

STRENGTHENING PROBATION, BUILDING CONFIDENCE

Consultation response
from Revolving Doors
Agency

September 2018



About Revolving Doors Agency

Revolving Doors is a national charity that has been working for 25 years to change systems and improve services for people in the revolving door of personal crisis and crime.

People in the revolving door are characterised by repeat low-level, non-violent offences, such as theft and minor drug offences, linked to multiple underlying problems, including mental ill health, problematic substance use, homelessness and domestic abuse. Their health, care and offending-related needs go hand in hand with persistent poverty, long-term unemployment, trauma and social exclusion.

We bring independent research, policy expertise and lived experience together to support effective solutions to end the revolving door.

We work with policy-makers, commissioners, local decision-makers, and frontline professionals to share evidence, demonstrate effective solutions, and change policy, while involving people with direct experience of the problem in all our work through lived experience forums based in London, Birmingham, and Manchester.

About this consultation

Our response is informed by the expertise outlined above as well as:

- o Three consultations with people with recent lived experience of the criminal justice system held in Manchester, Birmingham and London throughout summer 2018 looking at 'what makes an effective community sentence?'
- o Two tailored focus groups with people with lived experience in July 2018 delivered by Revolving Doors on behalf of Crest Advisory^[1] exploring key elements of community sentences, including the role of relationships with criminal justice staff
- o Five in-depth interviews with people with recent lived experience of the revolving door.

In total this response has been shaped by the direct input of c. 100 people with lived experience of the criminal justice system within the last three years. If the Committee is interested in exploring any of the issues identified in our response further, we would be very happy to facilitate independent lived experience insight.

[1] Crest Advisory (2018) Rewiring Justice: Transforming Punishment and Rehabilitation for the 21st century.

Our key recommendations

The government must require all providers wishing to deliver probation contracts to evidence how they involve people with lived experience in designing and delivering their service. This must go beyond 'consultation' to offer meaningful involvement at a strategic level in all Community Rehabilitation Company (CRC) areas.

Peer support should be embedded in probation. People in the system say having support from ex-offenders who have been in a similar position to them is a vital mechanism to improve engagement, particularly for people in the 'revolving doors' group who experience repeated criminal justice contact, multiple problems and low levels of trust.

Revolving Doors has coproduced a model of peer support with NHS England that has been piloted in Wiltshire and Birmingham, and is now being rolled out across the country as part of the national Liaison and Diversion operating model. Early evidence shows increased levels of engagement with services. This model could be adapted for probation services.

The focus should be on the quality of contact and the length of each appointment with the responsible officer, as much as frequency of contact. More intensive support is required immediately post-release to make a full assessment and develop a personalised support plan.

To make unpaid work effective, all schemes should adhere to five principles: clear community connection, strength-based employment, incentives, holistic support and opportunities for employment.

Responsible officers need to recognise trauma among people who come into the criminal justice system. All probation services should become trauma-informed. There is growing evidence[1] that this can support staff in developing resilience themselves, helping them with adverse or upsetting events within the service and improving their wellbeing. Consequently, services experience lower rates of staff turnover, giving some flexibility to establish the necessary trusting relationships between clients and responsible officers.

Alongside the improvements to community sentences that this consultation seeks to support, the government should introduce a presumption against the use of custodial sentences of less than six months. This would allow such a sentence only when no other appropriate disposal is available. Where short prison sentences are imposed, courts should have to say why. This approach does not remove the court's discretion; it is a presumption not a ban. So the courts can still deal appropriately with offences that are serious and/or risk harm, such as domestic violence. This approach does not remove the court's discretion; it is a presumption not a ban. Therefore, under these proposals offences that are serious and/or risk harm, such as domestic violence, can be dealt with appropriately by the courts. While the government works to improve community sentences and to enhance sentence confidence, introducing a presumption alongside reforms is likely to provide the catalyst needed for change.

[1] Hales, Travis, Nochajski, Thomas, Susan Gree, Howard Hitzel and Elizabet Woike-Ganga, "An association between implementing trauma-informed care and staff satisfaction" *Advances in Social Work*, 18, no.1 (2017) pp. 200-312, DOI: 10.18060/21299

Question 1:

What steps could we take to improve the continuity of supervision throughout an offender's sentence?

1.1. We welcome the consultation's recognition of the importance of positive relationships between the 'offender' and the officer responsible for supporting their desistance. People with lived experience of the criminal justice system who participated in our consultations, focus groups and interviews were clear that staff turnover had an immensely negative impact on their lives:

"My probation officer changed about three times. I was all over the place. Different probation officers. It didn't help. And I actually ended up not going back to probation."

1.2. Individuals should receive consistent support throughout the whole criminal justice pathway – from arrest to courts, to sentencing, and back into the community. Each of these transition points should be seen as an opportunity for a trauma-informed approach, which can build relationships, identify and address underlying needs, and break the cycle of personal crisis and crime:

"It's really important because [all of us have] deep stuff which is part of what's brought us to where we are and like, if you're going to share that with a probation officer and then, all of a sudden, they're gone, You're not going to want to share it with someone else. And then you keep re-traumatising yourself as well."

1.3. There is growing evidence[1] that services that apply principles of trauma-informed approaches (including reflective practice and/or clinical supervision) can support staff in developing resilience themselves, helping them with adverse or upsetting events within the service and improving their wellbeing. Consequently, services experience lower rates of staff turnover, giving some flexibility to establish the necessary trusting relationships between individuals and responsible officers. The evidence also suggests that once the relationship is established, individuals are more likely to trust other responsible officers, especially if a responsible officer leaving the service help them to a build relationship with the new staff member.

1.4. To ensure continuity in addressing needs, including criminogenic needs, it is important to effectively assess individuals' needs at the earliest stage, set up personalised support plans, and review them at each transition point (as well as store and share this information safely and securely across the criminal justice system pathway and health and social care services). This will also prevent people from having to repeat their stories, which is harmful to forming relationships:

“You don't want to have to keep going in and repeating yourself and repeating yourself and starting again because that is what it is. Starting again. You're supposed to be in there, to start a journey, to put you somewhere that's better than where you've just come from.”

