefits claims, and those who need help finding accommodation for discharge.

The Government will seek to ensure that relevant developments are reflected within any future published report on the National Action Plan.

71. In addition, it is not yet clear how many prisoners even after the introduction of Custody Plus will continue to serve relatively short-term sentences. We recommend that the Home Office should publish their estimates of how many prisoners will, after the introduction of the new sentencing framework, serve custodial sentences of between six months and two years. The introduction of the new community penalties will not eliminate the need for a fundamental overhaul of the Prison Service's attitude to short-term prisoners, which is currently dominated by the view that nothing constructive can be done. (Paragraph 263)

Attempting to project potential models for patterns of use of the new sentences is a complex exercise and one that is difficult to reduce to a single set of figures. The Act does not identify a defined 6 months to 2 years custody grouping, but rather divides all prisoners, other than those serving Public Protection or Life Sentences, into under and over 12 months cohorts. All prisoners serving sentences of imprisonment of under 12 months will, in due course, be subject to Custody Plus. Those serving 12 months or over will, under the new framework, serve a Standard Determinate Custodial Sentence.

The Home Office Research Development and Statistics Directorate uses **the Criminal Justice System Model** to make projections regarding the overall impact of the CJA 2003 on custodial numbers. What can be deduced from their projections is that the replacement of the 1991 Under 12 Months Custodial Sentence (Automatic Unconditional Release: AUR) by Custody Plus is not likely to lead to an overall drop in the number of prisoners serving under 12 month custodial terms. The figures level out to around 8,500 Custody Plus prisoners by the end of 2010 – an equivalent figure to the current figure for AUR prisoners. What is very likely to be different, however, is the shorter length of time that these prisoners will be serving compared to AUR prisoners, so that the overall number of custodial days served, as opposed to overall prison population, would show a significant decrease.

Based upon an assumption of sentencers behaving broadly as now, the following figures are projected for overall impact of the CJA 03 on prisoner populations:

Year (April – April)	Number of prisoners in the system
2006 – 2007	73,500
2007 – 2008	75,330
2008 – 2009	79,040
2009 – 2010	80,990
2010 – 2011	81,690

If sentencers were to respond to the CJA by sentencing less harshly than at present the equivalent 2011 figure would be 80,520.

More severe sentencing patterns, on the other hand, would see a figure for 2011 of 86,190.

72. We recommend that the Prison Service should introduce a properly structured approach to the treatment of short-term offenders. This should comprise effective assessment (possibly using a variant of OASys, which does not at present extend to short-term prisoners), provision of work and training, and assistance with resettlement. (Paragraph 265)

All prisoners receive induction on admission to prison, which includes interviews concerning healthcare and resolving problems related to being in prison such as preserving accommodation and employment, and meeting family

responsibilities. The induction programme is flexible in order to accommodate the differing needs of prisoners. Every prisoner, including short-termers, will have:

- access to advice from Jobcentre Plus staff and benefits advisers
- CARATs assessment and referral to treatment if appropriate
- from April 2005, every new prisoner will have a housing needs assessment on reception.

All prisoners sentenced to Custody Plus will normally receive an OASys assessment as part of their pre-sentence report. This assessment will be used by offender managers to set a sentence plan for the custodial and community parts of the sentence.

73. We recommend that special intensive courses in basic education and drug treatment be designed which can be completed by short-term prisoners whilst in custody. Building on these, short-term prisoners should have the opportunity to commence longer-term education, vocational and treatment programmes in prison which are directly linked with programmes available in the local community. This will allow them to continue the programmes after release. (Paragraph 266)

With the introduction of NOMS, new sentencing arrangements and the new Offenders Learning and Skills Service, custody needs increasingly to be seen as a transition within, not the end of, the offender's learning journey. This is one of the main reasons why the government has decided that the time is right to give lead responsibility for delivery of offender learning to the organisation responsible for adult learning in the community, the Learning and Skills Council. New sentencing arrangements such as custody plus/ minus and intermittent custody will see more offenders spending shorter periods in custody, with more active management of their sentences in the community. In addition, more offenders will be serving community sentences. Accordingly, special intensive courses for short-term prisoners will not be the most suitable means of addressing an offender's needs.

The learning and skills service will aim to make more systematic use of individual learning plans, with more thorough assessment early in the sentence, and with offenders' learning targets better linked to their needs, to ensure that progress is made seamlessly from custodial sentence, to community sentence and out into the community.

The transfer of responsibility for planning and funding all offender education to the Learning and Skills Council, who plan and fund all post-16 education (bar HE), will ensure that provision is consistent with that available in the mainstream.

The Prison Service is doing more to help problematic drug users who spend only a short period of time in custody (or who are on remand). In April 2004 it piloted an innovative, high-intensity Short Duration drug treatment Programme (SDP) aimed primarily at short-termers. SDP is now being rolled-out across the prison estate. As of 25 January 2005, 25 SDPs are running – with this number forecast to increase to 32 by 31 March 2005.

SDP is intended to be a platform for meeting the longer-term needs of drug users once they return to the community. To help ensure drug-misusers receive timely continuity of care on release, prisons are already key participants in the Government's national Drug Interventions Programme.

Short-term prisoners are not excluded from other forms of drug treatment. Since 1998, such offenders have been able to access clinical services (primarily detoxification) and CARAT support. In some cases, where sentence length has allowed, they have also been able to engage with the P-ASRO (Prisons – Addressing Substance-Misuse) drug rehabilitation programme. Inevitably, short-term prisoners are unable to access longer-duration intensive drug treatment programmes.

74. We commend the key elements of the Kent and Medway Short Term Prison Project, in particular its use of continuing targeted intervention and police and volunteer supervision. We recommend that this be developed nationally and taken forward by NOMS. (Paragraph 267)

This will be considered further in the light of evidence as to the project's effectiveness.

75. We recommend that every prisoner should receive health care screening, including mandatory drug testing, on admission to prison, as part of their needs assessment. Whilst we are aware of the arguments against such a potentially invasive mandatory drug-testing requirement, we consider such a step justified in light of the current statistical evidence of the high levels of drug misuse by very many entering the prison system. It does not seem to us unreasonable that there should be a power to drug-test those who have been convicted and sentenced equivalent to the existing power to drug-test those who are arrested. We recommend that this provision should be introduced by way of Government amendment to the Drugs Bill expected to be introduced in the present Session of Parliament. (Paragraph 271)

76. Mandatory drug testing on admission will benefit prisoners by facilitating more accurate assessments of the types of treatment required, thereby ensuring the most appropriate package of rehabilitative interventions for individual prisoners. In addition, mandatory testing will generate data which can be used to inform the development of a more targeted prison drug treatment strategy, and which will allow comparisons to be made with the results of compulsory drug testing on arrest. (Paragraph 272)

The Government accepts the Committee's recommendation in part.

Arrangements already exist to ensure that, when offenders are first received into custody, healthcare screening takes place. Amongst other things, the screening procedures will identify those drug-misusers who require further assessment and intervention (including for alcohol-misuse, as part of poly-substance-misuse) and take into account any prior engagement with community drug teams. If required, a therapeutic urine test may be undertaken as part of the clinical assessment – the result of which may inform further clinical management. In addition, the results of testing in the community can be passed to CARAT teams as a means of referral.

The Government does not, however, accept that MDT should be conducted on reception. MDT is primarily carried out for deterrent and disciplinary purposes and to allow long-term patterns of drug-misuse to be monitored. While certain elements of the MDT programme can help identify those in need of treatment, to conduct MDT at reception for this limited purpose would duplicate existing healthcare assessment work and dilute the finite resources needed to run the wider MDT programme effectively throughout the prison estate. In addition, MDT might detect drugs taken prior to an offender's arrival in custody – for which it would be inappropriate to award punishment under the Prison Rules.

Existing healthcare screening procedures, together with further clinical and CARAT assessments, are better suited than MDT to assessing PDUs' needs. Qualified healthcare professionals are able to consider individuals' needs in the round – for example, taking into account mental health problems that accompany drug-misuse ('dual diagnosis'). Only by understanding an individual's overarching needs can the most appropriate treatment and support be identified.

77. We encourage the Prison Service to continue to focus on reducing the numbers of drugs available in prison through strict security measures and continued use of random drug testing. (Paragraph 273)

The Prison Service remains committed to denying prisoners access to illicit drugs in custody. To do otherwise risks undermining the progress made by offenders who engage in drug treatment. The Prison Service will continue to use a co-ordinated package of supply reduction measures to reduce the amount of drugs getting in and will continue to examine the suitability and value for money of emerging technological developments that can help detect or prevent drugs getting in.

There is, however, a balance to be struck in deploying robust security measures and maintaining a humane environment within prisons that supports the rehabilitation of prisoners.

78. In our view, the management of the delivery of drug treatment programmes constitutes a key element in the prison rehabilitation regime. We are critical of the limited number of places on prison drug treatment programmes and the restrictions on accessing those programmes. The provision of drug treatment services to only 10% of prisoners misusing drugs is inadequate when an estimated 80% of prisoners arriving in prison have serious drug or alcohol problems. (Paragraph 277)

It is true that some prisons report up to 80% of new receptions testing positive for opiates. However, a range of studies places the mean figure nearer 55%. This equates to approximately 75,000 PDUs passing through prison each year (based on an annual throughput of around 136,000 offenders). The majority of whom will be serving short sentences.

