

Rethinking Crime and Punishment 2

Increasing the Confidence of Sentencers in Community Sentences

**An account of work with Crown Court Judges
in the Thames Valley 2005/2006**

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December 2006



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Foreward

His Honour Judge Julian Hall

In the autumn of 2005 I was asked to select and contact a group of judges from the Thames Valley and to have them invited to what was to be a series of three visits to Probation Service Community projects. The visits were each followed by a round table discussion so that participants could report back on their experiences and make frank comments on what they had seen and how things might be improved. I am delighted now to write the foreword to the report of this initiative, one which in my view, succeeded in its object of increasing the judges' awareness of the Probation Service's work and thereby raising its confidence in the value of non-custodial sentences.

The relationship of the service to the judiciary is one that is often slightly distant, although we rely on the service a great deal. The difficulties can arise because of the limited and rather formal way in which we have contact with each other. Most of this is through the medium of the Pre Sentence Report. These are now written to a template and therefore rather formulaic. They are written using the language of the social scientist which has a way of putting up the backs of the judge 'consumer'. Of course there are times when an individual probation officer may attend to speak to a report, but that is the exception rather than the rule.

By contrast, the three events served the purpose of providing a safe meeting place for the two sides to meet and learn about each others concerns. That is the main and very simple purpose and outcome. There really is no better way to find out what someone is doing than to see them at work and to talk to them and ask questions. No amount of reading of reports can convey the same amount of information so efficiently.

I very much hope that judges and probation services in other parts of the country will wish to undertake initiatives of this kind. Should they do so, this report will provide valuable information not only about the benefits but also the practicalities involved.

HH Judge Julian Hall

Introduction

Rethinking Crime and Punishment

The Esmée Fairbairn Foundation initiative Rethinking Crime and Punishment (RCP) worked between 2001 and 2004 to raise the level of debate about the use of prison and alternative forms of punishment in the UK. One of the initiative's major outcomes was the publication in 2004 of *Crime, Courts and Confidence*, the report of an independent inquiry into alternatives to prison. The enquiry, chaired by Lord Coulsfield, made a comprehensive range of recommendations across the whole field of Criminal Justice, and had much to say about the problems of low confidence levels both for the public and sentencers.

In 2005 the Esmée Fairbairn Foundation launched a second phase of RCP to implement some of the key findings. Baroness Linklater, at the launch event in the Royal Courts of Justice said, 'We are taking forward our commitment that RCP should be a springboard for action'.

The new initiative took the form of three strands of work:

- A large scale pilot project to be conducted by the Thames Valley Partnership testing ways for the public to become more involved in the choice and delivery of Unpaid Work by offenders.
- A national awards scheme to be set up by the Howard League for Penal Reform to recognise, encourage and publicise best practice in community work with offenders.
- A programme of visits by Judges and Magistrates to community sentence projects to develop understanding and increase dialogue with the Probation Service.

The Henry Smith Charity and The Wates Foundation were funding partners in the initiative.

Work with Sentencers

This third strand, to be operated in a first phase by Thames Valley Partnership, in conjunction with the National Probation Service Thames Valley, drew on some key Coulsfield findings, notably the need for sentencers to have first hand knowledge of, and training about, the community sentences used in their jurisdictions.

It was decided, after careful thought, to run separate programmes for Judges and Magistrates. The main factors were:

- Major differences in the numbers – the programme included 15 Judges from the Thames Valley and covered most regular Crown Court Judges, whereas there are 1,100 Thames Valley Magistrates.
- The greater time pressures on Judges making it important to find a 'cost effective' use of limited visiting time.

- The different sentencing emphasis for Crown Court Judges who deal with more serious cases.

A description and assessment of the work undertaken with Judges is provided in this report, and the second programme, for a selected group of Magistrates is also now underway. The Judges programme included three events in December 2005, March 2006 and June 2006. Overall 16 Judges took part in one or more of the events, and we were honoured also to have the Lord Chief Justice participate in the final event. A separate session was also arranged in July for Mr. Justice Leveson, then Deputy Senior Presiding Judge for England and Wales.

Contributions from a number of people were central to the success of the project, and it is important that these are recognised from the outset.

