

Re-offending and Probation: policy positions re-evaluation

Purpose of Report

For direction.

Summary

The Board's most recent policy positions on re-offending and probation were published in *Going Straight* (2005). These positions have been reviewed and evaluated to ensure they remain relevant in light of developments in the field of reducing re-offending, and support councils' community safety teams in these areas. This report details the progress that has been made on re-evaluation and seeks the Board's agreement to develop a position for the Board around re-offending based around the re-evaluation.

LGA Plan Theme: Championing climate change and local environments

Recommendation(s)

That the Board notes:

- (a) The Board's previous policy position on reducing re-offending set out in *Going Straight*, and the review of that position;**
- (b) Provides views on the proposals set out in paragraph 34; and**
- (c) Agrees officers bring back a development position around reducing re-offending for the Board to consider at its next meeting.**

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Background

1. The Board's last set out a substantive policy position on the probation system and measures to reduce re-offending in *Going Straight* in 2005.
2. There has not been any specific impetus to re-evaluate our positions on these issues. However, given the length of time since *Going Straight* was published it was felt important the Board's policy positions on this issue were reviewed to ensure they were up-to-date due to their importance to community safety, and particularly considering the substantial changes in the probation system that have taken place in the past 10 years.
3. This report outlines the progress made to date with reviewing and evaluating the position in *Going Straight*, and seeks members' agreement to continue with the review and bring back a policy position for the Board to consider at its next meeting. It covers the key thematic areas laid out in *Going Straight*, and provides an assessment of their continued relevance. It will then lay out the considerations that have been given to *Going Straight's* specific policy asks within these areas – which are listed in the Appendix.

The key factors associated with re-offending in *Going Straight*

4. *Going Straight* identified four key factors that are associated with an increased likelihood of re-offending, and that local government can, or could potentially make a positive contribution to. These positions are concerned with addressing the factors that are generally associated with repeat offending, and which can reduce the frequency with which offenders enter and return to the criminal justice system. They do not therefore, focus on a particular type of re-offending, such as white collar or sexual crimes.
5. The first stage of this re-evaluation has been to compare the factors identified within *Going Straight* and assess how they compare with current best practice and research on the drivers of re-offending. Having assessed the factors associated with reducing re-offending the re-evaluation has examined the policies proposed within *Going Straight* and assessed whether they are similarly relevant, and whether they need to be amended or replaced.
6. *Going Straight* identified the following factors as being significant in reducing re-offending, while the specific policy approaches associated with these factors and designed to ensure offenders do not re-offend are listed in the appendix:
 - 6.1. **education and employment:** offenders are generally substantially undereducated and have less experience in formal employment than non-offenders. Certain types of formal employment then correlate significantly with a reduced chance of re-offending.
 - 6.2. **accommodation and housing:** having stable accommodation is known to reduce the chances of re-offending, and homelessness exacerbates existing issues which lead to crime: for example theft out of necessity, and drug and alcohol use.

- 6.3. **drug and alcohol treatment:** alcohol and drug dependency are higher amongst offenders. This can, amongst other things, undermine an individual's ability to sustain employment and accommodation. Local authorities can fund adult social services and community-initiatives to support treatment and rehabilitation.
- 6.4. **supporting families:** imprisonment places increased stress and burdens on the families of the imprisoned which can lead to family breakdown and conflict, and in turn exacerbate the likelihood an offender will re-offend.
7. The views of council community safety staff and a number of voluntary and community sector (VCS) organisations involved in the criminal justice system were sought on whether these factors are an exhaustive summary of the generic factors that are associated with increased rates of re-offending.
8. The response that we received are that the four factors continue to be a fair assessment of the key relevant 'pathways' to re-offending where local authorities can make a proactive contribution.
9. However, *Going Straight* is notably missing a position on **finance, benefits, and debt**. A history of issues with debt affects approximately 48 per cent of prisoners which restricts their ability to secure accommodation, support families, or sustain formal employment.
10. The Board's views are sought on whether the four key factors identified in *Going Straight* remain relevant and if officers should develop a position on how finance, benefits and debts affect re-offending.

