



Northern Ireland
Assembly

Committee for Justice

OFFICIAL REPORT (Hansard)

Probation Board for Northern Ireland:
Key Issues and Priorities

14 June 2012

NORTHERN IRELAND ASSEMBLY

Committee for Justice

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Members present for all or part of the proceedings:

Mr Paul Givan (Chairperson)
Mr Raymond McCartney (Deputy Chairperson)
Mr Sydney Anderson
Mr Tom Elliott
Mr Seán Lynch
Mr Peter Weir

Witnesses:

Ms Cheryl Lamont	Probation Board for Northern Ireland
Mr Brian McCaughey	Probation Board for Northern Ireland
Mr Ronnie Spence	Probation Board for Northern Ireland
Mr David van der Merwe	Probation Board for Northern Ireland

The Chairperson: I welcome Ronnie Spence, chairman; Brian McCaughey, director; Cheryl Lamont, deputy director; and David van der Merwe, deputy director. This session will be reported by Hansard and a transcript will be published in due course. I thank you for allowing us to use your facilities today. I will hand over to you, Mr Spence, and you can take us through your briefing.

Mr Ronnie Spence (Probation Board for Northern Ireland): Thank you very much for holding the meeting here; we are very honoured to be your host today. I will say a few words of introduction before I hand over to Brian McCaughey.

A year or so ago, an Assembly Member spent a day with us looking at first hand at what we do and at the challenges that probation staff experience. At the end of that day, he said that probation must be one of Northern Ireland's best kept secrets. I think that he meant that as a compliment, but he was right. In very round terms, we spend under 2% of the budget of the Department of Justice, but we have a disproportionate impact on the criminal justice system. We produce 10,000 reports a year to the courts and others, and we supervise approaching 5,000 court orders and licences. Most importantly, our performance is amongst the best of any probation board on these islands. Brian will explain some of that later.

We thought that it might be useful for me to say a few words about why I think that the PBNI has been so successful. As I am coming towards the end of my term as chairman, I can speak frankly. There are a number of reasons. First, the organisation is exceptionally well led by Brian and his senior team. We have a very dedicated team that deals in a totally professional way with some of the most difficult people in our society. We were right to hold on to the social work qualification as the key requirement for probation officers. That has been diluted elsewhere.

As an organisation, we have very clear objectives and values, and we have been able to work in all parts of the community throughout the troubles of the past few decades, and our workforce is representative of the whole community. In a way, our status as a non-departmental public body (NDPB) has helped during that period. A broadly based board brings a wealth of experience and helps to guide the strategic direction of the organisation and to hold officers to account in a very positive and constructive way.

Finally — I pay tribute to the NIO in this respect — we have been spared the succession of initiatives that have hit probation in England and Wales and done very serious damage to its morale and performance. Like any organisation, we have our difficulties from time to time, but, viewed overall, the PBNI is a significant success story. Having said that, something is bound to go wrong next week.

We are very happy with the strategic direction in which the Minister is seeking to move. For example, the Reducing Offending strategy, which was published earlier this week, is an initiative that we have been advocating for many years. We see the PBNI, in spite of the smallness of its size and budget, as being a critical part of the criminal justice system, and we believe that probation is central to the challenges of reducing crime and the harm that it does.

A couple of weeks ago, the BBC reported that 90% of people sentenced by the courts in England and Wales had offended before. That is a frighteningly high figure. No equivalent figures are readily available for Northern Ireland, but that 90% figure underlines the fundamental point that reducing levels of crime depends heavily on managing offenders more effectively.

As I said, the PBNI has a very good record in challenging and helping to change the behaviour of offenders, and the future will bring further responsibilities and pressures for the organisation. I assure the Committee that, as an organisation, it will strive to respond positively to that task. I am now very happy to hand over to our director, Brian McCaughey.

Mr Brian McCaughey (Probation Board for Northern Ireland): Chair and members of the Justice Committee, I welcome you to our learning and development centre here in Antrim. Later this afternoon, you will have an opportunity to meet front line staff who work across a range of the areas that we cover, and I hope that you will find that beneficial.

As my chairman said, the Probation Board for Northern Ireland works across all areas of the justice system. We work in courts, we work in and with communities, we work in prisons and we work with victims. We work in partnership arrangements with other criminal justice and voluntary and community sector organisations, and we are one of the few organisations that work in every stage of the justice process. We are a non-departmental public body (NDPB) and are held accountable by the 13 members of the Probation Board.

