

**Department of Justice
Departmental Response
to recommendations in the Northern
Ireland Audit Office's Report
Reducing Adult Reoffending in
Northern Ireland**

**Presented to the Northern Ireland Assembly
by Department of Justice**

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Glossary of Abbreviations

ACE	Assessment, Case Management and Evaluation
CJB	Criminal Justice Board
DoJ	Department of Justice
MHC	Mental Health Court
NI	Northern Ireland
NIAO	Northern Ireland Audit Office
NIPS	Northern Ireland Prison Service
NISRA	Northern Ireland Statistics and Research Agency
PBNI	Probation Board for Northern Ireland
PfG	Programme for Government
RRSOG	Reducing Reoffending Strategic Outcomes Group
SMC	Substance Misuse Court
VCS	Voluntary and Community Sector

DEPARTMENT OF JUSTICE DEPARTMENTAL RESPONSE TO NORTHERN IRELAND AUDIT OFFICE (NIAO) RECOMMENDATIONS IN THE NIAO'S REPORT OF 13 JUNE 2023 ON "REDUCING ADULT REOFFENDING IN NORTHERN IRELAND"

Department of Justice

Reducing Adult Reoffending in Northern Ireland

Introduction

The responses within this Departmental Response have been made at official level. Where specific recommendations relate to issues of policy these will require Ministerial decisions.

NIAO Recommendation 1

The Department should carry out a review of its 2013 and 2015 strategic initiatives to ascertain how successful they have been in achieving outcomes. This learning should then be used by the Department to better define its strategic plan for reducing reoffending across key desistance pathways such as accommodation, employability and health, taking account of how cross-governmental collaboration can be strengthened to support justice aims in the short-term. It should also strengthen oversight and reporting arrangements to ensure successful delivery of these aims, including establishing formal links with the Criminal Justice Board (CJB). Finally, in the medium-term, and to align with any new Programme for Government agenda when published, the Department should take the lead in developing a cross-governmental strategy and action plan for reducing offending and reoffending.

The Department of Justice (DoJ) accepts the first three elements of this recommendation. DoJ notes the fourth element of the recommendation, which calls upon the Department, in the medium term, to take the lead in developing a cross governmental strategy and action plan for reducing offending and reoffending, noting that such an approach will be subject to the views of an incoming Minister and Executive.

DoJ will seek to consolidate and drive priority activities across the justice system in support of reducing reoffending, taking account of the learning from previous strategic initiatives. Related actions will align to the annual business planning cycle and seek to align available resources to those areas identified as most impactful on achieving outcomes, maximising cross-departmental collaboration where possible (including areas such as accommodation, employability and health).

Since the initial fieldwork for the Northern Ireland Audit Office (NIAO) review was carried out, the oversight and reporting arrangements for the work of justice stakeholders in support of reducing reoffending have been strengthened and clarified. The terms of reference of the Reducing Reoffending Strategic Outcomes Group (RRSOG), chaired by the Director of Reducing Offending have been refreshed to ensure clarity on its overarching responsibilities and engagement with the Criminal Justice Board (CJB).

NIAO Recommendation 2

The Department should devise an approach for estimating the economic and social cost of reoffending in Northern Ireland, drawing upon approaches used in other jurisdictions. It should then use this information to assess the adequacy of expenditure directed towards trying to reduce reoffending, and to help inform policy, strategy and potential invest-to save initiatives going forward.

DoJ notes this recommendation.

DoJ will update its 2010 report on the Cost of Crime in Northern Ireland (NI). Subject to available resources, this report will then be used alongside reports published within other jurisdictions to seek to provide an analysis of the economic and social costs of reoffending.

During the fieldwork for this report, DoJ expressed the view that clear budgetary and financial monitoring data was in place for those policies designed to specifically reduce reoffending. DoJ also highlighted the significant challenges it (and indeed the wider NI Civil Service) would encounter should it seek to disaggregate indirect spend, with further issues associated with its ability to analyse its specific impact, which would be inhibited by causality. Many of the key factors affecting reoffending are outside DoJ's control, such as accommodation, employment, healthcare and family support.

Subject to the methodological constraints highlighted above, DoJ will seek to undertake a review of the adequacy of expenditure it currently directs towards trying to reduce reoffending to help inform the way ahead.

NIAO Recommendation 3

The Department should develop greater and more timely accessibility to rehabilitation initiatives to address the identified gaps in support for short-term prisoners. It should also review the adequacy of 'through the gate' support and, along with all relevant stakeholders, devise a solution(s) to better assist short-term prisoners' transition to the community and resettlement in the early period post-release.

