



Labour Party Justice Policy Working Group consultation
Punishment and Reform: What Works to Protect the Public and Stop Crime?

Revolving Doors Agency response January 2012

About Revolving Doors Agency

Revolving Doors Agency is a charity working across England to change systems and improve services for people with multiple problems, including poor mental health, who are in repeat contact with the criminal justice system.

Multiple problems often include drug and/or alcohol misuse, homelessness, poverty and debt. Each problem feeds into and exacerbates the others, creating a downward spiral that brings people into frequent contact with the criminal justice system. Our police, courts and prisons see people in this group everyday yet they get little or no effective help from mainstream health and other services. We estimate this population to be approximately 60,000 at any one time, with more people at risk of entering it, or who are making a journey towards recovery.

Our mission is to demonstrate and share evidence of effective interventions and to promote reform of public services through partnerships with political leaders, policy makers, commissioners and other experts and by involving people with direct experience of the problem in all our work.

Q1. Where was the previous government most effective in its criminal justice policy?

Under the previous government there was an overall reduction in crime. There was also an increasing recognition of the need to respond better of the multiple needs of offenders. The 2002 report by the Social Exclusion Unit, *Reducing re-offending by ex-prisoners*¹, found that many prisoners face “deep problems” including poor skills, unemployment, homelessness, drug addiction and mental health problems, and that these problems are directly linked with reoffending. The consequent creation of the seven reducing reoffending pathways in 2004 reflected recognition of the need to address this range of problems in order to reduce reoffending.

The previous government aimed to join-up services for offenders, notably creating the National Offender Management Service, and developing and rolling out initiatives such as prolific and other priority offender (PPO) schemes, the drugs intervention programmes (DIP) and more recently, integrated offender management (IOM) initiatives.

The transfer of prison healthcare provision to the NHS in 2004 was an important improvement in criminal justice policy, which aimed to allow prisoners access to a healthcare equivalent to that available in the community.

Finally, there was a welcome increased focus on specific groups, notably offenders with mental health problems through Lord Bradley’s report² and women in the criminal justice system through the Corston report³. These two seminal reports drew valuable attention to these issues, and the results are continuing to be felt today.

Q2. Where was the previous government less effective in its criminal justice policy?

¹ Social Exclusion Unit (SEU) (2002) *Reducing re-offending by ex-prisoners*. London: Office of the Deputy Prime Minister

² Bradley K. (2009) *The Bradley Report: Lord Bradley’s review of people with mental health problems or learning disabilities in the criminal justice system*
London: Department of Health

³ Corston, J. (2007) *The Corston report: a report by Baroness Jean Corston of a review of women with particular vulnerabilities in the criminal justice system*.

London: Home Office

The previous government aimed to be 'tough on crime, tough on the causes of crime'. Their approach of more severe sentencing, such as the introduction of IPPs led to an unprecedented rise in the prison population, and a significant increase in the average sentence length. Particularly damaging was the insufficient attention paid to reducing the use of short sentences.

The establishment of the seven reducing reoffending pathways was a positive step in being 'tough on the causes of crime'. However, efforts were undermined by insufficient attention paid to working across pathways or responding to the interplay between them. This served to reinforce the 'silo' nature of public services which focus on one problem at a time and are unable to address people's multiple issues.

While commendable efforts were made in improving integration and support, for example through introduction of Supporting People funded accommodation-based support for people at risk of offending, an important opportunity was missed by the last government's failure to implement its own policy of custody plus. This would have replaced custodial sentences of less than 12 months with sentences of between 2 weeks and 3 months in custody followed by supervision in the community for a minimum of 6 months.⁴

A fusion of civil and criminal law through the Anti-Social Behaviour Orders (ASBOs), created in 1998, served to criminalise a range of non-criminal behaviour. This had a significant impact on people with mental health problems and those with drug or alcohol problems living chaotic lives. A breach of an ASBO originally issued for activities such as street drinking or begging is processed using criminal law and can result in a prison sentence of up to five years. The likelihood of breach is increased by disproportionate and inappropriate conditions, for example banning someone from all areas of a city centre, including streets on which support services are located. For people with mental health problems, adhering to the conditions of an ASBO without appropriate support may be particularly challenging as they may not fully understand the conditions. We have heard anecdotally that this is a particular problem for people with personality disorder. ASBOs were also issued to individuals who were in fact a victim rather than a perpetrator of anti-social behaviour (for example when someone has a tenancy and others use their accommodation for activities that come under anti-social legislation such as drug use).