They are as follows:

Baroness Linklater, Chairman of RCP2 and Trustee of Esmée Fairbairn Foundation for her practical involvement and high level of support as the work progressed.

His Honour Judge Julian Hall, presiding Judge at Oxford Crown Court, who not only ensured that Judges were aware of the project and encouraged to attend, but also chaired the discussion sessions with considerable insight and skill.

Gerry Marshall, Chief Officer, National Probation Service – Thames Valley who attended all the events and strongly supported staff involvement.

Sue Raikes, Chief Executive, Thames Valley Partnership, for her support and assistance throughout the programme.

Rob Allen, Director of the International Centre for Prison Studies, and co-ordinator of RCP2, for his advice and clarity.

And of course great thanks are due to all probation staff, project workers and offenders who shared their work and experience on the visits.

John Hedge
Thames Valley Partnership

December 2006

Our Approach

Essentially we wanted to test how a limited amount of time could be put to best use in giving Judges a direct experience of front-line Probation work, followed by a chance to meet with other participating judges, and discuss the experience with them and Probation managers. Lack of time seemed to have been the main constraint behind the lack of such initiatives in the past, and so it seemed important to test what could be done between the end of court and the planned evening discussion phase.

Making the arrangements

We faced a number of logistical difficulties:

- The Thames Valley is a very large area, with three Crown Court sites at Aylesbury, Oxford and Reading.
- The organisation of Judges' work can involve venue and other changes at short notice.
- Sites for visits were seldom very close to Crown Courts.
- After the visits bringing the group together for the discussion sessions involved further travel.

In the event the logistical problems were coped with quite effectively by use of taxis, and occasionally hotel bookings. Much credit is due to Lorraine Redpath, of Thames Valley Partnership who made all the practical arrangements, so that each Judge had a personalised itinerary and a single 'tour guide' reference point for arrangements. This is a key role.

Although taxi fares, occasional hotel bookings, and transport home after the events added to the costs of the project, we found that giving judges these options helped to make best use of the time. In this way the sharing of experiences in the discussion sessions felt part of the process rather than an 'add-on' at the end of a long drive back. The feedback from Judges was very positive. For many areas the logistics will be much simpler, but thought will still need to be given to these basic organisational issues.

Overview of the activities and some lessons learnt

The different components are covered in more detail in the next sections, but some key overall messages emerged as follows:

- **Avoid too much paperwork.**

We found that Judges had good access to the various publications and guides about sentencing. They have a great deal to read as it is. What they wished to have was direct contact with the work itself and the people involved.

- **The need for support and briefing of Probation staff.**

Usually little of this type of work has happened previously, and most Probation staff have had very limited prior contact with judges. Similarly, judges were in 'new territory' as well. As was clear from some of the later discussions, impressions even from short visits can be very powerful, for good or ill. Accordingly it was vital for all staff to know the purpose of the project and where their visit fitted in. We advised staff that they were not involved in a 'public relations' activity but a sharing of their work, and indeed the factors, which helped or hindered it. This means that an overall co-ordinator with appropriate Probation experience is needed, to assist with planning, ensure that the arrangements work, and that the experience is a positive one.

- **The need to recognise that the 'working knowledge' baseline for Judges will generally be low.**

Our experience was that most of the judges had very limited prior contact with the practical operation of community sentences. Sometimes contact had not taken place for a period of years. It was of concern that old experience, if negative, seemed to have a long impact on thinking. If there had been prior experience it was very likely to have been of Community Service, in one guise or another. One of the 'confidence' issues which emerged was the contrast between the written and publicised 'sell' of community penalties, and what they perceived from re-offending, report delays and breach proceedings, as the 'reality'. The visits and discussions, therefore, tended to provide reassurance about content, performance and the commitment of staff.

- **The need for both Judiciary and Probation to sustain contact into the future.**

All three of the discussions, which followed the visits, had a good level of frank debate. The point was made by more than one Judge that probation seemed to have developed some powerful and important new working relationships, notably with the Police, but that links with Crown Court Judges had become quite limited. The implication is clear that the initiative needs to be seen as the start to a process, and that in the wake of it new ways need to be found of sustaining contact at a time of considerable change and reorganisation.