“They're ringing me up saying can you come in and do a new assessment and then I have to go through it all over again. I'm saying to them, 'It's the same stuff what I told you last time.'”

1.5. It is important to recognise that responsible officers need to be skilful in asking individuals the right questions, in the right way. Our consultations with people with lived experience suggest that officers might come up against various barriers in identifying their vulnerabilities (such as individuals not understanding their own needs, or being fearful of disclosing them because of the outcome of asking for help):

“A lot of the time you deny that you need the help.”

1.6. People in our focus groups and interviews advocated peer support as a vital mechanism to improve continuity of provision. The majority of participants shared the view that people with similar experiences help them trust the system and believe that “they will not be let down”. They also said that sharing a common language and a common experience helps them open up to peers, making the assessment process more reliable. Unlike authority figures, such as probation officers, peer mentors were seen as credible, trustworthy and empathetic – all key to building a trusting relationship:

“My probation officer she just, I don’t know, she’s just doing her job basically, there’s no relationship. Although she tries it’s just not there, it’s like I’m the one bringing the information to her rather than she is giving me information.”

1.7. There is growing evidence from Liaison and Diversion services that offering peer support can be an effective way to engage people in the criminal justice system and can offer the prospect of longer-term support and more effective signposting and referral. Pilots also suggest that peer workers can get people who would not ordinarily engage with services to engage, while receiving both emotional and practical support from peer support workers.

1.8. The peer support model we have developed for Liaison and Diversion is based on creating paid and voluntary roles for people who have been through the criminal justice system. Ex-offenders work together with and have the respect and authority of their statutory colleagues. The impact of peer support in Liaison and Diversion is notable. It has improved engagement levels of people with the most chaotic backgrounds. The model has been trialled in two sites and has seen individuals’ average number of days in contact (for those who engaged with over those who declined the service), increase by 179% in Birmingham and 54% in Wiltshire. The days in contacts also increased by 263% and 340% respectively. This model provides strong evidence of the impact of integrating lived experience at a strategic level to genuinely drive change in national programmes. We advocate the same across probation services.

[1] Ibid.

Question 2:

What frequency of contact between offenders and offender managers is most effective to promote purposeful engagement? How should this vary during a period of supervision and in which circumstances are alternatives to face to face meetings appropriate? Do you have evidence to support your views?

2.1. Feedback from people with lived experience suggests that there is not an optimal form or frequency of contact that will suit every single person in contact with criminal justice, or one offender throughout their journey. Participants thought frequency and form of contact should always be tailored, taking into account individuals' needs and circumstances, and the support and supervision available.

2.2. However, there was a broad consensus that longer appointments to make full assessments and develop personalised support plans should be available upon prison release, when individuals are most likely to experience difficulties. These should then be paired down as the person progresses with their support plan:

“It would be easier if [probation appointments] were longer than 10-15 minutes. Like for an hour or something. You can tell them your problems. You can tell them your issues. Mental health, housing, money issues, whatever. It's longer than 10 minutes where you just can't, sort of, get a relationship.”

2.3. People with lived experience's high levels of concern about individuals' needs, especially mental health-related needs, are consistent with the findings in Revolving Doors' Rebalancing Act report,[1] which demonstrated that the risk of suicide is highest in the 28 days following prison release. Men leaving prison are 10 times more likely – and women 40 times more likely – to commit suicide compared to people in the general population.

2.4. The people we spoke to with lived experience also made it clear that the quality of support, and particularly relationships, was more important than the frequency of support. Many participants expressed that once the relationship is established, they are more likely to engage more meaningfully with the probation service, regardless of the length or the form of their supervision:

“[My probation officer] knows everything about me. So, any time she comes she asks me, ‘How are your kids?’ She keeps making me, you know, like, I’ve got a friend I can tell her everything I want to, you know. I can bring out all my mind and tell her, this is the situation and things like that.”

2.5. While people with lived experience recognised that regular contact can support challenging and candid conversations that will often be required to promote change, they wanted to see some flexibility built into the system:

“You’ve got to go and see your probation officer, but you’re still trying to battle with your addiction and like they have to understand that you’re not always going to turn up to that appointment and they have to give that little bit of leeway. They can see that you are turning and you’re not just not going at all.”

2.6. Since Transforming Rehabilitation was introduced in 2015, the recall population has increased by almost 1,000 people, and by the end of March 2017, 6,554 people were in prison on recall.[2] This notable increase can be explained, in part, by the introduction of the use of recall for people released from prison after serving short sentences. Of those recalled to prison, the vast majority are recalled for technical breach of their conditions and not for having committed a new offence. This is supported by figures provided by the Howard League, which indicate that in the 12 months ending September 2016, 7,798 people were recalled to prison for ‘failing to keep in touch’ and a further 5,228 were recalled for ‘failing to reside’ at a specific address.[3]

2.7. This practice causes huge disruption, not only to the lives of those recalled, but also to their wider family. For example, people can lose their housing when they go back to prison on recall or find their treatment programme disrupted or ended. This in turn can further exacerbate multiple problems that brought them into the criminal justice system in the first place:

“They expect you to go ‘well, right, you can attend this for x amount of time and then you’ve got to do this, and then you’ve got to do that’ and that’s pressure. And that just makes people want to go ‘I can’t cope, let me have a drink or let me have some drugs’ or whatever. They need to understand that if you’re trying and you’re showing willingness and you’re going, then they need to understand that and not just try and penalise you because you ain’t turned up.”

[1] Revolving Doors Agency, Public Health England, Home Office (2017) Rebalancing Act <http://www.revolving-doors.org.uk/file/2049/download?token=4WZPsE8I>

[2] Table 1.1, Ministry of Justice (2017) Offender management statistics quarterly: October to December 2016, London: Ministry of Justice.

