

UK Justice Policy Review

Volume 2

6 May 2011 to 5 May 2012

by Richard Garside and Arianna Silvestri

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About the authors

Richard Garside is Director and Arianna Silvestri is Research and Policy Associate at the Centre for Crime and Justice Studies.

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Centre for Crime and Justice Studies
2 Langley Lane
Vauxhall
London
SW8 1GB
info@crimeandjustice.org.uk
www.crimeandjustice.org.uk

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All the data for figures in this *Review* is accessible via links in the online version of the report, available from the Centre for Crime and Justice Studies' website:
www.crimeandjustice.org.uk/uk-justice-policy-review

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Establishing contemporary criminal justice trends in the UK

This is the second volume in the *UK Justice Policy Review* (UKJPR) series from the Centre for Crime and Justice Studies. *UK Justice Policy Review 2* (hereafter UKJPR2) explores key criminal justice developments since the formation of the coalition government in May 2010 in the United Kingdom (UK). The series of annual publications provides concise, critical analysis of emerging policy developments and brings this together with robust data about criminal justice for a particular year. This second volume covers the period 6 May 2011 to 5 May 2012.

About the *UK Justice Policy Review* series

UK Justice Policy Review has two main aims. The first is to track notable political and policy debate, major initiatives and interventions and legislative changes over the period of coalition government. Each report focuses on the key criminal justice institutions of policing, the courts and access to justice and prison and probation, as well as on the significance of changes in the allied welfare system and other relevant areas of social policy. The second aim of the series is to provide reliable, accessible data, exploring trends across the UK in areas such as criminal justice spending, staffing, the population subject to criminal justice sanctions and developments in related social justice areas. These two aims are taken forward in the main sections: *Key developments* and *Key data*. In meeting these aims we hope this series, with its up-to-date analysis and robust data about the criminal justice system, will prove useful to policy makers, practitioners, researchers, indeed anyone with an interest in the criminal justice system in the UK.

Openly accessible data

As well as being a source of high quality information and analysis about criminal justice, the UKJPR series provides an accessible way to find year-on-year data about key criminal justice trends. To this end, a full set of data and notes for the charts and tables in this report are made available in Excel format, with the original sources that these figures are based on also made accessible whenever possible. This material can be accessed through the links in the online version of each report. The reader can therefore analyse the original data, in addition to viewing it in the form presented in UKJPR. Should readers be interested in tracking police officer numbers in Northern Ireland compared to those of the Probation Service, for example; or want to know the numbers subject to a fine in the UK over the last three years specifically; or wish to consider variations in prison staffing and prison populations across each of the UK jurisdictions, this is possible via the Excel sheets, and accessible via the links in the online report and through the Centre for Crime and Justice Studies website.

This volume

This second volume in the series documents the significant criminal justice agendas that continued to emerge and develop as the coalition found its footing in the second year of government. Whilst policy was still very much being influenced by 'the cuts' lexicon, the policy and media world was shaken up by the August 2011 disturbances across English cities, arguably the stand out events of the year under review, and one which kept generating heated public debate. The 'English riots' have been variously described at one end of the spectrum as uncontrolled criminal lawlessness, at the other as the consequence of the funding cuts that hit the young and unemployed hard, while the participants have been widely portrayed as 'feral' children or helpless victims. The special focus section in *Key data* (pages 20-21) in this report considers these complex and contradictory events. We look into who got caught up in the criminal justice system machinery as a consequence of the 'riots' and how the criminal justice system reacted to them.

The UKJPR series provides an accessible way to find year-on-year data about key criminal justice trends. To this end, a full set of data and notes for the charts and tables in this report are made available

Future editions in the series

Future volumes of the UKJPR will cover subsequent years. They will update many of the figures presented in earlier volumes with the most recent data available, as well as feature figures pertinent to the years in question. The third UKJPR will reflect on the period 6 May 2012 to 5 May 2013, the fourth UKJPR will cover the time span from 6 May 2013 to 5 May 2014, and the fifth UKJPR will cover the period 6 May 2014 to 5 May 2015.

As the series progresses over time, we hope it enables independent tracking of key criminal justice developments in the UK in a comprehensive and accessible way.

Context and overview

In the first volume of *UK Justice Policy Review* this section explored the interplay of political and economic factors in shaping the coalition’s policy agenda during its initial year in power (Garside and Mills, 2012). The common cause the two parties (Conservative and Liberal Democrat) to the coalition found and the compromises they had to make to work together formed the political backdrop. Their shared view on the importance of reducing the proportion of government spending relative to gross domestic product formed the economic backdrop.

During the coalition’s second year political and economic factors continued to interact in ways that proved complex, unpredictable and difficult to summarise. Some of these interactions operated at a general level: underlying economic and political trends that influenced, affected and, at times, buffeted the coalition even as it sought to influence them in turn. These included, notably, the underlying performance of the economy and the relative levels of public support for the political parties.

Some interactions operated more at the level of the particular: events and happenings that influenced the day-to-day workings of the coalition that, while influenced by the general trends, were to a degree distinct from them. These included the various disputes and arguments within the coalition over matters such as constitutional, health, banking and education reforms, as well as disagreements over economic policy more broadly.

Finally, some interactions were singular in nature: irruptions of an unpredictable nature and effect with outcomes that were difficult to quantify. The riots of the summer of 2011 were the outstanding example during this period. Other examples include the controversy caused by the then Justice Secretary’s comments on sexual assault in May 2011, discussed elsewhere in this *Review*, and the so-called ‘catflap’ argument between Theresa May and Ken Clarke at the 2011 Conservative Party conference.

This section examines these three interactions in turn, concluding with a summary of their interrelationships.

Underlying trends

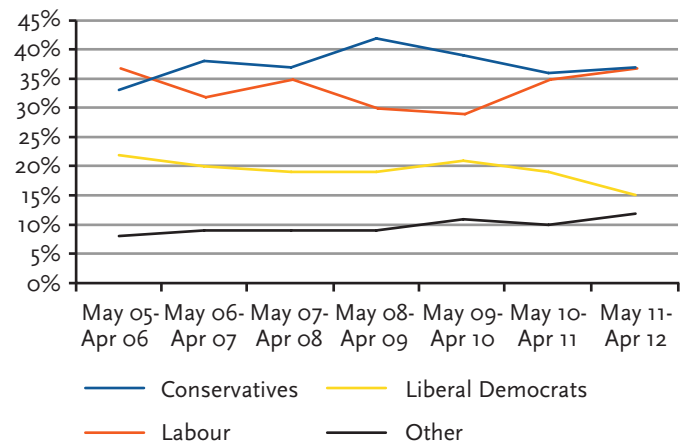
On the economic front the story of the coalition’s second year was one of increasing pessimism. In March 2011 the Office for Budget Responsibility (OBR) *Economic and fiscal outlook* report observed that the ‘economy had less momentum than we expected entering 2011’ and that there had been ‘an unexpected fall in UK GDP... and higher-than-expected UK inflation’. It anticipated that any recovery would ‘be weaker than the recoveries of the 1980s and 1990s’ and it revised down its growth forecasts (OBR, 2011a).

In its November 2011 *outlook* the OBR reported that the economy had ‘lost momentum since the summer’ and warned of ‘continued weakness in the coming months’. It forecast growth of 0.7 per cent in 2012, a radical reduction from the forecast of 2.6 only a year earlier. The November 2011 report also noted a ‘deterioration in the

public finances’ as a result of lower tax receipts and higher public spending. As a result the deficit would ‘shrink less quickly over the coming five years’ than originally forecast, with extra borrowing being ‘primarily structural rather than cyclical, in other words it will not disappear as the economy recovers’. The March 2012 *outlook* largely echoed the growth forecast of the previous November.

On the political front the coalition’s second year was also marked by decline, in this case in its popular support. **Figure 1**, calculated from *The Guardian*/ICM poll, shows the average support for the three main parties over a given year between May and the following April. Support for Labour declined during its final term between 2005 and 2010 while support for the Conservatives and Liberal Democrats grew, peaking in 2008-2009 in the case of the Conservatives and 2009-2010 in the case of the Liberal Democrats.

Figure 1: Voting intentions May 2005 to April 2012



Following the formation of the coalition in May 2010, support for the two parties of government fell away. Labour regained much of its lost support during the coalition’s first year; maintained parity with the Conservatives during the second year and developed a consistent lead during the rest of 2012. As Conservative support declined further through the rest of 2012 the party became increasingly preoccupied by the threat posed to it by the United Kingdom Independence Party. Liberal Democrat popular support also continued to decline.

Responsibility for what was starting to look like a depression, rather than a mere recession, could not simply be laid at the government’s door. As the OBR pointed out, ongoing economic turmoil in the Eurozone was having a significant impact on the UK economy. But as it also pointed out, the coalition’s austerity programme was a contributory factor.

The Conservatives and Liberal Democrats, having made common cause in 2010 to cut government spending in the interests of economic recovery and ‘sound finances’, were therefore in a predicament in part of their own making. The back-slapping unity so strikingly evident at the time of the June 2010 budget gave way to dispute and disunity as each party sought to deliver to its own side. This became a particularly urgent priority for the Liberal

Democrats, who were facing a possible meltdown at the next General Election.

Disputes and disagreements

A number of disputes and disagreements rocked the coalition during its first year. The vote on tuition fees for higher education in December 2010 caused a major division within the Liberal Democrats and did lasting damage to Nick Clegg's reputation.

During its second year, divisions between the parties of the coalition, as well as within them, widened on a number of key issues. Proposed reforms to the National Health Service were the cause of another split within Liberal Democrat ranks. The party's spring conference in March 2011 refused to endorse the legislation. A number of its MPs voted against or abstained at the third reading of the *Health and Social Care Bill* in September 2011. The Bill finally received Royal Assent in March 2012.

On constitutional reform attempts to push through constituency boundary changes faltered in the wake of the failed Alternative Vote referendum in May 2011. The Conservatives claimed that Liberal Democrat support for boundary reforms was the *quid pro quo* of Conservative support for a referendum. The Liberal Democrats disagreed. The row rumbled on into the coalition's third year, also involving disagreements over House of Lords reform for good measure.

Chancellor George Osborne and Business Secretary Vince Cable clashed on the Vickers report on banking reform. A war of positions unfolded between the coalition parties on the stop-start review of a possible replacement to the Trident nuclear missile system. Tensions between the largely Europhile Liberal Democrats and the increasingly Eurosceptic Conservative Party bubbled up at various points.

The Liberal Democrats also sought to water down the coalition plans for elected Police and Crime Commissioners. Opposition in the House of Lords in May 2011 delayed, and threatened to derail, the legislation. When it was finally passed in September 2011 the party was at best ambivalent about fielding candidates. The Conservatives were also divided on the issue, with one report claiming two thirds of Conservative-run councils did not support elected Commissioners (Franklin, 2011).

Though these disputes can partly be explained by the differing political philosophies and social base of the coalition parties, as well as the more mundane influence of personal animosities and petty jealousies, they were also the result of the difficult economic situation and challenging political position both parties found themselves in. Underlying trends and developments will, over time and of their own accord, influence specific decisions and developments, and this in spite of the intentions of the individuals involved.

Unpredictable irruptions

The summer riots of 2011 were the key unpredictable event of the coalition's second year. As is covered elsewhere in this *Review*, the police in England and Wales recorded over 5,000 riot-related offences in the space of six days. Some 4,000 people were arrested and some 3,000 defendants were brought to court.

If the police shooting of Mark Duggan was the immediate catalyst for the subsequent events, it can hardly explain the intensity and geographical spread of what followed. Poor police-community relations - in particular through the targeting of people through stop and search tactics - might explain some aspects. The underlying political and economic trends referred to above no doubt played their part.

However relevant these and other explanations might be to understanding the causes of the summer riots after the event, none could be deployed to predict with any accuracy where future disturbances might develop. Riots, by their nature, are singular, unpredictable, transitory events (they were explored in depth in the March 2012 edition of *Criminal Justice Matters*).

Their impact was, however, anything but transitory. The coalition's White Paper published in July 2012 - *Swift and Sure Justice* - showed that ministers had drawn some significant conclusions about the future operations of the criminal justice process:

The response to last year's disturbances showed what was possible: a quick and flexible response, dispensing justice in some cases in a matter of hours and days, rather than weeks and months.
(Ministry of Justice, 2012)

The foundations for what became a more austere, tougher approach to justice in the coalition's third year were laid in the year under review in this report.

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Policing

During its second year the coalition took a number of important steps to realise its vision of a 'new landscape of policing', to use the title of the September 2011 House of Commons Home Affairs Select Committee report (House of Commons, 2011b). Legislation establishing elected Police and Crime Commissioners (PCCs) in England and Wales became law. The coalition published its plans for the National Crime Agency (NCA) and, as it entered its third year, introduced legislation to establish the NCA and abolish two of Labour's creations: the National Policing Improvement Agency (NPIA) and the Serious Organised Crime Agency (SOCA). Tom Winsor published the second and final part of his review of remuneration and employment conditions for the police. His recommendations, a number of them highly controversial in police circles and beyond, were the subject of ongoing consultation into the autumn of 2012. Work also progressed on the establishment of a Police Professional Body, as recommended by the Neyroud review (2011).

Yet if progress during the second year was significant, it was anything but serene and stately. The landscape of policing during the coalition's second year proved to be rough, bumpy and arduous for those who sought to traverse it.

A bumpy ride in England and Wales

In England and Wales relations between Home Office ministers and representative police organisations reached a new low. The Home Secretary, Theresa May, was met with stony silence when she delivered her keynote speech to the Police Federation annual conference in May 2011. Her reception set the tone for relations between ministers and the police rank and file during the year.

Concerns about the government's agenda were not confined to the federated ranks. In April 2012 the Chief Constable of Gloucestershire resigned, citing 'grave concerns' over the government's police reform agenda. At an institutional level the Association of Chief Police Officers (ACPO) had worries about its own future. Ministers were 'getting rid of' ACPO, the Home Affairs Committee chair Keith Vaz told parliament in May (House of Commons debate, 10 May 2012, c198). The then Police Minister Nick Herbert said the following week that it was 'a matter for ACPO itself to determine its future' (House of Commons debate, 17 May 2012, c251W). News that the Home Office was cutting its funding to ACPO did little to dispel fears about the government's intentions.

During the coalition's second year a series of scandals and controversies also rocked the police. The Commissioner of the Metropolitan Police Service (MPS) - the UK's largest police force - resigned against the background of ongoing speculation over improper links between the MPS and News International. His resignation was followed by a major shake-up of the MPS leadership team. Of the seven senior officers in post in May 2011, only two were still there in May 2012.

Elsewhere, the Independent Police Complaints Commission (IPCC) launched an inquiry into corruption within Cleveland Police. The Chief Constable and Deputy Chief Constable were both arrested, as was the former Cleveland Police Authority Chair. In North Yorkshire the Chief Constable was formally disciplined on charges of nepotism, later resigning when his contract was not renewed. In Northamptonshire both the Chief Constable and Deputy Chief Constable were among officers placed under an IPCC investigation

The landscape of policing during the coalition's second year proved to be rough, bumpy and arduous

into allegations of misconduct in a murder investigation. These developments all unfolded in and around the background of the summer 2011 riots, which raised fresh questions about the capacity of the police to maintain the 'thin blue line' of social control. These were indeed tumultuous times for the police.