Following devolution, we have sought to grasp the opportunities presented for closer working relationships between criminal justice agencies, building more meaningful and collaborative working relationships with partners and, indeed, our sponsoring Department. That means working together, supporting one another and, as an NDPB, giving honest feedback in our attempt to bring justice closer to communities.

As my chairman said, we provide around 10,000 reports to the courts and the Parole Commissioners per annum. At any given time, for instance this morning, we are supervising in the region of 4,800 offenders on court orders and licences. Offenders are supervised in relation to compliance against this wide range of court orders, including probation orders, determinate custodial sentences, combination orders and community service. We also supervise those on release from prisons and juvenile justice centres.

The number of reports that we carry out has increased by 7% in the past year. In June 2011, Criminal Justice Inspection carried out a review of the reports that we provide and found that the Probation Board provides a high quality and timely pre-sentence report to court. The quality control systems are of a high standard, internal management is focused and relevant and training is comprehensive and adds value. The report included a recommendation to increase the number of what were called specific sentence reports that are provided to courts instead of a full pre-sentence report in order to free up front line staff to carry out other duties. That recommendation has been implemented. During 2011-12, the Probation Board increased the proportion of specific, now short sentence, reports supplied to 13% of all reports to court.

The Probation Board for Northern Ireland works across all communities in Northern Ireland. We have offices in every provincial town. As I said earlier, not only do we work in communities but we work with communities. In 2011-12, we provided £1,272,000 in community development funding to 66 groups. We have 270 partners in our community service scheme across Northern Ireland. Funding is provided to assist organisations to offer services and to help us seek to challenge and change the attitudes and behaviours of offenders. We will take up our seats on policing and community safety partnerships as they roll out over the coming months, and I put on record my thanks and that of the Probation Board to the members of the Committee who made clear that they believe that probation has a key role to play in those arrangements.

We are involved in a range of partnership activities with community groups to help make local communities safer. That includes the Inspire Women's project, which is run and managed by my staff but which utilises experience and facilities in the community. That is the model for the future. We have programmes running on the Falls and at the Shankill Women's Centre to help to turn female offenders' lives around and prevent them from reoffending. We are working hard to engage with all communities and show that what we do helps to contribute to community safety.

All of our programmes and interventions are managed by our head of programmes and interventions, who is a forensic psychologist. The Probation Board's selection of programmes is evidence based. All of our interventions are delivered within a best-practice framework that was agreed by the sentencers and our sponsoring Department. The combination of up-to-date evidence, vigilance in scoping out the latest research and the most effective new programmes and interventions, and the continual process of evaluation and re-evaluation to refine and improve our approach underlines the Probation Board as a leading-edge criminal justice organisation in Northern Ireland. It demonstrates our commitment and dedication to making our local communities safer.

The Probation Board has a statutory requirement to provide a social welfare service to prisons and young offender centres. I have about 40 staff who work daily in prisons. With the introduction of the Criminal Justice (Northern Ireland) Order 2008, the majority of people who leave prison will be on licences and will be supervised by the Probation Board. The work that our staff undertake in prison focuses on the areas of risk assessment, public protection and preparation for release. That is all with a view to reducing the risks of reoffending and improving successful reintegration into the community on release. Activities in prisons include committal interviews for all prisoners, sentence planning, programme delivery, and preparation for release, including the provision of reports to the Parole Commissioners.

The work carried out by the prisons review team, headed by Dame Anne Owers, and the subsequent transformational reform programme that was outlined by the review team, present a real opportunity to prioritise rehabilitation during the period of incarceration, thus reducing the likelihood of reoffending when people return to their communities. We are very keen to be involved in shaping the outworkings of the key recommendations of the Owers report, and we will contribute what we can by sharing experience and staff where necessary and when requested.

We operate a victims' information scheme. You will know that my staff gave evidence to your inquiry on victims and witnesses. In the coming months, we will take forward Criminal Justice Inspection's recommendation to merge the prison victim information scheme and the probation victim information scheme. We will lead on the provision of that amalgamated scheme.

As I have said, all the work of the Probation Board seeks to reduce offending and prevent victims of crime and future victims of crime. Independent research published by the Department of Justice in February 2011 shows that three out of four adults who received a probation order or a community service order in 2007 did not reoffend within one year. We know that those who undergo treatment programmes are less likely to reoffend. In Northern Ireland, probation works. It is effective in reducing offending and in keeping communities safer.