[3] The Howard League for Penal Reform (2017) The 3 R’s of Prison Reform: Recall to Prison. See <http://howardleague.org/what-you-can-do/the-3-rs-of-prison-reform/recall-to-prison>

Question 3:

How can we promote unpaid work schemes which both make reparation to communities and equip offenders with employment-related skills and experience?

3.1. Feedback from people with lived experience shows that unpaid work requirements can offer effective punishment and rehabilitation as part of community sentences. People with lived experience valued the direct reparation and opportunity to give back to the community:

“I like to feel a part of my community. You know, I grew up ☒ in alcohol and drugs, you know, I struggled for years and I’ve done bad stuff in that community if you know what I mean. And for me, [unpaid work] was like, giving something back.”

“[unpaid work] gives your self-esteem back, it gives you a purpose ☒ it’s good to do the right thing sometimes.”

Their accounts have established five principles for effective unpaid work schemes: clear community connection, strength-based employment, incentives, holistic support and opportunities for employment.

3.2. People with lived experience told us that they were best engaged with and most benefited from unpaid work requirements when they could clearly see the contribution they were making to the local community:

“We went to schools where there were disabled children who needed special equipment to get around and we built up their playground. And the enthusiasm of us young people in doing that, we wanted to continue to do that, it really ... had a really positive impact.”

“If they can see who they’re giving it back to, because on the allotment you can see that it’s mainly an elder demographic, so nearly everybody is more than happy to do this.”

3.3. Unpaid work placements are most likely to improve offenders’ prospects of finding employment when their existing skills, abilities and interests are taken into account, and placements make use of their strengths:

“The guy is a bricklayer and has been for 20 years, well then why am I putting him doing litter picking. So, it should be something that makes [the] most of his skills.”

“If you’re going to get someone to sort of like get their hours done on time and show up interest and not [be] recall[ed], give them something that’s of interest to them, they will add to their skills, something that would be meaningful not to allow them to reoffend and something that they can take forward.”

3.4. Putting incentives in place to demonstrate how much they have achieved also gave offenders the motivation to complete the hours set for their unpaid work requirements:

“So I was there for like six months, [given] patterns, goals so you always get rewarded for your achievements. So that makes you feel like, oh I’m doing really well now because I’m achieving something all the time.”

3.5. There was also evidence that unpaid work and training could give individuals skills and experience, help them find paid employment and break the cycle of crime:

“Personally, work-related community sentence for me worked really well. A few years ago, I got community service which entailed litter picking in the community which led to me getting a job at [anon] City Council. Six-month contract. I think it’s really important, you know, to give someone a chance like that.”

3.6. However, not everyone was able to complete their hours set for unpaid work requirements, due to ongoing problems with their mental health, problematic substance use or housing problems. We recommend that holistic support should be offered alongside unpaid work requirements, especially to people who come into repeated contact with the criminal justice system:

“Addressing the reason behind it and then paying back to the community at the same time. So you’d have to do like, your litter paper or your painting or whatever, but at the same time, address your mental health or address your addiction.”

3.7. There are a multitude of voluntary sector organisations and social enterprises across the country that provide individuals with meaningful work schemes, which not only benefit communities but also improve offenders’ prospects of finding employment in the future. It is essential that CRCs engage and work alongside these organisations locally to identify opportunities for unpaid work placements.[1]

[1] See Tempus Novo case study, which demonstrates a voluntary, community and social enterprise that has built a network of small and medium sized local companies that offer employment opportunities for people with experience of the criminal justice system. Crest Advisory (2018) Rewiring Justice: Transforming Punishment and Rehabilitation for the 21st century, p.47 (p.47)

Question 4:

What changes should we make to post sentence supervision arrangements to make them more proportionate and improve rehabilitative outcomes?

More proportionate:

4.1. Among people with lived experience, there was a broad consensus that longer appointments to make full assessments and develop personalised support plans should be available upon prison release, when individuals are most likely to experience difficulties. These should be paired down as the person progresses with their support plan:

“It would be easier if [probation appointments] were longer than 10-15 minutes. Like for an hour or something. You can tell them your problems. You can tell them your issues. Mental health, housing, money issues, whatever. It’s longer than 10 minutes where you just can’t, sort of, get a relationship.”

4.2. It is also clear from the lived experience accounts that the quality of support, and particularly relationships, were more important than the frequency of support. Many participants said that once the relationship is established, they are more likely to engage more meaningfully with the probation service, regardless of the length or the form of their supervision:

“[My probation officer] knows everything about me. So, any time she comes she asks me, ‘How are your kids?’ She keeps making me, you know, like, I’ve got a friend I can tell her everything I want to, you know. I can bring out all my mind and tell her, this is the situation and things like that.”

4.3. While people with lived experience recognised that regular contact can support challenging and candid conversations that will often be required to promote change, they wanted to see some flexibility built into the system:

“You’ve got to go and see your probation officer, but you’re still trying to battle with your addiction and like they have to understand that you’re not always going to turn up to that appointment and they have to give that little bit of leeway. They can see that you are turning and you’re not just not going at all.”

4.4. Recall following a short sentence causes huge disruption, not only to the lives of those recalled, but also to their wider family. For example, people can lose their housing when they go back to prison on recall or find their treatment programme disrupted or ended. This in turn can further exacerbate multiple problems that brought them into the criminal justice system in the first place:

“They expect you to go ‘well, right, you can attend this for x amount of time and then you’ve got to do this, and then you’ve got to do that’ and that’s pressure. And that just makes people want to go ‘I can’t cope, let me have a drink or let me have some drugs’ or whatever. They need to understand that if you’re trying and you’re showing willingness and you’re going, then they need to understand that and not just try and penalise you because you ain’t turned up.”

