



# Turning the Corner

Beyond incarceration  
and re-offending

Anton Shelupanov & Rushanara Ali





# About the Young Foundation

The Young Foundation brings together insight, innovation and entrepreneurship to meet social needs. We have a 55 year track record of success with ventures such as the Open University, Which?, the School for Social Entrepreneurs and Healthline (the precursor of NHS Direct). We work across the UK and internationally – carrying out research, influencing policy, creating new organisations and supporting others to do the same, often with imaginative uses of new technology. We now have over 60 staff, working on over 40 ventures at any one time, with staff in New York and Paris as well as London and Birmingham in the UK.

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TURNING THE CORNER:BEYOND INCARCERATION AND RE-OFFENDING  
First published in Britain in 2010 by

The Young Foundation  
18 Victoria Park Square  
London  
E2 9PF  
UK

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A CIP catalogue record for this book is available from the British Library  
ISBN 978-1-905551-15-6

Printed by Formara on 9lives Offset paper (FSC certified 100% recycled fibre) using vegetable inks.  
Cover illustration by Claire Scully. Designed and typeset by Effusion.

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## Acknowledgements

We are grateful to the Bowland Charitable Trust for their generous support of the Innovation, Justice & Youth Programme and especially to Tony Cann for his insights and guidance throughout the course of this work.

This publication benefited immensely from the thoughtful contributions of Young Foundation colleagues including Geoff Mulgan, Robert Patrick, Aubrey Fox, Neil Reeder, Will Norman, Julie Caulier-Grice, Carla Tiramani, John Loder, Mhairi Aylott, Sophie Hostick, Phoebe Griffith, Alison Harvie and Alessandra Buonfino. We are grateful to Dr Tony Flower for copy-editing the final draft of this text. We would also like to acknowledge the support and encouragement of our partner organisations the New York Center for Court Innovation, the Criminal Justice Alliance and member organisations of the Transition to Adulthood Alliance (T2A).

We would especially like to thank past and present advisers to the Innovation, Justice and Youth Programme for advice to this programme of work at its various stages: Patricia Lankester, Sean Duggan, Graham Lancaster, Jamie Bennett, Peter Kellner, Rachel Lipscomb, Richard Garside, Fiona Mactaggart MP, Frances Crook, Rob Allen, Professor Rod Morgan, Penelope Gibbs, David Chesterton and Angela Greatley. Whilst their advice and support has been invaluable, any views expressed in this report are the authors' own.

Finally we are grateful to the Barrow Cadbury Trust and Local Government Improvement and Development (formerly IDE&A) for supporting of our practical and policy development work in 2008 – 2009.

## Foreword

I welcome this report from the Young Foundation and am pleased that we have been able to support its creation and publication. The report, so ably organised by the Young Foundation's Anton Shelupanov and Rushanara Ali, its Associate Director (who is now an MP), joins a large number of eminent and persuasive reports by many organisations over the past fifteen years. It extends the ground that has been covered frequently and yet with very little result... perhaps until now. We have continued to proffer the same failed solutions to reduce criminality and reconvictions. The mantra that if we continue to offer the same solutions we will get the same results applies here with a vengeance, enhanced by reactionary attitudes. We have been stuck with politicians caught in the headlights of the tabloid press and the unthinking, unbalanced public reaction encouraged through the ever more desperate headlines utilised to sell newspapers.

And yet the outline of what needs to be done to make our lives safer and improve the lives of many offenders is clear. The public are not as unthinking as some might presume and, if encouraged to look deeper, can see that progress will be made if we can break away from the current direction. In these times when expenditure is being reined in we are beginning to see not only that current policies are very ineffective but that there are more effective alternatives which, in aggregate, will cost a lot less.

The challenge is to find and implement scalable, sustainable and practical solutions that do more than cream off the easiest layers and can affect the more difficult ones. Then we need the political will, courage and confidence to move ahead. I hope this report will help this process.

The concepts are not new. In the nineteenth century, John Ruskin in his rhetoric for social change wrote:

“Punishment is the last and worst instrument in the hands of the legislator for the prevention of crime. The true instruments of reformation are employment and reward - not punishment.”

Finally, I would like to thank Patricia Lankester who has supported, advised and encouraged us throughout.

**Tony Cann, Trustee, on behalf of The Bowland Charitable Trust and The Ruskin Foundation**

# Executive Summary

This report makes the case for innovation in the justice sector - at policy, strategic and implementation levels, both locally and nationally.

There is now widespread agreement that the system needs to change radically. But unfortunately there is not a sufficient number of proven alternatives to what exists which can simply be implemented and scaled up. Instead the system needs to become much more adept at designing, rapidly testing and then scaling new innovations in everything from helping former offenders into jobs to effectively supervising people on community sentences.

The report assesses the current situation in terms of what the existing systemic challenges there are, what is being attempted to address them and how recent political and economic upheavals have affected the efforts of the justice system to reduce offending and strive for a safer society.

Prison numbers are exceptionally high and the system is very expensive. At the same time major budget cuts mean that unless the system innovates, it may not be able to perform its function of keeping crime low and keeping the public safe. The Justice Secretary Kenneth Clarke has signalled that he wants to see a rehabilitation revolution. Such a revolution would mean a radically new approach, rather than doing more of the same.

In this report we propose a number of new ideas:

## **A greater role for innovation in justice**

- Criminal justice has suffered from lack of attention to impact, value for money and effectiveness. Instead criminal justice policies have often been formulated as a response to perceived negative public opinion and low public confidence in the justice system and have not been properly evaluated or costed before they are introduced, leading to wastage and ineffective implementation.
- This report advocates an “innovation led” approach to support more effective design of policies and programmes which can show the potential to achieve more for less, their effective piloting and then clear routes to scaling them in ways that create more of a “win win” situation, leading to reduced offending, savings to budgets and increased public confidence.
- The report cites the example of the New York Centre for Court Innovation, and proposes a similar model for the UK. An independent UK Centre for Justice Innovation would assess the efficacy and cost-effectiveness of innovative interventions and help nurture, scale and disseminate successful ones.

## **Social Impact Bonds**

- The report argues that new financial tools such as Social Impact Bonds are imperative to drive forward justice innovation. These are being developed by

the Young Foundation, Social Finance and other partners, and allow local authorities and NGOs to raise the finance to invest in innovative alternatives to custody, as well as education programmes, training, drug and alcohol services and housing for former offenders, and offset these costs against savings made by reducing the prison population, benefits payments and other demands on the system.

- Since many costs, such as custody places, are met by central government, there are few financial incentives for local authorities to adopt innovative approaches to reducing demand on the services of criminal justice agencies. However, local engagement is vital if crime and reoffending are to continue to be reduced and public confidence in the system is to be sustained. The report makes both the financial and social case for reform, and giving local authorities and actual communities a stake in rehabilitation.

### **Enhance the employment prospects of former offenders by introducing Employers**

- Employment reduces reoffending by a third to a half. Appropriate education and training while in custody is important in helping people returning from custody secure and hold down a job, but it is not enough. The transition out of custody must be properly prepared for and managed. Mentoring, through the gate support, brokerage with employers, supported employment and access to appropriate training all need to be part of the same wrap-around package.
- The report also looks at how and why ‘stigma’ about ex-offenders in the job market makes their employment less likely, and suggests a number of policy proposals, such as CRB Check Smart which simply lets employers know whether someone is ‘suitable’ or ‘not suitable’ for the job in question.
- The report discusses why 18-24 year olds need to be treated as a distinct group, rather than thrown into the adult world upon release with no special support or guidance, arising from the Young Foundation’s work as a member of the Transition to Adulthood Alliance (T2A).

Finally we propose a number of other ideas which warrant further investigation and which have the potential to transform the way we approach crime and justice both locally and nationally.

## About the authors

### **Anton Shelupanov**

Anton leads the Young Foundation's work on Innovation and Justice, which includes managing the Innovation, Justice and Youth programme. He joined the Young Foundation in November 2007. Before that he worked at the International Centre for Prison Studies at King's College, London, where he led the Centre's work on Prison Healthcare and managed a number of high profile projects in Central and Eastern Europe, Central Asia and East Asia. He has been an adviser and consultant to a number of governments and organisations including the Council of Europe, the World Health Organisation and the United Nations Office for Drugs and Crime.

Outside of his day job, Anton is the Vice Chair of Homes for Haringey, an organisation which manages the 20,000 strong social housing stock of the London Borough of Haringey. He lives in Tottenham and is a keen amateur boxer. He was educated at St Hugh's College, Oxford University.

### **Rushanara Ali**

Rushanara Ali is an Associate Director of the Young Foundation. Before joining the Young Foundation, she worked at the Communities Directorate of the Home Office, at the Foreign and Commonwealth Office, as a Research Fellow at the Institute for Public Policy Research and as a Parliamentary Assistant. Rushanara began her career as a Research Assistant to Michael Young and helped set up Futureversity (formerly known as Tower Hamlets Summer University), a pioneering model which has cut youth crime in the area and has been successfully replicated around London. Rushanara has also served as a Governor of Tower Hamlets College, a Commissioner for the London Child Poverty Commission and a Trustee of the Paul Hamlyn Foundation. Rushanara has co-authored reports on a wide range of subjects. These include Sinking and swimming; understanding Britain's unmet needs, Breakthrough Cities and In and out of sync: the challenges of growing social innovations. In May 2010 Rushanara was elected Member of Parliament for Bethnal Green and Bow, London.



# 1 Introduction and overview

The solution is not to continue doing more and more of what works less and less. It is to seek out, and try out, creative and innovative approaches which aim to help reduce the causes of offending, and incentivise individuals and organisations in doing so.

## Introduction

The prison population has risen dramatically in recent decades while re-offending rates have remained stubbornly high. Successive governments have sought to grapple with the multiple challenges of reducing re-offending, responding to public pressure to take firm action against crime and disorder. However, whilst the mantra of being ‘tough on crime’ which they have adopted has had the consequence of contributing to a rise in the prison population, and whilst there has been much discussion and debate about preventing crime and reducing re-offending, there has been insufficient progress over recent decades. This has led to an even greater rise in the prison population; rising fear of crime (even though overall crime rates have declined) and low public confidence in the criminal justice system.

## Have we turned the corner?

It took England and Wales nearly 100 years to double their prison population, from around 20,000 in the 1900s to well over 40,000 in the mid-1990s.<sup>1</sup> It then took a mere 15 years to nearly double that again. The first decade of the 21st century saw the total surpass 80,000 for the first time.<sup>2</sup> It’s hard to dispute that prisons are costly and wasteful, yet the default response of successive governments to a wide range of social problems seems to have been the criminalisation, penalisation and ineffective incarceration of those involved.

The solution is not to continue doing more and more of what works less and less. It is to seek out, and try out, creative and innovative approaches which aim to help reduce the causes of offending, and incentivise individuals and organisations in doing so.

The criminal justice sector is traditionally short on innovation.<sup>3</sup> This is in part due to the quasi-military heritage and culture of various criminal justice agencies (such as the police and prison services), and partly due to financial and organisational incentives and disincentives. For example, many of the 900 or so NGOs working with or on the fringes of the criminal justice sector attempt to innovate but are often hampered by such structural barriers as the commissioning process.<sup>4</sup> It is neither hard to dispute that this needs to change, nor that the enormous capacity for innovation of the many talented practitioners and volunteers in the sector is ready to be tapped.

As well as the spiralling costs of imprisonment, both financial and human, the high re-offending rates and the threats to public health, there is also the damage such a monolithic and centralised system is doing to communities at the local level. Communities are not sufficiently empowered to take responsibility for their own safety. There have been some moves to address this imbalance, most notably in the 2008 Youth Crime Action Plan,<sup>5</sup> but whilst this made some concessions to a

more localised and less penalising approach, it was widely regarded as not taking enough of a community-wide perspective. Properly supported social innovation, driven by communities seeking new responses to this problem can have a major impact on this.

The last government's decision to shelve the much-derided Titan prisons was welcomed by most in the sector – academics, practitioners and campaigners. However, the positive response quickly turned to disappointment as it was announced that they will be replaced with so-called 'mini-Titans' – five 1500-capacity jails in various parts of England. That capacity is still larger than any existing facilities, and matched only by a couple of other jails in Western Europe – thereby suggesting little sign of a substantial shift away from a policy of incarceration.

The current situation in the UK continues to deteriorate. The prison population is still rising, standing at a record 85,085,<sup>6</sup> of which a significant number are children– there has been a 550% rise from 1996 of under 14s going to prison.<sup>7</sup> This number recently stabilised but the children's prison estate is at saturation point.

Perhaps even more worrying than this breathtaking increase in the use of custody is the fact that re-offending continues to rise among youngsters leaving custody – 77% re-offended within two years after release in 2008, up from 73.1% the year before.<sup>8</sup>

The wider cost of crime is difficult to calculate, but the Home Office estimates it to be in the region of £60 billion a year. The Social Exclusion Unit (now Taskforce) estimated that re-offending by ex-prisoners may cost up to £11 billion.<sup>9</sup> Those who end up in custody often represent the most excluded segments of society. According to the Prison Reform Trust some 90% of prisoners are mentally ill,<sup>10</sup> around a fifth of all new heroin addictions are acquired in custody<sup>11</sup> and prisoners are 15 times more likely to suffer from infectious diseases such as HIV and tuberculosis. Deaths in custody remain high. In 2007/8 there were 577 deaths in all types of custody including police stations and immigration detention centres (of which 187 were in prison itself<sup>12</sup>) - and three quarters of all suicides in custody occur in overcrowded conditions.

Across the Atlantic, we can observe both the results of high levels of incarceration, and some excellent responses to it. The imprisonment rate in the US is the highest in the world – at 509 per 100,000 of the general population in 2008. In total, over 2,300,000 US citizens are now in prison, in state, federal or county jails, and over 1,500,000 people in that country are under some form of correctional supervision.<sup>13</sup> At the most extreme end, in Washington DC where the incarceration rate is 1,500 per 100,000, the HIV prevalence rate in the total population has risen to 1 in 33.<sup>14</sup> The financial demands of such a system have catastrophic consequences too. As the state of California nears bankruptcy, one

of the more sensible solutions for preventing public finances from deteriorating further, mooted by Governor Schwarzenegger, is to stop incarcerating at such a vast rate people who don't need to be in prison due to inflexible sentencing options and draconian recalls for parole violations.<sup>15</sup> It is unfortunate that progressive policies arise out of such crises, rather than from a political consensus informed by research which shows that public safety and public health should take precedence over sabre-rattling and 'tough on criminals' rhetoric. Nevertheless, such policies are gaining momentum, and the numbers are slowly beginning to head in the right direction with major states such as California, Michigan and New York all showing a reduction of 1500 - 3000 prisoners each last year.<sup>16</sup>

The same argument can be made in the UK – if imprisonment is so costly and ineffective, and at its current rate is creating a public health bombshell, why continue on this course? While the Titan prisons have been scrapped, it remains unclear whether the new government will use this as an opportunity to radically overhaul the system in a manner that truly contributes to reducing re-offending or whether its primary focus is on cutting spending – regardless of consequences on re-offending rates.

At the same time as the National Offender Management Service (NOMS) has been tasked with making £400 million in efficiency savings (or cuts) over the next 18 months,<sup>17</sup> the prison population estimate for 2012 has risen to 96,000.<sup>18</sup> The new government has also announced public spending cuts of between 25% and 40%. Managing and keeping safe a continually expanding prison population is thus increasingly untenable and requires new alternatives to be developed rapidly.

Predictions of a 10% drop in GDP in the near future are not beyond the realm of possibility, and lessons of history show that this kind of strain on public finances has a powerful impact on spending, both on prevention activities and staffing levels. Based on the projected prison population, a scenario where overcrowding reaches 20-25% whilst staffing levels experience a similar percentage drop is entirely plausible. That, in turn, could result in a major challenge to public health and safety.

Another consideration is what is going to happen to crime rates during the downturn. Whilst we know that poverty does not necessarily lead to crime, we also know that inequality and alienation certainly can. Poverty can, however, lead to criminalisation. One only needs to look at countries with the highest apparent inequalities – such as Russia, the US, Brazil and South Africa – to see this dynamic played out and reflected in some of the highest prison population rates in the world. Increasing inequalities could lead to higher crime rates in some categories, including property, but the downturn may also potentially lead to declines in the types of violence associated with drinking. As things stand, re-offending is likely to continue to rise as former prisoners find it harder to get jobs against a backdrop of rising unemployment. Public disorder and community

cohesion are also liable to worsen, particularly in areas where there are many unemployed young men, and underlying racial tensions.<sup>19</sup>

All of this means that bold action should be taken to ensure that more is done to prevent crime and far fewer people are sent to prison. About two thirds of people in prison are there for a non-violent offence, and 90% are mentally ill. It is not helpful to incarcerate these categories of prisoner at great cost, when time and again community penalties and drugs treatment have proved far cheaper and significantly more effective in reducing re-offending.<sup>20</sup> Indeed, in most Western European countries 15% – 25% of prisoners are on remand, and typically around 80% of them are charged with non-violent offences.<sup>21</sup> This is a major and unnecessary cost to the system, and ought to be pruned. In reality, however, the political will to reduce the prison population in this way has thus far been absent.

