

**AVON AND SOMERSET POLICE AND CRIME PANEL
15 MARCH 2013**

COMMISSIONER'S UPDATE

The following briefing provides an update for Panel Members on key activities since the previous Panel meeting.

Governance and Accountability Arrangements

The first **PCC Police Public Forum meeting** will take place on **16 April 2013** in Frome (venue tbc). Meetings will be held bi-monthly in venues around the Force area. The purpose of the meetings is to allow for public access and demonstrate accountability. The format will include:

- Introductions from the Police & Crime Commissioner and Chief Constable;
- A briefing by the District Commander (and Partners) on local issues;
- Presentations on other areas of business likely to be of public interest;
- Open Public session.

There will be an opportunity for Q&A after each presentation.

Forward dates are as follows:

Meeting date	Location
16 April 2013 (Morning)	Somerset East: Frome
25 June 2013 (Evening)	Bristol
3 September '13	Somerset West
12 November '13	North Somerset
To be confirmed	South Glos
To be confirmed	B&NES

Timings will be varied to enable a wider range of people to attend (as indicated on the table above). Meetings will be web-streamed at www.avonandsomerset-pcc.gov.uk

A programme of **Chief Officer Update meetings** is in place to scrutinise progress against the Police and Crime Plan and hold the Chief Constable to account. Meetings will be attended by the relevant Chief Officer, Lead Constabulary Officer/s and relevant members of the Commissioner's team. Reports and notes of the meetings will be published on the Commissioner's website.

Terms of reference, member profiles and a transition plan for a substantive **Audit Committee** were presented to the Interim Audit Committee on 7 March. The full audit committee will have 5 independent Members and hand over from the interim audit committee in June/July. Recruitment for independent Members will start later in March.

As previously discussed with the Panel, there are no current plans to appoint a Deputy Commissioner, however this has not been ruled out for the future. The nationally suggested Scheme of Governance follows a model whereby powers are delegated to the Chief Executive of the OPCC if a Deputy is not available. This is the model that applies in Avon and Somerset in any absence by the Commissioner. For example, during the Commissioner's recent leave, the Chief Executive met with the Acting Chief Constable regularly and deputised for the Commissioner at events.

Update on Key Events and Initiatives

- **Chief Constable Nick Gargan** took up post on Monday 4 March. Induction activities have been ongoing since the Panel confirmed his appointment in January. An early agenda item is to agree the principles and approach for review of the Constabulary in light of the savings required by the Medium Term Financial Plan.
- The Commissioner's Office have reviewed bids for projects to be commissioned from the Commissioner's **Community Safety Grant in 2013/14**. The Commissioner will make a final decision on allocation on 15 March.
- The Commissioner marked **100 days in office** with a live webchat held on Monday 4 March. A copy of the transcript can be viewed at the following link:
<http://www.avonandsomerset.police.uk/Interactive/webchat/TranscriptView.aspx?id=154>

- Recruitment for the **Volunteer Panel** to review complaints is ongoing. The closing date is 20 March.
- Introductory meetings with Chairs and Lead Officers of the **Health & Wellbeing Boards** are ongoing to discuss opportunities for joint working.
- **Business Crime Forum** launch and consultation events were held in Taunton on 11 February and Leigh Court on 13 March. Following the feedback gained from these sessions from business leaders and representative bodies, the scope and terms of reference of the full Forum will be agreed.
- The Commissioner and Chief Constable attended the **South West Regional Meeting** on 6 March. Key issues under consideration included: discussions of ways of working and future priorities; expansion of Special Branch collaboration with Wiltshire to other Forces; a potential Tri-Force Specialist Operations project with Gloucestershire and Wiltshire; and discussion of joint working in other areas including Criminal Justice.
- The Commissioner has responded to the following national consultation. Copies of the Commissioner's response have been circulated to the Panel:
 - Ministry of Justice: **Transforming Rehabilitation consultation**
 - Home Office '**Community Remedy**' consultation

Forward Dates for Out and About days:

- Tuesday 19 March - Somerset East
- Thursday 28 March – Bath & North East Somerset
- Thursday 4 April - Bristol
- Thursday 11 April - North Somerset
- Thursday 25 April - South Gloucestershire
- Thursday 2 May - Somerset West
- Thursday 9 May - Somerset East
- Friday 17 May - Bath & North East Somerset
- Thursday 23 May - South Gloucestershire
- Thursday 30 May - North Somerset
- Thursday 20 June – Bristol

SUE MOUNTSTEVENS
POLICE AND CRIME COMMISSIONER

**Ministry of Justice Consultation: *Transforming Rehabilitation*
Avon and Somerset Police and Crime Commissioner Response
February 2013**

Background

Thank you for the opportunity to respond to Ministry of Justice Consultation: *Transforming Rehabilitation*.

