

# **The 2010-2015 Coalition and criminal justice: Continuities and Contradictions**

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## ***Abstract***

This paper examines the direction and qualities of the extensive Criminal Justice Sector (CJS) reforms to policing, prisons and probation under the Coalition Government of 2010-2015. First, we examine the ways in which austerity and the 'crime drop' informed the Coalition's overarching approach to CJS reform. Second, we examine in detail the content of policing, prisons and probation policies under the Coalition. Third, we move to explore the key themes emergent in the Coalition's approach to CJS reform and discern a set of continuities with the preceding New Labour administration, as well as a set of contradictions embedded in the qualities of the reforms. In other words, the question remains as to the relative influence of evidence, localism (democracy) and ideology as drivers of CJS policies set against the backdrop of continued austerity.

## **Introduction**

The Criminal Justice System (CJS) in England and Wales went through extensive reform under the Coalition Government of 2010-2015. In this paper, and through the lens of policing, prisons and probation, we set out to identify the direction and qualities of these reforms. The focus on policing, prisons and probation is justified on the basis that interrogation of these major aspects of the CJS should enable the principles underpinning the Coalition's approach to the CJS to be discerned. The paper is structured in the following fashion. First, and recognizing that context serves to shape policy, we examine the ways in which austerity and the 'crime drop' informed the Coalition's approach to the CJS. Second, we progress to examine the content of policing, prisons and probation policies under the Coalition. Third, we move to identify the key themes emergent in the Coalition's approach to the CJS. Finally, we offer some brief conclusions.

## **1. Context**

**Context conditions the nature of policy development. Whilst policy-making is an inherently political process (Davies and Nutley, 2001), driven by ideology, it is also shaped by the context in which it is designed and delivered. Two factors stand out as framing CJS policy design and delivery under the Coalition between 2010 and 2015, these being: austerity; and, the ‘crime drop’.**

The Coalition Government came to power as the extent of the global financial crisis came to be realised. Its response to this crisis has become known as the ‘austerity agenda’, or ‘deficit reduction plan’ as articulated in the Comprehensive Spending Review (HM Treasury, 2010). The ‘austerity agenda’ clearly underpinned all public service thinking between 2010 and 2015, though resource pressures pre-date – and will presumably outlive – austerity. Garside and Ford (2015a), drawing on data from Her Majesty’s Treasury report, identified an 18 per cent reduction in CJS expenditure between 2010 and 2015. In other words, by 2015, the Home Office and Ministry of Justice spent over £4 billion less than they did in 2010.

In terms of police service funding, reductions in excess of 20 per cent were sought between 2011 and 2015; over that period, forces identified over £2.5 billion of savings (HMIC, 2014). A key means by which these savings were achieved was through a reduction in the number of police officers (and staff). The number of police officers in England and Wales had risen during the first decade of the 21<sup>st</sup> century, reaching a historic peak of 144, 274 in 2009. However, and by the end of 2014, this number had fallen by approximately 16,000 (ibid.), or 11 per cent.

Similarly, and between 2010 and 2014, the Ministry of Justice reported that it had reduced its net annual expenditure by approximately 27 per cent (Ministry of Justice, 2014a). In this period, the budget for the National Offender Management Service fell by approximately £600 million (*ibid.*). Between 2010 and 2013, the number of prison officers (and staff) in England and Wales declined from 49,348 to 39,295, a reduction of 20.4 per cent, whilst the number of probation officers fell from 19,067 to 16,236, a reduction of 14.8 per cent (Garside and Ford, 2015b).

Set alongside the 'Austerity agenda', it is important to recognise that the Coalition Government came to power in an era in which the overall level of crime (and to an extent public worry about crime), in England and Wales as in other polities, was on a downward trajectory (ONS, 2014a; Tseloni *et al.*, 2010). Indeed, it continued to fall under the Coalition Government. Police recorded crime and the Crime Survey for England and Wales (CSEW) evidence a decline in the overall level of crime under the Coalition Government of approximately 10 per cent. This led Crime Prevention Minister Norman Baker (2014) to state that 'England and Wales are safer than they have been for decades'. That said, there are still an estimated 7.3 million incidents of crime and the rate of decline shows evidence of slowing (ONS, 2014a). Whether falling police officer numbers (and staff) are responsible for the slowing of the 'crime drop' is uncertain, as the evidence base linking police numbers to crime rates is equivocal. Moreover, whilst the level of traditional or community-centred forms of crime have fallen, new forms of criminal activity such as cyber crime, fraud, terrorism, and the trafficking of people and goods have emerged (Independent Police Commission, 2013), the scale of which is difficult to quantify.