More rehabilitative:

4.5. It is important that an effective assessment is carried out at the earliest stage as there may be barriers involved with disclosing and/or identifying vulnerabilities and needs (such as individuals not understanding their own needs or being fearful of disclosing them because of the outcome of asking for help).

4.6. Assessments should include health inequalities, especially mental ill health, learning disabilities and substance misuse that bring people into repeated contact with the criminal justice system.

4.7. Assessments should also include the social needs of individuals, particularly those serving custodial sentences under six months. Issues such as income maximisation, education, training and employment opportunities, life skills, housing difficulties and parenting should be in scope to truly address their underlying needs.

4.8. The value of early and comprehensive assessment should be maximised by using a single, person-centred plan. This can follow the individual on their route through or diversion out of the criminal justice system, ensuring consistency of approach in addressing needs, including criminogenic needs, and reducing the amount of duplication at different points of the system(s).

4.9. Given the vulnerabilities people in the revolving door face, it is vital that robust and reliable plans for release from prison start months before release. For those serving short sentences, this process must start on arrival at prison.

4.10. It is vital that the support offered takes into account the whole person (and where appropriate, the whole household) before, during and after custody. Services must be coordinated, not just in the criminal justice system, but also with wider health, social care and housing. This will require information about health and social care needs to flow across different systems and along the whole criminal justice pathway.

4.11. Support offered should be strength-based, building on effective relationships between the individual and their responsible officer, and developing positive networks and opportunities based on the individual's skills, interests and aspirations.

4.12. Offering peer support via probation can be an effective way to engage individuals and can offer the prospect of longer-term support and more effective signposting and referral.

Question 7:

How else might we strengthen confidence in community sentences?

7.1. Increasing sentencer confidence around the use of community sentences requires improvement in services and care provided during community sentences. Sentencers also need to better understand the benefits of community versus prison sentences.

Discussions with stakeholders suggest that, as well as a lack of awareness about benefits, sentencers may doubt the availability of appropriate local services. In some cases, that doubt may be justified; in others, less so, such as with regard to the availability of drug and alcohol pathways. Sentencers need to be educated on several key issues around the benefits of community sentences over incarceration. They need to understand that prison is not a solution to many of the reasons people in the revolving door (including women) commit crimes in the first place. Sentencers also need to see that the public oppose the use of prison for petty crime, especially driven by poverty, mental ill health and addiction.

7.2. People in the revolving door

7.2.1. People in the revolving door are characterised by repeated low-level, non-violent offences, such as theft and minor drug offences, linked to multiple underlying problems, including mental ill health, problematic substance use, homelessness and domestic abuse. Their health-, care- and offending-related needs go hand in hand with persistent poverty, long-term unemployment, trauma and social exclusion.

7.2.2. Currently 30,000 people each year go to prison on sentences of less than six months.[1] This represents half of all people sent to prison. The majority of people serving sentences of less than six months are in prison for non-violent offences. Some common offences that receive a short time in custody are theft and drug offences,[2] linked to underlying problems such as poverty, addiction, homelessness and poor mental health. Indeed, the most common offence people are sentenced to prison for is theft.

[1] Table 2.5a Ministry of Justice (2017) Offender Management statistics quarterly, England and Wales Quarter: July-September 2017, Prison population, London: Ministry of Justice

[2] Table 2.5b Ministry of Justice (2017) Offender Management statistics quarterly, England and Wales Quarter: July-September 2017, Prison population, London: Ministry of Justice.

[3] Populus poll of 944 adults in England and Wales commissioned by Revolving Doors Agency. Fieldwork undertaken 12th-13th February 2018

[4] See <http://www.revolving-doors.org.uk/blog/new-data-shows-least-3-5-short-sentenced-prisoners-have-addiction>.

7.2.3. The public strongly oppose the use of prison for petty crime. An independent poll[3] commissioned by Revolving Doors found that 80% of the public think theft of daily essentials such as food, sanitary products and nappies does not warrant a prison sentence. This was true for voters across all the major political parties. 74% of the public thought people with drug or alcohol addictions belong in treatment programmes instead of prison.

7.2.4. Data obtained by Revolving Doors under Freedom of Information legislation shows that three in five (60%) of people sent to custody for less than six months report a drug or alcohol problem on arrival at prison.[4] Previous data, which showed only the overall rates for all sentence lengths combined, found 28% to have a substance misuse problem on arrival[5]. These figures expose the gap between people sentenced to prison for longer periods following more serious offences, and the 'revolving door' group, who commit persistent low-level offences, driven by problems in their lives. Further new data, again obtained by Revolving Doors, shows the reoffending rate for prison sentences is 68% – higher even than those on sentences of less than one year. Furthermore, an independent poll[6] commissioned by Revolving Doors shows that three out of four people think that those with drug or alcohol problems belong in treatment rather than prison.

7.2.5. Short prison sentences are proven to be less effective at reducing reoffending than community sentences.[7] A recent Ministry of Justice Analytical Summary[8] provided further evidence about the reoffending impact of short custodial sentences compared with similar cases where community orders were given.

Its three key findings in relation to people in the revolving door of crisis and crime worth highlighting are: Among people who come into repeated contact with the criminal justice system, 18- to 21-year-olds were 50% more likely to reoffend when given a short-term custodial sentence compared to a community order. For 21- to 49-year-olds it was 27% more likely, and for over-50s 72% more likely.

Using community orders was associated with more benefit for people with mental ill health. In fact, attaching mental health treatment requirements to community orders reduced reoffending by 3.5%. Another key stat was that women serving short sentences were 5% more likely to reoffend compared to those under community orders.

It is clear that short prison sentences do nothing more than contribute to prison churn and volatility.

7.2.6. Spending a short amount of time in prison is unlikely to do much more than further disrupt already chaotic lives, and is likely to deliver worse personal, social and reoffending outcomes for many offenders than community alternatives.