I am the Independent Police and Crime Commissioner (PCC) for Avon and Somerset, elected in November 2012.

The Police Authority office responded to the Probation consultation in July 2012 – we have been working with local partners ever since to understand and respond to concerns we have with the proposed changes, which see a significant shift in their current form. I have significant concerns with the proposals put forward in this consultation paper, and have worked closely with the Constabulary, Probation Trust, Regional counterparts and national Independent PCCs in preparing my response.

My principal concerns with the proposal set out in *Transforming Rehabilitation* are outlined below:

- Significant risk to public protection through the fragmentation of offender management and lack of clarity over accountability;
- Negative impact on established and effective partnership arrangements and data/intelligence sharing between agencies;
- Impact of the proposed payment by results model based on a binary reconviction measure and concerns around conflict of targets particularly the absence of reduction in crime; and
- Scope and scale of the proposed expansion of offender management services within a very tight timescale and reduced resources.

I welcome elements of the proposals which aim to reduce costs, reduce re-offending and to expand provision to include offenders sentenced to less than 12 months custodial sentences. Proposals are not, however, without risk to our existing approach to Integrated Offender Management (IOM) which has demonstrated significant positive cost benefits and contributed significantly to crime reduction. The IOM partnership targets and works with a cohort which has, from the outset, included offenders sentenced to custodial sentences of less than 12 months, who present the greatest risk of re-offending. This has been achieved with no

additional resources from NOMS/MoJ. We have significant concerns that the introduction of a new statutory duty and funded provision for this group of offenders may have the unintended effect of undermining the local partnership approach that has shown to be effective.

We are fortunate in Avon and Somerset to have both the ACPO and Probation Chiefs Association leads on IOM. We have worked closely with our Constabulary and Probation Trust partners to put forward an alternative approach as follows:

- The Ministry of Justice would transfer its regional and local commissioning responsibilities to Avon and Somerset PCC;
- The MoJ would second experienced commissioning personnel into the PCC commissioning function;
- The PCC would develop Integrated Offender Management proposals in their Police and Crime Plans, consulting with local agencies and partners;
- The PCC would market test and compete intervention services;
- The Probation Trust would otherwise retain a holistic responsibility for offender management, including the targeted cohort of offenders with under 12 month custodial sentences.

We would welcome the opportunity to work with the Ministry of Justice to develop this alternative approach with a view to piloting such arrangements within Avon and Somerset.

If despite the significant opposition the proposed changes go ahead, I have sought to suggest ways in which the role of Police and Crime Commissioner, and its position in facilitating partnership working with community safety and criminal justice partners, might be well-placed to contribute to the effective implementation of proposed changes. Regardless of my clear opposition to the proposal, I hope that these suggestions may go some way towards addressing the significant concerns that have been so widely expressed.

Consultation Response

Part C: System Specification Questions

C1 We are minded to introduce 16 Contract Package Areas. Do you think this is the right number to support effective delivery of rehabilitation services? Do you have any views on how the Contract Package Area boundaries should be drawn?

It is my understanding that the rationale for introducing 16 Contract Package areas is based on ensuring sufficient scale to allow efficiencies

and a sufficient cohort of offenders to measure impact. I understand that the proposed 16 areas align with the existing DWP Work Programme areas, with a view to potential joining up of services in future years. There are other existing boundaries for collaborative working which might be applied that have greater resonance within existing partnership working arrangements. These include CPS boundaries, which form the basis for the CJS Efficiency Programme, or regional police boundaries.

