



Justice and Home Affairs Committee

Corrected oral evidence: Community sentences

Tuesday 19 September 2023

10.30 am

[Watch the meeting](#)

Members present: Baroness Henig (In the Chair); Lord Beith; Lord Blunkett; Baroness Chakrabarti; Lord Filkin; Lord McInnes of Kilwinning; Baroness Meacher; Baroness Sanderson of Welton; Baroness Shackleton of Belgravia.

Evidence Session No. 10

Heard in Public

Questions 117 - 131

Witness

J: Rt Hon Damian Hinds MP, Minister of State for Prisons, Parole and Probation, Ministry of Justice.

USE OF THE TRANSCRIPT

1. This is a corrected transcript of evidence taken in public and webcast on www.parliamentlive.tv.

Examination of witness

Damian Hinds MP.

Q117 The Chair: I welcome everybody to the meeting this morning. I have taken the chair at very short notice from Baroness Hamwee, who is not well. I am sure we would all like to send her our best wishes; we will miss her. We have apologies from Lord Sandhurst and Baroness Prashar, and Lord Filkin is online.

It is my great pleasure to welcome Minister Damian Hinds formally. We are looking forward to a very interesting session. I know that we will be very frank and open, and we look forward to your responses to our questions.

Damian Hinds MP: Thank you very much for having me. It is good to be with the committee today.

Q118 The Chair: As you know, we have had very many weeks of expert evidence, and the questions that we will ask you this morning will clearly be based on what we have heard so far. One issue that we have heard is that the number of community sentences issued by the courts has been declining steadily since 2009, and we wondered what you thought about that trend, whether it is to be welcomed, and the extent to which the decline can be explained by government policy.

Damian Hinds MP: Thank you very much. I welcome the fact that you are having this inquiry. It is a very important subject, and I know that you have been giving it a great deal of deep thought and have seen a good range of witnesses.

The question you have just raised about the prevalence of community orders is fundamental. I think it makes sense to put together community orders and suspended sentence orders, which share some of the same characteristics. If you do that, the decline in the number is not so great. Between 2005 and 2022, the decline was around 33%. That has to be seen in the context of sentences overall, which was down by about 29%.

Perhaps most important of all is what is happening to the volume of crimes. Take crimes measured by the Crime Survey for England and Wales, which, as you know, the Office for National Statistics says is the most reliable. No measure of crime is perfect, of course, but you look for the more reliable sources and, per that source, the number of crimes such as domestic burglary and vehicle-related theft is down by a bit over half, and criminal damage is down by more like three-quarters. In that context, I think you have to see the total number of sentences and, within that, the number of community orders and suspended sentences.

The Chair: You will accept that a 33% decline is still quite a considerable decline. Could you pick up my last point about the extent to which government policy has fed into this in any shape or form?

Damian Hinds MP: What I mean is that if you were to measure the number of community orders and suspended sentences per 100 domestic burglaries, say, you would not see a decline. One has to see the particular type of sentence in the

context of the total volume of sentences, and total volume of sentences in the context of the total volume of crime.

By the way, I do not want to sound in any way defensive. I am genuinely trying to set this as context. I do want us to make sure that the full range of non-custodial sentences is available, known about, understood, and as high-quality as can be delivered. For a number of reasons which the committee will have discussed, where possible it is often preferable not to have somebody going into a short custodial sentence and, instead, to have something that is suitably punitive but also rehabilitative that can keep someone close to the job market, closer to home, and so on.

The Chair: Suspended custodial sentences are obviously not the same as community sentences; they are more severe. So that still suggests that sentences are getting more severe.

Damian Hinds MP: It depends how you behave during the period of that sentence suspension.

Lord Blunkett: It is a very interesting prognosis that you are putting forward. If you are correct about the ratio, the proportionality, we would not have massively overcrowded prisons, because the custodial sentences would also have gone down.

Damian Hinds MP: Obviously, these are very important topics, and you will appreciate that, in my working life at present, prison capacity and the number of people in prison are a very prevalent subject. I am not sure that what you just said is a total sequitur, because there is a change in the crime mix. The number of people in prison today is not that much greater than it was in, say, 2010. You will be aware that we have closed some of the worst, most overcrowded prisons and we have been trying to build new prisons in their place. Average sentences are longer, and there are more people on recall. There are other reasons that drive the prison population numbers, as you will appreciate.

Q119 **The Chair:** We may well come back to these issues. For now, can we move to community sentences, which you mentioned. One piece of evidence that we heard loud and clear was that demand for mental health, alcohol and drug addiction treatment exceeds the availability of such treatment. In other words, one of the problems for magistrates is that they would like to ask for these things to come into play but they are not available in their area. Who within government is making the case for greater availability of treatment for people on community sentences, and what is the Ministry of Justice's role in that?

Damian Hinds MP: I work very closely with my fellow Ministers Chris Philp, the Policing Minister at the Home Office, and Neil O'Brien, at the Department of Health and Social Care, on drugs, and with Maria Caulfield on mental health issues. I genuinely think we have a joined-up approach.

In crunchier terms, if you like, the Government made a commitment in the 10-year drugs strategy paper *From Harm to Hope* to making sure that there is a treatment

place for every offender with an addiction and that there is money behind that. DHSC is spending considerable sums of money, including on dedicated criminal justice sector-focused staff. We at the MoJ and HMPPS have been appointing health and justice partnership co-ordinators on the mental health side.

This is DHSC's lead, but we are rolling out primary care mental health treatment requirements through the courts system. Secondary care mental health treatment requirements already exist throughout the system, but we are growing the number of primary care requirements. Over the last couple of years, there have been encouraging signs in the figures for the numbers of these orders and requirements being given out. For the avoidance of doubt, I would like to see considerably more drug rehabilitation requirements.

