



Date **15 February 2018**

Position statement **HMIP report 'Enforcement and Recall'**

HM Inspectorate of Probation carries out independent inspections on the effectiveness of work with offenders of all ages and produce reports which include recommendations on how agencies and providers can improve their services. On 9 February 2018 they published a [report](#) on enforcement of community-based sentences and recall by probation services.

In relation to the quality of offender management and enforcement of community-based sentences, the report assessed the performance of Community Rehabilitation Companies (CRCs) as poor. It was found that CRC staff were not managing offenders effectively as they were failing to meet with them regularly, with infrequent supervision that was sometimes only by telephone rather than face-to-face.

The report reiterates that probation staff need to engage meaningfully with offenders for successful enforcement of orders and that without this, management of breach becomes difficult, with evidence of inappropriate decisions being made. The report linked the identified problems with resources and a lack of capacity within CRCs.

Similarly, the report found that post-sentence supervision by CRCs was poor, with staff struggling to engage with individuals and provide services that were adequate for the complex needs of this cohort. The report also looked at the issue of offenders being recalled to prison, following some concerns that the number of recalls had increased, but found that decisions in this area were appropriate.

The MA found the report deeply concerning – some of the [statistics provided](#) were shocking. Magistrates must have confidence that when they pass a sentence it will both be effective and enforced appropriately. This report suggests that at present any such confidence would be misplaced, and a lack of sentencer confidence in the enforcement of community sentences could have an effect on their use.

Community-based sentences must be robustly supervised to ensure the punitive requirements of the sentence are delivered, but they will also involve rehabilitative measures to help prevent reoffending. Without effective offender management, neither punishment nor rehabilitation will be delivered and the purposes of sentencing will be lost.

One aspect of sentencer confidence relates to knowing that community sentences will be enforced, and any lack of compliance will be dealt with appropriately. This may involve considering alternative approaches but ultimately, breaches must result in the offender being brought back to court.

Obviously any lack of engagement with offenders will make it difficult for probation staff to make appropriate decisions about lack of compliance. If magistrates cannot be confident that failure to comply with court orders will be dealt with promptly and appropriately, this again undermines the purpose of the community sentence being given.

Whenever the seriousness of an offence means that the custodial threshold has been crossed, magistrates are required to consider all reasonable alternatives to imposing a prison sentence. A lack of confidence in the effectiveness of community alternatives may, unfortunately, impact on that decision. This risks unnecessarily increasing the number of people sent to prison, with the associated financial and societal costs.

The findings of this report must therefore be addressed as a matter of urgency, while magistrates should also be given the power to review the progress made by an offender serving a community sentence, to increase the magistracy's confidence in their effectiveness.

The report also highlights problems with the supervision and engagement offered by CRCs following an individual's release from a short-term prison sentence. Magistrates will only order immediate custody in cases where no alternative is available, and often the cohort of individuals receiving short-term prison sentences have complex needs linked to offending behaviour. Indeed, the report notes that this cohort often have multiple problems including 'homelessness, substance misuse, poor health and limited employability'.

It is therefore very troubling that CRCs are not able to offer the support needed for this cohort on release from prison, and that there is little being done to prevent the 'revolving door to prison', which was precisely the purpose of implementing this supervision. Again, enabling magistrates to review post-sentence supervision could both increase the confidence of sentencers and increase the effectiveness of the supervision.