Further investment by the Department of Health in 2006/07 and 2007/08 onwards for the clinical management of substance-misusers will increase the number of individuals who receive a clinical service based on individual need.

The 10% figure cited by the Committee refers only to those PDUs engaging with intensive drug rehabilitation programmes. It is important to remember, however, that drug treatment extends much further than drug rehabilitation programmes alone. Drug users are able to benefit from a comprehensive framework of drug interventions that address the wide-ranging needs of low, moderate and severe drug-misusers. This includes all the key modalities – with the exception of needle-exchange – set out in the National Treatment Agency's Models of Care. The framework comprises: clinical interventions (detoxification and maintenance-prescribing programmes), CARATs (Counselling, Assessment, Referral, Advice & Through-care services), intensive drug rehabilitation programmes and Therapeutic Communities, the high-intensity Short Duration Programme (SDP), as well as Voluntary and Mandatory Drug Testing programmes to help deter drug-misuse, identify those in need of treatment, and support those who wish to stay drug-free. Annually, prisons deliver around 58,000 clinical interventions; 55,000 CARAT Initial Assessments, ongoing casework and release plans; and 5,000 entrants to drug rehabilitation programmes; additionally, around 40% of the prison population (33,000) is signed up to the Voluntary Drug Testing programme.

79. We recommend that the number of places available on intensive drug treatment programmes be substantially increased, and that resources invested in community drug treatment services should be made available to the prison population, with prisons being directly linked with local community drug treatment providers. (Paragraph 278)

The Government accepts the Committee's recommendation.

Work is already underway to increase drug treatment programme capacity. The former Key Performance Target (KPT) to have 5,700 problematic drug users entering drug rehabilitation programmes by March 2005 has been increased to 6,500 starts. This is scheduled to rise to 9,000 entrants by March 2006. A number of initiatives are already underway to increase drug rehabilitation programme capacity. These include rolling-out the P-ASRO and SDP drug rehabilitation programmes and converting some general offending behaviour programme funding to drug programmes. A dedicated unit, the National Drug Programmes Delivery Unit, was established in the summer of 2004 to oversee the operational roll-out and delivery of prison-based drug rehabilitation programmes.

Through participation in the Government's national Drug Interventions Programme, prisons – through their CARAT teams – are already managing to secure access to community drug treatment services and associated funding for drug users ahead of release. By maintaining effective links with the Criminal Justice Integrated Teams, CARAT teams are able to get drug users entered onto the latter's caseload – ensuring these offenders remain in end-to-end treatment and that continuity of care continues uninterrupted. In so doing, there is less risk that drug users will re-offend during or after the community part of their sentence has been completed.

Further investment by the Department of Health in 2006/07 and 2007/08 onwards for the clinical management of substance-misusers will increase the number of individuals who receive a clinical service based on individual need. Additionally, funds will be made available to community drug teams for the continuation of drug treatments begun in prison.

80. In addition, we recommend that short, intensive, drug treatment programmes be made available to short-term prisoners, who are currently excluded from any form of intensive drug treatment programmes. We welcome the Government's commitment to developing a short duration drug treatment programme for short-term prisoners as an action point in its National Action Plan. (Paragraph 279)

The Government accepts the Committee's recommendation. A drug rehabilitation programme specifically for short-term prisoners is already being rolled-out following a helpful pilot launched in April 2004 (see response to paragraph 73).

Although short-term prisoners have, in the main, been unable to engage with intensive drug rehabilitation programmes – due to the limited time spent in custody – nevertheless, in some cases, short-term PDUs have been able to engage with the P-ASRO drug rehabilitation programme. More widely, short-term PDUs have since 1998 been able to engage with wider drug interventions – primarily clinical services (detoxification and maintenance-prescribing programmes) and CARATs.

SDP is intended to be a platform for the longer-term needs of such PDUs once they return to the community. To help ensure drug-misusers receive timely continuity of care on release, prisons – through their CARAT teams – are already key participants in the Government's national Drug Interventions Programme.

81. We recommend that the Government should make a public commitment to ensuring that the guaranteed quality of access to drug treatment for prisoners will never be less than that offered to offenders in the community. (Paragraph 280)

The Government accepts the Committee's recommendation. The Prison Service is already delivering drug interventions at least comparable in quality to those in the community and is committed to continue delivering drug interventions that are compatible with those available in the community. This allows seamless continuity of care for PDUs continuing treatment on release from custody – primarily those identified and retained in treatment under the Drug Interventions Programme.

A number of factors safeguard delivery:

- prisons are integrating NTA Models of Care (currently being reviewed by Department of Health) into the custodial setting - the aim being to publish guidance by end May 2005; prisons will, additionally, work towards all drug workers in prison meeting national DANOS (Drug & Alcohol National Occupational Standards) requirements;
- drug interventions are underpinned by a range of quality standards, including:
 - external Correctional Services Accreditation Panel (CSAP) approval of intensive drug rehabilitation programmes,
 - Department of Health guidelines for the clinical management of substance-misuse services (detoxification and maintenance-prescribing programmes),
 - a range of internal Prison Service Orders, Instructions, Standards and Specifications that cover the whole Drug Strategy.

In practice, prisons are already often the lead providers of drug treatment – not least in terms of volume when compared with local community providers. Access to drug treatment is often available more quickly in prison. For example, clinical management is normally available within 24 hours of entering prison, compared to the National Treatment Agency target of three weeks for community GP access, and two weeks for specialist prescribing.

82. We recognise the significant investment that the Government is making in drug treatment services. However, care must be taken not to focus on the availability of treatment to those entering the Criminal Justice System at the expense of those with drug problems already in the prison system. As a first step, targets for access to services for new offenders and for existing prisoners should be aligned. The longer-term objective should be to move towards continuity of care for released prisoners, which is critical to avoid wasted investment. (Paragraph 285)

Drug interventions are made available on the basis of individual need, in accordance with the NTA's philosophy. To introduce targets for new and existing prisoners risks compromising this approach and diverting finite resources from where they are most needed.

Prisons' participation in the Government's national Drug Interventions Programme, as well as the wider work undertaken by prison Resettlement teams ahead of offenders' release, is intended to enhance timely continuity of care on release. In this way the drug interventions that drug users receive in custody can become a platform for their longer-term needs once they return to the community.

83. We recommend that the Government work in partnership with community providers to put in place a tracking system to monitor prisoners' access to community drug treatment and report to Parliament on the progress made in levelling out access to and provision of drug treatment as part of its Reducing Re-offending National Action Plan. (Paragraph 286)

The Government accepts the Committee's recommendation, work on which is already underway.

Under the Government's national Drug Interventions Programme, the Home Office and the Prison Service are already working collaboratively on revised paperwork for the Criminal Justice Integrated Teams and CARAT staff. This will enhance their ability to share information so as to better monitor drug treatment before and after release, to support research and to safeguard better continuity of care once prisoners progress to community drug treatment services. The revised Integrated Team Minimum Data Form (ITMDF) will be rolled-out nationally from April 2005.

84. The Committee is critical of the failure to date to develop any overall strategy for dealing with prisoner alcohol misuse or addiction as an important element in its prison rehabilitation strategy, particularly in light of the alarming upward trend in alcohol-related crime. We welcome the Government's commitment in its National Action Plan to introduce alcohol strategies for approval by March 2005. These strategies will comprise the twin elements of treatment interventions and alcohol testing. We urge the Government not to let the timetable on the introduction of these strategies slip. There needs to be rapid progress in setting up mechanisms to implement the national strategies at the regional and local level. (Paragraph 287)

Since evidence was first submitted to the Committee, the Prison Service has published its Alcohol Strategy for Prisoners. This was launched on 17 December 2004. This Strategy focuses primarily on improving the consistency of alcohol treatment measures across the prison estate and builds on existing good practice by providing a framework for addressing offenders' alcohol-misuse problems.

The Alcohol Strategy for Prisoners supports the Prime Minister's Strategy Unit's Alcohol Harm Reduction Strategy for England (March 2004), and complements the over-arching NOMS Drug Strategy that was introduced on 20 January 2005.

85. Whilst the Government has said that it wishes to constrain the overall growth in prisoner numbers, the sharp rise in women prisoners would appear to deserve particular attention. The vast majority of these women are in prison for non-violent offences and have never been a danger to the public. We recommend that the Government consider setting targets for reducing the numbers of women offenders sentenced to prison and monitor the use of the community sentences available under the Criminal Justice Act 2003 and their impact on reducing the female prison population. (Paragraph 298)

The Government does not accept the recommendation to set targets for reducing the number of women offenders sentenced to prison. Sentencing decisions are a matter for the courts alone. It is the Government's intention to enable the courts to reduce the use of imprisonment for women. This will be achieved through practical steps such as putting in place effective and workable alternatives to custody and working with sentencers to encourage and support greater use of community sentences for women offenders. There are fewer women in custody now compared to twelve months ago.

