



Revolving Doors' submission to the Sentencing Review

About Revolving Doors

Revolving Doors is a national charity that aims to break the cycle of crisis and crime. We focus on the 'revolving door' group, those who have repeat contact with the criminal justice system whose behaviours are largely driven by unmet health and social needs. These include combinations of problematic substance use, homelessness, mental ill health, neurodivergence and domestic abuse, often referred to as 'multiple disadvantage'. We combine policy expertise, independent research and lived experience to champion long-term solutions for justice reform.

Our work is shaped, informed and co-produced with our lived experience members (referred to from hereon as 'members'), namely people with lived experience of the criminal justice system and the revolving door of crisis and crime. We operate forums which meet on a regular basis throughout the year: regional forums across England, and specialist forums relating to the protected characteristics of our group including women, race, and neurodiversity. Additionally, we bring together a national forum to support with bespoke policy consultations. The forums enable people with lived experience to inform our work and support decision-makers and other stakeholders to develop their work.

We are delighted our members will be joining a round table with David Gauke on Monday 13th January 2025 in order to give their views on sentencing, and Revolving Doors would be pleased to provide similar assistance to the Ministry of Justice in the future.

About this response

Our response to this inquiry will focus on all seven themes outlined in the terms of reference, and will specifically centre the needs and experiences of the 'revolving door' cohort outlined above. The revolving door cohort are an incredibly important group to consider within this Review due to their general characterisation as 'prolific' and 'hyper-prolific offenders' – given repeat contact with the criminal justice system for low-level and acquisitive crimes such as theft and drug possession – and yet are the group let down the most by sentences due to the primary drivers of their offending – problems with drugs and alcohol, poor mental health, trauma, and poverty – going unaddressed. This response will therefore draw on primary and secondary evidence relating to our cohort, including direct quotes from our members, and will offer evidence-based solutions (which have been co-produced with our members) to current problems that arise within sentencing, which will feature throughout this response as recommendations. Below, we will discuss our most urgent recommendations, following by a summary of recommendations that are made throughout this response.

Topline recommendations

<p>Presumption against short prison sentences: We recommend the introduction of a presumption against short prison sentences of 12 months or less for low-level, non-</p>
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sexual/violent offences. To ensure that this presumption is effective, we can draw on learnings from Scotland, meaning the presumption must be automatic rather than left to judicial discretion, and be combined with robust community solutions that sentencers can feel confident in. New legislation should expressly state a presumption for community sentences rather than suspended sentences, and the decline in use and quality of community sentences should be immediately addressed to increase sentencer confidence in the presumption.

Deferred sentences: Deferred sentences should be utilised more in sentencing, particularly for individuals where unmet needs are leading to offending but have shown the capacity and willingness to turn their lives around. Data collection regarding their use should resume to create a wider understanding of their impact.

Recalls: The vast majority of recalls are due to non-compliance rather than reoffending, and are linked to the strain the Probation Service is under. Whilst emergency recalls should continue to follow the current process, fixed term recalls should be abolished, and breach-style processes adopted instead. Legislation should be explicit that standard term recalls should only be used when there is deemed to be a public protection risk, or the person on licence has lost contact with the officer. In other cases, there should be efforts to improve support for the individual.

Combined orders and peer support: There needs to be a substantial increase in the use of combined treatment requirements (mental health and substance misuse), with a multi-agency partnership approach taken to their delivery. Additionally, there must be integration of peer support within all offers of treatment requirements, alongside other forms of support, particularly for those who are on waiting lists for treatment. The voluntary sector could be employed to facilitate this, and vetting procedures reviewed to ensure an easier employment process for people with lived experience of the criminal justice system.

Pre-sentence reports: Full pre-sentence reports should be the standard for those sentenced unless there is a good reason not to, such as one having already been produced in the last six months. The expectation should be that the person who authors the report supervises any resulting orders, meaning there is already a relationship between the officer and supervisee.

National diversion strategy: To truly transform our approach to offending from a prevention angle, the Government should take cross-departmental commitment to creating a national framework for diversion, including pre-arrest diversion, along with a review of Liaison and Diversion services to ensure they are effective for those repeat offending due to multiple unmet needs. In shaping this service it should be integrated into the national MHCLG Changing Futures programme, which employs a multi-agency approach to addressing multiple disadvantage at a local level.



Summary of full recommendations

Recommendation: Introduce a presumption against prison sentences of 12 months or less in cases of low-level, non-violent/non-sexual offences, using increased investment and resource-allocation into community solutions to reform sentencing outcomes for those engaged in low-level offending.

Recommendation: New legislation should expressly state a presumption for community sentences rather than suspended sentences, and the decline in use and quality of community sentences should be immediately addressed to increase sentencer confidence in the presumption.

Recommendation: A presumption against short sentences needs to be automatic, not left to judicial discretion, and spelled out robustly within legislation.

Recommendation: There needs to be a substantial increase in the use of combined treatment requirements (mental health and substance misuse), with a multi-agency partnership approach taken to the delivery of treatment requirements. Additionally, there must be integration of peer support within all offers of treatment requirements, alongside other forms of support.

Recommendation: Peer support should be integrated into community sentences – particularly those who are on waiting lists for treatment. The voluntary sector could be employed to facilitate this.