Amalgamation in Scotland, Ombudsman and other 'troubles' in Northern Ireland

In Scotland, the government launched a consultation in September 2011 on the proposed amalgamation of the country's eight forces into a single Scottish force (Scottish Government, 2011). Legislation establishing the force - the *Police and Fire Reform Bill* - made its way through the Scottish parliament between January and August 2012. The new force was set to come into effect in April 2013. In contrast to England and Wales, the chair of the Scottish Police Authority is a ministerial appointment, not a directly elected commissioner.

In Northern Ireland, the Police Ombudsman Al Hutchison left his post early in 2012 after an official report by the Criminal Justice Inspectorate raised 'significant concerns' over the way his office had handled investigations into historic cases (Criminal Justice Inspectorate Northern Ireland, 2011). His successor, Dr Michael Maguire, was appointed in April 2012. As Chief Inspector of Criminal Justice he had led the agency that came to the damning verdict on the Ombudsman's office.

More broadly, the civil conflict continued to cast a long shadow over policing. The official inquiry into the murder of solicitor Rosemary Nelson found no evidence that security forces had colluded with paramilitaries. However, it did find that some Royal Ulster Constabulary (RUC) officers had made abusive and threatening remarks about her that became public. It also concluded that the RUC and Northern Ireland Office (NIO) had 'ample knowledge' that her life was at risk and that their failure to act had 'rendered her more at risk and more vulnerable' (House of Commons, 2011a). In April 2012, a report by the University of

Ulster raised questions about the impartiality of the Historical Enquiries Team, a unit within the Police Service of Northern Ireland tasked with re-examining the deaths of more than 3,200 people during the civil conflict (Lundy, 2012).

A new national crime agency

A major policing development affecting all the jurisdictions of the United Kingdom was the coalition's plan for the National Crime Agency (NCA), published in June 2011 (Home Office, 2011). It is these proposals that form the main focus of the remainder of this section.

The proposed NCA is but the latest attempt to centralise a series of policing tasks under one national structure. Predecessors include the National Crime Squad (NCS), formed in 1998 from the merger of the six regional crime squads, and SOCA, which succeeded the NCS in 2006. The NCA plan emphasises that it will 'build on the best of SOCA's current capacity, capability, powers and reach' and that its staff will be 'drawn largely from its precursors'. Among the senior staff already appointed, for instance, SOCA's outgoing Director General was appointed the NCA's Director Designate of Operations. A SOCA Deputy Director, David Armond, was

The director general of the NCA will be answerable directly to the Home Secretary in a way that reduces the traditional insulation of policing from party politics

appointed Director Designate of Border Policing. The Director General designate Keith Bristow was previously Chief Constable of Warwickshire. He had also been a Director of the National Criminal Intelligence Service, which became part of SOCA when it was set up.

According to the NCA plan the existing approach to tackling serious and organised crime has been characterised by 'multiple approaches' and 'fragmentation', leading to 'inconsistencies in methodology, prioritisation and use of resources'. With no single body taking an overview of threats and challenges, and no national body holding the necessary authority to lever resources and coordinate responses, what has emerged is a number of specialist organisations and national functions - such as SOCA and the Child Exploitation and Online Protection Centre (CEOP), 'all with varying responsibilities for policy, prevention, investigation'. The NCA, as a single national body, will replace fragmentation with effective national coordination, in a way that 'will reinforce the golden thread of policing' (Home Office, 2011).

SOCA was regularly criticised for operating in an unaccountable and secretive manner: more intelligence agency than police force. The first SOCA chair was Sir Stephen Lander, former Director General of MI5. His successor, Sir Ian Andrews, was formerly a

permanent secretary at the Ministry of Defence, whom senior police officers had reportedly never heard of (Whitehead, 2009). The NCA plan therefore marks a departure from the rather shadowy approach of SOCA:

The leadership and culture of the NCA will reflect its crime-fighting nature. The head of the NCA will be a senior chief constable and the NCA will be open, collaborative and non-bureaucratic.

From the outset, a key objective will be to demonstrate its impact publicly including to local communities.

(Home Office, 2011)

The plan also proposes some distinctive innovations that sit in some tension with the coalition's other major structural reform in policing: local democratic accountability through elected PCCs. Like the Metropolitan Police Commissioner, the Director General of the NCA will be answerable directly to the Home Secretary, a development that concentrates greater power in the hands of one elected politician, and in a way that reduces the traditional insulation of policing from party politics. Under the coalition's proposals the Director General of the NCA will also have the power to direct Chief Constables to support national priorities as identified by the NCA, a power of direction that will apply across all four nations of the United Kingdom, albeit in a qualified manner in the case of Northern Ireland and, to a lesser degree, Scotland.

On the one hand the coalition's police reforms nod in the direction of localism. In the future Chief Constables, accountable to elected Police and Crime Commissioners, will be expected to deliver on local priorities that serve the needs and interests of local people. On the other hand, the introduction of the NCA raises the prospect of a national police force with a 'super' Chief Constable, accountable directly to the Home Secretary, to whom other Chief Constables, in important respects, will be expected to defer. This developing tension of centralisation versus localisation as it unfolded during the coalition's third year will be picked up in *UK Justice Policy Review 3* (UKJPR3).

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The courts and access to justice

This section covers three related developments in the three UK criminal justice jurisdictions during the coalition's second term in office: structural reforms to the court system, sentencing reforms and changes to criminal legal aid.

Court reforms

The first volume of UKJPR covered the coalition's announcement of the closure of 93 magistrates' courts and 49 county courts in England and Wales. By the end of the coalition's second year, 69 magistrates' and 42 county courts had been closed. A further 16 magistrates' and four county courts were planned for closure by July 2012. In March 2012, the then Justice Minister Jonathan Djanogly told the House of Commons that the government anticipated savings of £60.6 million during the period up to 2014-15 as a result of the closure programme (House of Commons Debate, 5 March 2012, c534W).

The coalition's proposal to restrict the Imprisonment for Public Protection (IPP) sentences proved highly problematic

In Scotland a major programme was underway. This included reforms to the civil courts following the Gill review (Gill, 2009); ongoing alterations to sheriff and jury procedures following the recommendations of Sheriff Principal Bowen (Bowen, 2010); significant changes to procedures in relation to criminal suspects following recommendations set out in the Carloway review (Lord Carloway, 2011); and the *Making Justice Work* programme, aimed at modernising the Scottish court system. An implication common to all this work was reform of the existing court structure.

Following reports suggesting a major court closure initiative (MacNab, 2011), the Scottish Court Service (SCS) held a series of 'dialogue events' with the legal profession, local authorities, professional and voluntary bodies in May and June 2012. The document accompanying the dialogue events highlighted the pressure on budgets and posed four questions: whether the High Court should sit at fewer venues; whether sheriff and jury cases should be consolidated into fewer centres; whether the court system could manage with fewer buildings; and whether the court system could manage with fewer courts. While emphasising that no decision had been taken, the paper included an 'illustrative model' detailing possible court mergers and closures (SCS, 2012a). The subsequent consultation paper, published in September 2012, proposed a number of court closures and a rationalisation of court business (SCS, 2012b). These recommendations and the subsequent reaction will be covered in UKJPR3.

In Northern Ireland, the Courts and Tribunal Service (NICTS) launched a consultation in December 2011 on the closure of the five part-time courts, the so-called 'Hearing Centres' (NICTS, 2011). Responses to the consultation, published in August 2012, indicated that 62 respondents were opposed and a further eight were neutral or offered no comment. Only three respondents supported the proposals (NICTS, 2012). At the time of writing the NICTS has not indicated how it intends to progress.

Sentencing reform

In England and Wales the *Breaking the Cycle* Green Paper had, in December 2010, proposed a series of incremental reforms of a broadly progressive nature. These were discussed in the first volume of UKJPR. The majority of the proposals attracted wide support. However, two in particular were the source of much controversy, forcing the coalition to rethink its plans. First, the coalition proposed to restrict the use of the Imprisonment for Public Protection (IPP) sentence. The IPP sentence was introduced in the *Criminal Justice Act 2003* ostensibly to ensure that violent and sexual offenders, deemed to pose an ongoing risk, were held in custody for as long as they posed a threat. As with the life sentence, a 'tariff' is applied to an IPP sentence, indicating the minimum period the prisoner should serve before they are eligible for release.

Regardless of original intentions, the IPP quickly outgrew its expressed purpose. Following implementation in 2005 the numbers of individuals receiving an IPP grew from some 1,000 in June 2006 to more than 6,000 by June 2011 (Strickland and Beard, 2012). Alongside potentially dangerous individuals were many others who posed no obvious risk. Bureaucratic delays and poor administration meant that a sizeable proportion were unable to gain release despite serving their tariff period. The previous Labour government had tinkered with the IPP framework to address its most obvious shortcomings, but to little effect.

This is the background to the coalition's proposal in *Breaking the Cycle* to restrict the IPP 'to those who would otherwise have merited a determinate sentence of at least ten years' (Ministry of Justice, 2010). In practice this apparently sensible reform proved highly problematic for the coalition.

The second controversy related to sentence discounts for early guilty pleas. Under existing practice defendants who pleaded guilty at the first opportunity could expect a reduction in sentence length of one third. The coalition's proposed maximum reduction of 50 per cent was therefore an extension and codification of actual practice.

This proposed procedural change became a toxic political dispute following comments in the House of Commons made by the then Justice Minister Crispin Blunt on 17 May 2011. Encouraging an individual accused of rape to plead guilty, he said, offered 'a

definite benefit to the victim', saving them the potential ordeal of giving evidence in court (House of Commons Debate, 17 May 2011, c140). In the same debate the then Justice Secretary Ken Clarke said that the proposal was 'likely to survive' the consultation process (House of Commons Debate, 17 May 2011, c150). A BBC interview he gave the following day, in which he was widely interpreted as diminishing the seriousness of sexual assaults (BBC News, 2011), resulted in a major coalition rethink.

The Prime Minister signalled a change of emphasis in the coalition's attempts to contain prison growth

The rethink came with the publication of the *Legal Aid, Sentencing and Punishment of Offenders Bill* on 21 June. The sentence discount proposals were dropped. An 'urgent review with a view to replacing the current IPP regime with a much tougher determinate sentencing framework' was announced (Ministry of Justice, 2011a). The Prime Minister also made a significant statement about the coalition's approach to sentencing at a press conference the same day, which signalled a change of emphasis in the coalition's attempts to contain prison growth:

We will always pay the costs necessary to protect the public and to punish criminals and we will not reduce the prison population by cutting prison sentences. We must do it by making prison work. (Number 10, 2011)

The conclusion of the IPP review was announced in October 2011, with new clauses being added to the Bill in November. On becoming law in May 2012 the *Legal Aid, Sentencing and Punishment of Offenders Act* signalled the end of the IPP. The Act introduced a new expectation of a life sentence for those convicted of a second serious sexual or violent offence, and the option of extended supervision periods following release from prison for those convicted of serious sexual and violent offences. The Ministry of Justice estimated that changes would have no short-term impact, while slowing 'the growth in demand for prison places' in the longer term, delivering estimated annual savings of £100 million (Ministry of Justice, 2011b).

Legal aid

The *Legal Aid, Sentencing and Punishment of Offenders Act* also abolished the Legal Services Commission, replacing it with an executive agency of the Ministry of Justice - the Legal Aid Agency - from April 2013. On the controversial matter of putting the provision of criminal legal aid out to competitive tender

the coalition slowed the pace of change. In a statement to the House of Commons in December 2011 Ken Clarke announced an extended timetable of consultation, with competitive tendering not starting before the autumn of 2014 (House of Commons Debate, 1 December 2011, c74WS).

In Scotland the government signalled its intention to introduce means testing for criminal legal aid in October 2011, along with a number of other measures aimed at streamlining the system and reducing costs (Scottish Government, 2011). Legislation in the form of the *Scottish Civil Justice Council and Criminal Legal Assistance Bill* was introduced into the Scottish parliament in May 2012.

In Northern Ireland the final report of the Access to Justice Review (AJNI) group was published in September 2011 (AJRNI, 2011). On criminal legal aid the report proposed that the decisions on means tested legal aid should in the longer-term pass to the Legal Service Commission. It also argued that the very high legal aid costs in some Crown Court cases needed to be reduced. During the rest of this period work continued on containing legal aid costs, including new rules published in April 2012 restricting the use of two counsel in Crown Court cases.

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Prisons and probation

Year two of the coalition was a busy year in the area of prison and probation. Rather than attempt to examine the many developments, some of which are covered in summary in the *Year in view* timeline, this section focuses on the following key developments: payment by results, competition in and the review of the probation service in England and Wales and two significant reviews of women offenders and the prison service, in Scotland and Northern Ireland respectively.

Payment by results and competition

During the second year the contracts for nine prisons (HMPs Acklington, Castington, Coldingley, Durham, Hatfield, Lindholme, Moorland, Onley and Wolds) were put out to competitive tender, following the earlier competition for four other prisons (HMPs Birmingham, Buckley Hall, Doncaster and Oakwood). An announcement on the successful bids was planned for November 2012. The electronic monitoring (tagging) contract, estimated at around £1 billion, was also put out to tender, with an announcement expected in early 2013.

In January 2011, the Ministry of Justice had announced a competition to deliver the 'community payback' element of probation work. Divided into six large cross-regional lots across England and Wales that bore little relation to existing probation boundaries, the competition process was mired in criticism, confusion and delay. In July 2011 the House of Commons Justice Committee noted that confidence in the ability of the National Offender Management Service (NOMS) to manage large-scale contracts 'had not been strengthened' by the process. It also argued that 'the very large and incoherent groupings created for the community payback contracts would not be appropriate vehicles for commissioning other probation initiatives' (House of Commons, 2011).

The original timetable to let all six lots during 2011 and 2012 (Poree, 2011) slipped, with only the London contract being let to a consortium led by the private contractor Serco in July 2012. Four months earlier in March the Ministry of Justice signalled in the probation review that it would be considering how to 'take forward Community Payback competition for the rest of England and Wales...once we have considered responses to this consultation paper' (Ministry of Justice, 2012).

On payment by results the *Breaking the Cycle* Green Paper committed the coalition to 'testing and developing the approach... before fully rolling out' principles 'to all providers' by 2015 (Ministry of Justice, 2010). It therefore proposed the introduction of 'at least six new payment by results projects covering a significant proportion of the offender population'.

Pilot schemes were to focus on those released from prison. The first of these, at the privately-run HMP Doncaster, began in October 2011. Planning for pilots at HMP Leeds and HMP High

Down was ongoing throughout the coalition's second year. The High Down pilot eventually started in October 2012.

The government initiated two 'community pilots' with two Probation Trusts - Wales and Staffordshire and West Midlands - to work with individuals under community sentence. As with the prison pilots, the Green Paper had anticipated that programme design would be completed by Autumn 2011. In practice negotiations proved complex and continued throughout this period. A revised start date of Spring 2013 was published in July 2012 (Justice Policy Group, 2012). The third set of pilots related to projects in Greater Manchester and five London boroughs operating according to justice reinvestment principles. These commenced in July 2011.