- **The position of District Judges.**

We were uncertain at the outset whether to involve District Judges in the Judges events, which had originally been seen as targeting Crown Court Judges, or approach them to participate in the later magistrates stage of our work where they would share a common jurisdiction. In the event we invited them to the second and third of the judge' series. One of the three regular Thames Valley District Judges did participate, but we plan to consult with them on how best to operate in any future programmes.

The Visits

Introduction

The three events included a range of visits, and we tried to choose those with particular relevance to Crown Court use of community sentences. As experience was gained the content of visits was developed, but the central idea was a simple one. As HH Judge Hall said in his overall review of the project,

'There really is no better way to find out what someone is doing than to see them at work and to talk to them and ask questions. No amount of reading of Annual Reports can convey the same amount of information so efficiently.'

On all visits the aim was to give a realistic flavour of the work. Wherever possible, as well as Probation staff, partner organisations were involved, but a key element was the involvement of offenders - some of whom were currently serving their community sentence, and some 'graduates'. A delicate balance is needed in the involvement of offenders. It is not always the best policy just to involve 'star' participants, but Probation does need to do more to help sentencers understand the impact of the work being done. In fact, the Judges generally saw the participation of offenders themselves in the presentations as a very significant part of the experience.

Unpaid Work

A visit to an Unpaid Work project featured in all three events. The visits were made to projects in progress, with offenders and their supervisor on site, and in each case the beneficiary organisation was present, to give a wider view of the work and its context. The visits were as follows:

- A day care centre for the elderly in Aylesbury, where offenders were decorating and renovating the premises.
- Work in Slough on a building housing an African charity, and an adjacent park which had been renovated from a 'mugger's paradise' to a popular local resource.
- Work at a Primary School in Oxford in partnership with the P.T.A. to turn an area of waste ground into a garden and play area.

It was clear from the later discussions that Judges felt the placements they visited were well supervised, well structured and represented a sensible alternative to custody. Some interesting points and questions emerged from the discussion sessions, including the following:

- Questions about whether the experience had a positive impact on attitudes, and whether the offenders perceived the work to be of value. Clear explanation and involvement of beneficiaries seemed to the judges to be important factors.
- Judges approved strongly of the use of plaques, and other means of publicising the work done. They strongly supported the involvement of beneficiaries in this.

- There was interest in the extent to which skill levels and health and safety concerns limited the range of projects undertaken.
- The average level of attendance by offenders (reported as being about 60%) was discussed, and how this affected the numbers instructed for work each week.
- The issue of invalidity and sickness was discussed, in terms of this making some offenders ineligible to do Unpaid Work because of benefit implications.
- There was surprise about the use of 20% of hours being used in cases for training and education. While there was generally agreement that this was an important and justifiable, they had not generally been aware of it, or the way this activity was incorporated into the hours served.
- The importance of the supervisor role, and the recruitment difficulties involved in the Thames Valley was of considerable interest, though the Judges were also made aware of the relatively high proportion of individual placements in the area, where beneficiaries provided the supervision.

Overall this community sentence was the one best known to Judges but very few of them had any recent contact with it directly. It was interesting that even a sentence about which there was a degree of familiarity threw up many new questions for the judges, and there was a general wish to be given more information about the scheme on a regular basis, both about successes and concerns. Particular thanks for organisation go to Erica Swift, Mick Coffey, and Andrew Mondaye, the three Thames Valley Scheme Managers.

Accredited Programmes

As with Unpaid Work a session on Programmes was included in each of the events. The theory behind programmes, and the complex delivery process, presented a significant challenge in drawing up a 90 minute 'module' which included as direct contact with the material as possible. Initially it had seemed an attractive idea to use the one-way viewing facility in Thames Valley Group workrooms to show the judges 'live' experience of operation. In the event the timing of the events made this impractical. An alternative was to use the video material, which Probation uses in its quality assurance work. This at least provided a 'taste' of content. At the initial event two programmes were worked on - OSAP (The Offender Substance Abuse programme) and CDVP (The Domestic Violence Programme). It was then decided to concentrate on one programme, and the CDVP work was chosen. This seemed to work very well.

Other elements included were as follows:

- Sessions were led by experienced practitioners. Their expertise and confidence were commented on by a number of participants.
- Participants were able to look at material from a specific session in the programme syllabus.

