Justice for Sale – unions voice concern over increased privatisation and cost-cutting

The scale of private sector involvement in the UK’s prisons and probation service has increased dramatically in the last four years and the overwhelming majority of contracts are held by just three companies, says the TUC in a new report published today (Friday).

Justice for Sale is the first in a series of reports from the TUC and its seven unions with members employed in the justice sector. The research was undertaken by the New Economics Foundation and looks at the growth of outsourcing where work once carried out by the public sector is now being handled by private companies.

The report looks in detail at what has been happening in the three areas of offender management in England and Wales – prisons, probation and electronic tagging – in an attempt to assess the implications for the taxpayers, public safety and the rehabilitation of offenders.

One in six of the UK’s prisons is now run privately – a higher figure than anywhere else in Europe, says the report, and there are now fewer staff employed on lower wages.

While supporters of private prisons say that they are both cheaper and more efficiently run, the report says that they tend to be more overcrowded and that this has been the real reason for any savings achieved.

In 2012-13 for example 29.3 per cent of prisoners in privately managed prisons were being held in overcrowded accommodation compared to 21.8 per cent in those run by the state. There are real concerns over the impact this has upon inmates, says the report. It also notes that all prison contracts are held by just three companies – G4S, Serco and Sodexo.

The report also highlights concerns over the involvement of private firms in the electronic monitoring of offenders. The Serious Fraud Office is currently investigating claims that two of the companies which once had tagging contracts alongside Capita – Serco and G4S – have overcharged taxpayers to the tune of millions of pounds.

Much of the probation service will have been handed over to the private sector to run under the government’s transforming rehabilitation programme by next year, says the report.

The government argues that outsourcing in probation will help reduce reoffending and save money. But introducing a payment by results mechanism will encourage private companies and voluntary organisations that win the contracts to concentrate on those people least likely to reoffend, and leaves little incentive work with anyone who has already committed another offence, says the report.

TUC General Secretary Frances O’Grady said: “Privatisation of the justice system didn’t begin under this government but it has certainly upped the pace. The dedicated professionals who work in our courts, prisons and probation services have real concerns about the effect that widespread privatisation and cost-cutting is having upon the justice system.

“Not only is it likely – given the performance of the private sector in this area to date – that standards will slip, there is also a real danger that the safety of the public could be put at risk. It can’t be right that so much of our justice system should be placed in the hands of such a small number of private firms whose ultimate concern is their shareholders rather than providing a good deal to taxpayers.”

Justice for Sale makes a number of recommendations including:

An independent review should be undertaken to identify the most effective model for delivering the electronic monitoring of offenders looking at cost, keeping up with technological developments, reducing the rate of reoffending and maintaining public safety.

The transforming rehabilitation reforms in the probation service should be put on hold while an independently evaluated pilot takes place, and there should be a unified, locally accountable, public probation service.

An independent review of prison structures should be undertaken looking into overcrowding, closures and the impact on service quality and the workforce.

Where service provision falls below agreed standards, it should be possible to bring prisons back into public management, and contracts should place more emphasis on the safety and security of offenders and staff, and the welfare of prisoners.

Before a public service, be it national or local, can be put out to tender a thorough public interest case needs to be put forward incorporating both quality and value for money considerations, and there should be full consultation with staff, service users and the public on the case for outsourcing.

The previous poor performance of bidders, including breaches of employment law, health and safety, environmental and tax obligations, should be taken into account during any tendering process.

Justice for Sale is the first activity of the Speak Up for Justice campaign which is calling for an integrated, publicly owned, accessible and accountable justice system. There are seven TUC unions involved in the campaign which is against cuts to jobs and services, and for a properly funded justice system.

FDA General Secretary Dave Penman said: “The criminal justice sector and the Crown Prosecution Service is being put under unbearable strain by the continuing reduction in funding and resources. Hard working prosecutors ensure that around 800,000 cases are successfully prosecuted each year whilst maintaining a conviction rate of over 80 per cent.

“However with fewer staff, fewer offices and reducing resources, it is increasingly difficult to see how, even with their dedication, those standards can be maintained. The FDA supports Speak up for Justice to highlight to the public the effect these cuts are having on the criminal justice system.”

GMB National Secretary for Public Services Brian Strutton said: “The coalition government’s dogmatic privatisation of probation, prisons, policing and court services is both reckless and dangerous. Combined with the wholesale undermining of legal aid services it amounts to a fundamental erosion of the entire system of justice in this country.

“That's why the Speak up for Justice campaign is so important. Unions and other representative groups need to combine forces to raise awareness and mobilise public anger to put a stop to the government’s wanton destruction of justice services.”

Napo General Secretary Ian Lawrence said: “The privatisation of the probation service is untried, untested and a dangerous social experiment. It will fragment an effective and coherent service into a fragmented, inadequately resourced public sector and 21 community rehabilitation companies that will be sold off to the lowest bidders with little or no criminal justice experience.

“Napo along with other stakeholders firmly believe this will undermine public protection and place the public and communities at risk.”

POA General Secretary Steve Gillan said: “Working within the criminal justice sector is one of the most demanding and stressful occupations imaginable. Unfortunately, the government is imposing cuts which are making our members’ lives even more difficult by having to work within an environment of violence and hostility due to the overcrowding caused by the government’s prison closure programme.

“This report supports our call for the budget cuts to stop so that we look again at the effects that the institutionalisation of prison overcrowding is having on day-to-day prison life and on offender rehabilitation.”

PCS General Secretary Mark Serwotka said: “From courts closures to legal aid cuts, charges for tribunals and prison privatisation, this government is making it harder for people to get access to justice. Without providing recourse to a fair, open and properly resourced justice system this country will lose the right to call itself civilised.”

UNISON General Secretary Dave Prentis said: “Damaging cuts to neighbourhood policing, privatising 999 call-taking and plans to break up and privatise the probation service all highlight the importance of the TUC’s Speak up for Justice campaign.

“UNISON is committed to working with our sister unions in police and justice to fight off this government’s ruthless and dangerous attack on our justice system.”

Unite National Officer Mike McCartney said: “From police staff to our prison and detention, probation and rehabilitation services – these are all increasingly being privatised and turned into profit-making services for shareholders while access to justice, legal aid and advice services are made ever harder for people as austerity bites deeper.

“You cannot put a price on an equal and just legal system, yet at every step that is what is happening, and it is happening without public debate about what is a cornerstone principle of a free, fair and participative democratic society. This is unacceptable and needs to change – we must have a justice system that delivers justice not profit.”

- The Justice for Sale report is available at <https://www.tuc.org.uk/sites/default/files/Criminal%20Justice%20Report.pdf>

- For more information on the Speak up for Justice campaign go to [www.speakupforjustice.org](http://www.speakupforjustice.org)