Recommendation: Government should make a cross-departmental commitment to creating a national framework for diversion, including pre-arrest diversion.

Recommendation: Guidance should be drafted recommending the use of conditional discharges for first and second low-level offences that are driven by unmet needs. Alongside a conditional discharge, the court should signpost the individual to treatment or support to address the driver of the offence.

Recommendation: Government communication campaigns should highlight what works to reduce reoffending, with greater publicity around statistics such as reoffending rates attached to particular disposals.

Recommendation: Full pre-sentence reports should be the standard for those sentenced unless there is a good reason not to, such as one having already been produced in the last six months. The expectation should be that the person who authors the report supervises any resulting orders, meaning there is already a relationship between the officer and supervisee.

Recommendation: Following international evidence of success, problem solving courts should be expanded in all areas across the country, directing their use towards offences driven by unmet needs.



Recommendation: The Sentencing Council and sentencers should work closer together in order that the Sentencing Guidelines' intentions translate into practice.

Recommendation: Good technological practices that are proven to work should be rolled out across England and Wales, with a view to making interaction with the criminal justice system more accessible for all.

Recommendation: Technological advances such as electronic monitoring should not be applied in a blanket way, and following trials, impact assessments should be done to assess their effectiveness in reducing licence breaches and reoffending.

Recommendation: A review must be undertaken of vetting, particularly within the probation service, to enable peer support to take place more seamlessly when employing those with criminal convictions.

Recommendation: Whilst emergency recalls should continue to follow the current process, fixed term recalls should be abolished, and breach-style processes adopted instead. Legislation should be explicit that standard term recalls should only be used when there is deemed to be a public protection risk, or the person on licence has lost contact with the officer. In other cases, there should be efforts to improve support for the individual.

Recommendation: A unique approach to sentencing should be taken for prolific offenders (the revolving door group) who are offending due to unmet needs, with a targeted approach featuring a combination of problem-solving courts, comprehensive pre-sentence reports, combined community sentence treatment requirement orders, and a continuous offer of peer support.

Recommendation: Government must finally commit to and take action on all objectives of the Female Offender Strategy, including committing to an immediate end to short prison sentences for women.

Recommendation: A distinct approach to sentencing must be taken for young adults between the ages of 18-25 years old, with changes in legislation made to account for this.

Recommendation: Deferred sentences should be utilised more in sentencing, particularly for individuals where unmet needs are leading to offending but have shown the capacity and willingness to turn their lives around. Data collection regarding their use should resume to create a wider understanding of their impact.

Theme 1: History and trends in sentencing

Within this theme, we will provide an overview of how trends towards harsher sentences and a decline in use of community sentences have disadvantaged those in revolving door cohort, and have not resulted in reduced reoffending for those deemed 'prolific offenders'. To contextualise this, we will also look to the discrepancy between perceived public opinion and the reality with regards to sentencing, and consider the state of pre-sentence reports over the years (PSRs).



Harsher sentencing

It is widely recognised that longer sentences have limited deterrent effects, with Sir Brian Leveson recently remarking that there is ‘nothing to justify’ the doubling of sentence lengths, with the only purpose of harsher sentencing being punishment that ‘does not stop reoffending and is expensive.’¹ Over the last 10 years, the average custodial sentence length for indictable offences increased from 18 months in 2013 to almost 23 months in 2024. This has not led to a reduction in crime or reoffending.²

Despite this, legislation has significantly contributed to punishment being seen as the primary motivation of all sentencing. This has led to an increase in prison sentences and harsher community sentences which are overloaded with requirements. Legislative changes over the years via the Criminal Justice Act 2003 and Sentencing Act 2020 have meant that sentencers have had to illustrate that the person they were sentencing was being punished, and could no longer consider the impact of court proceedings and gaining a criminal record to be a suitably detrimental impact on the person sentenced. It also meant that mitigating factors could no longer be given the same precedence in sentencing. Those experiencing problems with drugs and alcohol and mental health issues, and whose offending is caused by other social needs, have increasingly been sentenced to prison and orders overloaded with an excessive range of requirements, making rehabilitation much more difficult to achieve.

Decline in the use of community sentences

The number of community sentences issued by courts in England and Wales significantly declined between 2013 and 2023, decreasing by more than half (51%) in that time period. In the same period the total number of people sentenced over the period declined by 13%.³ Community sentences, particularly treatment requirements, work well for people in the revolving door if deployed in a supportive way, as they can keep people out of prison, avoiding up-rooting of people’s lives, but deliver treatment and support around unmet needs. They are also considerably cheaper than custodial sentences, with a year in prison currently costing up

¹ Howard League (2024) Sentencing inflation: a judicial critique. Available online at https://howardleague.org/wp-content/uploads/2024/09/Sentencing-inflation-a-judicial-critique_September-2024-1.pdf

² Ministry of Justice (2024) Criminal Justice Statistics Quarterly. Available online at <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-march-2024/criminal-justice-statistics-quarterly-march-2024-html#sentencing>

³ National Audit Office (2023) Evidence to House of Lords Joint Home Affairs and Justice Committee’s inquiry into community sentences. Available online at [https://committees.parliament.uk/writtenevidence/122239/html#:~:text=1a.-,Historical%20trends,those%20sentenced%20\(Figure%202\).](https://committees.parliament.uk/writtenevidence/122239/html#:~:text=1a.-,Historical%20trends,those%20sentenced%20(Figure%202).)



to £50,000⁴, compared to a community sentence costing approximately £4000⁵. We will discuss how to bolster the community sentence offer in greater detail within Theme 4.