- An Offender Manager was involved, this showed the importance of assessment, preparation of offenders, continuity of supervision, and follow up work after the programme was completed.
- In each of the sessions offenders either involved in the group currently, or graduates from it, were involved. Feedback from Judges suggested that this aspect was especially powerful in conveying the nature and impact of the work done. The offenders involved were given expenses, and were positive about the experience, regarding it as an opportunity to reflect on the progress they had made and to communicate it directly to important decision makers.

Again the post-visit discussions yielded some important points, including the following:

- Judges were very taken with the intensity and demanding nature of the 26-session programme, which they had not generally appreciated before.
- The importance of good assessment, and that offenders should not be sent on the programme without recommendation.
- A key element of the programme was the insistence on offenders taking responsibility for their actions and how much challenge was needed to make this happen.
- In the case of Domestic Violence alcohol is often a factor, but not the cause of the behaviour - the alcohol issue is often raised in mitigation.
- The Programme involves appropriate support arrangements for victims.
- Capacity and resources are a major issue affecting the speed with which the programme can be implemented. This included the difficulty in recruiting male staff to work on the programme. Judges felt that they should be advised about delays at the point of sentence.
- Judges felt that the CDVP visits had given them an insight into both programmes and domestic violence. They felt that other programmes on aspects of violence could be developed - Road rage was one issue raised.
- As with Unpaid Work they would welcome hearing more about successful outcomes as they tend to hear more about the failures than the successes. It was accepted that this too had resource implications, but was important in sustaining confidence.

Overall these visits worked very well, and again illustrate that a good deal can be achieved with a well planned short visit, especially if integrated into discussion immediately afterwards. Interestingly Programmes offer a real opportunity for ongoing contact with sentencers, through the completion certificate awards ceremonies at the end of each Programme. HH Judge Cripps, who sits at Aylesbury Crown Court, and had undertaken an RCP2 visit, soon afterwards went to the final two - hour session of an OSAP course. The final session gives offenders the chance to review their work and look ahead. He agreed to his comments being used in a Press Statement, which was covered in the local Press. He commented as follows.

'I am delighted to attend the final session of the Home Office Approved course. This is the second such operation I have been able to attend this month. I think it is important that the public appreciate that Community Sentences are not the easy option.

My experience is that those receiving such sentences are often surprised to find out how much effort is required of them. Many courses involve long concentrated sessions for weeks on end. Some offenders fail but those are returned to court and punished both for their original offence and for their failure to comply with the Community Order. Those who work hard and long enough to comply with the Order often obtain new qualifications during their course and such persons leave better equipped to become useful citizens who do not commit crime.'

Particular thanks are due to Debbie Johnson, Manager of the Programmes Team, and Kath Heron, Programme Manager for the CDVP Programme.

Work with drug users

During the first event work with drug users formed part of a combined session based on a visit to an Approved Hostel. Because of the interest in drugs work, however, it was decided to develop a visit 'module' based entirely on drugs work, involving the Probation Substance Misuse Unit at Oxford. The second and third events, plus the later individual visit by Mr. Justice Leveson all used this model, developed and implemented by Ros Weetman, Quality Assurance Manager, to whom particular thanks are due.

Drugs work is another very significant area of activity for the Probation Service. Given the complexity of the issues, we attempted to refine the session into key themes and issues. The visits took place to the REACH Day Programme, which provides a key treatment component in much of the Criminal Justice community sentencing in the area. This was an important way of demonstrating the central importance of partnership, and commissioned treatment provision. It also ensured that offenders on drug related Orders could meet with the Judges. All the offenders involved had had lengthy drug taking careers, with custodial experience, and all were positive about their treatment. This direct contact with those actually serving a community sentence proved an extremely important component. In this 'module' a particular feature of discussion both on site and afterwards was the interest in the Court Review process, which both the Judges and offender participants had direct experience of.

