

Skills Priorities and Scenarios in the Justice Sector

Research Report

December 2009

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Acknowledgements

The author is indebted to Skills for Justice staff who helped arrange the research with strands and countries and to colleagues Anne Bellis, Paul Sissons, Annette Cox, Paul Fairhurst and Gill Brown for help with fieldwork and to Richard James for his time and attention with the final manuscript. Any inaccuracies are the author's alone.

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Executive Summary

Purpose

This report is based on a study by the Institute for Employment Studies (IES) on behalf of Skills for Justice undertaken between September-December 2009. The main objectives of this work were to:

- identify key skills drivers, skills needs and priorities in the justice sector, and
- develop a small number of future skills scenarios regarding the justice sector workforce.

Method

Building on emerging findings from IES desk research and consultation within Skills for Justice, IES conducted a series of focus groups and interviews with delegates brought together by Skills for Justice to represent the constituent strands and countries. These provided detailed insights and emerging evidence of cross-sectoral developments which were – in turn – used to develop a set of three scenarios. A workshop was held with key Skills for Justice representatives, sector stakeholders and employers to ‘deepen’ these scenarios and to consider the strategies and skills needs that might apply in each case.

Key points

Domestic political developments, including trends in public service management and delivery are the most powerful drivers of change in the sector, along with the trajectory of public spending.

Scenarios are a way of enriching future thinking and improving strategy development. Three future scenarios have been developed for the UK Justice sector for the next 5-10 years, each requiring a distinct approach:

1. **Joined-up justice** - in which the dominant theme is of a sector working smarter to improve outcomes and save money
2. **Essential justice** - in which many ambitions must be kept on hold to focus working cheaper to sustain core services through budget crises
3. **Traditional justice** - in which the sector must re-adapt to a 'tougher', back-to-basics Justice agenda driven by electoral trends.

Flowing from the scenarios, a number of **strategic options** should be considered, including:

- Mapping the Justice 'journeys' of offenders, victims and witnesses to identify areas for improvement and concerted action;
- Improving knowledge management and the sharing of best practice;
- Quantifying the impact of prevention activities to demonstrate long term value;
- Facilitating and increasing the volume of lateral career progression across the sector;
- Creating cross-sector leaders;
- Tackling 'silo' cultures within and between Justice sector organisations and professional specialisations;
- Demonstrating the business case for critical activities;
- Devolving responsibilities to a level closer to users;
- Improving and increasing the availability of para-professional qualifications;
- Co-operating better across geographical boundaries.
- Pursuing non-contentious improvements where possible;
- Shifting effort and resource to operations in order to build capacity, itself requiring a reorientation of HR;
- The improvement of monitoring systems (including those of HR), to keep track of operational staff and maintain professional standards.

Some of the priority cross-sectoral **skills, knowledge and behaviours** for practitioners – identified in relation to these strategies and scenarios - are:

- Greater cross-agency knowledge;
- More effective communication (skills);

- Process improvement skills;
- Management and leadership skills, particularly for managing professionals;
- Greater capacity for autonomy in junior staff, including skills in self-management;
- The ability to carry out risk assessments and to develop proportionate plans where risks are identified;
- Greater cost-consciousness and commercial acumen;
- Skills related to procurement and commissioning;
- Public relations skills.

There are also **specific priorities** pertaining to the UK's constituent countries and the sector's constituent strands (the strands are discussed in chapter 6 and summarised in tables in section 6.8), although these are not directly related to the strategies and scenarios described above.

Next steps

The skills needs and scenarios presented in this report are merely a starting point for consideration of the Justice sector's planning for the future. Further steps are now required, including:

Considering priorities within priorities - *where are the consequences of action or inaction most serious?*

Monitoring developments as they unfold - *where is the sector heading, what is it doing to adapt?*

Translating strategic insights into concrete plans - *what volume and level of skills will be deployed, how much of it will be through change in existing jobs?*

1 Researching skills priorities and scenarios in the justice sector

1.1 Project purpose and method

This report details the findings of a research and consultation project conducted by the Institute for Employment Studies on behalf Skills for Justice between September and November 2009. Skills for Justice is the dedicated Sector Skills Council covering all employers, employees and volunteers working in the UK justice sector. This process was an opportunity to take stock of the current and emerging skills needs and priorities within the workforce and it offered employers, employee representatives and other stakeholders from across the justice sector an opportunity to inform the future strategic agenda¹ concerning skills and employment. The main objectives of this work were to:

- identify key skills drivers, skills needs and priorities in the justice sector, and
- develop a small number of future skills scenarios regarding the justice sector workforce to assist Skills for Justice to support the Justice sector in future workforce planning..

The research covers the UK as a whole, as well as highlighting features specific to UK nations and particular justice sector strands.

The research was conducted in several phases:

1. Desk research and consultation with Skills for Justice to identify initial drivers of change within the justice sector, using a PESTLE framework – this was important to ensure that the research would incorporate all the relevant material and build upon it, rather than risking ‘re-inventing the wheel’.

¹ Within the context of the UK Commission for Employment and Skills Ambition 2020 agenda. See www.ukces.org.uk/upload/pdf/UKCES_FullReport_USB_A2020.pdf

2. Focus groups and interviews with representatives of justice sector employers and stakeholders working in human resources, operations, trade unions and in administrative and regulatory bodies across the UK's constituent nations¹ and the sector's constituent strands (see Table 1.1 below). These were used to identify key drivers of change, consider their impact on workforce skills, identify priorities for skills development and highlight potential barriers to success – this wide consultation ensured a broad mix of expertise and points of view were brought to bear upon the process, which is the key to scenarios moving beyond received ideas or official forecasts.
3. Analysis of fieldwork and desk research data to develop a series of scenarios for the justice sector – this was an inductive process undertaken by the research team (explained in more detail in the scenarios chapter), with input and feedback from Skills for Justice.
4. A scenario application workshop with key sector stakeholders and Skills for Justice strategy leads to deepen the scenarios and consider the sector's strategic options – this is often the least well executed stage of scenario planning, and yet deriving full benefit from scenario planning initiatives requires that stakeholders have an opportunity to test the scenarios and to apply them – hypothetically – to their strategic plans in order to explore practical actions and implications that may arise (to ensure stakeholders are not left asking 'now what?').
5. Deployment of the overall scenario trends and concepts across the sector's constituent strands² – this is where it was possible to consider how each strand might be affected, how it might react and what the skills implications might be.

Many of the justice sector's constituent strands already engage in their own skills foresighting to identify trends and changes, and highlight current and emerging skills needs. These are valuable exercises, but they are limited by looking at one-to-one pairings of skills drivers and skills needs in isolation. The added benefit of the scenarios approach in the present research is that skills needs and strategies can be considered in relation to different combinations of future trends, which has the potential to be significantly more realistic. The final, most important, phase of the research is therefore what people now do with the outputs of this research. It is hoped that, with these scenarios, practitioners responsible for skills and staff development within the sector will have the tools to consider possible alternative futures and so to enhance their planning and decision making.

¹ England was slightly different in that the research relied on an earlier focus group conducted by Skills for Justice

² With sufficient time and cross-sectoral representation at focus groups, an analogous deployment of the scenarios to countries would be possible, but this would represent a larger research exercise.

Table 1.1: Summary of focus groups and interviews conducted with employers and stakeholders

Strand/country	Focus group	Interviews
Custodial Care	x	
Justice Children and YP Workforce	x	
Fire and Rescue	x	
Community Justice	x	x
Courts, Tribunals and Prosecution	x	
Police and Law Enforcement	x	
Forensic Science		x
N Ireland	x	
Scotland	x	
Wales	x	

NB Interviews and focus groups were recorded and transcribed, but are reported on a non-attributable basis in line with ethical research practice

As described above, this report is based on small-scale, qualitative research, using insights from within the sector rather than based on external expertise. The object is to gain an understanding of developments based on the insights of those within the Justice sector and the research does not constitute a quantitative forecast of occupational change. Where possible, the report identifies where skills needs pertain to people or jobs, at what level and in what volumes, but this has often not been possible on the basis of the interviews and focus groups that were conducted.

The interim findings from this research have already fed into Sector Skills Assessment reports for the UK Commission of Employment and Skills (UK and national reports), which in turn will be used to influence wider policy decisions regarding future investment in the employment and skills system. Initial findings from some of the sector strands have also fed into business planning within those strands and this report will be an input into Skills for Justice's own business planning process for 2010. The findings also contribute to Skills for Justice's mission to provide good quality, timely information to its partners and stakeholders on emerging trends and the possible future shape of the sector and its various segments in order to assist strategic decision making.

Chapter 2 discusses the global and domestic drivers for change in the Justice sector. Chapter 3 presents three scenarios developed for the sector as a whole. Chapter 4 discusses the strategies and skills needs that flow from these scenarios. Chapter 5 presents the findings in relation to the UK's constituent nations while chapter 6 presents the fine-grained detail of trends and skills priorities across the strands of the sector.

2 Global and domestic drivers of change and their impacts in the justice sector

The administration of justice is a central, defining function of the modern state. It therefore comes as no surprise that the domestic policy agenda and the internal trends of the UK public sector are the drivers of change considered most important by justice sector employers and stakeholders. What is clear from the literature review and consultation is that the justice sector must continually adapt to policy and administrative changes handed down by government. The pre-eminence of the domestic policy agenda marks out the justice sector as somewhat different to other sectors which may be more directly influenced by developments in world markets and other international trends that commonly feature in foresighting exercises.

The particularity of the justice sector affects the present foresighting and scenarios in several ways. The close and intermingled relationship of justice functions with the state itself means that factors such as legislation and the power of the state that are part of the wider environment for other sectors are actually inextricably part of the justice sector's closer, more 'transactional', context¹. The pre-eminence of domestic political drivers of change is, further, a reflection of the sector's dependency on a single customer – government – through whose policies and priorities many of the wider societal, economic and technological drivers are mediated. By extension, key drivers of change in the justice sector, and the scenarios derived from them, are UK-centric and government-centric.

¹ See van der Heijden, Kees (1996), *Scenarios: The Art of Strategic Conversation*, Wiley & Sons. In terms of Van der Heijden's seminal typology, the aim of the scenario approach is to encourage organisations to consider their wider environment (such as PESTLE drivers) rather than their internal issues and 'transactional' context, composed of employer, employee and professional bodies, other standards setters, related sectors, suppliers and customers etc.

Nonetheless, it is worth considering how global trends might relate to justice developments in the UK.

Greater/lesser internationalisation

This could directly affect the justice sector through international governance and co-operation on legislation, as well as through indirect effects on UK society.

It is unlikely that the justice sector will be particularly affected in the next few years by the indirect impact of internationalisation on UK society. Some areas of the justice sector have had to adapt to the rapid influx of migrants since May 2004 when eight Eastern European countries (known collectively as the A8) joined the European Union, but this is now a past trend and unlikely to be repeated in the near future.

Internationalisation is likely to have a limited direct impact on the justice sector because domestic politics will focus on national priorities. International co-operation and governance affects certain areas such as European arrest warrants, some judicial and policing co-operation and wider co-operation on other security matters. It is possible some of these policy trends towards greater co-operation may cease or slow down in the medium term in a changed UK electoral landscape, although it is difficult to envisage a new UK government targeting European co-operation in these areas for renegotiation.

Greater/lesser regulation

The degree and type of regulation has a direct impact on the justice sector, which is tasked with implementing and enforcing a large amount of legislation. Indeed, the justice sector is the target of a certain proportion of regulation. However, it is not straightforward to relate the amount of regulation in society to impacts on the justice sector. For instance, some low regulation societies (such as the USA) may actually make far more intensive use of the institutions of justice to deal with the frictions between individuals and organisations than a far more regulated society (such as Denmark). For this reason, the degree of regulation is not a useful driver for understanding the justice sector and instead it is necessary to have a more detailed view of the sector's objectives and how the sector is organised.

Demography and changing identities

The demography of the UK is changing, with an ageing society coinciding with a situation where population growth is sustained by immigration (and immigrants' children). These are drivers the justice sector has considered largely in relation to their impact on the actual and desired composition of the justice sector workforce. There is also some limited consideration of the skills required to deal with certain

categories of people. The sector, however, is still to engage with changing identities and the possibility that younger, more diverse sections of the population, growing up in the information age may be more detached from the institutions of justice in the UK. The globalisation of values and possibility of adopting multiple, transient identities through virtual communities and ICT may change identity formation processes. Specifically it may threaten the traditional pattern of formation of a single identity while growing up that endures throughout adult life and uniform, shared conceptions and standards of justice which are to some extent based on 'traditional' identities and justice processes. It may also expose vulnerable individuals to extremist viewpoints which may be destabilising for communities and nations.

2.1 Domestic change in the justice sector

This section details the domestic factors, especially political factors, that are the pre-eminent drivers of change in the justice sector. A review of the literature and consultation with sector stakeholders and employers reveals a range of current and anticipated drivers of change that cut across the very diverse strands of the sector. These are summarised below under the headings of:

- Policy and legislative trends
- Economic circumstances
- Social and demographic trends
- Inter-agency working
- Other organisational and technological issues.

2.1.1 Policy and legislative trends

The justice sector is accustomed to rapid policy evolution and change, leading to institutional reorganisations, legislative change affecting both the public (large numbers of new offences) and the sector itself (such as the Data Protection Act, equalities legislation and, imminently, the review of the Police and Criminal Evidence Act). The outcome of the 2010 UK General Election will largely determine the political and legislative agenda for the justice sector and the rate of public spending for the coming years. England and – pending devolution of justice matters – Northern Ireland are most affected, but areas such as immigration and serious crime will be affected UK-wide. Prior to the publication of manifestos, existing policy pledges relating to justice are relatively sparse. Conservative proposals to date principally concern policing, in particular the interface between police forces and local communities, through directly elected authorities, beat

meetings, crime maps and similar initiatives. Proposals include greater flexibility for stop and search and a crack down on knife crime involving a presumption to prosecute in cases involving knives. Outside policing, an expanded role is expected for the third sector and social enterprises, for instance in relation to rehabilitation services¹. Some of these themes are echoed in Liberal Democrat proposals, including reduced paperwork and local democratic accountability for police forces and greater devolution of responsibility (in particular for police budgets). Some of the distinctive Liberal Democrat concerns relate to evidence-based policy-making championed by a new National Crime Reduction Agency, Community Justice Panels and resettlement support for outgoing prisoners².

National politics also impact on the justice sector as a result of policies on public spending (and how sharply it is adjusted), public sector employment (including pensions) and skills (in terms of the future of existing funding channels such as Apprenticeships and Train to Gain). Many justice sector activities are regulated and controlled by Government through increasingly formalised performance targets and indicators and associated accountability mechanisms³. Current trends in this area include Comprehensive Area Assessments⁴ (in England) and Single Outcome Agreements (in Scotland). Given the stated intention of the Conservative party to increase local democratic accountability and control (at least in policing), there is a chance these arrangements will be subject to considerable change in the future.

2.1.2 Economic circumstances

Achieving efficiencies is a trend across much of the public sector and justice is no exception. Cost cutting programmes already under way include the £1 billion Performance and Efficiency Programme within the Ministry of Justice⁵. As the

¹ See www.conservatives.com/Policy/Where_we_stand/Crime_and_Justice.aspx

² See Liberal Democrat Justice and Home Affairs Team (2008), *Cutting Crime: Catching Criminals With Better Policing*, Autumn Conference 2008

³ JSSC (Skills for Justice) (2005), *Skills Foresight report: skills needs in England and Wales*

Also, on policing in particular: Cockroft T and Beattie I (2009), Shifting cultures: managerialism and the rise of 'performance', *Policing: An International Journal of Police Strategies & Management*, Volume 32, Issue 3

⁴ www.audit-commission.gov.uk/SiteCollectionDocuments/MethodologyAndTools/Guidance/caaframeworksummary10feb09.pdf

⁵ NOMS (2009), *National Offender Management Service Report and Accounts 2008/09*, www.justice.gov.uk/publications/noms-annual-report-08-09.htm (p4 of summary)

main political parties begin to plan to reduce the deficit, the anticipation among justice sector employers and stakeholders is that many services will face frozen or cut budgets. Whether these cuts will be applied evenly across the sector or fall disproportionately on certain areas is unknown. As in the wider public sector, the employment impacts of cuts to the justice sector are likely to affect the regions and nations of the UK differently¹.

Sector stakeholders have identified that, in addition to reducing services, reduced budgets will have consequences for the sector's capacity to change. On the one hand, efficiency drives have already led to a certain amount of capability being out-sourced, not least by moving towards more third sector involvement. On the other, if recruitment freezes exacerbate the already rapidly ageing profile of the workforce in certain key occupations, vital changes in organisational culture could be delayed, especially in engaging more effectively with young people². This could affect relationships with young people both as service users and as part of the future workforce.

Economic circumstances can also drive work volumes in the Justice sector. Historically, recessions have been associated with increases in acquisitive crime. Areas that remain depressed for longer periods can often suffer from increased substance misuse. Conversely, economic growth can sometimes be associated with greater amounts of violent crime and disorder, with more young people with money to spend meeting in city centres on Friday and Saturday nights.

2.1.3 Social and demographic trends

Demographic trends affect the justice sector in several ways. On a direct level, there is the impact within the justice sector itself of an ageing workforce (an impact that could be exacerbated by recruitment freezes). This is associated with a range of management and skills challenges within justice sector organisations³, such as managing the careers and re-skilling of individuals to reflect their developing needs. In its work the justice sector will interface with increasing numbers of older victims, witnesses, offenders serving sentences in prison and in the community, and other members of the public – and it will need to continue to be responsive to their needs. This will be mirrored by the ageing justice sector workforce's need to continue to engage with young people and to deal with any increase in delinquency. Finally, an ageing society potentially also faces the risk of

¹ Larkin K (2009), *Public sector cities: supporting paper*, Centre for Cities

² Skills for Justice (2009), *10th England Cross Sector Forum, 30 June: Macro environment drivers for the Justice sector in England: the skills implications and how to respond*

³ JSSC (Skills for Justice) (2005), *Skills Foresight report: skills needs in England and Wales*

cultural disconnection and even conflict between young and old, with potentially far reaching implications for the work of the justice sector.