Reduction in use of conditional discharge

It is of particular note that there has been a substantial reduction in the use of conditional discharges: in 2023 11,861 were given for indictable offences⁶ compared to 38,246 in 2019.⁷

The experience of our members shows that when a conditional discharge is not considered for first or second offences and instead community or suspended sentences are given, it effectively restricts future sentencers should the person reappear in court. There is a presumption that any sentence needs to be harsher than before, meaning people receive a prison sentence far earlier in their offending cycle than they may have done if their initial sentence had been less harsh. People may enter the criminal justice system for low-level offences such as drug possession or theft, and struggle for years to leave the system.

Recommendation 1: Guidance should be drafted recommending the use of conditional discharges for first and second low-level offences that are driven by unmet needs. Alongside a conditional discharge, the court should signpost the individual to treatment or support to address the driver of the offence.

‘Tough on crime’ rhetoric and public opinion

In 2023, the Justice Committee of the House of Commons highlighted that the trend of longer sentences is largely driven by the Government responding to the perceived shift in public opinion favouring harsher penalties for serious crimes.⁸ However, it is widely acknowledged, including by the Justice Select Committee, that the public's understanding of sentencing is limited, with many relying on media coverage of prominent (and often extreme) cases. We agree with the Justice Committee's assessment that this lack of public awareness about sentencing trends creates a ‘gap between public opinion on sentencing and actual practice,’ raising concerns about the legitimacy of a ‘tough on crime’ approach designed to align with public sentiment.⁹

Nevertheless, our research indicates that the public are not unsympathetic to a preventative and rehabilitation-focused justice system. In 2022 we undertook polling which found that 58%

⁴ Ministry of Justice (2024) Costs per place and costs per prisoner by individual prison. Available online at <https://assets.publishing.service.gov.uk/media/65f4229810cd8e001136c655/costs-per-place-per-prisoner-2022-2023-summary.pdf>

⁵ Ministry of Justice (2016) Costs per place and costs per prisoner by individual prison. Available online at <https://assets.publishing.service.gov.uk/media/5a8029f5e5274a2e87db8398/costs-per-place-cost-per-prisoner-2015-16.pdf>

⁶ Ministry of Justice (2023) Criminal Justice Statistics Quarterly June 2023. Available online at <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-june-2023#full-publication-update-history>

⁷ Sentencing Academy (2019) Discharges. Available online at <https://www.sentencingacademy.org.uk/discharges/>

⁸ House of Commons Justice Committee (2023) Public Opinions and Understanding and Sentencing. Available online at <https://committees.parliament.uk/publications/41844/documents/207521/default/>

⁹ Ibid.



of UK adults believe an alternative to prisons should be found when the person has committed a low-level crime, with only 25% thinking a prison sentence is appropriate in these cases.¹⁰ This indicates that where there is a greater understanding of what drives crime for the revolving door group, i.e. multiple unmet needs, there is a greater understanding that initiatives that address their needs rather than simply punish the crime should be prioritised.

Recommendation: Government communication campaigns should highlight what works to reduce reoffending, with greater publicity around statistics such as reoffending rates attached to particular disposals.

Decline in pre-sentence reports (PSRs)

Underpinning effective sentencing is an understanding of the drivers of crime and consideration of what solutions can be offered to achieve desistance. PSRs are a crucial means of ascertaining appropriate sentences for people based on their circumstances, and can serve to utilise information received from multiple agencies – including probation – in recommending solutions such as Drug Rehabilitation Requirements (DRRs) or other forms of support. Despite their effectiveness, the use of PSRs are in decline, with many of our members stating they had not even heard of PSRs, let alone been given one.

In 2014, 131,462 PSRs were given, with 32,523 of these being standard delivery reports, which are the fullest and more detailed form of PSR. As of 2023, the total amount of PSRs given was 84,880 – a reduction of over 45,000, and the number of standard delivery reports given fell to just 4,474.¹¹

In our recent lived experience inquiry into the Probation Service, we heard from people under probation supervision about their experiences of PSRs – and generally found that people either had not received a PSR or had experienced a rushed, incorrect report.

“I’ve never seen probation in court. I got sentenced there and then, with no report.”¹²

“I have never seen my PSR in most cases. I only saw it once when my solicitor sent it out. Another time I saw my probation officer write it up in 15 minutes, and what he wrote was not appropriate.”¹³

HM Inspectorate of Probation has also recognised a decline in the quality of reports. In their most recent report about the quality of pre-sentence information and advice provided to courts, they assessed less than half of all inspected court reports to be sufficiently analytical and personalised to the individual, thereby undermining courts’ decision making. They also identified notable differences in quality between the types of court report, with oral reports

¹⁰ ³ Revolving Doors (2022) Majority of UK public believe rising poverty will lead to increase in crime – and this shouldn’t lead to prison. Available online at <https://revolving-doors.org.uk/majority-of-uk-public-believe-rising-poverty-will-lead-to-increase-in-crime-and-this-shouldnt-lead-to-prison/>