Reaction to the drugs events was extremely positive. Again the quality of the staff contribution was crucial in terms of explanation and debate. Some key issues raised were as follows:

- Judges realised the powerful impact of the Court Reviews on the offenders, who were generally very positive about them. They also asked for continuity of sentencer involvement - *'I want to be reviewed by my Judge'*. The ensuing debate about how best this might be achieved deserves to be followed up as a matter of priority, and hitherto has not been sufficiently recognised for its importance in the treatment process.
- Judges were surprised to some extent by the tough enforcement regime of the day programme, and drugs orders generally, including strict attendance times.

- There were interesting debates about the detoxification, which Prison made possible, but some awareness of the existence of drugs in prisons, and the need for good follow up on release. The risk of overdose on release was an issue Judges were made aware of.
- Judges had tended to favour residential treatment, which was often not offered and they were pleased to hear about the non-residential options and their robustness. They also learned about the non-criminal justice factors, which had to be assessed as to suitability for residential rehabilitation.
- The length of the treatment ‘journey’ was an area of considerable interest - including the number of setbacks on the way; the importance of a holistic approach to the drug user’s lifestyle, and the contribution of complementary features such as auricular acupuncture and yoga. Clients participating in the visits had usually done many previous forms of treatment, and they emphasised the flexibility of DTTOs and DRRs in responding to changing treatment needs. Both the visits and the ensuing discussions therefore enabled thought and perspective to be given to ‘failure’ rates.
- As with other visits the importance of good assessment was agreed.

In thinking about the further development of this approach to confidence building, it seems clear that a regular component needs to be work with drug users, especially given the high public profile of these issues and the numbers involved in all jurisdictions. It may, though, be important to ensure in future initiatives that Judges visit their local provision, given the variation in treatment options which still exist.

Approved Hostel visit

As indicated earlier the first event included a visit to the Clark’s House Approved Hostel in Oxford, and thanks are due Simon Simpson and his staff for their contribution. Given the need to develop and test out a limited number of sustainable visit ‘modules’ we did not repeat this session in the later events, not least because of the now relatively limited role which Approved Premises make to the running of Community Sentences per se. Targets and priorities have ensured that in recent years most places are used for higher risk offenders, many of whom are on Licence rather than community supervision. Judges visiting had not been aware of this shift, an important issue in its own right. In wider discussion there was regret about some aspects of this change, especially around the possible contribution to work with younger offenders.

Offender management work

It became clear as the project progressed that, although links had been shown between the various programmes and offender management there had been no visit concentrating on this subject, which is, in effect the basis of all probation intervention, and therefore important to the confidence of sentencers.

Accordingly, after the three main events, an offender management visit 'module' was devised, based on the central importance of OASys for risk assessment, Pre Sentence Report (PSR) preparation, sentence planning, and sentence reviewing. It was decided to use a current OASys and work through it to give a realistic picture of the depth of information, the interviewing time necessary to produce it, and the connection to both work planning and the National Standards. I am very grateful to both Lou Everatt, Probation Officer for her piloting of this approach, and her contribution to the later discussions about it, and to Mr. Justice Leveson for being the first "guinea pig".

It is clear both from his feedback, and the later response of Magistrates on the second phase of this work that this session has much to offer. Sentencers do not generally appreciate the full nature of OASys, or the context from which PSRs come. Written material cannot achieve this nearly as effectively. This has relevance in two key ways:

- Better recognition of the resources involved in producing a PSR, and therefore the need for targeting.
- Enhanced respect for the professionalism of Probation Officers.

With experience it seems clear that use of live material is important, though it should be anonymised. Similarly it would be best if, as with the other 'modules', an offender is involved to talk about their perceptions and how the OASys worked in the planning of work with them.

Summary

This section has concentrated on the content of visits and the issues, which those visits threw up. They do seem to have worked effectively and give Judges a direct way of meeting Probation staff and experiencing their work and the key issues in a simple and practical way. The involvement of offenders and the quality of Probation staff input seem to be important to the process. There is no doubt that other visit 'modules' could be easily developed, tailored to local conditions. The most striking realisation, however, is how badly the lack of contact in recent years has affected the knowledge of Judges about community sentences, and surely it is impossible to expect an increase in 'confidence' without an increase in that knowledge.

The Discussion Process

Introduction

Each event was planned so that participants met up after the visits for a round table discussion, to share experiences, and discuss with Probation managers the issues which arose. The round table discussions usually lasted for something over an hour. One of the main logistical issues was the need to get everybody back at the right time, so that momentum was maintained. While the geography and road system of the Thames Valley made this an area of risk for the events there were no major problems.