We know, and your committee will have heard in your sessions, how much drug addiction is the fuel, the driver, behind acquisitive crime and all manner of other crimes that come off the back of it and which drag young people and children into criminality as well. Tackling drugs is a multi-faceted, multi-stage thing, but this opportunity at the point of sentencing to get people into a rehabilitation requirement is crucial. It is not the topic for today, but things like liaison and diversion and, critically, continuity of care for people coming out of prison to ensure that they are getting into their community, getting treatment and getting their script quickly, are also part of that great effort.

The Chair: I hear what you say about all these schemes that are in progress. However, the evidence that we have heard from around the country is that there simply is not enough of this sort of treatment available. As the Minister, do you go out and talk to people? What are your sources of information?

Damian Hinds MP: I do, and it is all of the above. I always say that you learn more on the one day that you are out of the office than on the four days in the week that you are in it, and sometimes it is unexpected things. You are right that availability is the first thing, and the confidence to know that what you think will happen as the sentencer will happen. We need to make sure that we have monitoring and compliance mechanisms in place. On the drugs side, we are now doing more of that in-house. That feeds into confidence. If you are putting someone on a drug rehabilitation requirement, you have to know if it is not followed through and that there will be some consequence.

I am not arguing with anything that you are saying. I think we are in great agreement. There is more opportunity to do more, and I want to ensure that we do it. The motivation from the Department of Health and the Home Office is absolutely there, too.

Q120 Baroness Meacher: My question follows on naturally from this discussion. You will know, Minister, that the cost of re-offending is estimated at £18.1 billion. That is a huge underestimate, because it only covers offences committed within the first year and costs to the criminal justice system, when in fact it is much wider than that. Re-offending is a massive issue. The evidence on the efficacy of community sentences

is quite confused in general terms, because community sentences, as you have been saying very clearly, can be very different things, and the crucial issues are, as you have indicated, that people with mental health problems should receive mental health treatment and people with addictions should receive addiction treatment.

The West Midlands has done a bit of research on this which shows that if someone with a mental health problem receives treatment, they have a 37% lower re-offending rate, and people with addictions who receive addiction treatment have a 55% lower re-offending rate. Those figures are colossal. If, as you say, the availability of mental health services and addiction services was solid throughout the country, so that offenders who needed these treatments got them and they were of quality, the savings would be difficult to imagine—billions of pounds.

What do you feel that you can do as a Minister to promote much better availability of these treatments to ensure that probation officers who want to refer someone to one of these treatments can do so with confidence?

Damian Hinds MP: I agree. We are in the business of stopping re-offending. In the criminal justice system, that is what you can have the most impact on. There are other things as well, of course, but fundamentally for our society, for the future of our country, that is what the criminal justice system should contribute.

We are constantly trying to improve the way we do that. That includes what happens when people are incarcerated and when they are released. It includes trying to make sure that when people are released from prison they can get a job, can get their script, can have somewhere to live, can access the benefits system quickly, and so on. Also, it involves out-of-prison programmes, which are very important.

It is important to say early on that we are in the business of making available very good, high-quality options. We do not sentence people. People are sentenced by judges, who are independent and must have the range of options to be able to choose what is right for that individual. You need custodial options. When the same guy is in front of you for the 20th time, for the 200th offence, where do you go? You need those options, even for low-level offences.

However, I quite agree with you about ensuring that we have wide availability and knowledge. The second point is just as important. We have drug rehabilitation treatments and programmes available across the country. We have enhanced testing now. The health service is rolling out the availability of primary mental health treatments across the country, and we need to make sure that it is as high-quality as it can be, that it is known about, and so on.

Baroness Meacher: Thank you very much for all of that. Going a little step further, if the Government could ensure that these treatments for mental health and addiction were readily available, would you agree that the vast majority of short-term prison sentences ought to be avoided and that people should be referred to complex, in-depth community sentences that would get underneath the causes of crime and, as you say, deal with this massive problem of re-offending? There is the

intergenerational problem of parents going off to prison and it is not just they who suffer but their kids, who are then more likely to end up in trouble, and so on.

Damian Hinds MP: The academic evidence is clear that there are, in many cases, advantages to helping people not to be incarcerated where there is a good alternative.

Baroness Meacher: Absolutely. That is the key.

Damian Hinds MP: However, those options must be available. Deciding whether an individual should go on a short custodial sentence or not is not my part of the constitution. I am in the bit that needs to ensure that the good options are available. Also, when people go into prison, as some must, even for short sentences, we must have a good rehabilitative approach, good drug treatments and drug desistance programmes for those individuals.

The Chair: Clearly, the options that you are talking about are quite expensive in the short term. Are you able, as a former Treasury Minister, to use that expertise in your current position to get the Treasury to release more funding? A lot of these very good schemes cost money up front, which may be a problem.

Damian Hinds MP: They do, but our colleagues in the Treasury have found the money to fund them. As you will know, the Treasury does not need persuasion about the desirability of higher value. I mean that in the broadest sense, because value is not just about cost; it is also about return and some of the things that Baroness Meacher was talking about regarding the cost of re-offending. The Treasury has been finding the funds for that. Ultimately, we must ensure that the high-quality options are available and that we are fully pursuing every avenue.

Q121 Lord Blunkett: Minister, I am very glad you have reminded us all that Ministers are not responsible for sentencing. However, it brings back my recall, from all those years ago, that sometimes sentencers actually use one option inappropriately or too often. You know which one I am referring to, because we have talked about IPPs on many occasions.

You were also—some would say too briefly—Education Secretary. I wonder how we could educate those who are sentencing, particularly at the level we are talking about with magistrates, to be able to understand the options that are being trialled and put into place by Probation and police, some of which are promoted by your own ministry. How can we spread that best practice? How can we get the information to them, so that the better options within community sentencing, and the true costs and beneficial outcomes, can be understood?