General

11. *Going Straight* sets out two key positions relating to the general organisation and governance of the re-offending/probation system:
- 11.1. Councils should receive a fully funded and clearly delineated leadership role in co-ordinating the work of local partners in providing support to offenders returning to their communities; and
- 11.2. There needs to be stronger and clearer communication between partners working in the prisoner and probation system- particularly regarding releases of offenders into local authority areas.
12. We consulted with our Community Safety Advisers Network (CSAN), seeking their views on these positions. CSAN members suggested that these positions continue to be relevant, and that in recent years reducing re-offending has dropped off as a community safety priority, resulting in a lack of coherence over strategic ownership, direction, and accountability for reducing re-offending, particularly for youth re-offending. Some other suggestions were:
- 12.1. Police and probation should be leading on reoffending strategies and that local authorities should be viewed as partners and providers of services;
- 12.2. There is a lack of prioritisation for re-offending strategies in CSPs; and

- 12.3. Partnership working needs to be improved. There needs to be greater alignment, communication, and data sharing, particularly with probation services.
13. Parallel conversations with VCS organisations also raised that those involved in crime will sooner refer themselves to medical establishments before other bodies such as police or local authorities. Under the Serious Violence Duty local health bodies are required to share information with local partners to aid reducing re-offending strategies. However, there continues to be a lack of clarity on what data is required to be shared under this duty, and over any conflicts in medical ethics.
14. In summary our consultations with councils' community safety officers suggested that the following would be of value to local authority community safety teams regarding the general governance and organisation of the re-offending and probation system:
- 14.1. Greater clarity from government on strategic ownership of reducing re-offending. The government should issue guidance which clearly delineates, in practice, where accountabilities and responsibilities lie within Community Safety Partnerships; and
- 14.2. Further guidance on the data that is required to be shared under the serious violence duty.
15. The Board's views are sought on whether the policy positions set out in *Going Straight* should be updated to reflect the views from councils' community safety teams set out in paragraph 14.

Education and employment

16. The asks relating to education and employment in *Going Straight* continue to be broadly relevant.
17. Since the publication of *Going Straight*, restorative and reparative justice programmes have become commonplace in Regional Reducing Reoffending Plans (see, for example, [London](#)). These programmes continue to be an important part of the criminal justice system, and provides agencies with a low cost, and moderately effective means of reducing re-offending. To this end, the Board may wish to consider advocating their use where possible.
18. There is a more live question around whether local authorities should aim to employ more ex-offenders, which is advocated in *Going Straight*. This is something that forms a principal part of the '[A Smarter Approach to Sentencing](#)' White Paper, which suggests increasing the number of ex-offenders in employment by reducing the period for which offenders have to disclose criminal records for certain offenses.
19. This position has been broadly well received across the VCS, and provides a plausible, actionable way to increase the number of ex-offenders in employment, and therefore reduce re-offending. However, before taking such an approach officers will discuss the current position on employing ex-offenders within the local government workforce with colleagues in Workforce, given issues around for example safeguarding.

Accommodation

20. Officers consulted colleagues working in housing and homelessness on the feasibility of improving accommodation support for ex-offenders and prisoners.
21. The existing positions in *Going Straight* are primarily aimed at improving access to social housing for ex-prisoners, for example, schemes to assist obtaining a social housing tenancy, wider and greater regional cooperation in co-ordinating access to social housing.
22. The wider, extensive challenges that currently exist in relation to social housing mean that these asks are likely to be unproductive.
23. Without a greater supply of social housing, councils will be unable to proactively house ex-offenders in addition to those they already have obligation to house under the priority needs duty – under which the most vulnerable ex-offenders will already be considered.
24. In addition, it is no longer the case that there is a perverse incentive for newly released prisoners to deliberately avoid securing accommodation in order to increase their discharge grant. Further funding is now available for those who secure accommodation on release.
25. Given that councils' ability to more effectively and proactively house ex-offenders is largely contingent on a greater supply in social housing, it is suggested the Board endorses the LGA's wider positions on the supply of social housing set out in '[Council House Building Renaissance](#)'.
26. Housing colleagues also emphasised that action across Whitehall to prevent and reduce easily preventable homelessness – for example, the recent restrictions on Friday releases – would assist ex-offenders. Changing release dates would ease the burden on local authorities and allow them to more proactively and effectively meet the housing needs of ex-offenders and those in the probation system.
27. The 13-week benefit rule has also changed since *Going Straight's* publication. Now, claimants can claim housing benefit for up to 52 weeks if the reason for their absence fits a certain criteria, including short-term prison sentences, which was the primary focus of *Going Straight*.