In 2002, a Home Office report⁵ found that 60% of ASBOs had been issued where there was a 'mitigating factor' e.g. mental distress, learning disability or addiction. Following this, a range of guidance⁵ stated that courts should be cautious in the issuing of ASBOs to people with mental health problems. A Home Office guide⁶ advocated that those suffering from drug, alcohol or mental health problems should be provided with support alongside the collection of evidence of evidence and application for an order on order to 'balance the needs of the community with the needs of any alleged perpetrator'.

Good practice example

The Elmore Anti-Social Behaviour Service⁷ in Oxford responds to the above challenges posed by ASBOs by providing intensive support to people subject to anti-social behaviour legislation who have mental health issues or are otherwise vulnerable. The team works intensively with clients to support them in addressing their behaviour. They provide comprehensive support throughout the ASB legal process. They also address each client's wider issues such as their accommodation, benefits, substance use and health needs. By offering this intensive support package, the team are able to offer an alternative to custody.

A future government should evaluate the cost benefits of such schemes and ensure that people have access to support to help them with addressing the issues that can lead to antisocial behaviour.

Q4. What are the best ways of ensuring those most vulnerable (e.g. young people, mentally ill, drug and alcohol addictions) are kept out of the criminal justice system?

The best way of ensuring that the most vulnerable are kept out of the criminal justice system is through prevention, early intervention, effective liaison and diversion, and provision of coordinated services in the community for people

⁴ Sentencing Guidelines Council (2006) [Custodial Sentences of Less Than 12 Months: Criminal Justice Act 2003](#), London: Sentencing Guidelines Council ⁵ Home Office (2002) Review of ASBOs, London: Home Office

⁵ Sentencing Guidelines Council (2004) [Overarching Principles: Seriousness](#); Justices' Clerks' Society (2006), [Good Practice Guide – Anti-Social Behaviour Orders: A Guide to Law and Procedure in the Magistrates](#), May 2006, and Home Office (2006a) A Guide to Anti-Social Behaviour Orders, August 2006

⁶ Home Office (2006a) A Guide to Anti-Social Behaviour Orders, August 2006

⁷ See <http://www.elmorecommunityservices.org.uk/services/asb/> for more information

with multiple unmet needs. This goes beyond criminal justice, and requires a cross-government focus, recognising that local coordination involving a wide range of agencies is the key to addressing this issue. See *Turning the Tide: A vision paper for multiple needs and exclusions*⁸ for more information on how this can be achieved.

For many adults who are in repeat contact with the criminal justice system, problems such as poor mental health, substance misuse and unstable housing start in childhood or adolescence. Often these issues arise following early experiences of trauma such as abuse or neglect. However, the increasing focus on early intervention⁹ and life chances¹⁰, coupled with recent research about the chronological events that lead to people facing multiple needs and exclusions¹¹ should allow services, to become even more preventative in the work they do over time. Initiatives such as Family Intervention Projects, supported by the previous government (whose legacy is continued in current work with the “troubled families” programme), make an important contribution to this work.

In addition to prevention and early intervention, there is also a need to respond effectively to people when they fail to get the support they need to address issues and end up getting into trouble with the law. Each contact with the criminal justice system presents an opportunity for intervention by community services. A failure to intervene is likely to lead to a repetition of this destructive and costly cycle, where prison is an expensive and ineffective staging post. Earlier access to effective community support can prevent this cycle, saving lives and money, as demonstrated by our Financial Analysis Model (see below).

