

Consultation on out of court disposals

Revolving Doors Agency response

January 2014



About Revolving Doors

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

The multiple problems experienced by these individuals can include mental health problems, drug and/or alcohol misuse, homelessness, learning difficulties, poor relationships with family, poverty and debt. Each problem feeds into and exacerbates the others, and without effective support people experience a downward spiral into chaotic lives and crisis.

This causes harm to communities and is costly to the public purse. However, there is a growing evidence base showing how services can, with greater strategic support and coordination, engage and transform the lives of these men and women within the local community.

This response to the government's consultation on out of court disposals combines insight and evidence from our work with partners, our research, and from members of our service user forum, who have direct experience of the criminal justice system.

Introduction

The police are the gateway to the criminal justice system, and out of court disposals (OOCs) can provide them with an opportunity to respond flexibly and proportionately to low-level offending. Given the high levels of health and social care needs identified among the offending population, they can also provide an opportunity to find early solutions to some people's underlying problems and help to divert them away from offending behaviour.

The police are the gateway to the criminal justice system, and out of court disposals (OOCs) can provide them with an opportunity to respond flexibly and proportionately to low-level offending. Given the high levels of health and social care needs identified among the offending population, they can also provide an opportunity to find early solutions to some people's underlying problems and help to divert them away from offending behaviour.

We welcome this review of the OOC system as a significant opportunity to place a greater emphasis on the rehabilitative purpose of OOCs. In this response, we argue that there is considerable scope for using OOCs such as conditional cautions more effectively as an alternative to prosecution to link some offenders into rehabilitative support at the earliest possible point in the criminal justice system. We suggest that any proposed 'simplification' of the OOC system should retain considerable flexibility in how local areas



are able to develop a framework around
OOCs to link offenders facing multiple and



www.revolving-doors.org.uk



www.revolving-doors.org.uk



www.revolving-doors.org.uk



www.revolving-doors.org.uk



www.revolving-doors.org.uk



www.revolving-doors.org.uk



www.revolving-doors.org.uk



www.revolving-doors.org.uk



complex needs, including poor mental health, into local support pathways. We also support the expansion of opportunities for informal and restorative solutions such as community resolution to be used as a means of solving low-level disputes, and as part of a broader problem-solving approach with a strong emphasis on neighbourhood policing.

Throughout this response, we highlight the importance of ensuring that the OOCd system is shaped to meet the needs of specific groups, in particular women offenders and young adults. The development of Women Specific Condition within the conditional caution framework has been positive, although it is crucial that funding for services such as Women's Centres are maintained to provide this service. We also suggest that lessons from the youth OOCd framework should be applied to young adults (18-24), who face a sharp cut off in how the system responds to them at 18 regardless of their need or varying levels of maturity. There should be more consideration of how OOCds could be tailored and adapted to work for this age group (see practice examples 3 & 4 below for examples of schemes working with these groups).

- Any moves to make the OOCd system simpler and easier to understand should not take place at the expense of local flexibility. Local partners, including PCCs, VCSE organisations, community groups, and health commissioners should be encouraged to have a role in shaping their local environment to support more effective use of OOCds, in particular considering pathways to divert into appropriate rehabilitative support.
- The current review of OOCds should not be viewed in isolation, but considered in the context of a range of efforts happening in local areas and across government departments to ensure that health and social care needs are responded to effectively at the earliest possible point in the system. For example, the review should consider how future OOCd guidance should be shaped in the context of the roll out of mental health liaison and diversion services.¹
- We support the expansion of opportunities for informal and restorative solutions such as community resolution to be used as a means of solving low-level disputes, and as part of a broader problem-solving approach linked to a strong emphasis on neighbourhood policing.

Summary of Recommendations

- OOCds can provide an effective means of linking people with treatment early to address their underlying problems. There is a significant opportunity in this review to consider how conditional cautions in particular could be used more effectively as an alternative to prosecution to link people into rehabilitative support, and future guidance should reflect this potential.
- The use of OOCds should not be ruled out for all 'repeat offenders'. We support an intelligent and flexible approach, with those on the front line given the freedom to make informed decisions as to the appropriate response rather than having the option of OOCds removed as a matter of course.