¹¹ UK Parliament (2024) Pre-Sentence Reports: Questions for Ministry of Justice. Available online at <https://questions-statements.parliament.uk/written-questions/detail/2024-11-29/16972/>

¹² Revolving Doors (2022) Probation Lived Experience Inquiry. Available online at <https://revolving-doors.org.uk/wp-content/uploads/2022/04/Probation-Lived-Experience-Inquiry-34pp-A4-2-1.pdf>

¹³ Ibid.



meeting the overall quality judgement in about four out of 10 cases, short format reports in half of the cases and standard delivery reports in more than six out of 10 cases.¹⁴

Restoring full standard delivery pre-sentence reports as a central part of the court process is integral to bringing about appropriate sentencing, particularly for people whose repeat offending is linked to unmet needs. Thorough PSRs would enable probation officers to have a good knowledge of the person under supervision from the outset, and if the author supervises the order, both parties have already started building a relationship. We also believe this will improve sentencers' knowledge of community sentences, which will help improve their current lack of faith in them.

There is also a case for PSRs being particularly pertinent in the case of women. Women who are trapped in the revolving door typically offend in a way that is linked to or influenced by domestic abuse, trauma, and exploitation, as three of our lived experience members told the Justice Select Committee in 2021.¹⁵ Additionally, women are more likely to have caring responsibilities that will be seriously impacted by a custodial sentence, most notably, the loss of their children. 95% of children whose mother goes to prison are unable to remain in the home they lived in before.¹⁶ The impact that this has on children, who are victimised by parental imprisonment, is considerable.

“My mum went to prison when I was five: there was no support, no counselling. We came home one Friday, and she was gone. We were told our mother had gone away to work, but we knew where she was really. In some ways, I don't feel like me and my brother ever recovered.”

The guidance for writing a PSR outlines that reference must be given to experiences of domestic abuse, and to any caring responsibilities.¹⁷ If the report is not done, or if it rushed, sentencers miss the opportunity to give fair, effective sentences that do not disadvantage familiar ties.

Recommendation 3: Full pre-sentence reports should be the standard for those sentenced unless there is a good reason not to, such as one having already been produced in the last six

¹⁴ HM Inspectorate of Probation (2024) The quality of pre-sentence information and advice provided to courts – 2022 to 2023 inspections. Available online at <https://www.justiceinspectors.gov.uk/hmiprobation/wp-content/uploads/sites/5/2024/08/The-quality-of-pre-sentence-information-and-advice-provided-to-courts-%E2%80%93-2022-to-2023-inspections.pdf>

¹⁵ Revolving Doors (2022) Statement on the Justice Select Committee's Inquiry into Women in Prison. Available online at <https://revolving-doors.org.uk/statement-on-the-justice-select-committees-inquiry-into-women-in-prison/>

¹⁶ Joint Committee on Human Rights (2019) The right to family life: children whose mothers are in prison inquiry. Available online at <https://committees.parliament.uk/work/3257/the-right-to-family-life-children-whose-mothers-are-in-prison-inquiry>

¹⁷ HM Prison and Probation Service (2024) Probation Court Services Policy Framework/. Available online at <https://assets.publishing.service.gov.uk/media/677ba6846f01ae28ab5c03c6/probation-court-services-policy-framework.pdf>



months. The expectation should be that the person who authors the report supervises any resulting orders, meaning there is already a relationship between the officer and supervisee.

Expand problem solving courts

Problem-Solving Courts (PSCs) present an innovative way for sentencers to consider the individual and their circumstances when making sentencing decisions. Initially developed in the US, PSCs have since been implemented worldwide. Those sentenced under PSCs receive enhanced community-based sentences that combine multi-disciplinary treatment with regular judicial monitoring, using the court and a range of voluntary and statutory services to enhance the rehabilitative power of community sentences, improve outcomes and improve public perceptions of procedural justice. International evidence¹⁸ suggests that, when delivered appropriately to the right population, this approach can reduce reoffending, improve compliance with court orders and generate cost-savings.

The MoJ-funded Intensive Supervision Courts Pilot Programme¹⁹ is currently running, where the PSC approach is being piloted for individuals whose offending has been driven by problems with drugs and alcohol in three areas of England, and women in another. This pilot is being evaluated by Revolving Doors,²⁰ due to an understanding of the relevance of PSCs to our cohort. The revolving door cohort overwhelmingly experiences problems with drugs and alcohol, which drives their offending, and the needs of women in the revolving door, who have often experienced domestic violence, trauma, and abuse, are pertinent to enabling women to escape the cycle of crisis and crime. Considering this, it is essential that the approach of problem-solving courts should be expanded and should focus on those whose offending is driven by unmet needs.

Recommendation 4: Following international evidence of success, problem-solving courts should be expanded to all areas across the country, directing their use towards offences driven by unmet needs.

Theme 2: Structures

Within this theme, we will focus on the need to reform our approach to out of court disposals if we are to truly reframe the way we approach sentencing and crime in general; in particular; we will hone in on why diversionary tactics are essential for the revolving door cohort, and offer case studies outlining best practice.