Appropriate structures need to be put in place to ensure that contracts take account of local need and support existing partnership working. Aligning the proposed Contract Package Areas with existing Police and Crime Commissioner and Local Authority boundaries is a helpful start. However, even a single PCC area such as Avon and Somerset covers a vast geographic area, a complex partnership landscape and enormously diverse needs. Our preference therefore would be for the areas to be based on the PCC area. The following suggestions may also assist:

- Engagement of the Police and Crime Commissioners from the start of the commissioning process to influence and shape the contract specification and ensure that contracts take account of and align with local priorities.
- Formal sign off of the contract and arrangements for oversight by the Police and Crime Commissioners within the Contract Package Area to provide assurance that local needs have been taken into account and to support collaborative arrangements across boundaries.

Resources would need to be made available to support PCCs in taking on these new roles.

C2 What payment by results payment structure would offer the right balance between provider incentive and financial risk transfer?

I share the widely rehearsed concerns in the use of a payment by results (PBR) structure in the context of offender management. These concerns include:

- The potential for ‘cherry picking’, and danger of disincentives for assessing risk as escalating and other perverse behaviours;
- That innovation is hindered in favour of ‘tried and tested’ methods;
- Issues around information sharing, data protection and commercial confidentiality;
- Difficulty in defining a ‘result’, who is responsible and as such should receive payment; and;
- Risk to existing partnership working arrangements and change in dynamic with the introduction of a new statutory duty and one partner receiving funding and reward payment.

I understand that the proposed approach would see a significant proportion of payment made on a 'service delivery' basis, with a small reward element. Assuming that the PBR model is adopted, I would urge Ministers to minimise the reward element of the payment to the **absolute minimum** until such a time that success can be clearly demonstrated and it is clear that assurance mechanisms are effective.

C3 What measurements and pricing structure would incentivise providers to work with all offenders including the most prolific?

As outlined in my response to C2, I share the significant concerns in the use of a PBR structure in the context of offender management. I am particularly concerned at the continued reliance on a binary measure and would urge Ministers to look again at this issue. In my view the current binary measure is too simplistic and by no means sufficient to measure activity to address the chaotic lives that offenders often lead, and the dynamic nature of risk.

I welcome reference on p18 of the consultation response to considering ways to adapt this measure. This is essential to safeguard against the potential for providers to 'cherry pick' offenders to maximise their chances of receiving full payment, and ensuring that efforts focus on prolific offenders.

As referred to in my response to C2, I would advocate a model whereby the PBR element of payment is kept to an absolute minimum, particularly as new arrangements become established. I would also want a suite of measures to include reduction of recorded crime. In our view, much of the success of the local IOM arrangements has been down to the combined and dynamic focus on those offenders most likely to re-offend which has shown itself in a long term and sustained reduction in recorded crime.

Assuming that Ministers do choose to maintain a focus on the binary measure, I would urge the inclusion of a range of appropriate supporting measures. Such measures might focus on frequency or severity in the case of re-offending, or measures based on pathways of support that would support local partnership activities to reduce reoffending.

C4 How should we specify public sector oversight requirements in contracts, to avoid bureaucracy but ensure effective public protection arrangements?

Clear lines of accountability and robust public sector oversight are essential in ensuring effective public protection arrangements under these proposals. I have significant concerns at the fragmentation of offender management and the likely difficulty in maintaining robust public sector oversight in light of the dynamic nature of risk and subsequent movement of cases between organisations. Suggestions for ensuring effective public protection arrangements include:

- Ensuring that the delivery structure for the public sector probation service is close enough to local delivery to effectively manage the risk – I have significant concerns that the statement on p24 that the future structure of the public sector probation service may involve a single national probation trust or direct delivery on behalf of the Secretary of State.
- It is essential that clear local lines of accountability are built into the contract, to complement existing public protection arrangements – both operational and oversight. This might helpfully include specific oversight requirements by the three Police and Crime Commissioners within the relevant contract area.

System Design

C12 Given our proposals for the commissioning structure and the proposed responsibilities of the public sector, what kind of delivery structure would be most appropriate for the public sector probation service?

As stated in my response to C4, clear lines of accountability and robust public sector oversight are essential in ensuring effective public protection arrangements and maintaining robust public sector oversight, especially given the dynamic nature of risk. I have significant concerns that the statement on p24 that the future structure of the public sector probation service may involve a single national probation trust or direct delivery on behalf of the Secretary of State. It is a fundamental principle of the proposed changes that a single public sector agency retains overall responsibility for offender management and for key public interest decision making. It is essential that the delivery structure for the public sector probation service is close enough to local delivery to effectively manage the risk. This must include clear alignment with existing operational and oversight arrangements with respect to public protection.