Damian Hinds MP: Thank you. I think that they are pretty well understood through the judiciary, but it is also really important to keep that knowledge refreshed and to make information available. We have a resource. I do not have the notes in front of me, but I think it is called the judicial charter. Someone behind me will possibly correct me on the name of that. At a national level, that covers what the judiciary

should be able to expect, and what is made available from the Probation Service and more generally from the Ministry of Justice.

It is also important to engage at a regional and more local level. Things like criminal justice boards are ways of making sure that people locally, police and crime commissioners, Probation, police and the courts are able to communicate and fully understand the range of what is available.

There are also shadowing opportunities, which can be useful, and general informational opportunities that are put forward for the judiciary.

Lord Blunkett: This is clearly not adversarial in any way, so we are all on the same page. I think the kind of things you are talking about could be embedded much more effectively. Could you give us at least an indication, after today's session, that you will look at how that process of good communication and spreading best practice could be embedded much more effectively?

Damian Hinds MP: I absolutely take on board what you say. You do not have to persuade me. In fact, I am keen to ensure this. We have to be careful about what we mean by communicating, persuading and spreading best practice, because it is not for us to try to nudge what a magistrate may wish to do in any particular direction. But we can make sure that we have fully explained, made known what we have, and made it available in the clearest possible terms. I agree entirely with what you say, and I will take that away.

Lord Blunkett: It reminds me that there was a statistic, which I do not have to hand, that showed that if practice were not necessarily the same, but more evenly spread, there would be quite a dramatic change in the way in which we saw prison places being taken up.

Lord Beith: However knowledgeable the magistrate or the Crown Court judge is about what might be available, there is one fundamental feature to all this, and it goes back to commissioning. The magistrate or judge, if considering a custodial sentence, knows perfectly well that if a custodial sentence is passed, a van will arrive that will take the offender to a prison.

For all the other options, questions must be asked: is this available? Is it the right format? The commissioning systems are completely different. You are responsible for making sure that there is a prison place for anybody they sentence. Nobody is responsible for making sure that there is rehabilitative or non-custodial sentence provision available for every case. How do you answer that?

Damian Hinds MP: I think I am responsible for that, actually. For all the reasons we have said, if the right thing for them to do in any individual case is, say, to give a drug rehabilitation requirement, some unpaid work that is properly punitive and does something positive in their local community, and rehabilitative requirements on top that keep them closer to home, family, children, work and all those things, that is a good thing for that individual, but also for our society, not least in the

potential effect on re-offending. So I do think it is my responsibility to make sure those things are available.

At a more direct local level, that is what my Probation colleagues are doing: they are engaged in making sure that the availability of these things is communicated. Some of those things are actually administered by the Probation Service. Others are administered by the NHS and some by commissioned rehabilitative services. Absolutely, we need to make sure that they are available as and when needed.

Lord Beith: We will get on to the details of that in a subsequent question, but you need to bear in mind that there is a fundamental difference between the confidence you can have that a prison place will be made available somehow, and the confidence you might not have that the necessary package can be put together for that offender.

Damian Hinds MP: I do take what you say on board. You are right that logically there is a difference. We need to be in a place where anybody who is putting forward a sentence has that confidence. That is partly a communications effort, and it is also partly about practicality. I think a lot of it is about human relationships. The more people can know each other at a local level and be in direct communication, the better, generally speaking, for the operation of all these systems.

Q122 Lord McInnes of Kilwinning: I want to ask about problem-solving courts. I think it is quite clear from what we have already said that we are interested in a holistic and multi-agency approach to support offenders and avoid re-offending. When the Government announced the courts in 2020, they were referred to as problem-solving courts, and then at launch earlier this year they were referred to as intensive supervision courts. First, why the name change, and what drove that in the department? Secondly, how will the efficacy of the problem-solving courts be evaluated beyond the number of offenders who go through the process, and looking at long-term outputs?

Damian Hinds MP: Supervision courts have been operational for the last couple of months in three locations. Teesside and Liverpool focused on drugs offences, and Birmingham focused on female offenders. You are quite right that when we originally talked about this we used the term problem-solving courts, which, as committee members will know, is a term that is used in different places around the world, in different academic studies and so on.

It was my decision to change the name to supervision courts, which more properly reflects what they do. It is more obvious to the lay reader, if you like, what the name actually means. It does not mean that they do not seek to solve problems, but that they also involve intensive supervision. It is not a soft option. It is about getting to the bottom of things. You have to come along with it and show a willingness to engage. If you do and you take on these requirements, which are not a soft thing, there is a good prospect at the end of it.

How will they be evaluated? We will have a series of different evaluations. First, there is an operational effectiveness or do-ability evaluation: how things worked in practice. Then there is the progress of individuals, and what the individual outcomes were in drug testing, attendance at review hearings, and so on. Then there is the societal impact in reducing re-offending, and on health and well-being.

The fourth component is value for money. That is the other side of the word “intensive”; these are quite big commitments, financially as well. However, at the relatively early stages of these pilots, I am very excited about them. There is a great deal to learn. I visited the ISC in Teesside. We must see how things develop, but I am encouraged and excited.

Lord McInnes of Kilwinning: As we have discussed in committee, nomenclature is very important, because these holistic approaches need to be seen as not a soft touch. Was that name change the result of thinking about public perception and victim perception?

Damian Hinds MP: I am conscious that around this table there are distinguished former senior Ministers who have dealt with incredibly difficult issues. Public confidence is very important when you are dealing with criminality. However, the prime motivation behind this terminology was to explain what it is. When I came into this job, new to the sector, it was not totally apparent to me what “problem-solving court” meant. You like to think that all our courts are there at some level to solve a problem, but what did this mean? I felt that this was a more accurate and telling description.