At this juncture, it is pertinent to identify some factors that have failed to evidence positive or sustained change in line with the 'crime drop' and which, therefore, represent important contextual challenges to the design and delivery of Coalition CJS policy. First, the public is seemingly ignorant of the 'crime drop', though this is nothing new. At the commencement of the New Labour administration (1997-2010), the disjuncture between the 'crime drop', public concern about crime and disorder, as well as falling (though relatively high) confidence in the police, became known as the 'reassurance gap' (Millie, 2014). In response, a national programme of reassurance policing was developed by New Labour with the clear intention to address public perceptions of crime and confidence in the police, as much as to achieve further reductions in crime. The central mechanisms through which these aims were to be achieved were greater community engagement and policing visibility (Tuffin *et al.*, 2006). A key contextual challenge for the Coalition, therefore, was how to achieve increased public confidence in the police in the face of declining police numbers. Recent data from the CSEW indicates that whilst public confidence in the police remains high, its upward trajectory (achieved under New Labour) was not maintained throughout the duration of the Coalition Government. Whether this was the result of decreased police numbers is uncertain, though the public report decreased likelihood in seeing a foot patrol officer (ONS, 2014b).

Second, and despite the 'crime drop', prison numbers in England and Wales almost doubled between 1993 and 2012 from 41,800 prisoners to over 86,000 (Ministry of Justice, 2013a). Prison numbers were broadly stable during the period of the Coalition government, one notable exception being in the aftermath of the public disorder of 6-9 August 2011 that led to an immediate increase of around 900 in prison (*ibid.*). There is no direct link between crime rates and prison numbers

in the UK. The Ministry of Justice (*ibid.*) report that two factors caused the increase in the prison population of England and Wales between 1993 and 2012: tougher sentencing and enforcement outcomes; and, a more serious mix of offence groups coming before the courts. Early in the Coalition government period there was little evidence of changing attitudes to sentencing. Based on CSEW data from 2010/11, Hough *et al.* (2013) found that attitudes to sentencing had changed little since 1996, with most people thinking that the courts were too lenient but underestimating the severity of sentencing practice and expressing relatively lenient sentencing preferences when presented with a hypothetical case. At the time of writing more recent evidence was not available.

Finally, rates of re-offending under the jurisdiction of the CJS in England and Wales are relatively high and have remained so for many years. Indeed, the proven re-offending rate for adults cautioned, convicted or released from custody has remained at around 25 per cent for the last 10 years (Ministry of Justice, 2015). For those released from custody the proven re-offending rate is higher, though also stable, being between 45 and 50 per cent over the last ten years (*ibid.*).

In summary, the 'austerity agenda' has loomed large over the Coalition's approach to the CJS, as it has across all areas of public policy. In short, the CJS has been required to operate in the context of a significantly reduced expenditure profile. The most obvious consequence of this, which in turn has (surely) framed the potential content of CJS policies, has been a reduction in CJS staffing. This trend holds true for policing, prisons and probation. Alongside the 'austerity agenda', CJS policy has been designed and delivered in relation to an apparent longstanding 'crime drop' or rather, as we have argued, in relation to that which has not changed in line with the 'crime drop'.

Thus, a set of seemingly intractable factors have served to frame the design and delivery of the Coalition's CJS policy, these being: concern over the level of public confidence in policing; the high level of imprisonment; and, the high level of the proven rate of re-offending. In this section, we have noted that the qualities of these factors have (seemingly) changed little between 2010 and 2015. However, it is important to recognise, given the time lags associated with policy implementation, that the effects of the Coalition's policies governing the police, prison and probation sectors are yet to take full hold.

## **2. Policing, prisons and probation policy under the Coalition**

In this section, we survey the key developments in CJS policy in the police, prison and probation sectors between 2010 and 2015.