Oxford Colleges were the Thames Valley venues for the discussions - Balliol in December 2005, Christ Church in March 2006 and Corpus Christi in June 2006. Each of the colleges provided excellent support for the events, and a further advantage was that after the formal discussion stage the Judges, Chief Probation Officer and other guests were able to continue discussion over dinner.

The round table discussions

These were chaired extremely effectively by HH Judge Hall, who encouraged a spirit of openness, which enabled the Probation staff and Judges to speak quite directly about their work, concerns and responsibilities.

The format used was for each group of judges to report back on their visit, and the summary of issues raised in the previous section indicates the range of matters covered. A period of debate followed for that theme, and then the same process for the other two visits.

The Chief Probation Officer played a full part in all the discussions, but a conscious effort was made to involve a mix of other managers, with an increasing emphasis as the series continued, on front - line managers, including a number of those who had been directly involved in planning the visits. This seemed to achieve the best balance for discussion, and was potentially useful for the longer - term maintenance of links. The round table sessions also enabled a small number of other guests to take part in the discussions. After each session there was a short drinks reception, and this also was effective in strengthening contacts.

Broader issues raised

These 'overview' points have relevance to the wider question of liaison with Crown Courts. The main issues were as follows:

- Concern about the limited contact between the Probation Service and judiciary, and a worry that ties may be further weakened by the ending of judicial representation on Probation Boards.
- A concern about the extent to which centrally imposed targets impacted on recommendations to sentencers.

- Awareness of the importance of MAPPA, but a feeling that Judges should have some opportunity to comment on public protection plans, especially for violent and sexual offenders.
- Judges felt clearer about the nature of resource constraints, but were worried about the delays for programmes, especially those working with serious violence.
- The overriding impression of participating Judges about the work seen was very positive, and they particularly liked the atmosphere of openness.
- Judges wanted to have more feedback about cases. They recognised the resource implications, and accepted that a 'cost effective' method needed to be found. They did, though, see this as an important way of keeping in better touch, into the future, with community sentencing.
- There was a general wish to see the events as starting a process, which needed to be maintained, and this clearly is a matter for the Chief probation Officer and his management team to consider.

The Dinners

These, generously funded by Esmée Fairbairn Foundation, were intended to provide a chance for continued discussion between participants, the Chief Probation Officer and guests, in a more informal and intimate setting. They were enjoyable occasions, and did seem to round off the whole event in a positive and helpful way. While the Oxford colleges provided admirable venues other Probation areas implementing this model of work would have no trouble in finding an equivalent setting.

Summary

The discussions were an integral part of the event and enabled judges who were only able to make one visit to pick up findings from other sessions. The quality of chairing is crucial in getting the right level of frankness and sharing. Judges made a number of broader points, and at each of the three discussions there was an expectation of future contact. The dinners provided an enjoyable way of consolidating contacts and involving guests.

The Probation Response

Probation staff who had been involved in the events were invited to give feedback about the project, and this section covers their response.

The Chief Probation Officer, Gerry Marshall, wrote to Baroness Linklater, thanking the Esmée Fairbairn Foundation for piloting the scheme in the Thames Valley, and asked that his letter be used in the evaluation of the project.

He said as follows:

'The amount of contact the project has made possible between managers and staff in the service and Judges and District Judges has far outstripped any previous level of contact. I say this even though we have a history of good relations with Judges at all three of our Crown Courts.'

The benefits for me and my staff have been considerable because we now have much greater confidence that Judges fully understand the work we do with offenders in some detail. Staff (and offenders) have felt valued by the way in which visitors have shown so much interest in our work, and it was clear from the discussions after each round of visits that offenders do attribute real significance to the person who sentences them.

My impression of the impact of the visits and discussions is that Judges have in some instances shifted their view on the appropriateness of particular disposals for particular offenders, most notably around domestic violence and the effectiveness of structured day programmes for drug users for whom residential treatment was not possible or suitable. Secondly, I believe Judges have been able to establish a level of confidence in the staff they have met, and the rigorous, purposeful and professional way in which they manage and work with offenders, across the breadth of our work, especially in Unpaid Work.

