

# Speech: Robert Buckland QC speech: Modernising Criminal Justice Conference 2019

This is my first keynote speech as the Minister of State for Justice.

That's my full and frankly rather formal title. Many of you will be familiar with the more colloquial, the more catchy title: 'Prisons Minister'.

As I have said to my team, I think the term 'Justice Minister' is actually a better fit for what I'm doing. That's not some sort of rebranding exercise on my part, it's because I think it's important to take a 'whole system approach' to our criminal justice network, of which prisons are one important constituent part, but by no means the whole story. My other responsibilities include the probation service and they include sentencing policy as a whole.

Of course, in a sense, we're not really talking about a single system at all – we're talking about a kind of eco-system – made up of a complex network of separate yet interconnecting and mutually dependent systems, services and organisations.

It's where I've spent, as you've heard, most of my professional career – over 25 years in fact – first as a criminal barrister in courts like Swansea, Cardiff, Merthyr and Newport and also as a part-time judge in a Crown Court. For nearly 5 years I was the Solicitor General before taking up this post last month.

I have seen the trends. I have seen what works. I've also seen what doesn't work. And I have seen how important it is that different parts of our system – and other sectors and services well beyond it – work properly together.

And today's conference provides an opportunity to share insights, to collaborate and to learn from each other as we continue to build a modern justice system, taking advantage of new technology and new approaches.

My direct experience of working within the criminal justice system has informed and shaped my views on how we improve it. In fact, in my very first speech in the House of Commons as a newly-elected MP some 9 years ago, I was clear about the need for us to be smart on crime and to look at tackling the causes of criminality, with the root of it all being crime prevention and early intervention. That's what I still believe and will be one of my guiding principles as Justice Minister.

Now we all know that the criminal justice system should be much more effective at rehabilitating offenders so they don't go on to commit more crime and to create more victims of crime.

We all want to see justice delivered for victims of crime and a system that properly supports and protects those victims and vulnerable people too.

And we all recognise that those who break the law need to be punished in a way that is proportionate, purposeful, and which protects the public.

Now I believe we are all united in that and, in general, in what needs to be done to deliver it. In a whole-system approach, we also need to make sure that respective structures and systems are united too.

That's why there are new structures in place in Her Majesty's Prisons and Probation Service that will ensure we will have an equal focus on probation and prisons, and I'll be working with Jo Farrar and her team to do just that.

But as well as structures and systems, there's another 'S' word that I believe is right at the heart of driving and implementing reform – and that's 'staff'.

Now having worked over the years with our hard-working and dedicated prison officers and probation officers – I don't need to be persuaded of their contribution and huge importance to our system.

You will know that we have invested significantly to increase staff numbers. We've recruited over 4,500 new prison officers – that's exceeding the original target of 2,500. And that brings the total figure in the system to over 22,500 officers, returning us to around the same staffing levels as in March of 2012. And we've also appointed 700 extra probation service officers too.

Now I'd like to warmly welcome everybody who's recently joined the service and sincerely thank everyone – old and new – who works in our prisons, in probation services – and indeed our wider justice system – for the often challenging and difficult work that they do – day in and day out.

And I am clear that there is more we need to do to support our staff and to ensure that the workforce is more representative and I've already been listening to those needs and concerns.

And I've also been struck by the expertise and commitment of the people I've met. And I look forward – politics permitting of course – to meeting many more of you very soon and to share in and see the great work you are doing.

What's also struck me is just how important it is that we get the support right for prisoners so that they are set on a path towards rehabilitation and away from reoffending.

And to do that, we need to focus our efforts from the inside out and from the outside in.

Let me start from the inside out.

We need prisons that are fundamentally safe and secure.

That's about ensuring we prevent drugs, mobile phones and other contraband entering our prison estate. Now a lot of work has been undertaken already to stop the flow of these items and to disrupt and bring to justice the criminal

gangs who frankly are targeting our prisons.

This very much includes the 10 Prisons Project, supported by my predecessor. And may I pay tribute to the work of Rory Stewart. He served for 18 months in office and proved himself passionate, dedicated and brought real energy to the role. Rory of course notably said he would resign if violence and drugs didn't reduce in the 10 prisons within a year. I have said I am going to do things my way, but I remain passionately interested in the outcomes of this project. As I am sure you will be.

We will report the results of the project publicly this coming August, twelve months after his announcement. We'll be comparing a quarter's assaults data from August 2018 with a quarter's assaults data to June 2019. That will be, at the time, the most up to date data available at the conclusion of the project. And alongside this, we will also report mandatory drug testing results for the 10 prisons.

Being able to safely and securely hold those sentenced to custody – and effectively supervise people in the community – has to be the first thing we need to get right, but it can't be the only thing.

It's also about having the right support in place that will prevent offenders committing more crime.

We've just marked the first anniversary of the Education and Employment Strategy, that's a vital strategy to ensure prison is a place where offenders can develop the skills they need to secure employment on release. It's one of the key factors that will determine whether they reoffend.

Let me give you just two examples of that important work:

The New Futures Network is brokering partnerships between prisons and employers to help businesses fill those skills gaps and for prisoners to find employment, initially it's working in Yorkshire, Tees & Tyne and Wear and Wales and is now recruiting employment brokers to cover all of our jurisdiction.

And last month, we announced changes to the release on temporary licence rules – the ROTL rules – which will allow prisoners to be considered for temporary release earlier to provide more opportunities to work and train with employers.

