



External Services Scrutiny Committee Review Scoping Report 2016/17

Community Sentencing

Aim and background to review

Community Sentencing and Community Orders

The Criminal Justice Act 2003 introduced the use of Community Orders and Suspended Sentence Orders, both of which have an impact on probation and community sentencing. A court will usually order an offender to perform one or more 'requirements' as part of their sentence within a Suspended Sentence Order or a Community Order and this will usually be managed by the offender's probation officer.

Community sentencing, alternative sentencing and non-custodial sentences are terms used in criminal justice for different ways (other than a custodial sentence where the offender serves a prison term) that courts can punish someone who has been convicted of committing an offence. These alternative sentences attempt to reform the offender (rehabilitation) and put right what they did (reparation). Traditionally, victims of a crime played a small part in the criminal justice process. However, the restorative approach to justice often requires the offender to apologise, compensate for the damage that they have caused or repair it with their own labour as part of their sentence.

When giving sentences, judges and magistrates have three available options: prison, a community sentence or a fine. The community sentence or community order, can replace custodial sentence, depending on the nature of the crime. If a community sentence is given, it is either because a custodial sentence will not help to rehabilitate the offender, or does not suit the crime. Community sentences allow offenders to undertake a rehabilitative programme and work in the community while being supervised by the probation service.

Offenders are likely to be put on probation supervision when a judge sentences them to a Community Order which would allow them to make amends for their crime. Instead of depriving those who commit less dangerous offences of their freedom, the courts put some

limitations on them and give them some duties. Examples of community sentencing that could be ordered by the court include:

- up to 300 hours of compulsory unpaid work on local community projects under close supervision. This work could include collecting litter, clearing local land, redecorating community centres (or other public buildings) or assisting the local authority in removing graffiti in public spaces (this can be called community payback or community service);
- participation in specified activities which could include day centre activities, education and learning, and basic skills assessment and training;
- participation in programmes that are accredited by the Home Office and which follow a national core curriculum aimed at changing offending behaviour;
- regularly visiting a probation officer to help the offender improve their behaviour;
- curfews may be imposed by the court; and
- wearing an electronic tag.

The shift towards alternative sentencing means that some offenders avoid imprisonment with its many unwanted consequences. This is beneficial for the society, as it may prevent: the revolving door syndrome; the inability of a person to go back to normal life after leaving a prison; and becoming a career criminal. Furthermore, there are hopes that this could alleviate prison overcrowding and reduce the cost of punishment. However, if an offender breaks the rules of their community sentence, they could end up back in court and, if they have recently been released from custody, they could be sent back.

London Community Rehabilitation Company (CRC) and National Probation Service (NPS)

The London Community Rehabilitation Company (CRC) was launched on 1 June 2014 at the same time as the new National Probation Service. London is the largest of the 21 CRCs, manages approximately 25,000 cases and is responsible for:

- Managing the majority of offenders in the community, excluding those who are MAPPA (Multi Agency Public Protection Arrangements) registered
- Offending behaviour programmes (for example, to tackle domestic abuse and improve thinking skills) excluding Sex Offender Treatment Programmes
- Support services including: housing; education, training and employment; mentoring; and Restorative Justice
- Integrated Offender Management (a multi-agency approach to reducing reoffending by those whose crimes cause the most damage and harm locally)
- Community Payback
- Senior Attendance Centres
- New 'Through the Gate' resettlement services. All offenders (including those sentenced to less than 12 months) are given continuous support by one provider from custody into the community. This includes accommodation, employment and financial advice.

Community Orders are managed by a probation officer from the NPS who plans and coordinates the supervision programme. The NPS is divided into 42 regional probation areas and is responsible for the people in their regional area. The CRC is responsible for initiating the risk escalation process to the NPS when an offender's circumstances have changed significantly or if their behaviour results in them presenting an increased and imminent risk of harm to the public. The responsibilities of the NPS are.