Other pilots launched during this period that applied payment by results principles included four youth custody pathfinders, intended to encourage local authorities to use community-based interventions in place of custody. These began in October 2011. The Ministry of Justice also co-commissioned eight drug and alcohol recovery pilots with the Department of Health, which started in April 2012.

During the first two years criminal justice payment by results stuttered along in a rather *ad hoc* manner. Compared to the highly ambitious payment by results Work Programme it was small-scale and tentative. By setting up discrete prison, community sentence and hybrid payment by results pilots the Ministry of Justice also introduced a level of complexity that the much bigger Work Programme sidestepped. This was a point made by the Conservative MP Ben Gummer during a Justice Committee hearing in May 2012 with the then Justice Secretary Ken Clarke. Setting up discrete payment by results projects made it 'fiendishly difficult' to measure impact and assign payment, he argued. Gummer went on to ask why the Ministry of Justice did not 'let very large prime contracts', leaving it to the prime contractors to assign payment to subcontractors (House of Commons, 2012).

Concerns about complexity and delay were behind the decision in September 2012 by the newly appointed Justice Secretary Chris Grayling to 'pause' the payment by results process pending a strategic rethink (Bogue, 2012). Grayling had previously been the minister responsible for the roll-out of the Work Programme and was well placed to lead moves to introduce a more ambitious criminal justice payment by results programme.

Probation

Alongside these rather turbulent and unpredictable developments the future role and purpose of the Probation Service was up for discussion. Anxieties about the future of probation had been stoked by community payback competition and a lack of clarity over the Probation Service's long-term role. As the Justice Committee noted:

The absence...of a clear statement about the role of probation in any new commissioning model has fuelled concerns, expressed by our witnesses, about the future direction of probation trusts.
(House of Commons, 2011)

In March 2012 the coalition published a consultation on the future of probation (Ministry of Justice, 2012). It signalled a radical change to the nature of probation work in England and Wales. Probation Trusts would take on a role as commissioners of most probation services, while retaining a diminished role in the delivery of certain specified probation activities. To guard against possible conflict of interest – a Trust as commissioner awarding itself the delivery contract – the government proposed a purchaser-provider split to ensure ‘a clear distinction between those Probation Trusts which retain the functions of commissioning, managing higher risk offenders and taking public interest decisions and those Probation Trusts which chose to compete to provide services’. This dual Trust model – some specialising in commissioning, others in delivery – implied a major change to existing probation structures and practices.

The government also suggested the ‘potential over time for other public bodies, such as local authorities or, with a broadened statutory role, Police and Crime Commissioners (PCCs) to take responsibility for probation services’. As well as suggesting a significant enhancement of the role of the PCCs, the government therefore hinted at the possibility of a longer term move in England and Wales towards the Scottish model of probation where, as ‘Criminal Justice Social Work’, it is the responsibility of local authorities alongside other welfare services. The consultation on the government’s proposals closed in June 2012. Ongoing developments in probation will be picked up in UKJPR3.

Reviews

In Scotland the Prisons Inspectorate published a damning report on Cornton Vale prison in June 2011. Inspectors found the prison, Scotland’s primary establishment for female adult and youth prisoners, to be in a state of crisis. The facility was overcrowded and the regime was poor, particularly in relation to vulnerable women with mental health issues. The Inspectorate called for a national strategy to address the challenge of a growing Scottish female prison population (Her Majesty’s Inspectorate of Prisons, 2011).

In response the Scottish government established a Commission on Women Offenders, chaired by Dame Elish Angiolini, the former Lord Advocate. The Commission’s report, published in April 2012, made a range of recommendations, including increasing diversion from prosecution and custody, improving mental health services and developing more holistic, end-to-end support arrangements for women at risk of custody. It also recommended the replacement of Cornton Vale with a smaller specialist unit (Commission on Women Offenders, 2012). In its response the Scottish government accepted 33 of the Commission’s 37

recommendations, including its recommendation on Cornton Vale. The Scottish Prison Service, it announced, would consult on a replacement, with proposals for its replacement planned for the autumn of 2012 (Scottish Government, 2012).

In Northern Ireland Dame Anne Owers, the former Chief Inspector of Prisons for England and Wales, completed her review of the Prison Service (Prison Review Team, 2011). The review noted that ‘Prisons...have political, as well as criminal, resonance and importance’ and that the current prison system of Northern Ireland was ‘intimately connected to its history’. Systems had been ‘conditioned by the experience of the Troubles’ and ‘events in prison play out in the community and vice versa’. The report called for a ‘fundamental change and transformation’ of the Northern Ireland Prison Service, one that reflected human rights standards and promotes prisoner rehabilitation.

Though broadly welcomed, implementing an ambitious transformation programme would inevitably prove difficult. Northern Ireland’s First Minister Peter Robinson threatened to resign in November 2011 over a seemingly arcane, but symbolically resonant, proposal to remove British Crown insignia from Prison Service emblems and signs (McDonald, 2011). As the Justice Minister David Ford told the Northern Ireland Assembly in March 2012, ‘full implementation of the Prison Review Team’s recommendations will take years rather than months - and will require change across the system of Government as well as within the Prison Service’.

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Welfare reform

The first volume of UKJPR covered the coalition's proposals for a single working age benefit: the Universal Credit (Garside and Mills, 2011). Legislation introducing the Universal Credit - the *Welfare Reform Act 2012* - received Royal Assent on 8 March 2012. At the time of writing the Department for Work and Pensions (DWP) plans to roll out the Universal Credit in Greater Manchester and Cheshire from April 2013, with a phased national implementation starting in October 2013. By April 2014 the DWP intends that all new benefits claimants will receive the Universal Credit, with the migration of existing claimants completed by April 2017 (DWP, 2012).

Following the General Election the coalition picked up the previous government's agenda, replacing the various programmes introduced by Labour to incentivise benefit claimants to work with a single one - the Work Programme (WP). This was implemented on a much tighter timetable than that envisaged by Labour.

The coalition also took forward the previous government's work on reducing the numbers claiming incapacity benefits, accelerating and intensifying the Work Capability Assessment framework introduced by Labour in 2008. This article gives an overview of these two developments in the coalition's first two years.

The Work Programme

In June 2011 the WP replaced virtually all welfare to work programmes in England, Scotland and Wales. Northern Ireland continued to operate its version of Labour's New Deal: Steps to Work. In the longer term it is set to introduce its version of the WP. Provisionally called *Steps 2 Success*, plans were put out to consultation in the autumn of 2012 (Northern Ireland Department for Employment and Learning, 2012).

The WP involves 18 prime contractors and an army of subcontractors delivering on 40 individual contracts worth between £3 and 5 billion. Prime contracts are paid graduated sums depending on their success in placing individuals in work. The DWP estimated that 3.3 million claimants would pass through the programme over the five year period, 36 per cent of which it anticipated would be placed into jobs for which the providers will be paid. Overall, the DWP estimated that £1.95 would be saved for each £1 spent on the programme (National Audit Office, 2012).

Participation in the WP is mandatory for those receiving Jobseeker's Allowance (JSA) after three months for those not in education, employment or training. It is mandatory for 18 to 24 year old recipients of JSA after nine months. For those aged 25 or over it is mandatory after 12 months. From March 2012 prison leavers claiming JSA have been referred immediately to the WP.

Implemented from a standing start in under a year - compared with a more conventional lead-in time of three to four years for a programme of such size and complexity - the WP has been dogged

by criticisms. A critical report by the National Audit Office (NAO) in January 2012 argued that the DWP's impact projections were over-optimistic and based on out-of-date data. It questioned the overall planning process. The report also expressed concerns about the commercial viability of the programme and raised the possibility of one or more of the WP providers seeking to renegotiate contracts (NAO, 2012). In an early sign of potential problems to come, Employment Minister Chris Grayling confirmed in June that 28 subcontractors had withdrawn from the WP between August 2011 and January 2012 (House of Commons Debate, 12 June 2012, c392W).

The Work Programme involves 18 prime contractors and an army of subcontractors delivering on 40 individual contracts worth between £3 and 5 billion

A report in May 2012 by the House of Commons Public Accounts Committee echoed many of the NAO concerns (House of Commons, 2012). Both reports made a variety of recommendations aimed at reducing the risk of implementation failure and improving programme oversight and effectiveness.

These, essentially technocratic, challenges are in principle resolvable over time. A different set of political and economic challenges are proving rather more intractable and could ultimately threaten the entire programme.

One challenge relates to the state of the economy. The success of the WP depends on placing those currently receiving benefits in employment. If, as the NAO argued, the DWP used overly optimistic forward projections of the state of the British economy, the WP targets for entry into employment might prove far more difficult to meet. This could lead, the NAO argued, to providers gaming the system - focusing on relatively easy to place clients at the expense of those with more complex needs - seeking additional funding from the DWP, pulling out of the WP or going bust.

Elements of the WP have also proved more widely controversial. One is the Mandatory Work Activity (MWA) programme, under which JobCentre Plus can place a requirement on JSA recipients to undertake a compulsory four week work placement, with the threat of withdrawal of benefits for non compliance. Research published by the DWP in June 2012 suggested that the impact of the MWA on the JSA claimant levels was nugatory and short term, with 'referrals being off benefit for an average of about 4 days more than if they had not been referred'. An MWA referral also made it more likely that a JSA recipient would switch to the more expensive Employment Support Allowance (ESA), intended for those with

disabilities or health related problems. Moreover, 'a MWA referral had no impact on the likelihood of being employed' (Hillmore et al., 2012). These findings led Jonathan Portes, Director of the National Institute of Economic and Social Research, to describe the MWA as 'a complete policy disaster' (Portes, 2012). In response to the research the DWP announced that it would be expanding the MWA following 'careful consideration of the positive impacts demonstrated within the impact assessment' (House of Commons Debate, 12 June 2012, c27WS).

Reassessing incapacity to work

The reassessment of recipients of incapacity benefits has proved a related area of controversy. In 2008 the Labour government replaced existing incapacity benefits with the ESA. Applicants were subject to the Work Capability Assessment (WCA), an ostensibly objective test to judge an individual's fitness for work. It has been highly controversial. In 2010 the WCA official reviewer, Professor Malcolm Harrington, found that it 'is mechanistic, impersonal and lacks empathy...individuals lack the right information about the process, do not understand the intention behind the WCA and do not understand why they achieve a particular result. As a consequence, the process can cause much angst and leave people believing they have not been treated fairly' (Harrington, 2010). More recently Citizens Advice found evidence that people 'with serious illnesses and disabilities, who could not reasonably be expected to seek work, are found "fit for work"...Many...are too ill to sign on for...JSA...they are left with no money to live on and are unable to seek work' (Pearlman et al., 2012).

The ESA and WCA initially applied only to new claimants. From April 2011 the 1.5 million claimants of the pre-2008 incapacity benefits¹ have been subject to a WCA reassessment. This has only sharpened the argument. A 2011 report on the reassessment exercise by the House of Commons Work and Pensions Select Committee observed that 'although a claimant may be found "fully fit for work" and moved on to JSA, they may still...have a health condition which continues to have a significant impact on them...There may also be claimants who have been found fit for work in the WCA while their GP is still signing them off work on the grounds of ill health' (House of Commons, 2011c). At its Annual Representative Meeting in June 2012 the British Medical Association called for the WCA to be scrapped 'with immediate effect and be replaced with a rigorous and safe system that does not cause unavoidable harm to some of the weakest and vulnerable in society'.

The implications for the WP and the coalition's wider welfare reform agenda are significant. One effect of the WCA reassessment exercise will be to drive a significant number of individuals with long term health conditions into the Work Programme. Indeed the Centre for Economic and Social Inclusion has estimated that by 2014 78 per cent of WP clients are likely to be former or current

recipients of incapacity benefits (Coleman and Parry, 2011). First and foremost this poses a profound social justice challenge. It also has the potential to place huge strains on the WP.

The reassessment of recipients of incapacity benefits can cause much angst and leave people believing they have not been treated fairly. People with serious illnesses and disabilities, who could not reasonably be expected to seek work, are found 'fit for work'

The potential knock on effect on the criminal justice and legal process is currently difficult to quantify. The House of Commons Justice Committee has identified a 'dramatic increase' in social security tribunal appeals, mainly due to ESA appeals (House of Commons, 2011a).

More broadly, the criminal justice process remains on the frontline in dealing the collateral damage of inadequate welfare systems and failed labour market programmes. *UK Justice Policy Review* will continue to explore the ongoing interactions between the criminal justice and welfare systems in this and future volumes.

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¹ These are Incapacity Benefit, Severe Disablement Allowance, Income Support paid on grounds of illness or disability.

The year in view: Timeline 6 May 2011 to 5 May 2012

4 May: The Justice Act (Northern Ireland) receives Royal Assent

The first justice legislation in almost 40 years in Northern Ireland ranges from measures to assist vulnerable victims and witnesses to new policing and community safety partnerships, alternatives to custody and legal aid changes.

17 May: Home Secretary's speech at Police Federation conference greeted with silence

'...this isn't revenge, it's a rescue mission to bring the country back from the brink', says Theresa May with regards to planned police reforms.

18 May: DNA of everyone arrested deemed unlawful

The Supreme Court rules that the police keeping the DNA of everyone arrested is unlawful and that the ACPO guidelines are incompatible with Article 8 of the European Convention on Human Rights.

1 July: Bribery Act comes into force

It introduces a corporate offence of failure to prevent bribery by people working on behalf of a business, and to give or accept a bribe either in the UK or abroad.

11 July: White Paper on decentralising public services

Hailed by David Cameron as the start of the 'big society', it provides for councils to take over the running of services, a legal public 'right to choose' and personal budgets to buy services from any provider.

13 July: Prison competition and prisons closures announced

Two prisons, HMP Latchmere House and HMP Brockhill, are to close and the managing of nine prisons will be subject to competition.

8 September: Police reform consultation in Scotland

Against the backdrop of significant budget cuts by the Westminster government come proposals for a new single police service (instead of the existing eight).

14 September: Concerns about warehousing of prisoners

The Inspectorate of Prisons warns that, following the riots in August, prisons will not have sufficient capacity to do anything useful with prisoners during their sentence.

15 September: Police Reform and Social Responsibility Bill receives Royal Assent

The first elections for Police and Crime Commissioners are due to take place in November 2012.

16 September: New record prison population

England and Wales prisons now hold 87,120 inmates.

21 September: Scottish justice spending review

A draft plan for 2012-13 shows a rise of 6% in the justice budget, to include the construction of HMP Grampian and the reform of Scotland's courts and tribunals.

26 September: Prisoners Earnings Act comes into force

40% of the net weekly wages of over £20 earned by prisoners working in the community will be deducted and paid to Victim Support.

8 June: Plans for UK National Crime Agency announced

To be established in 2013, it will be responsible for dealing with organised crime, border security, economic and cyber crimes and child exploitation.

14 June: Commission to examine women and the criminal justice system in Scotland

'The number of women in prison has more than doubled over the last decade - this situation cannot go on. In the 21st century, we must find a more effective way of dealing with these women', says Chair Elish Angiolini.

21 June: Legal Aid, Sentencing and Punishment of Offenders Bill

The Bill applies mainly to England and Wales and introduces substantial reforms to legal aid. Other provisions include offences of threatening with an offensive weapon; powers to suspend some custodial sentences; giving the police powers to conditional cautions without referral to the CPS.

