Offender Rehabilitation Bill [Lords]

NOTE

The Amendments have been arranged in accordance with the Order of the Committee [26 November 2013].

Jeremy Wright

Clause 10, page 9, line 7, at end insert—
'( ) in subsection (4), for “that period” substitute “the automatic release period”,'.

Jenny Chapman
Mr Andy Slaughter
Karl Turner

Clause 11, page 10, line 11, at end add—
‘(2) (a) The Secretary of State must publish an annual report on the provision of rehabilitative services for female offenders in the criminal justice system, and must lay this report before both Houses of Parliament.

(b) The report should include—

(i) an update on the provision of services for female offenders by all providers contracted to provide services under section 3(2) or 3(5) of the Offender Management Act 2007.

(ii) an update on the impact of post release supervision for female offenders who served sentences of less than 12 months in custody.’.
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Mr Elfyn Llwyd

Clause 11, page 10, line 11, at end insert—
‘(c) summarise the information on the basis of which an assessment was made of the impact of the arrangements on female offenders and the reasons for the conclusions reached in consequence of that assessment.’.

Jeremy Wright

Clause 12, page 10, line 14, leave out subsection (2) and insert—
‘(2) In section 64 (release on licence: drug testing requirements)—
(a) in subsection (1)(a), omit “for a trigger offence, and”,
(b) in that subsection, at the end insert “, and
(c) the Secretary of State is satisfied of the matters in subsection (1A).”,

(c) after that subsection insert—
“(1A) Those matters are—
(a) that the misuse by the person of a specified class A drug or a specified class B drug caused or contributed to an offence of which the person has been convicted or is likely to cause or contribute to the commission of further offences by the person, and
(b) that the person is dependent on, or has a propensity to misuse, a specified class A drug or a specified class B drug.”,

(d) in subsection (2), after “conditions” insert “mentioned in subsection (1(b))”, and

(e) in subsection (3), after “specified Class A drug” insert “or specified Class B drug”.

Jeremy Wright

Clause 12, page 10, line 21, leave out subsections (4) and (5).

Jeremy Wright

Clause 13, page 11, line 16, leave out ‘imposed on the offender’s release’ and insert ‘mentioned in subsection (1(b)).’
Clause 14, page 12, line 25, at end insert—

‘(1A) Where the offender is sentenced to a community or suspended sentence order after being charged with an offence of a violent or sexual nature, a stalking offence or a domestic violence offence, the responsible officer must be an officer of a public sector provider of probation services.

(b) In subparagraph (a) “public sector provider” means—

(i) a probation trust, or

(ii) the national probation service.’.

Clause 14, page 12, line 25, at end insert—

‘(1A) The Secretary of State must prescribe minimum training requirements to be completed by the responsible officer in regulations to be laid before, and approved by resolution of, both Houses of Parliament.’.

Clause 14, page 12, line 25, at end insert—

‘(1A) Where the responsible officer is an officer of a non-public sector provider of probation services the Secretary of State must—

(a) designate the provider as a “public authority”, as defined in section 3 of the Freedom of Information Act 2000;

(b) limit contractual arrangements with the provider for the provision of probation services to a maximum length of five years;

(c) prescribe key performance standards that the provider is required to meet in regulations to be laid before, and approved by resolution of, both Houses of Parliament;

(d) have the power to terminate the contractual arrangements at any time if the provider fails to meet the key performance standards; and

(e) agree with the provider a percentage of the contract fee that must be returned to the Exchequer on the occasion that the provider fails to meet the key performance standards.’.
Clause 14, page 12, line 29, at end add—

‘(3) This section may not come into force until such a time as the Secretary of State has piloted the provisions in one or more probation trust areas, and has laid before Parliament an independent evaluation of the pilot.’.

Mr Elfyn Llwyd

Schedule 4, page 30, line 35, at end insert—

‘(1A) When a matter is referred to an enforcement officer under paragraph 5(1)(b) or 6(1) the matter should be dealt with within 24 hours of the referral.’.

Mr Elfyn Llwyd

Schedule 4, page 30, line 40, at end insert—

‘(3) The Secretary of State must ensure sufficient enforcement officers are available to lay information before the courts.’.