7.3. Women

7.3.1. For women, the negative impacts of imprisonment are all very closely linked. A third of women in prison lose their homes.[9] On average, women are sent to prison 55 miles away from their home.[10] This not only means that over 17,000 children are taken away from their mothers,[11] but 95% of these children are uprooted from their homes[12] and often placed in care, which is known to have very poor outcomes (in addition to imposing a significant financial burden on local authorities).[13] Furthermore, half of women in prison do not receive a single visit from their children. [14] These issues not only create problems for women while in prison but also increase their challenges when leaving, with many facing problems with their housing, employment and care of their children. None of these issues would occur if community sentences were used.

7.3.2. For sentencers to fully comprehend the impact of prison sentences on women (especially mothers), specialist understanding is needed. There are a few ways in which we feel this can be achieved. Firstly, it is vital that thorough pre-sentence reports are sent to sentencers so the needs and vulnerabilities of female defendants can be fully taken into account.

Secondly, it may be useful for sentencers to follow the journey of a few offenders they have sentenced to increase their knowledge of community and prison sentences and their outcomes as part of their professional development. Thirdly, it would be beneficial for sentencers to be assessed on the success of the sentences they have passed and the outcomes for the individuals they have sentenced.

These would all help educate the sentencer and hold sentencers to account, encouraging them to be more invested in sentencing outcomes. However, it is not only important to increase the proportion of women given community sentences, but also to improve the quality of care provided during community sentences.

7.3.3. To improve the quality of services and care provided during community sentences, it is important to have gender-specific pathways and services, and to ensure that women serving community sentences are given priority when receiving care in services such as mental health services. The gender-specific care needed is often not available in prisons for a range of reasons, including prisons not having the services required, women not meeting the threshold, and women not being in prison long enough to be able to effectively access support. Therefore, a community sentence would provide both the time and access to services required for the appropriate support to be offered.

7.3.4. It is worth noting that for community sentences to be seen as a viable option, women's centres need to be resilient and reliable. This may be at risk if women's centres are absorbed into the criminal justice system, as this may change the dynamic between the centre and the client (referred to in the following question). Women in the criminal justice system generally need a high level of support, not only because they often have responsibilities that men do not (such as childcare), but also because of the challenges they have faced before entering the system.

[5] HMI Prisons (2015) Thematic report: Changing patterns of substance misuse in adult prisons and service responses.

[6] Populus poll of 944 adults in England and Wales commissioned by Revolving Doors Agency. Fieldwork undertaken 12th-13th February 2018.

[7] Ministry of Justice (2015) The impact of short custodial sentences, community orders and suspended sentence orders on re-offending, London: Ministry of Justice.

[8] See

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/706597/do-offender-characteristics-affect-the-impact-of-short-custodial-sentences.pdf

[9] Social Exclusion Unit (2002) Reducing re-offending by ex-prisoners, London: Social Exclusion Unit

[10] Ministry of Justice (2009) A Report on the Government's Strategy for Diverting Women Away from Crime, London: Ministry of Justice

[11] Wilks-Wiffen, S. (2011) Voice of a Child, London: Howard League for Penal Reform.

[12] Social Exclusion Unit, op. cit., p.4.

[13] Jones, R., Everson Hock, E. S., Papaioannou, D., Guillaume, L., Goyder, E., Chilcott, J., & Swann, C. (2011) Factors associated with outcomes for looked after children and young people: a correlates review of the literature. Child: care, health and development, 37(5), 613-62

[14] Social Exclusion Unit, op. cit., p.4.

Question 8:

How can we ensure that the particular needs and vulnerabilities of different cohorts of offenders are better met by probation? Do you have any evidence to support your proposals?

Across populations:

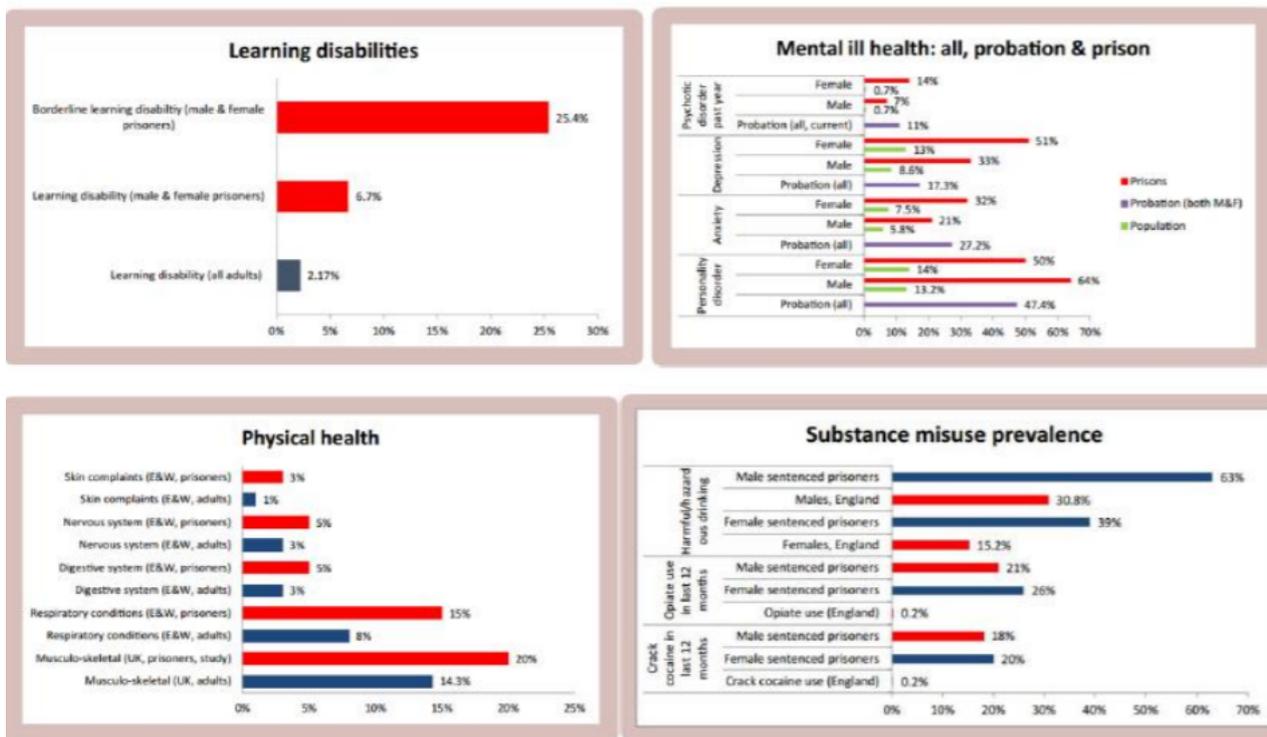
8.1. Individuals should receive consistent support throughout the whole criminal justice pathway – from arrest to courts, to sentencing, and back into the community. It is important to effectively assess individuals' needs at the earliest stage, set up personalised support plans, and review them at each transition point (as well as store and share this information safely and securely across the criminal justice system pathway and health and social care services). This will ensure continuity in addressing needs, including criminogenic needs.