C14 Police and Crime Commissioners will play an integral role in our reforms. How best can we maximise their input/involvement and that of other key partners locally?

Police and Crime Commissioners are well placed to play an integral role in these reforms. We have worked closely with Avon and Somerset Constabulary and with our Probation Trust to put forward an alternative approach that would see:

- The Ministry of Justice would transfer its regional and local commissioning responsibilities to Avon and Somerset PCC;
- The MoJ would second experienced commissioning personnel into the PCC commissioning function;
- The PCC would develop Integrated Offender Management proposals in their Police and Crime Plans, consulting with local agencies and partners;
- The PCC would market test and compete intervention services;
- The Probation Trust would otherwise retain a holistic responsibility for offender management, including the targeted cohort of offenders with under 12 month custodial sentences.

We would welcome the opportunity to work with the Ministry of Justice to develop this alternative approach with a view to piloting such arrangements within Avon and Somerset.

If despite the significant opposition, the Ministry of Justice proceed with their proposed model, I wish to suggest a number of ways in which Police and Crime Commissioners would be well placed to contribute to proposals:

- Police and Crime Commissioners are responsible for publishing a Police and Crime Plan, based on a strategic needs assessment that takes into account needs and priorities across the full range of local partners engaged in offender management – police, criminal justice agencies, Local Authorities, community safety, housing and health partners. There is a clear role for the Police and Crime Commissioner to engage in the proposed commissioning process at an early stage to ensure that services are informed by intelligence on local needs. It would be possible to identify need either at a Force level or at a Local Authority / CSP level – according to the level that the MoJ envisage as constituting ‘local’.
- Police and Crime Commissioners can facilitate partnership working, bring collective local leadership, and play a crucial role in holding partners to account including through a new duty to cooperate with criminal justice partners. Aligning contract package areas to PCC boundaries can help to ensure that measures to reduce crime and

- rehabilitate offenders are integrated into the existing partnership framework and support established partnership approaches in IOM.
- Police and Crime Commissioners are responsible for commissioning community safety services. From April 2014, this role will extend to responsibility for commissioning victim services. Police and Crime Commissioners are already working with local partners to maximise opportunities in co-commissioning in areas of joint interest (for example with Health & Wellbeing Boards). There is a clear case for ensuring that PCCs are engaged at an early stage in commissioning arrangements under these proposals, with the potential to require sign-off on local elements of the contract to provide assurance that proposals meet local need and support the local partnership landscape.
 - Police and Crime Commissioners are responsible for holding the Chief Constable to account and scrutinising the Force and local partners to provide accountability to the communities they represent. There is a role for PCCs to use existing oversight arrangements to provide assurance to support these proposals in areas such as public protection, and safeguarding children and adults.

C15 How can we ensure that professional standards are maintained and that the quality of training and accreditation is assured? A professional body or institute has been suggested as one way of achieving this. What are your views on the benefits of this approach and on the practicalities of establishing such arrangements, including how costs might be met?

It is essential that proposals include robust arrangements for professional standards and assurance with regard to the quality of training and accreditation. A professional body would be a helpful means of putting such arrangements in place. However, this must be accompanied by a clear requirement within contracts and oversight arrangements to ensure that there is appropriate training and supervision for staff to ensure that they are able to appropriately assess risk and escalate where appropriate. A requirement to participate in multi-agency training would help to ensure that contracted arrangements are embedded within the local partnership landscape and would help to build a shared understanding of risk across services supporting offenders which is essential to effective public protection.

It is important that oversight arrangements provide assurance that appropriate training and supervision is in place and that arrangements are in place to learn from lessons and recommendations arising from

local public protection oversight arrangements. There may be a role for the Police and Crime Commissioner in oversight arrangements.

C16 What role can the Inspectorate of Probation best play in assuring effective practice and a high standard of service delivery?

The Inspectorate of Probation will have an important role in assuring effective practice and a high standard of service delivery. This might be achieved through:

- Thematic inspections to look at aspects of offender management and ensure that providers learn from best practice;
- Inspection of the totality of offender management provision to ensure that robust public protection arrangements are in place; and
- Inspection of the effectiveness of contracted offender management in the local partnership landscape.