However, in a recent speech, the new Justice Secretary, Kenneth Clarke, attacked the ‘prison works’ orthodoxy that has dominated policy over the past twenty years.<sup>22</sup> This is an encouraging sign but it is unclear whether the new government will halt Britain’s £4bn prison-building programme – and divert the many thousands of offenders away from short-term prison sentences towards credible alternatives.

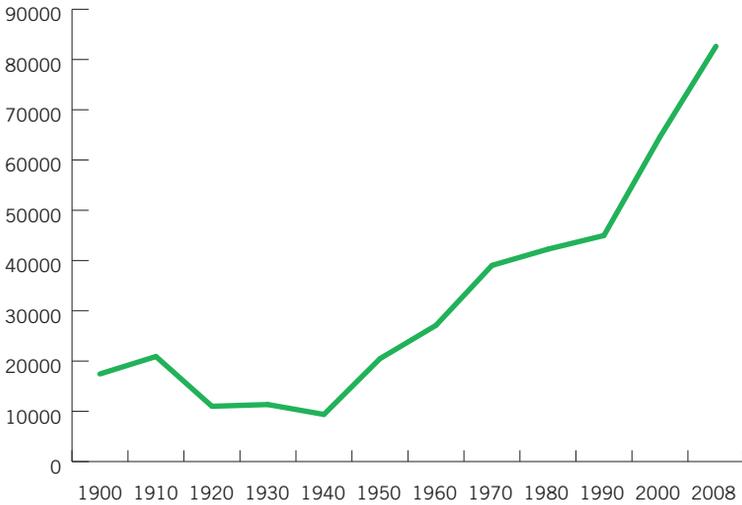
A key challenge for the criminal justice system, and for those working with or within it, is to ensure there are innovative, credible and workable alternatives to prison which can reduce re-offending for those who would otherwise be given short sentences. The absence of government support to scale up such innovations that work or have the potential to reduce re-offending (both within and outside the prison service), risks serious increases in crime.

Systemising innovation is important. This can be done by ensuring that a proportion of budgets (even in difficult spending climates) are committed to commissioning innovative interventions or services which can reduce re-offending. Commissioners’ performance can be measured by what efforts they make to source such innovations and how much innovation they actually commission. Examples from healthcare suggest that this is possible and can produce both improved results and a more dynamic and adaptable service. A way to support it may be through a structure like the National Institute for Health and Clinical Excellence (NICE)<sup>23</sup> which is able to evaluate the impact and innovation potential of various interventions and encourage their dissemination and wide application without being risk-averse. Financial and policy instruments such as Social Impact Bonds are also a way to ensure that systemic changes carry with them appropriate incentives for local and national actors (both in the public and private sector) fully to participate in the process.

The world economic crisis has had a major detrimental effect on the lives of millions of people. However, the drive for greater efficiency and the need to reduce public spending presents an opportunity to challenge policies that are

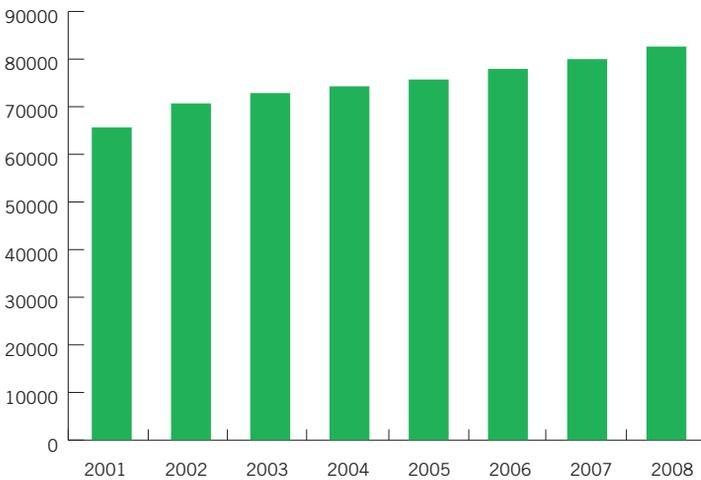
having limited success in cutting crime and the potential for finding new solutions and innovations to prevent offending and reduce re-offending. That said, any scope for innovation in this field will require the political will to move away from the rhetoric of ‘tough on crime’ towards developing solutions that work.

**Figure 1: Annual average prison population in England and Wales (1900-2008)**



Data source: Prison Population Statistics, House of Commons 2009

**Figure 2: Annual average prison population in England and Wales (2001-08)**



Data source: Prison Population Statistics, House of Commons 2009

## 2 Themes of this report

The report identifies areas where there is the most scope for innovation, and highlights directions in which innovation could go. It also puts forward a number of promising ideas both for interventions and for creating a more structured approach to innovation in this complex and often challenging sector.

Over the past eighteen months, the Young Foundation has embarked on a new programme of work on criminal justice, to make the case for innovation around such issues as prevention, diversion, custody, re-integration and recidivism. The Foundation's Innovation, Justice and Youth programme has also looked at how innovation is properly supported, looking at possible vehicles which could drive innovation through and piloting practical ideas such as the Social Impact Bonds and the Employment Deployer for ex-offenders alongside developing new policy ideas.

This report draws on a number of key themes – ranging from work on public confidence in the criminal justice system to work on what enables young people (at risk of offending or already in the criminal justice system) to make successful transitions into a life away from crime, and what kinds of interventions work, or have promise, when tried out at a very local level in helping to reduce re-offending. The report identifies areas where there is the most scope for innovation, and highlights directions in which innovation could go. It also puts forward a number of promising ideas both for interventions and for creating a more structured approach to innovation in this complex and often challenging sector.

Our work points to the need for new structures and instruments for supporting innovation in the criminal justice arena. This report makes the case for some of them – the ones which our work has indicated would be able to have a powerful and measurable impact at various stages: in the short, medium and long term. These include financial instruments such as Social Impact Bonds described in detail in Section 6. In view of the current financial crisis, such cost-saving upfront investment in proven prevention strategies, with clear financial incentives, are badly needed – to enable the criminal justice system and organs of local government, working with the private and the third sectors, to do more with less, and to produce much stronger outcomes over time.

We have also noted an increased appetite for the creation of new bodies to empower innovation – such as the Centre for Justice Innovation (based on the excellent model of the New York Center for Court Innovation), and an organisation to examine and certify the validity and potential of new interventions – which could function in a way not dissimilar to the National Institute for Health and Clinical Excellence, with obvious differences concerning the issues of risk avoidance. The Young Foundation is developing some of these new models in partnership with our international colleagues while recommending others are taken up by government. These proposals are detailed in Section 7 of this report.

One of the key threads running through this work has been on public confidence. Does the public really only view issues of crime and justice through the lens of retribution, separation and deterrence? How important is the role of the media? What components might one build into progressive innovative interventions to ensure that there is public support for them and that the risk of a backlash is

managed? As well as carrying out desk-based research, the Young Foundation ran a major event and held policy consultations with relevant professionals, and commissioned YouGov to poll a cross-section of the public on their views on community responses, punishment and a justice dividend. Since then we have explored how to take this work forward. The summary of this is presented in Section 3.

Transition points are often key in a person's journey through life, and, in our specific area of interest, on their journey through the criminal justice system. Transitions out of care, to and from custody, into and out of work, into and out of addiction or risky behaviour are the points at which, in particular, a young person caught up in the criminal justice system can, with the right support and preparation, be set up to succeed rather than to fail.

The Young Foundation has been working with a coalition of partner organisations as part of the Barrow Cadbury Trust's *Transition to Adulthood Alliance* (T2A). The focus of the work has been young adults, as those young people who tend to end up in the criminal justice system are often insufficiently supported and thus do not complete their transition to adulthood successfully.

Over the past year the Young Foundation ran a series of policy panels consulting with sector professionals, academics, young people (including ex-offenders) and policy makers on how young adult offenders interact with the police, health and social care services, the education and employment and housing sectors. Each panel was preceded by a wide-ranging review of existing research. Some of the emerging recommendations and two of the case studies are presented in Section 4 of this report. This work ran concurrently with another major Young Foundation project on mapping Britain's unmet needs, which also explored major transition points in people's lives.

Unlocking the process of innovation in local areas has also been at the forefront of our work of the past two years. The Young Foundation, in partnership with the Innovation Unit, embarked on an ambitious exploratory programme of work in four local areas in England, with a specific focus on youth crime. The programme combined intensive qualitative research in working with local practitioners to identify priority areas, a major review of available research on the issues identified, and support in localities for designing new approaches to persistent problems.

Each area had its unique challenges, specific circumstances and scope for solutions. The focus of each area represented an excellent cross-section of the youth justice spectrum – work with some of the most challenging families of young offenders, examining the resilience factors of first-time entrants into the system, support for young people on Intensive Supervision and Surveillance Programme – the most robust alternative to custody - and intergenerational work to bolster public confidence in the work of the local Youth Offending Service. The Innovation Catalyst approach proved to be a worthwhile one. Some of the learning

from this practical work is summarised in Section 4, along with other promising local innovations.

Finally, this report discusses other promising ideas which can and should be taken forward, from innovations such as an Employment Deployer for former offenders to reduce the perceived risk for employers of taking on people returning to society from prison, and incentivising them to do so (as detailed in Section 5), through to ideas such as supporting social enterprise in prisons and ensuring that people returning to society have access to a bank account and a National Insurance number. These ideas are outlined in Section 8.

None of this work sits in isolation. As well as the study of transitions undertaken as part of the Young Foundation's project to map Britain's unmet needs, other research and practical work is concurrent to the various activities detailed in this report. For example, the Foundation is engaged in a pioneering project to define, map, describe and disseminate the hundreds of methods necessary for social innovation and to create a set of practical tools for supporting social ventures from idea to sustainable growth. Other work seeks to set up practical interventions to help young people at risk into employability and employment.

# 3 Public opinion

Public attitudes (and often assumptions about public attitudes) have contributed to a political climate and rhetoric which expounds 'toughness on crime' and has resulted in harsher sentencing and rising prison populations.

## Introduction

In the current debate around criminal justice, politicians often identify public opinion as a major challenge to putting forward progressive policies. At the local level, decision makers sometimes cite the lack of public confidence in positive innovative interventions in the criminal justice field and related spheres as a hindrance to their ability to implement and see them through, even where there is a strong chance of such interventions having greater success than existing ones.

Public attitudes (and often assumptions about public attitudes) have contributed to a political climate and rhetoric which expounds ‘toughness on crime’ and has resulted in harsher sentencing and rising prison populations. A major fear of politicians is that those who have committed serious offences are perceived by the public as not being punished enough. Those devising innovative interventions must be aware of this backdrop and that interventions need to have a significant element of risk-management built in.

Paradoxically, crime has actually fallen significantly over the past decade,<sup>24</sup> and even phenomena which usually elicit an emotional public response such as violent crime, and more recently incidents involving knives, have not risen or become a much more significant threat during this period. In addition, much good work has been carried out by projects such as SmartJustice and Rethinking Crime and Punishment to demonstrate that when sufficiently well-informed, the public tends to support constructive and restorative responses within a criminal justice context over unduly coercive ones.

The Young Foundation has undertaken a review of some of the existing research on the issue of public attitudes to crime and justice, as well as carrying out its own survey in conjunction with YouGov. The survey explored public responses to ideas such as members of communities being able to take some of the responsibility for their own safety and children, and the community being rewarded with a justice dividend if such measures are successful in improving safety. In addition, a round-table was convened at the Young Foundation which brought together practitioners working with young people, local decision makers, funders, academics, high-level representatives of a number of central government departments, pollsters, PR professionals and journalists. The following questions were posed at the event:

- How can the public distinguish between different groups of offenders and those at risk?
- How can public responses best be mapped – and what are the drivers behind the dichotomy of fear versus sympathy?
- What is the role of the local media?
- What is known about the most innovative models and approaches that have influenced public opinion?

- How can high visibility community interventions affect public confidence?
- To what extent does hostile public opinion hold back proven radical innovations? How might these be overcome to create a more favourable climate for innovations especially at a local level?

The group, informed by a number of practical examples and some of the research presented in this paper, attempted to address some of these questions.

## Who should be responsible?

The Young Foundation commissioned a YouGov poll which demonstrated that the public would support rewarding communities which contributed to making their own neighbourhoods safer. The poll found that public opinion supports the idea of a *justice dividend*<sup>25</sup> – 2 to 1 respondents felt it was a good idea to reward communities which succeeded in addressing the issue of crime through community-led interventions, rather than through solutions reliant entirely on the criminal justice system.

### **There seems to be an appetite for members of communities actively becoming involved in such work.**

Furthermore, the poll data supported the case for handing over responsibility to communities for their own safety and children. The idea would be popular if implemented properly, and given that the UK spends a higher proportion of its GDP on criminal justice than any other OECD country,<sup>26</sup> the savings to the public purse could be significant.

Moreover, there seems to be an appetite for members of communities actively becoming involved in such work. 58% of respondents indicated that they would probably or definitely want to be involved in such schemes or already are. Of these, 41% said they would 'probably' get involved, which indicates that they need support and information on how to do so.

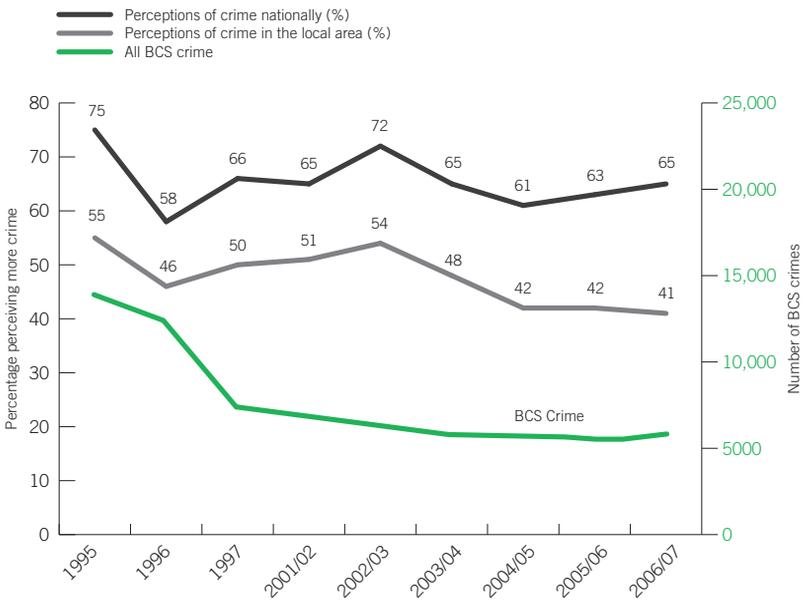
In terms of the question of whose responsibility it is to tackle crime locally, there were some interesting results. Apart from people perceiving that police and parents had great or some responsibility (96% and 95% respectively), people also felt that the following had great or some responsibility:

- local religious leaders (58%),
- local teachers (71%),
- local councillors (85%) and
- ordinary citizens working together (76%).

## Perception versus reality

Although the national crime rate has fallen in England and Wales since 1995, around two in three people believe that crime nationally has increased in the last two years.<sup>27</sup> This is in contrast to a more positive perception about crime in people's local areas; however, even in that context two in five people still thought crime locally had increased even though this was not the case.<sup>28</sup> Against this backdrop, in 2006 less than half of the public (44%) were found to have confidence in the criminal justice system.<sup>29</sup>

**Figure 3: Perceptions of changing crime levels, 1996 to 2006/07 BCS compared with trend in BCS crime**



Source: Crime in England and Wales 2006/7, Home Office

As well as national perceptions, fear of crime can arise from personal experiences and anecdotal evidence. A study commissioned by ITV 1's Tonight Programme revealed that 56% of British women and 36% of men are afraid to walk alone at night in their neighbourhoods. 30% of women and 34% of men said that either themselves or someone close to them had been a victim of street crime, while 34% of women and 40% of men said that they themselves or someone close to them had been a victim of anti-social behaviour. Also, 75% of respondents felt there weren't enough police patrolling in their area.<sup>30</sup> 27% of British Crime Survey (BCS) respondents felt that crime impacts on their quality of life, and fear of crime had an impact for 37% of respondents.<sup>31</sup>

## What do the public really want?

Public attitudes towards sentencing and the most appropriate and effective ways of dealing with offending are far from consistent. In 2007 YouGov carried out a poll for the Reader's Digest<sup>32</sup> which posed several real-life examples of court cases and asked people what sentence they would give to the person convicted, allowing them to compare the sentences people thought criminals should be given, and the sort of sentence they were given in real life. 44% of respondents thought that a battered wife who stabbed her abusive husband to death should have received no punishment at all. In real life she was sentenced to 3 years probation. A crack-addict who broke into a home and stabbed the owner to death was given a life sentence by 50% of respondents, and varying lengths of sentence by most others. In reality he received a life sentence with a minimum tariff of 27 years. A mugger who attacked a man in the street, kicked him on the floor and stole his wallet received a 2 year custodial sentence whereas 91% of respondents would have given him an average sentence of 4 years. A woman who acted as an accessory to her boyfriend snatching an old lady's bag received 50 hours of community service - 56% of respondents would have given her an average of 2 years in prison. Finally, a 14 year old found guilty of four counts of causing criminal damage to parked cars received a 4 month referral order, whilst 53% of respondents would have sentenced him to community service.<sup>33</sup>

All of this clearly indicates that in many cases – although not all – the public would prefer to see a penalty which is harsher than established practice. However, the cases where the respondents opted for a less punitive sentence or no sentence at all, usually informed by the specific circumstances of the offender, would indicate that offenders are not perceived as a homogeneous group. When presented with the facts, the public distinguish between different types of offences and the circumstances of the individual people who commit them.

