

Justice in meltdown

Unions are speaking up for justice argues Sharon Sukhram

The justice system is facing unprecedented reforms characterised by severe cuts and privatisation. These have been top-down with virtually no engagement with the workforce, nor with those who have experience of the system. The Ministry of Justice is facing £4 billion of cuts over this parliament, equivalent to a 23 per cent reduction in its budget in real terms (Ministry of Justice, 2012). In addition, unions estimate that up to 50,000 jobs could be lost across prisons, probation, policing and courts. We have serious concerns about these cuts combined with the marketisation process.

Our concerns about the government's reforms motivated unions to come together under the Speak Up for Justice campaign. The campaign calls for an integrated, publicly owned and accountable justice system that is properly staffed and funded. Reforms to the justice system should be designed and delivered in consultation with staff, unions, those who have experience of the services, and wider society. In view of the scope of the reforms, Speak Up for Justice covers probation, prisons, policing, courts and legal aid. The campaign is coordinated by the Trades Union Congress and involves unions that represent thousands of staff in the justice sector – the FDA, GMB, Napo, Public and Commercial Services Union (PCS), Prison Officers Association (POA), UNISON and Unite, who are already working in alliance with other justice reform campaigns.

The justice market is currently highly concentrated with just three companies (G4S, Serco and Sodexo) holding all private prison contracts, and only one company (Capita) holding the national contract for electronic tagging. This raises questions about the idea of competition driving innovation and efficiencies. Failings in private sector delivery of justice services are already well documented. *Corporate crime?*, a dossier on the failure of privatisation in the criminal justice system, for example, includes the G4S and Serco tagging scandal, where following investigation by the Serious Fraud Office (SFO), the companies agreed to repay nearly £200 million for overcharging the government (Howard League for Penal Reform, 2014). Serious incidents of prisoner mistreatment in Serco, Sodexo and G4S prisons have been cited, together with Capita being fined thousands of pounds for poor performance for its court interpreters' contract. Meanwhile, A4E prematurely ended its contract to provide education and training to prisoners in 2014, because of concerns about delivering the contract at a loss. We would suggest that the range of service failures and concerns cited in *Corporate Crime?*, and elsewhere point to systemic failures in the marketisation of justice

services.

Accountability and transparency, integral to the effective delivery of justice, are lacking in privatised public services. This is illustrated by the findings of the PwC audit of G4S and Serco, and the need for an SFO investigation. For Transforming Rehabilitation (TR), contractual negotiations with the 21 Community Rehabilitation Companies (CRCs) took place behind closed doors and the true cost of TR is unknown to the public. In addition, according to the National Audit Office (2013), for companies delivering public services it is difficult to understand the basis for the amount of tax contractors pay in the UK, and few companies publish sufficient information in their accounts to identify revenues and profits from public sector work.

Probation

The public interest case for splitting and privatising 70 per cent of probation services was never made. Since the split into the National Probation Service (NPS) and 21 CRCs in June 2014, the service has been described as 'in chaos' and staff have reported failings in case allocation, that IT tools for assessing risk are not functioning adequately, and that there are staffing gaps and tensions with local partners (Napo, 2014).

Despite the government stating that the voluntary sector is at the forefront of a new fight against reoffending, 11 of the 21 contract areas for the CRCs are to be led by large private multinationals, Sodexo and Interserve.

We have reservations about introducing the payment by results (PBR) model into probation, as the approach could distort incentives for providers. PBR may encourage providers to work with those who can most easily be prevented from offending, and discourage providers from working with those who have already offended or who are the most difficult offenders (Whitehead et al., 2014).

The Speak Up for Justice campaign is calling on the new government to review the contracts post general election.

Courts

The Crown Prosecution Service (CPS) has faced cuts of 26 per cent over the last four years which has resulted in some of the most experienced lawyers leaving the service. This comes on top of 130 court closures in England and Wales. According to those working in the service, these cuts and reforms are leading to delays in the preparation of cases and backlogs. We are concerned that the delivery of effective local justice is being affected by these reforms.

The government is also planning to privatise fine enforcement with the transfer of around 1,500 staff to a private company. The rationale is to bring in investment for IT systems. Yet promised investment will remove many of the barriers to effective in-house fine enforcement. According to PCS, privatising the service ignores the evidence which shows that the public sector consistently outperforms private debt collectors. At present, magistrates' courts subcontract a significant proportion of enforcement to private companies and around 85 per cent of this is returned because private bailiffs find it is not economical to recover, and it is then collected by HM Courts and Tribunals Service.

Speak Up for Justice is calling for the protection of access to local justice by ending court closures and cuts to the CPS. We are also challenging the outsourcing of services like fine enforcement, where the public sector has proven more effective than its private counterparts.

Legal aid

Speak Up for Justice is campaigning for a halt to legal aid cuts, a reversal to the cuts of £220 million per year, and reforms to ensure that access to legal aid is based on need. It is evident that reforms to legal aid are denying people access to justice; for example, there has been a 30 per cent rise in the number of people representing themselves in family courts (Swinburne and Johnston, 2014). Campaign supporters are already working closely with the Justice Alliance, and we plan to develop joint future work.

Prisons

The combination of prison overcrowding, closures, budget and staffing cuts, and high prisoner numbers is placing incredible strain on the prison system and the workforce.

In England and Wales, 15 prisons have already closed and a further five are marked for closure. This will inevitably exacerbate existing problems of overcrowding. According to the POA, the government's decision to increase the capacity of public sector prisons by 440 places undermines the commitment that prisons will be safe, secure and decent. These increases are set against a 30 per cent reduction in the number of prison officers in public sector prisons since 2010.

Controversially, the government's benchmarking approach will drive down public sector prison costs to around £15,500 per place to match those claimed by HMP Oakwood holding 1,600 offenders. During 2012/2013, G4S-run Oakwood and Serco-run Thameside were rated as two of the three worst performing prisons. As far back as 2003, the National Audit Office found that competitively priced bids for prison contracts are often priced too low, which can make meeting performance and contractual obligations difficult (Whitehead et al., 2014).

Although the privatisation of prisons seems to have abated for now, we are concerned about plans to privatise prison services, for example, resettlement. Supporting individuals who may have mental health

problems, or alcohol/drug addictions, requires specialist expertise, adequate funding and integration with a range of public services.

Speak up for Justice is calling for prisons and prison services to remain in the public sector, and for an independent review looking at overcrowding, closures and the impacts of privatisation on services and the workforce.

Policing

Government plans could result in the privatisation of police services. However, a Mass 1 survey in the West Midlands found that three in five respondents said they would be less likely to report a crime if their personal information was being accessed by a third party, and the same proportion stated they were not comfortable with private firms handling 999 calls, crime detection or investigations (Unite, 2012). Following campaigning by UNISON and Unite, West Midlands and Surrey police forces dropped plans to outsource police services, but concerns about future proposals have not gone away.

According to UNISON (2014), 9,000 police support volunteers have been recruited to replace the 15,000 police support staff jobs cut in the face of a 20 per cent reduction in the policing budget this parliament. Volunteers are carrying out over 100 different roles including administration, front counter and in relation to safer neighbourhoods. This is policing on the cheap.

The Speak Up for Justice campaign is calling for the protection of neighbourhood policing, investment in the police workforce, and a halt to police privatisation, pending an independent review of the performance of private contractors.

We are encouraging all those working in the justice sector and the wider public to join the Speak Up for Justice campaign. ■

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