



Justice Reinvestment in the UK: Evidence for the Justice Select Committee

Revolving Doors Agency:

For fourteen years, Revolving Doors Agency has been the UK's only charity dedicated to improving the lives of people with unmet mental health needs who have been arrested or imprisoned. Our mission is to create opportunities for people caught in the cycle of crisis, crime and mental illness to transform their lives. We achieve this mission by combining service development and research, national public policy work and inclusive service user involvement.

Introduction:

The Justice Reinvestment model is a potentially powerful means of approaching the challenges faced by the criminal justice system. It will be important, however, to ensure that the model is adaptable to the current UK context. In particular, we need to be clear what UK challenges and policy priorities justice reinvestment may be a solution to.

Revolving Doors believes that overcrowded prisons, high offending rates and the overrepresentation of socially excluded people in prisons are all major policy priorities that justice reinvestment might help address. However, it is the latter priority that we think should lead thinking and strategy in this area, partly because it provides a rationale for deciding for whom prison might be an inappropriate response (rebalancing criminal and social justice), partly because it helps to address the other two priorities as a matter of course, and partly because this is the group that the prison system is least equipped to deal with.

The 'revolving door'

The 'revolving door' refers to the experiences of people who are caught in a cycle of crisis, crime and mental illness, whereby they are repeatedly in contact with the police and often detained in prison. This is a group that often has multiple problems for which they need the input of a wide range of agencies, including housing, drugs, mental health, and benefits. The mental health problems of the group are usually a core or exacerbating factor. Routinely, they fall through the gaps of existing mental health service provision, as their mental health problems are not considered sufficiently 'severe' to warrant care from statutory services; but they are frequently excluded from mainstream services in the community, such as GPs and Housing Associations, on account of the perceived complexity of their needs and their often challenging behaviour.

Two Key Points:

There are two key points to make about adapting the concept of Justice Reinvestment to the UK.

1) There is a significant risk of putting all our eggs in the community services basket.

- It is temptingly straightforward to assume a shift in investment from prison to community sentences would solve the problems faced by the criminal justice system. While a reinvestment of resources into communities would undoubtedly be welcome, the efficacy of that response may be limited. There is a risk that it may benefit those people who have the least amount of need (i.e. those who are most able to contend with the demands of a community order) and have a limited effect on the most vulnerable.
- Furthermore, the most socially excluded people in prison, many of whom have multiple needs and are on short term sentences, are among those whom magistrates have least confidence in giving a community sentence because of the extent of their support needs, their histories of nonengagement and the lack of appropriate services in their communities. Unless their support needs can be addressed (and it is clear that community services, including Probation, are increasingly struggling), then a simple shift to community sentences might leave the most vulnerable individuals in prison.

2) The profile of many prisoners suggests a strong case for preventing their offending in the first place rather than attempting to reallocate them within the criminal justice system.

- Holes in the safety net of community services are allowing highly vulnerable people to fall straight through into the criminal justice system. Many people entering prison have received little of the support that might have prevented their offence:

50% are not registered with a GP.	14% have never had a paid job.
42% of men with psychotic disorder have received no help with mental or emotional problems in the previous year.	79% of men with personality disorder have received no help with their mental or emotional problems in the previous year.
33% lack a permanent address or are sleeping rough.	68% are not in education, training or employment.
46% of people arrested who have mental health problems and are unemployed are not receiving any form of benefit payment.	81% of men drinking hazardously in the year before imprisonment received no help with their alcohol problem.

These figures show that there is a group of people that is hard to place and support in existing services. This has been acknowledged by the Social Exclusion Task Force in 'Reaching Out: An Action Plan on Social Exclusion':

Individual agencies often miss those who have multiple needs but need less help from any one service.... Their contact with services is instead frequently driven by problematic behaviour resulting from their chaotic lives... and management revolves around sanctions such as prison.'

— Reaching Out, 2006

This is a key insight into the link between the prison population and the arrangement and delivery of community services to vulnerable people. Justice Reinvestment offers the possibility of driving reform to those services.

Historical Context:

20 years ago, many of those currently in prison would have been warehoused in psychiatric care or large hostels. For very legitimate reasons, these 'catch-all' facilities were phased out and their residents provided with community 'outreach' support. However, community support has never been sufficient or flexible enough to meet all of the needs of those people who were attempting to live independently, or indeed of the new generations of vulnerable people emerging into the system.

Most obviously, community services have been shaped by risk-led priorities that have raised the threshold for engagement higher and higher. This has resulted in many people being left woefully ill-equipped to cope. While we have rightly rejected institutionalisation as a blanket response to vulnerability, it has not yet been completely eliminated, as the increasing capacity of the prison system has filled the breach.