Jenny Chapman

Mr Andy Slaughter

Karl Turner

Clause 15, page 12, line 35, at end add—

‘(2A) In sections 177(1) and 190(1) (requirements that may be imposed as part of a community order or suspended sentence order) after paragraph (j) insert—

“(ja) a restorative justice requirement (as defined by section 212A),”.’.

Jenny Chapman

Mr Andy Slaughter

Karl Turner

Clause 15, page 13, line 23, at end insert—

‘(c) restorative justice activities.’.

Jenny Chapman

Mr Andy Slaughter

Karl Turner

Clause 15, page 13, line 23, at end insert—

‘(7A) In this section “restorative justice activity” means an activity—

(a) where the participants consist of, or include, the offender and one or more of the victims’
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(b) which aims to maximise the offender’s awareness of the impact of the offending concerned on the victims; and
(c) which gives an opportunity to a victim or victims to talk about, or by other means express experience of, the offending and its impact.’.

Jenny Chapman
Mr Andy Slaughter
Karl Turner

Clause 15, page 13, line 31, at end insert—
‘(3A) After section 212 insert—

“212A Restorative justice requirement

(1) In this Part “restorative justice requirement”, in relation to a relevant order, means a requirement to participate in an activity—
(a) where the participants consist of, or include, the offender and one or more of the victims;
(b) which aims to maximise the offender’s awareness of the impact of the offending concerned on the victims; and
(c) which gives an opportunity to a victim or victims to talk about, or by other means express experience of, the offending and its impact.

(2) Imposition of a restorative justice requirement requires, in addition to the offender’s consent, the consent of every other person who would be a participant in the activity concerned.

(3) For the purposes of subsection (2), a responsible officer does not count as a proposed participant.

(4) In this section “victim” means a victim of, or other person affected by, the offending concerned.”.’.

Jeremy Wright

Schedule 7, page 37, line 25, leave out ‘and 13’ and insert ‘, 13 and (Drug testing and appointments: offenders transferred within the British Islands)’.

Jenny Chapman
Mr Andy Slaughter
Karl Turner
Mr Elfyn Llwyd

Clause 22, page 18, line 32, at end insert—
‘(1A) Section 3 comes into force in accordance with section 3(5).’.
Clause 22, page 18, line 32, at end insert—
‘(1A) Section 14 comes into force in accordance with section 14(3).’.

Jeremy Wright

Clause 23, page 19, line 6, at end insert—
‘( ) So far as sections 20, 21 and 22 confer power to make provision amending or otherwise relating to Schedule 1 to the Crime (Sentences) Act 1997, they also extend to the Channel Islands.’.

Jeremy Wright

Clause 23, page 19, line 13, at end insert—
‘( ) The power conferred by paragraph 19 of Schedule 1 to the Crime (Sentences) Act 1997 (power to extend to Isle of Man) is exercisable in relation to any amendment of that Act that is made by this Act.’.

Jeremy Wright

Clause 24, page 19, line 25, leave out subsection (2).

NEW CLAUSES

Drug testing and appointments: offenders transferred within the British Islands

Jeremy Wright

To move the following Clause:—

‘(1) Schedule 1 to the Crime (Sentences) Act 1997 (transfer of prisoners within the British Islands) is amended as follows.

(2) In paragraph 8 (restricted transfers from England and Wales to Scotland)—
(a) in sub-paragraphs (2)(aa) and (4)(aa), for “and 64” substitute “, 64 and 64A”, and
(b) at the end insert—

“(7) Sections 64 and 64A of the Criminal Justice and Court Services Act 2000 (release on licence etc: drug appointments), as applied by sub-paragraph (2) or (4) above, have effect as if
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any reference to an officer of a provider of probation services were a reference to a relevant officer as defined by section 27(1) of the Prisoners and Criminal Proceedings (Scotland) Act 1993.”.