### ***Policing***

The key elements of the Coalition plan to reform policing were presented in a White Paper entitled, 'Policing in the 21st Century' (Home Office, 2010), elements of which became part of the Police Reform and Social Responsibility Act (2011). In the Ministerial foreword to the White Paper, Teresa May stated that, 'we need to once again reform policing in the country; restoring once more the connection between the police and the people, putting the public back in the driving seat and enabling the police to meet the new crime and anti-social behaviour challenges' (ibid.: 3). The Coalition thus placed the need to enhance police-public relations at the heart of their plans to reform policing. The principle mechanism of this 'reconnect' was the replacement of police authorities with directly elected Police and Crime

Commissioners (PCCs), who hold the responsibility for creating police and crime plans, commissioning victim and community safety services, and both the appointment and dismissal of Chief Constables. Though there was widespread recognition that the governance of policing was in need of reform, in particular because the inability of police authorities to ensure that local concerns were adequately addressed by their police forces, replacing an authority with an individual with significant power poses the potential to politicize the police, with elected politicians not chief constables setting the strategic direction of police forces (Joyce, 2011). To date, however, there is limited evidence to suggest that the establishment of PCCs has served to foster enhanced police-public relations. Indeed, the Independent Police Commission (2013) regard PCCs as an 'experiment that is failing' and that it is 'difficult to envisage how a single individual can provide effective democratic governance of police forces covering large areas, diverse communities and millions of people'.

The White Paper (Home Office, 2010) also proposed review of police officer pay and conditions, and of police leadership and training. Once again, there was in principle support for review and movement towards the professionalization of policing. Yet, the recommendations for police officer pay and conditions contained in the subsequent Winsor Report (Winsor, 2011), and the failure to engage the service in the programme of reform, have proved highly unpopular and impacted upon officer morale. In a survey of serving officers, the Independent Police Commission (2013) found that only 3 per cent felt 'very supported' and 35 per cent 'somewhat supported' by the government. Both the White Paper (Home Office, 2010) and the Neyroud Report (2010) suggested that the Association of Chief Police Officers should take the lead on police leadership, national standards and best practice. However, the Home Secretary determined that this role would be undertaken by the

College of Policing, which became operational in 2012 with a vision to create a “world-class professional body” (College of Policing, 2014). Taken as a whole, these changes irrespective of their long-term consequence on recruitment, training and practice have moved to ‘diminish the institutional power of the police’ (Garside and Ford, 2015a).

Sitting alongside these developments, the Coalition moved to establish a What Works Centre for Crime Reduction (WWCCR) hosted by the College of Policing. The objective of the WWCCR is to review research on practices and interventions to reduce crime and to make this evidence accessible to PCCs and the police, thus enabling the effective and efficient targeting of resources. This move resonates with the belief of Her Majesty’s Inspectorate of the Constabulary (HMIC, 2014) that policing in austerity demands partnership working to reduce demand on policing services and the use of evidence-based methods to inform policing practice. That said, and despite pockets of notable practice the HMIC conclude that partnership working remains largely underdeveloped and that there is limited engagement with the evidence-base, which itself is partial in nature (*ibid.*). This view is echoed by the baseline report of the WWCCR, which concludes that whilst there is clear movement by PCCs and police forces to engage in evidence-based decision-making, there remain significant tensions between this approach and the perceived need to accommodate public opinion as well as professional insights (Hunter *et al.*, 2015). These tensions are unsurprising, of course, given the other elements of the Coalition’s policing reforms.

## ***Prisons and probation***

The Coalition's preferred strategy for reducing re-offending whilst also reducing costs was a combination of market testing, outcome focused commissioning strategies and a diversification of the supplier base. This vision for a 'revolution' in offender management was described in the Conservative Party manifesto in the run up to the 2010 general election:

*The principle of incentivising performance through payment by results, with success based on the absence of re-offending, should be introduced for prisons, the providers of community sentences and the providers of rehabilitation programmes – whether in the public, private or voluntary sector. With devolved responsibilities and new incentives, we can create a revolution in how offenders are managed, and drive down re-offending*(Conservative Party, 2009: 49).

It was subsequently enshrined in the Coalition Agreement:

*We will introduce a 'rehabilitation revolution' that will pay independent providers to reduce reoffending, paid for by the savings this new approach will generate within the criminal justice system* (HM Government, 2010: 23).