DoJ accepts this recommendation.

People receiving short-term prison sentences of less than one year make up over 28 percent of the overall sentenced prison population, and reoffending rates for short-sentenced prisoners are substantially higher than the average. The nature of this cohort means it can be challenging to deliver suitable interventions to "turn the curve" on their offending behaviour and put in place appropriate resettlement pathways to encourage desistance from reoffending during their short stay in custody.

DoJ will continue to work with its statutory and voluntary and community sector (VCS) partners to deliver tailored programmes specifically targeted at the needs of short-term prisoners. However, this has become increasingly challenging due to the rising prison population, financial pressures and the accessibility of timely services to meet their needs.

DoJ, through the Northern Ireland Prison Service (NIPS) and its partner organisations, will work to review its approach to supporting short-term prisoners. DoJ will then seek to develop a streamlined process for assessment and referral to maximise the opportunities to access interventions both in custody and community. Using learning from previous programmes, DoJ will create/enhance its suite of bespoke rehabilitation interventions targeted for short sentences with the aim of encouraging desistance from reoffending on release.

NIAO Recommendation 4

The Department, in conjunction with stakeholders, should complete its review of sentencing with the aim of providing the judiciary with viable community-based alternatives to short-term prison sentences. This work should consider how to fully roll-out the positively evaluated Enhanced Combination Order (ECO) pilot across Northern Ireland, and include plans to legislate for any new community disposals in the next NI Assembly mandate. The Department should also give policy consideration to the legislative options available for strengthening the principle of prison as a sanction of last resort for cases which may result in a short-term prison sentence.

DoJ notes this recommendation. Matters relating to policy/legislation or future funding commitments will be for incoming Ministers.

A public consultation on the outcome of the DoJ's sentencing policy review concluded in 2021. The consultation's Way Forward Report highlighted the necessity to carry out further modelling on new community sentencing options. Work on the development of new community-based sentencing options, including preparation of cost/benefit analyses, is ongoing and will be considered by an incoming minister in due course.

DoJ will consider the evaluation of the Enhanced Combination Order work to date to inform any decisions on future rollout, which will need to take into account affordability constraints.

In addition, DoJ will continue to monitor developments in neighbouring jurisdictions to learn from their experiences as regards the principle of using prison as a sanction of last resort where a short-term custodial sentence may be imposed, and will seek Ministerial decisions on the need for any changes for NI.

NIAO Recommendation 5

The Department should assess the merit of introducing a bail information scheme and bail support services to help prompt a reduction in custodial remands. It should also evaluate the benefits of the numerous bail legislation and policy options available, whilst progressing work to consider alternatives, such as the expansion of the use of electronic monitoring.

DoJ notes this recommendation. DoJ's ability to scope, develop and implement schemes that may prompt a reduction in custodial remand will be subject to the availability and prioritisation of resources and therefore will require Ministerial input.

The NIAO report recognises that many of those who offend have a range of complex needs, such as poor physical and mental health, homelessness and lack of employment. Meeting these needs through community based services will be key to supporting offenders to desist from future offending and lies beyond the gift of the justice sector.

Since the initial fieldwork for this report was carried out, DoJ has established a Working Group on Remand. This group will focus its efforts on initiatives that represent the best use of available resources, in seeking to bring about a reduction in the level of those held on remand within NI Prisons. This will include consideration of the merits of a bail information scheme, bail support services, Global Positioning Systems (GPS) electronic monitoring and whether further legislative reforms are required. The work of the group will be overseen by the RRSOG.

In respect of bail legislation and policy options, prior to leaving office in October 2022, the then Minister considered and endorsed DoJ's draft legislative programme. The draft programme does not currently include a Bail Act, and so DoJ has no plans to take forward substantive bail policy or legislation work at present aside from amendments to the bail provisions for children, which are proposed for inclusion in the first bill of the new mandate. This reflects the collective view of the CJB that existing bail law is generally fit for purpose. However, this will be kept under review in light of available capacity and the views of an incoming Minister.

The Working Group on Remand will seek to drive forward a range of initiatives to offer the Judiciary viable alternatives to the use of remand. It will focus its efforts on those initiatives that represent the best use of available resources and assessed to be most impactful in terms of outcomes. It is important to note that incremental funding will be required to enable the development and implementation of initiatives in this area.