Despite public responses to these varying offences often being harsher than established practice, other work has revealed more positive and pragmatic views on the effectiveness of community solutions versus custody for offenders belonging to vulnerable groups such as children, those who have been victims of abuse and those who suffer from mental and physical illness. Thus, according to a recent ICM poll, 2 in 3 people felt that prisons turn young offenders into 'professional criminals who then just carry on committing crime' and 65% believed that prisons are not effective in reducing young people's offending.<sup>34</sup> Moreover only 1 in 10 people thought prison turns young offenders into law-abiding citizens.

Also, just 30% of the public believed that building more prison places would be effective in reducing re-offending amongst young people who have committed non-violent crimes – currently around 80% of young offenders return to prison within two years.<sup>35</sup> In fact, even though children in the UK can be imprisoned from

the age of ten, 85% of those polled did not feel that children this young should be sent to jail for non-violent crimes.<sup>36</sup>

The issue of gender inequalities was also found to be important to the public when asked about the appropriateness of a custodial response to non-violent crime.

- 73% of respondents did not think mothers, especially those with young children, who have committed a non-violent offence should be sent to prison.
- 67% did not agree that prison would reduce the likelihood of re-offending
- 77% thought that drug rehabilitation treatment alongside compulsory work would be more effective for female drug addicts who had committed non-violent offences than a custodial sentence.<sup>37</sup>

Research continues to demonstrate that the public want more and better alternatives to custody, and for the underlying causes of crime to be tackled. Almost 9 in 10 support community alternatives (alongside drug treatment for young drug addicts) to prison for women,<sup>38</sup> more than 50% of the public would prefer tougher community punishments to be developed to tackle prison overcrowding.<sup>39</sup> Nine out of ten of those polled in the 2002 survey agreed that there should be more use of intensive community punishments to keep track of young offenders.<sup>40</sup> Focus group research by Strathclyde University found that people want non-custodial sentences that make offenders pay back and learn their lesson.<sup>41</sup>

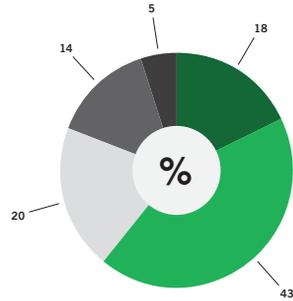
## **Research continues to demonstrate that the public want more and better alternatives to custody, and for the underlying causes of crime to be tackled.**

Tackling the underlying causes of crime is clearly important to the public too, especially when it comes to young people. 8 in 10 support mental health and drug or alcohol treatment for young offenders and 9 in 10 want better support of young people by parents and the provision of more constructive activities for young people to stop them getting into crime.<sup>42</sup> More than half of the public think that the best way of dealing with prison overcrowding is to build more residential centres so that drug addicted offenders can receive treatment.<sup>43</sup>

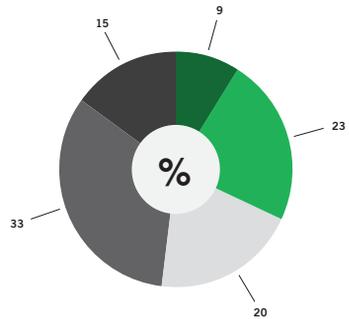
The ‘tough on crime’ rhetoric of recent years appears to have underestimated the public’s appetite for rehabilitation. As illustrated below, the picture is mixed, with rehabilitation being seen as plausible for many offences.

**Figure 4: Polls on rehabilitation**

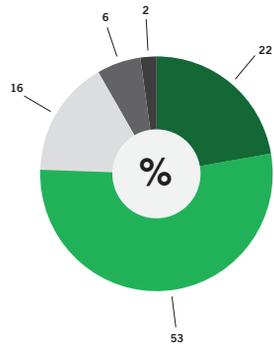
Rehabilitation is the best way of preventing offenders from committing further crimes



Rehabilitation is generally a waste of time and effort



Rehabilitation does not work for all offenders but is the most effective solution for offenders who want to stop offending



Agree (strongly) (tend to) Disagree (strongly) (tend to) Neutral

Data source: Ipsos MORI (2010) <sup>44</sup>

## The needs of victims

The needs and experiences of victims and their families are a major consideration both for media outlets reporting crime and for policy makers. The assumption is often that victims or their relatives would like to see the harshest possible penalties imposed and that approaches which contain restorative elements, aspects of reparation and deterrence mechanisms, are of low priority for them. However, recent research has demonstrated that this is not always the case. An ICM survey of victims commissioned by SmartJustice found that 80% of victims thought that more constructive activities for young people in the community and better supervision by parents would be effective in stopping re-offending. 7 in 10 victims wanted more treatment programmes in the community for offenders suffering from mental health problems and drug addiction to tackle the causes of non-violent crime. 62% of victims did not believe that prison prevented re-offending and 54% were in favour of making offenders work in the community to prevent them re-offending. Interestingly, 51% of victims were also in support of making offenders meet their victims to make amends personally.<sup>45</sup>

Another important consideration in the discussion of how the public really feels about crime is whether victims and offenders are distinct groups. Victim Support challenge the idea that young people are either victims or offenders. In terms of a victim becoming an offender Victim Support have identified three pathways:<sup>46</sup> retaliatory violence; displaced retaliation carried out by the victim, and the victim befriending offenders. The Edinburgh Study of Youth Transitions and Crime tracked 4,300 young people who started secondary school in Edinburgh in August 1998. The researchers point out that young people may bounce backwards and forwards between offending and victimisation.<sup>47</sup> This is echoed by the work of Dr Judith Rumgay of the London School of Economics, who notes that victimisation experiences may be linked to women's involvement in crime having an impact on psychological and physical health, learning and moral reasoning, and pathways into criminal lifestyles.<sup>48</sup>

Victimisation profiles of both male and female offenders indicate that many have indeed been victims of crime. The Edinburgh Study has explored the link between delinquency and victimisation, arguing that being a victim of crime at the age of 12 is one of the most powerful indicators that a child will offend at fifteen. Likewise, offending at age twelve generates a strong possibility of victimisation at fifteen.<sup>49</sup> 19% of female prisoners are foreign nationals. 80% of these women were convicted of drug offences. Drug couriers face long prison sentences and almost three-quarters of female foreign nationals in prison are serving sentences of more than four years (compared with a third of UK national women).<sup>50</sup> Over half of those under eighteen in custody have a history of being in care or social services involvement, and one in four women in prison has spent time in local authority care as a child.<sup>51</sup> To place this in context, about half of women and about a quarter of men in prison have suffered from violence at home<sup>52</sup> and

roughly one in three women report having suffered sexual abuse, compared with just under one in 10 men.<sup>53</sup>

## Economic arguments for change

A number of adult community-based interventions have been shown to be more effective at reducing re-offending than prison by research carried out by the Matrix Knowledge Group. These include residential drug treatment, surveillance and a combination of surveillance with drug treatment. Alternative interventions for young offenders which have been shown to reduce re-offending compared with prison include community work programmes with aftercare and surveillance as well as community supervision and victim reparation. These community based interventions could save the taxpayer between £3,437 and £88,469 per adult or young offender. Savings to the taxpayer and the savings from fewer victim costs range from £16,260 to £202,775.<sup>54</sup>

Indeed, a number of in-prison programmes have been shown to offer better value for money than a basic prison sentence. These are custody with behavioural intervention, custody with educational or vocational intervention, custody with sex-offender treatment and, crucially, custody with drug treatment. Making these available to prisoners could save the taxpayer up to £35,213 per adult offender. In this case, savings to the taxpayer and the savings from fewer victim costs range from £17,462 to £130,578.<sup>55</sup>

However, research by Rethinking Crime and Punishment shows that messages which focus on the costs of prisons and custodial sentences, the rising prison population and humanitarian arguments, are less persuasive in influencing public attitudes towards supporting progressive interventions.<sup>56</sup> It is not clear whether the pressure on public finances will have any impact on such views. To become supportive of alternatives to prison, the public needs to see the benefits to their communities in terms of enhanced safety, rehabilitation of offenders and satisfied victims. In order to have confidence in them, the public also needs to see that community sentences are serious penalties for offenders.<sup>57</sup> The research argues that key messages to get across to engage public support for alternatives to custodial sentences need to include:

- instillation of responsibility and discipline
- having to work hard, emotionally and physically
- putting something back
- paying back to victims
- restriction of liberty and requirement to change behaviour
- treatment of causes of offending.<sup>58</sup>

## The role of the media

Home Office research suggests that tabloid readers are twice as likely to think that crime has risen in the previous two years as those who read broadsheets.<sup>59</sup> According to Andrew Robinson, a director of Euro RSCG Biss Lancaster - a major international public relations consultancy - only 69% of the public read national papers compared to 89% who read local papers. In order to get messages across effectively, people need to be targeted locally. Major PR failings arise if an initiative goes wrong locally, for example if there is a security failure with someone serving a community sentence. It is at this stage that the story could be picked up nationally, perhaps fuelling some of the public's fears and anxieties about crime. Given the high readership of local papers, they have a critical role to play in building support for a good local intervention.

The media, both local and national, plays a significant role in informing people's views of crime and justice. In an Ipsos MORI survey that asked those who thought crime is rising why they had that perception, the most common answers were through watching television (57%), followed by reading newspapers (48%) ahead of hearing about the experiences of people they know (24%) and personal experience (20%). This is supported by qualitative studies where people relate media stories about crime and criminal justice to support their views on crime.<sup>60</sup> An analysis of a week's worth of newspaper coverage in *The Times* and *The Mirror* was carried out as part of Louise Casey's review of community confidence and public opinion around criminal justice. It looked at coverage in the first week of October in 2007 and in 1967. The amount of crime and criminal justice coverage was about the same during both periods - 8% of all articles. However, modern crime articles include more photographs, were more opinionated, used more sensational language and had a tendency to adopt a more critical or negative stance. In contrast, the 1967 articles adopted a much more matter-of-fact tone.<sup>61</sup>

### **The media, both local and national, plays a significant role in informing people's views of crime and justice.**

On the other hand, some innovative interventions such as the Homework Club in HMP Wandsworth (which gives fathers serving their sentences there the opportunity to help their children with their homework), have received positive press coverage.<sup>62</sup> This would indicate that since the imprisonment of a parent affects some 150,000 children every year, more such innovations would be welcome and are likely to be supported by the press and positively viewed by the public.<sup>63</sup>

## Methods for building public confidence locally

A number of methodologies have been employed to ensure that policy initiatives have the confidence of the public, and indeed to build a positive perception of certain nation-wide programmes. Some of these case studies are detailed in *Annex 1* and include such approaches as high visibility local improvement projects where all members of the community, including the offenders who have worked on the project, feel a form of ownership of the new resource – and because of its high quality the local press is supportive.

Managing public expectations when setting up a new initiative is important in order to reduce the risk of a local press backlash. It may be tempting to promise major results in an effort to 'sell' an innovative scheme to the local press, but if these are exaggerated, failure to deliver could potentially be almost as damaging as avoiding innovation altogether.

Local ownership of initiatives is also important. Communities often care more about the small things (their back gardens, the weeds at the end of the street) than major projects, and the scale of these local grievances is often difficult for large national agencies such as the probation service to deal with. Local partnerships with recognition of local priorities are therefore key in ensuring that there is public confidence locally in progressive initiatives.

The perception of an intervention as being legitimate – and one which members of the community have participated in devising – is another building block in ensuring that it has the support of the public. In his recent book *Why People Obey the Law*, Tom Tyler argues that people obey the law if they believe it's legitimate, not because they fear punishment. He suggests that lawmakers and law enforcers would do much better to make legal systems worthy of respect than to try to instill fear of punishment. He found that people obey laws primarily because they believe in respecting legitimate authority.<sup>64</sup> By extension, it is possible to apply this argument to the perceived legitimacy or otherwise of community-based responses to offending.

## Communicating across cultures

The many stakeholders involved in delivering and receiving both local and national solutions to offending have different cultural norms, ranging from the organisational to the personal. The distinct groups may include the people in localities, victims and offenders, practitioners and academics, those involved in prevention work, politicians, the police, the Local Authorities and the media, so cultural and communication mismatches between such groups are inevitable. Minimising them can contribute to a more positive public, policy and media discourse around innovative approaches.

When setting up an innovative intervention or methodology, practitioners need to consider what is most valued in each of these distinct cultural frames – and be explicit about cultural clashes and how they can be addressed. For example, an approach which is sympathetic to the needs of offenders can clash with the cultural frame of the media, which may be keen to focus on, and sensationalise, a particularly harrowing experience on the part of a victim. Of course the media also highlights stories of heroism and can portray enthusiastic people working for the good of their community, but it can also do the opposite.

## The way forward

There are a number of themes to consider when setting out to engage with public opinion locally. Various methods can be used in combination to bolster public confidence when introducing innovations, and variants could be applied nationally.

### **Local press:**

The best way to change perceptions isn't necessarily through the national press. If an intervention is undertaken in a local area people will see the change with their own eyes and this can be reinforced with good coverage in the local papers, radio and newsletters. The media can also be engaged at different levels other than approaching the national press or broadcasters, as SmartJustice has illustrated by using publications like Reader's Digest and the glossy Best magazine.

### **Community leaders:**

It is vital that local community leaders support an undertaking, since innovative initiatives need local advocates to combat inevitable local concerns. Community leaders are not always formally recognised, as are local councillors, for example, even though they may be a highly respected older person or a dynamic local activist with much local support and local recognition.

### **Community ownership:**

We need to stop children and young people being taken out of their local communities through central government interventions. Communities are much more likely to support initiatives that are dealing with 'their' own kids. It would also help if young offenders didn't become 'cost-free' to a local authority once they are sent to prison and thus taken off the council's balance sheet. The local community should have funds to be able to solve its own crime and anti-social behaviour issues.

### **Rehabilitation:**

Many young offenders have an intense lack of confidence, so the feeling of self-worth gained through good work (creating a garden or clearing a public footpath) is a key part of the rehabilitation process – communicating this is important.

**Break up ‘the group’:**

The public hate ‘in-groups’ (hoodies and gangs), so if the process of engaging public opinion can personalise people’s experiences, the response is likely to be more positive. Stories from ex-offenders who have successfully escaped a life of crime can help create a more human and positive narrative.

**Local autonomy:**

Can lead to local variation, and this may help to promote positive local activism under a generally accepted policy umbrella. There is, however, a need to stipulate where the fixed points are: what the umbrella does and does not cover. It should, for example, universally cover sentencing policy for murder, but where there is room for local, and locally relevant, initiatives such as the creation of new young offenders’ rehabilitation schemes, then these should be encouraged, as, possibly, should locally appropriate sentencing.

The problem of public confidence is not insurmountable. The fear of failure, and of the public opinion backlash which may follow has often halted radical and innovative actions both locally and nationally. This risk will always be present, but it can be managed, and some of the most innovative work has needed extremely careful management in order to survive the initial piloting of new interventions, to prove the concept and to be rolled out on a larger scale.



# 4 Innovation in policy and practice

This section describes case studies of innovation in both policy and practice. It highlights some of the lessons learnt from practical and policy development work that the Young Foundation carried out in 2008-09. It considers some of the challenges of innovating in specific contexts and suggests ways to overcome them.

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## **Innovation in policy: transition to adulthood**

The focus of much recent Young Foundation work has been on various transitional periods people go through during their lifetime, such as transitions out of custody or unemployment. It is at these points that people often need the most support – to ensure that the transition is completed as successfully as it can be.

The 18-24 age group is vulnerable in ways that others are not. The policy debate has recently intensified around what happens to young people as they reach the age of 18 and pass out of the care of various statutory services. There are three main issues.

- Firstly, once a young person reaches the age of 16, many of the statutory services to which children are entitled drop off. Often, when a vulnerable young person gets in trouble, the only statutory services with which they come into contact tend to be part of the criminal justice system.
- Secondly, evidence suggests that if not properly supported, young people take much longer to complete their transition to adulthood and may not complete it successfully.<sup>65</sup>
- Thirdly, society often condemns the anti-social activities which are part and parcel of adolescence and growing up for young people from more exposed social backgrounds. At the same time it tends to be tolerant of similar behaviour by other groups such as university students, whose transition to adulthood tends to be much more robustly supported.<sup>66</sup>

Transition to adulthood must be supported as this is the time when young people are at their most vulnerable and potentially at their most chaotic. Many of the behaviours associated with this period are simply part of growing up, whilst others reflect much deeper underlying problems among those who are more vulnerable. The main challenge is to ensure that 18-24 year olds are recognised as a distinct group with specific needs and are not simply thrown into the deep end of the world of adulthood on their 18th birthday.