Lord McInnes of Kilwinning: That is very helpful, thank you.

The Chair: We now turn to something that is extremely topical: the Probation Service.

Q123 Baroness Chakrabarti: Thank you, Minister, for being here and for your approach to the questions so far. You will know that the outgoing Chief Inspector of Probation has raised concerns about a struggling Probation Service and the relatively small number of probationary delivery units that are passed as good, et cetera. It is in the nature of a valedictory report to say that we must take a longer look at the Probation Service. He suggests, among other things, a review of whether the unification has worked or whether, structurally, the service should return to being more locally run.

Underneath that, as someone who has looked at these issues for a long time, there was a move some decades ago—you, of course, are not responsible for that, having been in post for just under a year—from an ethos of “advise, assist and befriend”, to describe the duty of a probation officer and their relationship with their charge, to “assess, protect and change”. That may be semantics, or it may be indicative of an attempt to toughen the rhetoric and even fundamentally change the relationship.

You have spoken eloquently about the need to respect independent sentences, but, equally, politicians make the weather. It is not just the economic weather and

allocation of resources for these community orders. The public mood is not just reflected but often led by politicians. What can be done to ensure that the human relationship between the professional probation officer and the offender in the community is maintained while achieving the public confidence and sentencer's confidence in these sentences that you have talked about?

Damian Hinds MP: Will you indulge me as I pay two tributes? The first is to Justin Russell, the Chief Inspector of Probation, whom you mentioned. He has given long service in this sector. I am very grateful to him, also for his personal advice to me. He will shortly be moving to the DfE.

My bigger tribute is to those who work in Probation. Few people know what probation is about. It is work that is fundamental to our society—assessing people's risk and trying to help them to get on to a steady path. Probation officers do an amazing job day in, day out, largely unseen by others.

I have read Justin Russell's report and take these things extremely seriously. A lot, although not all, of what he has written about comes back to staffing numbers. We have had some difficult years because of the tightness of the labour market and other factors. We have also, in the last two or three years, been recruiting heavily in prisons and Probation. We have significantly increased numbers in the Probation Service now, which will help to bring caseloads down. A lot of those new individuals are Probation Service officers or trainees who will come through. The Government have put £155 million of extra funding annually into the Probation Service.

On the question of ethos and the two phrases that you mentioned, I do not see them as being in conflict. The outcome that Probation is trying to achieve is "assess, protect and change". Probation officers are doing a job on behalf of our whole society. Ultimately, they are trying to work out the risk that is attached to individuals and to work with them to reduce it, for the protection of us all. That is what they are there for, that is what they do, but how do they do that? They do it by working with that individual. That is where the "advise, assist and befriend" comes in. There are studies that illustrate that forming strong, trusting relationships is crucial to achieving those aims.

Also, you must ensure that there is compliance, that people are coming to their face-to-face, that if there is a drug testing requirement they are testing negative, and so on.

Baroness Chakrabarti: I guess I am trying to give you the opportunity, with everyone watching and reporting this session, to set out your commitment and belief in the possibility of this work and these sentences. We are possibly within a year of a general election. There will be lots of tough talk from everybody. Often, that tough talk is focused on incarceration, which we all accept has a place in the scheme. This is the opportunity for the Minister to commit to this service and these professionals, and the possible value of this work.

Damian Hinds MP: I hope I have managed to convey a sense of my commitment to high-quality community sentences and non-custodial alternatives and to ensuring that, as you say, both are available. Of course, probation officers deal with both groups of people; they deal with people who are on community sentences but also with those who are leaving prison on licence. They must make what are sometimes very difficult judgments about recall. This is all vital work. As I said to you a moment ago, it is unique work. I wish there were ways for more people to really understand the contribution that our Probation Service makes.

Lord Beith: You have given quite an encouraging and inspiring view of what a probation officer can do. Obviously, that is necessary to attract people into the profession. We had one witness who said that it had become a desiccated administrative job. Many in the profession feel that it is now all about administration and not about building relationships with individual offenders and achieving the changes that we have talked about. How do you deal with that?

Damian Hinds MP: Obviously, that is sad to hear from the witness. I do not want that to be how it seems to them or to anyone else. I want to ensure that caseloads are manageable. That is part of it. The busier each probation delivery unit is, the more you err perhaps towards something along the lines of what you are saying.

However, I meet a lot of probation officers, senior probation officers and other people throughout the sector who are incredibly dedicated and motivated by what they do. I am pleased to say that, to use a terrible techy term, our erosion or attrition rate of staffing has come down. I regard that as one of the most important indicators that we have of staff turnover. That comes back to ethos that Baroness Chakrabarti was talking about.

We also have the One HMPPS programme, which may come up, with the Prison Service and the Probation Service working more closely together organisationally. Some people are concerned about that, because it is a change from what has happened in the past, but clearly there is a big opportunity there. Probation officers already work in prisons, and there has always been close working, but this brings them together at an organisational level. There are also career development opportunities with the possibility of more moving between services. I hope this also means that within the broader criminal justice family we can retain more people.

The Chair: Can I pin you down a bit? As we heard when we were taking evidence, caseloads are very high among Probation offices. You alluded to the difficulties of recruitment, which we are all aware of. Do you have a recruitment target for 2023-24? We were trying to get to one but did not hear about it.

Damian Hinds MP: We have had very punchy recruitment targets for the last three years of 1,500, 1,500 and 1,000—a total of 4,000 over three years. From memory, I think we have hired 4,039, so it was a little over the target. That was in a very difficult labour market. A lot of those new recruits are now what we call PQiPs, doing their probation officer training. The single most important thing over the next few years will be them developing and becoming full probation officers.

We have also had increases in the total number of senior probation officers of about 19% over the last couple of years. The net change in total staff over the last couple of years has been an additional 2,600. Therefore, we have grown. This has been backed by substantial government spending.