A number of longstanding trends and societal circumstances have driven the need for closer integration of the work of justice sector agencies with other partners and stakeholders both within the sector and outside of it, including interactions with, amongst others, health, social services and housing professionals. Some of these trends are:

- The increasing level of concern with the prevalence of **mental health** problems within society (one instance within the justice sector is the examination of alternatives to prison for people with certain conditions, explored recently in the Bradley Review¹).
- Active debate about continuing high levels of harms from **drugs, alcohol and substance misuse**², and the best means of addressing these.
- Criminality and victimisation within **harder to reach segments of society** where additional outreach and engagement by justice sector agencies may be required.
- Higher profile, more complex problems related to **serious organised crime and terrorism**.

With each of these trends, the impact on the justice sector is a combination of the underlying societal phenomenon, the political priority accorded to the issue and the manner in which the justice sector responds. While the future evolution of the underlying trends is perhaps hard to predict, it is at least expected that they represent problems that are unlikely to go away. The future political priority accorded to them is an unknown, as is the type of policy response to them.

2.1.4 Inter-agency working

Making all parts of the justice sector work together, and with outside partners, more effectively has been established as a top ongoing priority in consultations with sector employers and stakeholders in October and November 2009. To some extent, this trend represents strategies driven by some of the trends already described. Effective responses to many of the social and demographic trends

¹ Bradley Rt Hon (2009), *Lord Bradley's review of people with mental health problems or learning disabilities in the criminal justice system*

² JSSC (Skills for Justice) (2005), *Skills Foresight report: skills needs in England and Wales*

See also National Offender Management Service Drug Strategy 2008-2011:
www.justice.gov.uk/publications/docs/noms-drug-strategy-2008-11.pdf

outlined above cannot be delivered by any justice sector service or specialism in isolation. Efficiency drives and the prospect of funding cuts also encourage this approach as a means of de-duplicating effort and sharing expertise and overheads. Inter-agency working is, however, also a driver of change in its own right. To the extent that it is a widespread trend that is also driven by Government, it is a trend that individual justice sector organisations cannot ignore.

This trend manifests itself in numerous ways that were highlighted as important and ongoing trends by sector employers and stakeholders:

- **Information and data sharing** across agencies (notwithstanding legal restrictions¹).
- **Sharing experience and knowledge** across parts of the system.
- Working in closer co-operation with **volunteers and the third sector**, especially as regards addressing the needs of victims (see also the Neuberger report).
- Upgrading and improving **information systems** to support closer co-operation, especially where synchronisation may be crucial to public safety (such as between police and probation services, or among emergency services²), but also in a range of other areas such as Youth Justice³ and Courts⁴.

2.1.5 Other organisational and technological issues

As large public sector employers, many justice sector organisations face a range of trends related to **industrial relations**. Most recently, the Criminal Justice and Immigration Act 2008 has, for instance, removed the right of prison officers to take strike action⁵. More importantly, the fast pace of change in the content of many jobs within the sector led some employee representatives to voice concerns about

¹ This is an area subject to change as the Communications Data Bill is designed to balance access to communications data with privacy, in area of counter-terrorism.
www.commonleader.gov.uk/output/page2667.asp

² See 2009 *Guidance on multi-agency interoperability* for all emergency services.
www.npia.police.uk/en/docs/Multi-agency_Interoperability_Secure_130609.pdf

³ For instance Wiring up Youth Justice:
www.yjb.gov.uk/publications/Resources/Downloads/YJ%20-%20Issue%20017%20-%20July%202009.pdf (p5) and www.yjb.gov.uk/en-gb/News/Newinformationsystemgoesfromstrengthtostrength.htm?area=AllNewsEvents

⁴ The Coroners and Justice Bill “aims to deliver more effective, transparent and responsive justice and coroner services for victims, witnesses, bereaved families and the wider public”.
www.commonleader.gov.uk/output/page2655.asp

⁵ www.justice.gov.uk/publications/criminal-justice-bill.htm

the need for greater definition, clarity and support for certain staff, many of whom may have many years of experience. In future years, if the pace of change is maintained in conjunction with pay freezes and potentially staff cuts, the industrial relations climate within the sector could become a concern.

The justice sector has over recent years been at the centre of the public sector's **workforce modernisation** agenda. This has led, most visibly, to the creation of new para-professional staff categories such as Police Community Support Officers. In conjunction with this trend, there is a widespread feeling among sector employers and stakeholders that justice sector organisations (many of which have hierarchical cultures) are increasingly devolving responsibilities to the lowest possible levels, largely driven by economic considerations.

2010 will see progress towards the enactment and implementation of the **Equality** Bill applying to England, Wales and Scotland (there is separate legislation in Northern Ireland). This proposed legislation seeks to extend legal protection currently afforded on grounds of gender, disability and race to include sexuality, age and religion and belief under single public sector equality duty. Public sector employers with 150+ staff (250+ in the private sector) will be required to publish gender pay gap information and disability and ethnicity employment rates annually. It also seeks to extend positive action measures enabling employers to make workforces more representative¹, which is potentially important in relation to the justice sector's diversity agenda. It would allow employers to use positive action to recruit, develop and promote individuals with non-traditional backgrounds more easily.

Environmental concerns feed into policy in the justice sector, but its effects are likely to be focused in relatively few areas. Because justice sector organisations are mostly within the public sector, they have faced sustainability targets since 2006/7, with the ambition now to become carbon neutral by 2012 and to cut emissions from the office based estate by 30 per cent by 2020². These targets conceivably impact on skills needs within the sector, though realistically most organisations will seek outside support from energy efficiency specialists rather than build considerable in-house expertise.

Environmental change may have a disproportionately large impact on the work of the fire and rescue services through the frequency and severity of **extreme**

¹ Equality Bill - www.equalities.gov.uk/equality_bill.aspx

See also Skills for Justice (2009), *10th England Cross Sector Forum, 30 June: Macro environment drivers for the Justice sector in England: the skills implications and how to respond*

² www.defra.gov.uk/sustainable/government/gov/estates/

weather events. Of particular concern is the need for capacity to respond rapidly to large scale flooding in built up areas.

This research has not identified any emerging technologies that will transform the way the justice sector operates. The emergence of revolutionary new technologies, such as DNA profiling in 1984, is difficult to predict and remains to some degree an unknowable part of the future. It is nonetheless plausible that practitioners will continue **adopting existing and improving technologies at a rapid rate**. The ten years to 2010 saw a massive increase in the use of technologies such CCTV, DNA evidence gathering and database-facilitated checks and investigations. It is to be expected that over the next ten years, practitioners will again need to keep abreast of developments in techniques and equipment. One area of interest is **evidence and communication in digital form through the stages of the justice process**. A witness statement video, for instance, could be made and backed up to a secure server. From there, it would be available, where relevant, to the parties involved in the investigation and – later – to the parties in a court case and to the courtroom itself. In similar vein, it is increasingly possible for a Young Offender to be interviewed by practitioners remotely via videolinks in YOIs prior to release. Such approaches can speed up justice, cut costs and bring evidence more directly to juries.

3 Scenarios for the future justice sector

This chapter presents three scenarios for the justice sector, described in general terms to be applicable at some level across the sector and discusses the background to their development. In Chapter 6, these scenarios are adapted to apply more directly to the sector's constituent strands).

Scenarios have long been a core element of different approaches to understanding and preparing for an uncertain and unpredictable future. The RAND Institute first used them in the 1940s, followed soon after by the Stanford Research Institute, the Hudson Research Institute and Shell International. The popularity of scenario approaches has increased hugely since September 2001.

Scenarios are stories that explore how the world might look over a specified period in the future taking into account the evolution of certain trends. They are:

- alternative stories about the future – not forecasts, predictions or projections
- two, three or more plausible, relevant and challenging versions of the future.

They provide a framework for thinking about the different ways in which the future might unfold from the present and how we might shape that future, and are commonly used as a tool for predicting skills needs and helping to define appropriate policy and action in consequence.

The process of developing scenarios requires consideration of a range of possible futures which prepares those involved to look beyond their normal frames of vision. Scenarios encourage exploration of what *might* happen. They are constructed to explore *What if?* rather than *Whether*.

The three scenarios summarised in this section were developed from the drivers discussed earlier and are therefore grounded in desk research, consultation, focus groups and interviews with justice sector employers and stakeholders. The scenarios themselves, however, are intended to be a plausible, relevant and challenging depiction of sector influences arising from the effects of combinations

of drivers and are based on the inductive¹ reasoning of the research team. In prioritising and recombining the drivers of change, the degree of uncertainty as well as the potential impact of each driver has been considered – this ensures that the scenarios encompass the high impact, uncertain factors that can sometimes be missing from more traditional foresighting processes. These degrees of impact and uncertainty and how they are reflected in the scenarios are described below.

Box 1: Scenarios preview

1. **Joined-up justice** - working smarter to improve outcomes and save money
2. **Essential justice** - working cheaper to sustain core services through budget crises
3. **Traditional justice** - re-adapting to resurgent populism in national politics

High impact, highly uncertain. Trends within the justice sector towards inter-agency working as well as external political change have a significant impact, but predicting how they will affect the sector is much harder. Efforts in this direction, as well as other new public management trends, have been a feature of the justice sector for a number of years but it is unclear whether or not they will continue. Similarly, the strategy for the justice sector depends in unstable ways on the fortune of the political parties and on the priority accorded to competing policy areas such as the economy, employment and social welfare. The configuration of these trends is therefore the key dimension differentiating the first scenario, in which internal trends are dominant, and third scenario, in which radical political change dominates.

High impact, high predictability – financial pressure. The sector will come under considerable financial strain in the years following 2011-12 in the aftermath of the current recession. The magnitude of cuts, and where these will be targeted, remain uncertain. This is a major feature of all three scenarios, but in the first and third scenarios, there is still funding for priority areas while in the second, cost cutting overshadows all other considerations.

There are **clear links between the trends and drivers** of change identified as important within the justice sector and they are a final ingredient of the scenarios considered below. For instance, cost cutting can be a driver for inter-agency working and for devolving responsibilities to more junior staff who will

¹ Given the complexity of the Justice sector and a number of other methodological considerations, Skills for Justice and IES have opted for the inductive method of scenario development, whereby the structure of the scenarios arises from the material, rather than the deductive approach familiar from four-quadrant models such as those of Foresight Futures Vision 2020 scenarios (World Markets, National Enterprise, Global Responsibility and Local Stewardship).

increasingly need to work across agencies, which creates potential skills needs. Similarly, trends in accountability mechanisms and performance targets are likely to be reshaped in an environment where crime is rising (a change from the environment of recent years) and where the political climate favours a more punitive approach.

In order both to distinguish clearly between scenarios and to pick out common factors, certain features are exaggerated, rather like caricatures or cartoons. It is important to remember, however, that none of these scenarios predict the future: the future will doubtless contain a little of all three scenarios and other influences which are not yet known or have not been recognised by this research. Finally, it is also worth considering that, given the devolution of justice powers to Scotland (and potentially also Northern Ireland), there is a possibility that different areas of the UK experience different scenarios or experience common scenarios to differing extents.

3.1.1 Scenario 1: Joined-up Justice

Under the Joined-up Justice scenario, there is continued commitment amongst major justice sector players to improve processes and outcomes by working across organisational and professional boundaries. Skills for Justice and local Criminal Justice Boards take a leadership role in driving this integration. In a benign political climate, justice is mostly out of the limelight and policies are influenced by evidence and expert opinion, enhancing the role of experts and a wide range of strategic level bodies such as the National Offender Management Service (NOMS) and the National Policing Improvement Agency (NPIA). The watchword is effectiveness. The slow and halting economic recovery means that budgets are tight, but limited, short term funds are available to support selected strategic priorities.

Management focus. Policy makers and senior managers become more sceptical of single-agency performance indicators and top-down management by objectives. Cross-cutting, multi-agency performance indicators become more important, as do qualitative indicators and professional standards. In parallel, operational managers seek to apply waste reduction and quality improvement techniques such as Six Sigma (which seeks to reduce the rate of errors) to different areas of justice sector operations.

Process changes. Effective inter-agency working and reinforced co-operation across organisational and professional boundaries are facilitated by a gradual improvement in systems, procedures and technology, though obstacles are overcome only slowly and with great effort. Partnerships with private and third sector providers are deepened.

Outcomes. The system yields some efficiencies: more incidents are prevented, saving costs further down the line; cases are managed intelligently and are not hidebound by silos or by standard escalation procedures; there are fewer costly mistakes. The resulting cost savings are the well-deserved by-product of a focus on outcomes rather than the primary aim of managers and policymakers. Savings are reinvested in staff and further systems improvements.

Learning and workforce development. In this scenario, some individuals thrive, able to keep up with new demands. Taking a whole person approach that is not so confined to strict operational demarcations is more rewarding to these individuals who consequently find their sense of public service vocation reinvigorated. Managing those who do not thrive is a key challenge.

Existing training budgets are scrutinised and reprioritised for remodelling and training parts of the workforce, with a focus on those areas where key objectives require working co-operatively across traditional boundaries. A mix of training and recruitment of higher-skilled staff is used to up-skill roles where the degree of autonomy is increased.

3.1.2 Scenario 2: Essential justice

Under the essential justice scenario, public and private frugality combine to limit the sector's strategic options. Politics is dominated by the pressing need to reduce the national debt and economic recovery is slow. In a bid to save frontline services, large swathes of the justice sector 'superstructure', including bodies such as Skills for Justice, the NPIA and NOMS are cut back in a 'bonfire of the Quangos'. The watchword is economy. Desirable but non-essential projects are scrapped. Essential projects are ranked and hard choices have to be made.

Management focus. Policy makers and senior managers compete for funds and juggle budgets. Quantitative performance indicators focussed on financial management are paramount and managerial incentives are realigned accordingly. Workflows are adapted to manage large case volumes with minimal resource. Operational managers are strained by trying to reconcile top-down cost cutting with the need to maintain services. The most successful managers display real leadership skills and acumen in sustaining morale and effectiveness in their teams.

Process changes. The least painful cost cutting is achieved through de-duplication of activities and some integration of ICT but only improvements requiring minimal investment get approval. There are significant opportunities for organisations covering overlapping or neighbouring areas to share more resources, and the scale of the budgetary challenges is such that many of the traditional barriers can be overcome or put to one side. Examples of smart co-operation emerge. Enabling agencies to work together while competing for funds

and struggling with cost cutting nevertheless presents challenges, not least in building trust between organisations and between staff whose futures are uncertain. Relationships with private and voluntary sector providers remain distant, contractual and subject to renegotiation where cost savings can be realised.

Outcomes. Cost savings are significant. The outcomes of the justice system deteriorate somewhat despite the best efforts of professionals throughout the sector. Fewer incidents are prevented. Under-resourced investigations and prosecutions together with reduced rehabilitation for prisoners lead to higher rates of re-offending along with some high profile incidents and negative media coverage. Senior staff have to manage PR and internal investigations reactively.

Learning and workforce development. Organisations seek to devolve some duties down to cheaper staff groups, reduce support staff functions and look for ways to increase duties and caseloads for operational staff.

Training is cut sharply, and what remains is the bare minimum (or even less in some high profile cases) that is needed for ensuring effective operational continuity.

3.1.3 Scenario 3: Traditional justice

Under the traditional justice scenario, effectiveness and economy remain important but are overshadowed by a major change in public priorities. Shifting political and social trends related to real and perceived social degeneration in communities worst hit by the recession lead to mounting and eventually irresistible pressure to make the justice system more punitive. While the economy remains weak and public spending overall is reduced, spending on justice is maintained. The justice system 'superstructure' remains in place but loses influence and assumes a more responsive role. The watchword is toughness. Many current activities, including cost-effective initiatives which have received positive rigorous evaluations, are dismissed for being 'too soft'.

Management focus. Policy makers and senior manager reprioritise activities and adapt or discard those that do not fit the new overall direction in the sector. Performance indicators are used for public dissemination as much as for management. Operational managers have to reconcile the top-down need for an ostensibly tough, 'no-nonsense' approach with the everyday requirements of working with the public, such as building and sustaining relationships from the bottom up.

Process changes. Funding for visible enforcement and security is ring-fenced, including procurement of, for example, vehicles, weapons, surveillance cameras

and microphones. Barriers to sharing information about cases reduce. More emphasis is given to operational activities such as detection, enforcement, prosecution, and detention.

Outcomes. Money is saved as prevention and rehabilitation services are reduced. Many quantifiable, direct outcomes improve, including response times and detection and conviction rates. However, there is a deterioration in final outcomes such as overall public safety and longer term outcomes such as rehabilitation/re-offending. Heavier caseloads cause bottlenecks in key parts of the system. Operational managers have to manage increasing work volumes and juggle casework.

Learning and workforce development. Staffing levels are boosted and re-profiled, with a focus on the most visible categories that have public resonance such as police officers and forensic investigators.

Training budgets remain stable but are re-focussed on new priorities. Media training is much in demand from senior managers.

4 Strategies and skills across the justice sector

Justice sector employers and stakeholders have identified a range of future strategies that might need to be developed in response to the three justice sector scenarios individually. This section outlines how these strategies emerge from the scenarios, then explores in turn the skills implications contained in these scenarios. Some of these skills needs were raised at an earlier stage of the research by focus group participants (including within the country focus groups) and have since been linked to strategies for a more coherent account (see full details of skills identified within strands in Chapter 6). Finally, the degree of strategic fit across some of the scenarios is explored.

4.1 Strategies for Joined-up Justice

In order to work more effectively together, justice sector employers and stakeholders felt that their organisations need to develop a better, shared understanding of how their roles combine to meet the needs of service users. The concept of ‘user journeys’ could be a powerful tool for achieving this end.

Mapping the ‘journeys’ of offenders, victims and possibly also witnesses would serve to highlight areas where better co-ordination and co-operation is required to provide a seamless experience for service users. These ‘journey maps’ could then be related to the skills and responsibilities expected in different justice sector roles.

The Joined-up Justice scenario would give opportunities to many staff to tackle a range of entrenched societal problems more holistically. Rising to the challenge represented by this opportunity, however, will require the sector to **improve knowledge management and share best practice** to make a joined up strategy effective in practice. Ultimately, money and political support for the joined up, holistic approach, and its focus on prevention and long term outcomes will only be sustained if the sector can successfully **measure the effectiveness of the preventive function of the sector and demonstrate long term value**.