Preparation for the transition is important too, as is the continuity and coherence of any provisions which bridge the gap between childhood and adulthood. In terms of the criminal justice system, the question is whether this is done through

joint commissioning, the establishment of multi-disciplinary young adult offending teams, new legislation or a mixture of all three.

## **Preparation for the transition is important too, as is the continuity and coherence of any provisions which bridge the gap between childhood and adulthood.**

Working within the framework of the Barrow Cadbury Trust's Transition to Adulthood Alliance (T2A), the Young Foundation explored a number of dimensions of this particular transition period. The main areas of focus were:

- Improving the policing of young adults
- Improving housing for young adult offenders
- Improving access to health and social care for young adult offenders
- Improving educational and employment opportunities for young adult offenders

Two of these policy areas are presented in more detail below, following a discussion of systematic issues.

### **Systematic issues**

There is a lack of consistency between Young Offender Institutions and prison – the transition from one to the other is like asking someone who has completed GCSEs to do a PhD. One young person attending a Young Foundation policy panel stated: “Life in prison is not hard – the hardest thing is missing your family, but there is no rehabilitation”.

There is poor transition out of custody. Young adults are thrown back into society rather than being helped back into it upon release. A return to the original idea of probation is needed, which would involve mentoring young people pre-and post-release from custody, and helping them with the transitions by meeting them at the prison gate upon release. An example of such work is the St Giles Trust.<sup>67</sup>

Discipline – both external and internal – is important in ensuring a successful transition. Foyers (safe semi-supported accommodation for young people) are useful because of their conditionality - the tenancy is not the most important aspect, it is the discipline which comes with it. Young people are more independent and more responsible in that setting.

An interesting suggestion of mixing up older women and girls in prison (rather than segregating them by age) was made. This runs counter to international

recommendations but there is evidence that it can help stabilise confrontational situations. The argument is that constructing artificial boundaries is a negative approach if, for instance, a person is deemed to be an adult at 18, and treated as such regardless of personal circumstances such as level of emotional maturity.

Young people are still held in prisons too far away from home - only 30% of boys and 23% of girls said it was easy for their families to visit. This is a perennial problem - a quarter of all young people said they had never received a visit.

Young adults often require multiple chances, but at the moment they are often re-criminalised and sent back to custody if they breach the conditions of their non-custodial sentence. One young person posed the question: “doesn't the fact that someone has been in prison mean they are rehabilitated? By denying them another chance we acknowledge that the criminal justice system doesn't rehabilitate”.

## Improving the policing of young adults

The first contact point for vulnerable young adults with any statutory service is often an encounter with the police. This contact can set the tone for their journey through the transition period, and this in turn may help determine whether or not they get caught up in the criminal justice system. If they do, it is unlikely that they will be able to complete the transition to adulthood successfully.

### The setting

Everyone who is stopped and searched is asked to define their ethnicity from a list of census categories. They are not obliged to state their ethnicity but this has to be recorded by the police officer. The Stop and Search figures published by the Home Office show that if someone is black they are six times more likely to be stopped and searched than if they are white.<sup>68</sup>

This ‘disproportionality’ is echoed by other trends. Black people constitute 2.7% of the population aged 10–17, but represent 8.5% of those of that age group arrested in England and Wales, and 6% of those involved in the criminal justice system as a whole. London is home to 69% of the country's black population and young black people make up 15% of that population. However, they make up 37% of those stopped and searched in London, 30% of those dealt with by Youth Offending Teams and they represent 42% of the population of Feltham Young Offenders Institution.<sup>69</sup>

## Z'S STORY

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One day my friend and I were walking from college where we were studying law. He had a bag with him, which contained law books and a cushion for his chair. We were stopped and the police officers demanded to know where we were from. I am from Afghanistan, my friend is from Pakistan. They asked us whether we worshipped at the Finsbury Park Mosque. Given the connotations of that question

we felt very uncomfortable and threatened. They then wouldn't let my friend open his bag himself and took a long time to open it. They kept firing questions at us.

The whole thing took about an hour, I felt frightened and like I was being accused of something. It's happened to my brother three times. Had they been polite and non-accusatory, it would have been OK, but as it was I came away feeling very unhappy. They should have explained what they were doing and why.

Stop and Search powers tend to pose particular problems in the way they are implemented, which can be insensitive, adversarial and confusing. Complaints about stop and search rose 27% year on year between 2008 and 2009. Another concern is that police officers themselves are often young adults working under considerable pressure.

This may be exacerbated by the relative lack of diversity in the police force. At present around 42% of Londoners belong to the Black and Minority Ethnic community, but only 8% of Police Officers are from BME backgrounds. The figure is 36% among Police Community Support Officers - however, there are relatively few PCSOs in London.<sup>70</sup>

Another important point is that often the first encounter of young adults with the police is at night, especially on weekends after bars close. Special attention needs to be paid to the geography and timing of such encounters.

The Police is the only public agency which sees confidence in it reduce rather than increase following an encounter with the public. The number of complaints about the conduct of the police is disproportionately high for BME people.<sup>71</sup>

More experienced officers are often better placed to resolve conflict situations. For example young officers are often less prepared to be challenged. Police may have a negative perception of youth (and specific 'types' of people they deal with) due to the disproportionate exposure to disorderly aspects of society.

## The way forward?

Training needs are seen as the paramount factor in improving the relationship between police and young people, particularly given that many police officers are themselves young adults in transition. Mentoring of young officers by older, more experienced officers may be helpful. This is particularly important when dealing with subjects such as preventing violent extremism which requires considerable sensitivity. Training programmes should also factor in the need for better mediation and conflict resolution training for young officers as well as better diversity training.

Stop and Search needs to be done in an intelligent manner using a better set of criteria for detention, although it should be noted that there have been some advances regarding the precision of its implementation.<sup>72</sup>

The problem of disproportionality might improve with greater awareness and better representation of ethnicity and gender within the police. Whilst there have been plenty of recommendations for improving equality over the years, and much effort has been made during the past decade in particular, progress is still slow.

Better multi-agency working protocols and data sharing are essential, as is a stronger relationship between the police and third sector bodies. This might mean there is a stronger role for teachers and youth workers. A stronger emphasis should also be placed on the role of communities – with new approaches to engagement with such local actors in helping to reduce re-offending.

The police ought to play a more social role and have a stronger citizen focus. This could build on existing schemes such as police cadets, which aims to expand to 4000 by 2012. Restorative policing could be given more prominence (both in situ and elsewhere). Success and best practice across boroughs should be shared and the work of 'Safer Neighbourhoods' ought to be expanded. Some promising existing initiatives are detailed in Annex 2.

Police should have the flexibility and discretion to be able to deal with a young adult as a child if he or she is clearly immature. In Germany, for example, prosecutors can use their discretion as to whether an adult or juvenile approach should be applied in court, which illustrates how such a legislative change could be introduced in the UK for both prosecutors and the police.

Young adults need to be aware of their responsibilities as well as their rights. Both young people and the criminal justice system itself tend to depersonalise their encounters, especially in conflict situations, which could be better managed through improved perception of personal responsibility.

# Improving educational and employment opportunities for young adult offenders

## The setting

The characteristics of those who end up in prison paint a stark picture of the education and skills challenges they face. 60% of the prison population have difficulties with basic literacy skills.<sup>73</sup> 89% of men and 84% of women in prison left school at 16 or younger.<sup>74</sup> The link becomes obvious when one considers that 70% of pupils permanently excluded from school have difficulties in basic literacy skills.<sup>75</sup>

**Figure 5: Comparison of general population and prison population<sup>76</sup>**

Characteristic	General population	Prison population
<b>Excluded from school</b>	2%	49% of men & 33% of women
<b>No qualifications</b>	15%	52% of men & 71% of women
<b>Numeracy at or below Level 1 (level expected of 11 year olds)</b>	23%	65%
<b>Reading ability at or below Level 1</b>	21-23%	48%

Data source: Social Exclusion Unit (2002)

Learning difficulties and disabilities are a prominent characteristic of those in prison. Between 20 and 30% of offenders have learning difficulties or learning disabilities that interfere with their ability to cope with the criminal justice system.<sup>77</sup>

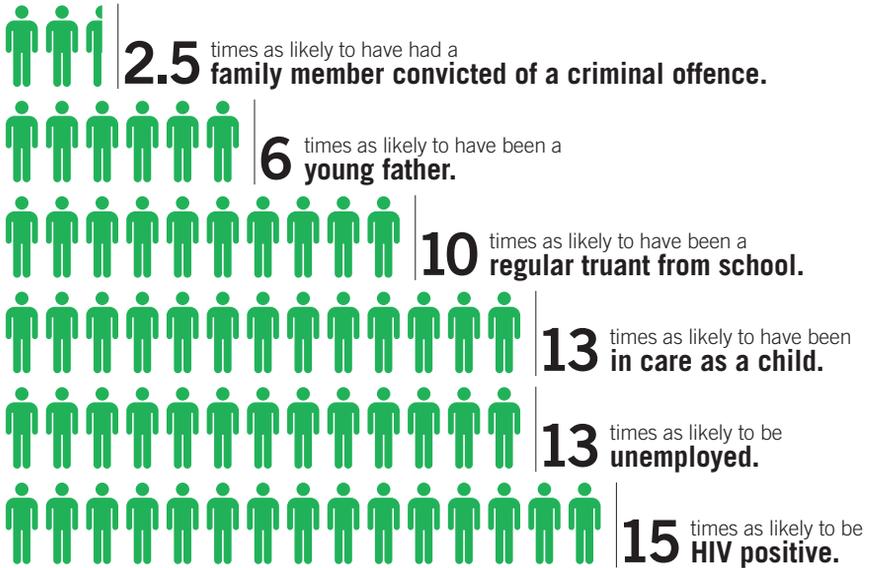
The problems also extend to employment. 5% of the general population are unemployed, whilst 67% of prisoners were unemployed before they entered custody.<sup>78</sup> Half of all prisoners do not have the skills required by 96% of jobs and only one in five are able to complete a job application form.<sup>79</sup>

72% of prisoners were in receipt of benefits immediately before entering prison. 48% of prisoners came to prison with a history of debt (compared to 10% of households in the general population).<sup>80</sup> A third of those with a history of debt find

that their problems get worse during their time in prison and 81% of offenders go on to claim benefits upon their release.<sup>81</sup>

**Figure 6: General population and prison population**

**Compared with the general population people in prison are:**



Data source: Social Exclusion Unit (2002) <sup>82</sup>

### **Risk factors**

The Youth Justice Board has identified a number of education risk factors for young people.<sup>83</sup> These cover issues such as truancy, bullying, negative attitudes, and special education needs.

Prior to entering prison 83% of boys and 65% of girls had been previously excluded from school. 37% of boys and 43% of girls in prison had previously spent time either in a care or foster home or both. As many girls as boys who are in prison (1 in 6) reported having an alcohol problem on arrival in prison, and significantly more (40%) admitted to a drugs problem. 12% of boys reported having children of their own compared to 5% of girls.

### **Challenges and emerging issues**

A survey of young people in custody found that 9 out of 10 wanted to stop offending. 70% of boys thought getting a job was the best way to do this. 17% said someone had spoken to them about getting a job, however nearly a third

of those about to be released said that they still needed help with resettlement problems.<sup>84</sup>

In order even to begin the process of seeking employment, some offenders need help with the most basic practical tools such as opening a bank account and organising a National Insurance Number.

Disclosure of a criminal record was identified as a major barrier to employment. One suggestion was that young adults should not have to disclose any criminal convictions after 6 months beyond release if they have not returned to prison. Another was that the Criminal Records Bureau should simply return a 'suitable/not suitable' response depending on the job applied for, and the type of conviction, rather than reporting if a person had been convicted of any offence.

A Deployer model not dissimilar to Blue Sky Development was discussed. It could help build up the confidence of employers and de-risk the employment of former offenders by acting as a contracting organisation. For more detail see Section 5.

Another observation was that often young people don't feel comfortable attending Jobcentre Plus and support may be needed in order to make the process more confidential and less intimidating.

The panel noted that not just formal qualifications but resilience and grit were also very important aspects of a successful transition to adulthood. Current education provision can be negative as all that matters is final exams and grades. That is why different education models should be available to young adults in transition. For example, Studio Schools could be replicated for the age group above the one for which they are currently provided.<sup>85</sup> The response to the problems of young adults, both in custody and outside, is often institutional and managerial and not based on individual needs. That approach is problematic for very low achievers, but also for high achievers.

It was suggested that an incentive for early release on tag may be conditional attendance at a relevant vocational course in such areas as construction, administration and retail, which could be set up in partnership with local training bodies.

There are many promising ideas already in the public domain, and these are detailed in Annex 3.

## **Where next?**

Transition to adulthood must be supported as this is the time when young people are at their most vulnerable and potentially at their most chaotic. The main challenge is to ensure that 18-24 year olds are recognised as a distinct group with specific needs and not simply thrown into the deep end of the adult

system on their 18th birthday. Preparation for the transition is important too, as is the continuity and coherence of any provisions which bridge the gap between childhood and adulthood. In terms of the criminal justice system, this could be done through joint commissioning, the establishment of multi-disciplinary young adult offending teams, new legislation or a mixture of all three.

## **Innovation in practice: Innovation Catalyst**

### **The case for justice innovation in the local setting**

The criminal justice sector is traditionally regarded as lacking in innovation, not least because of its quasi-military origins and history.<sup>86</sup> This is the case locally as well as nationally. Simply increasing the use of custody can only lead to increased re-offending. Instead, more needs to be done to work with people before and after they enter custody. It is here that the role of local government is crucial. There are many opportunities to innovate new services through joining up people and agencies, through forming partnerships, and through investing existing funds in different ways, as routes to reducing re-offending.

It is not only possible but necessary to do things differently in the local setting. The answer is clearly not in doing more of the same, but in giving local stakeholders a space in which to ask questions which challenge conventional wisdom – when do young people really offend, why are families hostile to staff, what common language can older and younger people have?

An impartial catalysing presence is needed, which is what the work of the Innovation Catalyst provided, but the problem is one of ownership and responsibility. Local stakeholders must own the issues in order to unlock the solutions, and external support can only come in the form of facilitation tools, research capability and an exposure to each other's national and international ideas for doing things differently. From this can come radical and sustainable change with much more positive outcomes for the young people involved.

**An impartial catalysing presence is needed, which is what the work of the Innovation Catalyst provided, but the problem is one of ownership and responsibility.**

The *National Reducing Re-offending Action Plan* identified seven pathways out of offending. These concern: accommodation, drugs and alcohol, children and

families, health, finance benefits and debt, education training and employment, and attitudes, thinking and behaviour.<sup>87</sup> The extensiveness of these pathways demonstrates that responsibility for resettlement and reducing re-offending does not lie with criminal justice agencies alone. There is a clear role for local authorities, who have not only a strong interest in making their locality better, but also significant commissioning and delivery powers in relation to all of these pathways.

## **Innovation Catalyst: the process**

In 2008 – 2009 The Young Foundation, in partnership with the Innovation Unit and Local Government Improvement and Development (formerly the IDeA), embarked on a programme entitled the ‘Innovation Catalyst’. The purpose of the work was to demonstrate the processes that could be used by local government to innovate – in this case around the problems associated with youth crime.

The process had to be fast, and whilst the approach was complex, it was important that it was also clear, coherent and open, to ensure maximum impact. An initial shortlist of local authorities was drawn up. These were Essex, Knowsley, Westminster, and Sheffield.

The process of unlocking the innovation capacity in these localities had to incorporate elements of both research and consultancy, as well as empowerment of local stakeholders. Initial discussions with local council staff, Youth Offending Team staff, young people themselves, magistrates and members of the community were essentially a mixture of all three – focus groups, round-tables, visiting localities, design and engagement sessions and so on. As a result of these, a space began to emerge where the local priorities coincided with the sharpest need for innovation.

Westminster City Council chose to focus on public perceptions of youth crime, particularly between generations. The project was to see whether inter-generational contact can facilitate understanding and learning between different generational groups, break down barriers in the community, improve the perception of young people and reduce animosity and conflict on the streets.

Sheffield City Council explored alternatives to custody, particularly alternative ways of providing a structured programme like the Intensive Supervision and Surveillance Programme (ISSP), to get better outcomes for young people.

Knowsley Metropolitan Borough Council chose to focus on identifying the risk factors amongst local young people which make them more likely to offend, and on interventions which could mitigate against these factors, ultimately reducing the number of first time entrants.

Essex County Council explored new ways of supporting the Youth Offending Service staff to engage more confidently and actively with the families of the young people they work with. The hope is that by improving the capacity of staff to engage with the most challenging families from the beginning of a Youth Offending Service order through to the end, the outcomes for young people will be improved (a decrease in re-offending) and the experiences of staff will also improve (an increase in confidence and satisfaction).

