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# **THE WINCHESTER CONFERENCE**

Reducing Reoffending: A Review and Discussion of 'Transforming Rehabilitation'

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High Sheriff of Hampshire 2013-14



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## Summary

Ahead of the biggest ever changes being made to the probation service on 1 June 2014, as a result of the government's 'Transforming Rehabilitation' agenda, I joined forces with the High Sheriff of Hampshire, Rupert Younger, in March to hold The Winchester Conference. The conference was held with a view to recommending more effective ways to reduce reoffending through innovation and based on evidence, provided by those working in this area and prisoners who have experience of a custodial sentence.

The Winchester Conference brought together an international panel of experts on reducing reoffending, including Steve Brine MP and member of the Justice Select Committee, Greg Berman of the Center of Court Innovation in New York, Chief Constable Andy Marsh and Sir Anthony Salz chair of the independent Commission on Youth Crime and Anti Social Behaviour.

Of real concern was the 'indecent haste' with which these proposals have been implemented, at a time when it is acknowledged that prisons are filled beyond capacity and facing crisis. Despite warning about the haste, scale and impact of changes to the probation system - not least the fact that commercial profit is increasingly a factor in the management of offenders. The reality is as of 1 June these changes are in force.

I am determined to use my role as Police and Crime Commissioner for Hampshire and the Isle of Wight to work with colleagues involved in the criminal justice system locally and nationally to ensure that, together, we continue to protect people and places at a time of significant upheaval, as all parties adjust to the new environment.

This White Paper draws together a number of recommendations that emerged during the conference and will be presented to the Justice Select Committee by Steve Brine MP. Highlights from the conference can be viewed at - [https://www.youtube.com/watch?v=2yN4tM\\_SQs&feature=youtu.be](https://www.youtube.com/watch?v=2yN4tM_SQs&feature=youtu.be)

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### Key recommendations are:

1. Local Police and Crime Commissioners should be empowered to hold the local community rehabilitating company (CRC) to account for delivery against the Commissioner's reducing reoffending objectives, where they exist.

Holding the democratic mandate enables the Commissioner to be able to feedback to the public on the legitimacy and delivery of objectives through the new companies.

2. The Government should evaluate the spend on custodial sentencing and promote more innovative approaches to reducing reoffending

Changing focus and delivery of justice among offenders in Red Hook, New York, enabled a significant reduction in the use of prison, cost and reoffending rates. In contrast, in the UK, the prison population has almost doubled over the past 30 years and further money is to be spent on prison growth.

3. Government should form an independent cross party commission to implement and monitor the changes and alleviate concerns about political cycles and rapid changes in direction of justice policy.

We believe the 'Transforming Rehabilitation' agenda is at risk of failing to deliver due to its highly party political nature and fiscal design focus.

4. Government should reform sentencing guidelines and introduce the ability for the court system to dispense and monitor community justice resolutions

Evidence from the US and other community/neighbourhood court schemes show victim engagement has the greatest impact upon the offender in terms of accepting the harm caused to the victim by crime and taking responsibility for actions. We acknowledge government is supporting restorative justice but a great deal more could be done with this approach.

5. Government should encourage intensive and whole family intervention to commence at custody

A custodial sentence was identified as a possible missed opportunity that could provide early intervention that motivates offenders to work towards rebuilding their lives outside of prison through education, the development of skills and obtaining qualifications.

6. The Government should engage more proactively to support ex-offenders and their family

The Panel highlighted the fact that offenders were less likely to offend if they were supported upon leaving prison by having somewhere to live, relationships they trust, a job and guidance on how to manage their financial affairs.

The Police and Crime Commissioner for Hampshire and the Isle of Wight welcomes the opportunity to explore these recommendations in more detail.

# 1 Introduction and Conference Overview

1.1 On Friday 7 March 2014, Simon Hayes, Police and Crime Commissioner for Hampshire and Isle of Wight together with Rupert Younger, High Sheriff of Hampshire for 2013-14, co-hosted a multiagency and multi-sector conference entitled 'Reducing Reoffending: Transforming Rehabilitation – new ideas, new structures'. This conference - which we are calling 'The Winchester Conference' - provided an opportunity for a unique and timely discussion and debate around the government's 'Transforming Rehabilitation' agenda.

1.2 The Winchester Conference brought together local, national and international speakers. It was attended by around 200 delegates concerned with preventing and reducing reoffending, including the serving High Sheriff's of Surrey, East Sussex and West Sussex for 2013-14, and also the High Sheriffs in nomination for Wiltshire (2015-16), and Hampshire (2015-16; and 2016-17) all of whom have expressed an interest in this subject. They provided valuable insight into the issues discussed at this conference to the High Sheriff of Hampshire ahead of the event and have indicated they now plan to share this White Paper with their relevant Police and Crime Commissioners and other local and national interested parties. We are very grateful to them for their participation and engagement.