Early manifestations of this intention were seen in plans to put a substantial number of England and Wales's 119 public sector prisons up for competition. Ultimately, two prisons – Birmingham and Featherstone 2 – were won by G4S, and Serco gained a new contract to continue running Doncaster (Garside and Ford, 2015a). In 2011, a competition was started inviting bids to run eight public sector prisons and one private sector prison that had come to the end of its contract

period<sup>1</sup>. The result, however, saw only one prison, HMP Northumberland, passing in to the management of the private sector. On the other hand, the competition did identify an alternative model whereby the direct delivery of core custodial functions would be retained by the public sector at considerably lower cost, with ancillary and 'through-the-gate' resettlement services provided through market competition (Grayling 2012). Garside and Ford (2015a) argue that this model provides greater opportunity for the involvement of the private sector.

Another initiative, inherited from the New Labour administration but taken forward by the Coalition and fitting comfortably with the concept of a 'rehabilitation revolution', was the Social Impact Bond. The Ministry of Justice signed a contract with Social Finance to attempt to reduce the reoffending of three cohorts of 1,000 adult males who would be discharged from HMP Peterborough (Disley *et al.*, 2011: iv). Investors placed £5m in social impact bonds to fund the rehabilitation work and stood to gain a potential return of up to £8m from the government and the Big Lottery Fund, if re-offending amongst each of a thousand offenders fell by 10 per cent or if the rate of re-offending for all 3,000 offenders fell by at least 7.5 per cent (Social Finance, 2011: 3). Conversely, if offending did not fall, investors could potentially lose all their money. A similar initiative, Payment by Results initiative was launched at HMP Doncaster in 2009.

Measuring the outcome of Payment by Results and Social Impact Bonds is difficult (Fox and Albertson 2012). The Ministry of Justice (2014b) reported on the outcome from the first cohort from both Peterborough and Doncaster. At Peterborough, the frequency of re-conviction events

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<sup>1</sup> Contract notice **2011/S 206-336076** as published in the Supplement to the Official Journal of the European Union

was 8.4 per cent lower than a matched national control group and the Ministry of Justice (ibid.: 2) reported: *'This means that the provider is on track to achieve the 7.5% reduction target for the final payment based on an aggregate of both cohorts, but that the pilot did not achieve the 10 per cent reduction target for cohort 1.* At Doncaster the first cohort's re-conviction rate was 5.7 percentage points lower than the 2009 baseline year. The Ministry of Justice (ibid.: 3) reported: *'This is a successful outcome for the provider, Serco, because the 5.0 percentage point threshold has been achieved, and they therefore retain the full core contract value for this pilot year'*. A Ministry of Justice (2015) statistical bulletin provides early analysis of the progress of the second cohorts. Although only convictions within six months of release, rather than the usual 12 months, are reported, the results are disappointing. For Peterborough, there was only a small reduction in the frequency of reoffending – an average of 84 reconviction events per 100 offenders compared to a national rate of 86. For Doncaster, the reconviction rate rose 2.8 percentage points against the previous year and to a level that was higher than the national comparison. Webster (2015) argues that: *'These are very disappointing results for the MoJ. Normally, there would be an expectation of a high level of performance from pilots with such public exposure where the partners had chosen to participate and, indeed, had championed and driven the initiative from the outset'*.

In the probation sector an early competition to let contracts to deliver community payback or unpaid work, divided into six regional lots, resulted in only one contract, for London, being let. At the same time a competition for 'innovation pilots' was launched. One lot in the bidding round was designed to find innovative approaches to tackling the re-offending of offenders who have served prison sentences of less than 12 months, whilst the other lot was more loosely specified. The call for

bids stated that the Ministry of Justice would 'seek to develop the market for payment by results through innovative forms of finance and strong involvement from voluntary and social enterprise organisations, including smaller organisations . . .' <sup>2</sup>. A change of Secretary of State saw these innovation pilots discontinued as the more radical *Transforming Rehabilitation Strategy* was advanced (Ministry of Justice, 2013b).

Early ideas on reform of the probation service envisaged devolving the commissioning of community offender services to the 35 Probation Trusts. The aim was to encourage new market entrants from the voluntary, private and public sectors as well as joint ventures, social enterprises and Public Service Mutuels (Ministry of Justice, 2012). Probation Trusts would continue to deliver services to high-risk offenders and could compete to run other services. This devolved strategy seemed consistent with the earlier Green Paper on criminal justice reform in which the Coalition Government set out an agenda designed to challenge a 'Whitehall knows best' approach, which was viewed as having stifled innovation at national and local levels (Ministry of Justice, 2010).