8.2. These assessments should include health inequalities, especially mental ill health, learning disabilities and substance misuse that bring people into repeated contact with the criminal justice system:

“I could have done with probation services being a little more... even drug and alcohol. I was in so much pain that I didn't know who to turn to. The system just kept throwing me in prison.”

8.3. Findings from our report Rebalancing Act[1] demonstrate the need for this approach:

[1] <http://www.revolving-doors.org.uk/file/2049/download?token=4WZPsE8I>



8.4. Assessments should also include the social needs of individuals (especially for people serving short sentences), such as income maximisation, education, training and employment opportunities, life skills, housing difficulties and parenting. In essence, conversations should take a whole family or whole household approach.

Women:

8.5. Women and men are different in some very significant ways when we look at criminal justice. Firstly, women are more likely to go to prison for a first offence – 22% of all women sent to prison – but are less likely to have committed a violent crime. They are more likely to be given a very short sentence: one in four are sentenced to less than a month; and 70% are sentenced for 6 months or less. This is despite them being more likely to complete a community sentence (95% do), and despite evidence that short sentences are particularly ineffective for them. This is partly because female prisoners are extremely vulnerable.[1] One in three has been a psychiatric hospital patient, half have attempted suicide, half were abused as children, and over half have been victims of domestic violence.

8.6. For women, the negative impacts of imprisonment are all very closely linked. A third of women in prison lose their homes.[2] On average, women are sent to prison 55 miles away from their home.[3] This not only means that over 17,000 children are taken away from their mothers,[4] but 95% of these children are uprooted from their homes[5] and often placed in care, which is known to have very poor outcomes (in addition to imposing a significant financial burden on local authorities).[6] Furthermore, half of women in prison do not receive a single visit from their children.[7] These issues not only create problems for women while in prison but also increase their challenges when leaving, with many facing problems with their housing, employment and care of their children. None of these issues would occur if community sentences were used.

8.7. To improve the quality of services and care provided during community sentences, it is important to have gender-specific pathways and services, and to ensure that women serving community sentences are given priority when receiving care in services such as mental health services. The gender-specific care needed is often not available in prisons for a range of reasons, including prisons not having the services required, women not meeting the threshold, and women not being in prison long enough to be able to effectively access support. Therefore, a community sentence would provide both the time and access to services required for the appropriate support to be offered.

[1] Rebalancing Act, opt.

[2] Social Exclusion Unit (2002) Reducing re-offending by ex-prisoners, London: Social Exclusion Unit.

[3] Ministry of Justice (2009) A Report on the Government's Strategy for Diverting Women Away from Crime, London: Ministry of Justice.

[4] Wilks-Wiffen, S. (2011) Voice of a Child, London: Howard League for Penal Reform.

[5] Social Exclusion Unit, op. cit., p.4.

[6] Jones, R., Everson Hock, E. S., Papaioannou, D., Guillaume, L., Goyder, E., Chilcott, J., & Swann, C. (2011) Factors associated with outcomes for looked after children and young people: a correlates review of the literature. *Child: care, health and development*, 37(5), 613-622

[7] Social Exclusion Unit, op. cit., p.4.

8.8. We welcome the government's Female Offender Strategy and its aspiration and vision to keep women in the community. However, women's centres across the country are closing down due to lack of funds. The government has opened a national competition where centres can compete for grants of £3.5m. To put that in perspective, the Scottish criminal justice system pays £1.5m a year to Glasgow's 218 centres towards 25 residential placements and 60 community support packages. We need the funding for women's centres to be found urgently to make the strategy a reality.

Short-sentences:

8.9. People in the revolving door are characterised by repeated low-level, non-violent offences, such as theft and minor drug offences, linked to multiple underlying problems, including mental ill health, problematic substance use, homelessness and domestic abuse. Their health-, care- and offending-related needs go hand in hand with persistent poverty, long-term unemployment, trauma and social exclusion.

8.10. Short prison sentences are proven to be less effective at reducing reoffending than community sentences.[1] A recent Ministry of Justice Analytical Summary[2] provided further evidence about the reoffending impact of short custodial sentences compared with similar cases where community orders were given.

Its three key findings in relation to people in the revolving door of crisis and crime worth highlighting are: Among people who come into repeated contact with the criminal justice system, 18- to 21-year-olds were 50% more likely to reoffend when given a short-term custodial sentence compared to a community order. For 21- to 49-year-olds it was 27% more likely, and for over-50s 72% more likely.

Using community orders was associated with more benefit for people with mental ill health. In fact, attaching mental health treatment requirements to community orders reduced reoffending by 3.5%. Another key stat was that women serving short sentences were 5% more likely to reoffend compared to those under community orders.