The Bradley report¹² published under the last government recognised the need to improve responses to people with mental health problems and learning disabilities, diverting them away from the criminal justice system as much as possible where appropriate. The current government has committed to take forward Lord Bradley’s recommendations, rolling out liaison and diversion services in police stations and courts across the country.

It will be vital that the model of liaison and diversion services follows the Bradley vision, responding to the full range of mental health need, not just those with diagnosed severe and enduring mental health problems, and recognising other unmet needs. Labour has an important role to play in supporting this valuable work, pressing for sustained focus on all levels of mental health and holding the government to its commitment.

Particular attention should also be paid to young adult offenders, who face distinct challenges and require specific responses. Revolving Doors is a member of the Transition to Adulthood Alliance and we fully support their submission to this consultation.

Q11. What lessons can be learnt from local schemes and pilots that can be rolled out and applied nationally?

For the last 19 years Revolving Doors has worked in partnership with agencies across England to establish responses to people in repeat contact with the criminal justice system. Between 1997 and 2006 we piloted the link worker model. Using a coordinated lead professional model, these were shown to be effective in tackling multiple unmet needs.¹³

Our report *Thinking Local*¹⁴ outlines the key learning from our National Development Programme through which we established a network of projects working with criminal justice, councils and health agencies across England and Wales in 2007-2010. The report showed that effective rehabilitation for people with multiple problems must include offering ongoing holistic through-the-gate support to enable a move away from offending. An essential element of

⁸ Revolving Doors Agency and Making Every Adult Matter (2011) [Turning the Tide: A vision paper for multiple needs and exclusions](#). London: Revolving Doors

Agency and Making Every Adult Matter

⁹ Allen, G (2011) [Early Intervention: the next steps](#), HM Government, London and Allen, G (2011) [Early Intervention: Smart Investment, Massive Savings](#), HM

Government, London

¹⁰ Field, F (2010) [The Foundation Years: preventing poor children becoming poor adults: The report of the Independent Review on Poverty and Life Chances](#), HM Government, London and Berelwitz, S (2011) [‘I think I must have been born bad’: Emotional wellbeing and mental health of children and young people in the youth justice system](#), Office of the Children’s Commissioner, London

¹¹ McDonagh, T. et al (2011) *Understanding complex lives: tackling homelessness and exclusion*, Joseph Rowntree Foundation, York

¹² Bradley K. (2009) *The Bradley Report: Lord Bradley’s review of people with mental health problems or learning disabilities in the criminal justice system*

London: Department of Health

¹³ O’Shea, N., Moran, I. & Bergin, S. (2003) *Snakes and Ladders: Findings from the Revolving Doors Agency Link Worker Scheme*, London: Revolving Doors Agency

¹⁴ Revolving Doors Agency (2010) [Thinking Local: Key Lessons from the National Development Programme](#)

successful interventions was a 'navigator' or lead professional to enable people with multiple problems to access the help they need, thereby providing them with an exit route away from the criminal justice system.

These features are also reflected in the pilots established by the Making Every Adult Matter coalition¹⁵¹⁶ and the Adults facing Chronic Exclusion (ACE) pilots. The ACE pilots all offered support from a consistent, trusted adult. The evaluation¹⁷ shows the pilots to be effective and inexpensive and provides lessons for public sector reform – particularly how to make services more flexible and collaborative.

Q20. How best can we address the challenges of mental health, drug and alcohol dependency in our prisons and outside our prisons?

As recognised by both the previous and current government, many offenders experience a combination of poor mental health or emotional distress, and drug and alcohol problems alongside a range of other issues including unstable housing or homelessness, family breakdown, poverty and debt. Greater recognition that these issues are dynamic, interlinked and self-reinforcing is now needed. It is therefore essential that they are addressed holistically. Poor mental health is a core element of their mix of problems, often the result of traumatic experiences and abuse in childhood, but is frequently below the threshold for intervention by secondary mental health services.¹⁸

The nature, extent and triggers of these problems vary hugely between individuals and a personalised approach is essential in order for rehabilitation to be effective. One size does not fit all.