The Women's Offending Reduction Programme published in March 2004 contains a broad range of actions designed to tackle the factors which affect women's offending. The Programme focuses on improving community interventions and services that are better geared towards the needs of women and provide appropriate packages of care and supervision in the community offering a realistic alternative to prison. The Programme also includes actions on communicating and working with sentencers to improve their awareness of, and confidence in, those alternative community approaches for women.

A range of different stakeholders, both within and outside the criminal justice system, are involved in delivering actions in the Women's Offending Reduction Programme. Much of the focus is on how women offenders are dealt with at the pre-court and pre-sentencing stage so that women who do not need to be held in custody can be identified as early as possible and arrangements made to deal with issues such as mental health problems and substance misuse through community interventions and support.

The use of community sentences for women under the Criminal Justice Act 2003 will be monitored. Information will be collected on how those sentences are being used for women offenders and whether this has an impact on the female prison population. This will be assessed alongside other measures in the Women's Offending Reduction Programme to produce an overall picture of progress towards reducing the women's prison population.

86. We welcome the Government's publication of a programme specifically focused on reducing female offending, but we note with disappointment that this is couched in very general terms. A clearer and more detailed statement of planned actions and expected benefits is needed. We recommend that the Government develops a more focused prison rehabilitation strategy for women prisoners which can be incorporated into the National Action Plan. (Paragraph 302)

The Government accepts this recommendation.

The Women's Offending Reduction Programme Action Plan, published in March 2004, provides an overview and summary of the various actions that stakeholders in the Programme agreed to deliver and explains what those actions are designed to achieve. A more detailed Stakeholder Delivery Plan had already been produced that set out exactly what each action point would entail, the process that would be gone through to implement it, who was responsible for delivery and whether the action would be taken forward in the first year of the Programme or in the longer term. The Stakeholder Delivery Plan was issued to all those responsible for action points in the Programme but was considered too long and detailed for general publication.

A resettlement strategy for women's prisons and prisoners is being developed by the Women's Team in the Prison Service. It will take account of developments in the National Offender Management Service and link to the regional rehabilitation strategies that are currently being drawn up in response to the Government's Action Plan to Reduce Re-offending.

87. We are concerned about the lines of accountability and operational responsibility for women prisoners as a minority group, following the abolition of the separate women's estate in April 2004. In the absence of a senior operational manager with specific responsibility for that estate, we recommend the appointment of accountable officers with responsibility for women prisoners at each establishment where women are held. The responsibilities of the accountable officer should include monitoring the development of a women-oriented prison rehabilitation regime. (Paragraph 303)

The Government does not accept the recommendation for the appointment of accountable officers for women prisoners in each women's prison.

From April 2004, all women's prisons returned to the line management of the geographical Area Managers. However, to protect the special needs of women prisoners, the Women's Team was created to deal with operational policy and to provide advice and support Area Managers on meeting the particular needs of women prisoners.

The Women's Team is located within Prison Service Headquarters and is responsible for maintaining existing good practice, ensuring a consistent approach across all women's prisons, and for rolling out improvements to services based on research into what works to reduce women's re-offending and in the provision of appropriate living conditions in custody. The team consists of specialists drawn from both operational and other professional backgrounds.

The Head of the Women's Team, Hazel Banks, reports directly to the Prison Service Board and sits on the Home Office Women Offenders Programme Board. The strategic priorities for this year include a focus on population management, safety and health, decency and security, resettlement and regimes. We see no advantage therefore in the Committee's recommendation.

88. In our view, women prisoners, like men prisoners, should be held in prisons according to the security category that is appropriate to the risks they pose. As we have already noted, women prisoners in general pose much less of a security risk to society than men prisoners. Current sentencing policy and the number of open places available for women prisoners means that the security conditions under which they are held are not necessarily correlated with actual risk. We recommend that the Government take action to remedy this mismatch as a matter of urgency. In particular, we recommend that the number of places for women in open prisons be substantially increased. (Paragraph 305)

89. The relatively small number of women's prisons in relation to the size of the present female prison population means that women prisoners are scattered about the country to a greater degree than men prisoners, a long way from home and family and unable to benefit from resettlement strategies. The only way to address this is either to invest substantially in the women's prison estate, or to invest in reducing prisoner numbers—and the latter is likely to prove more cost effective. (Paragraph 306)

The Government accepts this recommendation in part.

Women prisoners are held in prisons that are appropriate to the security category that they fall into. The women's population is, at present, significantly below the current projections. We are, therefore, reviewing the estate in terms of its size and use to ensure the most efficient and effective arrangements are in place for accommodating prisoners within the existing estate. Every effort is and will be made, where appropriate to the individual needs of the prisoner, to locate her close to home.

Newly built prisons are designed to be flexible in order that they can accommodate a variety of prisoners, to meet the needs of changes in the profile of the prison population. A new women's prison, HMP Bronzefield, opened in June 2004 and provides modern, good quality accommodation, and an improved environment in which female prisoners serve their sentences. It has excellent detoxification and healthcare facilities, a well-equipped mother and baby unit, and provides improved regimes. HMP Peterborough, which is due to open in March 2005, will offer similar high quality accommodation in a unit for women prisoners. Both of these establishments will assist with the location of women prisoners who have families in the South East and East of England.

There is also a strong commitment to reducing prisoner numbers by reducing the number of women sent to prison as discussed in the response to the recommendation. In addition, funding from the Spending Review 2004 has been announced in order to develop “radical new approaches” to women’s offending, which will enable pilots to be conducted on new and innovative approaches to dealing with women offenders. Again, the focus of this investment will be on improving multi-agency community approaches to women’s offending and reducing the use of custody as far as possible.

90. We recommend that the delivery and content of offending behaviour programmes should be adapted to meet the specific needs of women prisoners, taking account of those women’s different life experiences and placing their offending within the context of what may often be long-term victimisation or abuse. (Paragraph 308)

This recommendation is accepted.

Around 1,000 programme places for women were provided in 2003/4, with half being on substance use intensive programmes. Developing programmes for women is one of the key actions specified in the Reducing Re-Offending National Action Plan. We are making significant progress in developing and piloting new interventions for women.

We have also made a significant investment in understanding offending by women. This has included research into the personal and social factors related to re-offending, the role of victimisation experiences in women’s entry into and desistance from criminal activity, and the differential needs of female substance users.

In consultation with non-statutory agencies and women in prison we have developed the new multi-modal intervention CARE programme (Choices, Actions, Relationships and Emotions) specifically for women in custody. The programme will be piloted in February 2005 and addresses a number of personal and circumstantial difficulties known to be linked to self-harm, substance misuse, mental ill-health and re-offending.

Historically programmes have been piloted and/or accredited just for men in custody. This is no longer the case. The Short Duration Drug Programme, FOR...A Change and P-ASRO are now being piloted with women in prison and will be submitted for accreditation.

91. We welcome the Government’s commitment in its National Action Plan that research will be carried out into the specific risk factors relating to women’s substance misuse and offending. However, we do not think this response to the problem is adequate, given that around 40% of all women prisoners can be diagnosed as harmful or dependent users of drugs. We recommend that the substantial increase in the female prison population be matched with a proportionate increase in the number of intensive drug treatment programme places available in women’s prisons from the 455 places currently available. (Paragraph 309)

This recommendation is accepted.

The number of intensive drug treatment programme places available in women’s prisons is to be increased from the 455 places currently available. In August 2004, six drug treatment programmes were being delivered to women. By March 2005 there will be an increase leading to a total of eight establishments delivering treatment programmes.

See table below.

Establishment	Existing Programmes	New programmes to be delivered by March 05
Bullwood Hall	*Cognitive Behavioral Treatment programme (CBT)	
Cookham Wood		*PASRO for women
Drake Hall	*CBT in a Therapeutic Community	
Holloway		Short Duration Programme
Low Newton	*PASRO for women	
New Hall	Short Duration Programme (SDP)	
Send	RAPt 12 Step programme	
Styal	**CBT	Short Duration Programme

*non-accredited programmes.

** The CBT programme at Styal will end and be replaced by SDP

In order to support the increase of drug treatment provision, the Prison Service have developed the National Drug Programme Delivery Unit to manage the training of facilitators, implementation of programmes and audit. The quality and integrity of drug treatment programmes for women will also be increased. The Women's Team has appointed a drug treatment specialist with a role to develop a range of accredited programmes. These will address the needs of young offenders, women on remand, those serving short sentences and women serving longer sentences in need of high intensity treatment.

92. We consider that whilst the majority of women prisoner's first priority on release may be to secure accommodation for themselves and their children, women prisoners should nevertheless be given equal opportunities to access education, relevant skills training and work programmes as part of their prison regime. In devising a work strategy for women prisoners, we recommend that the Prison Service should consult with women prisoners themselves to identify the types of skills training and work programmes they would find most useful and relevant to them. The general focus on work-like experience and relevant training we have set out in respect of men prisoners is equally important for women prisoners. Outside prison the Government has supported women – including mothers – into work through the New Deal, on the grounds that this is best for them and their children. It is perverse to apply a different attitude to women prisoners who, arguably, have most to gain from secure employment on increased incomes. (Paragraph 313)

This recommendation is accepted.