28 June: Northern Ireland prison reform programme launches

'By the end of 2015, the Northern Ireland Prison Service will have fewer officers, a more flexible workforce and be more cost effective', said Justice Minister David Ford.

6-11 August: Riots erupt in England

Following the killing of Mark Duggan by the police in London, riots spread to the streets of other cities, including Salford, Manchester, Liverpool and Birmingham.

19 August: Prison population hits record high

As the prison population for England and Wales climbs to 86,654, concerns are voiced over disproportionate sentencing of those convicted of riot related offences.

1 November: Fear of crime falls in Scotland

The 2010-11 *Scottish Crime and Justice Survey* finds a further fall in fear of crime.

1 November: Freedom of information scope increased

The Association of Chief Police Officers is brought under the scope of the *Freedom of Information Act*.

17 November: Blueprint to reform Scottish criminal law published

Key recommendations include the right to legal advice when taken into custody; limiting the period of arrest before charge to 12 hours; particular protection for children and vulnerable adults.

23 November: Youth Justice Board reprieve

The Ministry of Justice decides against the abolition of the Youth Justice Board for England and Wales.

28 November: Forced marriage law introduced in Scotland

The legislation is the first in the UK to make it a criminal offence to breach a Forced Marriage Protection Order.

29 November: Treasury Autumn Statement

As growth forecasts for the UK economy are revised down, the government admits it won't balance the public books by the end of its term.

3 January: Two found guilty of murdering Stephen Lawrence

After 18 years, Gary Dobson and David Norris are found guilty of stabbing the teenager to death in a racially motivated attack.

16 January: Scotland Police and Firearm Reform Bill

The Bill creates a single police service and a single fire and rescue service across Scotland.

19 January: Inquiry into criminal justice services for victims and witnesses in Northern Ireland

The inquiry is to learn about the experiences of people's dealings with the police, the information and support provided and the handling of cases by the Courts Service.

24 January: Right to legal aid in police stations maintained

A controversial plan to cut the right to free legal advice for people in police stations is withdrawn from the *Legal Aid, Sentencing and Prisoner of Offenders Bill*.

1 March: New religious hatred legislation in Scotland

The Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 aims to tackle sectarianism at and around football matches and threats on the internet or via the mail.

6 March: Prisoners and the Work Programme

Employment Minister Chris Grayling announces that those leaving jail who claim job seeker's allowance will be referred immediately to the Work Programme and lose benefit if they refuse to cooperate.

8 March: New stalking offences

Two new criminal offences of stalking are to be introduced in England and Wales as part of the *Protection of Freedoms Bill*.

14 March: Metropolitan Police Service reports into the summer disorder

The report acknowledges that the Met's engagement, intelligence and operational response were not sufficient to deal with the events.

27 March: Probation Review for England and Wales

The Ministry of Justice announces plans to outsource most activities on a 'payment by results' basis.

7 October: Deaths in state custody published

According to the Independent Advisory Panel, 5,998 deaths while in state custody were recorded between 1 January 2000 and 31 December 2010.

9 October: UNICEF criticises Britain for jailing children over August riots

UN Children's Fund figures show that 45% of imprisoned under-18s had no criminal history, constituting a possible breach of the UN Convention on Children's Rights.

12 October: Youth unemployment hits record high

ONS figures show the number of unemployed 16 to 24 year olds in the UK has reached 991,000.

16 October: Occupy London set up camp outside St Paul's

The group sets up camp by the cathedral and next to the London Stock Exchange, in protest against corporate greed and

26 October: New mandatory life sentence and squatting made criminal

Amendments to the *Legal Aid, Sentencing and Punishment of Offenders Bill* include abolishing indeterminate sentences and introducing mandatory life sentences for those convicted of a second very serious violent or sexual offence.

25 December: UK launches bid to curb European Court of Human Rights

In alliance with Switzerland, the government proposes that the ECHR should not deal with individual cases but only with 'major issues of principle'.

1 February: Presumption against short prison sentences

A presumption against short prison sentences of three months or less in favour of the new Community Payback Orders comes into effect in Scotland.

16 February: First reading in the Commons of the Welfare Reform Bill

The Bill applies to England, Wales and Scotland and introduces a Universal Credit to replace a range of means tested benefits and tax credits. It also makes significant restrictions to benefits entitlement and caps the total amount that can be claimed.

17 April: Calls to demolish only women prison in Scotland

The Angiolini Commission on Women Offenders wants Cornton Vale prison to go. Scotland's criminal justice system needs a 'radical reworking' if the number of women caught up in it is to be reduced.

4 May: New environmental regulation proposed in Scotland

A simplified range of enforcement tools is mooted to try and deal more effectively with those who damage the environment.

The year in numbers

66

The number of areas in England where riots broke out in August 2011.

Riots Communities and Victims Panel (2012), *After the riots. The final report of the Riots Communities and Victims Panel.*

0

The number of people known by the end of November 2011 to have received a payment under the *Riot (Damages) Act 1886*.

Riots Communities and Victims Panel (2012), *After the riots. The final report of the Riots Communities and Victims Panel.*

66%

The proportion of suspected rioters aged 10-17 brought before the courts who had special educational needs.

Riots Communities and Victims Panel (2012), *After the riots. The final report of the Riots Communities and Victims Panel.*

40

The approximate number of years since the last justice legislation before the *Justice Act (Northern Ireland) 2011* received Royal Assent.

30

The number of disorder-hit areas that were in the top 25 per cent most deprived areas in England.

Riots Communities and Victims Panel (2012), *After the riots. The final report of the Riots Communities and Victims Panel.*

19%

The annual reduction in UK prison expenditure from 2010/11 to 2011/12 (rounded and real terms).

Source: Public Expenditure Statistical Analyses 2012, p.74.

85%

Proportion of people sentenced to immediate custody in the Crown Court for offences related to the August disorders.

Riots Communities and Victims Panel (2012), *After the riots. The final report of the Riots Communities and Victims Panel.*

17.5%

The annual reduction in offender management expenditure from 2010/11 to 2011/12 (real terms) for England and Wales.

Source: Ministry of Justice (2012), Ministry of Justice Annual Report and Accounts 2011/12, London: The Stationery Office, pp.168-170, Table 1.

26,983

The number of self-harm incidents in prison custody in 2010, up from 24,184 in the previous year.

Ministry of Justice (2011), *Safety in Custody 2010 England and Wales*, Ministry of Justice Statistics bulletin 28 July.

30%

The drop in violent crime from 2008/9 to 2010/11 in Scotland, according to the 2010-11 Scottish Crime and Justice Survey.

The Scottish Government (2011), *2010/11 Scottish Crime and Justice Survey: Main Findings*, A National Statistics Publication for Scotland.

111

The number of English and Welsh courts closed in the first two parts of the coalition's plan.

Source: Ministry of Justice (2012), 'Court Estate Reform Programme'.

47%

The percentage real terms reduction in Legal Aid spending from 2010/11 to 2011/12 (England and Wales).

Source: Ministry of Justice (2012), Ministry of Justice Annual Report and Accounts 2011/12, London: The Stationery Office, pp.168- 170, Table 1.

40

Number of recommendations to improve the Northern Ireland Prison Service, made by the Prison Review Team headed by Anne Owers.

Source: Prison Review Team (2011), *Review of the Northern Ireland Prison Service*.

5%

The real terms reduction in Legal Aid spending from 2010/11 to 2011/12 (Scotland).

Source: Scottish Government Consolidated Accounts 2011-12.

1.6%

The real terms reduction in total public expenditure on services from 2010/11 to 2011/12.

Source: HM Treasury Public Expenditure Statistical Analyses 2012, p. 74.

4%

The real terms reduction in total spending on public order and safety from 2010/11 to 2011/12.

Source: HM Treasury Public Expenditure Statistical Analyses 2012, p. 74.

£32.2 billion

The UK total spending on public order and safety for 2011/12.

Source: HM Treasury Public Expenditure Statistical Analyses 2012, p. 74.

85%

Reduction in weapon possession claimed by the Glasgow based Community Initiative to Reduce Violence programme, working with gangs.

Source: Strathclyde Violence Reduction Unit, www.actiononviolence.co.uk

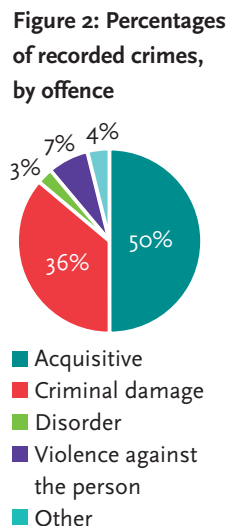
Special focus: the summer riots

The fatal shooting of Mark Duggan by police in London on 4 August 2011 sparked off public protest in Tottenham. Unrest and disturbances developed on the evening of 6 August and spread to 22 London boroughs, then to other towns and cities across England. These four days of disorder took the police by surprise and generated public furor as to what were perceived to be unprecedented events. Much debate followed as to the underlying causes and how to best deal with the perpetrators. The mainstream media and political focus typically concentrated on a punitive stance. In this section we examine some of the key published official data with the aim of helping us understand who got caught up in the criminal justice system and how they were processed by it. We need, of course, to be wary of limitations in what the figures can offer us: for example, the recorded crimes and arrests data focus on the ten police force areas that experienced most riot-related disorder in the period 6 to 11 August 2011 and are based on figures collected up to early September 2011. Because of these and other limitations (see our Excel sheet for details) these results should be treated mainly as indicative, but can still offer useful insight.

Unsurprisingly most of the crimes recorded and the people arrested by the police in relation to the riots were in the London Metropolitan area; Greater Manchester and the West Midlands police recorded the most crimes and arrested most people after London (see table 1). As the pie chart (figure 2) shows, the overwhelming majority of the offences recorded by the police were ‘acquisitive’ in nature (this category includes burglary, theft, handling stolen goods and robbery), followed by ‘criminal damage’ (including arson). ‘Disorder’ (including violent disorder and public order offences) only accounted for three per cent of all recorded crimes, amounting to 153 offences.

Table 1: Recorded crimes and people arrested in relation to the riots in August 2011, by police force area

Police force area	Total crimes recorded	Total number of people arrested
Avon and Somerset	59	55
Greater Manchester	581	326
Hertfordshire	33	62
Leicestershire	90	98
Merseyside	195	79
Metropolitan	3,461	2,467
Nottinghamshire	34	121
Thames Valley	65	45
West Midlands	495	637
West Yorkshire	99	70
TOTAL	5,112	3,960

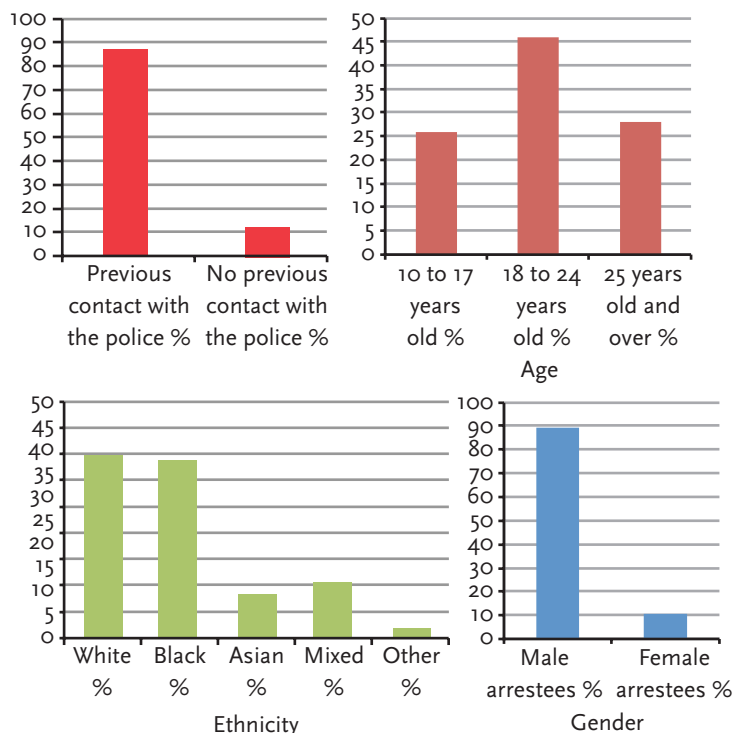


Figures as at early September 2011 and based on the ten police forces that collected the most riot-related incidents

Of the total number of people arrested where gender is known (3,881), the overwhelming majority (89 per cent) were male, 11 per cent female. Of the 3,942 whose age was recorded, 26 per cent of the people arrested were between 10 and 17 years old, 46 per cent were between 18 and 24 and 28 per cent were aged 25 and over. The proportion of people who described themselves as black and those who described themselves as white was almost identical (39 per cent and 40 per cent respectively of the 3,836 whose self-reported ethnicity was recorded). In addition, 11 per cent of all people who were arrested were from a mixed ethnic background, eight per cent were Asian and two per cent from other ethnic backgrounds. These proportions may be (among a host of other possible factors) a reflection of the population composition of the inner cities in which the disturbances took place.

A striking 88 per cent of the people (out of the 2,947 whose contact history was recorded) who were arrested in relation to the August 2011 disturbances had had previous contact with the police. (The definition of ‘previous contact with police’ varies between forces. Most commonly used is previous conviction or arrest.) This may give us an indication of a rounding up of the ‘usual suspects’ rather than a more proactive role on the part of the police, also in view of the type of offences (see figure 2) these people were arrested for. The percentage of previous contact arrestees is high across the board, going from 93 per cent in the West Yorkshire and in the Metropolitan Police areas to the lowest, 71 per cent in Nottinghamshire (data from the Greater Manchester police area was not available in this respect). It is also worth bearing in mind that the figures on previous police contact for the Metropolitan Police are based on a ‘significantly lower number of arrested persons compared to the total number’ (Home Office, 2012).

Figure 3: Characteristics of people arrested during the riots



The overwhelming proportion (72 per cent) of people arrested for offences committed during the disturbances was constituted by young people under 24. Young people aged between 10 and 24 also accounted for 74 per cent of all defendants brought before the courts for such offences committed. Particularly remarkable was that over a quarter of all defendants (27 per cent) were children aged between 10 and 17. As with the arrests, there was also a clear disproportionality of black and minority ethnic people (in relation to the population at large) being processed by the courts: for example, 34 per cent of defendants identified themselves as black, compared to 36 per cent who referred to themselves as white (see table 2).

As of 8 June 2012, a total of 3,051 defendants had been brought before the courts for offences relating to the August 2011 riots: of these 1,968 were convicted and sentenced, 460 dismissed or acquitted. The rest had not had their hearing completed. Among those convicted, 1,292 received immediate custody while the rest (676) were given a non-custodial sentence.

Crown Courts was 19.4 months, compared to the national average of 11.3. Overall people tried for offences related to the 2011 August riots received sentences averaging 16.8 months, which presents a striking contrast to the 3.7 months in England and Wales (based on similar offences) in 2010.

