



Make Justice Work

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TO : Members of the House of Lords **Date:** Thursday 24th May 2012
CC :
From : Make Justice Work
Subject : Second Reading Of The Crime & Courts Bill, Monday 28th May 2012

Parliamentary briefing to provide Peers with background information about the views of Make Justice Work (MJW) regarding the Government's proposals in relation to community sentences in the Crime & Courts Bill.

About Make Justice Work

MJW was established in 2009 and is a campaign to boost public support for a change in how Britain deals with minor offenders – a switch from expensive and ineffective short prison terms to intensive and effective sanctions, delivered in the community.

It aims to raise public awareness of the ineffectiveness and expense of locking up lower level offenders, only for them to offend again and again. Crucially, the campaign identifies the community alternatives to custody that are most effective both at reducing re-offending and cutting costs. MJW recognises that for the perpetrators of serious and violent crime, custody is necessary.

MJW was established by the Director, Roma Hooper and is backed by leading experts both inside and outside of the criminal justice system – including former prison governors, charity directors and renowned academics. It also enjoys the support of a wealth of key players and opinion formers from outside the organisation.

Legislative Journey – The Crime & Courts Bill

The Crime & Courts Bill was announced in the Queen's Speech in May and received its First Reading in the House of Lords on Thursday 10th May 2012, when it was introduced by the Home Office Minister Lord Henley. The Bill will receive its Second Reading on Monday 28th May 2012.

Clause 23 – Community Sentences

Clause 23 of the Bill – 'Community and other non-custodial sentencing of adults' – concerns community sentences and gives the Secretary of State a power to make regulations for the provision regarding the imposition and content of community sentences. In March of this year the Ministry of Justice published a consultation paper titled, "Punishment and Reform: Effective Community Sentences", which sets out its proposals for the reform of community sentences in England and Wales. This

consultation will close on 22nd June 2012 and its findings are likely to influence the content of any Government amendments tabled to the Bill as it makes its legislative journey through Parliament.

The consultation document published by the Ministry of Justice states that the five purposes of community sentencing are as follows:

- The punishment of offenders.
- The reduction of crime (including its reduction by deterrence).
- The reform and rehabilitation of offenders.
- The protection of the public.
- The making of reparation by offenders to persons affected by their offence.

The consultation can be accessed here:

<https://consult.justice.gov.uk/digital-communications/effective-community-services-1>

The Memorandum of understanding on delegated powers which accompanies the Bill states the clause is “designed solely as a placeholder to allow the Secretary of State to take forward proposals set out in the consultation paper, once final policy decisions have been taken in light of responses to the consultation.”

The Case For Community Sentences

Make Justice Works welcomes the acknowledgement by the Government that almost half of all adult offenders reoffend within a year of leaving custody and the need for reform of the criminal justice system to ensure less people reoffend following a conviction. As the Government recognises reoffending by offenders sentenced to less than 12 months in prison is estimated to cost the economy up to £10 billion annually. As the Secretary of State for Justice has acknowledged, “most seriously of all, left unchecked, these rates of repeat crime mean thousands of people are unnecessarily becoming victims.”¹

Make Justice Work also recognises that community sentences need to be robust and demanding, in order to both challenge offenders and ensure they gain the confidence of the public. However MJW is concerned that an over emphasis by the Government on the punitive elements of community sentences would lead to many offenders at risk of breaching the terms of their orders, making it more likely they could be sent to prison. It is also important for the Government to recognise that if community sentences are to be a success and help reduce the likelihood of re-offending, adequate resources must be put in place to support the individuals concerned.

Effective community orders, professionally delivered and tailored to individual offenders will require a multi-agency approach with a focus on addressing some of the triggers of an offender’s criminal behaviour. Examples would include access to drug and alcohol treatment programmes, the provision of mental health services and a holistic approach which recognises the support needed for the families of offenders also, if they are less likely to reoffend.