(3) In paragraph 9 (restricted transfers from England and Wales to Northern Ireland)—

(a) in sub-paragraphs (2)(aa) and (4)(aa), for “and 64” substitute “, 64 and 64A”, and

(b) after sub-paragraph (5) insert—

“(5A) Sections 64 and 64A of the Criminal Justice and Court Services Act 2000 (release on licence etc: drug appointments), as applied by sub-paragraph (2) or (4) above, have effect as if any reference to an officer of a provider of probation services were a reference to a probation officer.”.

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Requirement to pilot before tendering for probation services

Mr Elfyn Llwyd

To move the following Clause:—

‘No national tendering for any probation service shall commence before any proposed restructuring of such services has been the subject of a pilot scheme which is subsequently independently monitored and the results of such monitoring laid before both Houses of Parliament.’.

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Requirement to pilot before restructuring probation services

Mr Elfyn Llwyd

To move the following Clause:—

‘Any proposed restructuring of the Probation Service must first be the subject of an independently evaluated pilot scheme and the proposals should be laid before Parliament and be approved by resolution of both Houses.’.
Annual reporting of reconviction rates

Mr Elfyn Llwyd

To move the following Clause:—

‘The Secretary of State must publish an annual report which must include details of the impact of new measures on the reconviction rates of offenders supervised by providers of probation services and as a consequence of participating in any programme or intervention.’.

Mental health treatment requirements

Jenny Chapman
Mr Andy Slaughter
Karl Turner
Mr Elfyn Llwyd

To move the following Clause:—

‘The Secretary of State must annually publish the number of mental health treatment requirements, as defined in section 208 of the Criminal Justice Act 2003, imposed as part of a community order or suspended sentence order by each court in England and Wales.’.

Provision of probation services

Jenny Chapman
Mr Andy Slaughter
Karl Turner
Mr Elfyn Llwyd

To move the following Clause:—

‘In any scheme for the supervision of offenders under sections 3 to 7, probation trusts and local authorities shall be permitted to tender for contracts.’.
Mr Elfyn Llwyd

To move the following Clause:—

‘After section 57 of the Domestic Violence, Crime and Victims Act 2004 there is inserted—

“57A Any victim of domestic violence or stalking or both shall have access to Victims’ Liaison Services, including a women’s safety officer.’.’.

Non-public sector provision of services

Mr Elfyn Llwyd

To move the following Clause:—

‘Arrangements made by the Secretary of State, in accordance with which functions are conferred on officers of non-public sector providers of probation services, must include provisions requiring that—

(a) contracts for the provision of probation services from such providers be published;
(b) the economy, efficiency and effectiveness of such providers in discharging relevant functions be subject to National Audit Office assessment;
(c) companies under investigation for fraud may not bid for, nor be part of consortia bidding for, a contract for the provision of probation services, and
(d) companies with the status of prime contractor under the Work Programme may not bid for, nor be part of consortia bidding for, a contract for the provision of probation services.’.

ORDER OF THE HOUSE [11 NOVEMBER 2013]

That the following provisions shall apply to the Offender Rehabilitation Bill [Lords]:

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Tuesday 3 December 2013.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Consideration and Third Reading

4. Proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the
day on which those proceedings are commenced.

5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.

6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on consideration and Third Reading.

Other proceedings

7. Any other proceedings on the Bill (including any proceedings on consideration of any message from the Lords) may be programmed.

ORDER OF THE COMMITTEE [26 NOVEMBER 2013]

That—

(1) the Committee shall (in addition to its first meeting at 8.55 am on Tuesday 26 November) meet—
   (a) at 2.00 pm on Tuesday 26 November;
   (b) at 11.30 am and 2.00 pm on Thursday 28 November;
   (c) at 8.55 am and 2.00 pm on Tuesday 3 December;

(2) the proceedings shall be taken in the following order: Clauses 1 to 3; Schedule 1; Clause 4; Schedule 2; Clauses 5 to 8; Schedule 3; Clauses 9 to 14; Schedule 4; Clause 15; Schedule 5; Clauses 16 to 19; Schedule 6; Clauses 20 and 21; Schedule 7; Clauses 22 to 24; new Clauses; new Schedules; remaining proceedings on the Bill;

(3) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Tuesday 3 December.