

Lord Chancellor outlines government plans to rebuild criminal justice

Thank you, Andy [Cook, CEO of CSJ]. And let me say how grateful I am to the Centre for Social Justice for hosting today's. I could not think of a more appropriate place to make this speech.

Our justice system is focussed on my three priorities right now: recovering from the effects of COVID-19, rebuilding criminal justice in our country, and restoring justice to its rightful place at the heart of our society. And, today I want to share with you some of the government's work on the second of these ambitions, which I think has the potential not just to prevent crime, but to address the many underlying causes of crime that indeed CSJ exists to tackle.

And let me also say just how refreshing it is to be here in person, rather than sitting in my office looking at a laptop. The easing of restrictions in England yesterday was the culmination of a huge amount of hard work and sacrifice by so many of us over the last 16 months. And though we must continue to be vigilant in the face of COVID-19, the vaccines should give us the confidence to take these first steps back towards a semblance of normality.

For us at the Ministry of Justice, COVID-19 has presented huge operational challenges and, though I am going to focus most of my remarks today on work beyond the courts, their work is a crucial part of the justice ecosystem. I am pleased to say that we are making strides to deliver faster justice – making sure that we can hear as many cases as possible by opening up all courtrooms as restrictions lift.

What's clear is that we will feel the after-effects of the pandemic for quite some time to come and, in many ways, we will need to learn to live with it. For many people in our country, the path ahead will be an anxious one. Just as we have had to show tremendous patience and resilience since the pandemic began, let's continue to walk this journey together and bring everyone along with us.

Now, in a few days, it will be two years since the Prime Minister asked me to become Lord Chancellor and take charge of the Ministry of Justice. In a few months, it will be thirty years since I was first called to the Bar to practise as a criminal barrister.

And everything in between has been an education in the way that criminal justice works in our country. It has given me a deep, personal, and practical understanding of both the strengths and the weaknesses of the system, the things we should build on and those that we've got to change entirely.

I think that is why the Prime Minister asked me to take on this role and I continue to be honoured to do it. My mission is to deliver on the

government's promise to the British people at the 2019 general election: to make our country a safer place by making our justice system fairer.

Now, that promise was about rebalancing the system in favour of the law-abiding majority in our country and away from the criminal minority who cause so much damage – both emotionally and economically.

But what we also made clear is that it is only possible to bring down crime by giving those offenders who accept the punishment for their wrongdoing a second chance to change their ways for good.

Now these dual aims and aspirations for our justice system require big changes to the ways that it works – to rebuild criminal justice in our country.

Making change in a large, operational department like the Ministry of Justice is often described as being like 'turning a tanker' at sea. In the criminal justice system – where there are so many moving parts – I don't think that this comparison is quite right.

Making change in the criminal justice system, is more like trying to turn a whole fleet of ships together at the same time. Our aim is to get each of them into formation, moving in harmony, towards that more just Britain of tomorrow.

Despite COVID-19 – the operational challenges, the justice system's contribution to the national effort to save lives, and the sacrifices our many workforces have had to make – we are already beginning to make progress.

And today I want to share with you how far we've come already and signal the direction of travel on the route that I believe lies ahead for justice in our country.

As we begin to move this fleet into formation, the wind in our sails – the driving force behind everything we do in our system – must be victims of crime. This is where we have rightly started.

Becoming a victim can be a traumatic experience for any person, no matter who they are and no matter the crime committed against them. What can compound this trauma is the fact that the process of reporting a crime and seeing it through to conviction is so often bewildering.

So difficult has it become that too many people in our country feel that it is frankly more hassle than it is worth. And in order to avoid compounding their trauma, they would rather sacrifice the justice to which they are entitled. In fact, in 57 per cent of all adult rape cases the victim feels unable to pursue the case. Some of the reasons cited include negative impact on their mental health, a fear of giving evidence in court and – perhaps most heartbreakingly – a feeling of being judged or disbelieved.

That is why we have invested over £150 million in victims' services this year as part of our commitment to rebuild the criminal justice system. But we know that investment is just one part of it.

The Victims' Code that we brought in earlier this year was all about simplifying the process – setting out exactly the kind of input that victims can expect to receive from the moment they report a crime all the way through the system and beyond.

The Victims' Code guarantees the kind of support that will help people affected by crime to weather that reporting process; the right avenues to question and review charging decisions; and a promise that agencies will do everything possible to make them feel informed and engaged throughout the process.