The Chair: You spoke earlier about valuing local people and things that happen at a local level. In a Probation Service context, would you support some devolution of power and finances to regional probation officers to empower them a little? One problem with the Probation Service is that it is quite demoralised. Is there any way in which one could energise it by devolving anything?

Damian Hinds MP: I am by nature a devolutionist, although not in one sense.

Baroness Chakrabarti: That is the soundbite, is it not?

Damian Hinds MP: I am a devolutionist in the sense of people being empowered in their local area, and sometimes in their wider area, with the things they know best. When you can make personal relationships and be a bit nimbler, a bit quicker, in what you do, and have more flexibility in the arrangements that you make—the contracts and so on—all other things being equal, I like that. It is a good way. Lord Blunkett was a great proponent of this in the education system. We have always valued the power of the individual head teacher to make good decisions for the school. It has been a great boon in our education system.

Coming back to Probation, there has been some organisational change over the last few years. We must ensure that as that settles we take the best of both worlds. Some things are better centralised and some are better devolved. We must ensure that we get that blend right.

The Chair: I notice that from an ex-Treasury Minister there was no question of finance being devolved.

Damian Hinds MP: Well, we do devolve some finance, and it is correct to do so. However, it is important not only for the Treasury but managerially in general to have central oversight.

Baroness Meacher: It is very good that we all seem to be on the same page. You talked about the additional £155 million of funding, which is wonderful. We have also talked quite a lot about the complexity of the job of the probation officer, the importance of people with addictions and mental health problems going on these treatment programmes, and so on. As you will know, it is tricky sometimes to get people to go on to those sorts of treatments. The job of the probation officer is key, as is the relationship that they build.

Do you think that the £155 million extra funding is adequate to achieve the staffing levels and quality of probation officers needed to achieve the massive reduction in re-offending that we have talked about, which is there to be achieved and can be as long as the service does what we all know that it needs to do?

Damian Hinds MP: There is always an argument in any department for spending more money. I am a spending department Minister, so I will never give up on making the case for more. However, a lot of money has been put in. As money has gone into drug testing and drug treatment and so on, we must make it work as best it can. These things are never only about how much money you spend. We have hired a lot of trainee probation officers. Over the next couple of years, the single most important thing in the Probation Service is the large number of people who are coming through and qualifying.

I am always open-minded on what more we can do and whether there is a value creative case. In many parts of the criminal justice system there is a case to be made because of the great cost of re-offending—the financial cost, but also the terrible human cost. I remain open-minded.

Baroness Shackleton of Belgravia: Thank you for being here, Minister. If you are brave, have you thought about rebranding the words “Probation Service”—

Damian Hinds MP: I am worried about the word “brave”—no, just joking.

Q124 **Baroness Shackleton of Belgravia:** You took away the “problem-solving” courts and put in what, in your view—I think we share it—is a more accurate description of what those courts do. Probation means “watching over”.

I have just written down the things that you mentioned these people do: assess, advise, assist, befriend. That is very far from just watching over people. I am asking this question, because if it was re-branded to something that was not just watching over criminals or potential criminals, other people might be sucked in to wanting to qualify, because it does not have the stigma of being just some adjunct to the Prison Service, and volunteers could contribute.

Lord Beith is right: we heard that it was an administrative nightmare. But we also heard first-hand evidence of the difference made by a good probation officer—somebody who would mentor back into society somebody whom nobody had ever believed in. That does not need to be a qualified probation officer. At a lower level, the justice system—the magistrates—is run on an almost voluntary basis. People from the community serve as judges, and there are people who would be willing to help: the Samaritans, for example, who answer the telephone to people in need. If that were to be opened up to people who have both the time and the inclination to help society, would it not help to contribute to the £155 million that you have to plug it with people who want to do this for the right reason?

Damian Hinds MP: Gosh. There is a great deal in what you say. Probation does have a dictionary definition, as every word ultimately does. However, people who work in the Probation Service are proud to work in the Probation Service. They know the breadth of what that word means to them in their profession and working lives, and in the family they are working with. Of course, it has a hard edge to it as well. Probation officers need to make decisions about risk; they need to make decisions sometimes about recalling someone and sending them back to prison.

However, as you rightly say, Probation also has a supportive role. Words matter, and I think calling the Probation Service the Probation Service is part of the ethos of the Probation Service. Sometimes if one changes these things, you might get unintended consequences.

Your other point, about volunteers and what good work they can do also stands very strongly. There are quite a lot of voluntary organisations that work with the criminal justice system in different parts. You mentioned the Samaritans, who do important and good work in prisons using volunteer mentors called the Samaritans listeners, who work inside prisons. Also, much more broadly, there is a whole range of voluntary and community sector and charity organisations, sometimes with different specialities, that work with offenders, ex-offenders and people on probation.

The Probation Service itself also directly engages peer mentors, particularly people who have had lived experience, having been through aspects of the criminal justice system. I met a few when I was in Hertfordshire, at the East of England region Probation Service a few months ago. I met peer mentors who were working with the Probation Service on what they call the Meet at the Gate programme. These are people who have been in prison. Two of them will go to the prison gate to meet the guy when he comes out and will walk or get the bus with him to the jobcentre, the NHS clinic and so on. It seems to be a very successful programme. What makes it come alive is that these are people who can say, "I've been in those shoes. I've been on that pavement. I know what you need to do, and I know what you've been through". In Birmingham, with the West Midlands Probation Service, I met other peer mentors who are working with individuals who were on tag and going through a probationary period.

So, yes, there definitely is a role, and there can definitely be more, both directly with the Probation Service but also indirectly, and probably at a much bigger volume, through charities, church organisations, community groups and so on.