But as well as getting the conditions and support right in our prisons, we also need to look past the prison gates. We also need to tackle this from the outside in.

And in February, the Secretary of State, David Gauke, set out a vision that recognises prison as the right place for the most serious offenders, but looks beyond the traditional prison estate to more innovative, effective alternatives in our community.

In particular, it's clear that short prison sentences simply aren't working. Over a quarter of all reoffending is committed by those who have served short

sentences of 12 months or less. They trap people in a cycle of crime that is very difficult to break out of. The result is more offending, more victims, more crime.

That's why we think there is a case to abolish or further restrict the use of sentences of 6 months or less with some exceptions, and we hope to set out our proposals for consultation by the summer.

And alongside this, we need to ensure that there are more robust and effective alternatives to prison in place.

And I want to make sure that sentencers have a real choice when it comes to the options before them. And having sat as a sentencer, I know from the perspective of the judge how important that is. Getting the balance right, getting the sentence right, not just to fit the crime but also to fit the criminal in the dock before the sentencer.

Now a key part of this shift from custody to community will be about harnessing and embracing modern technology.

And we've seen how technology is already making a difference in the justice system.

For example, our investment in new video conference centres is allowing local courts to hold virtual hearings and avoid the need to transport prisoners. In April, Her Majesty's Prison and Youth Offending Institution Peterborough became the fourth prison to get a new centre.

Now careful and targeted use of technology can really help – it's not just technology for technology's sake – but to help deliver the outcomes we all want to see.

And the same is true with community sentences.

We've already announced the roll out of GPS tagging so that offenders in England and Wales can be monitored 24 hours a day.

The tags have a very wide range of uses including creating no-go zones for an offender, checking that offenders are attending a rehabilitation programme and monitoring their whereabouts.

Last month, I visited the Manchester Electronic Monitoring Centre. And there, I saw the teams who are responsible for monitoring information generated from those GPS tags.

I also learnt about how staff engage with other stakeholders, including prisons, probation, the police and courts. But new technology on its own is not enough. Collaboration with other parts of the system will be vital for the success of tagging, particularly when it comes to the enforcement of breaches.

Now despite its potential, new technology can only go so far.

Confidence in community sentences starts with confidence in the probation services that deliver them.

As we announced last month, we will be ending CRC contracts early and streamlining responsibilities for public, private and voluntary sector partners.

Now that means a stronger and enhanced role for the National Probation Service in managing all offenders, greater voluntary sector involvement in rehabilitation, and the private sector leading where it has specialist experience and where it can support innovation in rehabilitating offenders and organising Unpaid Work placements.

Each National Probation Service region will have a private or voluntary sector partner – an Innovation Partner – who will be responsible for delivering Unpaid Work and Accredited Programmes in the community.

And we will also be developing a commercial framework to allow the NPS to directly commission services on a scale that encourages the participation of those smaller suppliers and truly being responsive to the needs of local areas.

And our plan is to ringfence an initial £20 million per year for a Regional Outcome Fund to be spent on innovative, cross-cutting approaches. And that will allow us to test services before expanding them.

These changes I believe will allow each sector to play to its strengths, to deliver more investment in skilled probation staff, and to ensure stronger supervision and support for offenders so that sentencers and indeed the public will have confidence in community alternatives to prison.

I want to see prisons and probation systems working collaboratively with partners at a local and national level and work effectively together to deliver our new probation system.

As we make these changes, with care and due attention to the interests of our dedicated staff, we will continue to focus relentlessly on improving operational performance through the way in which we manage contracts and the investments we make in the delivery of services. So this year, for example, we will spend an additional £22 million supporting offenders as they move through the prison gate into the community.

And we also need to make sure that judges and magistrates get the right information on what probation services are available locally to improve the quality of rehabilitation support offered by probation in our communities.

So for example, we are working very closely with the Department of Health and Social Care, NHS England and Public Health England to pilot a Treatment Requirement Programme to increase the number of community sentences that have mental health, drug and alcohol treatment requirements.

Because frankly for too long, although those options have existed in the statute book, have they really been a reality for sentencers? I think not.

I know there are real challenges for our system. I am not prepared to just wring my hands and say: 'Rome wasn't built in a day'. As I have set out, there are things that we can do, and we are doing, and which will make a difference.

Whether that difference is made through more joined-up support, better targeted interventions or by introducing and harnessing new technology, when we talk about "modernisation", we must understand that our work frankly is never going to be fully done. What is "modern" today becomes quickly out of date if we aren't constantly vigilant.

The prison and probation population is constantly changing. It presents new challenges each year. The idea that our justice system alone should – or could – be responsible for offender management – itself a term that I think is becoming increasingly inadequate to describe what we are trying to do – is just plain wrong. Without other agencies of national and local government, plus the private and third sectors, the justice system would be little more than a set of pious hopes and intentions.

I believe that by working closely together: prisons, probation, police, the courts, national, local, voluntary, private, public sector, these reforms will allow us to seize the opportunity to finally turn the tide on reoffending.

We know what works, we know what the evidence says, we know what to do. And we're getting on with it.

By doing so, by building on the progress made so far and, by harnessing that new technology, we can ensure our criminal justice system punishes those who have broken the law in a purposeful and in a targeted way – increasingly in our communities – and at the same time can better support offenders to turn away from crime for good and to re-join society as law-abiding citizens. Ultimately, that will mean, as I say, less crime, fewer victims and safer communities.