The scenario envisages high level promotion of joined up working, but this approach will require support and commitment throughout the sector at all levels to succeed. This means each organisation taking on shared responsibility for **promoting cultural change and tackling 'silo mentalities'**. Over time, integration of services and the development of new multidisciplinary roles could be fostered by **developing clear entry routes and opportunities for lateral career progression**¹ within the sector, for instance, identifying or working on substance misuse issues in the police and in prisons. Ultimately, such cross-sector careers could lead to the **creation of cross-sector leaders** who could challenge the entrenched positions of current leaders created and based in only one service (NOMS regional director of offender management posts may be a first step in this directions).

4.1.1 Skills for Joined-up Justice

In terms of skills needs, a balance of specialists and generalists is still required across the sector. Specialist areas continue to develop as before, but a step change is required in the expertise, awareness and training required in generalist functions (such as rank and file police, prison and probation officers) if they are to break out of operational silos. A lot of the expertise required will be in the form of **cross-agency knowledge** and understanding, which, will promote more **effective communication** and collaborative working between different functions.

Many processes and systems within the sector will need to be streamlined in order for information to flow freely and for agencies to improve co-ordination of their actions. This will require an injection of **process improvement skills** throughout the workforce. New ways of working in the sector will require new and better forms of **leadership** throughout the ranks, especially in parts of the sector most constrained by rules and hierarchy, such as prisons and police forces. An appropriate ('purple') leadership style would combine elements of both hierarchical, assertive ('red') and consensual, supportive ('blue') approaches. Some staff would need training in managing and **leading professionals** outside their own area of expertise.

¹ This is a topic already under active consideration within Skills for Justice, particularly in relation to entry routes. Among the options being developed or under consideration are: Justice apprenticeships, 14-19 diplomas, additional engagement with schools and more volunteering and secondments. See Skills for Justice (2009), *10th England Cross Sector Forum, 30 June: Macro environment drivers for the Justice sector in England: the skills implications and how to respond*

4.2 Strategies for Essential Justice

In a cost-cutting environment, a key objective for managers will be to preserve mission critical activities. Identifying these activities and convincing decision-makers of their affordability will require a strategy **of demonstrating the business case for critical activities**. In order to make existing activities more affordable, there will be a drive to **devolve many managerial, decision-making and supervisory responsibilities** down to the most junior and cheapest staff categories possible.

In order to make greater use of cheaper staff resources, there will be efforts to further **develop para-professional qualifications** with appropriate knowledge and practical skills content. Meanwhile senior managers will **pursue non-contentious improvements** as far as is possible (and affordable) in areas that are often out of the limelight, including prisons and possibly probation.

While more ambitious, more expensive inter-agency working reforms are likely to be suspended, benefits will come from **co-operating better across geographical boundaries**, especially in sharing certain specialised functions and back-office support. Mergers of neighbouring services will be considered but will only go ahead if cash-flow benefits arise very quickly.

4.2.1 Skills for Essential Justice

Cutting costs by devolving responsibility will not be feasible without a degree of **capacity building** in lower ranks. In particular, many staff will need the ability to assume more **autonomy**. Some limited hiring of **graduates** may enable capacity building, but there is unlikely to be much scope for such measures. **Enhanced leadership skills** will become more important for **self-management** and the **management of staff who, themselves, are operating more autonomously**. In particular, more individuals will need to perform **risk assessments** and apply judgment to **develop proportionate responses** to situations without escalating matters or passing up the chain of command.

Actual cost-cutting will require finance and operational managers to develop greater **cost-consciousness and commercial acumen** in order to get things done well but cheaply. Assessing risks also has a role in streamlining justice processes while minimising adverse consequences. Staff and the public may receive (and perceive) a reduction in service quality and increased numbers of errors. Accepting that such situations will arise, justice sector leaders and spokespeople will need adequate **communication skills** to explain that a service that is not 'gold-plated' is nonetheless a good service.

4.3 Strategies for Traditional Justice

Managers will seek ways to **transfer effort and resources to frontline operations** and to find ways to **build operational capacity**. This will include developing existing staff as well as **reorienting HR** for a greater focus on selection of recruits according to core operational criteria. **HR and managerial monitoring systems** will also be upgraded to keep closer tabs on operational effectiveness and to mitigate any trends towards unprofessional conduct that could be exacerbated by the ‘get tough’ political rhetoric of crime fighting.

4.3.1 Skills for Traditional Justice

Compared to the current baseline, there will be **less call for ‘soft’ skills** such as communication and engaging with communities and hard to reach individuals and **less appetite for skills development around human rights, equality, diversity** etc., though to some extent this could be compensated by a rising need in the voluntary sector. There will be a greater focus on **operational and technical skills** (such as driving, lethal and non-lethal weaponry, use of firefighting equipment etc.). This training, along with budgets for re-equipping parts of the sector, will affect the demands on those responsible for **procurement and commissioning**. **Auxiliary staff** such as special constables and retained duty firefighters would have similar skills needs (and these staff could potentially increase in number). The importance of the interface between politics and justice will require sector leaders to develop **greater political awareness and public-facing presentational skills** (selling success, explaining setbacks, heading off impracticable or undesirable proposals).

4.4 Strategic fit and justice sector options

Table 4.1 below relates how strategies developed in response to the circumstances of one scenario might ‘fit’ across the other scenarios. The traffic-lighting scheme identifies in green those strategies that are appropriate to a given scenario (**dark green** where the strategy is a direct response to the scenario and **light green** where the strategy was developed for another scenario but may still provide a good fit), the **red** denotes strategic incompatibilities and the **amber** denotes strategies that may still be worthwhile, if appropriately adapted to circumstances.

Table 4.1: Strategic fit of strategies across justice sector scenarios

Strategy	Joined up	Essential	Traditional
Journey mapping	Central to understanding links	Also useful (eg identifying duplication)	Likely interest mostly in victim journey
Knowledge management/ sharing best practice	Central to improving effectiveness	Potentially also useful	Likely interest mostly in narrowly defined operational practice
Measuring prevention and long term value	Central to overall sector strategy	Also useful (eg prioritising activities)	Unlikely to be of interest
Lateral career progression	Central to enhanced effectiveness	Also useful to retain key capacity and talent within downsized sector	Possibly of interest in relation to operational effectiveness
Creating cross-sector leaders	Central to enhanced effectiveness	Also useful in co-ordinating cuts	Unlikely to be of interest
Tackle silo cultures	Central to enhanced effectiveness	Also useful in co-ordinating cuts	Unlikely to be of interest
Demonstrate the business case for critical activities	Also useful for demonstrating long-term value	Central for prioritisation	Unlikely to be of interest
Devolve responsibilities	Likely to enhance front line responsiveness	Central to shifting reliance on to cheaper staff categories	Likely to be reversed
Para-professional qualifications	Also likely to be important	Central to making effective use of cheaper staff categories	Unlikely to be important
Co-operate better across geographical boundaries	Also important for effectiveness	Central to avoiding duplication	Possibly relevant in limited operational circumstances (eg ensuring two-way communications on active leads)
Non-contentious improvements	Not relevant	Key remaining area of strategic discretion	May be feasible in some limited areas
Transfer effort and resource to operations	Not applicable	Unlikely to be relevant	Central to changing focus
Capacity building in operations	Unlikely to be priority	Unlikely to be affordable	Central to changing focus
Reorient HR for operational focus	Unlikely to be priority	Unlikely to be affordable	Central to supporting changes
HR/other monitoring systems	May still be useful to enhance quality	May still be useful to protect quality in cost-cutting	Central to managing changes/consequences

Source: IES analysis and Skills for Justice/IES workshop with sector stakeholders

Analysis of the strategies above suggests that a number of strategies are unequivocally worth developing as they fit at least to some degree across the scenarios. Thus, efforts to map the journeys or interactions of offenders, victims and witnesses and improvement to HR monitoring systems are unlikely to lead to regrets. Other strategies are likely to have multiple beneficial consequences, such as lateral careers helping to diffuse knowledge as well as breaking down silo

cultures. Those strategies that may be relevant if tailored are also important to note, as development of these strategies will need to build in the flexibility to respond to different scenarios. For instance, a programme to work better across geographical boundaries might have at its core a limited number of operational activities suited to the Traditional Justice scenario, with scope to expand to other activities if a different set of circumstances transpire. Finally, those strategies that could be incompatible with circumstances should be developed with an awareness that circumstances could change and the sector should monitor emerging trends carefully in order to spot early on whether strategy needs to change. These strategic properties are summarised in Table 4.2 below (the second and third categories are not mutually exclusive and do not indicate ranking or priority).

Table 4.2: Properties of strategies to guide strategic choices

Strategy	Strategic approaches		
	Develop strategy with confidence	Develop strategy with care to identify core components and build in flexibility	Develop strategy cautiously, but monitor trends and develop exit or mothballing options
Journey mapping	*	*	
Knowledge management/ sharing best practice	*	*	
Measuring prevention and long term value			*
Lateral career progression	*	*	
Creating cross-sector leaders			*
Tackle silo cultures			*
Demonstrate the business case for critical activities			*
Devolve responsibilities			*
Para-professional qualifications			*
Co-operate better across geographical boundaries	*	*	
Non-contentious improvements		*	*
Transfer effort and resource to operations			*
Capacity building in operations			*
Reorient HR for operational focus			*
HR/other monitoring systems	*	*	

Source: IES analysis and Skills for Justice/IES workshop with sector stakeholders

The analysis above suggests how these strategies should be developed and the factors to be taken into consideration. It identifies that a number of the desirable strategies need to be flexible insofar as only parts of them are likely to be relevant if money runs out or if approaches to justice change dramatically. It also highlights

that many of the strategies may have to be abandoned. It remains for sector decision-makers to prioritise among these options, to monitor emerging trends and to assess what risks are worth taking.

5 Trends in the UK's constituent countries

Justice sector issues can vary somewhat between countries. Justice powers are partially devolved to the Scottish Government and may in 2010 be devolved also to the Northern Ireland Executive. Meanwhile, many areas of policy are still decided at a UK level and England and Wales share many trends in common, warranting a joint section in this report. Within the context of this research, focus groups were held with Skills for Justice country groups in Edinburgh, Belfast and Cardiff. This chapter highlights the major drivers of change and skills priorities across the UK's constituent countries, emphasising where possible points of commonality and difference. This chapter also relates findings from an internal Skills for Justice focus group covering England, held earlier in 2009.

Even where the drivers of change and the context of justice sector activities diverge, what is striking from the desk research and the focus groups is the extent to which the skills issues and priorities are shared. Because the focus groups were not strand specific and therefore the discussions were mainly of a cross-sectoral nature, the issues and skills priorities described in this chapter are best interpreted in relation to the skills discussions in Chapter 4, which draw significantly from the country focus groups (rather than compared to the obviously more specific needs of each strand, discussed in Chapter 6). Where appropriate, strand-specific issues are highlighted at a national level, but this treatment cannot be exhaustive.

5.1 England and Wales

Changes to **organisations and the way they work** is the first main driver of skills needs in the sector. The recently restructured National Offender Management Service is still in process of development, for example ensuring that effort is not duplicated within the organisation, which brings together prisons and probation. Similarly the merger of the Revenue and Customs Prosecution Office with the

Crown Prosecution Service is planned for 2009-10. **Attracting a high-quality workforce** to such organisations continues to be of great importance¹.

Multi-agency and joined up working are recurring themes and were raised in the England-only sector forum and are also an ongoing concern for justice sector organisations in Wales. The importance attached to these aspects, along with others such as leadership and management, is reflected in the England Sector Skills Agreement (2008). The group called for **a common approach to defining and developing the skills required of practitioners** and managers in the sector. **Identifying and recognising transferable skills** would also benefit both individuals and employers.

Some **financial drivers** are also apparent. In August 2009, the Ministry of Justice announced an additional £8.4 million dedicated to breaking the cycle of re-offending. However, across the sector and partly as a result of the recession, finances feel stretched due to expectations to do more with less – the National Offender Management Service reported £81million efficiency savings in 2008-09 target but had also ‘developed plans to achieve the savings target of £171million for 2009–10.’² **Learning how to effect LEAN management** was a key concern for the England-only forum.

Increased competition for contracts, particularly in sectors with non-public sector actors, such as forensics, custodial care and community justice³ has also been a driver of skills needs in recent years. The process of bidding for contracts is one which requires new **skills in developing bids and costing proposals for contractors** – many of whom are third sector organisations. It also drives a need for **procurement and contract management skills** amongst those buying services.

A range of other factors relating to **social and demographic change** also impact skills needs across the sector. The Skills Foresight report⁴ identifies the need to address the **skills needs of an aging workforce**, perhaps through greater flexibility in training. Trends in health and wellbeing also matter, as reflected in high levels of sickness and absence amongst prison officers that impact on staff:prisoner ratios and consequently morale⁵. This may be a barrier to developing

¹ MacDonald K (2008), *Building a modern prosecuting authority*

² National Offender Management Service Report and Accounts 2008/09; www.justice.gov.uk/publications/noms-annual-report-08-09.htm

³ Skills for Justice (2005), *Skills Foresight report: skills needs in England and Wales*

⁴ Skills for Justice (2005), *Skills Foresight report: skills needs in England and Wales*

⁵ Howard League for Penal Reform (2009), *Turnkeys or professionals? A vision for the 21st century prison officer*, Howard League for Penal Reform

skills for staff, or require a skills solution for those managing prisons and/or new prison staff if they can be recruited. Other social factors include addressing the public's trust in the probation service following high-profile failures. In relation to public concerns, improving skills might be both a means to an end (to improve outcomes) and an end in itself (if the public can see action being taken).

IT skills have been raised within many strands. There is a need to develop individuals' **technical/operational skills**, for example as the CPS moves to **electronic case files**, and to synchronise the use of IT across different organisations¹, for example in prisons and probation where synchronisation of data is only just getting underway².

The understanding and application of the Data Protection Act 1998 (DPA) has caused problems in the past, for example the Soham murders (although in these and similar cases, the inability of agencies to spot patterns was a more fundamental factor), and justice organisations need to develop the skills, and processes, to counter any concerns with regard to **data protection and data sharing**.

The involvement of victims and witnesses is increasingly on the policy agenda, as seen in the announcement of a National Victims Service in September 2009. This focus is reflected in research into how best to handle victims and witnesses with mental health and/or learning disabilities using inter-agency working³. The same discussions are required in other specific agendas such as violence against women and terrorism. Frontline staff need training to develop an **awareness and sensitivity** regarding such issues.

5.1.1 England

The England-only forum identified **career progression** as a potential concern, stating that employers needed to work hard to **attract, develop and retain staff** of the right calibre in the light of decreasing resources, increased competition for labour and issues like workforce diversity and churn (some of these issues are likely to have receded in the subsequent months). Some sectors are better than others at recruiting younger people to the workforce, partly because many areas prefer new recruits to bring some experience of life with them.

¹ JSSC (Skills for Justice) (2005), *Skills Foresight report: skills needs in England and Wales*

² National Offender Management Service Report and Accounts 2008/09

³ MacDonald K (2008), *Building a modern prosecuting authority*. Also Lee V and Charles C (2009), *Research into CPS decision-making in cases involving victims and key witnesses with mental health problems and/or learning disabilities*, Crown Prosecution Service

The 2012 Olympics require a range of considerations, such as the operational effectiveness skills bound up in **counter-terrorism, CCTV, public order, and stop and search**. These are likely to affect policing in the broadest sense (including non-warranted operatives and joint working with event security contractors).

5.1.2 Wales

The Wales focus group raised the issues of moves to bring more organisations within the remit of the **Welsh Language Act (1993)** which may impact on **training and qualifications in Welsh** and various private and third sector providers previously exempted.

The **rurality** of Wales was also a particular concern across all strands, requiring staff to cover wide geographical areas and to have specific **local area knowledge**. Different ways of working across widely spread areas also meant that a 'one size fits all' central policy approach is not always suitable. Rurality also affected staff recruitment and retention as it led to a relatively static working population with little opportunity for internal progression and meant organisations might not experience a healthy level of attrition and refresh.

Multi-agency working was also a continuing theme.

5.2 Scotland

The Scotland focus group was able to identify a range of drivers of change and to pinpoint those changes most particular to Scotland. Of the five main drivers and skills issues considered by the Scotland focus group, four were felt to be UK-wide issues, albeit with distinctive Scottish policy contexts, namely:

- value for money and doing more for less
- accountability and targets
- multi-agency work
- justice sector skills (cross-cutting and common skills requirements).

This convergence of priorities is striking given the extent of devolution of justice powers to Scotland. There are nonetheless Scotland-specific aspects to these trends. Until recently, public spending – and therefore public services – has increased rapidly in Scotland (from an already high base). Any application of the Barnett formula to overall cuts in expenditure will therefore mark a sharp reversal of funding trends, although it remains to be seen whether Income Tax varying powers might be invoked to cushion the effect on services. Funding pressures, the focus group felt, would impact on staffing and result in non-replacement of staff

and increasingly less hierarchical structures within organisations. It would also lead to staff working longer hours and the introduction of technologies that impact on work/life balance.

Accountability and targets are also deployed somewhat differently in Scotland, with the importance of Single Outcome Agreements, by which Community Planning Partnerships agree their strategic priorities for their local area. These are also a driver of closer inter-agency cooperation.

Multi-agency work was increasingly a requirement, not least in relation to current moves to join up offender management¹, according to the focus group participants, but a 'cultural shift' was still required to bring about effective change. The **multi-agency management** skills of senior and management staff would need to be developed to support more effective joint working. The skills implications of this are more at the top level and for management to be able to work more effectively together to drive these changes. Throughout the ranks, a **greater and broader understanding** and appreciation of the work of the justice sector and its wide variety of professionals was felt to be required.

Joint training between agencies was suggested as one means of priming a closer integration and collaboration between professionals from different areas of the justice system, but barriers around processes, systems and organisational cultures will first need to be overcome. One case study discussed by the focus group related to the lack of integration of **police** and **social work** careers which currently exhibit very little continuity when individuals move from one service to the other. This is despite the extent of the joint caseload of offenders shared by the two services. This was an area thought to be ideal for joint induction and training.

