

## Police and Crime Committee – Thursday, 26 January 2017

### Transcript of Item 5 - Mayor's Draft Police and Crime Plan - Part One

**Steve O'Connell AM (Chairman):** I first of all welcome our three guests this morning, who are Ben Summerskill OBE, Director of the Criminal Justice Alliance; Bernadette Keane, Victim Services Director for London, Victim Support; and Evan Jones, Head of Community Services at St Giles [Trust]. Again, welcome very much to you this morning and thank you very much for the giving of your time.

You will be aware that the subject is the Mayor's draft Police and Crime Plan. Within it, there is reference to the broader criminal justice system. This Committee is gathering evidence to make our contribution towards the consultation and we will be listening to your evidence this morning and using that accordingly.

I will start the questions this morning, which are particularly about a better service for victims and offenders. My first question is initially to Bernadette but others can, clearly, come in. What are victims of crime in London telling you and your organisation about their experiences of the criminal justice system and the support that they receive?

**Bernadette Keane (Victim Services Director for London, Victim Support):** They are telling us that it is not satisfactory and that they have lots of concerns about it. One of the commonest themes we hear is the different points of contact that they have all the way through the journey. Often when they report a crime, the follow-up information on that crime can be disjointed and they can hear from several different officers. We know that a third of victims do not hear anything after they have reported a crime.

We hear very positive feedback about the police and the way they respond but we also, unfortunately, hear a lot of negative feedback as well. The person who first responds to the crime is very important to them. We have concerns about police training and it is something that, as Victim Support, we have talked to the police about. We feel that it needs to be enhanced.

The disjointed journey is the most important thing that comes out, having to tell their story again and again, not having a full understanding of the criminal justice process, not being kept informed of the investigation into the crime and then, even when the court case has happened, not having clear information about the outcome.

**Steve O'Connell AM (Chairman):** We have heard this. Previous Deputy Mayors' administrations took an interest in this and we have heard that before. I accept that. Has this got worse or have there been improvements? What is your view around that?

**Bernadette Keane (Victim Services Director for London, Victim Support):** There is a willingness to make improvements, but we have not had feedback that there have been improvements. Yes, unfortunately, I cannot say that there have been improvements. It has remained the same, if not got worse.

We used to have a model in London where victims were referred to victim support services regardless, but the Metropolitan Police Service (MPS) has now gone to a consent-only model and victims have to consent before they are referred to support services. We are concerned about the consistency of that and how it happens on the ground. We hear from lots of victims that they are not told about support services in a timely manner. We

continue to have concerns about the support that victims get from the police and in the rest of the criminal justice process.

**Steve O'Connell AM (Chairman):** You are saying the system has slightly changed whereby the support was offered almost by default --

**Bernadette Keane (Victim Services Director for London, Victim Support):** Yes.

**Steve O'Connell AM (Chairman):** -- but now they have to proactively give some sort of consent around it?

**Bernadette Keane (Victim Services Director for London, Victim Support):** They do, yes. The police have to ask and then tick it on a form for us to receive a referral. That happened in May last year [2016].

**Steve O'Connell AM (Chairman):** You sense that it is still fragmented support. Can you give me, perhaps, an example of someone - without naming them - and what it looks like?

**Bernadette Keane (Victim Services Director for London, Victim Support):** We know that fewer than 50% of people report crimes to the police and so we know that it is not just down to the police to support victims of crime. We actively encourage self-referrals and we work with our communities across London to try to encourage self-referrals.

When we work with those people who maybe have had more difficult experiences from the police in the past and maybe are not going to -- actually, I have not answered the question, exactly. We hear regularly that people who have come to us were not offered, at the point of contact, support and were not told about victim services. That is clear. We are told that.

It is also different in each different part of the system. I cannot really give you a coherent or consistent answer to that, I am afraid.

**Steve O'Connell AM (Chairman):** OK. I will bring Evan in.

**Bernadette Keane (Victim Services Director for London, Victim Support):** He might be able to, yes.

**Steve O'Connell AM (Chairman):** We will be writing to the organisations as well and so there may be other examples you could probably give.

**Evan Jones (Head of Community Services, St Giles Trust):** I was just going to pick up on that. With us, we tend to be working with people who are victims and offenders, or victims or offenders, or victims today and offenders tomorrow. Their experience of being victims tends to be very negative because, when they are involved in a crime as a victim, it will be immediately seen that they have a criminal record, they are known as a gang member or they are known for some other crime.

**Steve O'Connell AM (Chairman):** These are previous offenders who have now become victims?

**Evan Jones (Head of Community Services, St Giles Trust):** Yes. We have a classic example of this and there is stuff in the report about this, which is great, around the hospital-based work with youngsters who come in and have been victims of serious knife attacks and so on. They are also very likely to also be perpetrators. Quite often, they are likely to be perpetrators very soon after that event, as soon as they have recovered, because they want to go and get revenge for whatever has happened to them. Yes, we could gain a

lot if victims who are also perpetrators were treated as victims when they are victims. We might engage more people through that process.