The *Transforming Rehabilitation Strategy* (Ministry of Justice, 2013b) reiterated the Ministry of Justice's intention to introduce a widespread programme of competition for probation services. The Probation Trusts would be abolished and the majority of community-based offender services (community sentences and licenses) would be subject to competition. Included was a commitment to extend license requirements to offenders released from sentences of less than 12 months – a group that was not previously supervised. In a reversal of

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<sup>2</sup> Contract notice 2011/S 235-381192 as published in the Supplement to the Official Journal of the European Union

the earlier emphasis, there would be a national competition for geographical 'bundles' of resettlement services in the form of Community Rehabilitation Companies (CRCs). Contracts for CRCs would include an element of payment by results. Existing probation services would be allowed to join the competition by setting up new independent entities (such as employee-led mutuals). Work with high-risk offenders, assessments and court reports would pass to a new National Probation Service. The split between the National Probation Service and CRCs took place in June 2014 and contracts were signed with the successful bidders, mostly private sector providers working in partnership with not-for-profit organisations, to commence running of the CRCs in Spring 2015. The Offender Rehabilitation Bill received Royal Assent in March 2014 and included measures for the expansion of licence requirements to offenders released from short prison sentences and a new post-sentence supervision period.

### **3. The Coalition's approach to the CJS**

In this section we set out some of the key themes, and their contradictions, that emerged in the Coalition Government's approach to the CJS, these being: devolution and centralism; marketization with a growing emphasis on payment by results; politicisation and de-politicisation; and, evidence-based policy.

The Coalition's approach to the CJS has been coloured by moves to both devolve and centralise decision-making (Garside and Ford, 2015a), though it has lacked consistency of emphasis and achievement. In policing, the introduction of PCCs represents a move to greater localism, whereas the introduction of a National Crime Agency and the establishment of the College of Policing (inclusive of

the WWCCR) are indicative of enhanced centralisation. In the prisons sector, an attempt to orchestrate the devolvement of core provision (via privatisation) failed and was superseded by the selective outsourcing of estate management (ibid.). In the probation sector, the trajectory to devolve commissioning to Probation Trusts was superseded by their abolition and the creation of a National Probation Service. At the same time, there has been a move to devolve resettlement services to CRCs (ibid.; Fox and Grimm, 2015). In overview, we can interpret the direction of travel to be towards a greater centralisation of control. CJS policy has, however, included elements that might be claimed to enhance the sensitivity of service provision to local demands. In stating this, it is also clear that the mechanisms deployed to achieve this have been imbued by a further set of political imperatives (see below). Moreover, the qualities of the mechanisms deployed have impacted upon the outcomes achieved.

The Justice Reinvestment pilots represent an illustrative case in point. On the one hand, they represent a clear intention to decentralise and empower local delivery agencies. However, the system of metrics and payment regimes established by the Ministry of Justice have been critiqued as overly complex and providing insufficient incentive to encourage local agencies to invest or to make substantial changes to practice that were not already being planned (Wong *et al.*, 2013).

A second major theme of the Coalition's approach to the CJS has been marketization. The use of non-public sector providers in the CJS was, of course, established prior the Coalition Government. However, and between 2010 and 2015, there was clear endeavour to enlarge the role of markets as a key driver of reform. As Garside and Ford (2015a) note, there were variations in how this approach to marketization was implemented both within and across sectors. Within the prison sector, putting individual prisons out to competition ('vertical commissioning')

was superseded by a model in which whole service categories, such as buildings and estate management, were put out to tender ('horizontal commissioning'). In the probation sector, an initial decision to devolve commissioning to Probation Trusts was overturned in their abolition. The creation of a National Probation Service effectively served to centralise macro-level commissioning. It is worth noting that this trend evidences distinction from other areas of the public sector. In health and social care, for example, there has been a clear trend towards decentralised place-based or even micro-level commissioning (Fox *et al.*, 2013).