The Code is an innovation that has been welcomed by campaigners, but we are now determined to go even further – we want to continue overhauling the experience of victims in the system today.

That's why the government has committed to passing a Victims' Law – to put everything contained within the Victims' Code into statute. This will give victims the legal backing to guarantee that they will be seen, heard, and helped at every point in the justice process.

And I look forward to setting out a timetable for bringing that Victims' Law onto the statute books and working with victims, campaigners, and Members of Parliament from across the political divide to make a success of what should be a landmark piece of legislation.

As we continue to reform criminal justice in our country, my promise to victims is that they will be the first port of call, the driving force, and the wind in our sails. When we consider making changes to the way the system works, one of the very first questions we will ask is: does this improve victims' experience of the justice process?

And there is no doubt whatsoever that some of the worst offences in our criminal framework are rape and sexual assault.

They are crimes that don't just violate a victim's body, they leave mental scars that endure long after the attacks have taken place. They can change victims' entire lives, leaving them scared of social situations or even terrified by the idea of romantic relationships. They are crimes of control.

Many victims question themselves and whether they did something wrong that in some way led to them being attacked, when really the only person who should shoulder any blame is their attacker. But far too often when a victim has the courage to report what has been done to them, the system fails to honour their bravery.

Over the last five years we have seen a steep and deeply troubling decline in the number of charges, prosecutions, and convictions for these crimes. It's not good enough, we have failed victims, and I have rightly apologised for it.

But an apology is a hollow one, unless it is followed by action. The government is determined to put this situation right, to overhaul the system's response to these crimes, and to ensure that victims of rape and

sexual assault can get the justice they deserve for what has been done to them. Getting this right is also important for everyone: bringing the perpetrators to justice provides us with the opportunity to stop them from continuing to commit such crimes.

And the government's End-to-End Rape Review is a root and branch look at what is going wrong in the system, so that we can make it work better for victims and put more rapists in prison where they belong. Much of what we have identified as being a problem is the culture around reporting, investigating, and prosecuting rape and sexual assault.

Victims are too often made to feel that they are the ones under the spotlight, when really it is their attacker's behaviour which should be at the forefront of the process. As I mentioned a few moments ago, in too many instances this misplaced focus causes victims to withdraw their complaint or refuse to proceed with it, some even at the point that it has gone to court.

So, through the Rape Review and accompanying Action Plan, we will change the culture around rape and sexual assault – to ensure that victims are supported at every part of the process, from the point of report to the courtroom and indeed beyond, so that they are more likely to stick with it and to secure the justice they deserve.

This will take many forms, like making sure they're communicated with properly at every stage; testing new ways to investigate crimes of a sexual nature; and putting in place greater scrutiny of police and prosecutors' procedures.

And where there is great work already underway, we will support it and, where possible, we'll spread it across the system. For example, Avon and Somerset Police's pioneering Project Bluestone brings academics together with the police and the CPS to address falling conviction rates for rape and sexual assault.

Alongside the improved scrutiny and diversity of thinking, this work has a very strong focus on the experiences of victims, looking at ways of improving the disclosure process, including through the role of technology.

We're going to scale up this learning through Operation Soteria, which will bring it to four other force and CPS areas with the intention to roll out a radical new operating model in the next 24 months.

And our aim through the Review is to consciously reverse the trends of the last five years – to see the volume of cases referred by the police to the CPS, charged and reaching court, return to 2016 levels by the end of the current Parliament – so that more victims can receive justice.

And with support from our partners across the criminal justice system, ministers in my department, the Home Office, and the Attorney General's Office are all pushing this work forward personally – reporting our progress to Parliament, and taking full accountability for the results.

We are determined to restore faith in the system – to reshape it so that it

is better able to punish these horrific crimes and to deliver the justice that victims so need and deserve.

Now, something that is little known about our probation service is that it plays a role in how the system supports victims – explaining at parole hearings the impact of crimes upon them and making sure that licence conditions prevent offenders from intimidating or trying to contact them in any way.

Probation when you think about it is one of the most important ships in the justice fleet. It can be the difference between an offender allowing themselves to be swept back into a life of crime or navigating towards a law-abiding future on their release.