Expanding and reforming out of court disposals (OOCs)

¹⁸ Centre for Justice Innovation (2019) Problem Solving Courts: An Evidence Review. Available online at <https://justiceinnovation.org/sites/default/files/media/documents/2019-03/problem-solving-courts-an-evidence-review.pdf>

¹⁹ Ministry of Justice (2023) Pioneering initiative to force offenders to get clean or face jail time. Available online at <https://www.gov.uk/government/news/pioneering-initiative-to-force-offenders-to-get-clean-or-face-jail-time>

²⁰ Revolving Doors (2023) Revolving Doors to evaluate the potential of Intensive Supervision Courts. Available online at <https://revolving-doors.org.uk/revolving-doors-to-evaluate-the-potential-of-intensive-supervision-courts/>



Whilst we are committed to moving away from short prison sentences and towards community solutions, many of our lived experience members who have been trapped in the system for years have expressed how they wish they could have been entirely diverted away from the criminal justice system far earlier on in their journey, through appropriate support rather than criminalisation. Our members who have experienced diversion through OOCs have spoken of the transformative impact it had on their lives.

‘Out of the young care leavers I was (offending) with, I was the only one who got offered diversion. My life has now gone in a completely different direction to theirs. I’ve got a good life and kept my daughter out of care, so I broke the cycle. The others were not so lucky.’

OOCs are an obvious solution for the revolving door group, who have often committed offences that are low-level enough to be dealt with out of court, but need the support that comes attached to them.

With this in mind, we feel that OOCs can go further than the general remit of cautions, and can expand to an innovative form of pre-arrest diversion – diversion at the earliest opportunity – with the diversion taking place well before further contact with the criminal justice system. However, there is a lack of pre-arrest options for police to divert people from the justice system. Our vision is that police officers across the country should be able to use their discretion to divert people with multiple unmet needs away from the criminal justice system at the first point of contact, before any arrest, charge or prosecution occurs, as often as required.

Local early diversion programmes with a national framework would ensure police have more discretion pre-arrest and those currently falling through the gaps in liaison and diversion services would have a safety net and opportunities for support to break the cycle post-arrest. The LEAD (Law Enforcement Assisted Diversion/Let Everyone Advance with Dignity) programme, based in the US and with the possibility for international expansion, embodies the principles needed for effective diversion.

Case study: LEAD

LEAD is a pre-arrest and at-the-point of arrest diversion approach, specifically designed for people ‘in the revolving door’, i.e. people who commit repeated low-level and non-violent crimes, often driven by a combination of mental ill-health, problematic substance use, homelessness, trauma and poverty. Operating in the US with the possibility of international expansion, LEAD is an ambitious whole system approach to harm reduction and law enforcement. It requires independent decision-makers to collaborate on a voluntary basis across health, local authority and PCC boundaries.

The routes to referral into LEAD include pre-arrest diversion, where a police officer who has encountered an individual engaged in low-level offending due to unmet needs multiple times can choose to decide against arrest and refer into the LEAD programme, and social contact referral, where non-police actors e.g. voluntary sector organisations and members of the community can refer people into LEAD. Following a referral into LEAD, case management takes place where a dedicated individual works with the person to address their multiple needs holistically, such as helping them engage with housing, drug and alcohol treatment, the benefits system, and reintegrate with their family if applicable. In addition to police, service providers, community groups, prosecutors, elected officials and others, people with



relevant lived experience (e.g. drug use, sex work, homelessness, poverty) are essential stakeholders who should be meaningfully involved partners.²¹

LEAD's work in the US is proven to achieve 58% decrease in rates of arrest an 87% decrease in prison admissions, an 89% increase in permanent housing, 33% increase in legitimate income.²²

There are already pockets of good practice taking place across the country, where learning should be taken and expanded. Below, we have outlined an example of innovative practice taking place in North Yorkshire that embodies elements of the LEAD approach.

Case study: North Yorkshire Crossroads programme

In May 2021 the Police Fire and Crime Commissioner (PFCC) for North Yorkshire commissioned support services to divert first-time and low-level offenders from the criminal justice system, aiming to reduce reoffending and ease the burden on North Yorkshire Police. The approach focuses on addressing underlying causes of criminality rather than just punishment. The PFCC collaborated with Revolving Doors to ensure lived experience informed the service design.

The scheme, now called Crossroads, provides tailored support with keyworkers offering counselling, mentoring, and collaborative initiatives to reduce reoffending. Initially awarded a three-year contract, the programme has been extended for two years and is seeking long-term funding under the new Mayor's office.

Referrals come from North Yorkshire Police, particularly for out-of-court resolutions, and self-referrals. The service accepts individuals over 18, with a focus on addressing issues such as gambling and eating disorders, while filling service gaps during wait periods. The team consists of a lead practitioner, six criminal justice workers, and a peer support apprentice. Services are offered in clients' homes or cafes to fit the area's geography, with specific attention to women's needs.