**Steve O'Connell AM (Chairman):** This is the work that you do and you have an evidence base around the fact that victims who were offenders can be - and often are - treated in a different manner?

**Evan Jones (Head of Community Services, St Giles Trust):** Absolutely, yes. They are treated very differently. They are not even inclined to go and report. As you said, only 50% actually get as far as reporting.

**Bernadette Keane (Victim Services Director for London, Victim Support):** Less than 50%, yes.

**Evan Jones (Head of Community Services, St Giles Trust):** I am sure that a lot of that group are the ones we know. They do not even report the crimes but, when the crimes do come to the attention of the authorities, they do get treated so differently. They are not treated as victims, even though on that occasion they most certainly are.

**Steve O'Connell AM (Chairman):** The subject of today is particularly around the emerging Police and Crime Plan. What we will be wanting from you, not just today but when we write to you is any items or measures that you feel are in the Plan and if you would say there is something it mentions that it could do better. That is the point I am making. If you do not have that evidence today, we can write. Ben, did you have any contribution around this in particular?

**Ben Summerskill OBE (Director, Criminal Justice Alliance):** I certainly rehearse what both Victim Support and St Giles Trust have said because they are member organisations of ours.

**Steve O'Connell AM (Chairman):** Indeed.

**Ben Summerskill OBE (Director, Criminal Justice Alliance):** Certainly, we welcome - and I think all our member organisations that operate in London welcome - the commitment the MPS has given to one point of contact throughout a victim pathway.

Possibly the most important point - and it is sometimes overlooked - is that for the vast majority of victims, there are not necessarily transformations that need to take place. They just need to be treated competently. One of the reasons that, in our view, they are not is because the criminal justice pathway is so fragmented. Of course, that is reflected not just in London but across the country as well. A perfect example of that is the simple fact that it must be unsatisfactory that the average times it takes from the commission of an offence to a court case starting in London is more than six months. In some cases, it is 18 months.

For many victims, of course, just the competent investigation of an offence is what they want. When it is absent - and we only have to look recently at the case of the murders by Stephen Port in Barking, where we had what can at its most generous be described as calamitous incompetence on the part of investigating officers - that, of course, causes massive distress to victims. They are not necessarily looking for a complete reconfiguration of the criminal justice system; they are just looking for very basic standards of competence.

**Unmesh Desai AM (Deputy Chair):** In terms of what you just told us about the experiences of victims, would the concept of a Victims Commissioner help? What would your hopes be for them and what do you envisage them doing?

**Bernadette Keane (Victim Services Director for London, Victim Support):** We really support the recommendation for a Victims Commissioner. We feel that it is really important that the victim's voice is heard and we believe that having a Victims Commissioner would really help that. At Victim Support, we have - obviously - a big group of victims and we would want to work very closely with the Victims Commissioner to make sure their voices were heard so that they could influence policy and the structure of the services going forward. We strongly support the proposal.

**Evan Jones (Head of Community Services, St Giles Trust):** Yes. I would add that there is also a role there for supporting particularly high-profile victims, many of whom feel obliged to set up their own independent charities when they do not really have the skills to do that but are amazingly powerful and passionate speakers whom we should be getting in front of young people and other groups. That could be facilitated centrally rather than everyone having to set up their own individual charities. There is a real gap there. We are seeing a lot of high-profile victims suffering financially and emotionally because they feel they have to go it alone. We are quite concerned about this.

**Ben Summerskill OBE (Director, Criminal Justice Alliance):** We warmly welcome the proposal - and again, I reflect what member organisations have said - but with one caveat. We agree completely that a Victims Commissioner should have the capacity to listen sympathetically to the experience of victims and engage with them. We agree completely that a Victims Commissioner should be someone who has the capacity to give a voice to the experience of victims.

However, our view is that those two things, while they are necessary, are not sufficient. Possibly, we are looking at the experience on the national stage here, but what we think is critically important is that if a Victims Commissioner is appointed, they also have the toughness and the resource to be able to challenge those parts of the criminal justice system in London in order to ensure that necessary structural change takes place or that efficiency is delivered in the way we have outlined. Just having a Commissioner who in some senses gives a voice to victims is probably not quite enough. What we want to see is someone who, as I said, has the toughness to be able to offer that sort of challenge.

**Unmesh Desai AM (Deputy Chair):** One more question. Does the draft Police and Crime Plan reflect what is needed to deliver an effective criminal justice service to victims? What, if anything, is missing from the Plan in relation to victims that you would like to see included?