¹ [https://www.gov.uk/government/news/extra-funding-for-mental-health-nurses-to-be-based-at-](https://www.gov.uk/government/news/extra-funding-for-mental-health-nurses-to-be-based-at-police-stations-and-courts-across-the-country)

[police-stations-and-courts-across-the-country](https://www.gov.uk/government/news/extra-funding-for-mental-health-nurses-to-be-based-at-police-stations-and-courts-across-the-country)



- Further consideration should be given to how generic and fixed punitive measures such as PNDs and FPNs impact on the most vulnerable offenders, as well as to the disproportionate impact they have on those facing poverty and financial exclusion. Guidance could be shaped to ensure that appropriate punishments are levied with consideration given to people's ability to comply, and where possible and appropriate punitive measures should be accompanied by rehabilitative ones.
- Lessons from the youth OOCDFramework should be applied to young adults (18-24), who face a sharp cut off in how the system responds to them at 18 regardless of their need or varying levels of maturity. The review should consider how OOCDFramework could be tailored and adapted to work for this age group.²
- The review should consider how the particular needs of women offenders could best be met within the OOCDFramework. The development of Women Specific Conditions, and new approaches pioneered by Home Office Women's IOM pathfinder schemes³ such as the Hull women's triage project (see practice example 4 below) have been positive, although it is crucial that funding for services such as Women's Centres are maintained to provide such services.

Response to selected questions

Question 1: Do you think the OOCDFramework needs to be made simpler? If so, how?

We acknowledge the intention to take a more systematic and consistent approach to OOCDFramework. However, **any moves to make the system simpler and easier to understand should not take place at the expense of local flexibility.** It is crucial that frontline police officers have the options available for them to use their discretion and to take the most appropriate response. It is also crucial that opportunities to link people into locally available rehabilitative support are taken where they exist, and expanded where they do not. Without this, OOCDFramework will represent a missed opportunity to intervene for those whose underlying problems are the driver for their offending behaviour.

Local partners, including Police and Crime Commissioners (PCCs), VCSE organisations, community groups, and local health commissioners should be encouraged to have a role in shaping their local environment to support more effective use of OOCDFramework, in particular considering pathways to divert into appropriate rehabilitative support.

One of our forum members explained how a flexible approach had enabled his community group in North London to help develop an effective out of court solution for young adults (16-24) in partnership with the borough commander:

² For further information see Transition to Adulthood (T2A) Alliance *Pathways for Crime: Ten steps to a more effective approach for young adults in the criminal justice process* p.12-17, available here: <http://www.t2a.org.uk/wp-content/uploads/2012/11/T2A-Pathways-from-Crime.pdf>

³ The Home Office Women's IOM pathfinder schemes aim to take a women-specific approach, and frequently include use of pre-court diversion or OOCDFramework such as conditional cautions.



“What we’ve negotiated with the borough commander is that they will give them kind of conditional cautions instead [of just fines]. Those cautions will say you mustn’t bunk off school, you must attend one community event or whatever, and you must attend, if they’ve got drink or alcohol problems or whatever, that’s actually put in it. We found it much more useful for the community”.

While acknowledging the importance of clear guidance and consistent practice, we also support the expansion of more informal solutions such as community resolution that for certain offences could keep offenders, in particular first-time offenders and young adults, away from a criminal conviction that could hinder their future employment prospects. Evidence of restorative approaches at later stages in the criminal justice process shows a positive impact in terms of victim satisfaction and reducing reoffending.⁴ **Lessons from these approaches should be applied in shaping guidance around community resolution and other reparative conditions attached of OOCs** – an approach which is likely to have a positive impact on public confidence through rooting the solutions to low-level crime and anti-social behaviour in the communities that are affected.

This is not to say that some simplification of guidance and the number of disposals available could not be achieved: however this should not be pursued at the expense of effectiveness. As the question below will address, OOCs are likely to be more effective for the large numbers of offenders whose underlying problems lead them into low-level crime if they are flexible enough to link people into a range of locally available support where appropriate.

Question 2: Do you think the current OOC framework deters people from committing crimes?

Question 3: How do you think OOCs can make people less likely to commit crimes?

While OOCs such as Fixed Penalty Notices (FPNs), Penalty Notices for Disorder (PNDs) and simple cautions may act as a deterrent to some potential first-time offenders, for those whose offending is linked to underlying problems or complex needs there should be more of an emphasis on providing links to rehabilitative support to make them less likely to commit further offences. Currently, this is the exception rather than the norm, and for many their first links into rehabilitative services come further down the criminal justice pathway, often following further offences and when their problems have worsened.