Six years ago, when the prison population was 25,000 lower than today, the Government acknowledged in the Social Exclusion Unit report 'Reducing reoffending by ex-prisoners' that increasing reliance on imprisonment was drastically affecting society's most excluded groups:

There is a growing consensus that we are sending some people to prison who should not be there. Short prison sentences are not appropriate for all the offenders who currently receive them; and too many people with severe mental illness are in prison rather than secure treatment facilities. All of this contributes to the problem of overcrowding, which in turn limits the capacity of prisons, probation and other services to work effectively to reduce re-offending'

— Reducing re-offending by ex-prisoners, 2002

RDA Recommendations:

Revolving Doors recommends that four key issues are considered so that the Justice Reinvestment model might be used to alleviate the problem of socially excluded people in the criminal justice system:

1) Ensure that the money follows the person:

- When large psychiatric care units and large hostels were phased out, the savings were often not reinvested in strengthening the community-based services where many ex-patients or residents were turning up.
- To avoid history repeating itself, Revolving Doors Agency believes that the Justice Reinvestment model must ensure that the money saved in prisons follows the person to where it is needed in community support services. If we are using prisons to contain people and manage their behaviour, then we must ensure that community services are properly equipped to provide containment and support in order to prevent problematic behaviour.

2) Invest outside of silos:

- A key structural factor that maintains the current status quo is the silobased funding powers in each Government department, which causes each department to understand costs and savings only in terms of its own purse. This crucially limits the capacity for lateral creativity between departments.
- Rather than redistributing money within the criminal justice silo, therefore, the reinvestment model needs to allow greater powers for one department to invest in another or others, such as the Ministry of Justice being able to invest in health and social care services.
- Clearly the Ministry of Justice would not have all of the knowledge needed to understand exactly what would require investment in another Government department, hence this should be supported by a collaborative commissioning model that allowed joint decisions on reinvestment. Locally, this is being modelled by the new Local Area Agreements, overseen by Local Strategic Partnerships. This needs to be mirrored at every level of this system, as significantly central Government has not imposed this same discipline on itself.

3) Give better incentives to commissioners:

- Currently, there are few direct incentives to work with individuals with multiple needs. Community services are measured by simple inputs and outputs, such as entry into and exit from drug treatment. There is little accountability for what happens to the whole person, and even less for the prevention of catastrophic outcomes such as imprisonment. Indeed prison is a 'free good' within communities that provides respite for services from troublesome individuals.

- A mechanism is needed that aligns the cost of supporting a challenging individual with the benefit of doing so. In the current system, the cost of helping someone with multiple needs would be felt by community services, but the benefit would be experienced by the criminal justice system (in terms of reduced police, court, prison and probation costs).
- The Justice Reinvestment model might be understood and framed in a way that allows the cost of an intervention and its benefit to be positioned in the same place in the system. For example, a prison area might hold the resources to reduce the number of socially excluded people entering its establishments, and pay health and social care commissioners to provide enhanced support to individuals who might otherwise not be prioritised by services. The profile of those individuals could easily be ascertained through needs audits of people in prison, especially if their pre-sentence engagement with services was assessed.

4) Service reform:

- It is not, however, as simple as shifting money from the criminal justice system to community commissioners, even if the most socially excluded individuals at risk of offending are targeted. The limitations in health and social care systems are more than financial. The structures of commissioning and delivery are not well geared towards providing integrated, flexible and individualised solutions to people with multiple needs.
- Justice Reinvestment, therefore, should be used to drive reforms. In particular, it should be accompanied by a duty to cooperate from several local commissioning systems, including the Local Authority, the Primary Care Trust and the Drugs Intervention Programme. This partnership should be tasked with creating multi-agency solutions, such as multi-disciplinary teams, which should incorporate housing, drugs, criminal justice and mental health workers.
- The Government is currently investing in testing enhanced methodologies for engaging people it describes as adults facing chronic exclusion. There is no identified means of sustaining these methodologies beyond the pilot phase, and the Justice Reinvestment model might be considered as a way of taking them forward.
- An example of a promising methodology is currently being tested in Milton Keynes as part of the ACE pathfinders:

Milton Keynes Link Worker +

In partnership with P3 and Milton Keynes Community Safety Partnership, Revolving Doors is developing the Link Worker+ pilot as one of the Government's twelve 'adults facing chronic exclusion' pathfinders. Along with the provision of

support across all crisis services , this pilot is pioneering a new form of strategic development with commissioners. Revolving Doors is facilitating a multi-agency group, including local criminal justice, health and social care commissioners. This group has been tasked with affecting wider system reform based on evidence from the pilot. This group will respond to the advice of a service user panel and the evaluation data from pilot in order to make strategic commissioning decisions. The group has a ring-fenced system improvement budget that will be allocated in response to this learning in order to help fill gaps in provision, creating a learning loop between the operational and commissioning elements of the project.

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