**Ben Summerskill OBE (Director, Criminal Justice Alliance):** In fairness - and we have to be objective about this - it is actually quite an inspiring Plan if we compare it with what is being delivered elsewhere across the country.

It recognises probably the most important thing, we say, and we will come back to devolution of powers. It recognises the real difficulties that arise through the complete fragmentation of the criminal justice system. This is established and understood.

If we were to say there was one thing that we think would benefit from inclusion, it would be to make the allusion to restorative justice more robust. The reality is that, as it points out, restorative justice works. It is incontrovertible that restorative justice, most particularly for victims but also in terms of rehabilitation, has real benefits.

We have been anxious that the Ministry of Justice granted £565,000 in 2013/14 to the Mayor's Office for Policing and Crime (MOPAC) for the delivery of restorative justice and MOPAC appeared to spend nothing on it. It was granted £917,000 by the MoJ in 2014/15 and appeared to spend £10,560 on it. It was granted

£1.879 million in 2015/16 and spent £250,000. I am not saying that that money has disappeared; it was just spent on something else without MOPAC being challenged about where it had gone.

While there is now a contract in place to deliver restorative justice in London, which we support, what Londoners should be offered - and an amendment could be made to the Plan - is an entitlement to restorative justice, rather than the somewhat vapid offering that is given in the Victims' Code, which is that they have an entitlement to be told about restorative justice and then are sometimes told, "It is not available in this area". Given that it is clear that restorative justice has real benefits for victims - and there is hard evidence of that - it would be very welcome if the Mayor could see fit to guarantee that benefit to victims in the future rather than just say it is an aspiration or an ambition that people should be able to receive restorative justice.

**Bernadette Keane (Victim Services Director for London, Victim Support):** Like Ben, when I first saw the draft Police and Crime Plan, I found it inspiring. I was particularly pleased to see the focus on vulnerability - that is a really important aspect of the Plan - and the focus on more joined-up working and a more seamless approach.

Just in terms of the Victims' Code of Practice, it is something that at Victim Support we have quite a lot of concerns about because we know that that code is not being upheld. Only a very small proportion of victims are offered [the chance] to give a victim's personal statement, which we know can be a very powerful voice for victims and means they are having their voice heard and their feelings heard. We at Victim Support would like for it to be made a legal duty, which it is not at the moment.

I would also like to mention restorative justice. We at Victim Support also really support restorative justice. We run the national Homicide Service and restorative justice is a key element of that offer. We have seen the really powerful impact it has on helping the bereaved understand the conditions of their loved one's murder and we have seen them move on to cope and recover more effectively from that crime. I have also seen many perpetrators change their lives around because of going through restorative justice. It is a very powerful and something that we at Victim Support fully support.

**Evan Jones (Head of Community Services, St Giles Trust):** I would just echo that, yes.

**Steve O'Connell AM (Chairman):** Thank you for that. What has come out of that is that, clearly, you were inspired. The word was used twice. You liked some of the stuff in it but particularly, Ben, your critique on historical issues around restorative justice. We all around this room agree that restorative justice is an incredibly powerful tool and you have described that very well. Thank you for those comments.

We will now move into some questions around breaking the cycle of offending.

**Sian Berry AM:** These are questions to Evan initially about young offenders. Can you tell us what the young offenders you work with are telling you about their experiences of the criminal justice system and what support there is to prevent them reoffending?

**Evan Jones (Head of Community Services, St Giles Trust):** Yes. I was going to highlight that one of the things that I felt was a little lacking in the report was housing. It is awful. We do not like to mention it now because there is not any, but we really need to resolve this.

If you talk to a young person in custody or a young person who is running around dealing drugs, what they are usually after is stability. If you want to achieve progress with them, stability is the way to go and housing is

usually the first part of that. Then it is about training and then it is about employment. That is the path out that we have seen work for so many people. That is a key one.

What is happening at the moment is that quite a lot of services seem to be being commissioned in an almost housing-blind way, "We will think about trauma", or, "We will think about mental health". All of these are great and are really important things, but without housing you cannot get someone to a mental health appointment and all the rest of it. That is a key one for me.

I have another general point. Lots of this stuff is in the report and it is great, but I just want to draw a few things together into one theme, which is about putting resources at the most useful point of intervention. We have stuff in there about the hospital services, which we deliver some of and other agencies deliver, where young people are met at the hospital bed. We need more through-the-gate services. We need more services that talk to young people in custody because that is a point at which young people are motivated to change. If you want to break the cycle, get in there then. Nobody wants to go back to prison when they are in there, but we need to make it easier for people to go straight. There are other points, like custody suites. Again, we could do more work on custody suites. There is a pilot in Brixton at the moment, which has done very well.