Figure 4: Average custodial sentence length by court type for offences related to the August 2011 riots

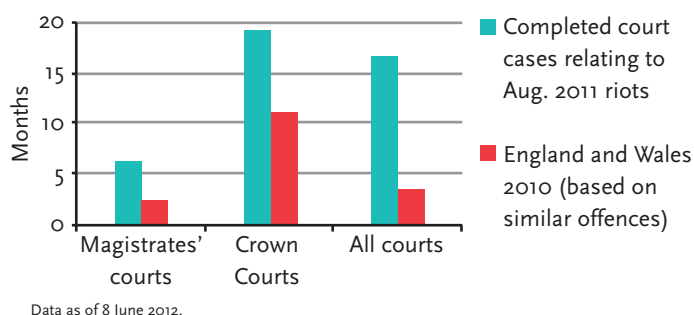


Table 2: People brought before the courts in connection with the riots in August 2011

Hearing not yet completed				Convicted and sentenced		Not convicted	Total
Remanded on unconditional bail	Remand on conditional bail	Remanded in custody	Outcome of hearing not yet recorded	Sentenced to immediate custody	Sentenced to non-custody	Dismissed/acquitted	Total
136	274	201	12	1,292	676	460	3,051

Age group and ethnicity	Sentenced to immediate custody	Sentenced to non-custody	Total sentenced	Dismissed / acquitted	Total defendants with final outcome	Total defendants waiting outcome	Total defendants brought before the courts	Proportion of total
Total defendants	1,292	676	1,968	460	2,428	623	3,051	
10-17	218	369	587	117	704	122	826	27%
18-24	689	188	877	224	1,101	318	1,419	47%
25 and over	385	119	504	119	623	183	806	26%
White	491	270	761	142	903	185	1,088	36%
Black	414	191	605	196	801	224	1,025	34%
Asian	76	35	111	21	132	44	176	6%
Mixed	122	87	209	46	255	60	315	10%
Other	26	8	34	10	44	15	59	2%
Not stated/recorded	163	85	248	45	293	95	388	13%

Data as of 8 June 2012.

The data refer to defendants brought before the courts for offences that took place in connection with the disturbances between 6 and 9 August 2011.

Those who received a custodial sentence were treated a lot more punitively in terms of length of sentence than comparable offences in 'ordinary' circumstances. A string of cases attracted widespread media attention, including the jailing of two men for four years for posting messages on Facebook inciting people to create disorder. Concerns were raised in some quarters about punitive sentencing: for example, former Director of Public Prosecutions Ken Macdonald warned against the courts becoming 'swept up in moral panic' (Stevens, 2011). The Prime Minister, however, praised the use of 'tough' sentences, stressing that 'no-one should doubt this government's determination to be tough on crime' (Cameron, 2011).

The official figures (see figure 4) show that the average custodial sentence length for cases related to disorder was 6.5 months in the magistrates' courts, compared to 2.5 months as an average in England and Wales in 2010 for similar offences, while in the

The figures we have looked at in this section appear to tell a tale of disproportionality: a striking number of children under 18 and over-representation of ethnic minorities among those arrested and brought before the courts, inflated sentencing in relation to comparable offences that took place outside the disorder context. Whether this stance by the criminal justice system would have had the intended deterrent effect is a moot (if probably unprovable) point. The impact on prison places was however immediate, with population in England and Wales swelling up to a new record high of 86,654 by 19 August 2011.

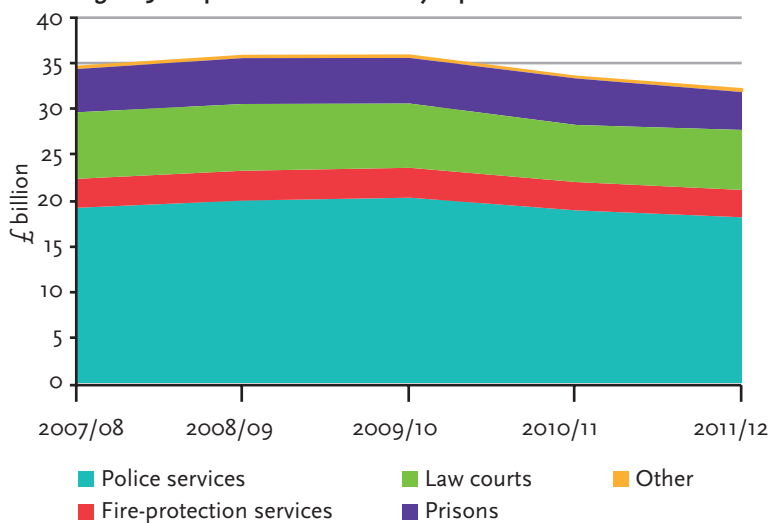
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Home Office (2011), *An Overview of Recorded Crimes and Arrests Resulting from Disorder Events in August 2011*, London: Home Office.
 Cameron, D. (2011), *Speech on the fightback after the riots*, 15 August.
 Stevens, A. (2011), *"Wildly different" sentences "just not justice", ex-DPP warns*, 18 August.

Expenditure

This section outlines real terms spending in criminal justice over the six year period ending in 2011/12. The figures focus on central government expenditures in the UK: they therefore exclude local authority generated income, a significant contributor to policing, for example (Mills et al., 2010). The exception to this is **figure 5**, which is compiled annually from data produced by the Treasury for international comparison and attempts to be inclusive of spending by all government departments. All figures in this section have been adjusted to real terms using GDP deflators as at 27 September 2012.

Figure 5: UK public order and safety expenditure



Public order and safety spending (a category including police, courts, prisons, offender programmes and immigration) has declined in real terms over the last five years. In 2011/12 the UK spent £32.3 billion on public order and safety. This expenditure grew from 2007/8 to 2009/10 (from £34.8 billion to £36 billion)

before decreasing by six per cent in 2010/11 (£33.7 billion) and a further four per cent in 2011/12.

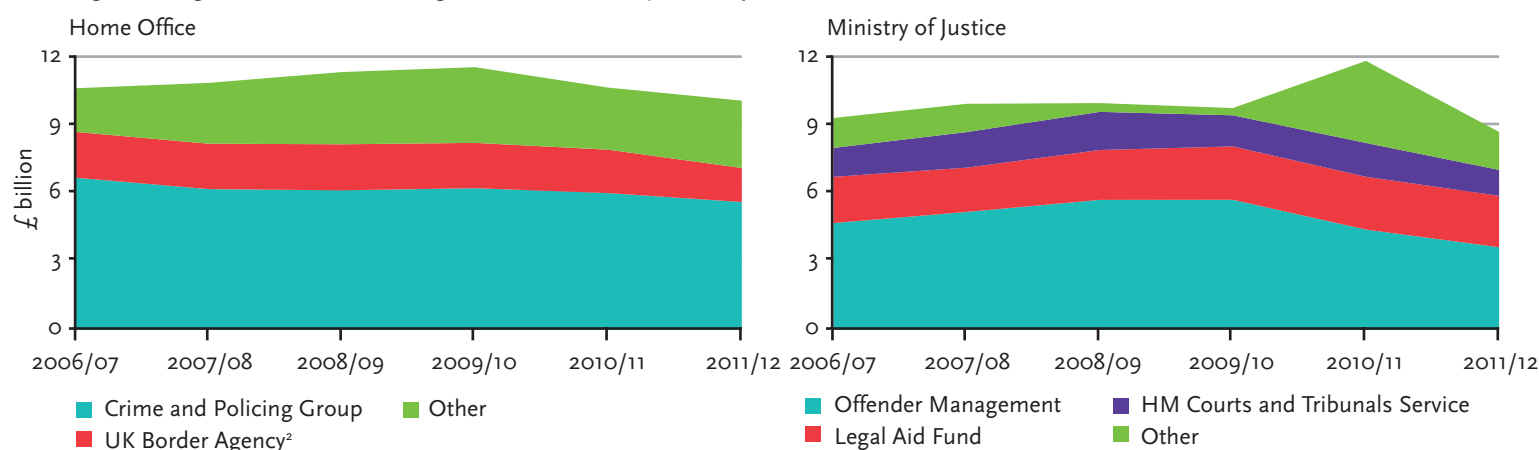
The UK's total public sector expenditure on services also fell in real terms in 2011/12 (by 1.6 per cent) after four years of growth. The reductions in public order and safety spending from 2010/11 have therefore started to be mirrored at the wider public sector spending level.

In Great Britain (England, Wales and Scotland) the trends in central government criminal justice expenditure are diverging, especially with regards to Scotland (**figures 6 and 7**). Combined expenditure by the Home Office and Ministry of Justice has decreased by six per cent and spending by the Scottish Justice Department has risen by seven per cent since 2006/07. In England and Wales growth peaked in 2009/10, descending ever since. A reduction of eight per cent occurred in 2011/12 compared to 2010/11. In contrast, Scottish Justice spending fell by just three per cent in 2011/12, having peaked in the previous year. The differences are perhaps a reflection of the Scottish government's decision to respond to the recession by delaying government spending cuts.

The Crime and Policing Group accounts for the largest proportion of Home Office expenditure and includes central government grants to police forces. This area of expenditure has been falling since 2006/07 and continued to do so in 2011/12, when it decreased by six per cent compared to the previous year.

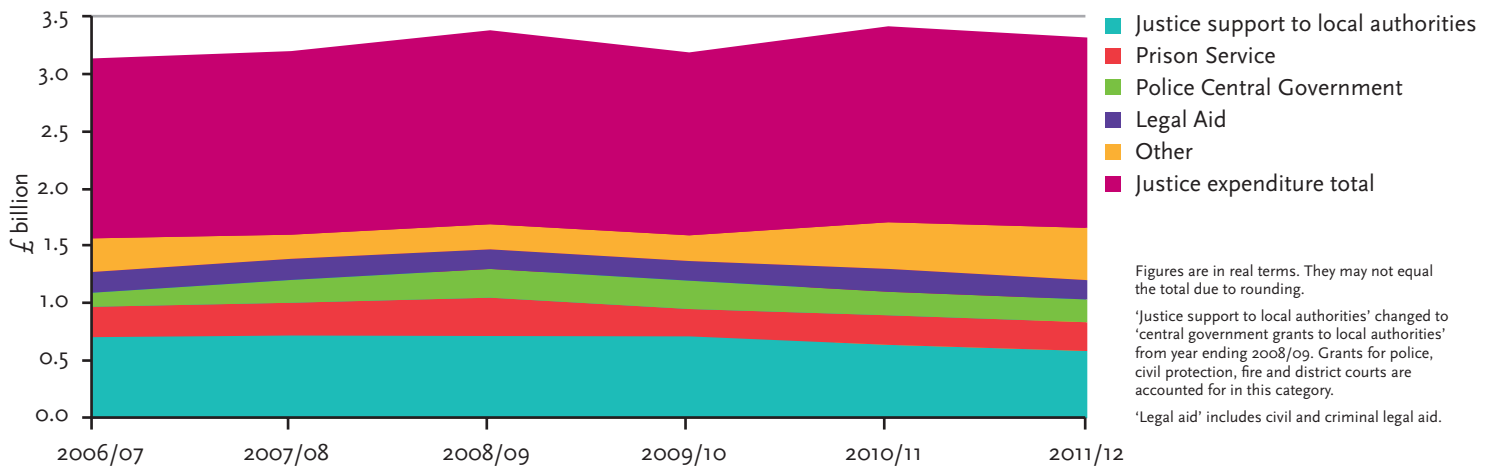
Offender management, which includes the cost of prisons, probation and the National Offender Management Service (NOMS) that oversees both these areas, accounted for 42 per cent of the Ministry of Justice's spending in 2011/12, sustaining a decrease of 18 per cent since 2010/11. In the first year of government, as we saw in the previous edition of UKJPR, there

Figure 6: England and Wales central government criminal justice expenditure



Figures in both these charts are the real-terms total managed expenditure which includes resource, capital and annual managed expenditure. 2011/12 Home Office figures are estimates. Offender management includes spend on prison, probation and National Offender Management Service (NOMS). Legal Aid includes civil and criminal legal aid and Legal Services Commission administration.

Figure 7: Scotland central government criminal justice expenditure



had been a significant reduction in NOMS' capital spend, with the coalition abandoning plans to extend prison capacity. In this second year there continued to be no capital expenditure on prisons and probation: this means that no amount was spent in this area for the two consecutive years 2010/11 and 2011/12 in either prison or probation.

In the two other substantial areas of the Ministry of Justice spend, the Legal Aid Fund fell by three per cent in 2011/12 but the Courts and Tribunal Service saw spending reduced considerably more, by 23 per cent over the same period.

In Scotland, spending on the Prison Service went down by only one per cent between 2010/11 and 2011/12, while central government police spending fell by 13 per cent. Legal Aid spending in Scotland

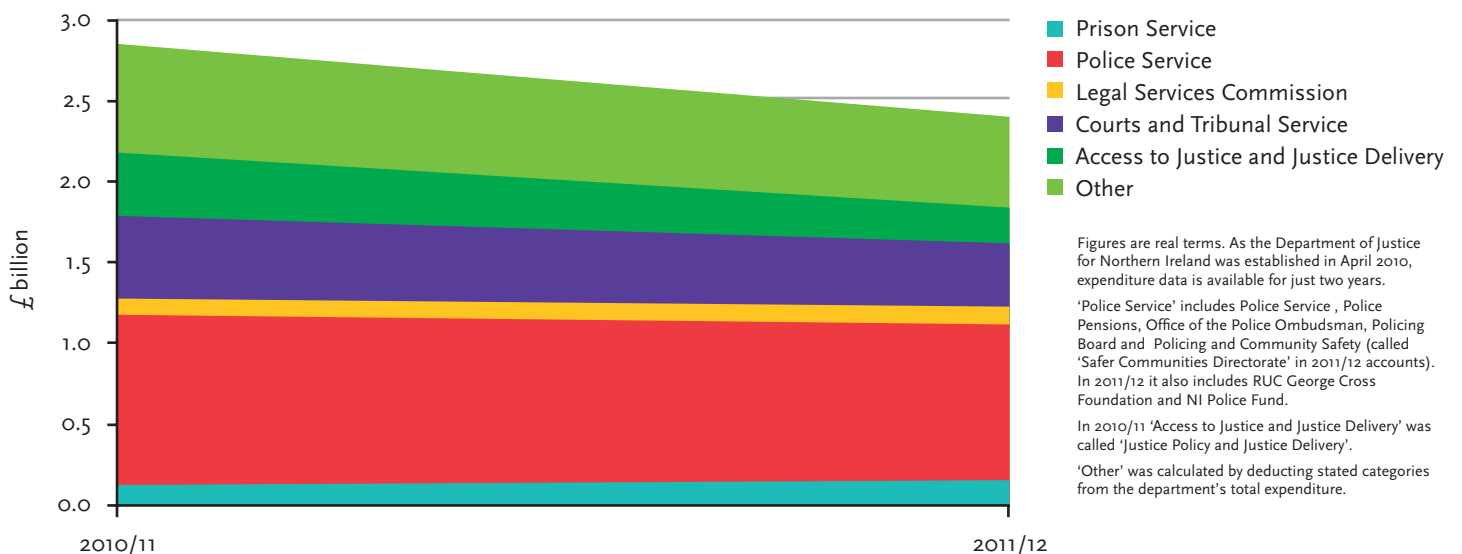
was also reduced, by five per cent.