Finally, Scotland has its own vocational skills system and a much higher proportion of graduates in its workforce. Nonetheless, sector-wide skills issues identified by the focus group were similar to those elsewhere in the UK. The group felt that there was a core set of skills in operation across the justice sector (**inter-personal skills, customer focus, team working** etc.) which led to possibilities for more cross-sector career development and more effective multi-agency working. More effective multi-agency working and more shared targets across the justice sector were also preferable to targets for individual strands, which could often be contradictory.

The fifth major issue discussed was felt to be more specific to Scotland: **Changes to criminal justice legislation and regulation**. A number of recent and imminent

¹ See www.scotland.gov.uk/Topics/Justice/public-safety/offender-management

changes to legislation were felt to impact on skills and training priorities. Chief among these were:

- Licensing Bill
- Disclosure +
- Vulnerable Witness.

Cumulatively, these were thought to create an additional burden on the sector in Scotland. There is always a lag-time between when legislation is passed and when organisations are able to develop the skills to effectively implement it. The group detected some evidence of management structures being flattened to concentrate resources on the front-line as a result of these changes. Some of the legislation would mean significant changes to how practitioners operate, such as understanding the new disclosure requirements.

A number of further skills priorities were identified:

- **Media and PR training** to help manage bad news and communicate success stories, thus protecting the reputation of and recruitment into justice sector careers.
- Rationalisation and better implementation of the wide array of **leadership and management skills** interventions that are currently available (and indeed needed).
- A continued focus on the **individual competence and operational skills of front-line staff**.

5.3 Northern Ireland

In the justice sector specifically, **devolution, funding restrictions and the modernisation agenda** were seen by focus group participants as the key factors driving changes to skills requirements. One theme that runs through each of these was skills needs resulting from, and required to deal with, **large-scale organisational change** and **high-level management skills** are likely to be of value.

The same themes are borne out in the Northern Ireland Justice Sector Skills Survey¹ which highlights **social** (such as increasing diversity in the workforce) and **economic** (such as government funding) drivers of skills, but also draws attention to the skills needs impact of serious, violent and organised crime.

¹ Skills for Justice (2009), *Northern Ireland Justice Sector Skills Survey*, June 2009

Devolution in Northern Ireland brings a number of challenges for the skills needs for organisations in the justice sector to be able to **engage with Members of the Legislative Assembly (MLAs)**. The devolved government exposes politicians and organisations to increased public scrutiny, requiring high level skills to deal with the demands of **accountability and managing expectations**. Politicians themselves face challenges in increasing their knowledge of the public sector but also in developing high level negotiating and influencing skills. Justice sector organisations are competing locally with other services for funding, while third sector involvement is expected to increase, according to the Third Sector Skills survey, thereby requiring **third sector up-skilling**.

Devolution links strongly with the **modernisation** agenda in the justice sector, which has a strong focus on performance management but also touches on more collaborative and partnership working, and taking greater account of **equality, diversity and human rights**. Catholics and disabled people (and indeed women) are currently under-represented in the Northern Ireland justice sector: 43% of the population is brought up in the Catholic community but only 25% of those working in the justice sector is Catholic and it has taken great improvements in recent years to attain this level. Similarly, 18% of the population is disabled compared with 10% of those working in the justice sector. Bringing about **a more representative workforce**, and dealing with the potential negative response of the majority, creates challenges for the skills of all employers and HR departments particularly.

Modernisation also includes a changed focus from intervention to prevention (eg in terms of fire risk, crime etc.), requiring **'soft skills'** at all levels, such as: **communication skills; engaging communities; changing perceptions of the services**. This changed focus also relates to the policy driver to embed services (such as the police) within the community in order to develop public trust and confidence, or for managers of justice organisations responding to demands for more flexible ways of working. A model of generic skills was proposed in the focus group and included:

- **partnership and team working**
- **communication/negotiating and influencing**
- **understanding social contexts**
- **marketing and dealing with the media.**

The skills survey also showed the importance of **proving return on investment**. This might be a social return and require skills in identifying and measuring impact (which, again, police felt they lacked).

Across **all labour markets** in Northern Ireland, short-term forecasts predict some immediate skills deficits in the higher-skilled, more specialist occupations. There is currently a higher concentration of people with general qualifications and skills¹ and fewer people with specialisms, causing potential shortages in areas such as science-based occupations. Employers in the sector are competing more widely for a shrinking pool of highly skilled employees with specific skills. Partly as a result of this, structural economic weaknesses in NI have persisted and in some cases worsened. In general, graduate-level skills are likely to be increasingly in demand from around 2012 up to 2020, and there will be some growth in jobs, albeit relatively slow growth.

A range of trends and changes was identified that would impact in particular ways on different parts of the sector. New legislation under the Sentencing Reforms will mean increased workload for the Probation Board NI and others in **community justice**. Prison populations are also set to rise² brining about workforce training challenges for **custodial care**.

The main impact of **economic drivers** is likely to be responding to shortfalls in government funding. **NICS** and **PBNI** felt well prepared according to the Justice Sector Skills Survey, however, the **police** felt less well prepared. Participants at the workshop highlighted the need for senior managers within the justice sector to develop skills to help them in **developing a business case** to secure sufficient resources for their organisations, for which **negotiating/influencing** and **budgeting** skills would also be necessary.

Responses to the Justice Sector Skills Survey from the Police Service of Northern Ireland (PSNI) indicated that some in the **police** may feel poorly equipped to respond to some aspects of different ways of working, such as **recognising and responding to the public perceptions of crime**.

Data handling legislation was seen as a legislative challenge by surveyed justice organisations in Northern Ireland in the Justice Sector Skills Survey. Greater data collection generated through mobile and other developing technologies, and wider use of **forensic** evidence raises issues of data security, police powers relating to storage and analysis of biometrics and DNA for prosecution.

Information sharing between **probation** and **prisons** also generates challenges and changes to skills requirements.

¹ Oxford Economics/ DELNI (2009), *Forecasting future skill needs in Northern Ireland: final report*, Department for Employment and Learning Northern Ireland: www.delni.gov.uk/forecastingfutureskills

² Prison Population Projections 2008-2015, *Ministry of Justice statistics bulletin*

6 Trends in the justice sector's constituent strands

While many of the drivers of change, some of the skills needs and the themes of the scenarios described so far in this report apply widely across the justice sector, there are also very specific issues that pertain to the sector's diverse strands. This chapter discusses these themes in relation to: the children and young people's workforce; community justice; fire and rescue services; policing and law enforcement; custodial care; forensics and courts; and (jointly) tribunals and prosecution services. In what follows, each strand sub-section contains 1) a brief overview of some drivers of change based on desk research and focus groups and/or interviews with employers and stakeholders within the strand; 2) a summary of some of the skills implications identified in the same sources, which – in turn – inform 3) a discussion of what the three justice sector scenarios might look like in each area (adapted from the main scenarios in Chapters 3 and 4).¹

This last aspect is intended as an input into further discussions and business planning within justice sector strands, particularly in relation to testing future strategies and their associated skills needs and interventions. It should be reiterated at this point that **these scenarios are not predictions** of what is going to happen (please refer to Chapters 1 and 3).

The chapter is summarised in a table of skills drivers and skills needs.

¹ In the sector-wide case, in Chapters 3 and 4, the skills implications follow logically from strategic options but here – owing to compressed fieldwork timescales – the skills needs were discussed in advance of the scenario development

6.1 Children and young people's workforce

Based on desk research and a focus group

6.1.1 Drivers of change in the children and young people's workforce

The focus group of children's workforce employers and stakeholders, including voluntary and community sector groups, and not restricted to the youth justice sphere, discussed a wide range of challenges facing those parts of the justice sector that interface with young people. While some of the generic issues will apply across the UK, many of the specific changes discussed were focussed on England and Wales (owing to the composition of the focus group). This means important aspects of the Scottish model (and to a lesser degree Northern Ireland's) are missing from these discussions, in particular as relates to the Children's Hearings System and keeping young people out of the criminal justice system.

This is an area subject to a certain amount of legal and regulatory change, not least in relation to new approaches to **sentencing** in youth justice in England and Wales, namely the **Youth Rehabilitation Order (YRO)** and the Scaled Approach introduced in November 2009¹. The Integrated Resettlement Support programme replaced the Resettlement and Aftercare Provision in 2009 with a strategy including multi-agency working and more intensive support for young people². The **UN Convention on the Rights of the Child** is receiving renewed attention as the Government seeks to implement the recommendations of the UNCRC's 2009 monitoring report Concluding Observations³. This is likely to mean changes in relation to the **detention of refugee children** and further efforts to end the **imprisonment of children in institutions holding adults**. It also means an increased emphasis on tackling child **sex trafficking and pornography**.

¹ www.yjb.gov.uk/publications/Resources/Downloads/YJ%20-%20Issue%20017%20-%20July%202009.pdf (p8)

See also:

Sutherland A (2009), *The Scaled Approach in Youth Justice: Fools Rush In...* Youth Justice, 9(1), pp44-60

www.yjb.gov.uk/en-gb/practitioners/CourtsAndOrders/CriminalJusticeandImmigrationAct

www.yjb.gov.uk/NR/rdonlyres/5134D413-071A-4BFE-AFF2-60F9480E2778/0/YOTreadinessChecklist.doc

² Youth Justice Board (2009), *Integrated resettlement support (IRS): Framework for 2009-11*

³ See <http://publications.dcsf.gov.uk/eOrderingDownload/01084-2009BKT-EN.pdf>

In addition to these external drivers of change, the focus group participants felt that the sector could significantly improve the way it addresses longstanding challenges of working with young people, such as **antisocial behaviour**, dealing with **gangs and groups**, reaching the **hard to reach**, **safeguarding** vulnerable children¹, and **co-ordinating the work** of the many organisations that may be involved in a young person's life both in and out of the justice sector (including schools, health and social services)².

Some of the current trends (in England and Wales) in addressing these issues that may evolve and drive changes in the future include:

- All manner of initiatives to involve and engage users of the system³.
- Moving from custodial to community sentences where possible (it is intended that the YRO will provide sentencers with a wider, more flexible menu of sentencing options, including putting intensive supervision, surveillance and fostering on a statutory footing).
- The development of initiatives to break the cycle of re-offending, including the Integrated Resettlement Support Programme⁴ and further additional funding⁵.

¹ This theme was raised up the agenda after previous rounds of inspections of youth offending institutions. The latest round of inspections commenced in 2009 and will feed into the Comprehensive Area Assessments. See www.yjb.gov.uk/publications/Resources/Downloads/YJ%20-%20Issue%20017%20-%20July%202009.pdf

² As is the case across the Justice sector, IT initiatives have been at the forefront of efforts to date to increase the connectedness of work in youth justice. See, for instance *Wiring up youth justice*, which aims to have user-friendly IT services to allow collection, management and sharing of case-level data in the youth justice sector by 2015 (www.yjb.gov.uk/publications/Resources/Downloads/YJ%20-%20Issue%20017%20-%20July%202009.pdf (p5))

³ Crawford A (2009), Criminalizing sociability through anti-social behaviour legislation: dispersal powers, young people and the police, *Youth Justice*, 9(1), pp5-26

⁴ Youth Justice Board (2009), *Integrated resettlement support (IRS): Framework for 2009-11* www.yjb.gov.uk/NR/rdonlyres/17538DAA-90EF-435C-BB13-43F72D19F3DE/0/IntegratedResettlementSupportIRSFramework200911.pdf

See Waters I (2007), Police, intelligence and young offenders, *International Journal of Police Science and Management*, 9(3), pp244-256 to understand controversy over the effectiveness of such approaches

⁵ An additional £8.4m has been dedicated to breaking cycle of re-offending (announced August 2009). www.justice.gov.uk/news/newsrelease010809a.htm

- Greater use of restorative practice, including in work with families, potentially as an alternative to formal legal proceedings – although this is an area in which the justice sector’s efforts to date have not met with unqualified success¹.
- Greater encouragement and protection for whistle-blowing as a means of identifying cases where there are problems with the safeguarding of children.

6.1.2 Skills priorities in the children and young people’s workforce

The focus group of children and young people’s workforce employers and stakeholders assessed that the need to **engage with young people** and **recognise vulnerability**, especially in relation to **hard to reach** young people, the struggle to implement **restorative practices** and effective approaches to **gangs and groups** would have the biggest future impact on skills priorities.

In order to **engage with young people** and to recognise and respond to **vulnerabilities**, a range of skills needs come to the forefront. There needs, first and foremost, to be a **consistent approach** by those adults working with a given young person. These may be drawn from a wide range of organisations including social services, youth offending professionals, police, the health service, schools and voluntary groups. **Multi-agency working skills and aptitudes** are therefore important, especially in relation to **communication** and in relation to knowledge and **understanding of the roles of the different professionals** working with children and young people. A clear understanding is also required of **when information should or should not be shared**.

Effective engagement takes time, whereas many statutory agencies work to short term targets, meaning engaging with young people can be a low priority for some organisations. A range of skills are required for effective engagement, which may be largely lacking in some parts of the workforce (prison officers were mentioned in the focus group, although only a minority of them work with young people). **Communication**, including understanding the importance of **listening** to young people and **recognising their needs** is a pre-requisite to engagement. Expertise in **assessment** is also required, especially as regards **safeguarding** young people and **detecting vulnerability and risks**. For those working daily, but not solely with young people (such as rank and file police officers), the **Common Core of Skills and Knowledge for working with Children** (England) was felt to be appropriate, though this may place an unmanageable burden on some forces. More specialised professionals, including those working in partnerships with schools or in referrals of young people may need more specialised skills while related interventions such

¹ Stahlkopf K (2009), Restorative Justice: rhetoric or reality? Conferencing with young offenders, *Contemporary Justice Review*, 12(3), pp231-251

as in Child and Adolescent Mental Health Service (CAMHS) remain outside the footprint of Skills for Justice. **Diversity training** is also important in combating isolation of young people from minority communities.

Practitioners and stakeholders felt Restorative Justice had rarely been truly implemented in youth justice, so it was more accurate to discuss **Restorative Practice**. While there is a trend towards preferring to keep young people out of the normal justice channels (progressing from police through to the courts and potentially custody), there is little consensus over where and how to implement restorative practices. There are good examples of restorative practice. The focus group discussed examples from Northern Ireland in schools, youth offending institutions and the voluntary sector (including youth sports organisations), but felt that that wider acceptance and better implementation of restorative practice would require continued support and direction from the top, including the Association of Chief Police Officers (ACPO) and the NPIA. The skills required are related to professionalism, especially in relation to developing good **instinct** and using **discretion** and **judgment** (as to whether and how restorative practice is appropriate). Depending on how policy and practice develops in this area, it remains to be seen what parts of the workforce will require these skills.

It was felt that a wide range of justice sector professionals could benefit from developing a **basic awareness** of the issues associated with gangs and groups, including insights from psychology as to how **group behaviour** differs from individual behaviour. Recognising the **difference between gangs and groups** is critically important and is underpinned by understanding the risk of protective factors and behaviours for involvement in gangs. Where gang membership is suspected, children and young people's professionals need to know what agencies to involve. Gang related work in the justice sector needs to remain the preserve of dedicated specialists as it shares many of the characteristics of work on violent extremism. One of the barriers towards more effective work in this area is the lack of project evaluations.

6.1.3 Scenarios for the children and young people's workforce

Joined-up Justice

Under the Joined-up Justice scenario, the children and young people's workforce is a significant and valued part of the justice workforce and children and young people's issues are recognised as important in the work of generalist practitioners. The workforce co-operates across agencies and with the community and voluntary sector. Specialist services dealing with children and young people's behaviour, mental health and safeguarding receive increased support. Programmes working with young people are approved on the basis of cost effectiveness. Key areas to

explore include liaison with local authorities and other agencies to identify the education, training and employment needs and barriers of young people.

Management focus. Managers turn their attention to improving long term outcomes. Youth offending rates and custody rates are among the key institutional performance indicators. Managers share best practice and specialists promote better ways of working to rank and file colleagues.

Process changes. There is continued investment in IT to support effective working between agencies, but managing data flows in real time requires considerable sustained effort and poses legal challenges. Restorative practices become embedded in the justice system.

Outcomes. The system yields some efficiencies in that repeat offending by young people is somewhat reduced, but extensive engagement is very expensive and budgets are vulnerable.

Learning and workforce development. In this scenario, professionals specialising in work with children and young people thrive within the justice sector, but some workers who work with children some of the time may struggle to acquire new skills for engaging with young people and for delivering restorative practices in real world situations.

Existing training budgets make space for more focus on young people's issues and for employing more specialists, but these need to be accommodated by cuts elsewhere.

Essential Justice

Under the Essential Justice scenario, cuts in public spending jeopardise effective engagement with children and young people. In budget debates, aspects such as safeguarding young people are protected from cuts, but much of the rest of work with young people is sacrificed to the benefit of frontline services. Projects need to demonstrate net savings within five years.

Management focus. Senior managers compete for funds and juggle budgets. Total cost of young people's services is the key performance indicator, but managers are also highly aware of risks for young people and the rest of society. The most successful managers display real leadership skills and acumen in sustaining morale and effectiveness in their teams. A lot of the burden of engaging with young people transfers to the community and voluntary sector.

Process changes. The least painful cost-cutting is achieved through economies of scale, making more efficient use of facilities and by increasing group sizes for certain activities.

Outcomes. Cost savings are significant, but longer term outcomes around rehabilitation and re-offending worsen somewhat.

Learning and workforce development. There is little or no investment in developing existing core Children and Young People's practitioners and specific skills development for the wider workforce coming into contact with children and young people is squeezed out of training budgets.

Traditional Justice

Under the Traditional Justice scenario, an increasingly harsh public discourse on youth offending and antisocial behaviour drives up caseloads for the youth justice system. As in Essential Justice, desirable activities related to youth engagement are cut, but for political rather than economic reasons. Funding for children and young people's services is less generous than for traditional 'blue light' services in the justice sector.

Management focus. Where managers are able to safeguard resources, these are redeployed from youth engagement work to other duties. Key performance indicators are the detection and conviction rates for youth crime. Operational managers and staff have to reconcile the top-down need for an ostensibly tough, 'no-nonsense' approach to justice with the everyday requirements of building and sustaining a workable relationship with young people in their local areas (not to mention the long term interests of the young person).

