

Committee: Overview and Scrutiny

Date: 25th March 2015

Wards: All Wards

Subject: Transforming Rehabilitation

Lead officer: John Hill, Head of Public Protection

Lead member: Councillor Edith Macauley, Cabinet Member for Community Safety, Engagement and Equalities

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Recommendations:

That the Overview and Scrutiny Commission discuss and comment on the report

1 PURPOSE OF REPORT

- 1.1. The purpose of this report is to brief members regarding the introduction of the Offender Rehabilitation Act 2014 and to note how Merton will respond to this.

2 EXECUTIVE SUMMARY

- 2.1. Following a consultation lead by the Ministry of Justice the Secretary for State for Justice set out probation reforms through the establishment of the Transforming Rehabilitation programme in May 2013.
- 2.2. These reforms included:
 - The establishment of the National Probation Service (NPS) and 21 Community Rehabilitation Companies (CRC).
 - Extending statutory supervision to offenders released from short custodial sentences
 - Opening up the competitive tenders for rehabilitation services for offenders at low to medium risk
- 2.3. The Offender Rehabilitation Act Received Royal Assent on 13th March 2014 transforming the way offenders are managed in the community with the aim to reduce reoffending rates while continuing to protect the public. The Act came into full force from February 2015.
- 2.4. On 1st June 2014 the NPS and the 21 CRC were established. In October 2014 after the completion of competition the London contract was awarded to MTC Novo and following a mobilisation period the contract commences on 1st April 2015.

3 DETAILS

3.1 On 9th January 2013, the Ministry of Justice published a consultation paper entitled “Transforming Rehabilitation: A revolution in the way we manage offenders”. The document set out the Government’s plans to reduce re-offending by:

- Extending statutory supervision to offenders released from short custodial sentences.
- Competing the delivery of rehabilitation services for offenders at low or medium risk of causing serious further harm;
- Paying providers of these services according to their results in reducing re-offending.
- Creating a public sector National Probation Service to supervise offenders who pose the highest risk of serious further harm.
- Ensuring the new system is responsive to local needs and integrates effectively with the other local partnerships and structures relevant to offenders.

3.2 The consultation paper proposed a number of reforms to the existing legislation regarding the sentencing and release of offenders, including the introduction of supervision on release for offenders serving custodial sentences of less than 12 months and changes to the requirements available to the court as part of community orders and suspended sentence orders. The consultation concluded on 22 February 2013.

3.3 In May 2013 the Secretary of State for Justice set out his ambitions for the probation service through the Transforming Rehabilitation programme. These reforms sort to transfer the work delivered by the Probation Trust to two organisations. The National Probation Service (NPS), to manage high risk offenders and work directly with the courts and Community Rehabilitation Companies (CRC), who will manage the medium to low risk offenders, until the new provider was selected through the competitive tender process.

3.4 As noted above in para. 2.3, the Offender Rehabilitation Act Received Royal Assent on 13th March 2014 transforming rehabilitation with a reform programme that’s changing the way offenders are managed in the community. The programme aims to bring down reoffending rates while continuing to protect the public.

3.5 Key Elements of the Reforms

- open up the market to a diverse range of rehabilitation providers from the private, voluntary and social sectors (including potential mutuals) through 21 Community Rehabilitation Companies (CRCs)

- incentivise innovation, paying providers by results for delivering reductions in reoffending
- extend statutory rehabilitation to 45,000 short sentenced offenders released from prison every year, who have the highest reoffending rates and yet currently receive no supervision after release
- reorganise our prisons to resettle offenders 'through the gate', with continuous support from custody to community. This will mean the majority of prisoners will be moved to a resettlement prison close to their community at least 3 months before release
- create a new public sector National Probation Services (NPS), to manage high risk offenders

3.6 On 1st June 2014 the National Probation Service (NPS) and the London Community Rehabilitation Company (CRC) were launched. They will work with each other and their partners to reduce reoffending and work with a wide range of partners to deliver services, reduce reoffending and protect the public.

3.7 **Responsibilities for new Providers**

National Probation Service:

- Undertake all court reports
- Undertake all initial assessments to determine which providers will manage a case
- Manage offenders who are MAPPA (Multi Agency Public Protection Arrangements) registered, pose a high risk of serious harm, or it is in the public interest to do so.
- Be responsible for victim liaison work and management of Approved Premises
- Decide on action in relation to all potential breaches beyond first warning and advise the courts or Secretary of State on sanctions or recalls to custody
- Consult on changes in risk of harm

Community Rehabilitation Company:

- Manage all medium and low risk of harm offenders in the community
- Deliver interventions and programmes, excluding Sex Offender Treatment Programme
- Provide 'through the Gate' services for prisoners – a new statutory requirement for all offenders sentenced to less than 12 months in custody, to be introduced in 2015
- Deliver mentoring services and Restorative Justice
- Take on management of Senior Attendance Centres 2015
- Deliver Community Payback (formerly provided by Serco).