1.3 The participants heard from three keynote addresses, followed by expert panels on: 'Policy'; 'Delivery'; and, 'Community' perspectives. The event's Market Stall area showcased initiatives aimed at reducing reoffending. The conference closed with Simon Hayes summarising the connecting themes that emerged.

1.4 This White Paper sets out ten themes and outlines six recommendations. It is being submitted to the Lord Chancellor and Secretary of State for Justice, the Rt Hon Chris Grayling MP; Shadow Lord Chancellor and Shadow Secretary of State for Justice, Sadiq Khan MP; senior officials at the Ministry of Justice; members of the House of Commons Justice Select Committee; and policy groups working in the area of reducing reoffending in the UK.

1.5 This paper is supported by a copy of the conference transcript at Appendix A; an executive summary of the keynote addresses and panellist contributions at Appendix B; and a copy of the delegate pack at Appendix C. A video of the Winchester Conference highlights can be viewed at [http://youtu.be/2yN4tM\\_SQsg](http://youtu.be/2yN4tM_SQsg)

<sup>1</sup> Addresses from Simon Hayes, the Police and Crime Commissioner; Steve Brine, MP for Winchester and a member of the House of Commons Justice Select Committee; and, Greg Berman, Director of the Centre for Court Innovation in New York

<sup>2</sup> The Policy Perspective panel: Rupert Younger, High Sheriff of Hampshire (moderator); Sir Anthony Salz, Chaired The Independent Commission on Youth Crime and Antisocial Behaviour; Phil Bowen, Director of the Centre for Justice Innovation; Shauneen Lambe, Founder of Just for Kids Law; and, Daniel Hutt, Director of Policy at User Voice.

<sup>3</sup> The Delivery Perspective panel Barrie Crook, Chief Executive of the Hampshire Probation Trust (moderator); HH Judge Keith Cutler, Hon Recorder of Winchester; David Rogers, Governor, HMP Winchester; Ryan, a current inmate at HMP Winchester; Kerry Longhorn, Spurgeons Invisible Walls Project based at HMP Winchester; and, Alison Smailes, Head of the Youth Offending Team, Hampshire County Council.

<sup>4</sup> The Community Perspective panel Robin Jarman, Deputy Police & Crime Commissioner for Hampshire (moderator); The Rt Revd Tim Dakin, Bishop of Winchester; Dennis Phillips, Head of the Timpson Foundation; Charlie Adie, Chief Executive of Motiv6; Ian Langley, Head of the Troubled Families Initiative at Hampshire County Council; and, Chief Constable Andy Marsh and PC Mark Walsh of Hampshire Constabulary.

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## 2 Connecting Themes

2.1 Throughout the course of the day many themes emerged that had varying levels of interconnections. We have distilled ten key themes from the speakers and the discussions as follows:

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### **Legitimacy, trust, confidence and respect in the criminal justice system**

2.2 Legitimacy, trust, confidence and respect are necessary pre-conditions to any effective initiatives focused on reducing reoffending rates. This is not only from the victim and community perspectives but also the offender.

2.3 The experience in New York, especially in Red Hook, as described by Greg Berman in his keynote address exemplified what could be achieved to reduce reoffending through engagement with offenders based on these four concepts. This was echoed in submissions from User Voice, whose core ethos is focused on delivering effective citizenship after release from prison through building citizenship inside prison.

2.4 Two presentations from offenders – one current prisoner and one ex-offender – spoke powerfully on the notion of self respect and the benefits that can be gained by treating offenders as individuals.

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### **Localism, communities and partnership working**

2.5 It was acknowledged effective rehabilitation can only be achieved through devolved decision making and a focus on local conditions and circumstances. The fact 98% of offenders return to their communities underscored a need for wider engagement when considering reforms. Policymakers have long recognised local communities should be integral to the criminal justice system. This belief was echoed by submissions from most of the policy panel participants.

2.6 Work being carried out by the Troubled Families initiative, Youth Offending Teams and Integrated Offender Management teams in Hampshire would support the conclusion that engaging more comprehensively with communities on local solutions is central to the success of any policy seeking to redress reoffending rates.