In the past year, we have seen a real increase in our workload. There has been an increase in the reports written, orders supervised and new orders made. The increase in workload is a demonstration of sentencer confidence in our service. In the past year, we saw an increase of 16% in the number of community service orders made and being supervised. There is now a better understanding of how effective the orders are in making offenders pay back to the community. It is for that reason that there has been a significant increase. The increase in workload, however, impacts on the staff in the organisation. In my view, we are a small- to medium-sized organisation that works very efficiently and effectively. We continue to prioritise front line services against the backdrop of having to make savings.

We believe that there will be an increase in partnership work carried out by probation in the future. We already work with our police and Prison Service colleagues, particularly in relation to public protection issues. However, that work will expand as we develop the Reducing Offending initiative in partnership with the police, collaborative working in disadvantaged areas and when we become a designated body to participate in policing and community safety partnerships throughout Northern Ireland.

The ongoing consultations and work by the Department of Justice around the Reducing Offending strategic framework, which was launched this week, and the review of community sentencing will, I hope, provide opportunities for us to show that the role of probation is key in helping communities to become safer and enabling us to do more effective work to reduce the number of victims and make our streets and towns in Northern Ireland even more safe.

The Chairperson: Thank you very much, Brian. I want to pick up on a couple of comments. Ronnie, you said that you were happy with where the Minister was going on reoffending strategies and the increased work that will come your way. How does that tally with the pressures that you are facing with budget cuts? What impact will that have on your savings delivery plan, given that you have had to reduce staff?

You said that offender supervision had increased by 7%, community service orders by 22%, court reports by 5% and that there had been a 42% increase in the number of dangerous offenders. The workload is going up, the budget is going down and you are happy with where the Minister is going.

Mr Spence: Yes, because the Minister understands the points that we have put to him about our budget. At the start of the comprehensive spending review a couple of years back, we said that he needed to take into account the shifting strategic approach to managing offenders, which should have meant that we received more resources as we took on more responsibilities.

When the original figures came out of the spending review, we went back to David Ford and said that we did not think that the settlement reflected the strategic direction in which he wanted to move. He agreed with us and undertook to see what could be done immediately in-year and over the period of the spending review.

That process is ongoing. If Brian were not here, he would be meeting senior officials in the Department of Justice to look at the next phase of our discussions with them about the resources that we need to deliver the responsibilities. As I said, we have under 2% of the criminal justice budget, so shifting £1 million or £1.5 million towards us is of enormous benefit to us, but it does not have such a disproportionate effect on the rest of the budget, although I am sure that the rest of the Department would not agree with that.

I think that we have an understanding with the Minister and with senior officials that there needs to be further adjustment in the spending provision for the Probation Board as our role increases. We have managed to live with the needs of the situation by cutting our non-front line services and activities. We have trimmed things here and there, but we cannot go on doing that indefinitely. We are looking towards a situation in which we will have a firmer foundation and a better guaranteed budget, perhaps, through the next spending review. In the meantime we are happy with the process that is under way to look seriously at our needs.

The Chairperson: You are happy that there is engagement and a process in which you are highlighting concerns, but ultimately there is still a gap between what you say you need and what is being given.

Mr McCaughey: There are certainly in-year pressures, and after this meeting I shall be heading to Castle Buildings for a further meeting. I am optimistic that I will arrive at a satisfactory settlement this afternoon to allow us to deal with our in-year pressures and an arrangement to allow us to deal with those pressures over the life of the spending review period. However, I will engage with our sponsoring Department to ensure that, at the commencement of the next spending review period, the budget for the Probation Board is at the right level.

Mr Elliott: Thank you very much for your presentation and for your invitation to host us today. Ronnie, or Brian, mentioned the huge increase in the workload. How much of that is down to the changing attitude of the judicial system and the courts?

Mr McCaughey: There is clear evidence that justice in Northern Ireland understands that prisons should be reserved for those who are most dangerous and who will cause hurt and harm to our families, our children and our communities. No one could argue against that. That said, most people who go to prison now will come out on licence and under supervision. Therefore, the judiciary looks at everyone coming through and asks whether they can be managed safely in the community or whether they must be incarcerated. There is confidence in the services that we offer and in the range of orders that we have available to allow the judiciary to decide that people can be managed if they are not a threat or pose a risk of danger to the public.

Mr Elliott: Are you sensing or detecting a change in attitude in the system?