The Offender Rehabilitation Act 2014

- 3.8 In February 2015 the Offender Rehabilitation Act 2014 came into force and at the heart of the reforms is the extension of supervision to an extra 45,000 offenders a year who are released from short prison sentences of less than 12 months in custody. Most of this group currently receive no statutory supervision after completing a custodial sentence.
- 3.9 The changes the Offender Rehabilitation Act (ORA) makes mean that any offender whose offence was committed on or after 1 February (when the Act came into full force), and sentenced to a custodial term of more than 1 day, will in the future receive at least 12 months of supervision after release. As a result, from 1 February, there will be a gradual build up of eligible offenders being supervised.
- 3.11 MTC Novo took on the contract as the Community Rehabilitation Company (CRC) for London managing the low and medium risk offenders. Following a mobilisation period the contract commences on 1st April 2015.

Current Integrated Work with Offenders

- 3.12 The probation service is crucial to turning around the lives of offenders however to be truly successful a number of local agencies need to play their part. Currently in every London borough there are multidisciplinary teams that work with offenders in the form of Integrated Offender Management teams.
- 3.13 The purpose of IOM is to ensure that those most likely to re-offend are in view of agencies at all times. IOM brings coherence and consistency to arrangements for tackling the offenders of most concern to their communities – including those who do not have any form of statutory supervision. Working together agencies are able to manage offenders consistently.
- 3.14 Since Transforming Rehabilitation reforms were announced London Councils have emphasised the need to existing local partnerships to be maintained and that new providers will need to be able to integrate with existing partnership arrangements.

Position in Merton

- 3.15 Since 2010 Community Safety Partnerships (CSP) have had a statutory responsibility to formulate a strategy to reduce reoffending. To facilitate this Probation became a statutory member of the CSP. This move recognised that reducing reoffending is not the sole concern of probation and the police, but all partners and in particular local authorities.

- 3.16 The CSP has the responsibility to ensure that appropriate governance arrangements and delivery mechanisms are in place, develop a local offender problem profile through its annual strategic assessment, report on performance and outcome management for the IOM team. This is managed through Safer Merton.
- 3.17 To facilitate governance Safer Merton worked with partners to revise the relevant strategic documents for IOM implementation these included the strategic board terms of reference, panel meeting guidance and IOM team roles and responsibilities. These outline the basic governance and structures which IOM operate within.
- 3.18 Merton's IOM is delivered in the Community Rehabilitation Company's Merton 'hub' environment. This is a modern and open plan space where offenders have access to key services such as employment, accommodation and drugs and alcohol. There is a suite of 5 internet enabled computers to facilitate job searches. Steven Greenhalgh (deputy Major) visited in January 2014 and helped promote Merton IOM.
- 3.19 Currently there are only 15 offenders in the Merton cohort with eligible cases being reviewed at the end on March alongside resourcing.
- 3.20 Key statutory agencies attended a working together event in order to review and agree the above criteria and relevant documents. The strategic group consists of leads from Police, Local Authority and Probation. Other organisations may be called upon to attend the group going forward to ensure pathways are working effectively.
- 3.21 To enable rehabilitation the offender must have access to services in addressing their needs. The CSP/Local Authority can add real value to the delivery of IOM in co-ordinating access to these pathways out of offending. These needs defined as pathways include; accommodation/housing; drugs and alcohol; mental health; finance and debt; education, training and employment; attitude, thinking and behaviour; domestic violence; support for women in prostitution and slavery.
- 3.22 In as much as progress has been made with improvements to the implementation of IOM and Transforming Rehabilitation locally its full impact is still being digested. The impact on services to meet the needs for the rehabilitation of the short term offenders has yet to be realised.

4 ALTERNATIVE OPTIONS

- 4.1. Not applicable

5 CONSULTATION UNDERTAKEN OR PROPOSED

- 5.1. None required

6 TIMETABLE

6.1. Not applicable

7 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

7.1. Although at an early stage in the process, it is expected that there will be greater demands on existing Council resources, particularly, but not exclusively within Safer Merton.

8 LEGAL AND STATUTORY IMPLICATIONS

8.1. As detailed in sections 2 and 3 of the report

9 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

9.1. Not applicable for the purposes of this report

10 CRIME AND DISORDER IMPLICATIONS

10.1. The intention is that the new legislation will provide supervision to an extra 45,000 offenders a year who are released from prison sentences of less than 12 months in custody.

11 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

11.1. Not applicable for the purposes of this report

12 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

12.1 None for the purposes of this report

13 BACKGROUND PAPERS

13.1 The Offender Rehabilitation Act 2014