8.11. We recommend that the government introduces a presumption against the use of custodial sentences of less than six months. This would allow such a sentence only when no other appropriate disposal is available. Where short prison sentences are imposed, courts should have to say why. This approach does not remove the court's discretion; it is a presumption not a ban. So the courts can still deal appropriately with offences that are serious and/or risk harm, such as domestic violence.

8.12. To ensure CRCs are meeting the particular needs and dealing with the vulnerabilities of different cohorts, the Ministry of Justice should mandate CRCs to collect data on their users, and publish it regularly and transparently. The data sets to be made public should be subject to a further consultation. This list is not exhaustive, but we suggest as a minimum: level of mental health needs; people accessing or who have accessed mental health services; physical health needs; registration with GP; problematic drug and/or alcohol use; housing and homelessness; and domestic violence and abuse. We assume that individual CRCs are collecting this data to provide their service, so we are unclear why it cannot be collated and published at CRC and national level. Putting this data in the public domain would support better commissioning and help inform policy and practice.

[1] Ministry of Justice (2015) The impact of short custodial sentences, community orders and suspended sentence orders on re-offending. London: Ministry of Justice.

[2] See https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/706597/do-offender-characteristics-affect-the-impact-of-short-custodial-sentences.pdf

Question 9:

How can we ensure that the particular needs and vulnerabilities of different cohorts of offenders are better met by probation? Do you have any evidence to support your proposals?

9.1. Currently 30,000 people each year go to prison on sentences of less than six months.[1] This represents half of all people sent to prison. The majority of people serving sentences of less than six months are in prison for non-violent offences. Some common offences that receive a short time in custody are theft and drug offences,[2] linked to underlying problems such as poverty, addiction, homelessness and poor mental health. Indeed, the most common offence people are sentenced to prison for is theft.

9.2. Short prison sentences are proven to be less effective at reducing reoffending than community sentences.[3] We can find smarter ways of tackling persistent, petty crime. Short prison sentences are short-sighted because they disrupt family ties, housing, employment, and treatment programmes, for example – but they do not provide any meaningful rehabilitation. These sentences contribute to prison ‘churn’ and volatility.

9.3. At the same time, the use of community sentences, which can include requirements such as mental health treatment, alcohol misuse treatment and drug misuse treatment, has declined - substantially and rapidly. People who have direct experience of the system can explain why short prison sentences often fail to break the cycle of offending, and why support in the community can make a difference.

“Although I was in prison for a short time I felt traumatised by the whole experience. In fact, sending me to prison was just a waste of time and money. I was released with no explanation and no support. I found myself back in the violent relationship which exacerbated my addiction which led to further arrests and trauma.”

9.4. The government should introduce a presumption against the use of custodial sentences of less than six months. This would allow such a sentence only when no other appropriate disposal is available. Where short prison sentences are imposed, courts would have to say why. This approach does not remove the court's discretion; it is a presumption not a ban. Therefore, under these proposals, offences that are serious, and/or risk harm, such as domestic violence can be dealt with appropriately by the courts.

9.5. At the same time, there is a need to strengthen community sentences so that they command public confidence and are able to deal effectively with some of the underlying causes of persistent, petty offending, including drug or alcohol misuse and mental health. However, there is no value in continuing with the failed policy of short sentences while we wait. Clear direction from government on the need to reduce inappropriate short sentences should be the catalyst for action.

[1] Table 2.5a Ministry of Justice (2017) Offender Management statistics quarterly, England and Wales Quarter: July-September 2017, Prison population, London: Ministry of Justice.

[2] Table 2.5b Ministry of Justice (2017) Offender Management statistics quarterly, England and Wales Quarter: July-September 2017, Prison population, London: Ministry of Justice.

[3] Ministry of Justice (2015) The impact of short custodial sentences, community orders and suspended sentence orders on re-offending, London: Ministry of Justice.

Question 10:

Which skills, training or competencies do you think are essential for responsible officers authorised to deliver probation services and how do you think these differ depending on the types of offenders staff are working with?

10.1. Our response is based on the feedback we have received from people who come into repeated contact with the criminal justice system as a result of multiple unmet needs, including mental ill health, substance misuse, homelessness and domestic abuse – a situation we call the ‘revolving door’. Participants were clear that responsible officers’ personal values and behaviours should promote dignity, care, empathy and respect. Participants used a number of ‘I’ statements to describe ‘good’ probation they had received, such as “I am treated as a human being”, “I am listened to” and “I am believed in”. This can be achieved by embedding value-based recruitment across probation services to help attract, recruit and retain staff with the right values and behaviours:

“I think a good probation officer cares about your future. They care about your future and they know you want to change.”

10.2. This can be achieved by embedding value-based recruitment across probation services to help attract, recruit and retain staff with the right values and behavior. Secondly, involving people with lived experience in the criminal justice system in selecting and recruiting staff can increase the likelihood of employing staff with values and interpersonal skills people appreciate. People with lived experience can write job descriptions and person specifications, design adverts, be involved in shortlisting and sit on interview panels. Involving people with lived experience in this way can show them that their views are truly respected.

10.3. Participants also highlighted the need for peer support to be embedded within probation. Participants shared the view that people with similar experiences help them trust the system and believe that “they will not be let down”. They also said that sharing a common language and a common experience helps them open up to peers, making the assessment process more reliable. Unlike authority figures, such as probation officers, peer mentors were seen as credible, trustworthy and empathetic – all key to building a trusting relationship:

“There’s lots of good people in the world who’d want to look after people, it should be a caring service. We’ve got loads of people at our group, they want to do good things but there’s only three or four who would go the extra step, the extra mile to help people who go out there.”