Mr Spence: Yes. There is a debate going on across the UK about how best to deal with offenders. Although a lot of people want to pursue the line of throwing away the key, I think that there is increasing understanding that managing more offenders in the community is likely to be more successful. As I say, that debate has been going on across the whole of the UK. We have tried to support the debate here. Indeed, in this very room, we held the end of a series of what we call blue-sky seminars to try to engage everyone in the debate on the best way to reduce levels of offending, whether people are going to prison who could be managed better in the community, and whether there are people coming out of prison who should go on licence with us to help them re-establish their lives. That is what is happening under the legislation. So, there is a gradual change.

Also, I think the evidence that we have been able to produce and demonstrate, through television, of the benefits of community service programmes has enabled people to see what some offenders have done with their lives, including their work and reparation in the community. I think that all of that builds up an understanding of the fact that there is more scope in, and benefit from, managing more offenders in the community.

Mr Elliott: How much co-operation do you get from other agencies and, in particular, the Public Prosecution Service and the police?

Mr McCaughey: The relationships with, and co-operation from, all the criminal justice organisations are very good. Our engagement is almost after their involvement; it is once the offender has been convicted. When a court is deciding what to do with an individual, it will look to us to provide a report with background information on their home situation and to give some views on what may be most effective to stop the person offending.

We have very positive working relationship with all the criminal justice organisations. That is increasingly the case in the public protection arena, where we work to manage the most dangerous and difficult sexual and violent offenders. We have a collocated team with the police and social services that oversees the most high-risk offenders in Northern Ireland.

Mr Elliott: Do you have any input to the Public Prosecution Service when a file is going through its system?

Mr McCaughey: At this stage, we do not have an input. That is something that we might wish to look at in future. The justice system in Northern Ireland should ask itself not only who should go to prison and who should be managed in the community, but, first, who does and does not need to be prosecuted. Other alternatives could be put in place, rather than putting a person through the whole costly process of prosecution. The matter could be dealt with —

Mr Elliott: Do you have a good relationship with the police in that respect? I know that there is some flexibility in the system now, in that the police do not have to send every file to the DPP or put everyone on record there and can deal with more minor offences in a more simplistic way.

Mr McCaughey: We have very positive working relationships with all the criminal justice organisations, including the police. You are touching on areas that we think we could develop by expanding the range of options available to the courts and those available even before the courts get involved. I think that there is more work to be done.

Mr Lynch: Thank you for your presentation. I have a number of points. Brian, you talked about collaborative partnership work and mentioned other methods of dealing with offences. Are you working with established restorative justice groups? If so, in what way are you working with them?

Mr McCaughey: I will commence answering that but Cheryl might want to come in. We have a long history of working with community restorative groups in Northern Ireland. We are central to the outworkings of the protocols now in existence. To give a wider answer: I believe that, in the probation of the future, victims will be central to the work that offenders do. Victims will be central to the work plan of everybody who is placed on an order or a licence, as will making amends for the harm that people have done.

I mentioned that we have funded 66 groups. The community restorative justice schemes are part of those funding arrangements. They have close working arrangements with the local teams and assist us to develop what I call our victim offender mediation, with a view to ultimately managing meetings at which the offenders can make amends to the victims for what they have done.

Mr Lynch: Do those groups have a powerful impact, Brian?

Mr McCaughey: They do. They have an area of expertise that my staff might not have at this stage. Indeed, one of the community restorative justice bodies won a competition to train my staff in victim/offender mediation work.

Mr Lynch: Finally, you said in your presentation that you are committed to shaping the Anne Owers report. Will you elaborate on that, please?

Mr McCaughey: There are 40 recommendations in the Owers report. I believe that the Probation Board, based on its knowledge, skills and experience, can make a very positive impact in helping to achieve the outworkings of at least nine of those recommendations. I am offering the knowledge, skills, experience and expertise of my staff to help with that. I am involved in the oversight group that is dealing with the outworkings of the recommendations.

Mr McCartney: Thank you very much for your presentation and for inviting us here today. I have two broad questions. The savings delivery plan states that you have closed two delivery sites. Will you be assessing the impact of that on your work? I assume that those closures were almost forced on you by the fact that you were asked to reduce your budget.

Mr McCaughey: I will answer that initially and then David may wish to come in. When we were given the reduced budget, we had to look at all aspects of our operation. The two areas identified are the areas in which we have the lowest case load and where we were able to identify alternative means to deliver our services. Therefore, although we have taken steps to reduce costs by letting those offices go, we still have a presence in both towns. Through partnership arrangements with voluntary sector organisations, that has also had many positive spin-offs.

Mr McCartney: Perhaps the word "forced" is too strong, but you might not have made that choice had you had the finance to continue. Are you keeping an eye on the impact of that?