What I think has been particularly valuable has been the chance to have frank discussions about the challenges facing the Probation Service nationally and locally, and it has been possible to dispel some legitimate fears of Judges that Probation staff have been over-influenced by national targets for the service, rather than addressing the specific needs of individual offenders. To have these discussions in such an honest and 'warts and all' manner has made the quality of the exchanges remarkable.'

Comments from other managers and staff have also been very positive. The main points made were as follows:

- Staff enjoyed the opportunity to discuss their work with Judges. They felt that it was important to show their work in an integrated way - in the domestic violence visit the involvement of offender managers had been very helpful, and beneficiaries had enjoyed the experience on the Unpaid Work visits.
- A number of staff made the point that, although there is sometimes contact with Magistrates, their level of engagement with Judges had been almost non-existent in recent years. Affirmation of their work from Judges had felt very positive.

- Offenders who were involved in the Unpaid Work visits had felt less daunted than offenders involved in the other sessions as they had been in a group. However, offenders involved in the other two settings had been given good support by Probation staff, and this had helped make the experience a positive one. As the CDVP Treatment Manager commented ‘ *The men said that they felt able to be open and honest and thus were able to say what it felt like to undertake the programme, and it’s impact on them in reality - none felt they were required to put forward a ‘Probation perspective’. I was pleased about this, as we had taken care to ensure that these men did feel able to be open, including to criticise. It appears to have been a positive experience for the men, and one that reinforces change for them.*’ Comments in similar vein came from the offenders participating in the drugs events.
- Probation staff were positive about not having to make all the organisational arrangements, given the pressure on their time. They did recognise that having a range of visits and a wider programme was very important and was a different activity from local liaison.
- Managers involved in the discussions were positive about the experience, and several said that it had been more open and frank than they had expected. They had appreciated the chance to contribute to the overall debate.
- An individual letter of thanks had been sent after each event to all staff and offenders who took part. This was well received and this kind of ‘personal recognition’ seems very important in encouraging participation.

The Judges Response

Introduction

Since the central purpose of the project was to build the confidence of Judges in community sentences it seemed important, at the end of the project to ask for feedback from the Judges who had participated. A short questionnaire was sent to each Judge, and most of them replied. Several sent letters, and this section summarises the overall response.

The questionnaire form asked Judges to make comments about five key areas of the project, and then grade each element on a 1 to 4 scale, with 1 being Poor, 2 Satisfactory, 3 Good and 4 Excellent.

Administrative and organisational arrangements.

All the responses were in the 'good' or 'excellent' categories. One suggestion was that the discussion phase would have been further improved by a short introduction giving an overview of the working of Probation and current issues. There were several comments about problems with Taxi navigation, though generally the provision of transport was much appreciated. Overall there was a high level of satisfaction at the structure of the events and the way things had gone. Several comments were as follows:

' Everything worked swiftly and efficiently, and everyone knew what they were doing and how it was being arranged'

' It seemed to have been well organised and to have run smoothly.'

Assessment of the visit, or visits made

The majority of responses scored this aspect as 'Excellent' and all were at least 'Good'. Key issues raised were the professionalism of the staff involved and the value of meeting with offenders involved in the different sentences. One Judge commented that they would have liked the opportunity to see Programmes actually in operation, and this is an issue, which Probation may wish to bear in mind in considering follow-up work.

'The Programmes came to life as I listened to and questioned those involved in them'

'I had the opportunity to talk to the 'customers' which was very useful'.

' Valuable input from all especially those subject to Community Orders'.

' I was extremely impressed by the insight given into the Community Domestic Violence Programme and by the skills and commitment of the two facilitators'

The Discussions and Dinner

The majority of respondents rated these sections of the events as 'Excellent', with several rating them as 'Good'. There was one 'Satisfactory' rating. This Judge commented

'I didn't gain as much in terms of learning as I did from the visit, perhaps, not surprisingly, since I have more access to the views of staff than to those of offenders'

This is an interesting view, adding further weight to the value of offender involvement in the visits.

Generally, however the chance to discuss the issues both at the round table meeting and then dinner were valued highly.