Figure 8 shows central government expenditure on criminal justice in Northern Ireland in 2010/11 and 2011/12. Here prison spending went up by 21 per cent in 2011/12 whereas police spending dropped by eight per cent. The Courts and Tribunal Service sustained an expenditure reduction of 23 per cent. As the Department of Justice for Northern Ireland was established in 2010 it is not possible to establish comparative spending over a longer time period than these two years.

Reference

Mills, H., Silvestri, A. and Grimshaw, R. (2010), *Police Expenditure 1999-2009*, London: Centre for Crime and Justice Studies.

Figure 8: Northern Ireland central government criminal justice expenditure

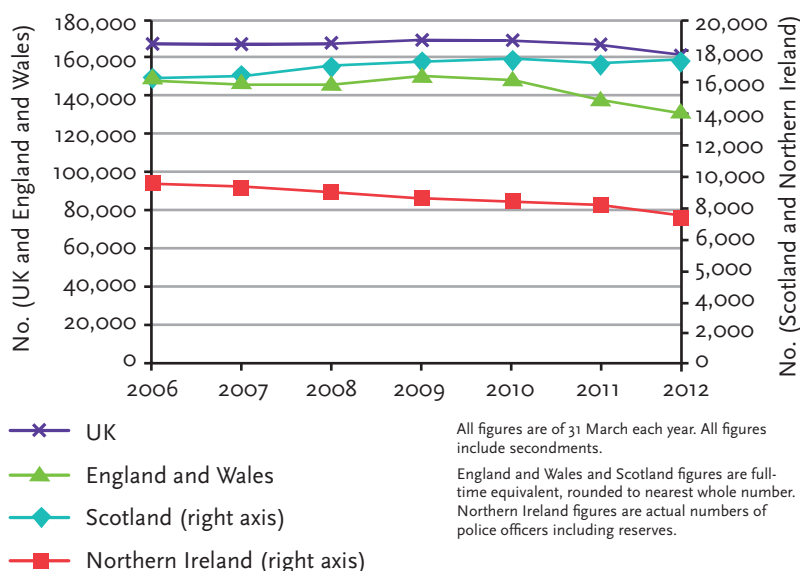


Staffing and outsourcing

In this section we continue the examination of official staffing data in police, prisons and probation staff started in the first UKJPR. This section also reflects on some of the published expenditure on outsourced services.

England and Wales in the previous six years, their numbers also declined in 2012, reducing to 14,715 (Dhani, 2012) from 15,820 the previous year (Dhani and Kaiza, 2011).

Figure 9: UK police officer numbers



From 2011, the coalition's avowed commitment to cut expenditure started to reflect in the number of people staffing the criminal justice system. **Figure 9** shows that, after the sustained push under Labour administrations (Mills et al., 2010), from 2010 police officers numbers began to fall. While there were 170,134 officers in place on 31 March 2010, just before the coalition took power in May that year, this number had dropped to 159,756 on the same day in 2012. These total numbers hide differences between jurisdictions: in Scotland numbers actually rose continually, from 16,164 in 2006 to 17,409 in 2010 and to 17,436 in 2012. The decline is to be found in England and Wales, where officer numbers dropped by 9,653 between 2010 and 2012 (a 6.7 per cent fall), and in Northern Ireland, with a reduction of 752 officers between these two years, constituting a 8.9 percentage drop.

It is important to remember that these figures only relate to police officer numbers and not to the whole of the police force strength, which includes posts like Police Community Support Officers (PCSOs), special constables and administrative functions. Whilst PCSO numbers had more than doubled in

Looking at the total public Prison Service staffing (**figure 10**) in the UK since 2001/02, numbers peaked in the two years 2008/09 and 2009/10, reaching the highest level in 2009/10 at 57,442. Since then prison service staffing has been declining and by 2011/12 it was down to 51,515. The fall has been consistent across jurisdictions, with the exception of Scotland, where numbers picked up very slightly in 2011/12 (4,200, as compared to 4,178 the previous year but against a high of 4,649 in 2002/03). In England and Wales, prison staff declined by 5,644 between 2009/10 and 2011/12, an 11 per cent fall.

When looking at UK-wide data made up by the different jurisdictions it is important to bear in mind that compatibility is often problematic: different jurisdictions often have different recording practices, and even within each jurisdiction there are often changes in recording practices over the years. This is particularly an issue with regards to probation staffing data (see notes in the source

Excel spreadsheet for details). Taking into account limitations, looking at the official figures (see **figure 11**) show an overall expansion until 2006, with numbers contracting from 2007 onwards.

This year we continue to look at selected items of the 'transparency data' released by the Ministry of Justice for spending over £25,000, in accordance with the coalition's commitment of open access to governmental information. We need to bear in mind that the data are available in a 'raw' form that has not been subject to

Figure 10: UK prison staffing

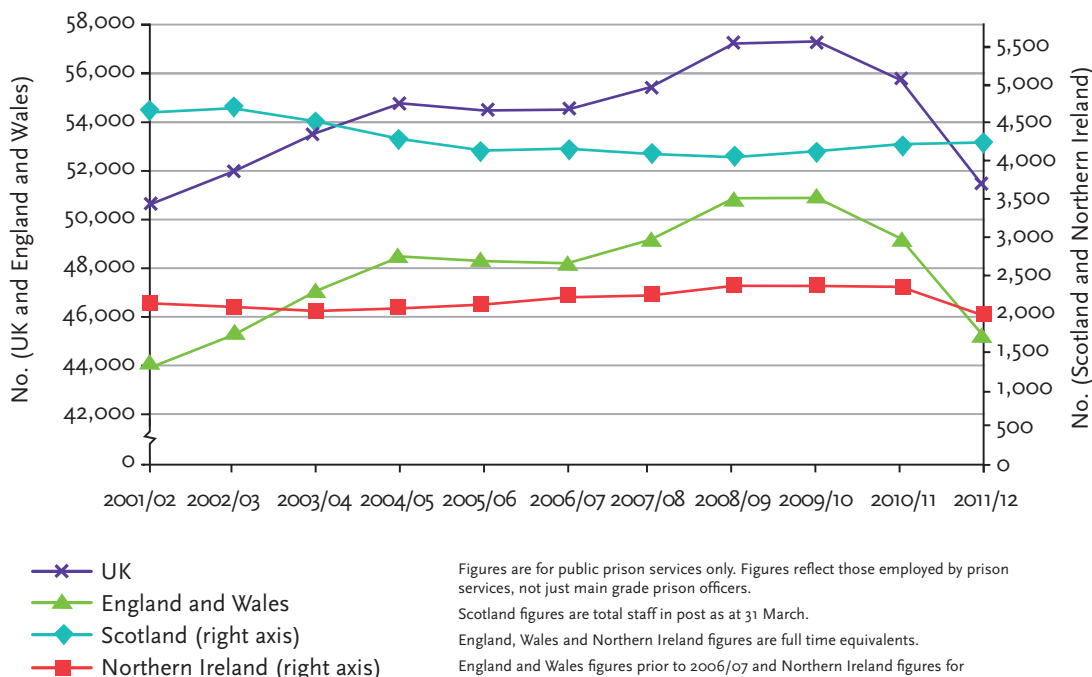
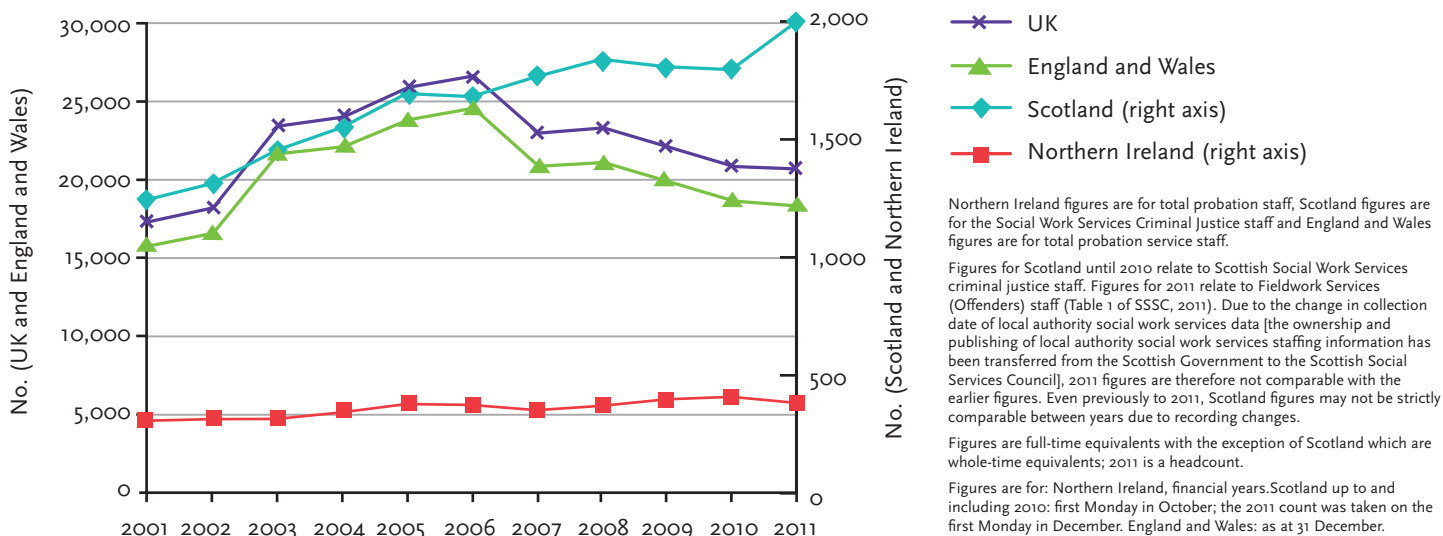
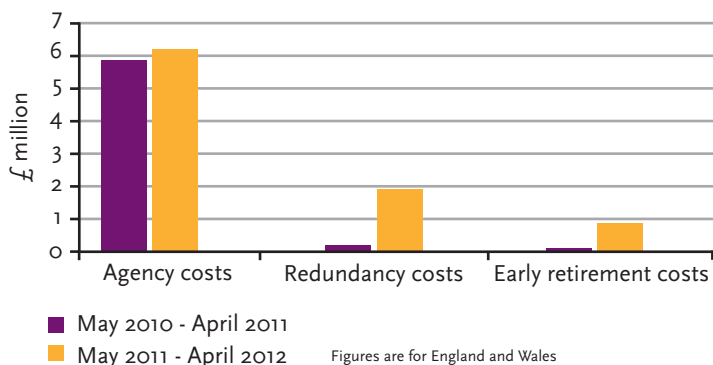


Figure 11: UK probation staffing



verification processes such as for national statistics. Also, the fact that the data only cover individual monthly invoices of £25,000 or over means that the information obtained will be skewed towards the bigger spending and the larger contracts and contractors. This is clearly the case when we look at some of the spending by the Probation Trusts (see figure 12).

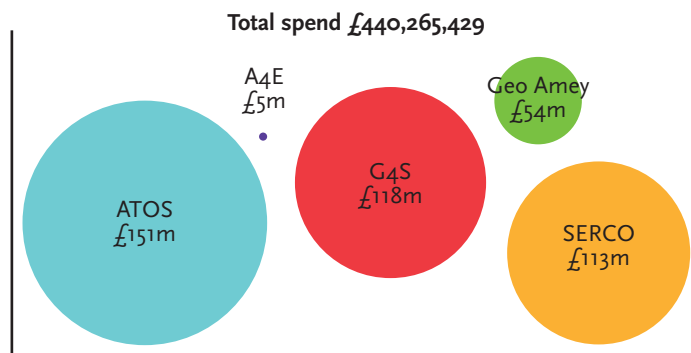
Figure 12: Probation Trusts expenditure over £25,000: selected areas



In line with the coalition commitment to cut down public sector spending, staff numbers were reduced in England and Wales, as we have seen above. However, as this happened, Probation Trusts expenditure over £25,000 shows that agency costs, redundancy and early retirement costs all rose. All such expenditure rose considerably in the second year of coalition government (redundancy costs escalated from £132,396 in the year from May 2010 to April 2011 to just under £2 million the following year, and early retirement costs rose from £31,543 to £983,039, while agency costs were £5.8 million in May 2010-April 2011 and £6.2 million in May 2011-April 2012). The totals however obscure that most of these costs coalesce around very few major 'spenders' (see Excel sheet). All of the agency costs, and most of the redundancy costs, were incurred by the London Probation Trust. This gives the appearance that the London Trust was spending disproportionately more, but it is in fact due to the large size of the Trust in relation to the rest of the Probation Service.

Figure 13 illustrates the spending on individual invoices over £25,000 by the Ministry of Justice on outsourced services to five major private companies. In this second year of coalition government ATOS provided mainly IT services; A4E 'resettlement services', as well as payments and support services supplied to the Legal Services Commission. Both Geo Amey Pecs and G4S were paid to provide electronic monitoring and prisoner escort; G4S also ran prisoner custody services and operated contracted out prisons and detention centres like HMPs Wolds and Birmingham. Serco were paid for running prisoner escort, electronic monitoring and resettlement services as well as operating the contracted-out HMP Doncaster (for more details see Excel sheet). Public spending on these major suppliers amounted to over £440 million in the year from May 2011 to April 2012 inclusive.

Figure 13: Ministry of Justice spending on public order services: selected contractors



Figures are for the period May 2011-April 2012. They cover spending by a variety of Ministry of Justice-funded departments and other bodies, including NOMS, HMCTS, Legal Services Commission, and the Ministry of Justice itself. These figures only relate to individual transactions over £25,000.

References

Dhani, A. (2012), *Police Service Strength England and Wales*, 31 March 2012, London: Home Office.

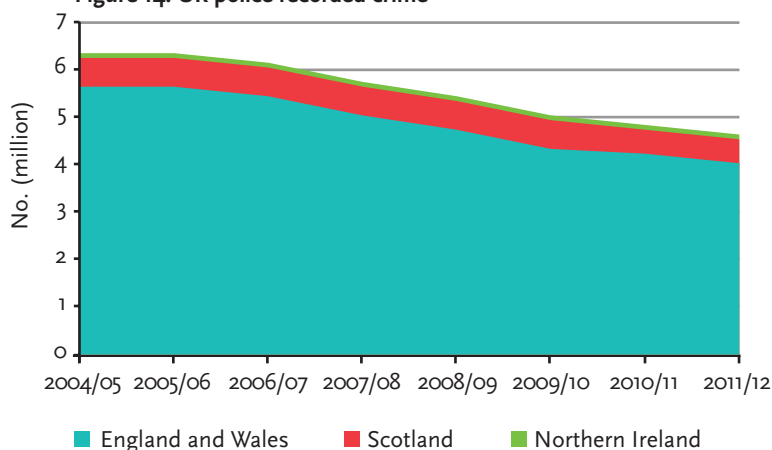
Dhani, A, and Kaiza, P. (2011), *Police Service Strength England and Wales*, 31 March 2011, London: Home Office.

Mills, H., Silvestri, A. and Grimshaw, R. (2010), *Police Expenditure, 1999–2009*, London: Centre for Crime and Justice Studies.