With over 80% of people who receive a caution or conviction now going on to reoffend, we have got to ensure that probation is ship shape and truly set up to turn offenders' lives around for good, which is why this year and last year we have invested an extra £155m into probation services.

And we've also recruited record numbers of probation officers – more than a thousand trainees were employed last year, and we plan to bring in 1,500 more this year. Now, all this investment will ensure that we have the personnel to keep a closer eye on dangerous criminals and to create more opportunities to rehabilitate offenders, and working with police to swiftly get a grip of those who continue to commit crime

But in order to really get results we also needed to get the right structure in place, which is why last month we unified the Probation Service. This was the culmination of more than two years' planning and I am hugely grateful to colleagues across probation for making it happen.

Now, by unifying the Probation Service, we are putting down a strong foundation for change, with twelve probation areas across England and Wales led by Regional Probation Directors who are now responsible for the delivery of the services with whom the courts, Police and Crime Commissioners, the police, and indeed all criminal justice partners can work.

We also want to be more joined-up across every agency of the state. Now, I have said many times that every department in government should be a criminal justice department – because policing, education, and health among many others have a role to play in preventing people from reoffending and offending in the first place. The new model for probation will I believe make it much easier for our response to be a seamless, all-encompassing one – to really help drive those results.

This bigger, better probation service will allow us to take a more consistent approach to supervising offenders at every level of risk and to drive good practice up and down the country. Again, leadership is going to be crucial to this, with the Regional Directors setting the strategic direction and making sure that the entire Probation Service collaborates to scale up what works.

Now, the new Probation Service is already making much more use of the

technology that's on offer to us today, like GPS and sobriety tagging. These innovations will drive better compliance with conditions placed upon offenders to help them to learn self-discipline and to empower them to avoid the kind of negative influences that can drag them back into criminality. And crucially they will enable us to act quickly if offenders are going off course, to respond appropriately to get them back on the right track and, if necessary, to put them back into custody to keep the public safe and to prevent crime.

Unpaid work will be the highly visible shopfront of our new Probation Service – because we want to make sure that justice in our country is done and seen to be done. There are literally millions of hours of unpaid work handed down to offenders as part of their sentence every year and we will make sure they are served more visibly – to help improve the environment in our towns, our cities, and our countryside. My hope is that this will not only clean up neighbourhoods but also act as a deterrent to would be criminals, making them fully aware that punishments will be served in the full gaze of their local communities.

The new Probation Service will also have a refreshed set of national standards – to ensure that there are more face-to-face meetings and more frequent supervision for offenders with the highest risk or most complex needs. And in addition, this new framework will strengthen probation staff's role in tackling social and domestic issues – working in partnership with police and social services to protect children, to protect partners, and to protect others from domestic and sexual abuse.

Now, unification of the Probation Service has taken huge amounts of thought and planning over a long period of time. We want to make sure that the process continues to be a success as these new arrangements take hold. Over the summer, I therefore intend to publish a road map setting out the path for the next 18 months – to embed, to improve, and to foster innovation in the delivery of the Probation Service.

Now the record investment we've put into probation, not just in cash terms but in personnel as well, mean that it is better able than ever to cut crime in our country. And through the unification of services, we're making sure that probation is more joined-up, better equipped, and more able than ever to ensure justice is done and seen to be done.

All this work will position probation as an integral part of our criminal justice fleet – to overhaul our response to crime and cut rates of offending in our country for generations to come.

Now, I would like to finish with prisons – without doubt the largest ship in the criminal justice fleet. As such, it makes sense that they need to be first rate and able to set the direction of travel.

There are about 65,000 sentenced offenders in our prisons today. By keeping this criminal minority out of our communities, prisons make sure they cannot do further harm to the law-abiding majority in our country.

But prisons are so much more than just mandatory boarding houses for criminals. In the course of a prisoner's sentence, the prison service does vital rehabilitative work that can help us to address the amount of crime that now comes from reoffending, as well as its staggering estimated cost of over £18 billion per year. In fact, our most recent data suggests that around a third of sentenced prisoners have 15 or more previous cautions and convictions.

Now, like all of us, during the COVID-19 pandemic prisons were forced to do things differently – finding new ways to keep providing decent prison environments as well as their day-to-day rehabilitative work. I am enormously grateful to staff across the custodial estate for everything they have done to keep prisons working, despite the hugest challenges – they really are some of the hidden heroes of the pandemic. What has been a surprise for many is just what a success these changes have been, enabling regimes to deliver better services and to make prisons safer places.