It is about getting those resources into places where people are at a point of change because we will get a better take-up rate. Our experience is that the take-up rate is best in the trauma centre of the Royal London Hospital. When people have nearly died, they are very receptive to an offer.

**Sian Berry AM:** Yes, some of us have been to visit the Redthread work that is done there. You also mentioned when they come into custody. What support do people get at the moment?

**Evan Jones (Head of Community Services, St Giles Trust):** In custody now, particularly for the over-18s, we have had a lot of change because of Transforming Rehabilitation, which was effectively the splitting of probation. What it does mean now is that there is better data-gathering and better assessment in custody and more consistent assessment than there ever has been. That is great. We know who is there more than we did. If you had gone five years ago to Brixton Prison and said, "Tell me how many young people from this borough you have", they probably could not have answered you. If you go there now, they do know but they do not have the resources to give them the support. We are a little more forward than we were because we do know who is there and what their problems are. What we need now is better linking services into the community. Sadly, that is one of the bits that, across the whole of Transforming Rehabilitation, has not been commissioned very well or with a lot of resource behind it.

**Sian Berry AM:** Do the other panel members want to comment on that?

**Ben Summerskill OBE (Director, Criminal Justice Alliance):** I would just say that certainly we commend the work of Redthread.

Something else I would say - and we engage with the Transition to Adulthood Alliance - is that we do warmly welcome the recognition in the Plan that the way to deliver the best outcomes for young people probably needs to be bespoke. There are very special issues that arise: issues of maturity, issues of diversion. We welcome the fact that there is recognition that they need a distinct approach.

**Bernadette Keane (Victim Services Director for London, Victim Support):** In London, Victim Support runs the core victim service and a part of that service is a specialised service for children and young people. We have seen that increasingly the bar of need is going up and up with the pressure on other services. For example, children and young people who maybe would have got support from Child and Adolescent Mental

Health Services in the past do not. We are seeing some very high-support young people whom it is really hard to support sometimes. That is a concern for us at Victim Support.

I would also like to say that I am very supportive of the focus on more early intervention. I know that schools are very busy places, but more work has to be done in schools. We support that as laid out in the Police and Crime Plan.

**Evan Jones (Head of Community Services, St Giles Trust):** Yes, just one thing to come back on your original question about what they are saying they like and what works. It is also a personal relationship, not a complex referral process. This is one of the tensions that comes out in the report and just comes out naturally.

When we have a place as big as London, there is always a tendency to want to make economies by commissioning pan-London. London boroughs are very small and it can be very fragmented. Specialist services can have half a worker each in one borough, which is ridiculously small. However, you do end up, if you have a pan-London service, with a complex referral process.

What we have found is that we struggle to get young people through those processes. What they respond to is somebody in their face talking to them right now on their level who can engage with them, which we and other agencies are good at providing, but we do need to cut out that bureaucracy. It needs to exist and the assessments need to happen, the safety plans need to happen and the risk assessments, but they do not need to happen first. We need to get in there and deal with the young people.

**Sian Berry AM:** Can you comment further on what the draft Police and Crime Plan has to say about all of this? It has a big section on young people. Does it have the right kinds of priorities to improve young people's experiences of the criminal justice system as both victims and offenders?

**Evan Jones (Head of Community Services, St Giles Trust):** Like my colleagues here, I think that there is some very good stuff in here and it is heading in the right direction.

The bits I wanted to pick up on particularly was the reference to county lines in there - but only very briefly - and the drug-trafficking lines that go out of London to the regions. All it says in the report is that we want to make sure they are arrested. We definitely want to do more than that. That really leapt out at me. Lots of them are under 18. For the youngsters who carry the drugs out to Ipswich, Southampton or wherever, it is a safeguarding issue and it should be a multi-agency response. That is not what we are getting at the moment.

I realise that this is not just London's problem. This is probably a national issue that needs some national funding to address it, but London needs to push on this because London is the biggest exporter.

That is also one of the biggest changes that we are seeing to the scene that young offenders operate in. Instead of the market being Peckham, Brixton or wherever it is they live, the market that they can sell drugs in is now huge. It does mean that we have what were definitely urban street gangs heading towards being serious organised criminal gangs because the amount of money they are able to make is that much greater.

**Sian Berry AM:** Like the other panel members, is there anything missing from the Plan that you think ought to be in there?

**Evan Jones (Head of Community Services, St Giles Trust):** Certainly the housing thing I mentioned before and also family support could not be emphasised enough. One of the effects of the housing problem is that almost all the young offenders we work with now live at home. Ten years ago, a naughty 22-year-old

would probably have lived in a hostel or possibly even a flat. Now they live at home and so we have to support the family as well.