10.4. Participants highlighted the need for responsible officers to recognise trauma among people who come into the criminal justice system:

“[Young men] had so much trauma and they just go to prison and then they get more trauma in prison and they go back into the community and now they’ve got more trauma on top of the trauma that they had. No support . . . and then they’re back in there again”

10.5. Participants highlighted that responsible officers should be trained in strength-based practice, recognising that people can change, have the potential to achieve positive outcomes, and identifying and investing in their skills, interests and aspirations:

“You have to have a system that’s predicated on that fundamental belief [that people can change].”

“And if you’re going to get someone to sort of like get their hours done on time and show up interest and not [be] recall[ed], give them something that is of interest to them, they will add to their skills, something that would be meaningful not to allow them to reoffend, and something that they can take forward.”

10.6. Participants also told us that responsible officers should be aware of the services in the local area and be able to effectively signpost and coordinate services

Question 14:

How can we better engage voluntary sector providers in the design and delivery of rehabilitation and resettlement services for offenders in community?

14.1. Our strongly held view is that the Ministry of Justice should widen the scope of this question to consider 'how can we better engage people with lived experience of criminal justice and the voluntary sector in the design and delivery of rehabilitation and resettlement services for offenders in community?'. It is insufficient and ineffective not to include the insights and experience of people who use a service in the design and delivery of it.

14.2. Lived experience/service user involvement is an essential part of running an effective probation service. There are clear benefits for probation providers and national commissioners, including:

Desistance theory suggests that when offenders play an active role in their community it can help the process of moving away from crime. Lived experience involvement provides an opportunity for offenders to become active citizens. It gives those involved skills, confidence and a sense of self-worth, which can be factors in stopping them committing crime.

Lived experience involvement is a way of monitoring the quality of services in probation and can highlight issues that staff are unaware of. Effective involvement mechanisms and approaches can result in hearing perspectives from service users whose voices can often go unheard.

Lived experience involvement offers an opportunity to improve services by getting insight from those who have first-hand experience of these services. Having this insight helps service planning, development and delivery.

2.3. People with lived experience's high levels of concern about ind
In 2016 Revolving Doors produced a toolkit for staff seeking to involve people with lived experience in probation services.[1] This outlines a series of ways of improving involvement, including ensuring lived experience in governance, selection and recruitment of staff, service design, service delivery, monitoring and evaluation, and training.

14.3. This should be reflected at national level with a Lived Experience Team supporting the Ministry of Justice in the design and oversight of the Transforming Rehabilitation programme at a strategic level. We note the increasing steps towards this within the Ministry of Justice, and advocate a similar model to that used by the Liaison and Diversion Programme Board at NHS England.

[1] Revolving Doors Agency (2016) Service user involvement with offenders in the community: A toolkit for staff. London: Revolving Doors Agency.

Question 15:

How can we support greater engagement between police and crime commissioners (PCCs) and probation providers, including increased co-commissioning of services?

15.1. People in the revolving door come into repeated contact with the criminal justice system as a result of multiple unmet needs, including ill mental health, problematic substance use, domestic violence and mental health.

15.2. The PCC's responsibility for wider crime reduction in their area (the 'and crime' part of their title) provides an opportunity to work creatively at a local level, encouraging and strengthening partnerships, linking with health and other community-based services and tackling the underlying causes of crime and reoffending.

15.3. PCCs have a vital role to play in improving outcomes for people with substance misuse needs and preventing people from getting caught in the revolving door of personal crisis and crime. PCCs can offer the vital strategic leadership to address offending and reduce health inequalities in their area. They can use their convening powers to bring health agencies around the table to reduce reoffending by addressing (often health- and care-related) drivers of crime. Revolving Doors' First and Second Generation projects^[1] provided substantial evidence of the role of PCCs in reducing young adults coming into criminal justice; tackling violence against women and girls, including domestic abuse; substance misuse; and mental ill health.

15.4. These spotlight briefings highlighted that greater engagement between PCCs and probation providers can be achieved by:

Conducting a comprehensive needs analysis for the local population, particularly those who come into frequent contact with the criminal justice system.

Ensuring data collection and follow-up protocols are in place to track outcomes for all those who experience crisis interventions, and a targeted approach to respond to 'frequent flyers' is developed.

Encouraging the co-location of partners across probation, health, care and housing services to improve joint working.

Reviewing resettlement pathways for people facing multiple and complex needs, ensuring nobody falls through gaps in provision.

Mapping out what other initiatives exist locally for people with multiple needs and considering how these are supporting the police and efforts to reduce reoffending.

Additionally, there remains a key strategic role for PCCs in ensuring that effective diversion pathways and rehabilitative provision is available for a range of complex needs, including people who might be considered below the threshold for secondary mental health services and might otherwise fall through gaps in the system.

[1] Revolving Doors Agency. "Second Generation" <http://www.revolving-doors.org.uk/why-were-here/changing-policy/second-generation> (accessed September 1, 2018)

Revolving Doors Agency: Recent publications relevant to this consultation

Short sentences briefing and campaign (2018)

The public and the evidence are clear and in agreement: short prison sentences are short-sighted. They are ineffective at tackling petty crime. Revolving Doors has campaigned to introduce a new presumption against short prison sentences of less than six months.

A review of all police and crime plans (2018)

A comprehensive review of all police and crime plans for multiple and complex needs, and transition to adulthood.

See also a series of Spotlight publications on best practice among PCCs in relation to: mental health, women in the criminal justice system, young adults, tackling violence against women and girls, and tackling substance misuse.

Rebalancing Act: A joint publication with the Home Office and Public Health England (2017)

A resource for directors of public health, police and crime commissioners, the police service and other *health* and justice commissioners, *service* providers and users outlining the health inequalities faced by people in contact with the criminal justice system.

Service user involvement with offenders in the community: A toolkit for staff (2016)

Commissioned by the National Offender Management Service and based on fieldwork in probation areas, this is a guide for staff wishing to improve their involvement of people with lived experience in probation. See also guides to peer research in the criminal justice system and improving involvement in prisons.

Service user involvement and co-production (2016)

Commissioned by Clinks and written by Revolving Doors and people with lived experience.