Our service user forum is made up of members with experience of multiple and complex needs and repeated contact with the criminal justice system. Members have experienced a number of OOCs, most commonly a fine (both FPNs and PNDs) or a simple caution. These disposals had by and large not deterred them from further offences, which they reported were linked to other problems including substance misuse or poor mental health that were not picked up. They suggested that if these underlying problems were addressed they would be less likely to commit further offences:

“I’ve never been arrested sober, I’ve always been stoned or drunk. So it wasn’t rocket science to offer me a bit of rehabilitation...if they’d have intervened earlier, and given me another way to go I would have taken it and I wouldn’t have wasted 35 plus years of my life. As soon as I was offered the chance I grabbed it with both hands, and I’ve lived a more or less good life since”

⁴http://www.restorativejustice.org.uk/restorative_justice_works/

http://www.restorativejustice.org.uk/restorative_justice_works/



"[The] majority of these petty crimes are the result of an underlying issue, whether its substance misuse or something else, but rehabilitation is solving that underlying issue, that's the thing that will stop reoffending... you're hitting the nail on the head, rather than constantly going through the revolving door"

We suggest that **where there are issues such as substance misuse and/or mental health problems that are linked to certain low level offending, OOCs should be used as an effective means of linking people with treatment, rather than sending people further down the criminal justice pathway.** Conditional cautions in particular could be used far more effectively to provide an alternative to prosecution in such cases, with more of an emphasis on rehabilitation than is usually the case in practice now. Practice example 1 below provides an example of a similar approach.

Practice example 1: Operation Turning Point pilot, Birmingham

The Operation Turning Point pilot in Birmingham aims to apply evidence of "what works" in reducing reoffending at the earliest point in the criminal justice system, using a randomised control trial to compare the effectiveness of prosecution for low-risk offenders with an approach which relies on deferred prosecution and a set of conditions agreed with the offender and designed to support desistance.

Those identified as eligible (and not allocated to the control group) are offered voluntary participation in the project. Those that choose to participate enter into a tailor made plan of actions that they must take to avoid prosecution. These actions can include a combination of punitive, reparative, and rehabilitative conditions – including help for substance misuse and/or mental health issues. The project has also seen the development of tools to improve police officers' ability to identify the needs of offenders and then identify the most appropriate conditions, and is looking

at improving contact with victims so that their satisfaction with police involvement is improved.

It is too early to measure the results of this pilot, however initial findings from an interim report suggest that the model has great potential to improve victim satisfaction, improve the decision making of frontline officers, and promote desistance from crime.

The interim report on the pilot is available here: http://www.crim.cam.ac.uk/events/conferences/ebp/2013/slides/Operation_turningpoint_ebp2013.pdf

Where appropriate, it should also be possible to divert people to community services as part of a more informal disposal. This is particularly important for young people and young adults, who would benefit from avoiding a formal criminal justice sanction and therefore a criminal record that could hinder their employment prospects. As noted above, it is vital that any proposed simplification and standardisation of the system does not hinder the flexibility of local areas to develop these arrangements with local voluntary and community sector organisations as part of effective neighbourhood policing models. Practice example 2 provides an example of this kind of approach.

Practice example 2: New Directions Service, Warrington

The New Directions service in Warrington provides a link between neighbourhood police and mental health services. As an early intervention service, it identifies individuals with low-level problems who are at risk but would not normally be helped until their condition had deteriorated much further. Following referral by neighbourhood police, a team of two full-time workers assess the person's needs and offers support and signposting to a range of community services.

The scheme has had a substantial impact on those it has worked with, achieving:



- A 78% drop in reported crime compared to the pre-intervention rate
- A 71% fall in 'Vulnerable Adult' reports – after an initial fall of 54%
- A 30% reduction in anti-social behaviour in the first year of operation.

This highlights the potential for partnerships between the police and community services which intervene early to help people access services and tackle offending behaviour.

Further information is available here: <http://www.revolving-doors.org.uk/partnerships--development/projects/warrington/>

The potential for a more holistic approach to OOCs is expanded on below in the answer to questions 14/15/16.

Question 4: Should the consequences of accepting or being given an OOC be clearer?

Our consultation with members of our service user forum revealed that the consequences of an OOC are not always obvious to recipients. For example, the fact that a simple caution shows up on an enhanced criminal records check should be made clear and had not been in a number of cases. Additionally, the consequences of non-payment of fines should be fully explained. Some of our forum members had seen their debt spiral out of control and explained that they did not understand that non-payment of fines would mean these fines escalate.