Crossroads works closely with local domestic abuse charities to reach isolated individuals and collaborates on women's forums and professional development to ensure gender-specific support. They offer restorative solutions that reduce recidivism and maintain strong partnerships with law enforcement, contributing to continuous referrals and police recruitment. The scheme has been very successful, with 99% of people reporting their support needs have been met at their exit point.²³

Whilst pockets of good practice persist and advocacy continues to mainstream meaningful pre-arrest diversion across England Wales, to truly embed it will not be possible without concerted policy commitment and practice to a national framework at Government level,

²¹ Revolving Doors (2020) Briefing for the launch of LEAD UK. Available online at https://revolving-doors.org.uk/wp-content/uploads/2020/09/Briefing-for-launch-002_0.pdf

²² Revolving Doors (2022) Revolving Doors host the LEAD Bureau for an England-wide road trip. Available online at <https://revolving-doors.org.uk/revolving-doors-host-the-lead-bureau-for-an-england-wide-roadtrip/>

²³ Waythrough (2024) Crossroads Adult Diversion Scheme. Available online at <https://www.waythrough.org.uk/find-support-near-me/crossroads-adult-diversion-scheme/>



across departments including justice, housing, health, welfare, and education. It is essential that everyone caught up in the revolving door of crisis and crime is able to benefit from pre-arrest diversion, no matter where they live.

Underpinning this framework, there must be a review and expansion of liaison and diversion (L&D) services to meet the needs of the revolving door group. Our experience tells us that L&D can be effective in keeping those with mental ill health and learning difficulties out of the criminal justice system and/or ensuring better support. Despite some challenges the scheme is hugely beneficial, with a 2021 [evaluation](#) of the National Model for L&D finding that the programme contributes to savings in the criminal justice system between £13.1 million and £41.5 million through diversion from custody and consequent increases in productivity.

An expansion of L&D would lead to fewer people entering court; at the same time as helping to solve the problems that cause the offending, thus reducing the risk of reoffending. Our work with L&D services has anecdotally shown that current post-arrest L&D services are not prioritising people trapped in the revolving door because they are incorrectly not immediately deemed as vulnerable, so they are falling through the gaps, for example, people with dual diagnoses of mental health and problems with drugs and alcohol. Alongside a national framework to pre-arrest diversion, other forms of diversion must be underpinned by L&D services that take a multi-agency approach to the drivers of offending.

Recommendation: Government should take cross-departmental commitment to creating a national framework for diversion, including pre-arrest diversion, that embodies the LEAD principles, along with a review of L&D services to ensure they are effective for those offending due to multiple unmet needs. In shaping this service, learnings can also be taken from the national Changing Futures programme, which employs a multi-agency approach to addressing multiple disadvantage.

Improved relations between the Sentencing Council and sentencers

Revolving Doors have worked with both the Sentencing Council and the Magistrates' Association. Whilst both organisations are dedicated to good practice, there appears to be a disjoin between the two organisations. The room for discretion that is built into the sentencing guidelines does not translate to the courtroom, with magistrates often telling us they do not have the flexibility to deviate from Sentencing Guidelines. We believe the organisations need to work much closer together.

Recommendation 6: The Sentencing Council and sentencers should work more closely together in order that the Sentencing Guidelines' intentions translate into practice.

Theme 3: Technology

In this section, we will acknowledge the transformative effect that technology can have on the contact that people in the revolving door have with the criminal justice system, whilst also outlining the dangers of technology in exacerbating existing issues within the system.

Use of technology in supporting those on orders and licences

Technology can play a supportive role in enabling people to access improved information and guidance with regards to their orders and licences, such as through apps, text messages or websites. Due to the unmet needs of the revolving door group, managing appointments, licence condition requirements and engagement with services can be overwhelming. Members tell us that they often do not fully understand the expectations of their sentence and struggle to keep up with the demands of appointments.

‘I found my licence confusing, but I told the prison I understood because it seemed easier.’

This is a particular issue for neurodivergent people, who are disproportionately represented within the criminal justice system and the revolving door cohort. The Joint Inspectorate Review into neurodiversity in the criminal justice system noted that ‘people with neurodivergent conditions may have difficulty understanding or being able to comply with their licence conditions, potentially leading to breach and recall to prison.’²⁴

These issues extend to general difficulties with reading and writing – another common experience amongst those in contact with the criminal justice system. Our members continually highlight that there remains too much of a reliance on being able to read, with communications written in legalised, formal language, which contributes to high non-compliance rates. Technology can be used to alter this – for example, a QR code could be used which access videos where explanations are given orally into what is expected.

The Probation Board of Northern Ireland have recently launched the Changing Lives App²⁵, which is aimed at assisting service users to desist from crime by providing them with easily accessible resources to support their rehabilitation. Through the app, they can access information on court orders and licences as well as information on probation, mental health, addiction and other support services. There are tools to assist service users such as the Thought Journal, interactive Mental Health Self-Assessment, Appointments Calendar, Alcohol Tracker, Community Service Tracker and Contact section. Similar apps could be utilised in England and Wales.

Recommendation: Good technological practices that are proven to work should be rolled out across England and Wales, with a view to making interaction with the criminal justice system more accessible for all.

Electronic monitoring

There are concerns that new technologies, such as electronic monitoring, may present as providing an alternative to custody, but in reality, serve to make community sentences more onerous and increase the likelihood of non-compliance.