Again, going back to my point about putting the resources where they are going to do the most good, if there are younger siblings and so on in the family, they are going to need support. If the eldest child in the family is involved in gangs, drug-dealing and so on, those siblings are at such risk. To stabilise the housing and to support the young person, you need to support the family as well.

There has been a tendency to put family support in a separate box, but we really cannot do that anymore. We have to get in there and support families based on the indicators we are seeing like kids being in pupil referral units, kids getting arrested and kids being on gang matrices. All of those things should attract family support to a family because that is where it is desperately needed. They are the families that would be the last ones to go to statutory services for help as well.

**Bernadette Keane (Victim Services Director for London, Victim Support):** Given the recent Her Majesty's Inspectorate of Constabulary (HMIC) report on the police handling of children's cases, we know that a lot of work needs to be done and we are very far from where we need to be. I know that it is mentioned in the Plan, but that is a deep concern, obviously, to all of us.

**Ben Summerskill OBE (Director, Criminal Justice Alliance):** I would just add to what both Evan and Bernadette have said. Of course, if the Plan offered an entitlement to restorative justice, particularly for low-level offences and antisocial behaviour, quite often that engagement at a very early stage with young people would lead to diversion in the first place. Those interventions that are relatively cheap at an early stage can often mean that that young person never gets on the criminal justice escalator to start with.

**Bernadette Keane (Victim Services Director for London, Victim Support):** I was speaking to an ex-offender last week and he told me that the reason he changed his life around is that when he was in prison he heard a talk about the impact of crime on victims from Victim Support. Maybe, in terms of educating young people early, tie it in with restorative justice around the impacts of crime. If people understood it more, it might support them to move out of offending.

**Evan Jones (Head of Community Services, St Giles Trust):** There is one other thing that I picked up in the report as well. There is a reference to MOPAC engaging with employers about creating job opportunities for ex-offenders. What I would say is: lead by example. MOPAC needs to commission actively to encourage employment of ex-offenders. I would say this because 40% of our staff are ex-offenders, but there are lots of agencies and lots of contracts that do not put any emphasis on this issue. That is one way we can resolve some of these problems. If we can provide people with role models who have moved through offending into employment and are now doing something constructive, they are the people who help to change lives. By commissioning differently, there could be more of those.

**Sian Berry AM:** I have one final question. Related to what you said about housing, some of the things you have talked about - family support in particular - are services that local councils offer and are things that the National Health Service (NHS) do. Is there enough in the Plan about how the police will work with other agencies? Is there enough about commissioning outside of police work in the Plan?

**Evan Jones (Head of Community Services, St Giles Trust):** I suppose I am seeing this across lots of different local authorities. I am seeing a lot more joint commissioning with health at the moment - that seems to be happening - and I am seeing a lot more commissioning that is informed by the police, but it is all in little



pockets. Yes, maybe a central push through this report to encourage that type of commissioning would be a good thing.

**Ben Summerskill OBE (Director, Criminal Justice Alliance):** What you have just done is to exemplify perfectly one of the problems we have where the necessary outcomes to solve some of these problems all sit in different places. Where you do have a Mayor, even if the Mayor does not have statutory authority, the Mayor does possibly have the opportunity to influence some of those public bodies to work together in the way that needs to be done to get from where we are to where we should be.

**Caroline Pidgeon MBE AM:** I just wanted to pick up with Evan. Some of the offenders you are dealing with, as you mentioned earlier, are also victims. I was thinking particularly of young women who might end up being linked to a gang but who are actually victims, often, of things like child sexual exploitation. We know from evidence from the Children's Commissioner that a lot of young women are just not being believed by the police.

Do you still find that in the MPS or has that changed? Is there enough in this draft Plan to look at tackling that attitude issue in the police?

**Evan Jones (Head of Community Services, St Giles Trust):** We have not had issues with the MPS. We have been spotting this around the county lines issue. A 16-year-old who has run away from care in London and gets picked up in a drug-dealing premises in Ipswich will be treated more as a class-A drug-dealer or as a victim but not one who needs to attract any attention. We have had cases where the police have just let under-18s go, having swooped on a house. In London, we have not had that issue.

I do agree that that group is getting missed on lots of occasions. The gangs matrix is mentioned in the report, which is great, and talking about changing it. The current gangs matrix focuses just on crimes of violence and we know who commits those, do we not? We tend not to get many young women on the gangs matrix. There are other matrices being used. There is one called the Self Assessed Violence and Vulnerability Matrix, which has more vulnerability indicators in it, which would draw attention to a different group.

Also, the work in health could be expanded. In the major trauma centres, we and Redthread tend to see young lads because they are the ones who suffer the serious injuries. If we had an equivalent service that worked in sexual health, in rape crisis or in emergency contraception - we talk to health professionals and they know there are things going on - they would have to have something equivalent to refer into. We could pick up a lot more young women that way.