Process changes. Funding for some programmes working with young people, such as units to deal with gang violence, is maintained. Legal barriers to sharing information on young people between justice sector agencies are dismantled. The burden on voluntary and community service organisations is increased and relations with the statutory agencies are soured in certain areas.

Outcomes. Money is saved as outreach and engagement services are scaled back. The system is able to process more young people, but is unable to improve their life chances. There is a growing problem of young people graduating into adult criminality through the youth justice system. In some respects, outcomes match those of the justice sector-wide Essential Justice scenario.

Learning and workforce development. Staffing levels are re-profiled, with an increased workload for services working with young offenders, and less focus on other specialist and support functions.

Training budgets decline.

6.2 Community Justice

Based on desk research, a focus group and three further interviews with sector employers and stakeholders

6.2.1 Drivers of change in community justice

Even prior to major cuts in public spending, there are **commercial and administrative pressures** on organisations in the sector – including small community organisations – due to the increasing prevalence of competitive tendering since the 2007 Offender Management Act¹ (England and Wales only). These processes are identified by some in the sector as potentially divisive and damaging to co-operation between organisations that in essence have shared objectives. In parallel, **monitoring and inspections**² are also seen as key drivers of change. The trend in performance management has been towards use of shared indicators and improved quality indicators.

Those working in probation are already looking at ways to make processes **leaner** and to improve risk management as ways of addressing budgetary challenges. One potential means of achieving savings is in relation to better **co-ordination between partners** delivering services. Multi-agency working, particularly in relation to the management of dangerous offenders (MAPPA) and, for instance, referrals to Skills for Life education programmes have been a part of community justice for several years³, but they remain a key opportunity for improvement identified by some stakeholders.

Community and voluntary sector organisations are an important part of community justice. Employers, employee representatives and stakeholders identified a trend of ever increasing demands for **professionalism** that pose a significant challenge for volunteering, in terms of both abilities and values⁴. This is against a backdrop of pre-existing difficulties **recruiting volunteers**.

Increased **career movement** within the sector is an important workforce trend, for instance in areas such as community safety, where it is not unusual to see recruits

¹ www.justice.gov.uk/publications/offender-management.htm

² Current trends are towards use of scorecard techniques. See for instance: www.probation.homeoffice.gov.uk/files/pdf/NPS%20Performance%20Report%202024.pdf

³ www.probation.homeoffice.gov.uk/files/pdf/NPS%20Performance%20Report%202024.pdf

⁴ This is quantified in Skills for Justice (2009), *Skills in the Justice Sector: A survey of voluntary and community sector employers 2009*, BMG. See www.skillsforjustice.com

with backgrounds in police (and police community support), probation or other locally run community schemes.

Non-prison based approaches to justice such as unpaid work are being pushed within the sector. These are cheaper than prison but their success and expansion depends in part on greater **public, judicial and political confidence**. There are concerns that, in fact, there may be a trend of 'penal populism' away from non-custodial sentences that have proven effective¹. In the context of these concerns, proving the effectiveness of non-custodial approaches is critical. In this respect, intensive 'Alternative to Custody' projects are currently being implemented to promote use of such programmes². In this respect, developments depend on a wider trust in probation services³.

Such trust can be tainted by **high profile cases** such as the murders of two French students by Nigel Farmer and Daniel Sonnex (who was under probation supervision at the time)⁴. Such events highlight the need for adequate resourcing and management of probation services as well as efficient and timely communication between probation services and other parts of the justice system.

6.2.2 Skills priorities in community justice

The focus group of community justice strand employers and employee representatives assessed that **addressing raised expectations and skills gaps within the community and voluntary sector** would have the biggest future impact on skills priorities. In particular, the professionalisation of this part of the sector and the introduction of more robust management and processes would require an injection of **management skills**. Up-skilling would be facilitated by outside support to deliver workplace-based training, induction packages and distance and flexible learning across partnerships. **Advanced practitioner skills** (and roles) would be useful in specialist areas such as working with serious offenders or substance misusers.

¹ McKnight J (2009), Speaking up for Probation, *The Howard Journal of Criminal Justice*, Vol 28, Issue 4, pp327-343. www3.interscience.wiley.com.ezproxy.brighton.ac.uk/cgi-bin/fulltext/122485361/HTMLSTART

² Ministry of Justice/ National Probation Service (2008), *Community Sentencing: Reducing reoffending, changing lives*, [www.probation.homeoffice.gov.uk/files/pdf/Community%20Sentencing%20Report%20\(English\).pdf](http://www.probation.homeoffice.gov.uk/files/pdf/Community%20Sentencing%20Report%20(English).pdf)

³ Hill, L (2009), *Investigation into the issues arising from the Serious Further Offence Review*

⁴ www.justice.gov.uk/news/docs/noms-investigation-report-sonnex.pdf

In parallel to these trends in the voluntary sector, broader and more varied professional roles within probation and also, outside of community justice, in police and prisons, are leading to a substantial **shared set of skills** requirements in areas such as **problem solving, information and data sharing, public engagement and community constable duties**. One skills training need in this area is the development of partnership-wide training solutions for updating staff on data sharing requirements and limitations¹.

Insofar as caseload processing gives way to higher quality management of offenders in the community, seeking to tailor services to individuals to improve longer term outcomes, practitioners will require greater **understanding of the factors driving risk** of crime or antisocial behaviour and **awareness of the types of early intervention and referrals** that are available and effective. Any trend towards increased use of community sentences will heighten these skills needs and introduce further needs in relation to **assessing and managing risks** and implementing **restorative practice or reparation sentences**. A new probation training and qualification framework for England and Wales is expected in April 2010, following on from a review².

6.2.3 Scenarios for community justice

Joined-up Justice

Under the Joined-up Justice scenario, community justice organisations work more closely with other parts of the justice sector (especially the courts and prison services). Public, judicial and political confidence in community based sentencing is relatively high. There is also more and smarter use of outside expertise, including professionals to support rehabilitation work with offenders, with a focus on mental health, including substance misuse. The risks associated with excessive case loads recede a little. With penal populism on the decline, a greater emphasis is given to community justice solutions, although for several years organisations also need to keep up with the high volumes of past sentencing working their way through system.

Management focus. Managers turn their attention to improving long term outcomes. Rehabilitation and re-offending are the key institutional performance

¹ These would need to take into account the full range of applicable statutes including the Crime and Disorder Act Section 115, the Criminal Justice Act, Section 17A, the Police Protection Act, the Freedom of Information Act, the Data Protection Act, the Human Rights Act and all interactions and inter-relations between these

² www.skillsforjustice.com/template01.asp?pageid=355

indicators. Managers share best practice and promote cultural change in their organisations, aiming for a 'business-like' rather than procedural focus.

Process changes. There is continued investment in IT to support effective working with other agencies, but managing data flows in real time requires considerable sustained effort. Better tailoring of community sentences to individual offenders is supported by improvements in systems (and in staff capabilities). To an extent, organisations must adapt to a mixed regime of post-custodial work and entirely non-custodial work. The voluntary and community sector is a valued partner and certain shared resources and training are jointly provided. Private sector providers are also invited to participate in designing policies and joint processes.

Outcomes. The system yields some efficiencies in that repeat offending is reduced. However, more targeted use of custodial sentencing does mean that community justice is tasked with punishing individuals who have committed serious offences but who have been diverted from prison.

Learning and workforce development. In this scenario, some individuals thrive, able to keep up with new demands and vocationally re-engaged by the increased scope to take a holistic approach to the offenders with whom they work. Managing those who do not thrive is a key challenge, but increasing mobility between community justice and other areas of the justice sector facilitate the transition.

Existing training budgets are scrutinised and reprioritised for remodelling and training parts of the workforce, with a focus on those areas where key objectives require working co-operatively across traditional boundaries. A mix of training and recruitment of higher-skilled staff is used to up-skill roles where the degree of autonomy is increased.

Essential Justice

Under the Essential Justice scenario, cuts in public spending put community justice under considerable strain. In budget debates, probation and social services are not accorded the privileged status of 'frontline services' and hence the cuts are particularly deep. A minimum core of operational security standards is maintained. Many 'essential' aspects of running community sentences are cut back, including rehabilitation work, in order to protect budgets for statutory post-custodial duties. Schemes to prevent re-offending are maintained where they demonstrate net savings within five years. The range of desirable but not central activities including community safety and services for survivors, victims and witnesses is cut.

Management focus. Senior managers compete for funds and juggle budgets. Competitive tendering is fierce and many providers cease to operate or seek to

consolidate. Total cost is the key performance indicator, but managers are also highly aware of risks of adverse incidents involving individuals serving sentences in the community. The most successful managers display real leadership skills and acumen in sustaining morale and effectiveness in their teams. Assessing risks and allocating and organising workloads to deal efficiently with large caseloads are daily concerns for operational managers.

Process changes. The least painful cost-cutting is achieved through increasing group sizes for activities undertaken by lower risk offenders. Community justice operates essentially as a silo within the justice sector. Some limited use of IT is made to speed up administration and to manage workloads. Relations with private and voluntary sector providers rarely go beyond contractual obligations. Contract values are renegotiated.

Outcomes. Cost savings are significant, but longer term outcomes around rehabilitation and re-offending worsen somewhat. Expertise is lost from the voluntary and community sectors. Moreover, public engagement and trust in community justice is put at risk by an increased number of high-profile cases and community justice organisations are in reactive PR mode.

Learning and workforce development. Organisations seek to devolve as many day-to-day duties as possible down to junior staff, on the basis of careful risk assessments. Similarly risk assessments become a basis for junior staff to refer cases upwards. Risk assessments thus influence cost outcomes. This corresponds with heavier case loads.

Training is cut sharply, and what remains is the bare minimum – in some high profile cases, less – needed for ensuring effective operational continuity.

Traditional Justice

Under the Traditional Justice scenario, an increase in the penal population drives up the number of inmates and the duration of sentences, which means fewer sentences served purely in the community. As in Essential Justice, desirable activities related to rehabilitation are cut, but for political rather than economic reasons. This political climate is favourable to increased financing of services for victims, interventions targeting antisocial behaviour and an enhanced regime for monitoring released prisoners.

Management focus. Managers redeploy resources from rehabilitation work to other duties (where funding is not lost) and try to find new ways of working. Key performance indicators are the number of offences committed by individuals on remand or under supervision in the community, but managing public relations is at least as great a concern. Operational managers and staff have to reconcile the

top-down need for an ostensibly tough, 'no-nonsense' approach with the everyday requirements of building and sustaining a workable relationship with offenders.

Process changes. There is closer co-operation and information sharing with police, but less with courts and prisons. Relationships with parts of the community and voluntary sectors break down as cultures and values diverge. Investment is made in technology for monitoring and enforcement, including drug detection and a range of surveillance and tracking devices.

Outcomes. Money is saved as rehabilitation services are reduced. The system is able to monitor more people, but there is a deterioration in final outcomes such as overall public safety and longer term outcomes such as rehabilitation/re-offending. In some respects, outcomes match those of the Essential Justice scenario.

Learning and workforce development. Staffing levels are re-profiled, with an increased caseload of offenders in the community but less focus on other specialist and support functions, many of which are left to under-funded community and voluntary sector organisations.

Training budgets remain stable but are re-focussed on new priorities. Media and public speaking training are much in demand from senior managers expected to attend regular public meetings alongside police.

6.3 Fire and rescue services

Based on desk research and a focus group

6.3.1 Drivers of change in fire and rescue services

Within the context of recessionary pressures, funding constraints and the impact of economic and political changes on the public sector, it was expected by employers, employee representatives and stakeholders that **organisational change** would be one of the most important trends in the fire and rescue services (FRS) for the foreseeable future. Efficiencies are already being sought through shared procurement strategies¹. It was anticipated that in future, the service would be expected to do more with fewer staff. Multi-agency working and sharing services were seen as a potential future strategy for addressing these pressures. There was

¹ Department for Communities and Local Government (2009), *National Procurement Strategy for the Fire and Rescue Service in England 2009-12*, www.communities.gov.uk/publications/fire/frsprocurement2009

also scope for sharing and learning from good practice both from inside and outside the service.

The equality and diversity agenda was seen as another significant driver of organisational change within the FRS (particularly in relation to gender and ethnicity). Two further workforce related drivers were identified as key drivers of change, namely **protecting the workforce** (safety and risk management) and **responding to the needs of the retained duty workforce**¹ (which may have a regional dimension), particularly in relation to improving and maintaining their competencies. Compliance with the European Working Time Directive is another factor that may require changes to the organisation of fire and rescue service staffing.

In the world beyond the fire and rescue services and the wider public sector, there are trends that place increasingly complex and urgent demands on the services. Climate change and the increased exposure to extreme weather events highlight the need for fire and rescue services to be prepared and equipped to handle large-scale flooding². Terrorist attacks are another increased risk that require an enhanced response capability. To respond effectively to such large scale events, a range of programmes are already in place. For instance, in England there is FiReControl (building a network of regional control centres to respond to incidents)³, programmes of investment in equipment and vehicles such as New Dimension⁴ and enhanced radio communications⁵ (providing fire, police and ambulance inter-operability).

Meanwhile, trends towards an increasing focus on fire prevention continue, with enforcement of the new fire regulations, guidance for sub-surface railway station fire safety⁶, advocacy of prevention both to households and to specific sectors such as the construction industry⁷ and finally uptake of new prevention and risk

¹ www.fireservice.co.uk/recruitment/retained.php

² Pitt (2008), *The Pitt Review: Learning lessons from the 2007 floods*, TSO/ Cabinet Office:
http://archive.cabinetoffice.gov.uk/pittreview/_/media/assets/www.cabinetoffice.gov.uk/floodin_g_review/pitt_review_full%20pdf.pdf

See also www.cfoa.org.uk/10042

³ www.communities.gov.uk/fire/resilienceresponse/firecontrol/

⁴ www.communities.gov.uk/fire/resilienceresponse/newdimensionequipping/introduction/

⁵ www.communities.gov.uk/fire/resilienceresponse/firelinkimprovedfire/

⁶ www.communities.gov.uk/publications/fire/subsurfacetrailsafety

⁷ www.cfoa.org.uk/10043

management technologies. These efforts have been given renewed impetus following the Lakanal House Fire.

6.3.2 Skills priorities for fire and rescue services

The focus group of fire and rescue service employers, employee representatives and stakeholders assessed that **organisational change, equality and diversity, responding to the needs of the retained duty workforce and the need to protect the workforce** would have the biggest future impact on skills priorities.

Delivering **organisational change** would require leadership skills and up-skilling managers at all levels within the FRS. The hard skills requirements include **planning, project management, marketing and financial skills**. Soft skills include **communicating, engaging and consulting; negotiating and influencing; motivating and empowerment; emotional intelligence and resilience**. Effectively delivering organisational change would require a clear change of the role of the firefighter and the key skills and competencies required.

Improving the fire and rescue services' performance in relation to equality and diversity requires new skills in **leadership** and **managing a more diverse workforce**, and the introduction of more **flexible working practices** and skills for **engaging with increasingly diverse communities**.

The **workforce protection** agenda, while not detracting from the risks facing firefighters at operational incidents, needs to encompass all staff, not just operational staff on the frontline and needs to encompass protective measures in the broadest sense including education and development, health and safety and so on. The key development needs relate to operational staff technical skills, such as **safe handling of equipment, risk assessments** and other **standard operational procedures**, command and control skills for 'dynamic events', including **team leadership** and the ability to conduct **dynamic risk assessments** and finally managerial skills, again in **risk management**, as well as **communication**.

There is a need to recognise and agree what the core skills of the **retained workforce** should be and to develop these within a national framework of competencies and standards. This should be through a sufficiently flexible modularised accreditation system with a particular focus on the skills needed for **effective risk assessment** and **limitation of exposure to risk**. In conjunction with this skills requirement, there needs to be development of the 'retained manager' role.

6.3.3 Scenarios for fire and rescue services

These strand scenarios are adaptations of the main justice sector-wide scenarios and as such, they face certain limitations. In this case, the main scenarios have needed to stretch a little further to accommodate the specifics of fire and rescue services, whose activities are further removed from the core roles in the administration of justice that typify most of the other strands. Some of the drivers of change are shared, such as spending trends affecting the entire public sector. However, others are not: any tendencies towards penal populism will have less impact on fire and rescue, while trends relating to environmental change, transport infrastructure and the built environment are likely to have a greater salience.

Joined-up Justice

Under the Joined-up Justice scenario, the fire and rescue services engage in more prevention work and the enforcement of fire regulations is more stringent. Developments in the fire and rescue services are influenced by evidence and expert opinion, enhancing the role of umbrella bodies such as the CFOA. The slow and halting economic recovery means that budgets are tight, but limited, short term funds are available to support capacity building for multi-agency disaster response across blue light services. Staff development in partnership with ambulance services is stepped up in remote areas to improve medical emergency response times.

Management focus. Managers spend more time devising efficient and effective approaches to prevention and organising staff development to respond to the expanded role of fire and rescue staff. The key performance indicators are numbers of fire and traffic related deaths and the value of fire damage – a key component of these measures is the number of incidents fire brigades can demonstrate they have prevented.

Process changes. Effective inter-agency working and reinforced co-operation across organisational and professional boundaries are facilitated by a gradual improvement in systems, procedures and technology, though obstacles are overcome only slowly and with great effort. Systems are set up to rapidly apply any lessons learnt from major incidents.

Outcomes. The system yields some efficiencies: more incidents are prevented, and emergency response standards are maintained. Savings are reinvested in staff and further systems improvements.

Learning and workforce development. Additional duties and skills are matched by more differentiated career structures, providing opportunities for advancement

for some able, experienced and committed staff, but not all current firefighters are vocationally drawn to prevention work and the engagement with the public this requires.

Existing training budgets are scrutinised and reprioritised for remodelling and training parts of the workforce, with a focus on those areas where key objectives require working co-operatively across traditional boundaries. A mix of training and recruitment of higher-skilled staff is used to up-skill roles where the degree of autonomy is increased.