Following the initial phase, a period of intensive research was entered into. This included a major desk-based research exercise carried out by the Young Foundation to provide information, tools, and ideas about how the problems identified might be tackled in innovative ways. Concurrently to this, Young Foundation staff engaged in intensive qualitative research exercises in each locality to help define what approaches to the problems might be locally appropriate.

Next came the design phase with a strong focus on participation from the users. Some examples involved consulting with young people in Sheffield as to what might incentivise them to stop breaching their supervision conditions. At the same time, a conversation between young offenders and magistrates was facilitated to ensure that the latter were fully aware of what young people were being sentenced to and to allow the young people to express their aspirations. Similarly, inter-generational work took place in Westminster to explore how communication would work best between young people and older people to build up trust and mutual respect. In Essex the project team worked with staff and practitioners from other agencies to explore how best staff could be empowered to ensure that the gaps between services were properly highlighted and communicated. Work in Knowsley focussed on how the process of innovation could be continual and sustained by means of creating an 'Innovation Lab' across the whole of the local authority.

## **Innovation Catalyst: the outcomes**

In Westminster, the research and workshops were used to stimulate discussions at a senior level, and it is hoped that the council will fully or part-fund this project. It is also hoped that this local work will lead to the development of an innovative intergenerational project in the borough, and that the residents of the Hallfield Estate along with staff from the Council can roll out this programme to more 'problematic' estates in the future.

In Sheffield there was consensus across the board that the current ISSP is too prescriptive, failing to fully meet the needs of the diverse range of young people who are on the programme. Magistrates, practitioners and young people were all in favour of a programme which could be more easily tailored to each individual young person, though many were conscious of the likely increase in costs this would bring.

In Knowsley Metropolitan Borough Council, they are intending to use the qualitative research as a starting block, and would like to widen the research to bigger sample groups. They are interested in setting up an ‘Innovation Lab’ in the style of the one set up in Kent.

In Essex County Council the research considered a number of practical techniques which could be adopted or adapted for use by the YOS in Essex. Ideas and innovations that came out of the research included:

- A platform for frequent service-wide staff involvement exercise like a Values Jam
- The potential for staff and managers to make organisational decisions jointly
- Structures to enable intensive psychological and management support for staff
- Cross-organisational partnership and training

## Other examples of local innovation

Having a job is generally agreed to be the most effective means of reducing re-offending, by between a third and a half, whilst having stable accommodation reduces the risk by a fifth.<sup>88</sup> Building on this insight, Southampton City Council has taken a unique approach to reducing re-offending among former offenders in the city, by focusing on skills and employment issues rather than the offending itself. It has been testing out its approach through four discrete but related projects:

- Offender Learning and Skills Service (OLASS) for unemployed offenders in the community
- Building Bricks, which offers construction skills and employment
- Exodus, which offers supported employment for short-term sentenced prisoners, and for prolific and priority offenders
- Equal Engage, which is a project across three regions, designed to engage employers, and to match their requirements to former offender skills

All of these projects are currently supported by European funding, and offenders are referred to the programmes by prisons, the probation service, and youth offending teams. Between the programmes, Southampton Council is supporting approximately 800 unemployed offenders each year, at an annual cost of around £750,000. For Southampton, the ultimate goal is sustainable employment. That’s why officers are focusing on working closely with employers, alongside vocational skills providers. For example, the council is building partnerships with the construction industry, using planning agreements to encourage those firms working on the redevelopment of the city to provide opportunities for former offenders.

Southampton is not alone in the UK in adopting innovative approaches to reducing re-offending that lead to better outcomes for lower costs. Another example is Gateshead Council which has explored a Justice Reinvestment approach. Here the focus is on identifying which geographical areas generate the most people going into custody in order to be able to invest in prevention and community-building work in those areas. Justice Reinvestment was first pioneered in the US as a response to so-called 'million dollar blocks' – housing projects whose residents cost the prison system more than \$1 million a year.

# 5 Employment Deployers for former offenders

Without adequate preparation for life out of custody, offenders often return to the behaviour that led them to prison. By contrast, participants who receive coaching, supported job searching and intensive exit training are far more likely to progress into sustainable employment and a crime-free future life.

## Introduction

One of the major policy and practice challenges is ensuring sustained, supported and credible forms of employment for offenders, both those who emerge from custody and those who are serving community sentences.

Three-quarters of prisoners leave prison without a job to go to<sup>89</sup> – although we know that having a job reduces the likelihood of re-offending by as much as 50%.<sup>90</sup> Each year in England and Wales, approximately 66,000 offenders will return to society from prison,<sup>91</sup> of whom 44,000 have no job lined up.<sup>92</sup> This systematic failure means more victims and greater expense for the criminal justice system - the wider cost of re-offending per re-offender is about £162,000 in 2009 prices.<sup>93</sup> More can and should be done to reduce the costs to society and victims.

Without adequate preparation for life out of custody, offenders often return to the behaviour that led them to prison. By contrast, participants who receive coaching, supported job searching and intensive exit training are far more likely to progress into sustainable employment and a crime-free future life.

It would be difficult, but feasible, to bring about a step change in the employment prospects of former offenders across the UK over the course of five years. A radical re-think on the part of government on how to deal with this issue would be the ideal solution. The next best option would be to untie the hands of local providers to address the problem of former offender employment. However, if neither of these two options is a realistic possibility then other routes are needed. The key would be to implement a set of Deployers which either act as an intermediary to scale the expertise of smaller specialised third sector providers, or to act as a wholesale service which supports people into employment prior to and after release and supports them and the employers in ensuring sustainable outcomes.

## The challenge and the need

Unemployment among offenders and former offenders is a critically important issue. Current statistics show that roughly 40% of people are unemployed at the time of imprisonment - around seven times the national unemployment rate.<sup>94</sup> Almost one in eight prisoners say they have *never* had a job. Despite the overwhelming evidence that employment reduces re-offending rates by between a third and a half,<sup>95</sup> as we have noted above, three quarters of prisoners leave prison without a job to go to.<sup>96</sup> In part this is because of the many barriers faced by former offenders. These include a lack of skills and work experience; employers' negative perceptions; and a lack of support, information and advice.

## FIONA'S STORY

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'While I was in prison I took a three month BTEC course in digital media, organised by Media for Development, a company that brings media to isolated communities. Afterwards, I got a production assistant position in their London office.

When I went to prison, I had very low self-esteem. I had experienced a lengthy period of abusive behaviour in my relationship with my ex-boyfriend. Prison gave me an opportunity to be me again. Being able to work while I was there and go into a job straight

from prison really helped me recover.

Then, the job came to an end. So I joined a job site for IT jobs. Within a week, I had an interview (for a job) testing IT software, which I had done years before. Working had helped my confidence in the interview. I could be someone other than a prisoner. I already had the experience of being out there, holding down a job. Otherwise, I would have been thinking all the time about having just got out of prison.'

Fiona Bryce served 13 and a half months at HMP Downview<sup>97</sup>

Cases such as Fiona's are the exception rather than the rule. Few of her peers will have been given the opportunity to learn and work while in prison and fewer still will leave prison with a job to go to. The rapid rise in the prison population has resulted in spiralling costs – both in terms of costs to the tax payer and the immeasurable wasted human potential which directly affects families and local communities. The overall average resource cost per prisoner in 2007-08 was £39,000.<sup>98</sup> The annual running cost of prisons is £1,936 million.<sup>99</sup> The costs associated with young offenders are higher still. According to the Youth Justice Board, the current cost of a place for a year in a local authority secure children's home is £192,154, while a place at a secure training centre is £174,550 and a place in a young offender institution is around £55,075.<sup>100</sup>

Low educational attainment, homelessness, illiteracy, mental and physical ill-health, substance misuse, unemployment, a lack of family networks, a history of social and financial exclusion, high levels of impulsiveness and low levels of emotional resilience are all factors which can have a significant impact on a person's chances of re-offending.<sup>101</sup> Despite awareness of these risk factors, up to a third of prisoners lose their housing, two-thirds lose their jobs and around two-fifths lose contact with their family due to imprisonment.

## Reducing re-offending through employment

The challenge of reducing re-offending is significant. Many former offenders have housing problems, a lack of skills, little experience of stable employment and few positive social networks. This is often exacerbated by serious mental health and/or substance abuse problems. Former offenders are also more likely to have been victims of crimes themselves and to have suffered a life of social exclusion. Statistics from the Social Exclusion Unit indicate that prisoners are thirteen times as likely to have been in care as a child; thirteen times as likely to be unemployed; ten times as likely to have been a regular truant; two and a half times as likely to have had a family member convicted of a criminal offence; six times as likely to have been a young father; and fifteen times as likely to be HIV positive.

**The challenge of reducing re-offending is significant. Many former offenders have housing problems, a lack of skills, little experience of stable employment and few positive social networks.**

Unemployment is one of the main risk factors, but has not been adequately addressed. It continues to play an important role in increasing a former offender's chances of re-offending.

## Barriers to employment

We know that employment is critical in reducing re-offending and yet three quarters of prisoners leave prison without having a job lined up. There are several reasons for this. In some cases, mental health or drug addiction issues prevent former offenders from participating fully in the labour market. In many other cases, a lack of basic skills and little experience of work present significant barriers to employment. Former offenders are also battling against negative assumptions and perceptions. Another factor is the lack of information, advice and support for former offenders whilst seeking employment. In what follows we outline some of these barriers in greater detail.

Nearly half of those in prison have no qualifications at all. Almost half of the prison population is at, or below, the level expected of an 11 year old in reading, 65% in numeracy and 82% in writing.<sup>103</sup> The 2002 report carried out by the Social Exclusion Unit found that half of all prisoners do not have the skills required by 96% of jobs and that roughly 80% are unable to complete a job application form.<sup>104</sup>

The track record of education in prisons is poor. Despite recent investment in learning and skills provision<sup>105</sup> there has been little improvement. Of those with serious literacy or numeracy needs, only about a fifth enrol on a relevant course that would help them.<sup>106</sup> In the annual report for 2006-7, HM Chief Inspector of Prisons reported that overall there was insufficient purposeful activity in adult male closed prisons and nearly two-thirds of those prisons were assessed as performing poorly or not sufficiently well.<sup>107</sup> In 2007-8, a quarter of learning and skills provision inspected was judged to be inadequate.<sup>108</sup> HM Prisons Inspectorate found that only half the prisoners in training prisons felt that their education would help them on release, and even fewer (42%) felt that they had gained useful vocational skills. Key areas identified as hindering effective action were the increasing size of prisons, distance from home, and more transient populations.

Recent research has brought into question the strength of the link between learning and skills in prison and improvements in finding employment on release. A Home Office study found that factors such as links with previous employers and family contacts are more strongly related to employment outcomes than receiving training in prison. The most frequently reported route to employment (38%) was through family and friends and a further 29% had returned to the same job as before going to prison. Only 25% had found a job through conventional methods of job search. Moreover, the Home Office concluded that: 'Improvements in literacy and numeracy' were not 'significantly related to prisoners' chances of finding employment or re offending after release. Prisoners themselves tended not to link offending to their literacy and numeracy skills. Collectively, these results suggest that improving prisoners' basic skills alone is unlikely to have a major impact on their prospects for successful resettlement.'<sup>109</sup>

There is a growing consensus that user views should be taken into account. For example, in a study carried out for the Ministry of Justice, adult offenders were asked for their own views on the kinds of support they needed in custody and on release. These were some of the main findings:<sup>110</sup>

- Four-fifths (82%) of the sample reported needing help or support for at least one type of problem.
- Prisoners tended to put employment related issues above health and family problems in terms of priorities.
- The most frequently reported need was help in finding employment, cited by nearly half (48%) of prisoners.

**Figure 7: Prisoners' perceptions of their needs**

	Age		Sentence Length		Gender		All (%)
	Young offenders	Adults	Less than 1 year	1-4 Years	Men	Women	
<b>Need help with...</b>							
Finding employment	52	48	47	52	48	57	48
Getting qualifications	51	40	40	45	41	55	42
Work-related skills	45	40	39	44	39	54	41
Finding accommodation	26	40	38	36	37	40	37
Offending behaviour	28	35	34	33	33	47	34
Drug problem	15	32	32	23	28	44	29
Literacy/ numeracy	24	21	22	19	21	18	21
Mental health	14	22	22	18	18	49	21
Medical problem	9	22	19	21	18	33	20
Alcohol problem	16	16	17	14	16	16	16
Family problem	8	16	15	16	14	28	15
None of these	24	16	18	16	19	5	18

Data Source: Stewart, D. (2008) <sup>111</sup>

A number of other studies have focused specifically on what former offenders see as the main barrier to employment and what they think will help them find employment. In one US study, conducted by the Chicago Urban League, interviewers asked 72 former offenders about their experiences and perceptions in the 18 month period after release. The main findings included:<sup>112</sup>

- Former offenders with an uninterrupted transition from prison to a programme were more optimistic about the future. This was the same for those with strong family support.

- The majority of respondents were released without sufficient savings to endure a job search.
- The majority of respondents believed that revealing their criminal conviction on a job application would automatically lead to rejection.
- Many reported that they did not know how to talk about their criminal record in a positive way to a prospective employer.
- Respondents were uncertain how to overcome employers' negative perceptions of former offenders.
- Respondents wanted to differentiate themselves from other former offenders in employers' eyes. Some individuals are seen to give all former offenders a bad name.
- There was a general sentiment that prison's potential for rehabilitation was being wasted due to the absence of pathways to employment.

These findings were echoed in a number of UK studies. For example, a 2008 research report by Clinks found that former offenders faced a lack of information, advice and guidance on employment and training opportunities. Clinks therefore suggested that information about relevant opportunities should be provided pre-release. Clinks also found that the mentoring approach used by some service providers proved extremely effective in meeting the complex needs of Black, Asian and Minority Ethnic (BAME) former offenders. Moreover, when services take into account accommodation needs, outcomes are significantly improved.<sup>113</sup> This point is crucial and demonstrates the need for a multi-agency approach to resettlement.

## Employers' attitudes

Evidence on employers' attitudes to employing former offenders is varied. On the one hand, evidence suggests that people with a criminal record are part of the 'core jobless group' that more than 60% of employers deliberately exclude when recruiting.<sup>114</sup> Indeed, 57% of ex-prisoners report difficulties in securing work because of their criminal record. On the other hand, organisations with a track record of employing former offenders tend to report positively. 87% of employers with experience of hiring former offenders found them to be at least as productive as other workers, while 65% of employers who have hired former offenders report a positive impact on their corporate reputation. According to another study, undertaken in 2002, only 6% of employers claimed that employing former offenders had been a negative experience, compared to 66% of respondents who said that it had been positive.

In a study carried out by the Barrow Cadbury Trust,<sup>115</sup> only 32% of employers believed that employing an offender was more of a risk than employing a non-offender. However, 53% of the same respondents declared that a prior conviction for theft would automatically bar an applicant from employment. As the study concluded, 'theoretical attitudes towards rehabilitation seem to be displaced by practical issues of trust.' So, what is the nature of this lack of trust? Is there

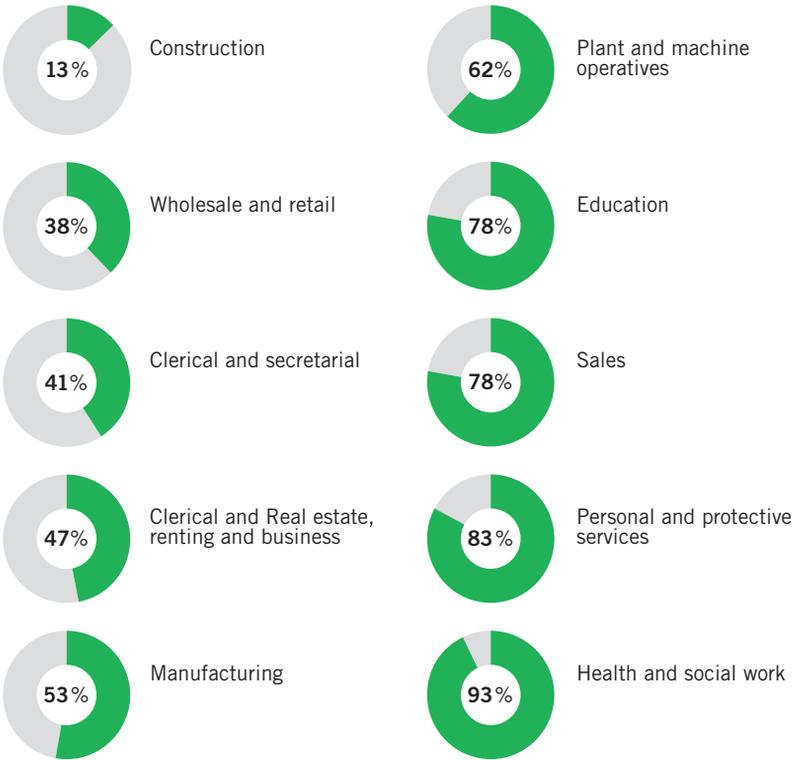
discrimination against former offenders? And if so, how can this discrimination be overcome?