The Government agrees with the Committee that women prisoners should have equal opportunities to access education, skills training and employment. This is already happening and in 2003/4 more than 1,500 women leaving prison went into jobs, training or education. The figures for 2005/6 are expected to show a further increase. The resettlement strategy being developed by the Women's Team in the Prison Service and regional rehabilitation strategies will consider how further opportunities can be developed, and there will be continuing consultation with women prisoners and organisations like SOVA Women Into Work and Nacro that have expertise in this area. There is already significant consultation at establishment level when resettlement programmes are drawn up and delivered.

93. We recommend that the Prison Service, in partnership with relevant community agencies and social support services, devises a resettlement plan for women prisoners, the contents of which should include basic advice on the care of children whilst women prisoners are in prison, and guidance on childcare, benefits entitlement and housing needs on release. (Paragraph 315)

96. We recommend the development of a specific and focused rehabilitation strategy for women prisoners informed by independent research identifying trends across the women's estate in relation to levels of mental illness amongst women prisoners, the extent of drug misuse, and problems emerging from mother and baby units. We recommend that the Government develop national policies in relation to women prisoners' health care, childcare, education, employment, contacts with families, alcohol and drug misuse, and counselling and resettlement. (Paragraph 320)

97. We recommend the development of a comprehensive needs assessment programme orientated to women prisoners which identifies the individual female prisoner's problems at the same time as investigating the wider context of social exclusion and abuse suffered by those prisoners. (Paragraph 321)

These recommendations are accepted.

As noted in the response to paragraph 86, the Women's Team is drawing up a resettlement strategy for women's prisons and prisoners. That strategy will be informed by research, previous analyses like the Social Exclusion Unit's report on Reducing Re-offending by Ex-Prisoners, thematic reports by H M Inspectorates and work done by Nacro, SOVA Women Into Work and Sheffield Hallam University, the Prison Reform Trust and others. The strategy will be evidence-based and reflect the particular needs of women prisoners, drawing, for example, from OASys, prisoner passports and needs assessments undertaken by most psychology departments in prisons. There will be further consultation with prisons and prisoners as well as the voluntary sector and other external agencies, building on the already established partnerships and networks facilitated by the Women's Team.

There are already a range of resettlement programmes and interventions in place in women's prisons. There are housing advice projects at all establishments and housing advisers at all women's locals. Jobcentre Plus staff run benefit surgeries at all women's prisons as part of structured reception, induction and pre-release programmes providing interventions relevant to the women's needs and priorities. Voluntary sector organisations working in women's prisons include Nacro, SOVA and Business In Prisons, and new initiatives will include Prison Service Plus working in six women's prisons and a number of projects funded by the European Social Fund.

The Women's Team in the Prison Service also links with national initiatives and policies so that work in women's prisons is informed by such developments. Examples include links to NIMHE, the joint project by the Women's Team and the University of Oxford Public Health Department examining the positive and negative effects of imprisonment on women's health and continuing research into the health (including psychiatric health) of women in mother and baby units.

94. We were impressed by the innovative work in which the Asha Centre is involved. The Centre is assisting women in transition to have the confidence to take the first steps away from re-offending lifestyles, and to challenge patterns of abuse and offending behaviour. In our view, this is an important part of the resettlement process for ex-prisoners. It demonstrates the positive role of independent organisations in fostering community

support networks which facilitate reintegration and resettlement. We recommend that NOMS should take active steps to learn from such models of good practice in developing its resettlement strategy. (Paragraph 317)

This recommendation is accepted.

The Government is familiar with the work of the Asha centre and agrees that it is an example of good practice. The Asha Centre provides the sort of one-stop-shop that the government would like to develop and promote for women offenders, and those at risk of offending, where they can have a single point of access to a range of services and support in the community. The factors which need to be tackled to help prevent women from offending are many and complex, including housing, childcare, mental health, substance misuse, histories of abuse, employment and training. To be most effective at reducing the risk of offending, provision of interventions and services to address these factors need to be co-ordinated and linked rather than different agencies and organisations working independently from each other.

This kind of co-ordinated multi-agency approach is important not only to meet the resettlement needs of women who have been released from prison, but also to support the use of community sentences for women offenders, and even for women from the community who may not have offended but need help and support to reduce the risk of this happening.

The Asha centre provides a good model of how this can be achieved, as does the 218 women's centre in Glasgow, and the learning from these and other models will be used in the development of NOMS strategies for dealing more effectively with women offenders.

95. We commend the recent introduction of gender-sensitive training. We recommend that the Prison Service monitor the ratio of male/female personnel within women's prisons to ensure so far as possible the presence of adequate numbers of female prison officers at all levels of the prison management structure. (Paragraph 318)

Governors keep the ratio of male and female staff under constant review to ensure that the needs of the particular establishment and its population are met. The need may vary and Prison Service Order 8005 on Staff Gender Mix, issued on 30 May 2001 and updated on 21 May 2003, provides advice to Governors on this issue. The Committee's recommendation is therefore being met already, but the Government shares the Committee's view that management at all levels should be diverse and properly reflect the needs of women's prisons.

98. We welcome the Home Office's undertaking [that all 17 year old girls will be moved to discrete juvenile units by 2006] and look forward to seeing it implemented on schedule. (Paragraph 327 ii)

The Government welcomes the Committee's support and is able to announce that the unit at HM Prison Downview opened as planned in December 2004. The current population is 11 and the plan is to slowly increase it over the next few weeks to bring it to the full capacity of 16. The purpose of Downview is to serve the London remand population thus allowing all young women under the age of 18 to eventually be removed from Holloway. Following the completion of Downview, a "lessons learnt" exercise has been carried out to ensure that all design improvements can be incorporated into future designs.

The second stage of the programme is now underway, with the construction and the recruitment for the next three units taking place. The second stage is planned for completion by October 2005. The final stage of the programme will be the fifth site, which is due for completion by March 2006.

99. We welcome the Youth Justice Board's efforts to date to reform the operation and performance of the youth justice system and the work it has completed, in partnership with the Prison Service, to improve rehabilitative provision for juvenile prisoners. (Paragraph 333)

100. However, we regret the consistent failure to meet the YJB target of 30 hours of constructive activity per week for this prisoner group, and the Government's failure to meet its statutory obligation regarding the number of hours juvenile prisoners spend in education and training courses. The very low literacy and numeracy levels of this prisoner group dictate that education and training should form the cornerstone of the prison rehabilitation strategy for juvenile prisoners, with the adoption of innovative approaches to education, training schemes and work placements. (Paragraph 334)

The YJB has used its commissioning powers and additional funding over the last three years to treble the per capita spend on education and training delivered to juveniles in custody. It has also spent over £13m on new classroom and workshop facilities in order to increase capacity. The YJB's ultimate goal is to deliver 30 hours a week by 2006. The YJB and the Prison Service agreed SLA targets of 20hrs a week by March 2004, increasing to 25hrs a week by 2005.

The SLA target for 'Education and Training' includes hours spent in:

- Education;
- Vocational training;
- Physical Education, expressive arts, Information Communication Technology, citizenship, Personal, Social and Health Education;
- Offending Behaviour Programmes; and
- Resettlement Programmes, Community work and volunteering.

A Progress Report produced by the YJB based on a snapshot survey conducted in February 2003 indicated that an average of 18hrs was being delivered to each young person. When the exercise was repeated one year later this figure had increased to an average of 24hrs.

The YJB is well aware of the generally low levels of literacy and numeracy young people have within the youth justice system. In order to address this, the YJB, in partnership with the DfES and Arts Council England, has developed the PLUS literacy and numeracy strategy which is now available to learners and practitioners in all juvenile YOIs. The aim of the PLUS strategy is to significantly improve literacy and numeracy outcomes for young people in the youth justice system. It comprises a range of practitioner development activity and learner resource materials specifically targeted to meet the needs of these young people. The PLUS strategy is now being rolled out in community settings up and down the country.

The YJB fully endorses the HAC view that education and training should form the cornerstone of the rehabilitation strategy for juvenile prisoners and is now working in partnership with the Learning and Skills Council to ensure that the needs of juveniles are met through the transfer of responsibility for offender learning between now and August 2006.

101. It is regrettable that the Government's National Action Plan for rehabilitation does not provide a strategy for dealing with juvenile prisoners. We recommend that the Government develop a comprehensive prison rehabilitation regime for juvenile prisoners. This should address the lack of provision of appropriate housing for young people and the difficulties in

securing education and training post-custody. In addition, access to and provision of drug treatment programmes should be improved for juvenile prisoners. (Paragraph 336)

The Government accepts this recommendation.

When the Home Office published its Reducing Re-offending National Action Plan in April 2004, over sixty action points covering key areas that support the rehabilitation/resettlement of offenders were identified. One of the action points was for the Youth Justice Board (YJB), in partnership with others, to develop a juvenile (resettlement/reducing re-offending) national action plan. The juvenile action plan should complement the adult national action plan, as well as the developing regional and local strategies and activity.

The YJB has established a national juvenile resettlement steering group of key departments and agencies.

A mapping exercise has been undertaken in each region, to identify regional resettlement issues and priorities to help inform the development of the national action plan, and to highlight the juvenile relationship with the adult action plans. Six priority “pathways” for the juvenile national action plan (in line with the adult pathways) were identified. They are:

- Accommodation;
- Education; training and employment (ETE);
- Families and social support;
- Substance misuse, mental and physical health;
- Finance; and
- Transition/process.