2.7 However, a message repeated several times throughout the conference was partnerships can only work if there is greater trust between the statutory and non-statutory sectors. Various speakers noted that the statutory sector has grown up seeking high levels of ‘command and control’ over the outsourcing of programmes which, while

<sup>5</sup> The delegate pack contains a copy of the Agenda, Speaker Biographies, Delegate list (NB comprehensive at the point of publication)

necessary for accountability and reporting, often has the unintended consequence of limiting the effectiveness of local delivery. When working together there is a need for commissioning organisations to learn to trust partners to deliver the stated objectives. Stronger relationships and initiatives that bring together statutory agencies and the various third sector organisations, which often have a very deep understanding of local issues, will be integral to making significant advances in reducing reoffending.

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### **Early intervention**

2.8 A very strong and recurrent theme was around early intervention – the need to divert, support, encourage and mentor people early in their lives to prevent them becoming a ‘troubled family’ of tomorrow. It was acknowledged society as a whole needs to make a commitment to own that responsibility, helping identify those at risk at an early stage.

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### **Time horizon**

2.9 Delivering real and lasting reductions in reoffending rates will take time. There needs to be a greater understanding and patience within society that persistent offenders often have deep seated and chronic problems – be it with mental health, alcoholism, drug use, financial difficulties or severe emotional problems. Resolving these problems can be challenging, complex and requires sufficient time and expertise.

2.10 There was also a strong connecting theme that there needs to be a conscious attempt to humanise and de-politicise the criminal justice debate and take it out of a four year electoral cycle, but equally very little agreement on how this could be achieved in practice.

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### **Impact on the vital work provided by the Third Sector**

2.11 The ‘*Transforming Rehabilitation*’ programme is introducing a core concept of payment by results. This has had mixed reviews across the different organisations involved. Some view it as a good and necessary initiative - a chance to focus more closely on outcomes rather than processes. However, there are equally some significant concerns that have been raised around four points in particular:

- I. Payment by results reform for offender management is untried, untested and this, together with the speed of its introduction, will lead to a collapse in the soft contracts (sometimes referred to as ‘social glue’) that holds the system together and produces positive outcomes.

II. Significant concerns are being raised about the potential for top-slicing (focusing on the easier cases) under the new system.

III. There is a real fear among the third sector that cash flow issues may threaten smaller charities, which may be the most effective at delivering local outcomes.

IV. Payment by results will result in unacceptable levels of financial risk for trustees and, potentially, lead to smaller charities losing the expertise, contacts and talent that is fundamental to their survival.

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### **The court case as a window of opportunity - sentencing guidelines and innovations in restorative justice**

2.12 An interesting and powerful insight that a court case should be a unique window of opportunity in people's lives and not the end of the journey for the offender or the victim, resonated with the panel and delegates. It was interesting to hear police representatives speak out in support of a focus on people not cases, punishments or problems. This change in perspective puts the police in a powerful position to work with partners in delivering criminal justice, providing a supportive role in helping people from troubled backgrounds rebuild their lives in a positive and constructive way without returning to crime.

2.13 However, the current sentencing guidelines for the judiciary make it all but impossible to sentence anything other than a guilty/not guilty verdict with/without prison time. Innovations elsewhere – in the US in particular – around community courts and early stage restorative justice were warmly received. Of note were innovations such as Youth Peer Courts, where young people who have started to dabble in low level crime are judged by their peers, Victims Awareness Courses that make low level offenders consider the impact of their actions, and Neighbourhood Justice Panels, which allow neighbourhoods to decide which punishments are appropriate responses to crimes in their areas. Notably, all of these initiatives put the community at the heart of decisions around what is appropriate criminal justice and encourage society to take an active interest in offering alternative solutions to reducing reoffending than custodial sentences.

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### **Justice reinvestment**

2.14 The experience in Red Hook, New York revealed how a change in focus and delivery of justice enabled a significant reduction in the use of prison, cost and reoffending rates. In contrast, in the UK, the prison population has almost doubled over the past 30 years (40,000 in 1983 to 85,000 in 2014). The social and economic costs

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associated with the rise in custodial sentencing are significant. The government has allocated £219m (2012-13/14) and earmarked a further £100m (2015/16) for new prison places. Throughout the conference, the dominant question was: ‘Should we just carry on increasing the use of prison or should this new money be used in a more constructive way to support and test a more innovative approach to reducing reoffending?’

