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**Comisiynydd Heddlu a Throseddu
Dyfed-Powys
Police and Crime Commissioner**

**POLICE AND CRIME COMMISSIONER
FOR DYFED-POWYS**

Community Remedy Menu

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1. Introduction

Community Remedy derived from a public consultation in 2012-2013 run by the Home Office. After receiving support from a majority of respondents, the idea of Community Remedy became a key element of the Anti-social Behaviour, Crime and Policing Act 2014.

The act is victims focused, aiming to give victims of low-level crime and ASB a greater say in how offenders should be dealt with. It was also hoped the act would increase the public's confidence in out-of-court disposals.

Taking a restorative justice pathway, the Community Resolution offers a list of appropriate sanctions that can be used by the police and authorised investigating officers, sometimes in conjunction with other more formal out-of-court disposals.

The suitability of the options will depend on the nature of the offence, the age of the offender and the circumstances of the situation. Community Remedy is most often used with first time, low-level offenders. Options can include but are not limited to:

- Mediation (for example, to solve a neighbour dispute).
- The offender signing an Acceptable Behaviour Contract - where they agree not to behave anti-socially in the future or face more formal consequences.
- Participation in structured activities funded by the Police and Crime Commissioner as part of their efforts to reduce crime.
- Reparation to the community (for example, by doing local unpaid work for up to 10 hours).

To be suitable for Community Remedy:

- the police must have evidence that the offender has engaged in Anti-Social Behaviour or committed an offence;
- the offender must admit to the behaviour or offence and agree to participate in a Community Remedy; and
- the officer must think the evidence is enough for court proceedings or to impose a caution, but considers a community resolution would be more appropriate.

Police and Crime Commissioners are required to consult the public on a range of Community Remedy options. The Police and Crime Commissioner and Chief Constable must ensure the final menu is proportionate.

Under the Anti-social Behaviour, Crime and Policing Act 2014, a mandatory requirement was placed upon Police Forces to discuss out-of-court disposals with victims of crime.

2. Existing arrangements

The Office of the Police and Crime Commissioner (OPCC) for Dyfed-Powys, in consultation with Dyfed-Powys Police (DPP), undertook a public consultation during 2013, where a community remedy menu was agreed. Since 2013, the menu has been updated in terms of the practical guidance that is provided to police officers to progress under each of the items on the menu. For example, under substance misuse programmes, the guidance for police officers is to now refer via the offender diversion programme, rather than directly to Dyfed Drug and Alcohol Support (DDAS), as had previously been the process.

The Community Remedy menu is not currently a published document, it is used as an internal guidance document for police officers to practically refer offenders under each menu option. Due to the revisions relating only to internal processes, it was agreed that no external public consultation was required.

In September 2022 the Association of Police and Crime Commissioners (APCC) reported that they had conducted a search on Police and Crime Commissioner's websites for their Community Remedy documents and found that:

- There was no evidence of the Community Remedy on 19 PCC websites.
- 24 do have a webpage dedicated to the Community Remedy, however only 11 of these had an official document outlining restorative justice pathways in their area.

The APCC provided examples of well-produced Community Remedy documents and a checklist, as outlined below:

1. Do you have an easy-to-find page on your website dedicated to the Community Remedy?
2. Do you have a link to an official document that outlines a list of potential remedy options that can be used when dealing with an offender who has admitted responsibility?
3. Does this document represent the views of the current incumbent PCC?
4. Does the document clearly explain to victims their rights?
5. Have the public been consulted on the possible out-of-court sanctions available to them within the Community Remedy document, as is statutorily obliged?

3. Proposed Action

The OPCC identified that we do not currently meet any of the document checklist requirements outlined above. Also, the community remedy menu may not necessarily be representative of the views of the current incumbent PCC, and it has been 10 years since the last public consultation. Therefore, a decision was taken to:

1. Undertake necessary consultation on a new Community Remedy menu.
2. Create a dedicated page on the Dyfed-Powys OPCC website.
3. Publish the outcome of the public consultation on the dedicated website page.
4. Create an official document outlining a revised list of potential Remedy options, as agreed during the consultation.

The above recommendations were [approved by the Police and Crime Commissioner on 23rd March 2023](#).