Q125 Baroness Sanderson of Welton: We have heard a lot about the difficulties and pressures on the Probation Service, some of which will hopefully be ameliorated by the recruitment drive. The one thing we have heard again and again is that youth justice services are the bit of the system that seems to have got it right and is working. Is there anything to be learned from that that can cross over? There are different parts to this; caseloads are obviously different, but they are not necessarily comparable in that sense. You talked about relationships. One of the things we learned was that youth offending services are very networked into services. Is there something about the way they operate?

We were also told about the pilot in Newham, which I think is due to finish this year, which was looking at the 18 to 25 years' cohort, because another possibility that was raised with us was taking that cohort out and putting it into services. We are in the third year of that pilot. Is there anything about it or other lessons to be learned that can be transferred over to improve Probation?

Damian Hinds MP: There definitely are lessons to be learned, because there always are. I always say that there is no practical limit to what different organisations, bits of an organisation, and jurisdictions in other countries can all learn from each other, sometimes just from talking about it.

You are right that the context for YOTs—youth offending teams—is different from Probation, certainly in the numbers of people they deal with. This committee will know, but it is not that well known a fact, that the number of under-18s being incarcerated has gone down a lot in the last 10 or dozen years. The numbers coming into the system, what we call first-time entrants, are also down a lot. Probation and YOTs are very closely intertwined. In fact, probation officers are seconded into YOTs, and kids—under-18s—will transition into adult probation in many cases. That transition time itself, as in so many other things with mental health services and education—you name it—is a very sensitive and pivotal time, so working closely together is really important.

More broadly on young adults, obviously in the public sector and the way legislation is written and so on, there is a watershed moment that happens on your 18th birthday. That is not how human beings are, is it? It is now pretty broadly recognised in the academic community—probably you cannot be quite this precise, but this is the general picture—young people’s brains are not fully developed until they are 25. If you think about your own extended families and people living at home and so on, there is a more general acceptance of that.

The Newham project, which I saw a couple of months ago and which I think was called Transitions to Adulthood but is now called Youth to Adult, is an embodiment of that recognition, so it is a different approach. I do not know whether the committee has seen that on one of its visits. I can recommend it. It has a different feel from a regular probation office. There is a big focus on employment.

Baroness Sanderson of Welton: It has specialists, too.

Damian Hinds MP: Absolutely. Partly because of my education background, I was particularly interested in the use of speech and language therapy. That is provided by the National Health Service. It is probably not what my constituents or people you meet in the street would associate with a probation office. However, as with school, if you cannot read, you cannot access anything on the curriculum, so in some of these difficult and challenging situations, it is a real impediment to anything that might follow if you cannot express yourself.

I do not want to pre-empt or pre-judge the evaluation of that programme, but I am excited by and interested in those kinds of developments.

Baroness Sanderson of Welton: The numbers are different but, with youth offending services, are they better simply because the numbers are smaller and so you can do more? What could be transferable to the larger, broader picture of probation services?

Damian Hinds MP: I do not want to say that it necessarily is better.

Baroness Sanderson of Welton: It is only because we have been told this.

Damian Hinds MP: It is different. It is doing different things. We need to do more on dealing with youth offending as well as with adult offending. It is all related to what I was just saying about 18 to 25 year-olds and understanding brain development and some of the things that just come with getting older, such as consequential thinking, a phrase you hear a lot around the criminal justice system. Being impetuous is the opposite of it. It is very connected with learning to control emotions, temper and so on, but then there are things like the importance of relationships and understanding one's place in society.

We now have a maturity screening tool in the service. This helps us to think in a more structured way about the individual and where they are in their own developmental journey, so that I can better understand what they have done but more so that I can understand what interventions and programmes I can put this individual into to help in dealing with those issues and making that individual less likely to commit a crime.

Baroness Sanderson of Welton: There was the recognition, which you are talking about, of 18 to 25s and their importance. It was suggested that perhaps that should be carved out as a cohort and put over. Some people thought that was a great idea; others said that it was way too complicated. Will it be looked at, as you recognise lessening this cliff edge for this cohort?

Damian Hinds MP: You can always have a debate about that. I suspect that Justin Russell was one of those who mentioned this.

Baroness Sanderson of Welton: Yes.

Damian Hinds MP: There is quite a disparity in caseloads between the two. That is something that one looks at. On the other hand, there is something unique about dealing with children. In an organisational sense, YOTs are attached to local authorities and have very strong and important relationships with children's services, education and so on.

The opportunity is there for us all to learn from each other. Understanding maturity development and some of these bespoke approaches might not always be in a dedicated, separate 18 to 25 unit. You want to mainstream as much of this approach as possible.

The Chair: You talked about difference. Effectiveness comes in here. On that theme, we move to Lord Beith.

Q126 **Lord Beith:** We had some interesting evidence about the Republic of Ireland and its system of integrated community sentences. That seemed to address the problem, to which you have already referred, of persistent prolific low-level offenders. These offenders often prefer a short custodial sentence to having their lives encumbered

with a community sentence for a year or more, with all the responsibilities that this is supposed to place on them.

The point about the integrated community sentence is that it has built-in incentives that take the form of shortening the sentence if you comply. There is a certain incentive for compliance. Have you had the department look at this, or would you like to look at it, to see whether there is anything that might be useful for us?

Damian Hinds MP: We have had a look. We talked a moment ago about things that we could learn from each other. When I was Employment Minister, whenever you talked to Labour Ministers, as they were called then, from a similar country—a European country, the United States or wherever—within the first five minutes you would discover that the problems you thought you were uniquely dealing with were all around the world. That was particularly the case with the Republic of Ireland and the benefits system, incentives and the labour market. We should not be too surprised that the basic issues were exactly the same. In this case, what the Republic of Ireland is seeking to do is very similar to what we are seeking to do. Although they happened by slightly different routes, both jurisdictions have ended up with something quite similar.