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### **Speed of reform**

2.15 A serious concern was highlighted about the speed and scale of reform envisaged in the ‘Transforming Rehabilitation’ agenda. The extent of the proposed changes, which are the biggest shake up in the probation service in many years, together with the tight timescale, are seen to be a major risk. Already, we are witnessing experienced and committed staff leaving the Probation Service and there is some confusion over the requirements for the Community Rehabilitation Company (CRC) bidders to retain experienced (and therefore perhaps more expensive) staff in the face of a tight budget bidding process and the need to make a profit. Alongside concerns around employees in the new CRCs are other concerns around the potential for mistakes to be made in the management of offenders. Various issues were highlighted, with the grey area around the management of the transition of offenders between the new National Probation Service (NPS) and the new CRC receiving the most comments.

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### **Data sharing**

2.16 This is seen to be an ongoing problem and one that needs to be addressed on many levels. Difficulties range from bureaucratic problems with data that slows down the system of identifying people and their problems (for example between the police and A&E departments); systematic problems such as the digitalisation project relating to access to court materials; and improvements in outcome delivery through data sharing between the statutory and third sectors. Local youth workers and local people often have valuable stores of knowledge about individuals or their wider families and friends that, if shared, would help with the early identification of problems, faster engagement of statutory support services, and monitoring of community justice outcomes. It is recognised data sharing is part of a wider debate around information and the right to privacy, but all agreed that small changes to practices and processes could ensure a more integrated approach to produce significant improvements.

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### **Three things are key to reducing reoffending: finding employment, a place to live, and having someone to trust**

2.17 It was very clear that having a place to live (upon exit from prison) is a major factor in helping to reduce reoffending rates.

2.18 It was also very clear that improving opportunities for young people starts with a more proactive and practical approach to the management of their finances. A recurrent theme was the need for a more customised approach to helping current and ex-offenders with their financial planning; coupled with a more user-friendly and accessible approach to banking services for offenders and ex-offenders from within the banking sector.

2.19 The presentations from the Timpson Foundation and evidence from a young person coming to the end of his sentence highlighted the positive effect of employment options. Panellists felt there was a number of initiatives in the system helping with employment but that there remains a stigma for many organisations in getting involved with ex-offenders. Much could be achieved by one-on-one mentoring programmes delivered by organisations like the Prince's Trust. Bespoke, individually focused help with basics such as form filling, job applications and re-housing, together with building confidence through mentoring, was a connecting theme of note.

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## 3 Recommendations

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### **1. Local Police and Crime Commissioners should be empowered to hold the local community rehabilitating company to account for delivery against the Commissioner's reducing reoffending objectives, where they exist.**

3.1 Holding the democratic mandate enables the Commissioner to be able to feedback to the public on the legitimacy and delivery of objectives through the new companies.

3.2 CRC bidders should be required to include a commitment to legitimacy, trust, confidence and respect for the offender in terms of the aims of their mandate. We recommend Parliament, in the form of the Justice Select Committee, be encouraged to include oversight of these issues when reviewing progress following the contract awards. Consideration of local accountability of the CRC delivery should be developed with the appropriate Police and Crime Commissioner to empower them to deliver against their reducing reoffending objectives, where they are part of their local Police and Crime Plans, and on behalf of the communities they represent.

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### **2. The Government should evaluate the spend on the custodial sentencing and promote more innovative approaches to reducing reoffending**

3.3 Changing focus and delivery of justice among offenders in Red Hook, New York, enabled a significant reduction in the use of prison, cost and reoffending rates. In contrast, in the UK, the prison population has almost doubled over the past 30 years and further money is to be spent on Prison growth.

3.4 The third sector plays a huge part in reducing re-offending across the entire offender management chain – pre-prison; during sentence; and post release within the community. There is a large number of organisations all doing things that are related to each other, and huge potential to organise and harness the third sector better, and connect these organisations more closely with the activities of the statutory sector. We believe the Government should recognise and support the power of the third sector through three linked initiatives:

- creating a UK wide database of commissioned services with the third sector (this does not exist currently);
- creating a fully searchable online database of third sector providers by focus and by geographical area (again not done yet);
- and communicating better the ways in which the third sector is going to be remunerated in delivering outcomes (this is a source of some considerable anxiety – which appear to be based on misconceptions rather than facts).

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### **3. Government should form an independent cross party commission to implement and monitor the changes and alleviate concerns about political cycles and rapid changes in direction of justice policy.**

3.5 We believe the ‘transforming rehabilitation’ agenda is at risk of failing to deliver due to its highly party political nature and fiscal design focus.

3.6 While recognising this is a difficult subject, it is not without its precedent – witness for example the independence of the Bank of England on monetary policy and the use of Independent Reviews and Commissions (banking and other). Forming an independent cross party commission to implement and monitor the changes would go some way to alleviating concerns about political cycles and rapid changes in direction of justice policy.