**Caroline Pidgeon MBE AM:** You could expand the youth worker element to other parts of the NHS to pick up some of those other victims?

**Evan Jones (Head of Community Services, St Giles Trust):** Absolutely. What we find with health professionals and others is that they are very wary of pressing the big red panic button. Everyone has a big red panic button.

If you called in social services because you suspected the young woman you had just given emergency contraception to was perhaps raped, you know that she would not say anything or you could be pretty confident she would not. If you were able to say, "Look, just have a chat with my colleague", and if, again, it was someone credible and approachable who would understand the situation the young woman might be in, one of my staff would probably have her talking very quickly. We would find out a whole lot more and we would be able to offer support.

Certainly, nurses would massively welcome this because they tend to know what is going on but are just not able to do the next step.

**Caroline Pidgeon MBE AM:** That was really helpful. That is something we could put forward.

**Steve O'Connell AM (Chairman):** We could pick up on that. The last set of questions is around devolution of the criminal justice system. The draft Plan says that London needs a criminal justice service that "answers to the elected Mayor of London, not central government". This is a theme that has general acceptance and support.

**Andrew Dismore AM:** Perhaps I could ask Ben about this. The first question is: if there is to be devolution, which services do you think should be devolved and to where?

**Ben Summerskill OBE (Director, Criminal Justice Alliance):** Our strategic view in the long term - and this does not apply just to London - is that considerably more of the criminal justice services, including, arguably, local prisons, should be devolved to local control. Again, as I said, that is across the country, not just in big cities. People are looking at a model of this in Lincolnshire, for example, so that precisely those connections can be made at every level across the criminal justice pathway.

The simple fact is - and again, the situation in London reflects the national picture so that, while the volumes of crime are higher, the situation is not different - you do have this completely fractured system where you have police dealing with offenders, courts dealing with offenders, prisons dealing with offenders, and the Probation Service. Almost all of those institutions and the individuals within them have no idea what happens to people once they leave their bit of the criminal justice pathway. Of course, if your actions are not informed by the consequences of your actions, then the consequences do not inform those actions in the first place.

Putting magistrates' courts under the control of the Mayor seems eminently sensible because it means the Mayor would then have the opportunity to influence the way they engage with local communities. We also completely agree that putting young offenders' services under mayoral control would make sense.

In summary, we recognise that there are certainly some people in the Government and many senior folk in the Conservative Party who would support this complete devolution. We think this is a tentative compromise between where you would want to be and where we are now.

**Andrew Dismore AM:** Going back to my original question, the services you would like to see devolved include the magistrates, young offenders and what else?

**Ben Summerskill OBE (Director, Criminal Justice Alliance):** Arguably, probation as well. We would probably put those as the first three.

**Andrew Dismore AM:** Looking at magistrates' courts, there are lots of different functions in the magistrates' courts. One of the issues would then, I assume, be how you would maintain the judicial independence of the magistrates, particularly in terms of sentencing and trials, at the same time as devolving control of the courts to the Mayor.

**Ben Summerskill OBE (Director, Criminal Justice Alliance):** In fairness, that is an absolutely proper question and it is a question, of course, that is always asked. I was speaking to a High court judge not very long ago and was saying to him, "Would it be a very good idea if the magistrates' courts operated, as the

Leveson report [Lord Justice Leveson, *Review of Efficiency in Criminal Proceedings*, 2015] suggested, from 8.00am to 1.00pm and 1.00pm to 6.00pm? You could do that in the High Court as well". "No, you have to understand that the High Court is very different from the magistrates' courts" - because of course they have to go off and play golf in the afternoon! But the reality is that those issues of independence are always brought up when you raise the better administration of courts.

Of course, there has to be that distinction, but at the moment the magistrates' courts are essentially managed by the MoJ and, again, I make absolutely no criticism of the way in which that is done, but you still have effective political control of that administration. Quite properly, it is at arm's length and it is not compromised. There is no reason whatsoever, if you devolved the administration of courts to a mayoralty or, indeed, a county council or a police and crime commissioner, that that compromise should necessarily be made in any way that is not made at present.

**Andrew Dismore AM:** One of the key issues is listing cases. It has come up before. As I understand it, listing has always been considered to be a judicial function and, therefore, independent of the administration.

**Ben Summerskill OBE (Director, Criminal Justice Alliance):** That would remain exactly the same if the administration of the courts and the -- one perfect example is the opportunity to drive the way in which courts can problem-solve by driving liaison between local services. That is what Evan has already alluded to. That is far more likely to happen and to be taken advantage of if control of those courts is closer to the ground and that applies as much in London as it does in Lincolnshire, Sussex and Manchester.