Essential Justice

Under the Essential Justice scenario, funding cuts to fire and rescue services lead to staff and pay cuts and to new ways of working, with a greater reliance on the retained duty workforce. Desirable but non-essential agendas around workforce protection, equality and diversity are not backed by funding. Essential projects are ranked and hard choices have to be made. Prevention activities are maintained where they can demonstrate net savings within five years.

Management focus. Chief fire officers compete for funds and juggle budgets. Quantitative performance indicators are paramount and managerial incentives are realigned accordingly. Work organisation is adapted to manage large incident volumes with minimal resource. Operational managers are strained by trying to reconcile top-down cost-cutting with the need to maintain services. The most successful managers display real leadership skills and acumen in sustaining morale and effectiveness in their teams. The key performance indicator is cost per incident response.

Process changes. Capacity is scaled back by cutting fire brigade crew numbers and pooling resources between neighbouring authorities. New forms of proportional response are trialled with full crews not automatically dispatched in response to a proportion of 999 calls. Procurement is slashed, leading to slower uptake of new technologies and increased spells of vehicle downtime.

Outcomes. Moderate cost savings are achieved. Somewhat fewer incidents are prevented and the largest incidents are responded to less effectively as crews take longer to arrive from neighbouring authorities. In these cases, senior staff have to manage PR reactively. Over time, the fire and rescue services' ability to co-ordinate a response to large scale flooding or terrorist incidents in concert with police, ambulance and other services deteriorates due to lack of investment.

Learning and workforce development. Cost cutting involves a greater reliance on the retained duty workforce which, paradoxically, requires a greater investment in training. Meanwhile, training in non-core firefighting skills for full-time staff is

cut. Staff spend a higher proportion of time responding to incidents (in fewer numbers), placing greater demands on crew leaders.

Traditional Justice

Under the Traditional Justice scenario, fire and rescue services are valued as a frontline, 'blue light' service and are therefore spared significant cost-cutting. Shifting political trends lead to a greater focus on 'traditional firefighting' and a decreased focus on prevention, even for some schemes that can demonstrate net savings. By the same token, concerns related to the equality and diversity agenda are seen as secondary. Response to large scale incidents becomes a political priority and is backed by procurement of expensive specialist vehicles including helicopters.

Management focus. Managers continue to operate services much as before, while scaling back prevention work. The key performance indicator is response time.

Process changes. Funding for procurement of vehicles and equipment is ring-fenced, though staff pay and conditions come back into contention. There is less focus on prevention and regulation.

Outcomes. Money is saved as prevention services are reduced. Response times improve a little, but the number of incidents rises and response planning suffers as the quality and quantity of intelligence on local risks decreases due to reduced work in the community.

Learning and workforce development. Staffing levels are maintained and re-profiled to concentrate more on core firefighting activities.

Training budgets remain stable but are re-focussed on new priorities.

6.4 Policing and law enforcement

Based on desk research, a focus group, and consultation with representatives of the sector
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6.4.1 Drivers of change in policing and law enforcement

Policing and law enforcement are the most visible activity of the justice sector, with the biggest workforce and the greatest resonance with the public as a 'frontline service'. This public facing role seeks to remain true to the values of the UK's tradition of 'policing by consent' and yet also needs to be balanced and reconciled with adapting to face new challenges. The focus group of police and law enforcement employers saw 'wider' **customer service** issues (going beyond community engagement) as one of the major current trends. The Policing Pledge

signed by England's 43 Home Office forces, with its focus on standards of community policing, is part of this trend. However, many of these trends affect the wider law enforcement community, including HM Revenue & Customs (HMRC) investigations, Mersey Tunnel Police and Ministry of Defence Police (all represented at the focus group). The review of Police and Criminal Evidence (PACE) requirements is expected to further alter the specifics of the manner in which police interact with the public in their day to day work¹.

As the policing environment becomes more uncertain and more complex, the police need to become **more responsive and more flexible**. This involves dealing effectively with **diversity and shifting populations** (including migrant worker flows)². It also means continuing to adapt to policing requirements driven by threats of **terror and serious crime**³, where the police are increasingly expected to engage in (collaborative) **protective**⁴ and **preventative work** going beyond the traditional response to emergency situations⁵.

One major event in the calendar in this respect is the 2012 Olympic Games⁶, principally in London, but also at venues as far apart as Weymouth and Cardiff. In

¹ Proposals include reducing stop and search records; increased police power to enter premises for arrest; amendments to bail regulations. Currently awaiting publication of response to public consultation which took place at end of 2008. www.skillsforjustice-4sight.com/drivers/Police%20powers_legal_%20themes.pdf

There is also increased pressure to comply with biometric sampling; amend questioning after charge capabilities; increase specialisation of staff under 'workforce modernisation'; and increase cross-border powers. See Management of Police Information (MoPI): www.npia.police.uk/en/8489.htm

² A wider appreciation of the impacts of diversity on policing means more attention given to certain sometimes new categories of offences. See, for instance: Forced Marriage Unit (2007), *Two year strategy 2007-2009*

³ www.soca.gov.uk/assessPublications/downloads/UKTA2008-9NPM.pdf

Some have proposed that the Metropolitan Police Service take on a lead role in this area. See Bassett D, Haldenby A, Thraves L and Truss E (2008), *A New Force, Reform*

⁴ Police forces in higher need areas were expected to reach the ACPO standard in 2009, and the Home Office is seeking to support forces in other areas to follow suit by 2011. See <http://police.homeoffice.gov.uk/police-reform/protective-services1>

⁵ See White M D and Escobar G (2008), Making good cops in the twenty-first century: Emerging issues for the effective recruitment, selection and training of police in the United States and abroad, *International Review of Law, Computers and Technology*. Vol 22, No.s 1-2, pp19-134 for an international perspective

⁶ The 2012 Olympics require a range of considerations including counter-terrorism, CCTV, public order and stop and search. See: www.skillsforjustice-4sight.com/drivers/Olympics_social%20themes.pdf (links to more citations)

this context, police forces need to move beyond simply gathering intelligence, important as this may be, and develop more effective **intelligence sharing** within procedural rules. There is also a policy drive to bring down the number of **violent crimes**¹. As the impact of the current economic recession upon certain communities becomes entrenched, previous experience indicates a likely increase in the quantity of **property crime**. On a global scale, these same trends may also be expected to fuel **illicit trade** of all sorts².

There are concerns as to the future financial footing of policing (as is the case across the public sector)³, but the police's privileged status as a 'frontline service' and policy announcements to date, including the December 2009 pre-budget report, suggest policing is likely to be protected from major spending cuts for the foreseeable future. Nevertheless, police services will not receive large real increases and they will be expected to **achieve more with existing resources, and work with other agencies**.

Effective change to overcome these challenges was felt to require a change of **organisational culture and leadership**⁴ (which is currently strongly hierarchical and divided into small geographical areas). In this context, the focus group participants felt that performance management would be a key challenge in years ahead, particularly in tackling cases of **staff underperformance** that have gone unaddressed over a period of years. The trend towards an ever more qualified workforce generally supports these aims, but presents its own challenges in terms of creating appropriate career paths and managing expectations of work and progression. Workforce issues are also present in relation to achieving greater **minority representation** within police forces and rolling out **diversity training**.

Recent years have seen the introduction of community policing and police **community support officers** (now accounting for 10 per cent of police operational

¹ HM Government (2007), *Saving Lives. Reducing Harm. Protecting the public: an action plan for tackling violence 2008-2011*, Home Office

See also Home Office (2009), *Cutting Crime: Two years on: An update to the 2008-2011 Crime Strategy*

See also HM Government (2008), *Drugs: Protecting families and communities 2008-2018 Strategy*, Home Office, cited in www.skillsforjustice-4sight.com

² World Economic Forum (2009), *The Global Agenda 2009*, World Economic Forum www.weforum.org/pdf/globalagenda.pdf

³ House of Commons Home Affairs Select Committee (2007), *Police Funding. Fourth Report of Session 2006-07*, HC

⁴ Schafer J A (2009), Developing effective leadership in policing: perils, pitfalls, and paths forward, *Policing: An International Journal of Police Strategies & Management*; Volume: 32, Issue: 2

presence and with a patchwork of gradually increasing powers across the country)¹. The organisation of policing remains a work in progress, with perennial topics such as reducing **bureaucracy** and intermittent concerns such as revisiting the **force structure** and increasing **public accountability** all currently on political² and police³ agendas. The driver of increased accountability is closely linked at a local level with the ambition of engaging more closely with communities⁴.

6.4.2 Skills priorities in policing and law enforcement

The focus group of policing and law enforcement strand employers assessed that updating police knowledge for **PACE** (and any other legislative changes), improving police investigations where **intelligence gathering** and **complex fraud** are involved and more effective **multi-agency working** were the drivers of change with the skills implications most in need of consideration.

PACE/legislative changes

Based on previous experiences, it was felt that any change would require widespread **retraining** throughout forces, but concentrating on frontline officers. While **e-learning/briefing materials** might suffice for learning certain new forms of words, any changes to the way police have to deal with people require **hands on training**. Forces know this is coming, but cannot do very much to prepare until the nature of the changes is known. They will then need to react and reprioritise

¹ NPJA (2008), *PCSO Review*, National Policing Improvement Agency.
www.npia.police.uk/en/docs/PCSO_Review_Final_Report.pdf

See also: Merrit J (2008), Pluralist models of policing: legislating for police powers, a cautionary note from England and Wales, *Policing: An international journal of police standards and management*, Volume 32, Issue 2, pp377-394

² Herbert N, Keeble O, Burley A and Gibbs B (2007), *Policing for the People: Interim report of the Police Reform Taskforce*, TFP Group, cited in www.skillsforjustice-4sight.com

See also: LGA(2008), *Answering to you: Policing in the 21st Century*, Local Government Association

See also: House of Commons Home Affairs Select Committee (2008), *Policing in the 21st Century, Seventh Report of the 2007-08 Session*, HC 364-I, TSO Ltd

See also Policing and Crime Bill: www.commonleader.gov.uk/output/Page2439.asp

³ Flanagan Sir R (2008), *The Review of Policing: Final Report*, Home Office

See also: Berry J (2009), *Reducing Bureaucracy in Policing: Interim Report*, HMIC

⁴ Casey L (2008), *Engaging Communities in Fighting Crime: A review*, Cabinet Office

See also: Home Office (2008), *From the Neighbourhood to the National: Policing our communities together*, Cm 7448, TSO Ltd

training (within constraints of days and funding). This area would therefore be worth revisiting at a future date.

Intelligence/fraud

The importance of wider institutional practice and training was underlined – the integrity of an investigation depends on **correct processes** (such as legal gateways) being employed throughout organisations from the outset, irrespective of whether staff involved are law enforcement officers. Beyond certain soft skills that can enhance investigations, what is needed is the scope to give the relevant staff **targeted higher level training** and to allow them to specialise in specific types of investigations¹.

Multi-agency working

A large part of the discussion centred around whether successful multi-agency working depends primarily on systems/processes which go beyond skills issues. Insofar as individuals were felt to be able to make a difference, some of the difference could be down to individual traits and behaviours (such as **leadership, lateral thinking, taking responsibility**) that may not be easily enhanced by an injection of skills. Nonetheless, some distinct skills were deemed to be useful, including:

- the skills to work with the **technology** required (which could be as prosaic as faster IT/typing, or slightly more advanced **research skills** to better find information that is not directly and every day role-specific);
- greater **process knowledge**, organisation-wide and going beyond the organisation;
- **communication** skills.

Overall assessments and barriers

In addition to these priorities, discussed in the focus group, there are issues around **correct use of technology and data**², including the 2010 deadline for forces

¹ See SOCA (2008), *The United Kingdom Threat Assessment of Serious Organised Crime*: www.soca.gov.uk/assessPublications/downloads/UKTA2008-9NPM.pdf for an analysis of the threat and the technological knowledge required

² Technologies include Airwave; CCTV; DNA technology; biometrics including ID cards; DNA analysis; mobile data technology; crime recording; data mining; information sharing (IMPACT and Management of Police Information; Police National Computer); automatic number plate recognition. Several documents cited on www.skillsforjustice-4sight.com/

to comply with the Code of Practice on the Management of Police Information. Any future changes to police use of firearms¹ would also entail major training requirements.

Overall, many of the drivers are externally imposed and can impact negatively on PLE training programmes that can remain in reactive mode, simply responding to each new need by reprioritising training and abandoning desirable but non-essential provision. Time and money constraints (and, occasionally, organisational culture) are barriers to acquiring the new skills that will be needed as a result of these drivers. Many of the objectives of improving policing cannot be achieved by skills alone. There may be issues related to retaining the skills and aptitudes of the most able staff that are at least as important as the effort to impart new skills to new or existing staff.

6.4.3 Scenarios for policing and law enforcement

Joined-up Justice

Under the Joined-up Justice scenario, policing and law enforcement organisations work more closely with every part of the justice sector and devote considerable effort to engage with communities. There is increasing professionalisation, with career paths that allow specialisation in dealing with priority issues such as domestic violence, mental illness, youth crime and the effects of substance misuse. In a relatively benign political climate, police forces gain the time and space to think about new ways to prevent crime and protect communities, taking a lead from umbrella bodies such as NPJA and Skills for Justice and specialists from organisations such as SOCA and UKBA.

Management focus. Senior management turn their attention to improving long term outcomes. Local crime rates are the key institutional performance indicators. Managers share best practice and promote cultural change in their organisations, aiming for ‘business-like’ rather than procedural focus. Nevertheless, procedures must be maintained and this management task becomes more demanding as the work of the police becomes more complicated.

Process changes. There is continued investment in IT to support effective working with other agencies, but managing data flows in real time requires considerable sustained effort. There are improved relations with other organisations and professionals, notably with teachers. A degree of triage is introduced, such that the right officer with the right expertise deals with each case as soon as possible.

¹ See www.npia.police.uk/en/13956.htm. Also see White M D and Escobar G (2008) (pp127-8, full reference as above)

Officers administer 'restorative practice' type interventions out in the community to reduce recourse to more formal justice procedures.

Outcomes. The system yields some efficiencies in that crime rates and prosecutions are somewhat reduced. However, as the work of police becomes more complex, there are inevitable mistakes. There is also a need to explain 'softer' policing to sections of the public that may prefer a 'harder' approach.

Learning and workforce development. In this scenario, some individuals thrive, able to keep up with new demands and vocationally re-engaged by the increased scope to take a holistic approach to the members of the public with whom they work. Managing those who do not thrive is a key challenge. There is continued use of PCSOs, and more varied career paths are created within the police, with scope for secondments in other parts of the justice sector.

Existing training budgets are scrutinised and reprioritised for remodelling and training parts of the workforce, with a focus on those areas where key objectives require working co-operatively across traditional boundaries.

Essential Justice

Under the Essential Justice scenario, cuts in public spending are so deep that policing budgets can no longer be protected, although police's privileged status of 'frontline services' means cuts are limited to five per cent over eight years. However, as many other agencies are decimated by much deeper cuts, police forces find themselves acting in isolation without the support they require. Standard operational requirements are maintained, but many 'nice to have' activities, including aspects of community policing, are scaled back.

Management focus. Senior managers juggle budgets and seek to make their forces leaner. Cost per effective policing hour is the key performance indicator, but managers are still very focussed on the most serious categories of offences. Effort and ingenuity are deployed to keep every officer patrolling or investigating as near to 100 per cent of the time as possible.

Process changes. The least painful cost-cutting is achieved through economies of scale, notably through sharing functions across forces, while longer term planning is underway relating to force mergers. Policing and law enforcement operates essentially as a silo within the justice sector. Some categories of offences are downgraded and addressed using on the spot fines. Protocols are developed whereby many disputes are first addressed through restorative interventions and only subsequently escalated if required. Police stations invest in videoconferencing facilities to reduce time spent by officers in court.

Outcomes. Cost savings are significant, but longer term outcomes around prevention and intelligence gathering worsen somewhat. However, a reasonably consistent policing service is maintained.

Learning and workforce development. Organisations seek to devolve some duties down to junior staff, especially as regards assessing the correct approach to take to cases that may or may not require a full investigation with a view to prosecution. Ever-increasing use of para-professionals and curbs on overtime and sickness absence are employed to bring down costs.

Training in many areas is cut in order to secure operationally required aspects such as refreshing knowledge of police powers and regulations.

Traditional Justice

Under the Traditional Justice scenario, an increase in crime and a populist, crime-fighting agenda shift priorities towards highly visible, reactive police work. As in Essential Justice, desirable activities related to prevention are cut, but for political rather than economic reasons. Officers spend a maximum amount of time on the beat and at community meetings. Policing gets generous funding settlements because of its resonance with the public, even while some other parts of the justice system are cut. Police are in the front line and are often the only line.

Management focus. Managers redeploy resources towards frontline duties. Key performance indicators are the number of arrests and the number of prosecutions, but managing public relations is at least as great a concern. Operational managers and staff have to reconcile the top-down need for an ostensibly tough, 'no-nonsense' approach with the everyday requirements of building and sustaining a workable relationship with members of the public.

Process changes. Funding for equipment is doubled after a media campaign inspired by the Afghanistan troop equipment controversies. More police are routinely armed, and bigger, more powerful vehicles are procured. Mobile police stop and search teams carry airport-style metal, explosives and drugs detectors. A programme of fitting CCTV with microphones is accelerated. Procedures are altered to reinforce a presumption to arrest and a presumption to prosecute, and removing many areas of discretion. PCSOs are given truncheons and powers to arrest minors.

Outcomes. Some money is saved on outreach and prevention work, but overall, costs increase as more expensive investigations are carried out to generate prosecutions. The system is able to arrest more people, but creates major bottlenecks in police detention and courts and prosecution services. There is a deterioration in final outcomes such as overall public safety.

Learning and workforce development. Staffing levels are re-profiled, with an increased workload for police officers and less focus on other specialist and support functions. Numbers of PCSOs are reduced to target funding on ‘real police’.

Training budgets remain stable but are re-focussed on learning to use new equipment. Media training is much in demand from senior officers.