We have the single community order or suspended sentence order to which you can add many different features. Unpaid work is one of them, but there are also treatment requirements and many other requirements—14 different things altogether—which, listed, would make a very good annexe to your report, as they are quite broad.

A feature which I think Lord Beith drew attention to in the Irish programme and that is not so well known in ours is the ability to bring employability and job training into unpaid work. This effectively does the same thing as the Irish reduction in the unpaid work requirement. In our system, you can take a proportion of your unpaid work hours and use them for self-development, for getting closer to the job market and to getting a job. I hope that makes sense. I see some quizzical looks around the table. I may not have illustrated that in the best way.

Lord Beith: No, it is a good illustration of some of the advantages that you have found. However, the incentive for compliance within community sentences was the key feature that we noticed in the Irish example. That specifically tries to build in an incentive for compliance, which takes the form of shortening the community sentence but may not be the only way of doing it. It has been recognised on a number of occasions that there is insufficient incentive for compliance for some of these offenders.

Damian Hinds MP: I am certainly open-minded and will look at it again. I will check that I am properly appraised of it, but my understanding was that the incentive was at least partly about reducing the unpaid work requirement by doing other things, which we have a version of in our system. I see Baroness Meacher looking at me very sternly, so I promise to investigate properly.

Baroness Meacher: One thing that we were very impressed with in Northern Ireland was that this incentive was very much associated with the willingness of people with mental health and addiction problems to complete their treatment very specifically because of the importance of those treatments in massively reducing offending. I do not think you are quite there yet, but I may be wrong.

Damian Hinds MP: That is absolutely a fair challenge, and I am open-minded. I agree that there is a great value in ensuring that people complete those courses. I will look again, as you suggest.

Baroness Shackleton of Belgravia: There is one little lacuna that we discovered when you reach the mythical age of 18—well, it is not mythical, but an actual age—and your comment that you do not become mature until you are 25—

Baroness Sanderson: At least.

Baroness Shackleton of Belgravia: I do not know what Pitt, who was a Prime Minister at 21, would have thought of that, but never mind; it is as it is. It seemed that they dropped off the system when they were 18 and there was a lacuna where they were neither fish nor fowl, neither child nor adult, and there could be a gap. Could you check that there is not such a gap, because obviously if you are mid-treatment and drop off, it is counterintuitive for getting cured?

Damian Hinds MP: Yes, I will look at that. We are talking about the British system now, not the Irish system. Is that correct?

Baroness Shackleton of Belgravia: Yes, we are talking about our system.

Damian Hinds MP: It is a well-known issue, and it has been for a long time, for things like mental health services between CAMHS and adult services and between children's and adults' social care. We have addressed it somewhat with care leavers, because there is now the expectation of some continuity up to the age of 25. But I absolutely agree that these are recognised and long-standing issues that we need to grapple with.

Q127 **Baroness Chakrabarti:** We have learned that a significant proportion of the contracts for commissioned rehabilitation services will expire either next spring or the spring after that. I am saying nothing about electoral cycles and so on, because we are hoping to influence whoever is responsible. What lessons have been learned in the department about the commissioning process? Indeed, what lessons have you learned from commissioning elsewhere in your governmental career? What are your and the department's priorities for the new commissioning process, which is probably being planned at the moment?

Damian Hinds MP: There is always a bit of a tension, or a balance, depending on which way you want to put it, between big government procurements, on the one hand, and direct grant giving—usually smaller, more localised relationships—on the other. You end up needing both. That is the truth; there is not one right and one wrong. I think anybody who has been a government Minister will say that they wish

that commissioning was quicker, but you are subject to procurement rules, legal risk, and due diligence. That all ends up taking quite a lot of time. The risk is that sometimes it can restrict the number of bidders, which is to be avoided. It is for all these reasons that you need balance. Yes, some things can be done only by a big procurement, but it is also really important that there is the facility to do the nimbler, quicker, sometimes smaller things.

Baroness Chakrabarti: That sounds like general good procurement principles that you would apply in any department. Do you have specific priorities in relation to rehabilitative services in the new commissioning round?

Damian Hinds MP: I would extend that principle to this. We have that mix now. In commissioning rehabilitative services, we have some big suppliers of big contracts, and a lot of voluntary and community sector organisations that we work with.

Specifically in Probation, we have come out of the period, from 2014 onwards, when we had the Transforming Rehabilitation programme, and in the last couple of years we have had what people often call re-unification but what was actually unification—I give Baroness Chakrabarti credit for saying this—because it was never a single service before; it was individual probation trusts. We now have a national but locally organised and delivered service. I want to make sure that we capture and retain the best of what happened in the Transforming Rehabilitation period.

There were problems with the CRCs, but community rehabilitation organisations were able to do some things—relationships with local organisations, and innovations that had not been done before, some of which we have retained. I want to make sure that we carry on retaining those innovations, but also that we can have new innovations, because innovations become not-innovations quite quickly. That is the balance we need to strike.

I may sound imprecise. I am not trying to be, because it is a matter of having these principles in mind. We are not going to not do commissioned rehabilitation. There is now a probation grant programme, and we need to make sure, as we execute it, that we get that balance as right as we can.

Q128 Baroness Shackleton of Belgravia: We have heard from the current contract holders. They want their contracts extended, they want long contracts, and they want the payment to be based on outcomes. Quite how one would measure that is slightly mysterious, but that is what they want, along with direct access to some of the probations database. Will you seriously consider this request, rather than just consider it and say no?

Damian Hinds MP: We will—I personally will—seriously consider those points. The length of contracts is another thing where there is a balance to be struck. In an ideal world, you would probably always want to have rolling contracts, so that the organisation can always have some certainty about hiring staff, retaining them and all the rest of it, so that you are not ultimately bound to something for ever. But that is not the way we do public finance in this country. It never has been. That is

not an invention of the last few years; we have spending review periods, and that is how we organise things. But, again, there is a balance to be struck, not least for hiring staff. When you have good staff, you want to be able to tell them that they will still be doing this in X amount of time so that they do not just want to leave.