²⁴ Criminal Justice Joint Inspection (2021) Neurodiversity in the criminal justice system: A review of the evidence. Available online at <https://www.justiceinspectors.gov.uk/cjji/wp-content/uploads/sites/2/2021/07/Neurodiversity-evidence-review-web-2021.pdf>

²⁵ Probation Board for Northern Ireland (2024) Changing Lives online. Available online at <https://www.pbni.org.uk/changing-lives-online>



In a recent consultation with our Women's Forum, members recounted mixed experiences with electronic monitoring. The stigma attached to the tag itself was discussed, particularly its ability to isolate people and prevent them from engaging with services. Worryingly, many women reported that their non-compliance was due to running essential errands or attending to childcare, with single mothers particularly vulnerable to breaching the conditions of their monitoring.²⁶

“It negatively affected my mental health because I was in hostels at the time, alone, and I was a teenager trapped. It’s also detrimental to rehabilitation and fitting into the community. If I wanted to do a course, it would make it clear I was different from everyone else.”²⁷

A friend of mine in the AA fellowship is not attending meetings due to the embarrassment of the tag being so visible (big and bulky). It’s also difficult for her to build relationships and make friends with others within the fellowship due to the stigma of the tag (people feel intimidated which creates tension). She, therefore, is now isolating and doesn’t talk to anyone, which is now affecting her sobriety and has escalated her mental health issues. So yes, I agree that the tags should be made less visible.²⁸

On the other hand, other women expressed that they were happy to wear the tag if it meant that they could be released from prison.

“When I realised I could get out of prison early on tag, it gave me something to look forward to. Tags are hideous and could be more discreet, but it’s worth it.”²⁹

It is clear that whilst electronic monitoring offers an alternative to prison, their blanket usage needs to be reassessed in order to avoid setting people up to fail when they are on tag. To ascertain how they should be used, a conversation between the person, probation, and other services that they are engaged with needs to take place to ensure that their usage is tailored to the individual.

Recommendation: Technological advances such as electronic monitoring should not be applied in a blanket way, and following trials, impact assessments should be done to assess their effectiveness in reducing licence breaches and reoffending.

Theme 4: Community sentences

Community solutions are crucial to addressing the needs of the revolving door cohort whilst keeping them out of the prison system. However, a loss of faith by sentencers in community

²⁶ Revolving Doors (2024) A closer look at electronic monitoring and women. Available online at <https://revolving-doors.org.uk/a-closer-look-at-electronic-monitoring-and-women/>

²⁷ Ibid.

²⁸ Ibid.

²⁹ Ibid.



sentences means their use is in decline.³⁰ Additionally, we can only advocate for community solutions when they are deployed in a way that is effective in addressing the root causes of offending. In this section, we will explore what needs to be put in place to bolster the community solution offer to unleash their potential in reducing reoffending, and in turn restore faith in sentencers as to their effectiveness.

Increasing and improving the use of community sentence treatment requirements (CSTRs)

As discussed within Theme 1, community sentences are in decline, CSTRs are essential to address the root causes of offending for the revolving door cohort – namely, problems with drugs and alcohol, and poor mental health and trauma. A recent Ministry of Justice impact evaluation showed a statistically significant difference for reoffending when comparing Mental Health Treatment Requirements (MHTRs) vs. community sentences without a CSTR, and for comparing MHTR against short custodial sentences.³¹

Our members advocate for greater use of CSTRs, believing them to hold great potential for aiding those with poor mental health or substance issues to receive treatment and enter recovery. However, a key reflection is that CSTRs can be most transformative when they are offered with other forms of support, such as combined orders of MHTRs and Drug Rehabilitation Requirements (DRR)s and/or Alcohol Treatment Requirements (ATRs), or other forms of support offered concurrently. Giving evidence to the House of Lords Joint Justice and Home Affairs inquiry into community sentences, one member said:

“My probation officer referred me to [a] domestic violence advocacy [service] on release. That service was really prompt, which made a difference in starting my recovery. I was also referred to a peer mentoring service, and referred to the thinking skills programme (TSP). I started this when my MHTR had finished. The TSP was 16 sessions for 2 hours each week, and the sessions helped me to develop my problem-solving and interaction skills and identify patterns in my behaviour which contributed to my offending ... I think this worked after the mental health treatment because I was able to put the skills and coping strategies that I had learnt into practice.”³²

Here, we see the interaction between an MHTR, peer support, domestic violence services and behavioural change programmes, and how successful it can be. Despite such successes, many people who receive a CSTR do not receive dual orders and are not offered other forms of support. For the revolving door cohort, it is highly common to experience multiple,

³⁰ National Audit Office (2023) Evidence to House of Lords Joint Home Affairs and Justice Committee’s inquiry into community sentences. Available online at [https://committees.parliament.uk/writtenevidence/122239/html#:~:text=1a._,Historical%20trends,those%20sentenced%20\(Figure%202\).](https://committees.parliament.uk/writtenevidence/122239/html#:~:text=1a._,Historical%20trends,those%20sentenced%20(Figure%202).)

³¹ Ministry of Justice (2024) Evaluation report: The impact of being sentenced with a community sentence treatment requirement (CSTR) on proven reoffending. Available online at <https://assets.publishing.service.gov.uk/media/66e83dadf8082e9740881b7f/cstr-proven-reoffending-report.pdf>

³² Revolving Doors (2023) Revolving Doors members give evidence to the House of Lords Joint Justice and Home Affairs Committee Inquiry into community sentences. Available online at <https://revolving-doors.org.uk/revolving-doors-members-give-evidence-to-the-house-of-lords-joint-justice-and-home-affairs-committees-inquiry-into-community-sentences/>



intersecting needs with issues such as poor mental health and drugs and alcohol, so it is crucial that sentencers work to address the whole picture when giving out community orders.