The role of the Inspectorate would be distinct from but complementary to robust contract management arrangements as well as local assurance mechanisms with regard to public protection.

Equality Implications

C17 How can we use this new commissioning model, including payment by results, to ensure better outcomes for female offenders and others with complex needs or protected characteristics?

It is essential that proposals make provision for offenders with protected characteristics and specifically for female offenders. It is essential that best practice approaches such as Eden House in Bristol are not jeopardised by the risks that are inherent in a competed model that is unlikely to place sufficient emphasis on the specific needs of female offenders highlighted in recommendations of the Corston Report. Contracts must include a robust Impact Assessment and show that proposals have regard to the needs identified as a minimum. However I am not convinced that this is enough of a safeguard and believe that there is a strong case for protecting funding to address the complex individual issues that underlie women's offending.

Proposals for Reform

C19 Do you have any further comments on our proposals for Transforming Rehabilitation in this document

I reiterate my principal concerns with the proposal set out in *Transforming Rehabilitation* as set out in my introductory remarks:

- Significant risk to public protection through the fragmentation of offender management and lack of clarity over accountability;
- Negative impact on established and effective partnership arrangements and data/intelligence sharing between agencies;
- Impact of the proposed payment by results model based on a binary reconviction measure and concerns around conflict of targets and the lack of focus on reducing crime levels; and
- Scope and scale of the proposed expansion of offender management services within a very tight timescale and reduced resources.

I hope that the Ministry of Justice will take on board the significant professional objection to the proposed approach. If the intended model is adopted, I hope that suggestions made within my response will assist in strengthening arrangements to ensure robust oversight of public protection, appropriate measures, assurance with regard to training, supervision and learning the lessons, and to make best use of the position of Police and Crime Commissioners in facilitating local partnership working and providing local oversight.

Contact Officer

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**Avon and Somerset Police & Crime Commissioner
Community Remedy Consultation Response**

Please state if you strongly agree, tend to agree, tend to disagree or strongly disagree with the following statements

Victims should be more involved in determining out of court sanctions for low-level crime and antisocial behaviour – Agree

Local communities should have a say in the range of out of court sanctions available for low-level crime and antisocial behaviour – Agree

The Community Remedy will help to reduce re-offending – Agree

The Community Remedy will improve victim satisfaction with the police response to low-level crime and antisocial behaviour - Agree

Please use the space below to provide any comments you have on the potential benefits of the Community Remedy:

The proposed introduction of the Community Remedy is welcomed in order to build upon effective restorative approaches that are already taking place across Avon and Somerset, particularly if it can help to achieve an outcome that satisfies victims and helps to mend the ways of perpetrators without exposing them to the criminal justice system. The proposed approach has the potential to ensure that victims of low-level crime and anti-social behaviour have a say in the sanction handed to the offender. This will help to increase confidence that issues that blight local communities and the lives of victims will be taken seriously, with the offender dealt with in a meaningful and appropriate way. We are fortunate in Avon and Somerset to have a well-established approach to restorative approaches and have seen the positive impact in terms of victims getting justice swiftly, and the offender having to face immediate consequences for their actions.

The development of the menu of options will be crucial and it is important that this is undertaken in consultation with the public, community groups and partner organisations, building on the good practice that already exists locally.

Please use the space below to provide any comments you have on the potential limitations of the Community Remedy, or any concerns you may have:

Officers need to have the discretion to choose the appropriate remedy for the situation – they need to be empowered to make this decision and therefore we recognise the need to have a range of options to pick from. However there may be occasions when none of the options are appropriate and we therefore support the suggestion that officers have the discretion to choose an alternative - in certain situations and where appropriate - and when authorised by a senior officer (e.g. an Inspector). Appropriate training and oversight of appropriate use of the Community Remedy options will be an important factor in ensuring that options are used effectively and appropriately. There is a key oversight role for the Police and Crime Commissioner in ensuring that these standards and safeguards are in place.

It is important that use of the Community Remedy is victim-led. Victims must not be drawn in without their full consent and understanding, indeed the process will only work where the victim is a willing participant (and similarly the offender).

The proper safeguards need to be in place to ensure that the perpetrator cannot victimise the victim again.