## **Discrimination against former offenders**

The issue of disclosure has received significant attention in recent years. All sentenced prisoners leave custody with an unspent conviction. The 1974 Rehabilitation of Offenders Act stipulates that former offenders must disclose previous convictions to employers if asked. This legislation affects 100,000 ex-prisoners at any one time. The Act also enables some criminal convictions to be 'spent' or ignored after a rehabilitation period. This rehabilitation period is a set length of time from the date of conviction, varying on the sentence given. After this period has passed, with certain exceptions, an ex-offender is no longer obliged to mention a conviction when applying for a job or obtaining insurance. A conviction lapses after 10 years for a six month sentence, however, custodial sentences of more than two and a half years can never be spent.<sup>116</sup> According to a study conducted by the Department for Work and Pensions, a criminal record is 'a major disadvantage in getting a job'. However, this disadvantage varies by occupation (i.e. job applied for), industry and type of offence committed.

The DWP study also sought to pin down the link between disclosing information about previous convictions and being rejected for a job. The study found that job applicants have an almost two in three chance that information will be sought about their criminal record. Some types of organisation tended to ask for information about criminal records more often than others.

**Figure 8: Likelihood of seeking information about criminal records by type of vacancy**



Source: Metcalf et al (2001)<sup>117</sup>

Information about previous convictions was sought more often in the public sector (85%) than in the private sector (49%) and for temporary (80%) or fixed term jobs (84%) than for permanent vacancies (60%).<sup>118</sup>

Once that check is made, there is a significant chance that the former offender will be disadvantaged for having disclosed the information. For most offences, having a criminal record will lead to an automatic rejection or strong disadvantage for at least half of vacancies.<sup>119</sup> According to the DWP study, an applicant with a criminal record has:

- A 1 in 14 chance of being automatically rejected (irrespective of the nature of the criminal record);
- A strong disadvantage for an additional one in ten vacancies (irrespective of criminal record);
- A variable response, depending on the record, for 46% of applicants, but frequently resulting in rejection or disadvantage.

- However, they also found that for one in three vacancies, having a criminal record is not a disadvantage.

The DWP survey found that employers' responses vary according to industry. People with a criminal record were least disadvantaged in construction, health and social work and other community, social and personal services. For 92%, 87% and 84% of vacancies respectively, recruiters claimed they would not necessarily treat those with a criminal record less favourably. The industries which were least likely to hire someone with a criminal record were wholesale and retail, and transport, storage and communications. For 49% and 47% of vacancies, respectively, recruiters would have treated those with a criminal record less favourably. Despite the high likelihood of information being sought for health and social work, it is one of the least discriminating vacancies. Employers' responses to disclosure also varied according to type and nature of offence(s) and the length of time since last offence, length of record and custodial sentence.

The offences of most concern to employers were either those they felt related to the job (for example, fraud or theft from shops) or those which employers found repugnant or frightening (murder or indecent assault). Researchers found that applicants who had been convicted of murder or indecent assault had a 50% chance of being rejected whilst those convicted of various offences of dishonesty (burglary, fraud and handling stolen goods) had a 40% chance of being rejected.<sup>120</sup> In contrast, those convicted for dangerous driving had only a 14% chance of being rejected. This is corroborated by a Chartered Institute of Personnel and Development (CIPD) study which found that the seriousness and nature of the offence concerned 64% of employers and that the relevance of the conviction to the vacancy concerned 63% of prospective employers.<sup>121</sup> The CIPD also found that employers were most concerned about sexual offences (61%) and were least concerned about driving offences (77%). The DWP study found that employers were generally less concerned about prostitution, possession of recreational drugs, dangerous driving and offences against the Health and Safety at Work Act.

The DWP's summary on the matter is apt:

*The way that a criminal record is currently used in recruitment is largely discriminatory, with little realistic assessment of the implications of a criminal record on the ability to do the job (including the risks of re-offending at work). For driving offences and offences involving stealing, job-related criteria are more commonly used, but, often, in tandem with discriminatory judgements.*<sup>122</sup>

## Why are employers discriminating against former offenders?

There is a range of factors which come into play when an employer is considering recruiting an ex-offender. As we have already mentioned, the nature and seriousness of the offence is one issue. Whether that offence is linked in some way to the vacancy is another – for example, an ex-offender convicted of fraud will find it difficult to get a job working in finance or accounting. Then there are other considerations, such as evidence of change in attitudes, behaviour and appearance, and work record since conviction. It is worth, however, unpacking some of these issues. In the DWP study of 2001, researchers asked employers about their concerns and fears about employing former offenders. The most common reasons given for not wishing to recruit someone with a criminal record were:

- Protecting clients and customers and protecting employees (81%)
- The risk of crime at work (74%)
- Fear of the effect on the reputation of the company (71%)
- Concerns about trustworthiness (49%)
- That the recruiter themselves would be held responsible if anything went wrong (47%)
- Doubts about an ex-offender being ‘the right sort of person’ for the job (44%)
- Concerns about insurance requirements (37%)
- Fears that other employees would be unhappy (25%)

According to the DWP: “employers’ behaviour seems to be exacerbated by their lack of knowledge of offending behaviour, and, particularly, by their lack of knowledge of the prevalence of offending, of the high number of people with a criminal record, of the risks of re-offending at work and of the pattern of desistance.” Interestingly, three-quarters of employers report that they would consider employing former offenders if they had the relevant skills that fit the needs of the organisation.<sup>123</sup> However, survey evidence suggests that employers are more concerned with honesty (92%), reliability (89%) and personal behaviour (84%) than skills. This suggests that appropriate skills are not always the key determinant of employment outcomes.

## What can drive change?

Policy reforms have major potential to advance the agenda. Suggestions include amending the Rehabilitation of Offenders Act 1974, implementing a CRB smart system<sup>124</sup> and advancing benefit to bridge the finance gap.<sup>125</sup> Ideally, too, Jobcentres would be given incentives to provide extra support for former offenders. However, there are alternative arenas to review such ideas, and this

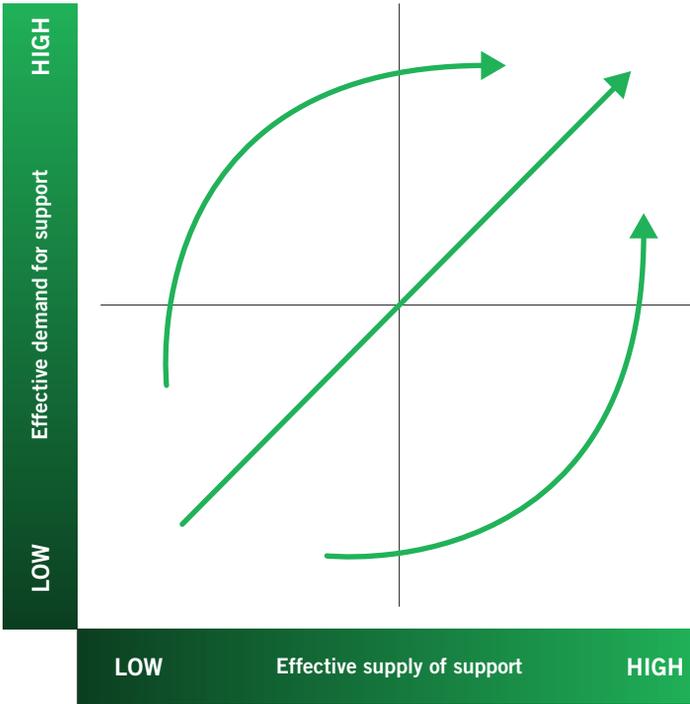
report focuses on action to directly support former offenders rather than policy reform.

There are a variety of resettlement projects and initiatives engaging with offenders and former offenders. Yet overall the picture on provision is mixed. Prison service resettlement activity is limited; in some cases less than a third of those returning from prison receive support from a statutory agency.

While third sector organisations such as the St. Giles Trust ably support pilots in several areas, there is a vital need to develop and diffuse a sustainable approach to assist offenders at the critical transition point of leaving prison. In particular, there appears to be a gap in provision for those who are at risk of re-offending, and who may still be very vulnerable, but do not have a specific problem such as a drug addiction:

- Former offenders face a lack of information, advice and guidance on employment and training opportunities.<sup>126</sup>
- The mentoring approach used by some service providers has proved to be extremely effective in meeting the complex needs of Black, Asian and Minority Ethnic (BAME) former offenders.
- When services take into account accommodation needs, outcomes are significantly improved.<sup>127</sup>
- The UK's welfare system can create a financial disincentive to work, unless there is the flexibility to facilitate part time work (with fewer hours than thresholds set by central government) as well as full time work.
- Services that offer firm guidance (and sometimes criticism), but also allow people to make mistakes, provide the opportunity to move forward slowly and are highly valued by service users.

Funding is fundamental to sustainable operations over the longer term. A one to three year timescale is common for public sector, corporate responsibility and charitable funding, and many employment programmes for offenders collapse due to lack of funding for longer periods.<sup>128</sup> Even a successful social enterprise such as Blue Sky needs continuing donations and public funding of around half its turnover.<sup>129</sup> Yet, in a tight fiscal climate, commissioners will be prepared to adopt good practice providing there is clear, robust evidence of better results for lower costs. The challenge is to increase the capacity of support ('effective supply') and the willingness to pay among commissioners ('effective demand') for that support.

**Figure 9: Effective supply and demand of support**

## Segmenting the offender population

As we have seen, for most offenders, having a criminal record will lead to an automatic rejection or strong disadvantage for at least half of vacancies.<sup>130</sup> However, the individual experience of barriers varies considerably. Some former offenders face a much higher barrier than others, depending on the occupation sought, industry and the type of offence committed.

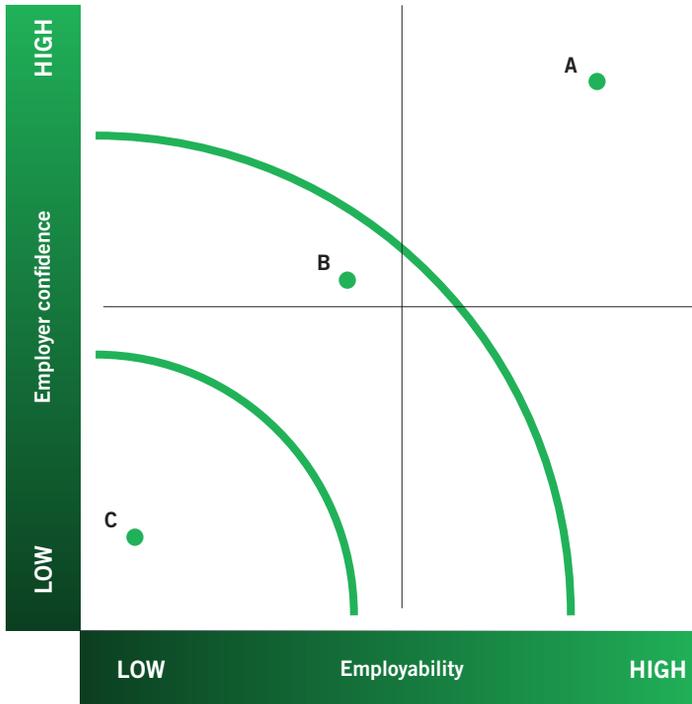
As previously outlined, the offences of most concern to employers tend to be those related to the job or those they find repugnant or frightening. One survey found that, at the point of a job offer subject to checks, applicants convicted of murder or indecent assault have something like a 50% chance of being rejected, compared to a 14% chance for those convicted for dangerous driving.<sup>131</sup>

Distinctions can be made between offenders with different types of sentence:

- *Community order or suspended sentence* – remain in the community
- *Short custodial sentence (less than 12 months)* – no statutory support
- *Custodial sentence of 12 months or more* – subject to offender management

In the early stages, and potentially beyond, an intervention working mainly with the 'high risk' group would face great difficulties in raising sustainable funding and organising secure operational developments – and would be duplicating action underway in any event. At the same time, those with a low risk of reconviction are less likely to need assistance.

**Figure 10: Segmenting the offender population**



In the shorter to medium term, concentrating on offenders aged over 18 with a medium risk of reconviction and a medium employability would allow a Deployer to maximise impact within limited means and financial inputs.

Our research has identified four key aspects of employment support for offenders:

- *Employment on release.* Building on effective rehabilitation while in prison. Success relies on starting engagement and training in prison.
- *Soft-skills development.* Resilience, confidence, successful team-working, the ability to recognise what others want and deliver on commitments are a vital part of gaining and retaining employment.
- *Continuity of support.* Retention and chances of successful resettlement are much higher if a former offender gets continued support and mentoring.

- *Wrap around support.* A former offender should be able to access training courses, or any advisory services they might need.

This assessment has drawn on a range of experiences which have focussed on building employability skills - including the pilots Fastlaners, Faking It and Through the Gates, and the successful worklessness scheme Slivers of Time ). There are two potential routes to enhance such innovations:

- ‘*Strengthen partnerships*’, in order to improve co-ordination between existing services, and between former offenders and services.
- ‘*Deployers*’, refining the transitions’ support of existing service providers - or setting up new service providers – to meet directly the specifications identified above.

**Strengths and weaknesses of these approaches**

	<b>Sustainability</b>	<b>Effectiveness</b>	<b>Accountability</b>
<b>Strengthen partnerships</b>	Time-limited charity funding and/or limited public sector funding	Has significant benefits	Diffused, as joining up role is harder to hold to account
<b>Deployers</b>	Some doubts, given track-record of others’ pilots and current fiscal position	Greatest scope for radical improvements to the system	Fairly clear, with provider role to statutory bodies

## Approach 1: Strengthening partnerships

Social innovation is usually most effective when it takes place through alliances between ‘bees’ - entrepreneurs and creatives - and ‘trees’ - big institutions with the capacity to make things happen. Without effective co-ordination and diffusion of information, various problems can arise:

- The voluntary sector undertaking activities that statutory providers are also doing - and vice versa;
- An inability to pick up on the best ideas being applied and applicable to the local area;
- An absence of reliable information on individuals, so hampering personalised support programmes for them – and gathering of evidence on efficacy;
- Offender training programmes failing to understand what employers will accept and demand in relation to former offenders as employees.

A fundamental perspective of this approach is that although offenders have a marked preference for training from civil society rather than statutory agencies, funding is often too tight to run separate, parallel schemes. The challenge is to strengthen mutually beneficial connections between local authorities, practitioners and providers to overcome this problem. We believe that the answer involves a broker being employed for a given area tasked with identifying better ways of working at the crucial junction points in the system. In particular, the role would entail the following themes:

- *Increase providers’ ability to market their best ideas to commissioners.* The broker would work with civil society, acting to highlight funding streams, clarify commissioners’ perceptions and preferences, and support the production of the evidence needed to demonstrate the value for money of successful schemes;
- *Increase commissioners’ ability to tap into the good ideas in the area.* The broker would highlight good practice in the area, and identify gaps and duplication in transition support. A further objective could be to showcase benefits from changes to statutory bodies’ policies (such as greater incentives for Jobcentres to support former offenders into employment).
- *Enhance effective ways of working between providers,* for example by supporting initiatives to promote data sharing on offenders’ support and progress, or identifying ways to strengthen local employer engagement programmes.

Public sector efforts to strengthen co-ordination have generally focussed on better relations between prisons/probation and local authorities. The Justice Select Committee<sup>132</sup> recently identified ‘very promising’ examples of integrated planning between local criminal justice boards and crime and disorder reduction partnerships/community safety partnerships. Its research suggested, however, that these practices are far from widespread. Nor does it follow that strong

partnership between statutory bodies must bring strong partnerships with civil society; and, as the Princes Trust analysis below indicates (of the number of organisations offering mentoring services in prison), even with a limited agenda there is a huge range of potential civil society connections.

This approach draws upon the insights of the Social Entrepreneur in Residence (SEiR) scheme applied to the challenges of the NHS as pioneered by the Young Foundation. That role broadly equates to one broker per local authority area, and we believe that this scale would also be appropriate here.

An SEiR is an individual with entrepreneurial, marketing and business expertise who is embedded in a Primary Care Trust (PCT), a local authority, the voluntary sector or a large charity or other organisation. The SEiR is a catalyst who works to achieve a cultural change so that innovation becomes part of an organisation's ethos, not a barrier to success. The SEiR also scouts for other potential entrepreneurs and helps to develop their ideas to the point where they become successful ventures.

## Approach 2: A Deployer structure

The aim of this approach is to ensure that useful support is available to offenders at the crucial transition points, in particular:

- *Transition support* – Engagement of the offender whilst in custody, enabling preparatory work to take place at relevant transition points;
- *Mentoring and advice* – Key point of engagement, with a Job Coach tracking the progress of the participant from induction through to successful employment;
- *Employment* – Focus on placement, with a temporary job agency available to ease people into employment, including the use of voluntary placements.

Achieving this would entail either setting up a separate entity, or supporting the commissioning of schemes that integrate transition support, mentoring and employment in a satisfactory manner.

## Implementation issues

Various implementation issues arise in successfully developing the model:

- For a stand-alone organisation, substantial resources would be required to find suitable vacancies, engage employers and arrange contracts.
- Prisons frequently do not keep information about where people are returning to, and it is often very difficult to track offenders when they are transferred between prisons, or to identify release dates in good time.