“Police decided to raid [a] party...they searched me first, of course I'd never been arrested in my life so I was a nervous wreck...they gave me a caution but told me nothing about what it meant....because I've heard nothing on it I assume that I don't have a criminal record from that”

In situations where an individual may be stressed, anxious, confused or possibly

intoxicated, clear information about requirements, consequences and implications of accepting OOCs is crucial. This is particularly important as when applied to people with complex problems and leading chaotic lives, where simple OOCs such as Penalty Notices for Disorder can lead to them getting drawn into the criminal justice system through non-payment of fines and entrenching their problems rather than deterring them from further offences (Pratt and Jones, 2009, p.90-91).

It is crucial that guidance reflects the importance of ensuring recipients understand the terms and implication of their OOC, and that these OOCs are applied appropriately. There is also a need for improved guidance around explaining the implications of OOCs to those with a learning disability, who may struggle to understand the implications and any conditions. Ensuring that easy read versions of the implications of all potential OOCs are widely available would be an important step towards this.

Question 5: What type of punishment should OOCs deliver? An example might include financial penalties.

Question 6: What sort of offences do you think OOCs are appropriate for?

For OOCs to be effective in turning those with underlying problems away from crime, it is important that punitive aspects of OOCs are balanced with rehabilitative elements, and consideration is given to the individual's ability to comply. The current OOC system places greater emphasis on providing swift punitive responses to low-level crime, and more consideration needs to be given to how OOCs could be developed to address root causes. This is discussed further in the response to questions 14, 15 and 16 below.

Receiving some form of financial penalty was the most common OOC experienced by members of our service user forum. As noted



above, this was felt to have had little impact in terms of reducing reoffending. Indeed, in some cases it was felt to contribute to the underlying causes of their offending behaviour. Some of our forum members explained that in order to obtain money to pay a fine, they might resort to further criminal activity. Many who had been fined for stealing food also felt that this was an inappropriate response, considering the reason why they stole in the first place was due to poverty.

“What’s the point of [fining] people who are mostly financially excluded anyway....it’s going to drive people further into destitution”

This corroborates findings in our 2009 research paper, *Hand to Mouth*, which found that the lives of adults with multiple and complex needs are often defined by poverty, and that unexpected costs like fines can lead exacerbating problems because of inability to pay. The report argued that “fines that do not take into account people’s ability to pay are discriminatory and ineffective” (Pratt and Jones, 2009, p. 5), and found that far from representing an effective out of court disposal for this group, punishments such as Penalty Notices for Disorder (PNDs) could end up acting as an early entry point into the criminal justice system (Pratt and Jones, 2009, p.90-91)

While we understand fines can act as both a deterrent and an appropriate punishment for some offenders and crimes, for others fines can result in unwelcome consequences and simultaneously fail to tackle the underlying reasons behind criminal activity. Fines may also affect women with childcare responsibilities disproportionately.

As such, **we urge this review to give further consideration of how generic and fixed punitive measures such as PNDs and FPNs impact on the most vulnerable offenders, and how guidance could be shaped to ensure that appropriate punishments are levied with consideration given to people’s ability to comply.** In some instances there may be more

creative solutions that simply offering a fine, for example some of our forum members mentioned police forces that have started referring people stealing food to food banks.

Where possible and where appropriate, punitive measures should also be accompanied by rehabilitative ones.

Question 10: What sort of OOC, if any, is appropriate for repeat offenders?

Many repeat offenders have multiple and complex needs, and end up cycling through the system time and time again with these needs unmet. **One of the core aims of an effective OOC system should be to ensure any underlying problems are dealt with early, before they become entrenched, so that as many people as possible avoid becoming caught in this ‘revolving door’ cycle.**

However, the use of OOCs should not be ruled out for all ‘repeat offenders’. Research shows that for many of the most prolific offenders desistance is a process, characterised by occasional relapses as people recover from their underlying problems and build new positive identities and social networks. How the systems and services around them respond to relapses can have a substantial impact on the outcome of their recovery, and it is important to “manage setbacks and difficulties constructively” (McNeil et al, 2012)

If the offender is known to be engaged in treatment or other rehabilitative services, and if there has been a downward trajectory in the severity/frequency of offending behaviour, an OOC should remain an option to respond to a further low-level offence rather than being forced to send them back through the criminal justice system at considerable cost and disrupting their process of recovery as the only option. **This will require an intelligent and flexible approach, with police officers and offender managers given the freedom to make informed decisions as to the**



appropriate response rather than having the option of OOCs removed as a matter of course. For 'revolving door' offenders, often recovering from multiple and complex needs, it is crucial that positive progress is recognised and responded to as they attempt to move to a crime free lifestyle.