6.5 Custodial care

Based on desk research, a focus group, and consultations with representatives of the sector

6.5.1 Drivers of change in custodial care

Two inter-related drivers have a major impact on custodial care: the **population in custody** and **custodial capacity**. Following years of increasing prison populations, there is now a major programme to increase capacity through the building of five 1,500-place prisons by 2014 to bring capacity up to 96,000¹. In the absence of a mechanism, however, to co-ordinate sentencing and prison capacity, extra capacity does not necessarily eliminate over-crowding². In addition to growth in capacity, there is ongoing change, for instance in the recent restructuring of the National Offender Management Service³ (England and Wales). In a broader sense, politics also has a major impact on the strand, though one whose precise shape cannot necessarily be anticipated. In particular, any increase in penal populism could lead to more and longer custodial sentences, with knock-on effects on the inmate population and on rehabilitation work.

The state of the wider economy is a key driver for custodial care as it is likely to influence funding for new and existing custodial capacity as well as trends in economic crime that drive the prison population. As in other parts of the sector, economy drives are already underway, not least in efforts to reduce staffing costs,

¹ NOMS (2009), *National Offender Management Service Report and Accounts 2008/09*, www.justice.gov.uk/publications/noms-annual-report-08-09.htm

See also *Role of the Prison Officer, Twelfth Report of Session 2008–09 Report, together with formal minutes, oral and written evidence*, House of Commons Justice Committee www.publications.parliament.uk/pa/cm200809/cmselect/cmjust/361/361.pdf

² Howard League for Penal Reform (2009), *Turnkeys or professionals? A vision for the 21st Century prison officer*, Howard League for Penal Reform, p14, www.howardleague.org/turnkeys-or-professionals

³ NOMS (2009), *National Offender Management Service Report and Accounts 2008/09*, www.justice.gov.uk/publications/noms-annual-report-08-09.htm

and key decisions are likely to be needed around how to economise further¹. These drivers are to affect a sector that is not without industrial relations challenges², even if the scope for industrial action is likely to reduce.

Staff in custodial settings are increasingly expected to undertake a wider range of duties and to work effectively with the particular issues facing inmates. Issues here include identifying and managing problems associated with alcohol and substance misuse, working with inmates with mental health issues³ and supporting the work involved in rehabilitating inmates, especially as regards education and training⁴. Over time, if an ageing society gives rise to an ageing prison population, this too may drive changes in the sector.

Efficient and timely communication between parts of the justice system can be of vital importance. Custodial care organisations are not exempt from this. Recent effort has concentrated on building IT systems to support better sharing of information between prison and probation services in England⁵, but links with courts and tribunals are also likely to be important.

6.5.2 Skills priorities in custodial care

The focus group of custodial care strand employers and employee representatives assessed **that changing political and economic circumstances** would have the biggest future impact on skills priorities, but that many of the skills required would be in areas of existing, already identified, skills deficits.

Dealing with larger volumes of inmates effectively requires making optimal use of facilities, which may require some skills allied to Business Improvement Techniques, for instance in minimising down-time in facilities and optimising inmate movements to make more efficient use of time.

¹ See for example: NOMS (2009), *National Offender Management Service Report and Accounts 2008/09*, www.justice.gov.uk/publications/noms-annual-report-08-09.htm

² See, for instance: Howard League for Penal Reform (2009), *Turnkeys or professionals? A vision for the 21st century prison officer*, Howard League for Penal Reform, www.howardleague.org/turnkeys-or-professionals/

This theme, in relation to the perceived expansion of and uncertainty around the role of the prison officer, was also raised in consultations with employers and staff representatives

³ Freshwater D (2007), Expanding roles in mental health care: the importance of training in prisons, *Journal of Psychiatric and Mental Health Nursing*, Vol 14, (1), pp1-3

⁴ IT Training (2004), *Prison officers sit exams to teach IT*, Issue 09547940, June 2004

⁵ NOMS (2009), *National Offender Management Service Report and Accounts 2008/09*, www.justice.gov.uk/publications/noms-annual-report-08-09.htm

The increasing scope of the prison officer role requires a wider set of skills and attributes than has traditionally been associated with the role. In particular, the increasing autonomy inherent in the job may require certain self-management skills and risk-assessment skills. Some of the specialist skills that require additional training relate to:

- working effectively and sensitively with people in custody whose needs must be taken into account, including those with mental health issues and vulnerable adults, young people, women and those involved in substance misuse
- having an awareness of human rights and the requirements of equalities legislation
- working safely and assessing risks
- improving value for money
- conflict management and mediation
- dealing appropriately with a diverse inmate population and staff
- identifying and addressing radicalisation and extremism

In addressing some or all of these skills needs, a number of barriers need to be overcome, not least:

- arriving at an understanding of what custodial organisations (and those who work in them) are and do
- finding the time and the money
- meeting local needs at the same time as central targets
- working around the rigidities of inmate movements and security categories

6.5.3 Scenarios for custodial care

Joined-up Justice

Under the Joined-up Justice scenario, custodial care organisations work more closely with other parts of the justice sector (especially the courts and probation or social services). There is also more and smarter use of outside expertise, including professionals to support work on inmates' physical and mental health, including substance misuse. The risks associated with prison overcrowding recede. With penal populism on the decline, sentencing regimes become more rational, with a focus on risk assessments and rehabilitation, and there is progress towards joint planning of custodial capacity and sentencing policy.

Management focus. Managers turn their attention to improving long term outcomes. Rehabilitation and re-offending are the key institutional performance indicators. Managers share best practice and promote cultural change in their organisations, aiming for a 'business-like' rather than procedural focus.

Process changes. There is continued investment in IT to support effective working with other agencies, but managing data flows in real time requires considerable sustained effort. Better tailoring of custodial regimes to individual inmates and a more seamless 'offender journey' are supported by improvements in systems (and in staff capabilities). Existing partnerships with private sector providers are deepened. New private procurement is assessed with less emphasis on financial advantages.

Outcomes. The system yields some efficiencies in that repeat incarceration is reduced. However, more targeted use of custodial sentencing does mean that the custodial care caseload is comprised of, on average, 'harder' cases.

Learning and workforce development. In this scenario, some individuals thrive, able to keep up with new demands and vocationally re-engaged by the increased scope to take a holistic approach to the inmates with whom they work. Managing those who do not thrive is a key challenge.

Existing training budgets are scrutinised and reprioritised for remodelling and training parts of the workforce, with a focus on those areas where key objectives require working co-operatively across traditional boundaries. A mix of training and recruitment of higher-skilled staff is used to up-skill roles where the degree of autonomy is increased.

Essential Justice

Under the Essential Justice scenario, cuts in public spending put custodial care under considerable strain. In budget debates, prisons are not accorded the privileged status of 'frontline services' and hence the cuts are particularly deep. A minimum core of operational security standards is maintained. Many 'essential' aspects of running custodial organisations, including many related to the welfare of staff and inmates, as well as staff training, are made to compete for funds. Desirable but non-essential mental health and rehabilitation work is cut, even where a long-term economic case can be demonstrated.

Management focus. Senior managers compete for funds and juggle budgets. Cost per inmate per day is the key performance indicator, but managers are also highly aware of risks of escape, break-outs, violence, suicide and industrial unrest. The most successful managers display real leadership skills and acumen in sustaining morale and effectiveness in their teams. Effort and ingenuity are required to keep

every cell and vital service operational as near to 100 per cent of the time as possible, even allowing for unavoidable repairs and maintenance.

Process changes. The least painful cost-cutting is achieved through economies of scale, making more efficient use of facilities and by increasing group sizes for activities undertaken by lower risk inmates. Custodial care operates essentially as a silo within the justice sector. Contracts are renegotiated and relations with private sector providers become more transactional.

Outcomes. Cost savings are significant, but longer term outcomes around rehabilitation and re-offending worsen somewhat. Custodial organisations are in reactive mode, responding to escapes, deaths in custody and other incidents as they arise.

Learning and workforce development. Organisations seek to devolve some duties down to junior staff, especially as regards assessing risks and managing inmates day-to-day. This corresponds with lower staff to inmate ratios.

Training is cut sharply, and what remains is the bare minimum – in some high profile cases, less – needed for ensuring effective operational continuity.

Traditional Justice

Under the Traditional Justice scenario, an increase in penal population drives up the number of inmates and the duration of sentences. As in Essential Justice, desirable activities related to rehabilitation and welfare are cut, but for political rather than economic reasons. Prison expansion is maintained, but is outstripped by the prison population. Funding for prisons is less generous than for 'blue light' services in the justice sector.

Management focus Managers redeploy resources from rehabilitation work to other duties (where funding is not lost) and try to find new ways of working. Key performance indicators are the number of inmates and the escape rate, but managing public relations is at least as great a concern. Operational managers and staff have to reconcile the top-down need for an ostensibly tough, 'no-nonsense' approach with the everyday requirements of building and sustaining a workable relationship with inmates.

Process changes. Funding for visible enforcement and security is ring-fenced, this includes procurement of – for instance – prisoner transport vehicles and perimeter security. Investment is made in technology for monitoring and enforcement, including drug detection.

Outcomes. Money is saved as rehabilitation and other welfare services are reduced. The system is able to detain more people, but there is a deterioration in

final outcomes such as overall public safety and longer term outcomes such as rehabilitation/re-offending. In some respects, outcomes match those of the Essential Justice scenario.

Learning and workforce development. Staffing levels are re-profiled, with an increased workload for prison officers and less focus on other specialist and support functions.

Training budgets remain stable but are re-focussed on new priorities. Media training is much in demand from senior managers.

6.6 Courts, tribunals and prosecutions

Based on desk research and a focus group

6.6.1 Drivers of change in courts, tribunals and prosecutions

The form of **involvement of victims and witnesses** in the courts process is something which is increasingly on the policy agenda. This is particularly with regard to specific groups, for example those with **mental health or learning difficulties**, or in specific types of case, for example **violence against women and terrorism prosecutions**¹.

Linked with this policy agenda there is now increasing emphasis on the use of **specialist or dedicated courts for domestic violence, drug and mental health cases**. The government has committed to establishing 128 specialist domestic violence courts by 2011, pilots of drug courts (building on lessons from the experiences to date in Glasgow and Fife) and mental health courts are ongoing². These require enhanced levels of multi-agency working.

Other areas where more specialist knowledge or provision will be required include the increased use of **mediation in civil/family courts** with the aim of reducing demand for court hearings³, as well as around appropriate sentencing

¹ MacDonald K (2008), Building a modern prosecuting authority, *International Review of Law, computers and technology*, 22:1/2, pp7-16. Also, Lee and Charles (2009), *Research into CPS decision-making in cases involving victims and key witnesses with mental health problem and/or learning disabilities*, Crown Prosecution Service

² Her Majesty's Courts Service (2009), *Annual Reports and Accounts 2008/09* <http://hmcourts-service.gov.uk/cms/files/HMCS-AnnualReportsAndAccounts-2008-09.pdf>

³ Skills for Justice Courts and Tribunals Occupational Committee (2009), *PESTLE analysis and planning: workplan 2009-2010*

and **targeted intervention** to avoid putting young people into the prison system unnecessarily¹.

Costs and efficiency savings are an established driver of change in the strand, but one which is likely to be reinforced by tightened public spending in the post-recession period. A lean programme was rolled out from January 2009 and the Comprehensive Spending Review led to three-year cuts to Ministry of Justice and Her Majesty's Court Service budgets², while the merger of the Revenue and Customs Prosecution Office and the Crown Prosecution Office will be completed by summer 2010³. The recession is likely to increase the impetus on these efficiency drives. On the other hand it is also likely to create a larger **debt-related workload** in civil and criminal courts⁴.

Reforms of Tribunals have been ongoing since the 2007 Tribunals, Courts Enforcement Act, with a new tribunal system being introduced which will see some increase in workload⁵. These changes will affect England and Wales, as well as some areas of law in Scotland and Northern Ireland.

Technological progress is also an important driver of change and this is recognised in Skills for Justice business planning. Examples include the increasing use of electronic case files⁶, and the use of **electronic services for court 'users'** including Money Claim Online, Driver Validation Service and the Electronic Working Pilot (EWP) for submitting claims with the Commercial and Admiralty Court⁷. In addition, several new internal IT systems have been introduced, including continuation of the Libra project in Magistrates Courts to include the

¹ Glover and Hibbert (2009), *Locking up or giving up? Ilford Barnardos*
http://barnardos.org.uk.locking_up_or_giving_up_august_2009_pdf

² Her Majesty's Courts Service (2009), *Annual Reports and Accounts 2008/09*, <http://hmcourts-service.gov.uk/cms/files/HMCS-AnnualReportsAndAccounts-2008-09.pdf>; Skills for Justice Courts and Tribunals Occupational Committee 2009-2010, *PESTLE analysis and planning: workplan 2009-2010*

³ http://cps.gov.uk/publications/docs/business_plan_summary_0910.pdf

⁴ Skills for Justice Courts and Tribunals Occupational Committee (2009), *PESTLE analysis and planning: workplan 2009-2010*

⁵ First President of Tribunals' Third Implementation Review (2009),
www.tribunals.gov.uk/Tribunals/Documents/Publications/SeniorPres3rdReview.pdf;
<http://tribunals.gov.uk/Tribunals/Firsttier/firsttier.htm>

⁶ The Public Prosecution Service (2009), *Setting the standard*,
http://cps.gov.uk/news/articles/the_public_prosecution_service_setting_the_standard/eng/wales

⁷ Her Majesty's Courts Service (2009), *Annual Reports and Accounts 2008/09*, <http://hmcourts-service.gov.uk/cms/files/HMCS-AnnualReportsAndAccounts-2008-09.pdf>

Management Information System, Systems Upgrade Projects (SUPS) for Crown and County Courts, and Bichard 7 project implementation in Magistrates and Crown Court¹ (such that their results are automatically uploaded to the Police National Computer).

More generally there remains a need to engender **public trust** in the system and to **attract a high quality workforce**².

6.6.2 Skills priorities in courts, tribunals and prosecutions

The workshop participants in the courts and tribunals strand considered that the **comprehensive spending review**, as well as other **recession-related pressures to reduce public spending**, would have the biggest impact on skills priorities in the future. The specific skills implications associated with these drivers are likely to be around **management and leadership skills**, with managers needing to be able to lead change and to identify and justify cost reductions, and requiring leadership skills to enable staff to offer services more efficiently.

Related to this other skills priorities are likely to be driven by the broader emphasis on LEAN systems. For example, there may be an effort through **process mapping** to remove duplication from administrative processes, while **workforce planning** and driving forward **cultural change** will be key skills. For frontline staff the lean agenda is more likely to translate into emphasis on **greater flexibility**.

The growing importance of multi-agency working similarly reinforces the need for particular management skill sets. These include **contract management**, and skills in **persuasion and influencing**. Enhanced multi-agency working will again require flexibility among frontline staff.

Other skills needs will be driven by policy agendas around mental health and around **equality and diversity** issues. There is an increasing emphasis on understanding the implications of mental health conditions among courts and tribunals users, as well as among the justice workforce. This requires raised **awareness about mental health conditions**, and empathy and professionalism among staff in handling these conditions in difficult situations, while for line management staff it requires the ability to support colleagues to access appropriate services. Equality and diversity are partly driven by new legislative

¹ Her Majesty's Courts Service (2009), *Annual Reports and Accounts 2008/09*, <http://hmcourts-service.gov.uk/cms/files/HMCS-AnnualReportsAndAccounts-2008-09.pdf>

² MacDonald K (2008), Building a modern prosecuting authority, *International Review of Law, computers and technology*, 22:1/2, pp7-16

requirements. Staff may need increasing **confidence**, as well as management and **inter-personal skills**, to inform a colleague of when behaviour is unacceptable, based on a sound knowledge of equality principles. This includes newer equality strands, for example age, treatment of white non-British staff and transgender individuals.

6.6.3 Scenarios for courts, tribunals and prosecutions

Joined-up Justice

Under the Joined-up Justice scenario, courts and prosecution services work more closely with other parts of the justice sector (especially the police and probation or social services, but also victim and witness support services). There is more up-skilling of staff to give a better service to court users with particular needs, including mental health and learning disabilities. Specialist courts multiply for a range of cases including drugs offences and domestic violence. With penal populism on the decline, sentencing regimes become more rational, with a focus on risk assessments and rehabilitation, and there is progress towards joint planning of custodial capacity and sentencing policy.

Management focus. Managers in courts and prosecutions services turn their attention to improving the trial experience for users and reducing mistakes and cancellations. Key institutional performance indicators are abandoned as being too blunt in the complex arena of court services. Managers share best practice and promote cultural change in their organisations, in order to better serve users, aiming for a 'business-like' rather than procedural focus.

Process changes. There is continued investment in IT to support effective working with other agencies (including smarter sentencing based on real-time capacity information and smoother integration of digital evidence) and to inform court users, but managing data flows in real time requires considerable sustained effort. Mediation is mainstreamed across whole categories of offences as a means of achieving better results with less conflict. Targeted intervention is the motto when dealing with young people, with a presumption to keep people out of the prison system where possible.

Outcomes. The system yields some efficiencies in that smarter administration leads to fewer mistakes, cancellations and adjournments, with more witnesses, police and experts able to contribute via videolink or pre-recorded video without having to spend large amounts of time in court. By using smarter sentencing, the system releases savings elsewhere in the sector.

Learning and workforce development. In this scenario, some individuals are expected to specialise to work in specialist courts, and all are expected to widen

their range of public-facing skills, including to engage professionally with vulnerable individuals. Increased use of IT and web-based systems brings with it new training needs.

Essential Justice

Under the Essential Justice scenario, cuts in public spending put courts, tribunals and prosecution services under considerable strain. In budget debates, courts and prosecution services are not accorded the privileged status of ‘frontline services’ and hence the cuts are particularly deep. A minimum core of procedural standards is maintained. Initiatives to improve court experiences for victims and witnesses are scaled back. Sentencing is informed by the costs of sentencing options, with a bias towards cheaper interventions. Where possible, cases are kept out of court to avoid costs.

Management focus. Senior managers seek ways to make more efficient use of court time, grouping cases together. Cost per case and case backlogs are the key performance indicators. Effort and ingenuity are required to keep every courtroom operating as near to 100 per cent of the time as possible, even allowing for unavoidable scheduling problems.