In preparing or revising the Community Remedy document for its area, a local policing body must:

- (a) have regard to the need to promote public confidence in the out-of-court disposal process;
- (b) have regard to any guidance issued by the Secretary of State about how local policing bodies are to discharge their functions under this section;
- (c) carry out the necessary consultation and take account of all views expressed by those consulted.

The necessary consultation means:

- (a) consultation with the Chief Officer of police for the area,
- (b) consultation with the Local Authority for any part of the area,
- (c) consultation with whatever community representatives the local policing body thinks is appropriate to consult, and
- (d) whatever other public consultation the local policing body thinks appropriate.

The OPCC must agree the Community Remedy document for its area, and any revised document, with the Chief Officer of police for the area.

Once the revised community remedy document has been agreed with the Chief Officer of police, the OPCC must publish it in whatever way it deems appropriate¹.

In order to progress the above, the OPCC initially engaged with Dyfed-Powys Police to consider the current Community Remedy menu available and agree on the survey questions for the public consultation. This included the option for the public to suggest any other interventions or support that they would like to see included.

¹ <https://www.legislation.gov.uk/ukpga/2014/12/part/6/enacted>

Once the Community Remedy survey was finalised and agreed between Dyfed-Powys Police and the OPCC, the OPCC undertook consultation via:

1. An online survey for public consultation and issued a [press release](#) and social media posts to promote the survey.
2. Six events between 29th March 2023 and 26th April 2023 hosted by the OPCC to brief community representatives on key messages, developments and changes within Dyfed-Powys Police. Councillors were invited by the Police and Crime Commissioner to attend one of the 6 events arranged in locations across all four Local Authorities. The Community Remedy survey was shared at each of these events.
3. Emails to:
 - All Local and Community Councillors across the four Local Authority areas
 - Members of Parliament and Members of the Senedd
 - OPCC Volunteers
 - Victim Engagement Forum members
 - Youth Forum Ambassadors

The OPCC also included an accompanying flyer providing information on the Community Remedy.

4. Survey Results

The Community Remedy survey received a total of 131 responses. However, not all respondents answered every question. The survey results are outlined below:

1. **Repair Damage Caused and/or pay for the damage to be repaired**

Please Note: This can only be applied where an offender has been given a Conditional Caution.

	Response (%)	Response (number)
Strongly Agree	72.63%	69
Agree	25.26%	24
Disagree	1.05%	1
Strongly Disagree	1.05%	1
Total		95

2. **Mediation** – to support the resolution of disputes

	Response (%)	Response (number)
Strongly Agree	37.89%	36
Agree	50.53%	48
Disagree	7.37%	7
Strongly Disagree	4.21%	4
Total		95

3. Substance Misuse/Alcohol Dependency Support Programmes

For example: Dyfed Drug and Alcohol Service in Dyfed or Kaleidoscope in Powys.

	Response (%)	Response (number)
Strongly Agree	64.21%	61
Agree	32.63%	31
Disagree	1.05%	1
Strongly Disagree	2.11%	2
	Total	95

4. Signing an Acceptable Behaviour Contract (ABC)

An opportunity for the offender to make a positive change in their behaviour by agreeing to particular conditions or actions e.g., agreeing not to go to a particular area. It should be noted that this is not enforceable by the police, however it is a first step to the offender reflecting on their behaviour and the positive changes that they can implement.

	Response (%)	Response (number)
Strongly Agree	48.42%	46
Agree	33.68%	32
Disagree	12.63%	12
Strongly Disagree	5.26%	5
	Total	95

5. A verbal or written apology to the victim

	Response (%)	Response (number)
Strongly Agree	52.63%	50
Agree	34.74%	33
Disagree	9.47%	9
Strongly Disagree	3.16%	3
	Total	95

6. Educational, Diversionary and/or Anger Management Courses

Should an offender be given an Adult Community Resolution or Conditional Caution, they can be referred to the Offender Diversion Scheme and receive a holistic needs assessment. This will include access to support for a wide variety of interventions, including anger management.

	Response (%)	Response (number)
Strongly Agree	64.21%	61
Agree	30.53%	29
Disagree	4.21%	4
Strongly Disagree	1.05%	1
	Total	95

7. Domestic Abuse Counselling

Any victim requiring domestic abuse support can be referred by officers to the existing services. The Domestic Abuse Support Agencies provide Freedom and Recovery programmes, as well as one-to-one or floating support. Officers can also refer perpetrators into these services.