The need to address a wide range of issues means that one agency cannot be an expert in all areas. Joint working is therefore essential. In addition to an understanding between agencies of referral criteria and mechanisms and good communication, our experience has shown that a lead professional or agency acting as a broker between services is a highly effective way of ensuring this coordinated support. The importance of having 'someone on your side' cannot be underestimated.

Continuity of support is vital both when moving between prison and the community, and during and after Offender Management supervision. As one member of the Revolving Doors service user forum explained: "There should be a chain of rehabilitation... Just because you're not offending anymore, it doesn't mean that those things that got you there in the first place have instantly just stopped. [There should be] investment in the services that can keep those sort of things [e.g. counselling] going so that you don't kind of go off the road again, to...keep you on track."

Good practice example

The HMP Lewes to Brighton project, run by Brighton Housing Trust, is an example of how this can be facilitated. The project targets short sentenced prisoners in HMP Lewes from the city of Brighton and Hove who have multiple unmet needs. It was established following a needs analysis¹⁹ which identified a cohort of prisoners serving repeat short sentences at the prison. These prisoners were 'in contact' with a large number of community support agencies, but engagement was often poor and links between the agencies and the prison were weak. The project coordinator, based at HMP Lewes, assesses needs of referred prisoners and ensures links are made with all relevant agencies so that joint care planning can take place. The coordinator initially adopts a lead professional role but seeks to identify an appropriate agency within the community to act as the lead agency in coordinating support on release. This handover is managed carefully and the project coordinator retains post-release involvement until the handover has been successfully completed. In this way, the offender receives a sustained and integrated post-release support service.

As local areas are all too aware, when multiple problems develop and people fall in to a cycle of crisis and crime, public service costs rise steeply. Intervening early and diverting people away from the criminal justice system can help to limit the damage to individual lives, communities and the public purse. Furthermore, if integrated, holistic

¹⁵ See MEAM service pilots FAQ sheet for more information, available at <http://www.meam.org.uk/wp-content/uploads/2011/04/Service-pilots-FAQ-FINAL-v2-11.doc>

¹⁷ Cattell J., Mackie A., Gibson K., Hitchins T., Parry W., Porsch L. and Savage J. (2011) [Simple but effective: Local solutions for adults facing multiple deprivation: Adults facing Chronic Exclusion evaluation - final report](#), London: Communities and Local Government

¹⁸ O'Shea, N., Moran, I. & Bergin, S. (2003) *Snakes and Ladders: Findings from the Revolving Doors Agency Link Worker Scheme*, London: Revolving Doors Agency

¹⁹ Ahmed, Z. and Page, A. (2007) [HMP Lewes Needs Assessment](#): An investigation in to the availability of support for people with complex needs who leave HMP Lewes and return to The City of Brighton and Hove. London: Revolving Doors Agency

support is only available to people while they are in touch with the criminal justice system, then this is likely to reinforce the view of crime being the only available route to get help.

There are real financial savings to be made from investing in approaches that follow these principles. Early iterations of Revolving Doors' Financial Analysis Model²⁰ have estimated that an investment of £33 million per year in these approaches could save different areas of government £3 billion over three years.

Q34. What are the better aspects of the current government's proposals on punishment and reform?

The coalition government's recognition in *Breaking the Cycle* that a "significant proportion of crime is committed by offenders who have multiple problems" echoed the findings of the Social Exclusion Unit²¹, and acknowledged that an integrated approach is needed to effectively address these problems and reduce reoffending. We are however concerned at the apparent gap between this recognition and current plans for implementation, and a strong focus on payment by results (see below).