Drug and alcohol treatment

28. Members should note that the Ministry of Justice's '[A Smarter Approach to Sentencing](#)' White Paper states that the government will increase the usage of Community Sentence Treatment Requirements, which suggests that the community-based approach to drug and alcohol treatment advocated in *Going Straight* remains credible.
29. There has been a low rate of response from colleagues on specific ways in which the position in this area needs revision. It was suggested that there needs to be clearly outlined expectations regarding the support that the Probation Service expect from commissioned substance misuse services to deliver community treatment orders.
30. Officers invite members to consider whether further work is needed in this area, including conducting further research.

Supporting families

31. *Going Straight's* policy positions on 'supporting families' fit within an early intervention and prevention approach, since they are predicated on the premise that certain demographics and experiences (in this case, having a parent or carer in prison) are associated with an increased likelihood of entering the criminal justice system later in life, and that early intervention in these cases can prevent this escalation.
32. This is certainly an important consideration in reducing re-offending, and an area where local authorities are well positioned to make valued, positive contributions to residents.
33. However, this support of support and early intervention crosses over into the remit of other LGA Boards, and the Board may wish to consider whether further work should be undertaken for example with the Children and Young People's Board to develop positions that support the families of offenders and ensure more of a focus on early intervention and prevention to reduce offending as well as re-offending.

Summary of proposals

34. That the Board:
 - 34.1. Indicate whether the four key factors identified in *Going Straight* remain relevant and if officers should develop a position on how finance, benefits and debts affect re-offending.
 - 34.2. Considers whether the policy positions set out in *Going Straight* should be updated to reflect the views from councils' community safety teams:
 - 34.2.1. That it would assist to have greater clarity from government on strategic ownership of reducing re-offending. The government should issue guidance which clearly delineates, in practice, where accountabilities and responsibilities lie within Community Safety Partnerships; and
 - 34.2.2. Further guidance should be provided on the data that is required to be shared under the serious violence duty.
 - 34.3. Directs officers on whether to conduct further research on what safeguards and caveats would be necessary in order for the LGA to advocate for local authorities to recruit more ex-offenders as a means of reducing re-offending.
 - 34.4. Endorses the LGA's wider positions on the supply of social housing as the means to ensure ex-offenders have access to the accommodation they require, and that the LGA should lobby for a change in release dates to enable local authorities and partners to provide better support to offenders as they leave prison.
 - 34.5. Reflects on whether further work is needed around the provision of drug and alcohol treatment for ex-offenders.
 - 34.6. Consider whether the Board should work with other LGA Boards to develop positions on the support to families of ex-offenders, and approaches that deliver better early intervention and prevention to reduce offending and re-offending.

34.7. Express any policy or thematic areas that they believe should be researched further as part of this re-evaluation.

Implications for Wales

35. As part of the next stages of the review work officers will engage the WLGA to check what extent, if any, it would be helpful for the final positions agreed by the Board to reflect practice and circumstances in Wales.

Financial Implications

36. This work will be resourced from within the existing work programme for the Board.

Equalities implications

37. Re-offending and probation are policy areas which necessarily deal with vulnerable and often marginalised residents. Therefore, any equalities implications will be considered throughout this re-evaluation.

Next steps

38. Officers will use members' views to develop an updated policy position for the Board on reducing re-offending continue to proceed with agreed programme of work and research avenues, as directed by members.