

A REVIEW BY THE 2017/18 EXTERNAL SERVICES SCRUTINY COMMITTEE: *COMMUNITY SENTENCING*

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| Cabinet Member(s) | Councillor Douglas Mills |
| Cabinet Portfolio(s) | Community, Commerce and Regeneration |
| Officer Contact(s) | Liz Penny, Chief Executive's Office |
| Papers with report | A review of Community Sentencing by the External Services Scrutiny Committee. |

HEADLINES

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| Summary | To receive the review on Community Sentencing prepared by the External Services Scrutiny Committee. To give consideration to the recommendations of the review. |
| Putting our Residents First | This report supports the Council objectives of: <i>Our People</i> |
| Financial Cost | The proposed recommendations have no direct financial impact. |
| Relevant Scrutiny Overview Committee | External Services Select Committee |
| Relevant Ward(s) | All |

RECOMMENDATIONS

That Cabinet:

1. Recognise and welcome the findings of the 2017/18 review by the External Services Scrutiny Committee and request that the Chief Executive forward said findings to the Ministry of Justice, requesting that action be taken to amend existing CRC contracts to compel them to co-operate with local partners, specifically in terms of scrutiny.
2. Following the report by the Communities and Local Government Select Committee, request that the Chief Executive also forward the findings of the External Services Scrutiny Committee to the Secretary of State for Housing, Communities and Local Government and the Chairman of the Parliamentary Select Committee, requesting that action be taken to improve the local accountability of Community Rehabilitation Companies, specifically in terms of scrutiny.

Reasons for recommendations

For Cabinet to consider the findings of the Committee's review of community sentencing in the Borough; particularly noting concerns over the lack of scrutiny and accountability of the London CRC. It is recommended that the findings be taken forward by the Ministry of Justice and Secretary of State and Select Committee Chairman for Housing, Communities and Local Government to affect positive change.

Alternative options considered / risk management

The Cabinet could decide to reject the Committee's recommendations, or pursue alternative routes to progress the objectives of the review.

Policy Overview Committee comments

The findings and the recommendations within the report were endorsed by Members at a meeting of the External Services Scrutiny Committee on 13 February 2018 during the 2017/18 Municipal Year. **The Committee has subsequently be re-named the External Services Select Committee for the 2018/19 Municipal Year onwards.**

SUPPORTING INFORMATION

At the onset of this review, the primary aim was to ensure that community sentencing was operating effectively within the Borough, thereby building confidence in the criminal justice system amongst local residents and reassuring them that community sentences for less serious crimes were being used effectively for the purpose of reparation, punishment and to reduce re-offending rates.

The review considered the local implementation of the Government's Transforming Rehabilitation programme initiated in June 2014 which saw a fundamental re-organisation of services to a new National Probation Service responsible for the supervision of high-risk offenders, and a number of private regional Community Rehabilitation Companies (CRCs) responsible for the supervision of medium and low-risk offenders.

As the review progressed, it became apparent that said changes introduced in 2014 had impacted significantly on the accountability of organisations providing former probation services both locally and nationally. Regrettably, the lack of participation of one of the principal organisations involved in community sentencing restricted the ability of Members to conduct a thorough review of the effectiveness of community sentences within the Borough. Hence it swiftly became apparent that the review's objective of reassuring residents that community sentences for less serious crimes were effective in their purpose of reparation and punishment was largely unachievable. Moreover, the review was unable to determine that the rehabilitation services provided to offenders in the Borough were effective; this was equally concerning as it indicated that offenders may not be receiving the help that they need to prevent their reoffending.

Given the lack of engagement of the local Community Rehabilitation Company as detailed in the report, Members' focus necessarily shifted towards broader concerns regarding the lack of scrutiny and accountability of the London CRC, in addition to valid questions about their

operation.

The External Services Scrutiny Committee set up a Working Group, tasked with undertaking the detailed review and witness testimony, chaired by Councillor Ian Edwards, which reported back to the Committee.

In view of the significant concerns highlighted within the report, the Committee has made a number of recommendations. The findings are particularly topical in light of the recent report from HM Inspectorate of Probation, which highlighted poor enforcement of community sentences by the CRCs. Similarly a report in The Independent newspaper, along with others, again drew attention to the apparent ineffectiveness of the CRCs and their perceived inability to fulfil their responsibilities efficiently.

The Cabinet Member has considered the Committee's review and recommendations in detail, along with the Safer Hillingdon Partnership. It is recommended that for the purposes of clarity and in the interest of ensuring maximum impact, Cabinet considers two recommendations which neatly bring together the findings of the Committee, seeking to ensure that key Government bodies are made aware.

Recent review into the effectiveness of overview and scrutiny

As mentioned in the review report, the lack of participation of external service providers was one of the topics considered by the then Communities and Local Government Select Committee in their 2017/18 inquiry into the effectiveness of local authority overview and scrutiny arrangements. The Select Committee have since made a number of recommendations, with one of particular relevance to this review:

'Scrutiny committees must be able to monitor and scrutinise the services provided to residents. This includes services provided by public bodies and those provided by commercial organisations. Committees should be able to access information and require attendance at meetings from service providers and we call on DCLG [the then Department for Communities and Local Government] to take steps to ensure this happens. We support the CfPS [Centre for Public Scrutiny] proposal that committees must be able to 'follow the council pound' and have the power to oversee all taxpayer-funded services.'

In early March 2018, the Government published its response to the Select Committee's review. In relation to the recommendation above, the Government has responded somewhat positively indicating that they will have further discussions with councils to get a better understanding of the issues some scrutiny committees appear to have in accessing information and whether there are any steps the Government could take to alleviate this. The Government also support the principal that in terms of service providers' attendance at meetings, when councils are tendering contracts with external bodies, they should carefully consider including such requirements to ensure they are as open and transparent as appropriate.

Financial Implications

The recommendations proposed as a result of this review have no financial implications per se.

RESIDENT BENEFIT & CONSULTATION

The benefit or impact upon Hillingdon residents, service users and communities

As mentioned previously, the External Services Scrutiny Committee has established that, at present, the local authority is not in a position to comment on the effectiveness of community sentencing within this Borough due to the lack of participation of one of the key responsible organisations. This is a matter of some considerable concern since, as a consequence of this lack of engagement, residents cannot be reassured that community sentencing for less serious crimes is operating effectively in terms of offender reparation and punishment. It is therefore considered to be of vital importance that the overall findings of the Committee are brought to the attention of those bodies which have the capability to affect change. This would serve to ensure that community sentencing is used to better effect in the future; this would be of considerable benefit both to Hillingdon residents and at a national level.

Consultation carried out or required

A range of external witness testimony was sought, as detailed in the report. The review was also considered by the Safer Hillingdon Partnership Board on 13 March 2018 who welcomed the findings.

CORPORATE CONSIDERATIONS

Corporate Finance

Corporate Finance has reviewed this report and confirms that there are no direct financial implications associated with the recommendation.

Legal

The Borough Solicitor confirms that there are no specific legal implications arising from this report.

BACKGROUND PAPERS

1. Report from HM Inspectorate of Probation [here](#)
2. Article in The Independent newspaper [here](#)
3. Government response to the Communities and Local Government's Select Committee's review into the effectiveness of overview and scrutiny [here](#).