In many ways, there will be no going back to how things were done before and the government is determined to seize the opportunity to build back a better prisons system – one that not only has better outcomes but also enables staff to keep better order and spot safety concerns much more easily. And this can support prisons to do both the short and longer-term work to keep the public safe and, ultimately, to cut crime in our country.

So, I can announce today our ambition to publish a Prisons White Paper – to set a new direction of reform as the prison estate adapts to recent legislative changes, transitions from COVID-19 and which begins to look to the future of criminal justice in England & Wales. I think that has to begin with capacity.

When this government was elected, it was on a promise to keep people safe by introducing tougher sentencing for the worst offenders and to end automatic release for the most serious crimes. Through the Police, Crime, Sentencing and Courts Bill currently making its way through Parliament, we are delivering on that promise.

In effect what this will mean is that many prisoners will spend more time in custody. And to meet the need for more space in our prisons, we have already started putting the foundations in place and committed more than £4 billion to deliver 18,000 prison places over the next six years – it's the largest prison build programme in over a century. However, we must go further, and we hope that any forthcoming White Paper will include more information on our ten-year plan to create the next generation of prison places.

But it is also important that we invest in the estate as it exists today – to ensure that we maximise every asset we have. There are two important elements to this: firstly, making sure good influences from the outside world remain accessible to prisoners and secondly slamming the prison gates shut on the bad influences that can contribute to cycles of reoffending.

During the COVID-19 pandemic prison visits from friends and family were necessarily stopped to control the spread of the virus. Now this undoubtedly

contributed to the national effort to protect the NHS and to save lives. But we know just how important these relationships are to prisoners' wellbeing. They can play a huge part in how likely they are to engage with prison regimes and to keep positive about addressing the issues they need to overcome – and I know this from my own conversations with prisoners that I've started to have again now that conditions are safer. This was at the forefront of our thinking last year when we quickly rolled out video calling technology across the prison estate – to ensure prisoners could keep in contact with loved ones.

With suppliers unable to attend custodial settings, that very same technology enabled locked down prison regimes to carry on offering crucial education services. By giving offenders new interests and better skills – that might not have been accessible to them at home or in school – these services can be a shop window to a better life, demonstrating just what is possible with hard work and determination.

Any forthcoming White Paper should examine how it might be possible to make much better use of technology to safely facilitate both these forces for good – to keep prisoners upbeat about who is waiting for them beyond the prison gates, and to give them as clear a view as possible of the better future that could be waiting too.

Now at the opposite end of the scale, we know that there are also bad influences, which do huge damage to prisoners in their rehabilitation journeys – leading them away from the potential of a brighter tomorrow and back down the dark alley of crime.

And substance misuse so often plays a role in that – particularly for low level or repeat offenders and, though prisons should be able to insulate people from it, time and again we see drugs making their way through the prison gates, smuggled in by criminal gangs who make sure that vulnerable offenders rack up drug debts they might never be able to pay back.

We have made big strides in recent years on security with the new £100 million Security Investment Programme – to target Serious and Organised criminals' attempts to smuggle drugs and contraband into our prisons, and we have introduced into the legislation new powers for prisons to make use of counter-drone technology.

And our intention is for the White Paper to look again at how we can strengthen our security response and potentially put in place a new drug strategy, so that we can keep these terrible influences out of our prisons. And amongst other things, we are already funding technology to block illicit mobile phones used by gangs to organise their operations, as well as rolling out x-ray body scanners across the entire male closed estate, and we have funded counter-drone technology to close off the delivery routes. Only last week I was looking at one in Lincoln Prison and officers told me what a difference it has made – keeping prisoners and staff safe from contraband.

As I mentioned earlier, we know that of those cautioned or convicted of a crime in our country, more than 80 per cent have at least one previous

caution or conviction. That means more often than not that when offenders leave our prisons they go on to offend again. But we also know what works to prevent it – a job, a home, a healthy lifestyle. The evidence on this is clear, so it is imperative that the prison estate is set up to give offenders every opportunity to get their lives back on track.

And we want to look at how it might be possible to build on programmes like the COVID Emergency Accommodation Scheme, which many probation officers found to be invaluable. They reported that having a fixed abode improved communication with offenders and led to better engagement all round with rehabilitation. And at Leeds, Pentonville and Bristol, the Offender Accommodation Pilot gives up to two years support until offenders are settled back into the community.