- Court reports and parole reports
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- Initial assessments
- High risk offenders and MAPPA
- Breaches beyond first warning
- Changes in risk of harm
- Approved premises
- Victim liaison
- Sex offender programmes

The CRC supervises Community Orders and licences for all offenders assessed by the National Probation Service (NPS) as not presenting the highest risk of imminent harm. This equates to around 70% of offenders under probation supervision in the capital. The CRC continues to assess and monitor risk, and is responsible for initiating breach action as well as the majority of recalls to prison.

It should be noted that community sentences for young people are different from those given to adults and fall into three main types:

- referral orders – when, with a panel of people from your local community and your youth justice workers, you are asked to agree a programme of work to address your behaviour
- reparation orders – when you make up for the harm caused by your crime, like repairing any damage to the victim's property
- Youth Rehabilitation Order – when a court decides on different things that you have to do or must not do, which can last for up to 3 years

Whilst the Council has limited direct responsibility in this area, the issues can still be reviewed locally with a view to making recommendations on behalf of the Council and residents.

Terms of Reference

The following Terms of Reference are proposed:

1. To understand the roles of each organisation involved in community sentencing;
2. To explore the effectiveness of community sentencing in terms of a reduction in repeat offending;
3. To identify what the implications of community sentencing have been for communities across London and in Hillingdon;
4. To explore ways in which community sentencing could be improved in Hillingdon;
5. To examine the Council's role in community sentencing and identify whether/how this could be improved;
6. To examine best practice elsewhere through case studies, policy ideas and witness sessions;
7. After due consideration of the above, to bring forward recommendations to the Cabinet in relation to the review.

INFORMATION & ANALYSIS

Methodology

It is proposed that a Working Group be set up to examine background documents and receive evidence at its public and private meetings from officers and external witnesses.

Research into relevant documents and websites would also be undertaken to provide background information for Members.

Witnesses

Possible witnesses include:

1. Community Rehabilitation Company
2. National Probation Service
3. Magistrates Court (Court Clerk / Magistrate)
4. Metropolitan Police Service
5. Offenders

Key Lines of enquiry

1. What work has been completed by offenders serving a Community Order in the last year?
 2. How many community sentences are given out each year?
 3. How is the effectiveness of community sentencing measured?
 4. Are measures in place to monitor offender sickness absence?
 5. How could community sentencing be improved?
 6. What involvement does the Council have in community sentencing and could this be improved?
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WITNESS, EVIDENCE & ASSESSMENT

The table below sets out the possible witnesses that could be invited to present evidence to the Committee. It is proposed that witnesses are invited to attend themed sessions to ensure that issues arising are dealt with comprehensively and strategically. Members are reminded that this is not an exhaustive list and that additional witnesses can be requested at any point throughout this review.

| Meeting | Action | Purpose / Outcome |
|--|---|--|
| ESSC: 12 January 2017 | The scoping report will be presented to the Committee. Members will have the opportunity to agree/amend the terms of reference and/or propose alternative/additional witnesses. | Information and analysis |
| Working Group: 1 st Meeting - TBC | Introductory Report / Witness Session 1 To gain evidence | Evidence and enquiry |
| Working Group: 2 nd Meeting - TBC | Witness Session 2 | Evidence and enquiry |
| Working Group: 3 rd Meeting - TBC | Draft Final Report | Proposals – agree recommendations and final draft report |
| ESSC: 15 March 2017 | The draft final report will be presented to the Committee by Chairman of the Working Group. | Consider Draft Final Report and include the Committee's comments if required. |
| Cabinet: 20 April 2017 | The draft final report will be presented to Cabinet by the Chairman of the Committee. | Cabinet may approve, amend or reject as many of the report's recommendations as it wishes. |

Members may also wish to consider whether appropriate site visits should be undertaken on areas in which they require further information.

Assessment

As is standard practice for a Policy Overview and Scrutiny Committee review, once a report's recommendations have been agreed by the Cabinet, officers will be asked to begin delivering the necessary changes. The monitoring of officers' work is a fundamentally important aspect of the Committee's work and, as such, regular reports on progress can be requested by Members and a full update report will be added to the future Work Programme of the Committee.

Resource requirements

This review will be undertaken within current resources. The plan set out above will be coordinated and delivered by Democratic Services. The additional resource of staff time

APPENDIX B

required to present, collect and format evidence for witness sessions will also need to be considered.