	Response (%)	Response (number)
Strongly Agree	67.37%	64
Agree	26.32%	25
Disagree	3.16%	3
Strongly Disagree	3.16%	3
Total		95

8. **Other** – please suggest any other interventions or support that you think could be included as part of the Community Remedy options.

A summary of the key themes emerging from the 41 free-text responses received and the OPCC and DPP’s considerations can be found below:

Suggestion Type/Topic	OPCC and Dyfed-Powys Police Considerations
More involvement from parents	Section 25 of the Anti-Social Behaviour Act 2003 makes provision for parenting contracts to be entered into when a child has been referred to a Youth Offending Team. A parenting contract is a document containing a statement by the parent that they will comply with the requirements specified in the contract. It also includes a statement by the Youth Offending team that it agrees to provide support to the parent to help them comply with the requirements of the contract. Subsection 4 states that this may include a requirement for the parent to attend a counselling or guidance programme. This service is therefore already managed by the relevant Local Authority.
Restorative Justice – perpetrator to meet with the victim	Whilst this service is not currently available in the Dyfed-Powys area, the OPCC is currently reviewing this. The feedback from this consultation has been shared

	for consideration for this to be included as a future Community Remedy menu option.
Community work / service / payback	<p>Community Payback is where offenders work on projects to pay back the community for their crimes, for example by: removing graffiti, clearing wasteland and/or decorating public places and buildings – for example, a community centre. The work must benefit the local community, not take paid work away from others and not make a profit for anyone.</p> <p>Nominations can be made to HM Prison and Probation Service: CP_@justice.gov.uk and include:</p> <ul style="list-style-type: none"> ▪ the name of the project or organisation ▪ where the work would take place ▪ a short description of the work to be done ▪ your contact details <p>The OPCC has recently met with the Probation Service and is working to enhance the PCC's involvement, by publicising and potentially being a recipient of nominations to collectively submit on behalf of the Force area.</p>
Name and shame / public apology	It is considered that this suggestion goes against the ethos of the Community Remedy and would stop individuals engaging with the process. The Community Remedy is most often used with first time, low-level offenders who are encouraged to reflect on their actions and work towards making better choices.
Compensation / pay for damage caused	This feedback has been considered as part of the 'Repair Damage Caused and/or pay for the damage to be repaired,' alongside considerations regarding any potential queries/concerns raised regarding the quality of the repair undertaken. It is recommended that this Community Remedy option be renamed to 'Compensation for the damage.'
Offender to be requested to re-locate	It is considered that this suggestion goes against the ethos of the Community Remedy and would stop individuals engaging with the process. In addition, the Acceptable Behaviour Contract (ABC) is an opportunity for the offender to make a positive change in their behaviour by agreeing to certain conditions or actions. This can include agreeing not to go to a particular area.

	<p>It should be noted that this is not enforceable by the police, however it is a first step to the offender reflecting on their behaviour and the positive changes that they can implement.</p>
<p>Anger management course</p>	<p>This suggestion forms part of the Educational, Diversionary and/or Anger Management Courses. Should an offender be given an Adult Community Resolution or Conditional Caution, they can be referred to the Offender Diversion Scheme and receive a holistic needs assessment. This will include access to support for a wide variety of interventions, including anger management.</p>
<p>Perpetrator to engage with training, education and/or employment</p>	<p>This suggestion also forms part of the Educational, Diversionary and/or Anger Management Courses.</p>
<p>Victim support following court process</p>	<p>This would not be relevant to the Community Remedy menu options, which relates to sanctions for perpetrators. Information relating to improving the criminal justice process for victims and witnesses can be accessed via this link. In addition, the Commissioner funds services for this directly from specialist providers, which can be accessed via this link.</p>
<p>Police powers / sentences / laws regarding cannabis possession / patrolling police hot spots / vandalism and ASB increasing</p>	<p>Whilst these suggestions relate to legislation and policing, rather than the Community Remedy menu options, we have considered and addressed all feedback, as outlined below:</p> <p>Police powers / sentences / law regarding cannabis:</p> <p>Information relevant to legislation, for example how it works, how it comes into force and is amended can be located via this link.</p> <p>Patrolling hot spots / vandalism and ASB increasing:</p> <p>Anti-Social behaviour takes many forms, from aggressive, noisy or abusive behaviour to neighbourhood disturbances involving drugs or animals. If you've witnessed Anti-Social behaviour, please report it to Dyfed-Powys Police via the link or by contacting 101.</p> <p>In addition to the above, the Anti-Social Behaviour Case Review (Community Trigger) empowers repeat victims</p>