We also suggest the term 'repeat offender' should not refer simply to anybody who has ever committed offence, and historic offences should not disbar people from consideration for an OOC where this would otherwise be an appropriate response. As noted above, conditional cautions hold particular potential to connect individuals into rehabilitative support, and we support the emphasis of the current guidance that:

*"a record of previous offending should not rule out the possibility of a conditional caution especially where there have been no similar offences during the last two years or where it appears that the conditional caution is likely to change the pattern of offending behaviour."*⁵

Young adult reoffending

It is also important to consider how reoffending by young adults who have previously been involved in the youth justice system is responded to within the OOC framework. Currently, young adults in contact with the criminal justice system face a sharp change in how the system responds to them as soon as they turn 18, regardless of the varying needs and levels of maturity.

There is growing acknowledgment of the need for a specific approach to young adults in the criminal justice system, from Sentencing Council guidelines for adults recognising the need to take maturity into account, to the new ACPO Children and Young People's Strategy and the new CPS code of conduct for prosecution of adults. These developments are the result of

increasing recognition that a young adult specific approach achieves better results.⁶

It is important that this growing recognition is also reflected in the review of the OOC system. **We suggest that lessons from youth triage models and the youth OOC system are applied to the young adult age group, with consideration given in the review of OOCs as to how the system can work more effectively to divert young adults away from crime.** One outcome of this review should be to offer clear guidance and advice to local areas on how OOCs can be made to work for this age group.

Practice Example 3: South Wales – Bridgend County 18-25 project

This pilot has been established in Bridgend as a partnership between the PCC, Local Authority, Youth Offending Service, Probation and voluntary sector agencies such as St Giles Trust. It aims to build on the holistic multi-agency Youth Offending Service model, combining this with the more adult based skills of the Probation Service and therefore offering a model that can deliver across a range of maturity levels, sharing experience and expertise.

Two key aspects of the pilot are its approach to "relapse prevention" and out of court disposals. This has involved developing a triage scheme whereby young adults (18-21) that have previously been involved with YOS are identified if they come into police custody and linked back into the YOS team and further targeted support. There is also work underway to expand out of court disposals for the 18-25 age groups, and to gather information on the support needs of young adults coming into custody to identify gaps in provision so that

⁵ http://www.cps.gov.uk/publications/directors_guidance/adult_conditional_cautions.html, 31.1.

⁶ See www.t2a.org.uk for further details.



more evidence-based approach to development of diversionary pathways can be adopted.

Question 11: Do some crimes or offenders need more significant consequences if the terms of their disposal are not met? For example, if they are asked to pay a fine but do not.

It is crucial that the approach to breach of OOCs is flexible, proportionate and clear. As noted above, many of our forum members felt that conditions had not been well explained to them, and it is important that sufficient guidance and protocols are in place to ensure that offenders who may suffer a learning disability or who are living chaotic lives fully understand the terms of any OOC and its implications.

It is also important that a flexible approach is in place, with frontline professionals allowed to use their discretion and understand the range of reasons why an individual may fail to comply with conditions or penalties. Where appropriate, support should also be extended to facilitate compliance with punitive aspects or requirements, recognising that offenders may fail to comply for a variety of reasons from childcare problems to depression and anxiety or difficulty understanding the terms of the order. **Fundamentally, every effort should be made to ensure that the OOC framework provides an opportunity to divert people away from crime and the criminal justice system by providing them with an opportunity to address their underlying problems, rather than pulling them deeper into it through an inflexible response to breaches of OOC conditions.**

Question 14: How can we make sure that the right offenders are given the chance to address the root cause of their offending?

Question 15: How can we make sure that front line officers know what services are available in their local area when they are at the point of using an OOC?

Question 16: If you have anything else to add on how the OOC system can help reduce reoffending, please add it below.

As noted above, the best way to ensure that OOCs stop further offending by those with underlying problems or complex needs is to ensure that they are able to tackle the root causes of offending. For people who face multiple and complex needs, and who's offending is linked to a problem such as substance misuse, poor mental health, and poverty this can be better achieved by diverting them into treatment and support at the earliest possible point.