**Evan Jones (Head of Community Services, St Giles Trust):** I was just going to say that influencing sentencing is not necessarily a bad thing. The easiest way to do it is to just offer more options. I talk to a lot of sentencers and very few of them do not want to send young people to prison and they do not want to send people to prison for stupidly short sentences for minor crimes, but they are often presented with no alternatives. We find that when our staff go along to court with someone and talk him up and say, "He is doing really well and he is engaging with us", we can get a non-custodial settlement.

**Andrew Dismore AM:** Do you see restorative justice sitting there or do you see restorative justice outside the court system altogether?

**Evan Jones (Head of Community Services, St Giles Trust):** The worry about restorative justice within the court system is that that influences sentencing and it would concern me if people were putting themselves forward for restorative justice based on a belief that they were going to get a reduced sentence. Engagement with services generally should influence sentencing.

The way to make this happen is to make the cost of prison borne locally. If the budget for paying for those guys in prison was held in London, we would see a reduction in imprisonment. It has happened with young offenders and it is fantastic.

**Ben Summerskill OBE (Director, Criminal Justice Alliance):** That is the macro vision supported by former Ministers like Nick Herbert, the former [Minister of State for Policing and Criminal Justice] --

**Andrew Dismore AM:** Are you advocating that the Mayor should take over the running of Wandsworth and control --

**Ben Summerskill OBE (Director, Criminal Justice Alliance):** No --

**Evan Jones (Head of Community Services, St Giles Trust):** No, the Prison Service is better run nationally.

**Tony Arbour AM:** That is not what Mr Summerskill says.

**Evan Jones (Head of Community Services, St Giles Trust):** It needs to be able to move people around. We do not want lots of little local prisons. We would have to have enormous extra capacity to make that work. The budget should follow the prisoner, as it were, but that would just give such a strong incentive to sentencers, local authorities and agencies to come up with different disposals.

**Steve O'Connell AM (Chairman):** Divergence of opinion we have had in the panel.

**Ben Summerskill OBE (Director, Criminal Justice Alliance):** You have spotted a slight distinction in perception, but we would still take the view that in 10 or 20 years that might be where you would want to be. Clearly, it is not something that is currently countenanced and there would be very specific arguments to be had about the distinction between the prisons that would, of necessity, be run nationally because they are holding very serious offenders and prisons that are dealing with a very local population. With thought, there might be the opportunity to concentrate minds on how to reduce the cost of dealing with those offenders.

It is another perfect example of where the people who are making decisions currently are miles and miles away from the consequences, including the fiscal consequences, of those decisions.

**Andrew Dismore AM:** Yes, particularly with the prison construction programme, which is looking at fewer bigger prisons miles from anywhere rather than locally. We are running the risk of opening a whole new area of questioning there, which is not really on the agenda at the moment.

OK, we will look at devolution, but devolution is relevant or important only if it has an effect on improving services both to victims and also to offenders. The question then follows: supposing we get devolution of the magistrates' courts administration, the young offenders system and probation. How would that actually result in better outcomes for victims and for offenders?

**Bernadette Keane (Victim Services Director for London, Victim Support):** I do not know if this is going to directly answer your question but, in terms of the Witness Service, if that was devolved, it could possibly lead to greater integration with the wider victim support service and could lead to a better support system for victims. That really would have an impact. I do not know about the wider --

**Ben Summerskill OBE (Director, Criminal Justice Alliance):** I do not know.

**Evan Jones (Head of Community Services, St Giles Trust):** Yes, it does seem to me that there are so many opportunities in devolving lots of these things because it is this issue. For now, at the moment, somebody's costs are covered centrally when they go to prison. They are off the streets for a few weeks, a few months or a few years and it is not costing the local authority or London anything in a direct sense. If it was, people would be far more creative.

**Ben Summerskill OBE (Director, Criminal Justice Alliance):** I could not have put it better myself.

**Andrew Dismore AM:** To my mind, that sounds a bit thin in terms of a benefit. Can you be a bit more specific or concrete on what you think the benefits would be?

**Evan Jones (Head of Community Services, St Giles Trust):** Based on what has happened with the under-18s, fewer under-18s are going to prison. That is fantastic.

**Andrew Dismore AM:** Why would that follow from devolution?

**Evan Jones (Head of Community Services, St Giles Trust):** Because of the cost. It is the cost that has driven that change. Local authorities are now responsible for the cost of imprisonment of under-18s and so they are thinking more creatively about what to do and --

**Ben Summerskill OBE (Director, Criminal Justice Alliance):** If I can add, it is important to emphasise that it is not that they are just not sending young people to prison; it is that they are thinking more creatively and are working in a much more co-ordinated way to try to drive the sorts of outcomes that mean those young people do not have to be sent to prison.

**Evan Jones (Head of Community Services, St Giles Trust):** In Wales, they have almost got down to single figures for under-18s in custody. That is so impressive. We have had a reduction in that as well.