Now one prisoner in that scheme had spent 8 years in and out of prison because of violence and drugs, but since being put into a managed tenancy his tests for substances have all come out negative and he completed his probation for the first time in August last year.

That's the kind of crime-cutting success story we've got to replicate.

So, from this summer, we are introducing a new provision of temporary accommodation and support for up to 12 weeks post-release for prison-leavers at risk of homelessness, initially in 5 of our probation areas in England. And we are collaborating with 16 prisons to test new and innovative approaches to ensure offenders resettle back into the community and turn their backs on crime. This is being funded by the £50m investment in reducing reoffending announced at the start of this year.

Now, the Prisons White Paper should explore how it might be possible to put cross-agency and cross-government working at the heart of our response, so that we can make a difference to every factor that could contribute to rehabilitative success. We are currently building on our growing body of evidence on what works to reduce reoffending, and I am keen we explore what a 'resettlement passport' might look like to enable prisoners to get to that better future and make a positive contribution to society.

Now, our ambition would be for these passports to bring together everything offenders need to turn their backs on crime. Because the evidence shows us that if we get these things right, then prisoners are more likely to keep on the straight and the narrow post-release. Of course, it won't be as simple as that in every case, but in so many it can be.

Now, we know that most women in prison have experienced trauma in their lives and this affects how they engage with rehabilitative services. Trauma is often at the root of the behaviour that drives their offending, so a trauma-informed environment can indeed help to address this.

We need to support women in prison to address their histories of trauma so they can turn their lives around. So, we need to become both trauma-informed and trauma-responsive in everything we do – and that means understanding what trauma is and how it impacts on individuals and then designing our services,

buildings and systems to respond to it. Again, only a few weeks ago I was talking to some prison officers and this issue came out so powerfully.

Work has already commenced within the estate to help address women's histories of trauma and we have started to see the positive impact this can have. The White Paper should build on that work, exploring ways to further test, evaluate and incorporate trauma-based methods in the women's estate, to inform our wider approach to trauma across all cohorts of prisoners.

And finally, the White Paper should look at how we can invest in our most important asset in the prison estate – that's our dedicated workforce. The CSJ's award-winning report – Control, Order, Hope – set out just how vital the prison workforce is to preventing crime and protecting the public. Now, we want to take a fresh look at how we can retain talented staff and if there are ways in which they could better use improved technology

This could enable them to spend less time on administration, and more time on the afflictions that so plague our prison population. It could also allow the space for prison staff to develop their skills as rehabilitation professionals, so that they are better equipped for the enormous responsibility of their roles.

And having seen prisons as a minister but also in my professional career over 30 years, I think jail craft is so important and little understood. Prisons are not islands; they are part of our society, facing the same challenges. They must be fully linked up to community-based services if we are to effectively reduce crime. Now, our ambition for this White Paper is to capture the moment. As we transition back to normality after the global pandemic it could lay a path for the future of our prison system – one that takes advantage of the innovations that have demonstrated a different, better way of getting results.

My department is currently working hard to finalise these details, so that we can come forward with the best possible proposals. Now, making a success of the White Paper can and should mean protecting the public from the effects of crime in the short and longer term, protecting the law-abiding majority from the criminal minority, while at the same time giving those who want a second chance the opportunity to change their lives for good.

The criminal justice fleet in our country exists to protect the British public from harm. For it to do that as effectively as possible, we need to get each ship into formation towards a single destination. And that place, that destination is a safer, stronger Britain – where there is less crime and fewer victims.

We are already making progress, getting into position and making sure we've got the wind in our sails. On the way that victims are treated, so that they are better seen and heard by a criminal justice system that is truly on their side. And through a bigger probation service that has better practice and a more joined-up approach to get people's lives on track.

But there remains more to do.

Prisons and the work done in them will need to lead the way and the government will soon bring forward proposals on how the prison estate can better cut crime both today and tomorrow – keeping dangerous criminals out of our communities, and giving those who want it a chance to re-join society as law-abiding members of it.

That's how we will rebuild the criminal justice system in our country and that's how I believe we'll cut levels of crime for good. That's how we'll get to the safer Britain we can see ahead in the distance. This government is determined to see that journey through.

Thank you.