Of course, this will not be appropriate for every offender, particularly where more serious offences have taken place. However, greater use of rehabilitative elements within OOCs could help to address a situation where many people have frequent contact with the police without their underlying issues being dealt with effectively.

There is no magic solution that OOCs can provide in isolation to improve rehabilitation – they must exist in a broader landscape of community services developed by local commissioners, health services and VCSE partners. This is why it is crucial to retain local flexibility and discretion around OOCs (see question 1). Nevertheless, important considerations in improving how the OOC regime can link people into rehabilitation include:

- **A 'triage' approach** – In a number of areas (e.g. practice examples 1 and 4), OOCs have been employed as part of a broader custody triage approach, where offenders who might otherwise have been charged are referred to rehabilitative support either through diversion, or under a conditional



caution or similar disposal implying deferred prosecution. This requires an early assessment of need and strong relationships with relevant partners who can provide support, however these more holistic approaches have considerable potential to improve how local OOCd frameworks link people into rehabilitative support early.

- **Information flow** – For such a ‘triage’ approach to work effectively, it is crucial that information is available to frontline police officers in a timely way to inform their decisions. The roll out of liaison and diversion services, announced with a series of pilots in January 2014, will provide improved access to information on mental health problems and learning disability, however local areas must consider how other needs are also identified to inform decision making at the earliest possible stage.
- **Clear pathways** – As is the case with certain rehabilitative conditions in community sentences, one problem is the lack of available provision and the lack of awareness of available provision of rehabilitative support. PCCs and other local partners should review their local arrangements and work with partners to expand these pathways, and **there is a clear role for the College of Policing and Ministry of Justice to share examples of good practice and support for local strategic leaders to develop clear rehabilitative pathways as part of an effective local OOCd framework.**

Overall, the current review of OOCds should not be viewed in isolation, but considered in the context of a range of efforts happening in local areas and across government departments to ensure that health and social care needs are

responded to effectively at the earliest possible point in the system. This will enable both the diversion of people away from the criminal justice system where this is appropriate, ensure that information on these needs is available to inform decision making throughout the criminal justice system, and ensure that that appropriate disposals, including OOCds and other alternatives to from to custody, can be most effective. As such, **it is crucial that the review of the OOCd framework gives extensive consideration to how OOCds could complement the roll out of liaison and diversion services and other approaches to improve the functioning of the so-called gateway into the criminal justice system.**

Women Offenders

It is also important to note that particular OOCds may be appropriate for certain groups. As well as the young adult age group mentioned above (see question 10), it is widely accepted that women offenders face a distinct set of often complex needs and would benefit from a distinct approach. Indeed, the Corston report argued that prison should be a last resort for women offenders, and greater emphasis should be placed on holistic, community based responses (Corston, 2007).

OOCds can form an important part of this, and the Home Office’s Women’s IOM pathfinders are an important development here. These are pioneering new ways of diverting women away from crime, which often include taking a women-specific approach as part of a conditional caution or a more informal pre-court disposal. We welcome this development, and support greater links with, and funding for, women’s centres to provide support in this area.

Practice Example 4: Hull Women’s Triage project

Hull women’s triage project is a partnership between Humberside police, Hull Youth Justice



Service, and Together Women Project, and aims to build on the success of the youth triage system. Recognising the distinct reasons why women may commit a crime, it seeks to divert appropriate suspects away from the formal criminal justice process to address the underlying cause of their problems.

All adult women coming through police custody receive a formal assessment, conducted by a social services professional, in an attempt to identify support and diversion opportunities. Those who are considered suitable to be diverted without a formal outcome (provided they also admit the offence and with the wishes of the victim taken into account) are given an appointment at Together Women Project within a week. If diversion is not appropriate, the outcome is considered on an upward sliding scale of conditional caution to charge, while retaining a focus on meeting the offender's needs and focusing on rehabilitation.

The project will be subject to an independent evaluation by the University of Hull, and there is a strong ambition, subject to positive evaluation and resources, for a staged process to expand the triage approach to all adult offenders.

Question 22: How can we ensure that the person making the decision about an OOCd has the right experience and skills?

Question 23: How can we best ensure that decision making about what OOCd to apply is both timely and thorough?

Question 24: How can we make sure that front-line officers have the right tools to make the right decisions?