Subgroups will meet in early 2005 to draft action plans for each pathway, identifying priority issues with actions at national, regional and local levels. Lead and partner agencies will then be identified to take these forward. The action plan will be presented to the National Reducing Re-offending Programme Board before the document goes to wider consultation. There are plans to publish the completed action plan in autumn 2005 to then be delivered via the regional resettlement partnerships

102. Recent efforts to reform the prison regime for young prisoners have focused on the juvenile prison estate. As a result, 18 to 21 year old prisoners have been overlooked. We recommend that the Government match the investment it has made, through the Youth Justice Board, in developing a prison rehabilitation strategy for juveniles, by designing an equivalent tailored range of rehabilitative interventions for young adult offenders. (Paragraph 345)

The Government does not accept the Committee’s view that young adult offenders are not a priority. The Prison Service has taken steps to improve both conditions and regimes. Five of the larger Young Offender Institutions (Glen Parva, Onley, Portland, Brinsford and Feltham) and five local prisons have received an additional £20 million investment over the last four years. This has improved standards of decency and provided enhanced regimes, with a focus on resettlement for over one third of the young adult offenders held in custody at any one time. Two other young offender establishments, Thorn Cross and Deerbolt, have had extra investment to run the successful High Intensity Training programme addressing offending behaviour and education, and providing mentoring and throughcare to reduce the risk of re-offending.

Young adult offenders have also benefited from the wider investment programme to improve regimes and reduce re-offending, including provision of drug treatment, offender behaviour programmes, basic skills and key work skills.

The Government has also been seeking to improve the effectiveness of community penalties for this group. The Intensive Control and Change Programme is a community-based sentence for 18 to 20 year olds at risk of imprisonment. It aims to cut the number of custodial sentences handed down to this group by the magistrates' courts by half, and to reduce reconviction rates by ten per cent. These intensive programmes include offending behaviour programmes, mentoring, education, training and advice on finding work, as well as a community punishment or curfew requirement with electronic monitoring. The Government will be aiming to develop the potential benefits of this approach when the new community sentence under the Criminal Justice Act 2003 is implemented.

This group will also benefit from the creation of a National Offender Management Service, and better case management will help in targeting the delivery of programmes and services to offenders. Young adult offenders will be a priority group for offender management resources, and we are piloting the approach with this age group first.

103. Levels of constructive activity and intervention programmes for the young adult prison population are woefully inadequate. We commend the Governor and his staff at HMYOI Aylesbury on the rehabilitation initiatives they are running for young adult offenders. We recommend that the Prison Service incorporate such models of good practice into a national rehabilitation strategy for young adult offenders, to be set out in a revised edition of the National Action Plan. (Paragraph 346)

The National Reducing Re-offending Action Plan applies to young adult offenders as well as older adults. It is not prescriptive in terms of provision for young adult offenders as regions are developing their Regional Reducing Re-offending Action Plans, considering the particular issues in their region. Regions are expected to consider the needs of YAOs in their region as well as those of older adults.

A number of establishments have appointed Resettlement Managers to co-ordinate resettlement services. There are also some other excellent examples of establishments working with employers and education providers to make work and training provided in custody more focused on increasing offenders' employability.

A Project Group has been established to develop a strategy for managing young adult offenders, including the need to identify and spread good practice. This will include any special regime requirements for this group and how best to meet their resettlement needs. To start the process of consultation, the first workshop was held on 28 and 29 October 2004, which included representatives from a range of agencies experienced in working with this age group. Key developments will also be included within any future published report of the National Action Plan.

104. We recommend that the Government conduct a small number of pilot schemes for appropriately trained mentors of young adult offenders. The scheme should be independently monitored and evaluated to assess its impact on re-offending rates. (Paragraph 348)

Both prisons and probation have a long tradition of using volunteers and we see have seen the development of the more focused use of mentoring in recent years. There are already a number of mentoring schemes for young adult offenders operating in Young Offender Institutions, supported by organisations such as

SOVA, De Paul Trust and Trailblazers. A number of resettlement initiatives provide mentoring as an element of their service, including CONNECT, EXODUS, IMPACT, RESET and the National Grid Transco scheme at Reading and Glen Parva. To date, there has been limited evidence to indicate whether mentoring can be effective in reducing re-offending. The Government is addressing this in developing a more evidenced based *What Works* approach to this issue. Current examples of initiatives involving mentoring of young adult offenders subject to formal evaluation include the Resettlement pathfinder for short-term prisoners (FOR A Change) and the Intensive Change and Control Programme, for those sentenced in the community. NOMS will be promoting the use of volunteers and mentors, as part of the wider Government approach to actively involving citizens in public services, as part of its draft communities and civil renewal strategy, soon to be the subject of formal consultation.

105. We are deeply concerned at the over-representation of minority ethnic groups, particularly black men, across the criminal justice system, and by suggestions that black prisoners are more likely to be found guilty of disciplinary offences and less likely to have access to constructive activities in prison. The absence of comprehensive ethnic and religious monitoring across the prison estate is much to be regretted, as is the resultant lack of empirical data regarding the treatment of minority ethnic and religious groups within the prison system. We recommend that mechanisms be put in place for the systematic collation and comparison of data relating to the ethnic and religious backgrounds of prisoners (i) on disciplinary charges, (ii) in segregation, (iii) on basic regimes, and (iv) allocated the most basic prison work opportunities. This data is important to the development of prison diversity policies at the national, regional and local levels. It is also essential as a means of alerting the Prison Service to practices and procedures which may be directly or indirectly discriminatory by disproportionately adversely affecting minority ethnic prisoners. (Paragraph 353)

The Government shares the disquiet of the Committee at the high number of members of minority ethnic groups in prison, and recognises the vital need to monitor their treatment within the prison system.

An IT monitoring tool has been developed to help the Service meet the requirements of the Race Relations (Amendment) Act and implement key deliverables of the joint CRE/Prison Service Action Plan. From March 2005 enhanced monitoring information will be available on: Accommodation; Activity; Adjudications; Segregation; Complaints; Incentives & Earned Privilege Scheme; Use of Force; Re-categorisation; Release on Temporary Licence; and Home Detention Curfew.

On monitoring the religious backgrounds of prisoners, the necessary IT infrastructure is not yet in place and until NOMIS is rolled out the Prison Service could not easily accept this part of the recommendation as it stands. Until the IT support is in place, extending the requirement to cover religious backgrounds would be over burdensome. The Home Office has published statistics on the religious affiliation of prisoners since 2001. The most recent published statistics are for June 2003 and are in the statistical bulletin Offender Management Caseload Statistics 2003, published in December 2004.

106. We welcome the Government's commitment in its National Action Plan to 'mainstream' diversity. However, we consider that that specific measures with set timetables are required to address the problems identified by the Commission for Racial Equality in its recent report on racial equality in prisons. We recommend that, in the short term, the Government's Criminal Justice System Race Unit should conduct an internal audit of the Prison Service's rehabilitation interventions to assess whether they comply

with the needs of minority ethnic and religious groups. A revised version of the National Action Plan should contain specific action points identified by the audit as necessary to remedy deficiencies in the current provision of rehabilitation interventions to minority ethnic and religious prisoners, together with targets for implementation and mechanisms for ongoing monitoring. (Paragraph 356)

The Government does not accept this recommendation which would duplicate and confuse work already underway in the Prison Service under the oversight of the CRE.

The CRE began their formal investigation into the Prison Service in 2001. Part 1 of the investigation concentrated on the circumstances of the murder of Zahid Mubarek in Feltham Young Offender Institution and Remand Centre. The CRE published Part 1 of their report on 9 July 2003. Part 2 of the investigation focused on race relations in the Prison Service and was published by the CRE on 16 December 2003.

Since then the Prison Service has been working in partnership with the CRE to ensure that race equality is managed more effectively across all of the Service's functions, activities and core business requirements. The CRE and the Service have produced a joint Action Plan "Implementing Race Equality in Prisons: A shared agenda for change". The Action Plan focuses on the key areas of work identified by the CRE in their report on their investigation into the Service and is in line with the Prison Service's obligations under the Race Relations (Amendment) Act 2000. The Action Plan is being implemented under the oversight of the CRE.

107. We welcome the Government's adoption of the principle of equivalence in relation to the provision of mental health care for prisoners, and the dedicated NHS funding to support the introduction of multi-disciplinary teams in prisons designed to provide mental health services for prisoners along the lines of community mental health teams. However, there is a long way to go before prison health care provision matches the NHS standards of care in the community. (Paragraph 360)

The Government welcomes the Committee's endorsement of its commitment to provide prisoners with access to the same range and quality of health services, including mental health services, that the general public receives from the National Health Service. The strategy for developing and modernising mental health services in prisons was set out in, *'Changing the Outlook'* (December 2001) .

The Department of Health's NHS Plan, published in 2000, included firm commitments that, by 2004, the five thousand or so prisoners who would, at any one time, have a severe mental illness should be receiving more comprehensive mental health services in prison. It also stated that all prisoners with severe mental illness would be in receipt of treatment and that no prisoner with a serious mental illness would leave prison without a care plan. Within the new partnership between the NHS and prisons, some 300 additional staff would be employed.