If a stand-alone entity approach were adopted, it would be vital to promote a series of partnership arrangements and to build up trust with potential clients.

- *Finding job vacancies.* Options include a strategic link-up with a major private sector provider such as Work Directions UK (Ingeus), as well as reviewing the learning and experience of a job broker such as Slivers of Time.
- *Robust data.* There is no simple solution to how this problem can be overcome, but there are templates for what can be achieved, and if an effective relationship can be built up, this is a major step towards success.

## Conclusions

There would be major benefits for society, the public sector purse, and for offenders themselves if a platform for enhanced support for former offenders can be put in place for important transition stages. Whilst much useful work has already been undertaken by a range of providers, the problems remain severe, and the trend, if anything, is for a worsening position given the cut-backs to the public sector and subdued economic position for the private sector.

A focus on sustainability and transitions will be vital to make a positive difference, but this is not straightforward to achieve:

- A strengthening of partnerships has very good potential to enhance existing organisations' actions on transitions, but would be limited to an influencing role rather than direct action.
- A reshaped system of Deployers has the greatest scope for radical improvements to the system; but questions over sustainability are not easily resolved.

We believe that both approaches are complementary and potentially valuable in advancing the crime reduction agenda. Timescales for action depend on key decisions as to whether to proceed with one or both in principle, and whether (for the Deployer route) to augment existing organisations or initiate a new one.

# 6 Innovative financing tools: Social Impact Bonds for criminal justice

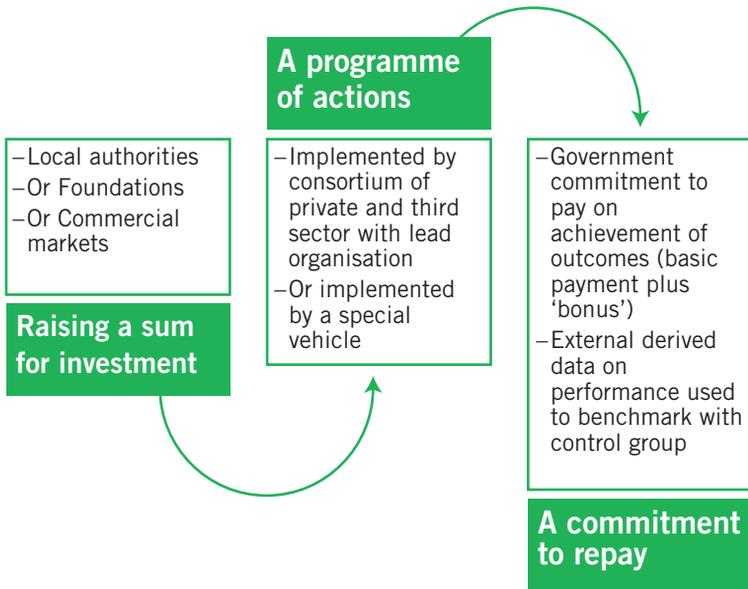
Social Impact Bonds are a financial tool being developed in the UK by the Young Foundation with other partners, to provide a new way to invest money in social outcomes.

## What is a Social Impact Bond?

Social Impact Bonds are a financial tool being developed in the UK by the Young Foundation with other partners, including Social Finance Limited, to provide a new way to invest money in social outcomes. Their key innovation is to link three elements:

- investments (by local authorities, commercial investors or foundations);
- a programme of actions to improve the prospects of a particular group (for example 14-16 year olds in a particular area at risk of crime);
- and commitments by national government to make payments linked to outcomes achieved in improving the lives of the group (for example, lower numbers in prison).

**Figure 11: Social Impact Bonds in practice**



## Why do it?

Incarceration is often very wasteful, and subsequent re-offending is frequently high and costly. Research by Matrix Knowledge group shows that it is the least cost-effective response in many cases, and community sentences combined with drugs treatment, for example, can make significant savings.<sup>133</sup> But the organisations with the ability to act – such as civil society or local authorities - have few incentives to invest heavily in prevention support, despite strong evidence on the

long-term social gains. They are not the ones who gain financially from improved outcomes in prison numbers and the reduction of benefits bills down the line.

This lack of incentives is a major problem; Social Impact Bonds facilitate the preventative work that is essential to achieve savings to the public purse.

**If they are properly implemented, Social Impact Bonds could halt, and hopefully reverse the trend towards hyper-incarceration and help reduce the continued growth in prison numbers in the UK**

## How would it work?

Funding is raised by one of the following routes:

- A local authority, borrowing on existing markets for a package of investment in a social impact programme;
- A service provider or group of providers, raising their own capital either through social investment sources or on the market;
- An investor route based on finance raised from the market, with investors taking on some of the risk for non-achievement of social outcomes.

Once the bond is raised, taking the 'Justice Reinvestment' approach one step further, a coherent menu of properly-funded and well-researched interventions appropriate to the area would be implemented by a special purpose vehicle or consortium of local actors.

The focus could be a particular group of young offenders, for example, with a high risk of entering custody. The challenge might be to work with Youth Offending Team staff, young offenders and magistrates to find new ways of reducing the breach rates of young people on ISSP and thus reduce their chances of going into custody (with costs of around £60,000 per year, if not four times higher for placements in a Secure Training Centre).

If and when results reach required levels of achievement, for example, when reductions in offending rate are higher than those for a statistically valid control group, then central government would authorise payments back to the funder of the Social Impact Bond.

## Potential challenges

- **Measurement** – baselines and metrics that are not vulnerable to economic downturns, and national policy changes (e.g. new crimes being legislated for) must be agreed, and shared analysis of lifetime costs and benefits associated with different actions and client groups need to be established.
- **Action** – there must be a credible menu of actions to implement which significantly outperform existing ones (possibly if applied together), which also depend on implementation capacity. In most cases this is likely to involve a mix of public, private and voluntary organisations - in none of these fields does any one sector have a clear advantage in terms of performance.
- **Risk** – handling downside risks, including not only the risk of failing to achieve targets but also other risks, such as political risk (if some of the interventions are overruled by elected politicians). There are also lessons on risk transfer to be learned from the problems associated with Private Finance Initiatives and private prisons.
- **Accountability** – this must be clearly assigned, with a thought-through line of responsibility on issues such as the local authority's statutory responsibilities for vulnerable children and adults.

## The way forward

In the Coalition Programme,<sup>134</sup> the government has committed to introducing a 'rehabilitation revolution' that will pay independent providers to reduce re-offending, paid for by the new savings that the new approach will generate within the criminal justice system.

We endorse this approach. Indeed, we would go further and believe that pilots should be set up in relation to those who are at substantial risk of becoming first-time offenders as well as those who have already been given custody.

If they are properly implemented, Social Impact Bonds could halt and hopefully reverse the trend towards hyper-incarceration and help reduce the continued growth in prison numbers in the UK. This would be an important first step towards finding an innovative solution to ending the cycle of offending and re-offending and turning back the trend towards spiralling costs and the ever-increasing waste of human potential.

# 7 Empowering innovation: A UK Centre for Justice Innovation or a 'NICE' for justice?

What vehicles can be employed to empower and drive through innovation in what can often prove to be an innovation-averse sector?

It is hard to argue against the need for innovation in the criminal justice system – simply doing more of the same in response to crises has clearly not worked. But what vehicles can be employed to empower and drive through innovation in what can often prove to be an innovation-averse sector? There are lessons from other areas such as health and education, and examples from elsewhere of how this can be achieved.

## A UK Centre for Justice Innovation

There is a clearly identifiable need for an organisation which would incubate, support and disseminate innovation in the criminal justice sector in the UK. Traditionally, the security sector has been relatively poor at innovation (with the possible exception of technological innovation, not all of which is positive). Although there have always been many creative projects in prisons and communities, these have never been invested in systematically, or supported to maximise their impact. Given the current state of public finances, and the high levels of recidivism, innovative solutions to problems in both prevention and non-custodial supervision are badly needed.

Examples from other places:

### **The New York Center for Court Innovation**

The winner of national prizes for innovation from the National Criminal Justice Association, American Bar Association, National Association for Court Management, the Ford Foundation and Harvard University's John F. Kennedy School of Government, the Center for Court Innovation ([www.courtinnovation.org](http://www.courtinnovation.org)) is uniquely qualified to assist the reformers in England and Wales in their efforts to rethink business as usual in the criminal justice system.

In New York, the Center for Court Innovation functions as the State court system's independent research and development arm. In this capacity the Center has created dozens of pilot projects, including community courts, drug-treatment courts, domestic violence courts, mental health courts, re-entry courts, youth courts, mediation programs and technology applications for criminal justice practitioners.

This includes the award-winning Red Hook Community Justice Center, the subject of a public television documentary that has inspired dozens of adaptations around the world. Among other results, researchers have shown that the Center's demonstration projects have helped to reduce street crime and substance abuse, change sentencing practice in criminal courts, and to enhance public trust in justice.

In addition to operating demonstration projects, the Center carries out original research. Its team of in-house researchers has conducted numerous studies with national policy implications, including a multi-year evaluation of court-mandated drug treatment that documented significant reductions in recidivism among participants, a study of the effectiveness of intervention programs in domestic violence cases and an examination of the extent to which a judge's practice is changed after assignment to a problem-solving court.

The Young Foundation proposes creating a new body to specialise in the design, incubation and spread of more effective innovations in criminal justice. The body would draw on the experiences of the New York Center for Court Innovation (NYCCI) - as well as on parallel incubators in other sectors such as the Young Foundation's Health Launchpad and Learning Launchpad.<sup>135</sup>

The body would have strong links with the criminal justice system, academic institutions and professional organisations, and have a mixture of national, local and charitable funding. This would ensure that it has sufficient professional credibility with the criminal justice system whilst being sufficiently independent to remain truly innovative.

It would initially work on a relatively small number of projects, designing them in such a way that they could potentially be replicated, piloting them, evaluating them and then ensuring that they can be extended.

## A 'NICE' for justice?

In the field of healthcare, the National Institute for Health and Clinical Excellence (NICE) evaluates and disseminates new interventions, therapies and drugs. The parallel with justice is not direct – after all the purpose of NICE is to avert the risk posed by potentially unknown treatments. However, a body which provides authoritative views on what works whilst providing good value for money, and which identifies promising innovative approaches as well as approaches with strong proof of functionality based on research and evaluation, could both drive forward a progressive approach to crime and justice and support the need for more innovation.

### **The Young Foundation proposes creating a new body to specialise in the design, incubation and spread of more effective innovations in criminal justice.**

The body could constitute a network of 20-40 experts, who would be appointed with a formal role, receive modest remuneration and have a voting system. To this could be attached a wider network of commentators including senior practitioners (applying some of the opinion leadership approach to the topic). The opinion leaders could ask questions such as whether the evidence rings true or if proposed interventions are missing key on-the-ground perspectives. A small co-ordinating team could facilitate these networks and manage outputs, primarily through an online platform, but also through publications, events and practitioner seminars.

The body could employ the following methods:

- Formalised protocols for reviewing new evidence, alongside more experiential perspectives
- Commissioned literature/evidence reviews (working with a network of academic bodies)
- Field-by-field analysis of what's known (driven by priority-setting by a small board or steering group, plus qualitative research such as interviewing or polling of key stakeholders)

The body could have linkages to Campbell Collaboration and any other relevant international networks such as the World Health Organisation Health in Prisons Project Network, the European Crime Prevention Network as well as various

UNODC and Council of Europe bodies and the UNICRI institutes such as ILANUD and HEUNI.

The online platform could have a structure which would detail evidence across fields and types of intervention. This could include both positively and negatively regarded entries, interventions from the more controversial end of the debate such as those advocating offending behaviour programmes, to less contentious issues such as various forms of drugs treatment and problem-solving approaches to justice. Each case study would come with a description, summary of key reviews, analyses and more technical data such as clinical evidence or summaries of judgements. Emerging from the data and the inputs/votes of members of the network, it could incorporate a simple format for ratings of quality of the evidence: one star to five stars, for instance, including short commentaries. The site would have capacity for quick commentary on emerging issues and responses to the most recent developments in the sphere of crime and justice. It could also incorporate published literature reviews along similar lines.

### **The way forward**

Creating such frameworks can only advance the cause of innovation in the criminal justice system and break down the various barriers which innovative organisations face when they attempt to do things differently. Structural disincentives aside, often the main problems for the 900 or so NGOs and agencies working in the sector<sup>136</sup> are those of evaluation, communication, proving the concept and scaling. The bodies described above would be able to help bridge those gaps and empower progressive interventions which work, save money and help make society safer.



# 8 Conclusions: the future

It is clear that in the current financial and political climate the status quo of a costly and wasteful system with few positive social returns is not sustainable. The following are innovations which we think could make a real difference to the success of the system in achieving its stated goals.

It is clear that in the current financial and political climate the status quo of a costly and wasteful system with few positive social returns is not sustainable. The following are innovations which we think could make a real difference to the success of the system in achieving its stated goals.

## Top twenty innovations for criminal justice

### 1 **A Deployer for former offenders**

A deployer structure can build up employer confidence and de-risk for them the employment of former offenders by acting as a contracting organisation. Its focus would be specifically young adults.

### 2 **Specialist semi-autonomous intermediaries or incubators for innovation**

Such bodies, along the lines of the model of the New York Center for Court Innovation, with national funding, could be set up to generate and test out new ideas. They should have sufficient professional credibility with the criminal justice system whilst being sufficiently independent to remain truly innovative.

### 3 **The creation of a space to innovate for local authority staff through an Innovation Catalyst/Innovation Lab approach**

Unlocking the innovative capacity of staff can be key both to improving outcomes and making savings. That can be done through creating specific settings for innovation with sufficient flexibility and resources – for example on youth crime or teenage pregnancy.

### 4 **A new framework for supporting innovative interventions and synthesising evidence – like a 'NICE' for Criminal Justice**

A new way of recognising, assessing and supporting innovative approaches to criminal justice in their early stages so as to facilitate their scaling up and dissemination if they work. We believe that there are two major gaps in the field: one is the need for a more systematic approach to the design and testing of new models; the second is the need for a more systematic approach to evidence about what works.

### 5 **Social Impact Bonds**

The idea behind a Social Impact Bond is that investors put funding into prevention schemes in an area, and the saving from reduced custody numbers and re-offending down the line is the return on their investment. This would require a structural shift in the way prevention work and custody are currently funded, and addresses the problem of government departments being unable to fund capital intensive preventative programmes for the longer term while still maintaining their funding of remedial programmes in the short term.

## **6 National Insurance numbers for all people released from prison**

NI numbers are an important aspect of getting a job, and yet many prisoners are released without these – help in acquiring them is sporadic and this is a further barrier to people becoming employed on release.

## **7 Bank accounts for all people released from prison**

Another major barrier to returning ex-prisoners getting jobs is not having a bank account. Enabling them to have bank accounts via the Post Office or one of the nationalised banks could remove this barrier.

## **8 Reducing numbers of children going to custody for breaches of ISSP through an Innovation Catalyst approach**

Some 12% of children in custody in England & Wales are there for breaches of their supervision conditions, rather than for committing a criminal offence. That's around 350 children – each of their prison places costing £50,000 or more a year. A reduction of that number even by a third could lead to major savings.

## **9 Committing 2% of NOMS budgets to innovation and measuring commissioners' performance on how many innovative interventions they commission**

In other areas, such as healthcare, commissioners' performance is measured in part on how much innovation they commission, and yet in the criminal justice arena commissioners often respond to persistent problems simply by commissioning yet more of what isn't working. Mandating them to commit a percentage of their budgets would produce consistently more innovative responses.

## **10 CRB Check Smart**

Disclosure of a criminal record is a major barrier to employment upon resettlement. Returning prisoners should not have to disclose any criminal convictions after 6 months beyond release if they have not returned to prison. Another way to deal with this would be for the Criminal Records Bureau to simply return a 'suitable/not suitable' response depending on the job applied for, depending on the type of conviction, rather than reporting if a person had been convicted of any offence.

## **11 Mentoring**

Each offender leaving prison should be provided with an ex-offender mentor. This creates employment, training opportunities and opens doors for mentors to go on to do more mentoring and/or social work.

## **12 Social enterprises in prisons**

This should be supported – and can be through small legislative changes.

**13 Develop intermediate labour markets** – in emerging fields such as green jobs and retro-fitting.

**14 Tax breaks and incentives for employing former offenders**

This already exists for certain other categories but could specifically be focused on former offenders.

**15 A hybrid of two or more intensive interventions for young people returning from custody**

For example, this could be a hybrid of the positive elements of Diamond Districts (where police provide through-the-gate and resettlement support to the more serious offenders thereby preventing them committing new offences upon release), and aspects of Circles of Support and Accountability through which offenders are supervised and made accountable through a circle of six volunteers (each supported by a statutory agency) who interact with the former offender on a daily basis.

**16 Supplying costing analysis to sentencers** and applying elements of community justice to sentencing practice.

**17 Create Young Adult Offender Teams**, as pioneered by the T2A Alliance, which help manage the transition of a young person from the care of the Youth Offending Team into the supervision of the Probation Service, and ensure that people don't fall through the cracks and continue to interact with the necessary agencies and services.