It is important that those making decision about OOCds have a good understanding not only of

⁷ *Independent Commission on Mental Health and Policing: Report (2013)*, available here: http://www.wazoku.com/wp-content/uploads/downloads/2013/06/Independent_C

the kinds of needs many offenders face, but also of the local rehabilitative landscape which will shape the kind of OOCds available to them.

The government can provide clear guidance and core principles; local leaders, commissioners and community organisations can help to set the local strategic framework and provide rehabilitative pathways; but it is up to the frontline staff to be able to navigate this complex landscape and make consistent and appropriate decisions.

This means getting the training right on OOCds, and in particular developing guidance on how to make OOCds work effectively for particular groups – including those facing complex needs, women offenders, and young adults.

This does not mean police officers must become social workers, but as the recent report by the Independent Commission on Mental Health and Policing, chaired by Lord Adebawale, states, dealing with mental health and other health and social care problems should be acknowledged as core business for the police, and officers must know how to recognise and respond to problems effectively.⁷ It also means strong partnerships locally, so that appropriate services and community groups are available for frontline professionals to link into where appropriate.

Crucially, this requires police officers to have information available to them in a timely manner in order to make an informed decision. Mental health liaison and diversion teams will have access to mental health databases and could help to inform OOCd decisions, however as noted above more needs to be done to ensure that other information on underlying problems and other services engaged with are available to the police at the earliest possible point.

[ommission_on_Mental_Health_and_Policing_Main_Report.pdf](#)



Question 25: How should we make sure that offenders are treated equally?

Question 26: How should the role of central guidance be balanced against the need for local choice?

While it is important that OOCs are applied consistently and offenders are treated equally, it is also important to acknowledge that different groups may require a different approach, with flexibility within the OOC system to ensure that they can be tailored to particular needs. Equality should not simply mean treating everybody in the same standardised manner, rather it should be grounded in an understanding of what the impact of potential changes is likely to be on different groups and developing appropriately tailored responses to ensure equality of outcomes.

As noted above, two groups that would benefit from specific consideration in the development of new guidance are young adults (18-24) and women in contact with the criminal justice system. With both of these groups, there are significant opportunities for OOCs to be used as an effective alternative to a criminal justice sanction to tackle their underlying problems and divert them away from crime. Developing specific guidance around effective practice for each of these groups could help to ensure that their particular needs are met within a revised OOC system, rather than relying on an overly generalised approach.

Similarly, while such central guidance will play a key role in shaping local choice around OOCs, it is crucial that the OOC system remains flexible and open to local adaptations. It is through local innovations and partnerships within a broader framework of rehabilitative services that OOCs can be used most effectively to link people into community-based support.

For further information, or to arrange for further input from members of our service user forum, please contact:

**Shane Britton, Senior Policy Officer,
Revolving Doors Agency**

**shane.britton@revolving-doors.org.uk,
020 7940 9743**

References

Corston, J. (2007) *The Corston Report: A review of women with particular vulnerabilities in the criminal justice system* London: Home Office

Independent Commission on Mental Health and Policing: Report (2013), available here: [http://www.wazoku.com/wp-content/uploads/downloads/2013/06/Independent Commission on Mental Health and Policing Main Report.pdf](http://www.wazoku.com/wp-content/uploads/downloads/2013/06/Independent_Commission_on_Mental_Health_and_Policing_Main_Report.pdf)

McNeill, F., Farrall, S., Lightowler, C., Maruna, S. (2012) *How and why people stop offending: discovering desistance*. Glasgow: Institute for Research and Innovation in Social Services. Available here: <http://www.iriss.org.uk/sites/default/files/iriss-insight-15.pdf>

Neyroud, P., Slothower, M., (2013) *Operation Turning Point: interim report on a randomised trial in Birmingham, UK* Cambridge: University of



Cambridge. Available here:

http://www.crim.cam.ac.uk/events/conferences/step/2013/slides/OperationTurningpoint_epp2013.pdf

Pratt and Jones (2009) *Hand to Mouth: the impact of poverty and financial exclusion on adults with multiple needs* London: Revolving Doors. Available here: <http://www.revolving-doors.org.uk/documents/hand-to-mouth/>

Transition to Adulthood (T2A) Alliance (2012) *Pathways from Crime: Ten steps to a more effective approach for young adults in the criminal justice process* London: T2A. Available here: <http://www.t2a.org.uk/wp-content/uploads/2012/11/T2A-Pathways-from-Crime.pdf>