These commitments have been implemented through the prison mental health in-reach project. This began in 2001 when dedicated funding was made available from the NHS budget to support the introduction into prisons of multi-disciplinary mental health in-reach teams. These have been designed to provide mental health services for prisoners along the lines of the community mental health teams that already provided mental health services in the community at large. The in-reach project began at 18 establishments in England and the four in Wales in 2001-2, and was extended to another 26 sites during 2002-03. A total of £10 million was spent on NHS prison in-reach services in England alone during the last financial year, as in-reach teams were developed in another 46

establishments and the NHS Plan commitment to have over 300 additional staff working in prisons was met. NHS mental health in-reach investment is expected to reach £20 million a year by 2005/06 so that in-reach type services become available to every prison in England and Wales. The extra investment will also help many of the existing in-reach teams to expand the services they offer.

The underlying theme of the prison mental health project has been to 'mainstream' mental health services in prison so that the same level of care is available inside prison as in the wider community. While much has already been achieved, the Government accepts the Committee's view that more needs to be done before prison mental health provision matches NHS standards of care in the community. In order to help achieve that objective, at the end of 2003 the National Institute for Mental Health in England (NIMHE) assumed responsibility for prison mental health. Its national prison mental health programme now forms part of a wide range of innovative NIMHE projects and work-streams. Mainstreaming prison mental health within NIMHE ensures that front-line clinical staff and service users in prison are linked into a range of new developments, learning is shared and good practice disseminated. For example, a nationally developed care pathway for prison mental health has been developed for the first time. This core document provides detailed guidance to staff and service commissioners alike and, by following the prisoner from arrest through custody and on to release, underpins the concept of end to end offender management.

108. We consider that the current system of prison mental health care provision is failing in two fundamental respects. First, some individuals suffering mental illness are committing crimes, being convicted and being sent to prison because of the failures of mental health care provision in the community. Second, prisoners who become severely mentally ill in prison are not being diverted out of the prison system to appropriate specialist secure units in the community. (Paragraph 364)

The Government remains committed to the principle that mentally disordered people who offend should, wherever possible, be dealt with by way of specialist treatment rather than punishment. To that end we have sought to make several changes in the Mental Health Bill which would enable optimum use of Health Service resources for offenders. We have sought to maximise the ability of the courts to inform themselves of the most appropriate disposal for the offender, so that sentencing can achieve the best available outcome in terms both of the offender's interests and the protection of others. We intend to enable the courts to order treatment to be given in the community for offenders who pose no risk to others and who will comply with treatment without custody. That should reduce the numbers of minor offenders sent to prison because no secure hospital bed is available.

We intend to enhance the courts' power to direct offenders to hospital within the security of a prison sentence. This will enable treatment to be given as appropriate and the offender to be returned to prison to complete sentence, rather than taking up secure hospital places in the long term simply for the protection of others.

And we intend to make treatment for prisoners transferred to hospital subject to review by the new mental health tribunal on the same basis as non-offenders in the community. That will ensure they receive treatment under compulsion on the same basis as non-offenders and can be returned to prison when the specialist bed is no longer necessary.

In sum, we intend to improve the flexibility with which specialist health service resources can be used for offenders.

Alongside these developments the Government is taking steps to tackle the difficult and complex area of high-risk sexual and violent offenders whose offending is linked to severe personality disorder. The aims of the Dangerous Severe Personality Disorder (DSPD) Programme are to enhance protection of the public and improve mental health outcomes by understanding better:

- How to identify, assess and treat those who are dangerous and severely personality disordered.
- The nature and challenges of treatments and service delivery involving multi-disciplinary teams working across agencies
- The extent to which treatment might reduce (or manage better) the risks of re-offending and how best to move on those offenders who have benefited from the programme, as well as those who have not.
- To strengthen the clinical, service delivery and policy evidence base in this area, informing the options for future services, and the costs and benefits

To achieve these aims the Programme is working at the leading edge of what is known in clinical terms, in the organisation of services and cross-agency work, commissioning evaluation and research. It is also seeking to influence in a positive way, for example, that the psychiatric and psychology professions and academia among others look at this area and their involvement in it.

In line with the Government's manifesto commitments, 300 new high secure places are being created as part of this Programme, at Whitemoor and Frankland high security prisons, and at Rampton and Broadmoor high secure hospitals. At present there are 244 places, and the target will be met with the opening of the new DSPD Unit at Broadmoor in June 2005. The DSPD Programme is also looking at service models and care pathways out of high security, piloting services in medium secure and community settings so that a spectrum of responsive and appropriate services becomes available.

The Government recognises that there are very high levels of mental ill health in the prison population and is tackling the problem in three ways. First, it is seeking to ensure that people with mental health problems are not sent to prison inappropriately, through the operation of court diversion schemes and the development of wider sentencing options for the courts. At the same time, other mental health services are being developed to close gaps in community care and so reduce the number of mentally ill offenders who reach the courts.

Secondly, as described above, it is improving the mental health services available within prisons significantly, through the development of new NHS mental health in-reach services backed by significant new investment.

Thirdly, it remains committed to the principle that people assessed as too ill to remain in prison should be transferred to hospital as quickly as possible so that they can receive in-patient treatment for their mental disorders. In this connection, the Committee's report records that, in its written evidence, the Prison Service stated that on any one day in prisons in England and Wales, there would be around 5,000 prisoners with a severe and enduring mental disorder *requiring specialist treatment in a secure mental health unit*. The phrase in italics did not, however, form part of the memorandum of evidence the Prison Service submitted to the Committee. As indicated in the NHS Plan (2000), the Government accepts that, on any one day in prisons in England and Wales, there will be around 5,000 prisoners with a severe and enduring mental disorder. However, not all of them will be acutely ill at the same time and not everybody with a severe mental illness in the community is considered to need in-patient treatment in hospital. Since application of the hospital transfer criteria in the

Mental Health Act 1983 is a matter for specialist clinical judgement in each individual case, the Government is unable to offer a reliable estimate of how many should be receiving in-patient treatment for mental disorder.

The number of prisoners transferred to hospital as restricted patients under sections 47 and 48 of the Mental Health Act 1983 rose from 180 in 1987 to 785 in 1994 and then remained relatively stable, at an average of 745 each year, up to 1999. In 2003 721 prisoners were transferred, a rise of 12% on the 2002 figure of 644. Most prisoners, particularly those in the acute stage of a mental illness, are transferred to hospital quickly. However, the Government accepts that problems of apparently excessive delay can still occur in some individual cases. Although considerable efforts have been made to reduce such delays, the Prison Service estimates that at any one time there will be around 40 or so prisoners who will have been waiting longer than three months for a hospital place following acceptance by the NHS. Tighter regular monitoring has already been introduced to identify any prisoners who have been waiting unacceptably long periods for transfer to hospital. A protocol issued in 2003 set out what must be done when a prisoner has been waiting for a hospital place for more than three months following acceptance by the NHS. As indicated by the rise in the number of transfers in 2003, both appear to have brought about an improvement.

The Government does, however, accept that there remains a lack of clarity around the arrangements for transferring prisoners with mental health problems to hospital. The Prison Service, Prison Health, the National Institute for Mental Health in England (NIHME), and the commissioners and providers of NHS hospital services have therefore agreed to work collaboratively on a two year project. Its objective is to establish a national waiting time limit for transfers between custodial settings and hospitals and to ensure that it is maintained for all prisoners requiring transfer.

109. We deplore the delays in assessing the mental health care needs of prisoners on admission to prison and throughout their sentences. The Government's National Action Plan fails to include specific action points aimed at improving access to and provision of high quality mental healthcare to prisoners. We recommend that this gap in strategic policy planning be addressed as a matter of urgency. In particular, we recommend that more places be made available in specialist secure units in the community to provide the expert mental health care prisoners need within proper facilities. (Paragraph 366)

The Government does not accept that there are delays in assessing the mental health needs of prisoners on admission to prison and subsequently. The Prison Service has introduced a new procedure for screening prisoners' health needs on first reception, which involves using a new, and more effective, three stage process. This focusses on identifying prisoners with immediate and/or significant health needs, including mental health needs. Prisoners identified as having such needs are further assessed and plans drawn up for their clinical management. These new arrangements were piloted in 10 establishments and the results showed improved detection rates for serious and immediate health problems. Importantly, there was a markedly increased likelihood of people with severe mental illness or at risk of suicide being identified. These new screening arrangements have now been introduced in local prisons across the estate.

The Government's NHS Plan (2000) noted that some 300-400 patients in the high security hospitals did not require that level of security but remained in high security because suitable alternative placements were not available. It included commitments to move up to 400 inappropriately placed patients out of the high security hospitals by the end of 2004 and to create 200 extra long-term secure beds to facilitate the movement of such patients. This is in addition to the 500 extra secure beds to which the NHS Plan referred, which were created by April 2001.

The development and modernisation of mental health services, which is one of the Government's core national priorities, has placed a focus on the local development of services to meet the needs of the local population. In line with this policy, Regional Specialised Commissioning Groups (RSCGs) took over responsibility for the commissioning of high and medium secure psychiatric services with effect from 1 April 2000. They provided a more focused mechanism for identifying the needs of their populations and developing integrated local services. As part of this process, they were responsible for assessing to what extent additional medium secure beds were required, and planned accordingly. In the spirit of the Department of Health's "Shifting the Balance of Power" initiative, responsibility for commissioning high and medium secure psychiatric services now lies with Primary Care Trusts (PCTs) operating in a collaborative manner around "Cluster Group" arrangements that have evolved from the former RSCGs.