Criminal justice populations

The first figure in this section shows police recorded crime: law breaking brought to the attention of the police and recorded as a crime incident. As a measure of 'crime' its limitations have been well rehearsed. It reflects changes in police recording practices and their targeting of particular lawbreaking activity, and fails to capture incidents not reported to the police. It does, however, provide the material on which the criminal justice system works and offers an insight into the majority of incidents that come to the attention of such a system. **Figure 14** shows that, compared with the previous year, police-recorded crime, measured across the UK, fell in 2011 by 3.4 per cent. Most of this decline is due to a fall of four per cent in England and Wales. As the first UKJPR highlighted, recorded crime had already fallen by nearly 30 per cent in the previous eight years (28 per cent), a downwards trajectory that the other commonly cited indicators of lawbreaking, crime surveys, concur with. This is in keeping with a drop in police recorded crime across many parts of the developed world. The impact of improved vehicle and housing security are a commonly cited explanation for these reductions (Chaplin et al., 2011).

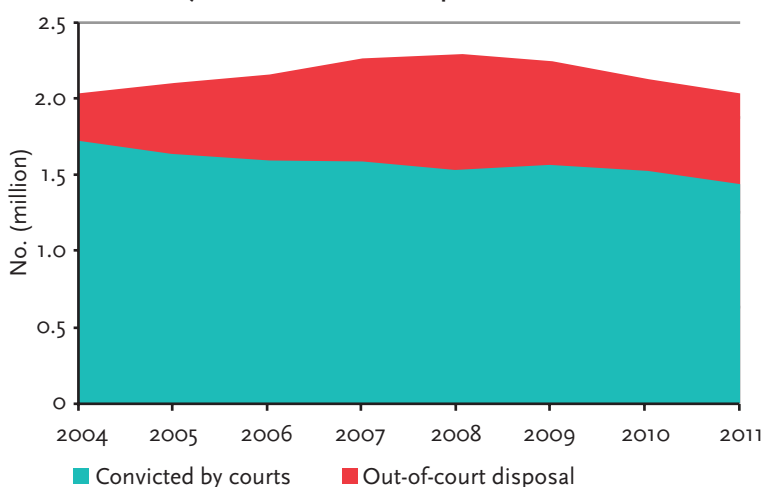
Figure 14: UK police recorded crime



Variation in legislation in each of the UK jurisdictions needs to be considered when comparing crime statistics between the different nations. Northern Ireland's recording practices are the same as that of the Home Office for England and Wales. Due to different recording practices, Scotland's figures are not directly comparable to England and Wales and Northern Ireland. Figures are from most up-to-date sources and may differ from previous publications.

Yearly changes to the number of people subject to criminal justice sanctions by courts or by various out-of-court disposals (mostly implemented by the police) from 2004 are shown in **figure 15**. In the UK over two million people a year continue to be convicted of an offence by courts or subjected to an out-of-court sanction such as a fixed penalty notice. In the 2000s, the number of out-of-court disposals rapidly increased, peaking at 743,389 in 2008. The scale of this increase was attributed to the existence of the 'offences brought to justice' target in this period (Office for Criminal Justice Reform, 2010; Garside, 2004). Operational from April 2004 to March 2008 in England and Wales, the target introduced a police objective to increase the number of recorded crimes resulting in a charge or an out-of-court disposal. The number of out-of-court disposals peaked in England and Wales in 2007, when it reached

Figure 15: No. of people convicted of an offence by courts and no. subject to an out-of-court disposal in the UK



Out-of court disposals do not include those given for motoring offences. Only includes Scotland from 2008 when data are centrally collected.

The range of out-of-court disposals available in each jurisdiction varies. This figure includes the following disposals: England and Wales: police caution, penalty notices for disorder and cannabis warnings. Northern Ireland: police disposals including anti-social behaviour fixed penalty notice, formal adult warning and a warning letter by the police or children's reporter as well as non-court fiscal disposals. Scotland: includes some police and fiscal disposals. Does not include fixed penalties issues by courts.

669,914; it then declined the following years, and by 2011 it was 439,373. Overall in the UK the number fell to 585,412 in 2011. However, there is also a visible decline since 2008 in the numbers convicted by the courts, from 1.7 million to 1.4 million in 2011.

Figures 16-18 show the UK population subject to the three main court-imposed disposals: fines, community based sentences and prison. They indicate the following broad trends:

Fines remain the most common court imposed sanction, however, their number in 2011 (941,616 compared with just over 1.2 million in 2004) confirms a decline (part of a long term falling proportional use of the fine).

The numbers of people subject to community based sentences have continued to fall since 2007 (when they exceeded 150,000) in England and Wales, in contrast to Scotland and Northern Ireland where they have risen since 2003. At the highest point in this period, the number subject to a community based sentence across the UK was 172,597 (in 2007).

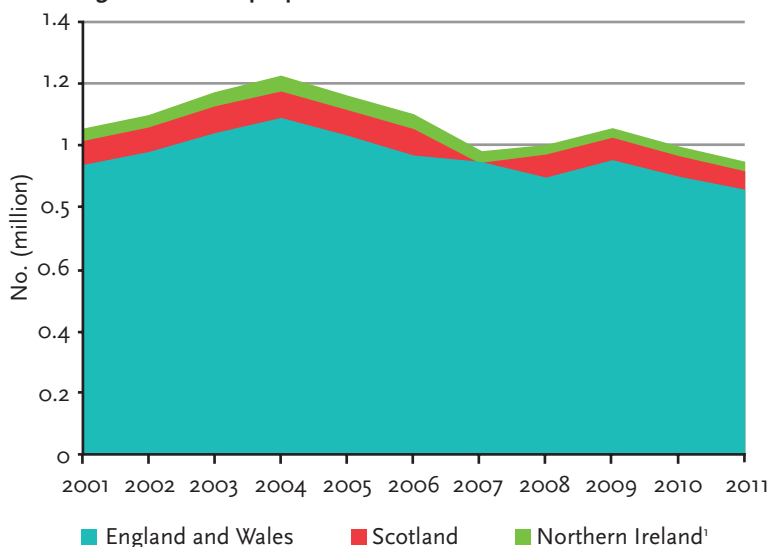
Steady annual growth in the prison population has continued over the period considered here, with the result that the UK prison population has reached an annual figure of 95,861 in 2011, increasing by 31 per cent since 2001. These annual figures are based on a 'snapshot' of the prison population at a specific point of the year. The actual number of people that go through the prison system each year would exceed these figures, particularly given the high proportion of prison sentences of 12 months or less in length.

Government departments in the three UK jurisdictions publish projections of their future prison populations based on a number of assumptions (see **figure 18**). Compared to the projections

shown in the first volume of UKJPR, which was based on the 2011 Ministry of Justice model, the method used for generating projections of the prison population in England and Wales has been revised for the 2012-2018 projections. The latest method has a more detailed focus and breaks down the count of the prison population 'each month for sentenced, recall and remand prisoners' (Ministry of Justice, 2012).

Depending on sentencing trends, three possible projections – a higher, a lower and a medium - are estimated in the data from Scotland and from England and Wales. Northern Ireland has only recently begun to generate prison population projections, which imply increases in the coming years, a total figure of 1,896 being expected in 2015 (compared with the actual number of 1,732 in 2011).

Figure 16: No. of people sentenced to a court ordered fine in the UK



Scotland figures are for financial years.

Northern Ireland figures are for number of people subject to a court-imposed fine from 2007. Prior to this, data are only available on the basis of the number of fines imposed. Figures for Northern Ireland also include recognisance, whereby a sum is forfeited if an act required by law does not take place.

Figure 18: Prison population and projected future prison population

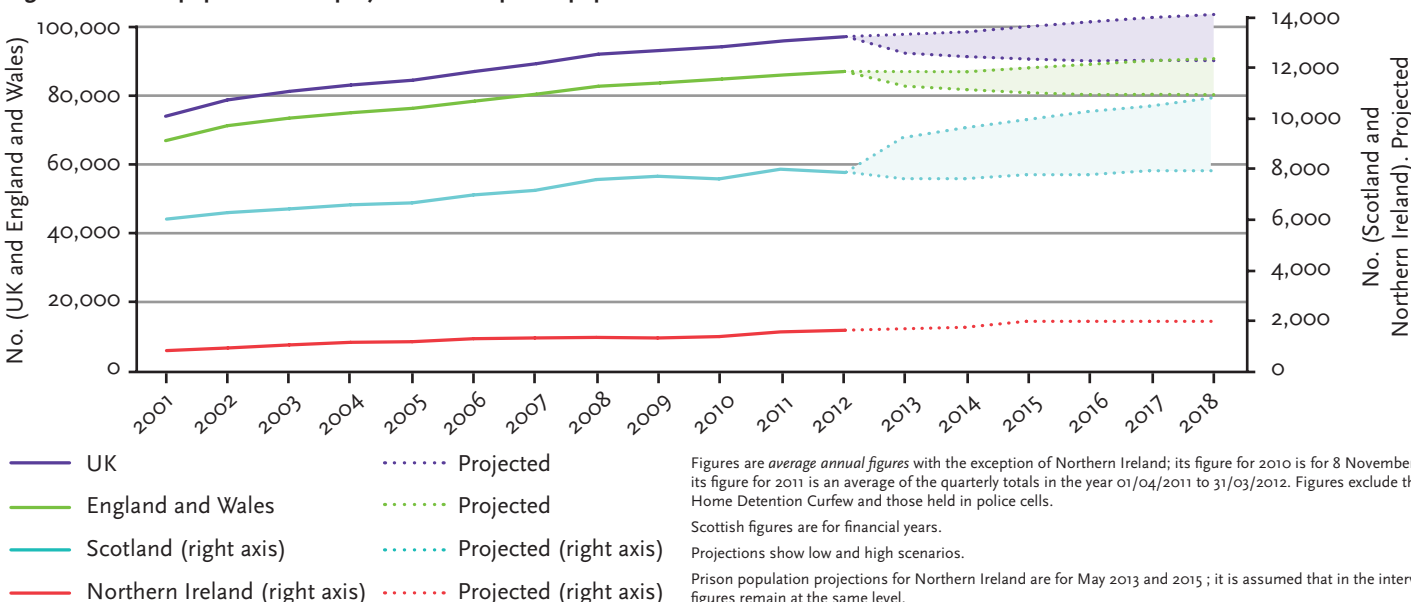
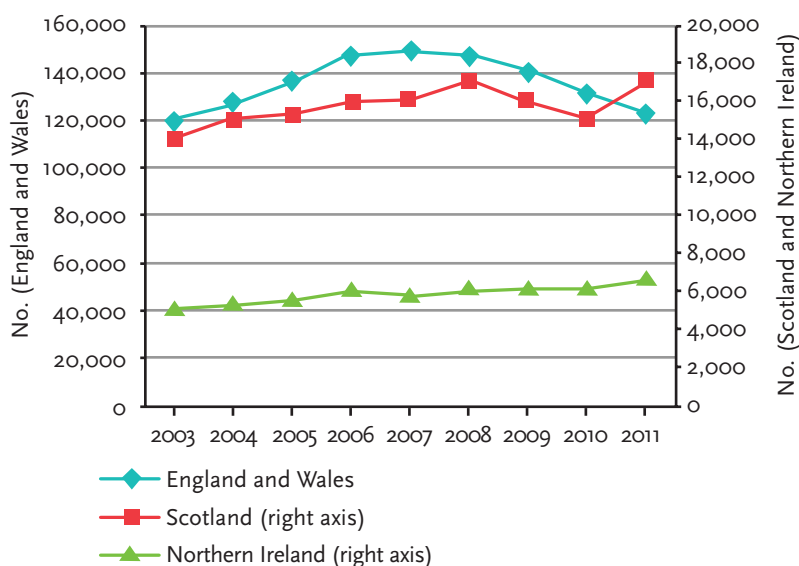


Figure 17: Community based sentence population in the UK



'Community-based' refers to a range of sentences to be served in the community which varies across the UK. Scotland figures are for financial years and are for the number of people sentenced to a community based sentence. England and Wales and Northern Ireland figures are for the number of people subject to a community based sentence. England and Wales figures are for the end of the period and refer to all people subject to court orders including suspended and deferred sentences. Data for Northern Ireland are not directly comparable between all years due to changes in recording practices. Only data in the following ranges are comparable: 2002-2004, 2005-2006, 2007-2010.

Under these assumptions, UK imprisonment on a medium estimate is projected to reduce in 2013 and 2014, but then to rise again, reaching just under 97,000 by 2018.

References

Chaplin, R., Flatley, J. and Smith, K. (2011), *Crime in England and Wales 2010/11: Findings from the British Crime Survey and police recorded crime*, London: Home Office.

Garside, R. (2004), 'Crime, persistent offenders and the justice gap', London: Centre for Crime and Justice Studies.

Ministry of Justice (2012), *Prison Population Projections 2012-2018 England and Wales*, London: Ministry of Justice Statistics.

Office for Criminal Justice Reform (2010), *Initial findings from a review of the use of out-of-court disposals*, online only publication.

Figures are average annual figures with the exception of Northern Ireland; its figure for 2010 is for 8 November 2010; its figure for 2011 is an average of the quarterly totals in the year 01/04/2011 to 31/03/2012. Figures exclude those on Home Detention Curfew and those held in police cells.

Scottish figures are for financial years.

Projections show low and high scenarios.

Prison population projections for Northern Ireland are for May 2013 and 2015; it is assumed that in the intervals the figures remain at the same level.

2012 figures are average annual figures as taken from the weekly prison population and may therefore differ from official data released subsequently.

Housing and wider social circumstances

So far we have looked at data that give us an insight into the changes to the size, shape and cost of the criminal justice system. This section aims to situate such changes within the wider social and policy developments taking place in the country at the time. We look at the wide range of issues, from debt to employment to health, that people took to the network of Citizens Advice Bureaux (CABx) across the UK and were dealt with by their advisers. We also consider problems of housing need and precariousness: their links to the lives of people caught in the criminal justice system are documented in a range of studies (e.g. May et al., 2009; Ministry of Justice, 2012; Tunstall et al., 2009).

As with all data, there are limitations to what these figures can tell us. For a start, they only show the problems of those who received advice, therefore leaving out a 'dark figure' of non-advised need. However, CABx advisers deal with a substantial number of cases: in England and Wales alone they supported over two million clients, with almost seven million problems, in 2011/12 (CABx, 2009a).

Following the banking crisis in 2007 and the start of a recession in 2008, the UK economy contracted in 2009. By the time the coalition government came to power in May 2010, the budget deficit had risen to the highest in peacetime. The financial stringency impacted on policies around the provision of public services, benefits entitlement rules and employment opportunities. **Figures 19-21** show the trend in the numbers of issues handled by frontline advisers across policy areas in the three jurisdictions. Throughout the period, debt, benefits and employment, with housing following closely behind, have constituted the largest proportion of problems people seek advice on.

Across the UK there were around 2.5 million debt, 2.6 million benefits and 639,000 employment issues dealt with in 2010/11, the first year of coalition government. Over half a million (564,147) housing problems were dealt with that year. That the numbers of issues handled by CABx appear to fall in 2011/12 may derive from

a number of factors, including the closure of advice centres due to local authority funding shortfalls, changes in the way the statistics are collated (see for example the notes to **figure 21**) or changes in advice practice. As the England and Wales data originators (see **figure 20**) explain, 'the situation is rather more complicated than our advice issue statistics by topic show - these can be called "problems" and one enquirer can be advised on multiple problems. Although the number of "problems" has been going down, the number of enquirers advised has recently gone up. This is due to the fact that we now give brief information and advice on the client's presenting problem(s) without follow-up advice to a greater number of people, so the average number of problems per enquiry has gone down.' The advice issues statistics therefore measure 'the relative trends in different problem-types, but don't accurately measure workload or footfall' (CABx, 2012b).