**Andrew Dismore AM:** The next question is: devolution to what level? We can talk about devolution regionally to London and that might make sense for part of the things we are talking about, but a lot of the things you are talking about are local authority functions, are they not? Are you talking about devolving beyond the London Mayor into the boroughs?

**Evan Jones (Head of Community Services, St Giles Trust):** I must admit that I have not considered that. When we are going from a completely national service, it would seem sensible to at least stop at the city.

**Andrew Dismore AM:** We would end up with permanent revolution, would we not?

**Evan Jones (Head of Community Services, St Giles Trust):** Yes, it feels like that sometimes.

**Andrew Dismore AM:** There is a last question from me about this. There is reference to this in the Police and Crime Plan, which is what we are looking at now. Do you think that the case for devolution is well made in the Police and Crime Plan or is something missing or should something be taken out?

**Evan Jones (Head of Community Services, St Giles Trust):** It certainly came across when I read it. I thought, "Great. I like this". Possibly, it could be better made, maybe looking at the examples around youth justice to give really concrete examples of the change that has happened when structural changes have led to changes in sentencing practice.

**Bernadette Keane (Victim Services Director for London, Victim Support):** I agree with Evan's point.

**Tony Arbour AM:** I am surprised that none of you have mentioned Manchester, which of course, effectively, is having many of these powers devolved to it.

Judging by the dissonance there is between the current Mayor and the Government, it is not awfully likely that more powers are going to be devolved. Given that that is so - which you may not accept - how can the Mayor and the Assembly hold existing parts of the criminal justice system to account? How, for example, can the Mayor hold the Probation Service to account? I do not think even he would consider wanting to take over the Prison Service, with the greatest respect. I draw your attention to the fact that the old Greater London Council

was, of course, responsible for court premises and so there is a kind of reinventing. I seem to have gone around this course many times.

**Ben Summerskill OBE (Director, Criminal Justice Alliance):** Perhaps they just did not run them for long enough.

**Tony Arbour AM:** Possibly. The essential question is: if the Mayor is not successful in getting the kind of devolution set out in the Plan, how can he better hold the existing system to account? Do any of you have any views on that?

**Evan Jones (Head of Community Services, St Giles Trust):** I must admit that I do not.

**Tony Arbour AM:** None of you were summoned here. You were invited.

**Bernadette Keane (Victim Services Director for London, Victim Support):** I have just a couple of points. The Mayor could monitor and ensure compliance with the Victims' Code of Practice. That is one thing. Also - and there is a commitment to it - listening to the voices of victims has to be a way forward and there is a commitment to a Victims Commissioner. They are the two things that I would want to add.

**Ben Summerskill OBE (Director, Criminal Justice Alliance):** I would just say - and these are macro observations - that one is transparency. If the Mayor can shine a light on what is going on - which is something he is perfectly entitled to do - along the criminal justice pathway, it does put pressure on public institutions. The appointment of a Victims Commissioner is certainly an opportunity to give someone else the opportunity to draw attention to those inadequacies - and, of course, sometimes successes - across the criminal justice pathway in a way that can drive organisational behaviour.

**Tony Arbour AM:** I wonder if I can ask you a general question, which relates possibly to you, Mr Jones. Do you think that legal aid is something that ought to be devolved?

**Evan Jones (Head of Community Services, St Giles Trust):** It is certainly something that we are noticing a lack of at the moment. All of the various cuts in legal aid have hit our client group very hard. Whether it could be better managed devolved or not, I am not sure, but we would appreciate some more of it.

**Bernadette Keane (Victim Services Director for London, Victim Support):** I am not sure, either, but we are definitely seeing a massive impact of the cuts in legal aid, particularly to domestic violence victims.

**Tony Arbour AM:** Do you think that legal aid is properly described as part of the criminal justice system or is it something separate?

**Bernadette Keane (Victim Services Director for London, Victim Support):** It seems separate.

**Evan Jones (Head of Community Services, St Giles Trust):** I suppose it is something that people should get when they are being put through the criminal justice system. They should have the resources there to put their case in the best possible way. I would say that it should be seen as part of it, but it is not a question I have thought of before, I have to say.

**Tony Arbour AM:** Yes, but, thanks to Mr Summerskill, we have had something that certainly I do not think we had ever considered: that prisons should be handed over. That was a completely left-field suggestion and may be worth considering.

**Steve O'Connell AM (Chairman):** Unless there are any other questions, I would like to thank you all for your contributions this morning. I shall be writing to you formally to thank you and it may well be that in response you wish to give some more evidence to us. We have noted very much your comments and we will be considering how we weave them into our representations. Again, thank you very much.

We will now move, with a slight pause, into the second part of the meeting.