Needs assessment is underway within both prisons and the community to look at the requirement for high and medium secure forensic psychiatric services. This is currently being done on a regional basis but plans are also being made for an overarching piece of work that will be coordinated centrally. Over the last three years the number of patients in the high secure hospitals has dropped substantially and this has resulted in an increase in the need for, and numbers of, medium secure beds. Needs assessment work indicates that, while some of the prisoners requiring transfer to hospital need a high security setting, the effect on hospital facilities providing medium and other levels of security is likely to be more significant. Regional commissioning plans reflect this need for additional secure places outside high security.

It is, however, not simply a matter of creating more secure beds. The way forward is to develop the whole range of mental health services from the high security hospitals to the community, so that everybody can access whatever services they require at any given moment in time. The National Service Framework for Mental Health (NSF) (1999) and the NHS Plan commitments on mental health were drawn up with this aim in mind. It is expected, for example, that the 335 crisis resolution teams referred to in the NHS Plan will treat around 100,000 people every year who would otherwise have to be admitted to hospital. That should, in turn, reduce the pressure on acute psychiatric beds by approximately 30%. Thus, further development of the whole range of mental health services in accordance with the NSF and the NHS Plan should lead to the freeing up of secure beds and ease the flow of patients, including prisoners requiring transfer, into and out of secure settings.

110. We recommend that the Healthcare Commission be given statutory authority to monitor, inspect and evaluate the adequacy of mental health care provision across the prison estate, both on a thematic and prison-by-prison basis, indicating models of best practice and providing recommendations for action. (Paragraph 367)

On 1 April 2003, as a further step towards ensuring that prisoners have access to the same range and quality of health services that the general public receives from the NHS, funding responsibility for health services in the publicly run prisons in England and Wales was transferred from the Home Office to the Department of Health (and for those in Wales to the Welsh Assembly Government). From 1 April 2004, at the beginning of a staged process, 18 NHS Primary Care Trusts (PCTs) assumed commissioning responsibility for health services in 34 prisons. PCTs will assume responsibility for commissioning health services in most of the remaining publicly run prison establishments from 1 April 2005 and by April 2006 commissioning responsibility will be fully devolved to the NHS.

The Healthcare Commission already has the statutory power to conduct reviews of healthcare provided by and for NHS bodies, including in prisons, and will be considering prison mental healthcare as a topic for a future improvement review in consultation with HM Chief Inspector of Prisons.

111. We do not find the Home Office’s Resettlement Key Performance Indicator helpful. We suggest the adoption of an indicator which is a more accurate gauge of the employment levels of ex-prisoners. (Paragraph 372)

The Government does not accept this recommendation but agrees that more information on employment levels of ex-prisoners would be helpful and the Prison Service is currently working with Jobcentre Plus on getting prisoners’ consent to improve the access to data on the outcomes of FRESHSTART interviews.

The purpose of this KPI is to shift priorities and resources in prisons towards activities which will help to deliver the objective of increasing the number of ex-prisoners who get jobs. In many cases, and in particular, for short term and remand prisoners, it is often not feasible to deliver resettlement work which will result directly in employment on discharge. But links to local Jobcentre Plus offices via FRESHSTART mean that prisoners are able to access benefits advice (especially relevant for women), and training/employment opportunities. Through this initial contact offenders who have other barriers to employment, such as drug misuse, are able to access specialist services, such as Progress2Work.

The Prison Service does not consider it appropriate to change the Resettlement Key Performance Indicator at this time as it is settling in and providing a run of data through which we can gauge annual performance.

112. We regret that the Government’s National Action Plan limits resettlement activities to the provision of housing advice and improving “accommodation outcomes”. We recommend that the Government develops a more comprehensive resettlement model to be incorporated into its National Action Plan, with the aim of providing prisoners close to release with practical advice and support to address accommodation, employment and family matters. (Paragraph 374)

The Government does not accept that its National Action Plan limits resettlement activities to the provision of housing advice and improving “accommodation outcomes”. The National Action Plan identifies seven pathways, including Accommodation, Education, Training and Employment and Children and Families of offenders, which need to be addressed, where necessary to ensure a successful resettlement outcome and prevent re-offending.

The Prison Service recognises the key importance of work on first reception into custody. If areas such as accommodation, employment and family ties are not addressed until just prior to release many opportunities will have been lost, particularly for those serving long sentences. The new Induction Prison Service Order addresses much of this and improves on current practice in a number of areas.

To support this work the Prison Service is introducing a shadow accommodation KPI from April 2005, which will measure the work done on induction, in local prisons, to close down, transfer or sustain tenancies. Prisoners, where appropriate, will be referred for further work on accommodation nearer their release. Arrangements are also made for prisoners to start paying pre-existing rent arrears. Both improve the likelihood of prisoners getting accommodation on release. The Prison Service shadow Accommodation KPI, which will be

confirmed in April 2005, has resulted in a significant improvement in accommodation outcomes for prisoners since April 2004. Currently, 81% of prisoners have an address to go to on release.

The Home Office, Prison Service and National Probation Directorate are represented on all the Reducing Re-offending Sub-Boards, thereby improving links with Other Government Departments, including ODPM, DW, DfES and ensuring that the needs of offenders are considered within mainstream provision.

113. We welcome the Government's initial attempts in its National Action Plan to address the issue of accommodation for ex-prisoners. We recommend that the resettlement of offenders become a cornerstone in the new approach to offender management envisaged by NOMS, with the development of comprehensive resettlement strategies as integrated parts of the Regional Rehabilitation Strategies. (Paragraph 376)

The model for Offender Management, which has been developed within NOMS, recognises the importance of resettlement in preventing re-offending. The planned implementation of Offender Management arrangements will allow each offender's needs, including their resettlement needs, to be assessed and for sentence plans to include specific objectives related to accommodation, employment, education or training where these are relevant.

While it is accepted that a strategic approach to resettlement provision is desirable, the organisation structure for NOMS is currently being developed. It is intended that Regional Rehabilitation Strategies in their current form will be replaced in due course by strategies led by the Regional Offender Managers. These will cover the provision of a range of interventions and services, including resettlement services, aimed at reducing re-offending, and will be informed by offenders' needs across the region.

114. We also recommend that Crime Reduction Partnerships should be actively involved in the resettlement of ex-prisoners. Resettlement strategies should be integrated into local crime reduction strategies so that health, education and housing agencies, together with social services, are committed to dealing with the resettlement of offenders. (Paragraph 377)

The Government notes that this recommendation is directed at Crime and Disorder Reduction Partnerships, and would endorse the view that they have an important role to play in the resettlement of ex-prisoners. Reducing re-offending requires action at a national, regional and local level. Account is also taken of the recent recommendations in the LGA report 'Going Straight' that signals the important role of local authorities and partners in assisting criminal justice agencies in the task of reducing re-offending. There is work to be done to join up partners at a regional and also local level, and work underway includes the Rehabilitation and Resettlement element in the Prolific and Priority Offender (PPO) Strategy already being implemented by CDRPs, working in partnership. The work required with PPOs highlights the partnership work required between NOMS, Local Criminal Justice Boards (LCJBs) and local CDRPs to effect change from prevention through to rehabilitation. The Government believes that the development of Regional Reducing Re-offending Strategies will further assist in providing PPO and other projects with a wider strategic framework within which they can operate to reduce re-offending. This will help in avoiding duplication of effort and inform the decision over whether particular interventions are best developed at the regional or local level. Sharing of data between partners at both the local and regional level will also help to make the most effective use of resources, commissioning and development of relevant services. NOMS will publish for formal consultation at the beginning of March its draft communities and civil renewal strategy. Aimed at reducing re-offending, it is an integral part of the Government's strategy to encourage active citizenship and will also contribute to the work of LCJBs to raise confidence in the CJS.

115. We recommend that in the short-term, co-ordinated communication systems be established to enable prison staff (and prisoners) to make contact with key agencies in the local areas to which prisoners are returning. In the medium term, resettlement teams should be established in each of the ten NOMS regions with responsibility for the practical resettlement of prisoners to that region, identifying housing and training or employment opportunities within the region, as well as liaising with housing agencies, training providers and employers and arranging support for offenders from mentors. (Paragraph 378)

The Government accepts this recommendation in part.

Prisons are participating in co-ordinated communication with key agencies in the local areas to which prisoners are returning. Prisons ensure that FRESHSTART appointments are made for all prisoners who do not have a job or training place on release, linking them up with Jobcentre Plus services in their home areas. From February 2005, 14 establishments will have Jobcentre Plus Jobpoints enabling prisoners to access information on vacancies in the area to which they are returning. The employer database, which is currently being developed, will also provide information about local employers who are willing to offer work to ex-offenders. All establishments will be able to update and access the database.

An intranet-based Housing Network is being set up to identify and share good practice on retaining or securing accommodation as part of an effective resettlement plan for sentenced prisoners and sustaining or closing down accommodation for those on remand. It will provide guidance and support on housing organisations, housing contacts, legislation and policy matters, and will encourage the formation of links between regions and/or establishments to enhance existing accommodation services by pooling resources and contacts.