As for databases, I think I need to understand a little more. I will pay close attention to what your witnesses have said. I have read some of the material already. I think we either have already or are now improving some of the interfacing, but I want to make sure that I fully understand what the witnesses to the inquiry have said.

The toughest one of all is payment by outcomes. In an ideal world, that is what we would do. We would encourage lots of innovative and creative voluntary, community and other organisations into this arena to do really ambitious things with offenders and those on the cusp of offending in order to stop them committing crime, get them off drugs and so on. You can stimulate that by payment by results.

That is, of course, part of what the Transforming Rehabilitation programme was to do. Some colleagues around the table will remember the Peterborough payment by results pilot. There was also, I think, HMP Wakefield around the same time. These programmes were trying to mainstream some of that thought, but the leverage point was the CRC rather than the individual, separate, small companies or charities that they were working with. Again, to come back to what I was saying to Baroness Chakrabarti, I want to make sure that we retain some of that ethos, bearing in mind that it is really hard to do a full payment-by-results model.

Baroness Shackleton of Belgravia: Well, not a full one, but a bit like a banker who does not get paid fully by results—

Baroness Chakrabarti: Or at least on delivery rather than—

Baroness Shackleton of Belgravia: Some token recognition, if you get more people out of prison than the average, incentivises people to want to do the job and to do it well.

Damian Hinds MP: I totally agree. With me, you are pushing at an open door.

Baroness Shackleton of Belgravia: Terrific.

Damian Hinds MP: The more we can do this—

Baroness Shackleton of Belgravia: You cannot do better than that.

Damian Hinds MP: —the better.

Baroness Chakrabarti: While the door is open, Minister—

Damian Hinds MP: There is a draught.

Baroness Chakrabarti: I totally understand the balance to be struck in relation to proper good governance over public money, systems and process—we all have

concerns about that not being followed at other times in other departments—but there is also concern on the part of not-for-profit organisations, smaller organisations in particular, about the amount of input required and the bureaucratic aspects. So anything that can be done in the department not to ignore the process but to assist those sorts of organisations through the process—as I say, these organisations are not multinational corporations with big departments that can invest time in the paperwork but are genuinely publicly spirited not-for-profits—would probably be welcome in those quarters.

Damian Hinds MP: I agree.

Q129 The Chair: We are clearly coming towards the end of the session. We are enormously grateful to you for being so open and answering all the questions as you have. While colleagues are perhaps thinking of final questions, I have a rather mundane question about IT systems, which I will ask because the Probation Service raised it with us.

We live in an age now of computers and IT systems. The Probation Service, in some of the evidence we took, described them as flawed and said that there were big problems with them. I know this is not your direct responsibility and that it comes under the aegis of the Lord Chancellor, I believe, because the Lord Chancellor supervises the HM Courts and Tribunals Service, but could anything be done about IT systems?

Damian Hinds MP: Of course, there is the courts' IT system, and there are IT systems in the Probation Service. The two big ones are OASys, which is our risk-assessment tool, and nDelius, which is the case management tool. IT systems are really important for all of us. Here we are, as legislators, and we spend a lot of our working day in front of the Microsoft Outlook screen. That is true of pretty much all occupations these days; the systems that you interface with are a really important part of doing your job. So I am glad that you brought this up.

There is a programme of ongoing development. If I may, I will ask that we write to you with some detail about that development.

Q130 Baroness Meacher: We have talked so much about the importance of mental health treatment and addiction treatment, yet mental health treatment is under trusts; it is devolved all over the country. Do you have some sort of system for incentivising and putting pressure on mental health trusts to provide sufficient mental health services for offenders as well as drug addiction services? I used to be a chair of a mental health trust. We used to run addiction services. Whether we ran anything like enough I am not at all sure. How are you dealing with that? It is fundamentally important to the efficacy of the whole service.

Damian Hinds MP: Absolutely. The commissioning works as it does overall in the health service, which can be complex, but the system works. Specifically on mental health treatment, I alluded briefly to CAMHS earlier. Over the years, there has been much more provision of mental health services, but there has also been a huge growth in demand, which has been a strain. I remember my very first constituency

surgery as an MP in May 2010; the very first case was a CAMHS transition to adulthood case. These pressures are long standing.

On the mental health side and on the drug rehabilitation and desistance side—sometimes the two come together—I detect a real sense of ambition from within the National Health Service and the Department of Health, because if you can resolve some of those issues, so much else follows in its wake.

Q131 Lord Blunkett: Thank you very much for the session and for being so open. During our inquiry, I think we have all been amazed by the sparsity of data; the context and the analytical support needed to be able to make sense of it may be part of this. Would it be possible to write to us about whether there are substantial improvements now in the collection, collating and use of data—not least on the disparity across England and Wales, which we touched on very briefly—in what magistrates and district judges are actually doing, and what the consequences might be if we were able to get greater continuity?

Damian Hinds MP: I am very happy for us to write with some of that information. My general observation just for now is that the data has improved. Sometimes it is harder to get longer-time series data, but data availability is better than it was in the recent past. As my officials will confirm, I am a data-hungry—or, more specifically, a data analysis-hungry—Minister. I am a totally information-hungry Minister, because you can always learn more by delving into it. So I share your desire and, absolutely, we will write to the committee,

Baroness Meacher: Thank you so much. You have been wonderfully open, if I may say so.

The Chair: We hope that our report will come out later in the year, and we thank you for contributing.

Damian Hinds MP: Thank you for all the work that you have done on it, which will be very valuable. Thank you.