

MEMBER-LED REVIEW: REDUCING REOFFENDING – CABINET RESPONSE

To: **Cabinet**

Date: **15th April 2014**

From: **Executive Director: Children, Families and Adults Services**

Electoral division(s): **All**

Forward Plan ref: **N/A** *Key decision:* **No**

Purpose: **This report sets out the suggested Cabinet response to recommendations from the Safer and Stronger Communities Overview and Scrutiny Committee regarding the reducing reoffending member-led review.**

Recommendation: **Cabinet is asked to:**

a) Consider and comment on the findings and recommendations contained within the report.

b) Consider and agree the responses to the recommendations as set out in section 2 of the report.

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1. BACKGROUND

- 1.1 The Safer and Stronger Communities Overview and Scrutiny Committee commissioned a review regarding measures that could be taken to reduce persistent criminal reoffending on 3rd September 2013. This issue was brought to the Committee's attention by Councillor Ed Cearns, who had conducted research into the causes of repeat offending, attended events run by the Howard League for Penal Reform and Department for Work and Pensions and met officers within the Council's Youth Offending Team and partners such as Probation Service officers.
- 1.2 The Committee made a number of recommendations that it has asked be reported to Cabinet. These recommendations are set down below with a suggested response for Cabinet to consider.

2. RESPONSE TO THE RECOMMENDATIONS.

The recommendations from the Overview and Scrutiny Committee are set down below (shown in bold), as well as the suggested Cabinet response.

- 2.1 **Recommendation 1: The Council, and its partners, should positively consider:**
 - a) Opportunities to engage prisoners to complete work where they have the facilities to do this (e.g. printing)**
 - b) Opportunities to work with relevant contractors who are willing to sub contract some of their activities to the Prison: this could be indicated in tender documentation to show that the Council welcomes partners who have a positive approach to reoffending.**

This recommendation is partially accepted

a) As a large employer and commissioning authority, the Council has opportunities to seek to use its purchasing and commissioning powers to seek employers and contractors who will make a positive choice to employ ex-offenders as suggested. However, the Council cannot positively discriminate directly in contracting when guided by European procurement rules, nor can it override the duty to achieve best value for the Council.

b) Further advice will be sought from the Procurement and Contracts Team to determine the extent to which contracts can specify or at least encourage employers to take on ex-offenders. The Council is participating in the coordination of an offender strategy with the Office of the Police and Crime Commissioner. This will set local aspirations and set priorities to reduce re-offending. Access to employment will be one part of this work.

2.2 Recommendation 2: Share and promote Timpson's experiences with businesses and key stakeholders (such as Littlehey Prison) in Cambridgeshire, through facilitating a County wide summit to promote opportunities for employing offenders/ ex offenders

This recommendation is accepted.

The Council could seek to work with the Office of the Police and Crime Commissioner to co-facilitate or sponsor an event. Certainly the contacts made at Littlehey and with Timpson's Ltd would be a good place to start. It is of note that Job Centre Plus is seconding staff to work with the Together for Families Project which is targeting worklessness in families as part of the Troubled Families Initiative. There is a working group about to be initiated for Children, Families and Adults Services (CFA) to establish working practices for supporting the families of prisoners and a policy will be one of the results of this work. The Local Enterprise Partnership (LEP) European Structural Investment Fund Strategy has made reference to investment activities for ex-offenders (page 64 of the Strategy) and although there is nothing specific in the LEP Skills strategy, there is a statement in the Government's Skills Funding Statement that was published in February 2014 (on page 23) that makes a commitment to offering ex-offenders English and Mathematics and vocational skills that will lead to employment on release. The Council would support both of those commitments in our Learning and Skills work with providers. Ex-offenders are a target group for skills funding

2.3 Recommendation 3: The Council should work with HMP Littlehey to facilitate an expansion of the number of employer visits to HMP Littlehey (possibly through expansion of the existing employer forums). If possible, Timpson's could be encouraged to extend their involvement to HMP/YOI Littlehey

This recommendation is fully accepted.

The Council can take a facilitative role with employers as well as use forums for economic development to promote engagement in visits to HMP Littlehey. This would be further supported should it be possible to secure development grant support to enable Timpson's to extend their involvement to HMP Littlehey.

2.4 Recommendation 4: Give support to Littlehey Prison in ensuring that training providers/contractors deliver on their obligations.

This recommendation is partially accepted.

This can only be partially accepted as the County has no direct influence over the operational functioning of HMP Littlehey or on commercial contractors who may be working with them. Clearly the

Council would support the aspiration that these obligations are met but it has no power to do so.