Process changes. The least painful cost-cutting is achieved through taking certain cases out of court and having more remote contributions to court hearings. Outside communications come to courts via a centralised call-centre that functions as a gatekeeper to the system. Further cuts in back-office functions, however, make it harder to operate at full capacity. Courts, tribunals and prosecutions services operate essentially as silos within the justice sector, with a large volume documentation processing approach rather than casework. A lot of mediation work is driven by cost considerations rather than whether a case lends itself to mediation.

Outcomes. Initial cost savings are significant, but over time, the efficiency of the system deteriorates as more mistakes occur and as work processed too quickly by inexperienced staff needs to be revisited.

Learning and workforce development. Many duties are devolved down to junior staff, including increasing numbers of administrators undertaking duties previously undertaken by para-professionals (and even lawyers).

Traditional Justice

Under the Traditional Justice scenario, court and prosecution funding are increased to cope with a new presumption to prosecute certain categories of crimes. This leads to many more violent crime and disorder offences reaching

court. Sentencing priorities are also changed, to reflect the public's appetite for a 'tougher' approach. As in Essential Justice, desirable activities related to improving users' experiences of the court system receive lower priority, except in the case of victims, whose status in the court process becomes much more important. The trend towards specialist courts is reversed except in relation to terrorism cases.

Management focus. Managers gear up for increased caseloads and invest in changes to facilities to achieve quicker throughput. Key performance indicators are the number of cases heard and victim satisfaction rates. Managers are expected to achieve more, but also get resources to support these objectives.

Process changes. There is a presumption to prosecute, and a presumption to send young people into the prison system where possible.

Outcomes. Costs increase and victim satisfaction rates increase (though defendants do not necessarily benefit in the process). The system is able to process more defendants, but maintaining a quality service as backlogs mount is a challenge to the system. In some respects, outcomes match those of the Essential Justice scenario.

Learning and workforce development. Staffing levels are re-profiled, with managers with commercial experience brought in to improve customer experiences and 'lean processes'. Previous training priorities are downgraded, including those involved in dealing professionally with vulnerable groups.

6.7 Forensic science

Based on desk research and four interviews with representatives of a range of providers

6.7.1 Drivers of change in forensic science

The Forensic Science Service, which is the largest provider of forensic services in England and Wales, was made into a GovCo, a one-hundred per cent government owned company, in 2005. In the subsequent period the FSS has faced pressures on cost-efficiency associated with the '**static UK market**' on one hand, but increasing **international opportunities** on the other. These opportunities include efforts to lead global forensic technology, as well as capitalising on opportunities in the training provision market created by limited internal capacity in some other countries¹. In the future, however, it will be increasingly important, and

¹ Forensic Science Service (2008), *Annual Report and Financial Statements*, <http://forensic.gov.uk/userfiles/annual-report-2007-08.pdf>

challenging, for the FSS and other providers to **keep pace with technological developments** from across the world as increasing access to technology diffuses innovation more widely¹. For other independent providers of forensic services the National Framework Tender process, combined with police in-house provision of forensic services, has **increased competition** between providers².

The effect of the recession on public finances is also likely to impact across the strand in the coming years. This may impact upon **wage levels** and the scale of **future recruitment**; it is also likely to feed through to reduced budgets for training and staff development.

More generally, **public perceptions and public trust in forensics** has been highlighted as an important driver. Public trust has been damaged by past failures to pick up evidence, for example in the Damilola Taylor case, and the Forensic Science Regulator, supported by the Forensic Science Advisory Council, have been created in an attempt to maximise quality across forensic science³. Of course, such evidence needs to be understood as well as trusted by juries. Even where public trust in the power of forensic science (and expert testimony) to prove what happened, judicial confidence remains an issue. In particular, as said by Lord Leveson in November 2009, judges may consider that juries may rely too heavily on such evidence to the exclusion of other elements such as witness accounts, something he termed the 'CSI problem', after the popular television series⁴.

Technological, legal and social developments in the field of **DNA and other biometrics** are also likely to be significant drivers of change in coming years. In addition, established drivers like **accountability and targets, the ageing workforce**, and tackling **serious and organised crime** will continue to be important.

6.7.2 Skills or priorities in forensic science

The interviews in the forensic science strand assessed two key drivers which are likely to have the biggest impact on skills priorities in the future. These were the

¹ Mercuri (2005), Challenges in forensic computing, *Communications of the ACM*, 48:12, pp17-21

² Forensic Science Service (2008), *Annual Report and Financial Statements*, <http://forensic.gov.uk/userfiles/annual-report-2007-08.pdf>

³ House of Commons Science and Technology Committee (2005), *Forensic Science on Trial*, HC 91-I, <http://police.homeoffice.gov.uk>; Forensic Science Service (2008), *Annual Report and Financial Statements*, <http://forensic.gov.uk/userfiles/annual-report-2007-08.pdf>

⁴ See www.judiciary.gov.uk/docs/speeches/spj-forensic-experts-05112009.pdf

competing demands of **commercial pressures** on one hand, and **assuring quality** and **increasing public trust** on the other.

Commercial pressures dominate the future skills horizon. There is some concern that the pressures to complete work both more quickly and more cheaply will be detrimental to particular skill sets. There is felt to be a danger that **'industrialising' the forensics process** will create a conveyor belt mentality. The dangers associated with this may include the **loss of key analytical skills as narrower and more procedural analytical processes begin to dominate**. This may be exacerbated if long-serving scientists bring forward retirement as a result of reduced work satisfaction. There is also a risk of the loss of particular skills which are not commercially viable, though these may need to be bought in-house to police forces, which in itself may require skills upgrading or recruitment.

Public trust is a long-standing issue but moving forward will require enhanced skills **quality assurance** and more effective multi-agency working, **joining up forensic skills with the broader police service**. Linked with this, the growing importance of forensic evidence will increasingly require **effective communication and presentation of evidence skills** in order to represent evidence to non-specialist audiences in the criminal justice system. This particularly relates to **the ability to present probabilities and statistical likelihoods**.

In addition to these skills priorities there are a number of other skills priorities areas relating largely to technological change. These include:

- new techniques in **taking science to the crime scene**, for example **rapid DNA** is a potential change over the next 3-5 years. This will potentially create demand for graduates with science degrees in crime scene investigation roles
- developments in biometrics will increase demand for **high-grade scientific, and particularly biological, knowledge**
- developments in computing will require more **advanced IT skills**.

6.7.3 Scenarios for forensic science

Joined-up Justice

Under the Joined-up Justice scenario, forensics experts work more closely with other parts of the justice sector, not least the wider police service, courts and prosecution services. Organisations invest in the latest technologies and take the science to the crime scene. The UK market remains static, but through smarter working and international diversification, a strong forensic science base is maintained in the UK.

Management focus. Managers turn their attention to improving quality control and hence public and judicial confidence. Accuracy is the key performance measure and organisations are subject to intense scrutiny and audit.

Process changes. There is continued investment in IT to gather, store and share forensics results. Maintaining chain of custody and other evidence standards remains key and is ensured by rigorous procedures and inspections and a highly regulated interface with police investigations.

Outcomes. The system remains effective and is successful in implementing new techniques.

Learning and workforce development. There is exchange of expertise with forensics leaders worldwide. The sector strives to retain experienced staff and specialist skills and to develop its people.

Essential Justice

Under the Essential Justice scenario, cuts in public spending mean police forces turn to certain forensics services as a cheaper alternative to human-led investigations. Large amounts of evidence are gathered and processed and results are data-mined to yield leads. Budgets, however, are tight, and those parts of forensic science not amenable to this 'industrialisation process' suffer a brain drain as eminent practitioners increasingly market their expertise abroad. Nevertheless, due to the popularity of forensic science style television series, services are able to ward off the deepest cuts through lobbying. Demonstrating the cost-effectiveness of different types of service becomes a major concern. Programmes to bring science to the crime scene are delayed because of high upfront costs.

Management focus. Senior managers adjust commercial strategies and liaise with police over division of roles. Cost per conviction is the key performance indicator, which leads to a concentration of effort on easier or cheaper cases except in cases of major public interest. The most successful managers find ways of achieving the same results more cheaply, whether through the high skills route of employing more creative problem solving or the low skills route of maximising the amount of work done by laboratory assistants.

Process changes. The least painful cost-cutting is achieved through economies of scale and 'industrialisation', even though this is detrimental to skills in the longer run. This involves the creation of larger labs with sophisticated commercial laboratory information management systems.

Outcomes. Cost savings are moderate, but many of the more complex cases suffer from lower priority.

Learning and workforce development. The system struggles to keep up with latest developments originating abroad. Some duties are devolved down to junior staff, large scale training courses are put on to give assistants limited skills injections to carry out certain tasks. Recruitment of higher calibre professionals is reduced and there is very little learning of cutting edge techniques that have not conclusively proven their cost-effectiveness.

Traditional Justice

Under the Traditional Justice scenario, penal populism sees forensic science tasked with ensuring convictions and long sentences for individuals suspected of committing a crime. The UK market is buoyant, with high quality forensic evidence seen as the surest means of locking people up. Forensic science is brought ever more into the crime scene and close working relationships develop with police and prosecution services based on mutual interest. While the prosecution imperative leads to well funded forensics investigations with facilities to deploy whatever techniques are required to secure evidence for a conviction, there is also a large volume of less specialised, 'industrialised' DNA analysis driven by the police's mass programme of stop, search and DNA sampling.

Management focus. Managers invest in new capacity. The conviction rate is the key performance indicator. Operational managers and staff have to ensure continued adherence to professional ethics in the face of the pressure to get results.

Process changes. There is investment in facilities and equipment. Concerns about the legality of holding individuals' DNA drop back down the agenda.

Outcomes. The system expands, spends more money and facilitates more prosecutions. Issues in forensic science become central to the operational planning of other strands of the justice sector.

Learning and workforce development. Staffing levels are re-profiled and boosted and pay is increased. Training is provided to ensure the widest possible range of techniques are available to those investigations requiring them.

6.8 Summary skills needs tables

The tables below summarise some of the main points relating to the strands. They cannot be exhaustive. To avoid undue repetition where themes overlap or present in a similar fashion across strands, the points are necessarily compressed. The tables follow the order in which issues arise in the report. The first two tables summarise cross-cutting drivers of change and skills needs, referring to specific strand examples where relevant. The third table highlights specific drivers and skills needs that are distinct to single strands.

Table 6.1: Drivers of change affecting large parts of the Justice sector

Cross-cutting drivers	Selected/highlighted strand-specific aspects
Sentencing approaches and volumes	<p>C&YP: eg YRO</p> <p>CJ: implementing restorative practice or reparation sentences</p> <p>CC: Prison population. Potential for penal populism vs non-prison-based approaches (dependent on public, judicial and political confidence)</p> <p>CT&PS: Imp. of public/political/judicial confidence in non-custodial sentences</p>
Engaging with the community	<p>C&YP: Reaching the hard to reach</p> <p>CT&PS: Needs of victims, witnesses. Electronic services for court users</p> <p>FS: Communicating forensic science evidence to laypeople</p>
Inter-agency working	<p>C&YP: Co-ordinating the agencies involved in a young person's life</p> <p>P&LE: Incl. intelligence sharing</p>
Breaking the cycle of re-offending	<p>C&YP: eg the Integrated Resettlement Programme</p> <p>CJ: rehabilitation activities</p> <p>CC: rehabilitation activities</p>
Commercial and budget pressure	<p>CJ: Increased competitive tendering</p> <p>P&LE: Achieving more with existing resources</p> <p>CC: Prison capacity</p> <p>CT&PS: Need for cost savings</p> <p>FS: Static UK market, overseas opportunities</p>
Professionalisation	<p>C&YP: Poses a challenge for voluntary sector</p> <p>CC: Broader staff responsibilities</p> <p>FS: Keeping pace with tech. developments</p>
Careers	<p>CJ: Increased movements into community safety from other justice sector backgrounds</p> <p>CT&PS: Need to attract high quality workforce</p> <p>FS: Wage levels and recruitment vulnerable to downturn</p>
Impact of high profile cases	<p>CJ: eg murders committed by offenders in the community</p> <p>CC: eg deaths in custody, riots and escapes</p>
Organisational change	<p>P&LE: Need for a change of organisational culture, increased use of PCSOs, reducing bureaucracy, force structures</p> <p>CT&PS: Reforms of tribunals</p>
Equality and diversity agenda	<p>C&YP: Countering radicalisation</p> <p>P&LE: Dealing more effectively with shifting populations</p>

Prevention	FRS: Of incidents P&LE: Of crime CT&PS: Targeted intervention with YP
Customer service	P&LE: Policing pledge
Need for responsiveness/flexibility	P&LE: In order to deal with more uncertainty and complexity
Terrorism and serious crime	No strand-specific illustration in report
Acquisitive/property crime Driven by economic context - affects volumes throughout the sector	P&LE: Incl. illicit trade CT&PS: Increased debt-related workload
Accountability and targets	P&LE: Various proposals from the political parties CT&PS: Importance of public trust FS: Evidence standards and judicial confidence
Mental health/substance misuse/vulnerable adults	CT&PS: Specialist courts
Alternatives to court hearings	C&YP: Restorative practices P&LE: Restorative practices CT&PS: Mediation in the family courts

C&YP=children & young people, CJ=community justice, CC=custodial care, P&LE=policing & law enforcement, FS=forensic science, CT&PS=courts, tribunals & prosecution services, FRS=fire & rescue services

Source: IES focus groups and interviews, 2009

The next table highlights the cross-cutting skills priorities identified.

Table 6.2: Skills priorities affecting large parts of the Justice sector

Skills priorities	Selected strand specific aspects
Engagement	<p>C&YP: Recognising vulnerabilities and needs, listening, engaging consistently across agencies</p> <p>CC: Working effectively in offenders' community settings</p> <p>FS: Effective communication of evidence, incl. statistical likelihoods</p>
<p>Multi-agency working skills and aptitudes</p> <p>Communication, understanding the roles of different professionals, knowing when information should be shared, leadership, lateral thinking, taking responsibility</p>	No strand-specific aspect illustrated in report (discussed in very similar terms across all strands)
Diversity/equality/human rights	<p>C&YP: Has a role in combating isolation of YP from minority communities</p> <p>FRS: Managing more diverse workforce incl. flexible work practices. Also engaging with diverse communities</p> <p>CT&PS: Confidence and interpersonal skills to challenge inappropriate behaviour</p>
<p>Management and leadership skills</p> <p>Hard: planning, project, marketing, contract and financial skills.</p> <p>Soft: communicating/engaging/consulting, negotiating/influencing, emotional intelligence/resilience.</p>	No strand-specific aspect illustrated in report (discussed in very similar terms across all strands)
<p>Problem solving</p> <p>Needed as roles become broader & more varied</p>	No strand-specific aspect illustrated in report
Information and data sharing	P&LE: 'Gateways'/process knowledge
Risk assessment and management	FRS: In relation to workforce protection, incl. dynamic risk assessment
Doing more with less	<p>CC: BIT and allied skills</p> <p>CT&PS: Will mean need for greater flexibility. LEAN.</p>
Mental health/vulnerable adults & substance misuse	CT&PS: Staff awareness
<p>Radicalisation and extremism</p> <p>Recognising risk factors</p>	No strand-specific aspect illustrated in report

C&YP=children & young people, CJ=community justice, CC=custodial care, P&LE=policing & law enforcement, FS=forensic science, CT&PS=courts, tribunals & prosecution services, FRS=fire & rescue services

Source: IES focus groups and interviews, 2009

The third table highlights specific drivers of change and skills needs affecting the strands (skills needs were often identified in discussions of the wider circumstances of each strand and as such they cannot always be traced back to a single driver of change).

Table 6.3: Highlighted strand-specific drivers of change and skills needs

Strand	Specific drivers	Specific skills
Children and YP workforce	UN Convention on the Rights of the Child Tackling antisocial behaviour Dealing with gangs and groups Safeguarding vulnerable children Restorative practices Protection for whistleblowers	Detecting vulnerability and risks and assessing safeguarding needs Development of instinct, discretion, judgment and professional experience to deploy restorative practices Basic awareness of gangs and groups and telling the difference between them (general practitioners)
Community Justice	Monitoring and inspections Recruiting volunteers	Need for advanced practitioner skills and roles working with eg serious offenders, substance misusers Understanding factors driving risk of crime/anti-social behaviour Awareness of effective early intervention and referral options
Fire & Rescue Services	Protecting the workforce Responding to the needs of the retained duty workforce Responding to extreme weather events and other large-scale incidents	Safe handling of equipment Core skills of retained workforce
Policing & Law Enforcement	Review of PACE Initiatives to bring down violent crime Addressing staff underperformance Achieving greater minority representation	Refresh/retraining for PACE updates
Forensic science	Public and judicial trust and understanding of scientific evidence	Quality assurance

C&YP=children & young people, CJ=community justice, CC=custodial care, P&LE=policing & law enforcement, FS=forensic science, CT&PS=courts, tribunals & prosecution services, FRS=fire & rescue services

Source: IES focus groups and interviews, 2009

7 Conclusions and considerations

This work has identified numerous drivers of change and resulting skills priorities. As noted, however, this is only the beginning of a longer process. Having identified a range of issues to address, sector stakeholders now need to consider:

- 1) Priorities within priorities - *where are the consequences of action or inaction most serious?*

The strategies discussed in chapter four and the lists of skills priorities discussed throughout (and collected in summary tables at the end of chapter six) are unlikely to be feasible in their entirety. Some actions may be unavoidable. Others will need to be prioritised according to affordability, cost-benefit calculations and other dependencies, acting first where lead times are longest.

Insofar as the future is uncertain (but a lot of change is expected), this reinforces the importance of an over-arching focus on management and strategic skills to facilitate the recognition of needs and push through the changes required.

- 2) Monitoring developments as they unfold - *where is the sector heading, what is it doing to adapt?*

This is largely about continued horizon scanning. To be most effective, stakeholders will need to move beyond identifying trends and changes in isolation and making piecemeal changes. Rather, there should be a focus on patterns of changes. Referring changes back to the scenarios in this report will be one means of achieving this.

- 3) Translating strategic insights into concrete plans - *what volume and level of skills will be deployed, how much of it will be through change in existing jobs?*

This is partly about further research and analysis to decide where skills are required within people or within jobs, and to identify the volumes of skills required over time in different areas. It is then a matter of considering how any ambitions are financed and delivered.

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