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### **4. Government should reform sentencing guidelines and introduce the ability for the court system to dispense and monitor community justice resolutions**

3.7 Evidence from the US and other community/neighbourhood court schemes show victim engagement has the greatest impact upon the offender in terms of accepting the harm caused to the victim by crime and taking responsibility for actions. We acknowledge the government is supporting restorative justice but a great deal more could be done with this approach.

3.8 We believe evidence from the US and other community/neighbourhood court schemes is compelling and the UK Government should reconsider its policies and approach to early stage community and restorative justice. We support the recent policy exchange proposal to re-establish magistrates in police stations, empowered to dispense community solutions with appropriate monitoring. Linked to this is a new focus on the digitalisation process. Electronic files are still printed out for court use and we are recommending a reinvigorated focus on improving the technology available to the Courts.

3.9 We also advocate a greater use of the magistrates’ courts when it comes to reducing reoffending initiatives. The Salz Commission report emphasised the need for properly trained conference coordinators, based on the Northern Ireland model. This is important for both the conference process and the engagement of victims. When they are involved there is greater impact on the offender as to accepting the harm caused and accountability. There is also greater victim satisfaction than in the court process. The professionalisation of this process will increase the confidence of magistrates to use it - as well as the outcomes.

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### **5. Government should encourage intensive and whole family intervention to commence at custody**

3.10 A custodial sentence was identified as a possible missed opportunity to provide early intervention to motivate offenders to work towards rebuilding their lives outside of prison through education, the development of skills and obtaining qualifications.

3.11 At a time when the prison estate is being streamlined, we believe there is a risk of perverse outcomes in relation to the success of the 'Transforming Rehabilitation' agenda. Custody needs to be seen as a real opportunity for intensive whole family intervention and support. To achieve this, and in order to make sustainable changes that break cycles of intergenerational offending, parents need to serve sentences where their families can visit regularly and relationships can be built consistently over time. The present churn in the prison population makes this very challenging. Likewise, initiatives such as Spurgeons Invisible Walls project, Storybook Dads and others should be encouraged and invested in by Prison Governors given the strongly positive impact it has on building supportive family networks that can help reduce the likelihood of re-offending.

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## **6. The Government should engage more proactively to support ex-offenders and their family**

3.12 The Panel highlighted offenders were less likely to offend if they were supported upon leaving prison by having somewhere to live, relationships they trust, a job and guidance on how to manage their financial affairs.

3.13 The Government should engage more proactively to support the employment of ex offenders. Two concrete ideas have emerged: tax breaks to organisations that employ ex-offenders in recognition of the cost saving to society; and making the mentoring or employment of ex-offenders a pre-condition in the award of certain Government contracts.

3.14 We also suggest more can be done by the Government to support and promote mentoring schemes, such as the Prince's Trust, and to encourage local authorities to do so as well. Working more closely with the Leaving Prison Mentoring Scheme would be an obvious first step, and we recommend Government should consider setting up a consultation with Prison Governors and Employer Groups to discuss options and appropriate policy responses.

3.15 Access to finance and help with financial planning are two of the most important factors in helping ex offenders to get their lives back on track following release. Former prisoners who are able to access funding, and able to manage rent and planning for other basic needs are those less likely to re-offend, especially in the petty criminal world. We believe much more can and should be done to improve access to sustainable banking services for ex offenders, and to building up

financial management initiatives within prisons. This would include the practicalities of bank accounts, but also help and advice in debt management, mobile phone contracts and so on. There are some providers who help – notably the Citizens Advice Bureau – but more could be done to improve this. This is something that could be worked on by banks and financial institutions given the right leadership and engagement from within the relevant government departments.

3.16 While there is some good work being done to improve the skills of offenders and ex offenders, more can be done to create and promote relevant skill sets and recognised qualifications. The Ministry of Justice should engage with the Department of Education, colleges and employer groups - such as the National Grid's Young Offenders Scheme - to research current best practice, and to set up an approach that would benefit offenders and ex-offenders in a consistent manner across the UK prison estate.

3.17 We are also recommending more training for professionals working in the sector. With the changes in the 'Transforming Rehabilitation' agenda come requirements for greater co-ordination and inter-agency working. In order for 'Transforming Rehabilitation' to work more effectively across organisational structures and particularly with different working cultures, there needs to be a greater investment in, and commitment to, multi agency training.

3.18 Finally, the Government needs to ensure governance, resourcing and staffing of the Youth Offending Teams is maintained (strategically and operationally) in the new world, so the transition of young people through to adulthood is given appropriate focus.