'A plenary session in college drew the different experiences of Judges together, which usefully informed me of programmes I had not seen.'

' Useful stimulating, and conducive to a better understanding of the roles of other participants in the Criminal Justice System, and of the pressures and constraints under which we all operate.'

Did the project help you to have more confidence in community sentences?

The Judges were asked both to answer this central question and score the event in terms of its contribution to this goal.

All but one answered 'Yes' to the question, though several pointed out that they had already had 'confidence' and the project further supported that view. Only one participant felt that it had not changed their view about the primary importance of custodial options.

Not surprisingly, given the earlier comments, all the grades given for the contribution made by the project to increasing confidence were 'Good' or 'Excellent' and even the one 'doubter' scored the effort made as 'Good'!

Some of the comments made are helpful in understanding the factors, which support 'confidence' from Judges in community sentences.

' The programme I saw was skilfully and sensibly conducted and was clearly efficacious. As to the other types of community sentence I remain supportive where appropriate, though to a degree sceptical. But I cannot fault what I saw'

'I gained information about the sentences and how they are implemented. I learned about the offenders' problems and how they are assisted in trying to overcome them and complete the particular sentence. Talking to those on the programmes was illuminating. I now have a better understanding of what different sentences entail'.

' A better understanding of what can be achieved can only assist a sentencer, so that the choices he makes are better informed'.

' Despite learning of some of the shortcomings in the system, the overall impression is of good efforts being made to produce worthwhile results'.

The overall messages are positive, practical and basic. They can be summarised as

- Face to face contact with staff and offenders is important.
- Those already supportive of Community Sentences need information and contact to support that commitment.
- It is important to be frank about both strengths and limitations.

Other comments.

Judges were asked to make any other points about the project. A number did and these comments are summarised as follows:

- The value of having District Judges involved in any future activity.
- A hope that the programme can be repeated and a view that Circuit Judges should regularly have such direct contact with Probation staff and indeed those who have completed community sentences.
- The events had the right mixture of business and pleasure, and ideally if more time were available it would be even better to see two 'modules' either on the same day or by Judges being able to attend two events.
- Further visits would be valuable. Constant involvement in passing sentences does not encourage Judges to stand back and think about alternative ideas, so the programme is invaluable because of that.
- Visits should be made regularly to community sentences, say every two to three years to enable the judiciary to keep up to date with the whole range of penalties.
- A wish to follow through on several of the issues raised - including further dialogue about best practice on court reviews in drug cases.
- It was felt that many Recorders who sit part time, would like to participate in a similar programme.

Some Conclusions and Future Options

The Project does seem to have achieved its primary objective of improving the confidence in community sentences of participating Thames Valley Judges. Some key conclusions from the programme are:

- Good organisation of events is essential from start to finish.
- Probation staff require careful briefing, and support, but have been very positive about their involvement and appreciate the affirmation of their work by sentencers.
- The knowledge base of many Judges can be limited or dated and this needs to be taken into account in planning the visits.
- This project generated a number of replicable 'modules' for visits, which can be extended and further developed. Major changes to the Probation Service as a result of the creation of The National Offender Management Service (NOMS), will need to be taken into account in future, particularly the separation of "Offender Management" and "Interventions".
- The participation of offenders is central to the value of the experience.
- Judges appreciated the frankness of the dialogue, and are able to understand limitations as part of a realistic overall picture.
- The project has 'kick started' a wish for sustained contact and feedback, and Probation management will need to respond to this, so that momentum is maintained.
- Further thought needs to be given to engagement with District Judges.
- One visit per Judge can be effective, and the discussion sessions worked well in spreading experience, but future programmes should consider Judges having exposure directly to more than one 'module'.
- The discussion sessions were important in integrating the experience gained from the visits.
- Although there is value in an independent organisation, such as The Thames Valley Partnership, taking responsibility for the organisation and implementation, it would be possible for Probation to run such a programme directly.

A number of future options exist for the future development of this work, and interest has been expressed from the Judicial Studies Board. Consideration could well be given to the inclusion of such a programme in some form in Continuation courses. This would have particular merit in terms of national impact. The overall message from the Thames Valley project is that there is much to be gained from a fresh approach based on direct contact.

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December 2006