¹ https://consult.justice.gov.uk/digital-communications/effective-community-services-1/supporting_documents/effectivecommunitysentences.pdf

Community or Custody. Which Works Best? A National Enquiry

This was the premise of a unique and timely high level national enquiry, commissioned by MJW. The enquiry was an independent, open-minded and objective rather than scientific exploration of the views of criminal justice sector practitioners and experts around the country about what works best – community or custody. The terms of reference for the enquiry were to investigate the efficacy and cost of short term prison sentences versus robust community based alternatives for lower-level offenders.

Starting in July 2010 and reporting in September 2011, the enquiry toured the UK taking evidence from local experts and practitioners about ground-level experience of lower-level offending and the relative efficacy and cost of short-term prison sentences or community based alternatives for tackling the problem. The most impressive aspect of the programmes the panel saw was their ability to rehabilitate offenders and turn them away from a life of crime, thereby reducing the number of victims. Not only did the panel witness programmes delivering real reductions in reoffending, they learnt that in the right circumstances they are able to cut crime at a fraction of the cost of prison.

The Lord Chancellor has argued that increasing the use of effective community sentences for lower level, persistent offenders will in the long run cut costs and cut crime.¹

Key Recommendations From The National Enquiry:

- **Giving victims confidence in the punishment - Community sentences must not be a soft option.**
 - While rehabilitation is integral, victims and the wider public must be confident that community sentences are tough and effective.
 - Offenders should understand the impact of their crimes on their communities and victims and work to restore damage caused.
 - Victim-awareness activities should be included in all community orders and the option of Restorative Justice conferencing should be available to all courts.
 - Offenders who breach the conditions of their order must face a firm and swift response, but this must be balanced by finding better ways to achieve compliance. Offenders (and the wider public) need to understand that an alternative to custody is not a soft-option and that it makes tough demands.
- **Confronting the causes of crime - During community sentences time should be spent addressing the key drivers of low-level crime in order to help offenders move towards a stable, productive and crime-free life.**
 - The focus of all community-based programmes must be the underlying causes of criminal activity, with each programme being tailored to the individual's own behaviour, needs and circumstances.
 - Further funding needs to be made available to widen the availability of mental health liaison services operating at the earliest possible stage in the criminal justice process.
 - All offenders should be screened and assessed for low-level mental health needs that may not qualify for serious psychiatric intervention but if properly addressed would reduce the likelihood of reoffending.

- Alcohol and drug misuse must be awarded equal status and alcohol rehabilitation provision must be increased.
 - Every programme should provide wider family and community support to help offenders resolve problems in their lives and break away from bad influences.
 - Providers of community sentences must work to reduce the barriers to a productive, crime-free lifestyle, such as lack of stable accommodation, low educational attainment and limited employment opportunities.
- **No passing the buck - Alternatives to custody depend on effective partnerships between multiple agencies.**
 - The offender, not the individual agencies delivering a community sentence, must be the focus of all interventions. Agencies must operate together on the basis of an integrated offender management plan, sharing information and pooling budgets wherever possible.
 - The Government should encourage the voluntary and private sectors to provide innovative approaches to community sentences and give them the freedom to build programmes that are tailored to the individual needs of each offender.
 - Every programme should function as a 'one-stop-shop' and host representatives from a range of providers, including housing organisations, and local health services.
 - **Holding community sentences to account - Magistrates must be fully informed about intensive community sentences in their area and the public must be helped to understand the role such sentences can play in combating crime.**
 - A statutory requirement and framework for magistrates and judges to familiarise themselves with all community sentences available in their area by visiting on a regular basis.
 - Judicial oversight during the sentence must be maintained and where appropriate offenders should attend court for regular progress reviews.
 - Those in charge of each programme must ensure that the local judiciary is informed about its outcomes and effectiveness.
 - All programmes must develop initiatives such as the 'Local Crime: Community Sentence' to educate and inform the wider community about the work they do to punish and rehabilitate offenders.

The full report can be accessed using the following link:

<http://www.makejusticework.org.uk/our-projects/national-commission-enquiry-final-report/>

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ⁱ Prime Minister, Press conference announcing Breaking the Cycle: Government Response, June 2011