In times of economic hardship both owning and renting a home, as it is widely alleged, has become more difficult, reflecting employment availability, bank loans restrictions and welfare entitlement changes (see also our *Welfare reform* essay in this report). **Figure 22** gives us some indication of housing need, by showing us the number of homes that were repossessed or voluntarily given up, and the number of people receiving housing benefit. We should, however, bear in mind that the number of people in need of help with housing costs is bound be higher than the number of people in actual receipt of benefit shown here, as not everyone in need will claim and/or receive housing benefit.

Looking at the numbers of home repossessions we can see that these peaked in 2009, when the economy contracted, and that although they have been going down in the following two years, they are still about twice as high as the beginning of the century and over four times the levels of 2003 and 2004. In the first three-quarters of 2012 alone repossessions amounted to 26,300: 9,600 homes were repossessed or voluntarily surrendered in the first quarter, the same level as 2011.

Figure 19: Issues handled by Citizens Advice Bureaux (CABx) in England and Wales

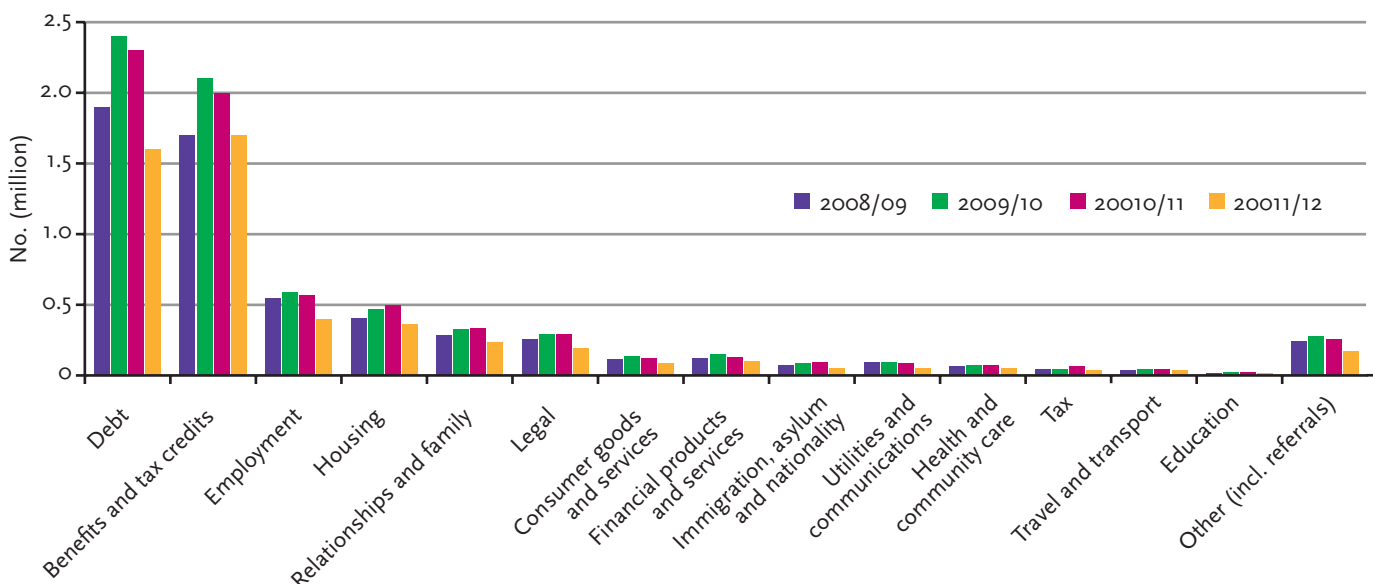


Figure 20: Issues handled by CABx in Northern Ireland

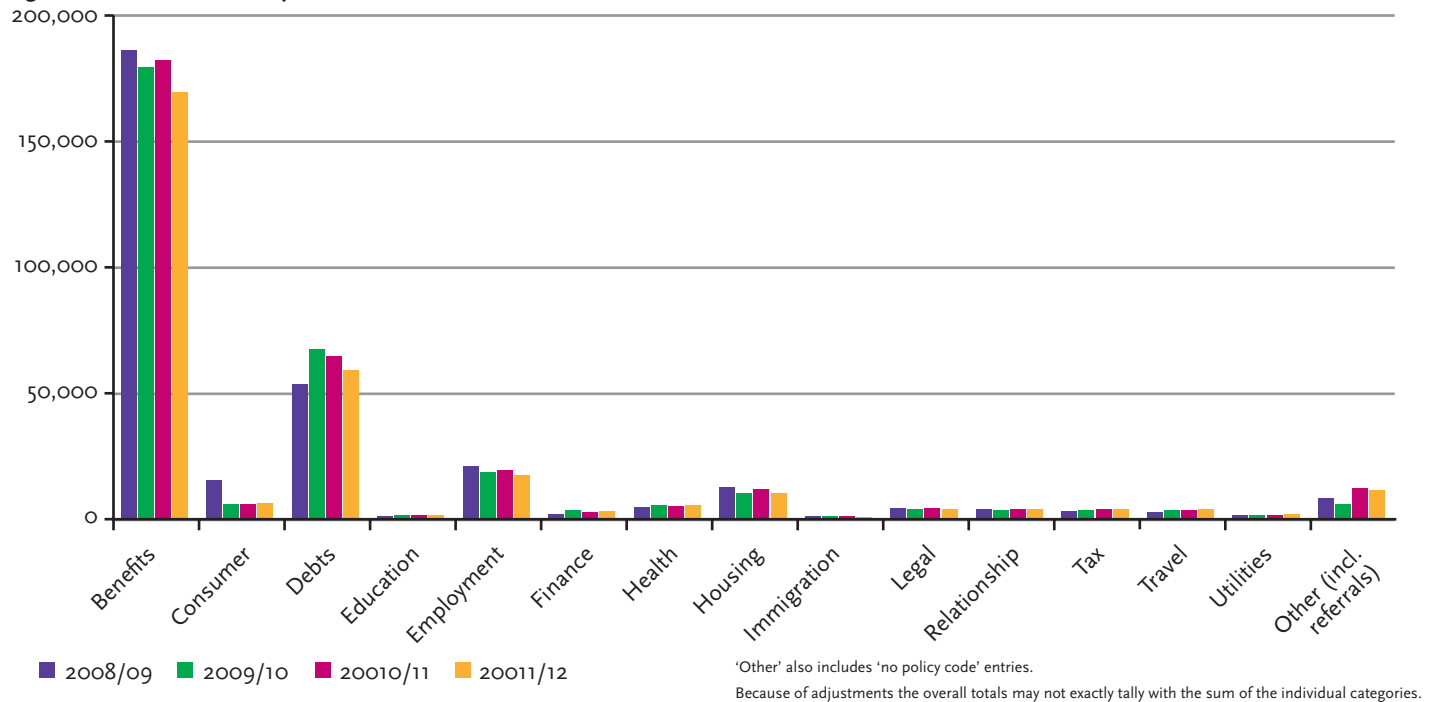
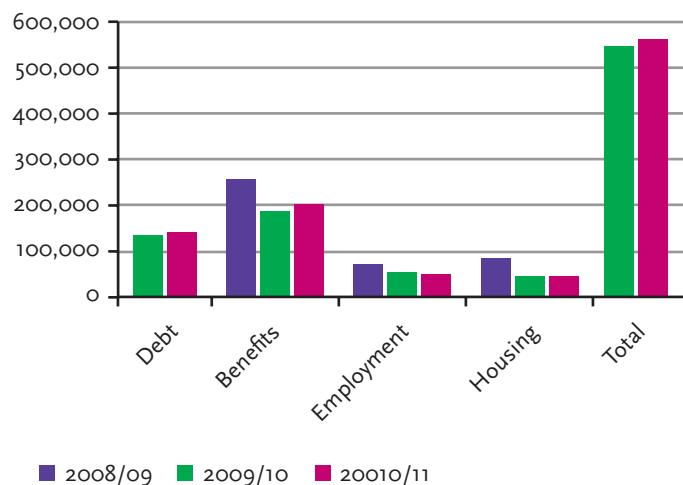


Figure 21: Issues handled by CABx in Scotland



Totals include all categories areas of advice, but this table only includes some specific categories breakdowns. 2010/11 figures include some approximation in the number of benefit issues.

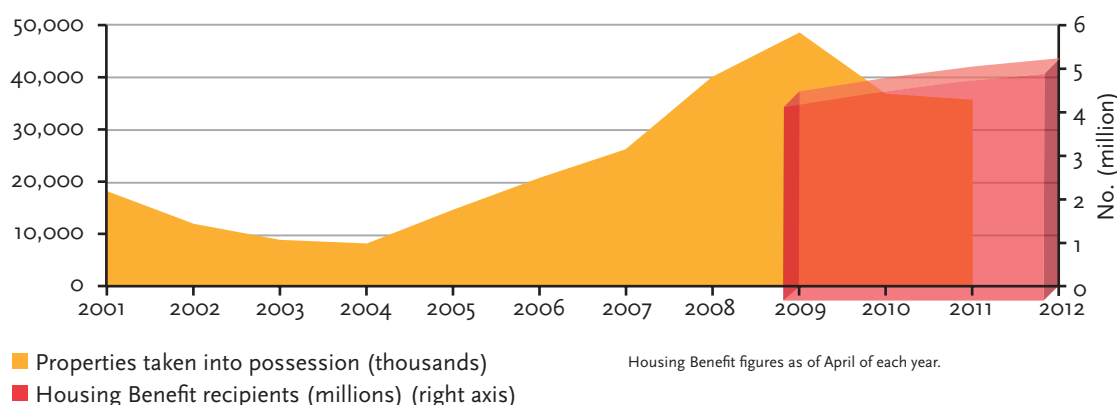
Because of collation and recording changes, 2008/9 are not comparable with other years. 2011/12 statistics not available at the time of writing.

The number of people in receipt of housing benefit steadily increased from just over 4.5 million recipients in April 2009 to nearly 5.2 million in April 2012, a 14 per cent rise. The coalition is intent in getting such numbers down, with a plethora of initiatives that include restricting claimants under 35 to the shared accommodation rate; capping benefit rates, the local housing allowance and scrapping the weekly excess; reducing benefit for people in homes deemed to be larger than their needs. Although some of the changes became effective from April 2011, others are being phased in over the following two years. How and when these new measures will start to have an impact on those in need of financial help with their housing remains to be seen.

References:

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 May, C., Sharma, N. and Stewart, D. (2009), *Factors linked to reoffending: a one-year follow-up of prisoners who took part in the Resettlement Surveys 2001, 2003 and 2004*, London: Ministry of Justice.
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 Tunstall, R. Lupton, R. and Tunstall, H. (2009), *How housing affects children's education and development through the effects of overcrowding, frequent mobility, and poor health and wellbeing*, London: CLG.

Figure 22: Properties taken into possession and number of people in receipt of housing benefit, UK



6 May 2011 to 5 May 2012

A new landscape of justice and social justice delivery?

In this second year of our UKJPR a number of patterns and themes emerged among the developments we considered, including:

- The omnipresent influence of the economic crisis on social policy generally and the delivery of criminal justice specifically
- The continuation of the efforts, initiated by the coalition in the first year, to alter the structure and size of key institutions, heralding what some argue is a reconfiguration of the criminal justice landscape
- A renewed emphasis on punitiveness in England and Wales, with diverging paths in other jurisdictions, more markedly Scotland.

The continuing squeeze on public finances and the Westminster government's tight hold on the public purse formed the undercurrent to many of the policies and priorities we have examined in this report, including the continued drive to outsource public provision of criminal justice services and the related effort to reduce the number of public service staff.

After four years of growth, the UK's total public sector expenditure on services started to fall in 2011/12, the second year of coalition government, as did the expenditure on public order and safety. Budget savings were behind plans for further court closures and the containment of legal aid costs across the UK.

Although the spending squeeze as set by Westminster affected all jurisdictions, not all approached it in the same way or adopted the same solutions. In Scotland expenditure on justice fell (in real terms, while actually slightly rising in actual terms) from the first to the second year of coalition government by a markedly lower level than elsewhere in the UK. And while the numbers of police officers, prison service and probation staff decreased in England and Wales and Northern Ireland, in Scotland the numbers actually rose in this same period.

Reducing staff brings increases in consequential costs (at least in the short term), as we saw in this report in relation to Probation Trusts' expenditure in redundancies, early retirement packages and agency costs. These all rose in 2011/12, as the numbers of probation staff were being cut.

In this second year under review we also witnessed a continuation of the coalition's attempts at restructuring the criminal justice landscape, especially in terms of policing and probation structures.

At a time where the police met a variety of public challenges and embarrassments (including the riots, allegations of corruption and the issues raised during the Leveson inquiry), it also faced, as we argue in this report, a tension between a localising and a centralising drive, exemplified by the creation of Police and Crime

Commissioners in England and Wales on one hand and plans for a National Crime Agency on the other.

The role and purpose of the Probation Service also remained on the agenda. The consultation on the future of the service signalled a radical change to the nature of probation work in England and Wales, again in divergence from the other jurisdictions. Anxieties about the long-term survival of this public service were stoked by the decision to put community payback out to tender.

Payment by results pilots continued to be seen by policy makers as a model for future contracting out of criminal justice service provision. However, pilots met with a host of (largely predicted) methodological and delivery difficulties, casting doubt on the implementability of this model on a large scale.

The second year of coalition government was marked by a shift away from what had been perceived in the previous year (aided in part by the appointment of Ken Clarke as Justice Secretary and his vilification in some sectors of the press) as a 'soft' attitude to crime. The Prime Minister signalled the government's intention not to shy away from punitiveness. Previous attempts to contain prison growth appeared to be relinquished. This punitive strand was not experienced uniformly across the board. In Scotland, for example, we saw how the Angiolini Commission on Women Offenders recommended increasing diversion from prosecution and custody and doing away with the only women prison.

The restructuring of public services via marketisation and contestability made further inroads into other areas of policy. As we saw in this report, the Work Programme shows increased conditionality and elements of punitiveness that are characteristic of changing welfare entitlement rules: this tendency exemplifies what for many commentators is an increased blurring between social and criminal justice policy arenas.

We cannot conclude this *Review* without referring to the riots that took place on English streets in this second year of our *Review*. While debate continues about the underlying causes - deprivation, boredom, greed, grievance – the consequences of social dissonance (and the exceptional level of punishment that followed) are likely to fall hardest on the communities that went up in flames in August 2011. There are clear, multidirectional links between the physical environment and the people living within it (see e.g. Power et al., 2011). It therefore makes sense to consider the impact of the components of everyday life – e.g. housing, employment, education and health. Looking at the links between criminal and social justice policy is one of the tasks UKJPR will continue to undertake in future volumes.

Reference

Power, A., Willmot, H. and Davidson, R. (2011), *Family Futures: childhood and poverty in urban neighbourhoods*, Bristol: Policy Press.