**18 Community Prosecution**

Operating a community prosecution pilot that seeks to train prosecutors in reaching out to the public in new ways and using non-enforcement techniques to respond to local public safety problems.

**19 Information tools** – providing judges and other criminal justice decision makers with data about the costs of various sanctions so that they can make more informed decisions.

**20 Risk Assessment**

Creating a risk assessment instrument that could be used to help magistrates make more informed decisions about which defendants need to be held and which are good candidates for community orders.

## **Conclusion: The case for justice innovation**

Our society is at a crossroads. As far as public finances are concerned, things will never be the same again. So new models are needed for delivering a criminal justice system which minimises harm; which seeks to prevent offending and re-offending as early as possible, rather than criminalising and incarcerating people when it's already too late, but which does not waste increasingly scarce public funds.

Social Impact Bonds, Deployers, intermediary bodies and incubators such as a Centre for Justice Innovation should be an important part of a solution which is applied both locally, through NGOs and Local Authorities working together, as well as at a national policy level, through agencies such as NOMS and Jobcentre Plus among others. Such innovations can be successful in a new political paradigm which recognises that the old approach has not worked, and, with public opinion following suit, recognises that society as a whole is moving beyond focussing on the age-old problems of incarceration and re-offending to focus instead on solutions.



# Annexes

## Annex 1

### Methods for building public confidence: case studies

#### Neighbourhood Policing

The purpose of neighbourhood policing is to provide: access; influence; interventions; and answers for local communities.

- There is a commitment by 2008 to free up the equivalent of 12,000 officers for frontline duties.<sup>137</sup>
- There will be 24,000 Community Support Officers on the streets across England and Wales.<sup>138</sup>
- Half of Britons do not feel safer with police community support officers (PCSO's) patrolling the streets, according to a new poll. ITV conducted an online survey with 2,800 members of its ITV Vision Panel and found 50% of respondents said they do not feel safer.<sup>139</sup>
- Greater Manchester Police were given a limited amount of money from the government to pay for PSCOs - while at the same time having to cut more than 200 regular police officer posts because of a budget shortage.

#### Making Good

- The Making Good project set out to involve local people in deciding what work offenders should do during their community service. It was piloted in Slough and other areas in the Thames Valley.
- Challenges: communities care about the small things (their back garden, the weeds at the end of the street) and these are difficult for the Probation Service to deal with (1 warden for every 6 offenders).
- Culture change: community wardens wanted to help with lack of oversight, but couldn't do this full time and the Probation Service found it difficult to be flexible.
- Staff shortages: led to a backlog of work, in danger of annoying the community through lack of delivery.
- Ownership: when communities identified what they wanted fixing, it was sometimes difficult to find out who owned the land, verge, building etc.
- Decision making: Uncertainty at a local level about who was responsible for taking the strategic decision about what work should be done.
- Community: need to make sure that people in the community are consulted, not just the leaders.

### **Restorative Prison – project to restore Albert Park in Middlesbrough**

- Pilot project involved a partnership between the city council and local prisons which saw soon-to-be-released prisoners carrying out highly visible work in restoring a large public space.
- The renovation, which included skilled metalwork, woodwork, painting, textile and craft work, as well as landscaping, received much positive coverage in the local press and was very well regarded by local people.
- Crucially, the prisoners were not simply regarded as free labour but as individuals contributing to creating a better public space.
- Publicity materials were produced providing information on the prisoners' involvement and the benefits to the community of that involvement.
- In 2002 the park won the prestigious national Green Flag Award for quality green spaces.<sup>140</sup>

### **The National Reassurance Policing Programme**

- Reassurance policing was developed in Surrey to address the gap between the public perception of rising crime and the falling crime rate. The idea grew from collaborative work between Surrey Police and the University of Surrey, drawing on the 'signal crimes' perspective developed by Martin Innes.
- Reassurance policing is a model of neighbourhood policing which seeks to improve public confidence in policing.
- It involves local communities in identifying priority crime and disorder issues in their neighbourhood which they then tackle together with the police and other public services and partners.
- There was an overall positive effect on public confidence in the police. The percentage of people who thought the police in their area were doing an excellent or good job increased by 15% compared to only 3% in the control sites. Four of the six sites experienced positive improvements compared to their control sites. There was no overall effect on the satisfaction of those contacting the police for any reason other than as a victim.<sup>141</sup>

### **Inside Justice Week**

- The aim of the week of events was to increase knowledge and understanding of the Criminal Justice System because research suggests that the more people know about how justice is delivered, the more confident they become.
- Inside Justice Week, which took place in November 2007, gave everyone the chance to take a look behind the scenes of the Criminal Justice System in England and Wales. Up and down the country events and activities took place to show you how justice is done in our police stations, courts and prisons.
- In some areas members of the public were able to look around a police station or courtroom, take part in a mock trial or investigate a crime scene. Frontline staff were on hand to answer questions on working in the CJS and members of the local Criminal Justice Board were available to talk about crime and justice issues in the area.

- An online poll by Inside Justice found that over half of voters felt that sentencing is far too soft (54%), with 27% thinking it's a bit soft. 13% think it's about right, and 6% voted that it's too harsh.
- Prisoners should only be eligible for parole after serving two thirds of their sentence according to 47% of those who responded to the poll. Nearly the same amount (43%) voted that prisoners shouldn't be granted parole at all.<sup>142</sup>

### **The Criminal Justice System for Northern Ireland (CJSNI) - Public Information and Education Strategies**

- Vision statement: to increase public confidence in and understanding of the role of the criminal justice system in serving the community effectively, coherently and with integrity.
- The Criminal Justice Board agreed that the Public Information Working Group should prepare a public information and education strategy for the Criminal Justice System in Northern Ireland.
- The Public Information Working Group was responsible for:
  - taking forward work on the inclusion of a criminal justice module in the school civics curriculum;
  - co-ordinating a system-wide 'forward look' to cover launches, announcements and major events;
  - developing options for innovative methods for disseminating information and increasing public understanding, for example videos.
- According to the CJSNI, public confidence in the system increased by 4% between 2003/04 and 2005.<sup>143</sup>

### **Restorative Justice: involving victims**

- The Home Office launched an international review of restorative justice in 2007, in a diverse range of countries from the USA to Spain. They concluded that it does have a positive effect in reducing both the frequency and severity of re-offending. Furthermore, it has an 'affective impact on the victim's sense of closure and well-being'.<sup>144</sup> The use of restorative justice can have a number of positive outcomes:
- Reducing repeat offending: Rigorous tests of RJ in diverse samples have found substantial reductions in repeat offending for both violent and property crime. Other tests have failed to find such effects, but used different populations, interventions or comparisons.<sup>145</sup>
- Victim effects: Restorative justice can help victims come to terms with the crime they have experienced. In a survey carried out by the Restorative Justice Consortium, 41% of victims said they want to meet the offender; and 51% said they think RJ would work better than prison to reduce re-offending. 75-95% of victims who took part in RJ were glad they did so.<sup>146</sup>
- Justice: When RJ has been offered to arrestees before charging in New York and Canberra, RJ has always brought at least twice as many offences to justice – and up to four times as many.<sup>147</sup>

### **Crime Reduction Partnerships - Prolific Offenders Project**

- This community-based initiative targets persistent offenders, who frequently have drug problems and commit crime to support their drug habit. After careful selection, offenders are offered a place on the programme for between 6-12 months.
- During this time they receive fast access to services and support from local agencies and organisations. Alongside the support, swift action and penalties are imposed for any non-attendance or non-compliance with the programme.
- Support is offered in the form of increased contact meetings with probation, drug rehabilitation and addiction counselling; help in finding appropriate accommodation; careers advice and training; and help in developing strategies to live crime free lives.
- Independent evaluation over 30 months by criminologists from Keele University<sup>148</sup> (May 2001) shows that the offenders on the project at the time of sample were on average 53% less likely to be re-convicted when compared to a similar group not on the scheme.
- A conservative analysis by the probation service in August 2001 shows that approximately 3,925 crimes have been prevented, saving an estimated £5.5 million in prevented crimes. The project represented the UK at the European Crime Prevention Awards in 2001, where it finished runner-up.<sup>149</sup>

## **Annex 2**

### **Police and non-police initiatives for working with communities**

#### **1 Non-Police Initiatives**

##### **Sure Start**

- Aims to improve the health and well-being of families with children up to the age of 4.
- Aims are to increase the availability of childcare, improve health and emotional development for very young children and help to support parents in their aspirations towards employment.
- Hopes to achieve this by helping services develop in disadvantaged areas and help parents financially with childcare.

##### **Communities That Care**

- A bottom-up, evidence-based prevention programme run by communities in partnership with local agencies.

- CTC tackles social exclusion and problem behaviours by working with local communities to promote better outcomes for the children and young people living within them. It takes an evidence-based approach to identifying the main risk and protective factors for young people within a local area and then engages commissioners in the development of an holistic children and young people's action plan.
- CTC has worked in more than 50 locations across the UK, most recently in Medway where they surveyed over 12,000 young people as part of a new Every Child Matters focused survey looking at risk and protective factors, and in Edinburgh where the organisation conducted a survey of nearly 20,000 secondary school students to help identify the key risk and protective factors that affect them.

### **Youth Inclusion Programmes**

- Established in 2000, these are tailor-made programmes for 8 to 17 year-olds, who are identified as being at high risk of involvement in offending or anti-social behaviour.
- YIPs are also open to other young people in the local area. The programme operates in 110 of the most deprived/high crime estates in England and Wales.
- YIPs aim to reduce youth crime and anti-social behaviour in neighbourhoods where they work.
- Young people on the YIP are identified through a number of different agencies including youth offending teams, police, social services, local education authorities or schools, and other local agencies.
- The programme gives young people somewhere safe to go where they can learn new skills, take part in activities with others and get help with their education and careers guidance.
- Positive role models – the workers and volunteer mentors – help to change young people's attitudes to education and crime.

### **Youth Inclusion and Support Panels**

- Multi-agency panels set up by the Youth Justice Board to target children at risk of offending and those starting to offend.
- YISPs aim to prevent anti-social behaviour and offending by 8 to 13 year-olds who are considered to be at high risk of offending.
- Panels are made up of a number of representatives of different agencies (e.g. police, schools, health and social services).
- The main emphasis of a panel's work is to ensure that children and their families, at the earliest possible opportunity, can access mainstream public services.

### **Safer Schools Partnerships**

- Police officers are placed in schools to reduce truancy, crime and victimisation among young people, to challenge unacceptable behaviour and provide a safe and secure learning environment.

- The school-based officer works with school staff and other local agencies to:
  - reduce victimisation, criminality and anti-social behaviour within the school and its community,
  - work with schools on whole-school approaches to behaviour and discipline,
  - identify and work with children and young people at risk of becoming victims or offenders,
  - ensure the full-time education of young offenders,
  - support vulnerable children and young people through periods of transition, such as the move from primary to secondary school,
  - create a safer environment for children in which to learn.

### **Positive Activities for Young People**

- Arose out of the Summer Splash programmes initiated by the Youth Justice Board to provide constructive activities for young people on high-risk housing estates during the school holidays.
- These schemes have now become a permanent feature in areas where there are high levels of crime and social deprivation.
- They are funded through the Children’s Fund and administered through the DfES Children, Young People and Families Directorate.

## **2 Community Fora**

Some Police Authorities hold such fora. Police and Community fora are open, public meetings which give local residents the chance to ask senior local police officers about the policing of their area - and have their say on its effectiveness. These are public meetings so there is no formal membership, and you can either have your say or simply listen to what is being discussed. They are usually held in local community centres.

## **3 Other initiatives**

### **Kickz**

- The Kickz Football Project is a national social inclusion and youth diversion programme that has its origins in a long-standing dialogue between the Metropolitan Police Service, the Metropolitan Police Authority and the main football bodies, namely The Premier League, The Football Association and The Football League.
- Kickz targets some of the most disadvantaged areas to create safer, stronger and more respectful communities through the development of young people’s potential.
- All schemes have strong commitment from key partners outside of football including Safer Neighbourhood Teams, Youth Offending Teams, Youth Services and local housing to ensure the schemes run at the right times and in the right locations, attracting the most vulnerable young people.

### **Parkguard**

- A service provider for local authorities and their partners, specialising in support and patrol. They provide second tier policing mainly for parks and estates in and around London, but also in Essex and Hertfordshire.
- They successfully ran the Friday Night Youth Project. Many young people wanted somewhere to gather on a Friday night but had nowhere to go, so officers chose an area where the youngsters were allowed to gather, and which was near where they gathered anyway, but which was away from areas that would cause a public disturbance. They were then supplied with sports equipment, games consoles etc.
- Parkguard found that the young people stayed in the location they were supposed to and were left alone by local officers, and as a result they began to take ownership of the area and felt safer. An average of 70- 100 young people gather each session.

### **CashBack for Communities (Scotland)**

- CashBack for Communities was launched by Justice Minister Kenny MacAskill in January 2008. This is a new flagship programme of young people's activity funded from assets seized through the Proceeds of Crime Act 2002.
- The initiative helps local youth organisations provide free, local activities – such as sports tournaments, shows, gigs, and dances. Sports tournaments are also put on by national organisations such as the Scottish Football Association and the Scottish Rugby Union.
- The main objective of the CashBack programme is to provide a wide range of positive activities for young people between the ages of 10 and 19 years across Scotland.
- CashBack for Communities aims to make a visible difference in local areas, increasing sports and arts opportunities for young people to ensure they have positive options to pursue.

## **Annex 3**

### **Some promising ideas: Education Training and Skills**

A number of ideas are already in the public domain, although they are not necessarily targeted at young adults at risk of becoming embroiled in the criminal justice system – instead focussing on either one of the categories, but not both (the overlap occurring where it does organically rather than deliberately).

#### **Fastlaners**

- 2 week intensive crash course for recent graduates in East London aimed at rapidly building employability skills among unemployed graduates. Since it

is conducted in a group setting, participants quickly get to understand each other's needs.

- Although the group is vulnerable, it does not have the major needs of those at risk of offending, but the group model could be adapted to reflect this.

### **Blue Sky Development and Regeneration**

- A deployer-like model, only employing former offenders, and carrying the risk for clients who contract it.
- Does not have a focus on young adults, but a version of this idea could be designed with the specific needs of that group in mind.

### **Southampton City Council**

- Prioritises the reduction of re-offending by former offenders returning from custody by focussing on education and training, and runs four projects, as detailed below:
  - Offender Learning and Skills Service (OLASS) for unemployed offenders in the community;
  - Building Bricks, which offers construction skills and employment;
  - Exodus, which offers supported employment for short-term sentenced prisoners, and for prolific and priority offenders;
  - Equal Engage, which is a project across three regions, designed to engage employers, and to match their requirements to ex-offender skills.
- A similar approach could target young adults specifically, reflecting their particular need.
- Circles of Support and Accountability (Canada).
- 6 volunteers supporting and supervising very high-risk offenders in everyday tasks such as attending meetings, applying for jobs etc.
- A similar intensive supervision model utilising volunteers robustly supported by statutory services could be applied to young adults returning to the community from custody, providing much-needed transitional support.

### **Resettlement unit in HMP Liverpool**

- Relevant agencies working to help resettle those in custody all in one place inside a custodial establishment, and working together to ensure consistency in transition out of prison.
- This excellent model could be applied specifically to young adults at risk, both in society and in custody.

### **Studio Schools**

- A new approach to education, allowing young people to focus on practical and business skills which they enjoy learning, thus improving outcomes.
- A similar approach could be applied to other age groups, with a particular focus on vulnerable young adults.

### **Young Offenders' Academy**

- Local model based in East London focussed on education, not custody.
- Projections indicate a potential for reducing custody by two thirds.
- A hub with custodial places, safe accommodation and other facilities centred around an educational establishment and support services.
- Working with local sentencers to ensure that any sentences handed down to local children are centred around this local hub.

## **Annex 4**

### **Methodology**

This report has been developed from the evidence gathered by the Young Foundation throughout the course of the work of the Innovation, Justice and Youth Programme. A number of methods have been employed, and these include desk-based research, literature reviews, action research during the work of the Innovation Catalyst project, ethnography, focus groups, polling, expert round-tables, structured interviews, mathematical and financial modelling, numerous site visits, conversations with practitioners, service users, policy makers, members of the public, academic and other experts, designers and activists.



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Recent political and economic upheavals have opened up opportunities for more radical reform of the justice system. But reformers have struggled to come up with proven alternatives to incarceration which are cost effective, progressive and able to secure public confidence.

*Turning the Corner* provides an overview of both the challenges and the potential solutions. It looks at the misaligned incentives that block effective prevention and at the results of over-reliance on incarceration. It argues that reformers need support to get better at designing, rapidly testing and then scaling innovations. Finally it puts forward ideas which could pave the way for a fairer and more effective system, from the creation of a Centre for Justice Innovation in the UK which would assess, scale and disseminate innovative approaches to justice, to the creation of ‘employment deployers’ to help former offenders into work. The spending crisis will put huge pressures on the criminal justice system – but it’s also an opportunity to put right some of the system’s worst, and most expensive, failings.

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