Another aspect of the marketization of the CJS has been the increased emphasis placed on payment by results (PbR), of which Social Impact Bonds are a subset. The Coalition Government did not invent PbR. Rather, the first Social Impact Bond model was deployed by the previous New Labour administration. The Coalition Government did, however, move to implement PbR across the public sector, the largest being the Work Programme commissioned by the Department for Work and Pensions with a budget of £3.3 billion (National Audit Office, 2015). The Coalition Government articulated various advantages for PbR initiatives. First, it was hoped that they would demand less micro-management and so enable greater innovation. Freeing up providers to deliver services in different ways, the deployment of PbR would both drive down costs and encourage greater innovation (Ministry of Justice, 2013b). As part of its strategy to enable PbR commissioning in the probation sector, the Coalition Government (Ministry of Justice, 2011) revised the national probation standards, significantly relaxing central government direction. Later, Section 15 of the Offender Rehabilitation Act 2014 introduced the Rehabilitation Activity Requirement (RAR) for Community Orders and Suspended Sentence Orders. While the court

decides on the length of the RAR and the number of days (intensity), the Community Rehabilitation Company determines the most appropriate interventions to deliver. Second, PbR was seen as a way of tackling complex social issues (National Audit Office, 2015), and as a mechanism to focus attention on preventative measures (Mulgan *et al.*, 2010).

Third, PbR was seen as a means to transfer risk by making some or all of the payment to a service contingent on that service delivering agreed outcomes. Given the need to reduce public sector spending, the transference of risk and the deferment of payment for services were attractive propositions for the Coalition (Fox and Albertson, 2012). Fourth, the PbR model was seen as a way of encouraging new market entrants, eliding with the Coalition's commitment to increase the proportion of specific public services delivered by independent providers (both private and not-for-profit), harnessing their 'creativity and expertise' (Ministry of Justice, 2010: 41).. Finally, PbR was seen as a model to increase accountability. In its White Paper on *Open Public Services* the government stated that, 'Open commissioning and payment by results are critical to open public services ... Payment by results will build yet more accountability into the system – creating a direct financial incentive to focus on what works, but also encouraging providers to find better ways of delivering services' (Cabinet Office, 2011: paragraphs 5.4, 5.16.). In sum, and over the course of the Coalition administration, the portfolio of PbR schemes grew. However, a recent National Audit Office review found lack clear evidence that they delivered the potential benefits their supporters advocated, and cautioned that without such evidence, 'commissioners may be using PbR in circumstances to which it is ill-suited, with a consequent negative impact on value for money' (National Audit Office, 2015: 8). In

these terms PbR, and marketization in general, have achieved limited impact upon CJS outcomes and deficit reduction. They can, however, be interpreted as further contributing to the redrafting of central-local relations, the direction of policy travel being centred whilst the provision of services are devolved.

The third major theme embedded in the Coalition's approach to the CJS has been its seeming move to depoliticise service reform. Here, and once again, there is an element of continuity with the preceding New Labour administration. Diamond (2013), in line with Garland's (2001) thesis of the 'hollowing out of the state', identified the key features of New Labour's approach to depoliticise public sector reform to include: the systematic use of audit, recording and assessing relative performance in public services; the creation of 'arms-length' mechanisms for the management of state services, such as Foundation Trusts in the health sector, Academy schools in education and Probation Trusts in the criminal justice sector; and, the delegation and 'agentification' of public services, such as turning the Home Office's Immigration and Nationality Directorate into an operationally independent public agency, the UK Border Agency. Such strategies place key institutions and services out with the day-to-day control of ministers in an attempt to modify the balance of parliamentary accountability and operational responsibility. 6 and Peck (2004) do not find the depoliticised view of New Labour's approach plausible or convincing. Diamond (2013) takes up this theme identifying countervailing moves to politicise public service reform, centred on the endeavour to demonstrate competent governance, and concluding that politicisation and depoliticisation strategies are dialectical in the sense that they are complimentary and self-reinforcing.