NIAO Recommendation 6

The Department should consider approaches adopted elsewhere in the UK and RoI to address the range of problems posed by the high levels of short-term and remand prisoners, to assess if they could be used to provide solutions in Northern Ireland.

DoJ accepts this recommendation.

Issues associated with the high levels of short-term and remand prisoners are not unique to NI, with many other regions and indeed, countries also focused on addressing this growing problem.

DoJ will continue to engage with other jurisdictions across the UK, Ireland and beyond as appropriate, to inform its policy approach and explore viable alternatives to remand and short-term sentences.

NIAO Recommendation 7

The Department should explore an increased use of the management information available to it. Working with the PBNI, this should include data from offenders' risk of reoffending assessments, to monitor trends in client profiles and assess the impact of specific interventions on reoffending risk and subsequent outcomes. In support of this, PBNI should evaluate and conclude on the continued effectiveness of the Assessment, Case Management and Evaluation (ACE) methodology, in comparison to other risk assessment tools available.

DoJ accepts this recommendation.

DoJ acknowledges the need for increased use of management information to assess the impact of specific interventions and subsequent outcomes. DoJ has recognised that local systems do not capture all the data needed to measure outcomes, and consideration was given to wider integration outside justice. This was not feasible however due to data sharing legislation and ethical permissions.

However, work is now underway with Northern Ireland Statistics and Research Agency (NISRA) to analyse the most recent adult reoffending data (2019-20) to help better understand if there is a pattern to the interventions which are positively impacting on an individual's propensity to reoffend post release. DoJ is also working with its statutory and VCS partners to improve impact measurement as part of the evaluation of current programmes and interventions.

DoJ will, through its work with the NIPS and the Probation Board for Northern Ireland (PBNI), also seek to improve the use of management information to assess the impact of existing rehabilitation and resettlement interventions, adopting problem solving approaches where appropriate.

In respect of the effectiveness of the Assessment, Case Management and Evaluation (ACE) methodology, PBNI has already commenced a process of comparison of other risk assessment tools. It should be noted though that affordability is a key consideration. PBNI will work closely with DoJ to evaluate ACE data, and other data if relevant, to monitor trends in service user risk profiles and to assess the impact of probation's work on likelihood of reoffending and subsequent outcomes.

NIAO Recommendation 8

The Department should appraise the overall participation and completion rates, and associated cost-effectiveness, of the Substance Misuse Court (SMC), to inform further rollout. As plans to pilot a Mental Health Court (MHC) have not progressed, the Department should expedite identification of alternative problem-solving approaches to mental health issues for those in contact with the justice system. An invest-to-save approach should be adopted where initiatives such as these are assessed to deliver net economic benefits.

DoJ accepts this recommendation.

An appraisal of the Substance Misuse Court (SMC) is now complete. The SMC in Belfast converted from pilot status to business as usual on 1 April 2021. Since that date, the SMC has been embedded as a scheduled court in Laganside Court and managed by the Presiding Magistrate. Two independent evaluations were completed and published by NISRA, with learning applied to ongoing business. Any future decisions around roll-out will be subject to the availability of additional funding.

In respect of the second aspect, to expedite identification of alternative problem-solving approaches to mental health issues, DoJ will work with the Department of Health (DoH) to identify options for the way forward. In the interim, work is on-going with DoH colleagues regarding applied learning and training opportunities which can be shared to promote best practice and build effective networks.

NIAO Recommendation 9

The Department, with support from the wider Executive, should identify meaningful, robust and realistic outcome-based performance measures to underpin future PfG indicators. This will require appropriate baselines and procedures for monitoring and reporting of performance. In support of this, the Department should further progress wider data collection and analysis to measure its impact in key areas, such as offenders' accommodation, employability outcomes, or desistance from drugs and alcohol.

DoJ notes this recommendation.

DoJ would highlight that the current absence of an Executive impedes its ability to secure wider Executive support for any work on outcome-based performance measures to underpin future Programme for Government (PfG) indicators.

Upon formation of an Executive, and subject to Ministerial approval, DoJ will engage Executive Ministers with a view to securing agreement for the development of a cross-departmental strategy to reduce offending, to include

outcome-based measures aligned to PfG indicators. In the interim, DoJ will seek to improve upon the availability and use of existing justice performance measures and monitoring arrangements.

Issues relating to wider data collection as measures of impact in areas beyond the Justice sector have, to date, proven to be a significant challenge. However, DoJ will seek to identify and pursue opportunities in conjunction with other Departments, while ensuring compliance with all relevant data protection obligations.