Mr McCaughey: We will keep a watching brief. If our case load were to increase, we would have to revisit those decisions.

Mr McCartney: You said that you are leaving here to go to Castle Buildings to meet departmental officials, which I am sure is for a wider discussion around finance.

Ronnie talked about blue-sky thinking. Have all the agencies come together and looked at the impact that they have on each other's work? Is that part of the process? You have 40 probation staff in the prisons. If you had to remove 10 of them because of costs, would the Prison Service be knocking at the Minister's door, saying that that would have an impact on your work, or would it be left to you to make the case?

Mr McCaughey: We have very close working relationships with Prison Service management. We meet regularly, certainly every quarter, and share leads on our prison work. We have a service level agreement with the Prison Service, and it gives me over £1 million every year, Raymond.

Mr McCartney: It does?

Mr McCaughey: It funds me, so the acting director general would absolutely understand the impact. He buys my services. If we were not able to deliver those services because of cuts, both of us would be knocking at the Minister's door.

Mr McCartney: There is a budget figure here. Does that include what the Prison Service gives you, or is that seen as extra, so to speak?

Mr David van der Merwe (Probation Board for Northern Ireland): It is seen as extra.

Mr McCartney: I assume that, in the work that you do in collaboration with the PSNI, it would also understand the impact.

Mr McCaughey: We do not receive any funding from the PSNI. That is a different arrangement.

Mr McCartney: Is it part of that blue-sky thinking? If the PSNI started to realise that you are losing probation officers in areas of high risk, it would be in its interest to see if it had a budget line to make sure that you are not losing staff and, in essence, giving it more work to do. With more work to do, it would be spending money that it could avoid spending. Is there any process —

Mr McCaughey: The way in which criminal justice is shaped and approaches its work involves us at every stage. We work in courts, prisons and in the community. If the cuts in probation were such that we had to withdraw our services from any of those points on the continuum, the consequences would be felt severely.

Mr McCartney: I think you said that 90% of people are charged within 12 months.

Mr McCaughey: I think that Ronnie said that, in England and Wales, 90% were charged.

Mr McCartney: They were going back in. And you have no equivalent figure for here?

Mr McCaughey: There is no equivalent figure for here, but I can tell you that three out of four people that the courts give us or who are on a sentence after prison will not reoffend within a year.

Mr McCartney: Again, I assume that someone looking at the overall budget would say that each person who enters the system costs X amount of pounds, so that, if we lose probation staff, perhaps in saving £10 we would have to spend £30.

Mr McCaughey: A probation order will cost in the region of £5,000, or up to £10,000, subject to the additional requirements that might be put on that order and licence against the figures that the Committee is well aware of for the rest of criminal justice.

Mr Spence: On the blue-sky point, I have just underlined the importance of continuing to try to learn from other jurisdictions; what has worked elsewhere and what has not. We have tried very hard to draw on the best available academic thinking on those matters, and we involved quite distinguished academics in the work that we have done on our corporate and business planning process. That has been very helpful indeed. They have had the same input to the prison and youth justice reviews. It is very important that we use the best research and intelligence that is available.

Mr McCartney: I am just trying to work it out in my own mind. Each component part of the system has a good understanding of where they are. It is understandable that everyone is protective of their own budgets, but if you are protecting your own budget to the point where you are being, sort of, negligent, you can actually put more pressure on it in the long term.

The Chairperson: As no one else has indicated that they want to ask a question, I want to make a final point, which is not really related to the front line work. I do not come to this with a particular position. Maybe, chairman, you are at liberty to give a frank assessment of whether you think that having a board with 13 members is delivering the best service that the Probation Board can offer society, or would it be better if it were an agency and that a board was not necessary?

Mr Spence: I have far too much experience of working in the public sector, with boards, without boards, with next-steps agencies and with public bodies. The experience varies from place to place and from body to body. In the case of the PBNI, the fact that it has that level of independence, with a board of people who can stand between the officers and the officials in the Department, is very helpful.

I think that the Probation Board has, over the years, been able to act independently and in an innovative way, which would not be so easy if you were inside a government Department. I think a lot of debate went on in England about the future of probation bodies there. Again, it was about the value of independence. You need to distance the function a bit from the political process and try to draw people with various interests and expertise into it, which can enable a dispassionate debate about the best way to manage offenders.

If you were starting from scratch you might not design the system that we have now, but our experience of having a separate board for probation has been a good thing.

The Chairperson: That concludes the formal part of the meeting.