Aspects of the Coalition's approach to CJS reform exhibit similar tendencies. Thus, the creation of PCCs and CRCs can, on the one hand, be seen as a move to further depoliticise CJS reform at the national level. PCCs and CRCs serve to transfer important aspects of accountability and service delivery beyond the day-to-day control of Ministers and, arguably of parliament, though there is distinct nuance between these initiatives. In the case of PCCs (as noted earlier), this shift in the locus of accountability, effectively serves to politicize policing at the local level (Joyce, 2011). In the case of CRCs, the size and duration of the contracts involved mean that reversing this policy would be extremely difficult for any future government because of the penalty payments that would be incurred. On the other hand, the creation of markets within the CJS can be seen as deeply ideological, the logical extreme of which might be the creation of tradeable assets and a market in Social Impact Bonds (Mulgan *et al.*, 2010).

A final theme that holds place in the Coalition's approach to the CJS is the promotion of evidence-based policy. New Labour, at least initially, championed the importance of evidence-based policy (Cabinet Office, 1999) to modern, professional policy-making (Bullock *et al.*, 2001). For Bannister and Hardill (2015: 3), this marked a 'political imperative to move beyond ideological assertion to pragmatic considerations of 'evidence' and 'what works'', and Diamond (2013) points to the emergence of 'evidence institutions', such as the National Institute of Clinical Excellence and the Monetary Policy Committee, designed to coordinate the collection and analysis of evidence and data to inform the policy-making process. To an extent, this is a theme that continued under the Coalition. It established a 'What Works Network' of six What Works Centres, including the WWCCR, to collate existing evidence on effective policies and practices, produce syntheses and systematic

reviews of evidence where there are currently gaps and to disseminate this knowledge among policy-makers and practitioners. In this sense, the WWCCR can be seen as an endeavour to deliver efficiency savings through more effective practice. As indicated earlier, however, there are clear tensions between the emphasis on evidence-based approaches and the endeavour to promote increased sensitivity to local public accountability (Hunter *et al.*, 2015). More broadly, the various reforms to the CJS described in this paper were not advanced upon robust evidential foundations. The Coalition did impact, however, upon the types of evidence to be given primacy in policy-making. Under PbR, service providers are challenged to deliver a set of specified outcomes in order to receive payment, effectively serving to pre-determine the range of evidence sought irrespective of its availability or quality (Fox and Albertson, 2012).

#### **4. Conclusion: Continuities and Contradictions**

Reflecting on the Coalition's approach to the CJS it is possible to identify a set of continuities with the preceding New Labour administration and a set of contradictions embedded in the emergent themes of that reform. Austerity and the persistence of certain CJS problems (irrespective of the crime drop) also served to frame the Coalition's CJS agenda and the vigour with which it was pursued. Evidence of continuity, if not emphasis, abounds. Approaches to the marketization of the CJS championed by the Coalition are clearly rooted in New Labour initiatives, though the scale of deployment has been markedly extended, with the marketization of probation services being the clearest example of this. The Coalition also acted to infuse its approach with strategies aimed at both depoliticising and politicising the CJS. Again, there is clear lineage with New Labour's approach to the CJS, though it has found new form as in the creation of PCCs.

Finally, the Coalition also moved to promote evidence-based decision-making. Whether this will be ultimately viewed as rhetoric over reality, as many commentators of New Labour's drive to evidence-based policy have claimed (see *inter alia* Maguire, 2004; Hough, 2004) is too early to judge.

Turning to consider the contradictions evident in the Coalition's approach to the CJS, these may be viewed from two perspectives. First, policy development across and within the police, prison and probation sectors was 'uneven' and at times exhibited movement in contrasting directions. The endeavour to centralise and / or decentralise decision-making is a clear case in point, playing out in different ways and to divergent timetables across each sector. Market testing and PbR, for example, were deployed extensively in the probation sector, but not within the policing sector. Another example would be the commitment to evidence-based policy that is most obvious in policing and offender interventions, but lacking in the introduction of PbR. These differences are partly due to the particular political sensitivities or visibility of each sector, the police service holding greater prominence than the probation service. That said, differences between the ideological perspectives of key politicians in the Home Office and Ministry of Justice are also likely to have played a part. Second, policy unevenness is not just evident between sectors, but within sectors. Thus, and for example, within policing the creation of PCCs seems to be a decentralising move while the creation of a College of Policing is centralising. Finally, and when the legacy of the Coalition's approach to the CJS takes shape, the tensions embedded in the suite of mechanisms deployed to enact policy across the CJS may come in to sharp relief. In other words, the question remains as to the relative

influence of evidence, localism (democracy) and ideology will hold in the face of continued austerity.

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