Their recognition of the interplay between different issues is also reflected in other policy areas, including:

- A stronger commitment in drug and alcohol policy to the concept of 'recovery', taking a person's wide range of needs into account
- The mental health strategy *No health without mental health*, which recognises that distinct approaches to mental health treatment are needed for "adults with complex multiple needs"
- A recognition in the government's recent *Vision to end rough sleeping* that many homeless people have multiple needs and require a coordinated multi-agency response
- The anti-gang strategy *Ending Gang and Youth Violence* which stresses that the problem cannot be left to the police alone and that only partnerships working with doctors, social workers and teachers can make inroads into the problem
- Work on "troubled families" led by Louise Casey in the Department for Work and Pensions.

As outlined above we strongly support the government's emphasis on diversion of people with mental health problems from the criminal justice system, in particular the roll out of liaison and diversion services. We also support the roll out of Integrated Offender Management approaches, and are pleased to see that many areas are focusing this work on non-statutory offenders. Finally, we welcome the National Offender Management Service's move to develop service user engagement work.²²

Q35. Which aspects of the current government's proposals are of concern to you?

Despite policy statements which recognise the importance of working across departments to address multiple needs, there appears to be little support for local implementation, either structurally, financially or in guidance. Labour has a key role to play in ensuring local areas are supported and enabled to deliver effective responses to people in repeat contact with the criminal justice system.

The government is firmly committed to using payment by results as a central method of government spending. While this has the potential to improve joint working and encourage the commissioning of holistic services for offenders with multiple needs, we are concerned that focusing on single outcomes such as reducing reoffending will fail to reward progress in other areas such as improved mental health, sustaining a tenancy, or improved social networks. These can be important steps towards desistance. We are also concerned that a move to payment by results will lead to providers 'cherry picking' (selecting those most likely to engage, leaving those who are more challenging to work with without support) or 'parking' (more costly-to-help participants receive only minimal support and make little progress in a programme). In order to address this, contracts must be designed to reward and stabilise work with even the most difficult to reach clients, recognising the cost benefits of supporting this group towards greater stability and recovery. Finally, the resources that are required to develop effective payment by results systems should not be underestimated.

²⁰ Revolving Doors Agency has developed a Financial Analysis Model with support from the Department of Health which assesses the potential savings of partnership projects providing holistic support to people with multiple needs at different points of the criminal justice system. The model aims to reflect real lives and demonstrate savings to the public purse by government department. See <http://www.revolving-doors.org.uk/policy--research/policy-projects/economicmodel/> for more detail.

²¹ Social Exclusion Unit (SEU) (2002) *Reducing re-offending by ex-prisoners*. London: Office of the Deputy Prime Minister

²² <http://clinks.ning.com/forum/topics/commissioning-new-moj-tender-for-service-user-involvement-work>

There is clear evidence from our own Financial Analysis Model²³ and the National Audit Office²⁴ of the extremely high cost to the public purse of reoffending. There is a clear case for “investing to save” in improved responses to offenders. However, apart from short term investment in the women’s centres²⁵, the government has shied away from investment, choosing to rely on payment by results and social investors to bring in resources. Labour should highlight the potential savings that can be made from investing in services which effectively respond to the wide range of offenders’ needs and support them to stop reoffending.

While the government’s health reforms aim to improve integration across health and social care, a significant opportunity has been missed to make criminal justice agencies statutory members of health and wellbeing boards and “hardwire” cooperation into local areas.

For further information please contact: Anna Page, Senior Policy Officer, 020 7253 4038, anna.page@revolvingdoors.org.uk . To learn more about our work, please visit our website at www.revolving-doors.org.uk.

²³ See reference 16 above and <http://www.revolving-doors.org.uk/policy--research/policy-projects/economic-model/> for more detail

²⁴ National Audit Office (2010) Managing offenders on short custodial sentences. London: The Stationary Office

²⁵ <http://www.justice.gov.uk/news/press-releases/moj/newsrelease110511a.htm>