The HARP initiative in the North East is a good example of one of a number of local protocols involving the Local Authorities and the Prison and Probation Services, and is designed to improve accommodation outcomes for offenders from that area.

The implementation of end to end offender management for custodial sentences, which is expected from 2006/07, will be vital in ensuring continuity of provision for offenders moving back to the community from prison. The role of Regional Offender Managers in commissioning services and interventions will also make an important contribution. The government does not believe that with these arrangements in place, regional resettlement teams are the only, or necessarily the best, approach to enabling offenders to access housing, training or employment opportunities, or to get support from mentors. It does not therefore propose to commit itself to setting up such teams in each region. It will be for Regional Offender Managers to decide on and implement the most appropriate solution in their region.

116. In our view, to achieve the objective of reducing re-offending there are sound reasons in the long term to move from the regional to the local model of offender management, particularly in light in the shift towards community sentencing introduced by the Criminal Justice Act 2003. We recommend that the Government develop a long-term local community strategy in tandem with its implementation of regional offender management. (Paragraph 380)

The Government agrees that it should develop a long-term community strategy as an integral part of its implementation of regional offender management. Also as NOMS contribution to a forthcoming cross Government civil renewal plan and Local Criminal Justice Board plans to increase public confidence in the criminal justice system, the draft National Offender Management Service

(NOMS) Communities and Civil Renewal Strategy will be circulated to statutory agencies and the voluntary, community and private sectors for formal 90 days consultation in March 2005. NOMS plans to build on current good practice by prison, probation and partners in engaging with local communities and has as its twin aims contributing to reducing re-offending and increasing public confidence in the criminal justice system with actions planned at a national, regional and local level.

Section 17: Overall conclusions

117. The recent series of Government reports, taken together, provides a reasonably coherent and sensible framework for sentencing, prison regime and resettlement. However, implementation has been patchy. Progress has been made in developing more credible and effective sentencing, and in reviewing sentencing guidelines. The creation of NOMS contains at least the potential for integrating the day-to-day work of the prison and probation services and providing ‘end to end’ management of prisoners from sentence to resettlement. NOMS is in its early stages and we will be monitoring closely how the new organisation develops. (Paragraph 381)

The Government’s reforms of the Correctional Services and sentencing were developed in reviews published between 2003 and 2004, were given force in the Criminal Justice Act 2003 and in the creation of NOMS, and are now being taken forward as NOMS comes into being from April 2005. It will take a further 2 years before the full structure of contestability and commissioning comes into effect.

118. There has, however, been markedly uneven achievement in regard to the prison regime and resettlement. Progress has undoubtedly been made on drug treatment and provision of basic education. However, the ability of prisoners to return to work—or find work for the first time—is an essential part of rehabilitation. We found little evidence that serious efforts are being made within the Prison Service to prepare prisoners for the world of work. Much other provision for rehabilitation and resettlement continues to be inadequate—as previous chapters of this report illustrate graphically. We are particularly concerned about the failure to make appropriate provision for vulnerable groups: women, young prisoners, mentally ill prisoners and those from minority ethnic backgrounds. Too few attempts are made, either, to provide rehabilitative services to short-term or remand prisoners. (Paragraph 382)

The Government does not accept his conclusion. As the responses to earlier recommendations show, there is a wide range of activities in prisons aimed at improving the employment prospects of prisoners, through education, basic skills, vocational training and work experience. The position of special groups of prisoners are addressed in responses to the relevant sections of the report.

119. We agree with the Government that the core purpose and measure of rehabilitation must be to reduce re-offending. However, a reduction in re-offending can only be achieved through a rehabilitative strategy which reintegrates offenders into society by giving them the opportunity and assistance needed to reform. (Paragraph 384)

120. An effective prison rehabilitation strategy must look not only at the offending criminal behaviour but also at the individual prisoner himself or herself. A prison rehabilitation regime must, where appropriate, challenge a prisoner’s chaotic and deprived lifestyle by — investigating the prisoner’s background and needs in order to develop specific measures for his or her reintegration into society addressing offending behaviour and other deficiencies such as drug and alcohol misuse offering alternative life choices to the offender through the provision of education, training and work

opportunities. Further, the rehabilitation regime must be designed to deal with the different needs of different types of prisoner and the different factors affecting the re-offending of certain groups — in particular, women, young adults, black and minority ethnic groups, remand prisoners and short-term prisoners. (Paragraph 385)

121. Wherever possible, offenders should be actively engaged in their own rehabilitation, and encouraged to take responsibility for themselves and their behaviour, from sentence planning through to resettlement. (Paragraph 386)

The Government agrees with these conclusions and the creation of NOMS and OASys is designed to provide the framework for addressing the needs of the individual offender, and for involving the offender in developing a sentence plan tailored to their needs. Individual OASys assessments are aggregated to inform local, regional and national resource requirements for interventions. The National Offender Management Service will – through individual offender managers – seek to ensure that each sentence plan is met by the offender. And the development of the pathways within the National Reducing Re-offending Action Plan will provide the means for involving national and local agencies in mainstreaming their services to offenders.

122. The objectives we have set out in the previous paragraphs can only be achieved if there are significant changes in the regime within prisons. We have set out specific proposals earlier in this report. To summarise, the changes that are needed are (in order of priority):

- (i) a major drive to provide work and work-like regimes and training within prisons;**
- (ii) an extension of this provision and other rehabilitative interventions to short-term and remand prisoners**
- (iii) significant improvements to drug and alcohol treatment;**
- (iv) independent inspection of mental health provision; and**
- (v) specific provision to address the needs of minority and vulnerable groups. (Paragraph 387)**

See responses under the relevant sections of the report.

123. The Prison and Probation Service should not provide services which are available in the community. Rather, the task of the Prison and Probation Service should be to make sure that the offender has access to the community services that he needs. (Paragraph 388)

As discussed elsewhere in these responses, for services such as health, education and drug throughcare, there are already formal responsibilities on mainstream community providers to meet the needs of prisoners within their areas. But as the report notes, the barrier to implementing this vision for all services is the inappropriate location of many prisons, which make access to some local services difficult. However, as indicated in responses to other sections, increasingly prisons and local agencies are improving contacts, and there is an active involvement of the voluntary and community sector in prisons.

124. We recommend that, in future, rehabilitative needs should be taken into account when decisions are taken on the locations of new prisons. It is particularly important that a network of local community prisons be built up to benefit short-term prisoners and prisoners close to the end of their sentence. (Paragraph 390)

The Government accepts the recommendation. NOMS aims to hold shorter sentenced prisoners close to home and currently around 80% of those prisoners with a sentence of 12 months or less are held in local prisons. The end-to-end approach being developed will also see longer sentenced prisoners being transferred back to their home area towards the end of their sentences.

It is planned that new prisons will be built in areas that improve the closeness to home and access to courts, prisoners' families and other agencies.

125. Overcrowding is undoubtedly causing severe problems within the prison system. However, overcrowding should not be used as an excuse for poor management. We are not convinced that every effort is currently being made to minimise transfers between prisons where these impede the work of rehabilitation. (Paragraph 391)

Although the needs of individual prisoners in relation to offending behaviour, and closeness to home and family ties are taken into account, consideration has to be given to operational obligations. Local prisons and remand centres must be able to provide accommodation to meet the needs of the courts and therefore will transfer appropriate prisoners. These prisoners are largely those who require access to suitable intervention programmes, which are not available in local prisons.

Existing guidance requires prison Governors to consider regime and family contact issues before moving prisoners. It stipulates that, whenever possible, prisoners should not be moved if it disrupts their participation in an educational course or treatment programme or their consideration for parole.

The number of prisoners who fail to complete offending behaviour programmes or drug treatment programmes because of a premature move, are extremely low.

126. The current situation means that it is something of a lottery as to whether a particular prisoner actually benefits from rehabilitative interventions appropriate to his or her needs. We believe that this is unfair to the individuals concerned. We recommend that the Prison Service should move towards ensuring greater consistency of provision across the prison estate, by means of common standards and, where appropriate, ring-fenced funding for particular rehabilitative provisions. We accept that this will inevitably entail some loss of prison governors' present autonomy, but consider that this would be a price worth paying. (Paragraph 393)

The Government does not agree that ring fencing of funds is necessary. Funding has been ring-fenced for some rehabilitative interventions. These include Offending Behaviour Programmes, education and drug treatment programmes. However the distribution of funding is determined by a prison's particular circumstances and resources are allocated to the areas where they will be most effectively used.

We do not believe that further constraining a Governor's flexibility through ring fencing is a means for improving performance. Instead the emphasis needs to be on robust performance management with stretching targets and regular appraisal.

The Prison Service continues to work to make delivery as consistent as possible. In the case of education a new integrated learning and skills service for offenders will be planned and funded by the Learning and Skills Council in three regions from August 2005 and across the estate from August 2006. This will bring greater consistency in the service.



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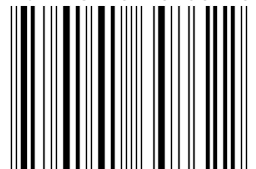
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