2.5 Recommendation 5: The Council, and its partners, should sign up to the 'ban the box' campaign.

This recommendation is partially accepted

It is accepted that whilst many job roles will have exemption under the Rehabilitation of Offenders Act, given the vulnerable clients with whom they will work and therefore require disclosure of spent and unspent conditions, many other jobs will not require this clearance. It is not yet clear how much differentiation can be made in job specifications and application forms using the new on-line recruitment process recently instituted. The implications of failing to follow procedures are not just about high profile media and political criticism following a serious criminal case, but the confidence in the Council to safeguard vulnerable groups and the long-lasting effects it could have on affected individuals long-term. Even without a case, the relevant regulatory bodies could publicise findings of failure to safeguard if we failed to abide with national safeguarding in recruitment statutory guidance

These issues are being followed up by Human Resources in collaboration with LGSS.

2.6 Recommendation 6: The Council proposes to the Ministry of Justice that they maintain funding for the provision of Prison libraries. The Council also proposes to the Department of Health to maintain funding for Substance Misuse services and include such provision in the tendering of contracts under the probation service reform.

This recommendation is partially accepted.

The Council has written to the Ministry of Justice expressing a view on the importance of the library and resources at HMP Littlehey.

The Executive Director: CFA has been in correspondence with Claire Weston, Head of Health and Justice, NHS England (East of England) on behalf of the Cambridgeshire DAAT Executive Group. This was to seek clarification of the explicit intentions for the commissioning of Prison Healthcare in HMP Littlehey and HMP Whitemoor with specific reference to the scope of the commissioning exercises and whether or not these will include part or all of the substance misuse treatment provision within the establishments. A response dated 7th January 2014 acknowledged the concerns and indicated that the matter was still under review.

It is too early to comment on the contractual position of the potential bidders for contracts under the Transforming Rehabilitation reforms of the Probation Service. The prime bidders for the Community Rehabilitation Companies have yet to complete the tender process, which is not likely to be completed until the middle of the year.

3. ALIGNMENT WITH PRIORITIES AND WAYS OF WORKING

3.1 Supporting and protecting vulnerable people

Securing employment is one of the most protective factors for preventing offending and encouraging desistence. Therefore the aim of supporting offenders back into employment through positive opportunities will reduce reoffending and protect communities from harm. This is in line with duties to promote community safety.

3.2 Helping people live healthy and independent lives

Employment is a route out of offending. Economically active ex-offenders are less reliant upon the state and more likely to live independent, offence-free lives.

3.3 Developing the local economy for the benefit of all

The economic success of the County should benefit all, including ex-offenders.

3.4 Ways of working

Taking a broader view of the potential of those who have experienced the criminal justice system will allow employers to see skills and potential before risks. There is a role for local leadership of in championing and supporting initiatives that will create employment opportunities for ex-offenders.

4. SIGNIFICANT IMPLICATIONS

4.1 Resource and Performance Implications

This is a difficult issue to track, not least if the Council abandons the requirement for self-disclosure for non-exempted roles under the Rehabilitation of Offenders Act. More specific positive action such as encouraging sympathetic employers such as Timpson's and engaging employers with the Prison Service will have more directly tangible economic and social benefits.

4.2 Statutory, Risk and Legal Implications

The Council has a duty to follow the Rehabilitation of Offenders Act and associated provision for the disclosure and barring of persons

unsuitable for working with vulnerable groups. Failures to follow procedure have resulted in high profile media and political criticism when serious criminal cases have occurred. Taking a proportionate and realistic view of prior criminal activity is essential in making assessments of current and future risks.

4.3 Equality and Diversity Implications

The Equality Duty set out in S149 of the Equality Act requires the Council to have ***due regard*** to the need to:

- **eliminate unlawful discrimination**, harassment, victimisation and any other conduct prohibited by the Act
- **advance equality of opportunity** between people who share a protected characteristic and people who do not share it
- **foster good relations** between people who share a protected characteristic and people who do not share it.

4.4 Engagement and Consultation

Engagement and influencing are the main areas of activity to support a culture of employing ex-offenders as well as demonstration projects being used to highlight successful businesses who work well with ex-offenders.

4.5 Public Health Implications

Offenders have poorer health outcomes than the general population and so enabling ex-offenders to find work and to move out of an offending lifestyle will improve their lives as well as those within the communities in which they live.

Source Documents	Location
Safer and Stronger Communities Overview and Scrutiny Committee: 6 th February 2014	Room 114 Shire Hall Cambridge