	<p>of Anti-Social Behaviour to ask for a review of the actions partner agencies have taken to resolve their concerns. Further information can be located via this link.</p>
<p>Concerns raised regarding quality of police service / response</p>	<p>Information regarding how to make a complaint about the police can be located via this link.</p>
<p>Feedback regarding Community Remedy and when it should be used</p>	<p>The OPCC noted a total of 8 responses relating to this feedback. Information regarding how the menu options are delivered and in what circumstances it can be used will be included within the Community Remedy pages on the OPCC website.</p>
<p>Feedback regarding when domestic abuse counselling would be appropriate.</p>	<p>This menu option is currently under consideration and awaiting a response from the Force.</p> <p>Following the public consultation results, the Force queried whether any domestic abuse should be considered for Community Remedy. Conditional cautions may only be used for domestic abuse and hate crimes in exceptional circumstances with explicit clearance from the Crown Prosecution Service. This is due to the potential impact and serious nature of such offending (see CPS Guidance on Out-of-Court Disposals in Hate Crime and Domestic Abuse Cases).</p> <p>A youth conditional caution is available for any offence, except for domestic violence or hate crimes where they must score 3 or less on the gravity matrix to be eligible for a conditional caution.</p> <p>The OPCC understands that there are currently discussions in Force regarding the future of out-of-court disposals for domestic abuse, as this is being trialled in other areas. In addition, the OPCC has been asked whether the Offender Diversion Scheme would be able to take referrals if domestic abuse incidents became eligible for conditional cautions. Therefore, the OPCC would require confirmation from the Force before making an informed decision to retain or remove this menu option.</p>

5. Conclusion and Recommendations

The OPCC has outlined a summary of the responses to Questions 1-7 below:

Community Remedy Option	% of respondents who 'agree' or 'strongly agree' with the Community Remedy Option
Repair Damage Caused and/or pay for the damage to be repaired	97.9%
Substance Misuse/Alcohol Dependency Support Programmes	96.8%
Educational, Diversionary and/or Anger Management Courses	94.7%
Domestic Abuse Counselling	93.7%
Mediation	88.4%
A verbal or written apology to the victim	87.4%
Signing an Acceptable Behaviour Contract (ABC)	82.1%

It is clear that based on the responses received, the communities of the Dyfed-Powys area support all of the Community Remedy options proposed. It therefore follows that all of these options should be included within the final Community Remedy menu for Dyfed-Powys, pending feedback from the Chief Constable in relation to out-of-court disposals for domestic abuse.

Having considered the feedback from the open text responses to Question 8 of the survey, the OPCC has addressed each of the categories of responses (as outlined earlier in this report).

In addition, based on the feedback from the public survey, the OPCC has identified the following opportunities:

- Additional information regarding when it would be appropriate to use a Community Remedy to be published alongside the revised menu.
- Consideration to be given to an additional Community Remedy menu option, 'Perpetrator to meet with the victim.' As outlined earlier in this report, the feedback from this public survey will form part of considerations

in the OPCC's review of Restorative Justice, including consideration for this to be included as a future community remedy menu option.

Once the Community Remedy Menu has received final approval from the Police and Crime Commissioner, the OPCC will create an easy-to-find page on the OPCC website dedicated to the Community Remedy. This page will include:

- a. the official Community Remedy Menu document outlining the list of potential Remedy options that can be used when dealing with an offender who has admitted responsibility.
- b. information regarding how the Community Remedy menu options are delivered and in what circumstances the Community Remedy can be used.
- c. a copy of this report, which includes the public survey results.
- d. a hyperlink to the relevant decision logs.

The OPCC therefore recommends that the Police and Crime Commissioner, in consultation with the Chief Constable and subject to confirmation of the appropriateness of the inclusion of domestic abuse counselling, approves the revised Community Remedy Menu as set out in the table above.