I had the MHTR, but what I felt was missing, what I needed and what probably would've helped me further was the alcohol treatment requirement, because all of my offences were related to alcohol.³³

Another issue highlighted by our members is the failure of CSTRs when their delivery is not planned in conjunction with the person receiving the order. A lack of person-centred planning can lead to a failure to engage with the treatment, due to the support offered not being what is truly needed.

“The requirement was made for me, and it was an order that I had to adhere to. There was no personal input from me for any requirement. I did not have the choice or the decision of what was required of me.”

Of further concern is the wait for treatment to begin after sentencing, which can often be so long that it pushes recipients further into crisis before their treatment programme begins. Another complaint is that recipients can find themselves cut off when the requirement ends, with no other support available. The experience of our members is that, for CSTRs to work successfully, other support such as peer support needs to be incorporated into the service, so people can manage and navigate the wait time.

“Leaving prison, I was homeless, and I had to wait a month for my MHTR to start. During this time, it really did feel like I was back at square one again. When I eventually started treatment, I found it difficult to open up and was very anxious and fearful. However, throughout treatment, I started to grow in confidence and became less anxious. This enabled me to start dealing with things I would otherwise have avoided with alcohol.”³⁴

Peer support is needed to increase positive outcomes for those on orders with these requirements, especially during the wait for treatment. Peer support should be integrated throughout the CSTR process, both in combination with orders and before orders have begun. The benefits of peer support include improving engagement, reducing stigma and providing individuals with role models who have lived through similar challenges to themselves. Peer support workers are particularly effective in reaching people who are traditionally seen as ‘difficult to engage’ – a common characterisation of those in the revolving door, hence the need for their prioritisation amongst this cohort.

Recommendation: There needs to be a substantial increase in the use of combined treatment requirements, with a multi-agency partnership approach taken to the delivery of treatment requirements. Additionally, there must be integration of peer support within all offers of treatment requirements, alongside other forms of support.

It is also worth noting that the MHTR programme is underfunded, with the £14 million budget meaning in many parts of the country the service is over capacity – so more provision is

³³ Ibid.

³⁴ NHS England (2023) Mental Health Treatment Requirement lived experience. Available online at <https://www.england.nhs.uk/long-read/mental-health-treatment-requirement-lived-experience/>



needed to make sure that everyone in the revolving door who needs it can benefit from an MHTR. Here, we reiterate the House of Lords Joint Home Affairs and Justice Committee's recommendation that 'further investment in Community Sentence Treatment Requirements is required and should be a priority.'³⁵

Recommendation: Increased and sustained investment is required to bolster the offer of CSTRs, with spending taken from the administration of short prison sentences taken to enhance the community sentence offer.

Improving probation's ability to supervise community sentences

The probation service is widely known as being overstretched and under-resourced, with workloads being described as 'unmanageable'.³⁶ In our lived experience inquiry into probation, we heard from both probation practitioners and people under probation supervision. Whilst many spoke of particular probation practitioners who 'went above and beyond' for them, a continuing theme was appointments feeling rushed, the emphasis on risk management rather than working towards change and rehabilitation, and the lack of support offered from the service.

"For me, the probation service is like another arm of the police service, they just check on you, check on your tag... these guys are like the police services, and it's not about rehabilitation."³⁷

Probation practitioners also spoke of how overstretched they felt, which in turn affected the support they felt they were able to give people under probation supervision.

"We need less of a caseload, [risk management] is all we have time to do so we become more risk averse. We need a more mixed caseload, if it's all high-risk then our role is all about risk management."³⁸

Whilst the obvious solution is a serious increase in resource and funding to bolster the capacity of the service, we recognise that this is not a change that can take place overnight. In the interim and as a continuing improvement, peer support workers should be introduced throughout the probation service, something that both probation practitioners and people under probation supervision recommended in our inquiry.³⁹

However, for peer support to work, there needs to be changes to vetting, which presently hinders many with lived experience taking up roles within the Probation Service, as outlined

³⁵ House of Lords Justice and Home Affairs Committee (2023) Cutting crime: better community sentences. Available online at

<https://committees.parliament.uk/publications/42651/documents/212004/default/>

³⁶ NAPO (2023) Unmanageable probation workloads putting the public at risk, warn unions. Available online at <https://www.napo.org.uk/unmanageable-probation-workloads>

³⁷ Revolving Doors (2021) Lived experience inquiry into probation. Available online at <https://revolving-doors.org.uk/wp-content/uploads/2022/04/Probation-Lived-Experience-Inquiry-34pp-A4-2-1.pdf>

³⁸³⁸ Ibid.

³⁹ Ibid.



in our joint briefing paper alongside organisations including Clinks, the Criminal Justice Alliance and the National Women's Coalition.⁴⁰

Recommendation: Peer support should be integrated into community sentences – particularly those who are on waiting lists for treatment. The voluntary sector should be employed to facilitate this.

Recommendation: A review must be undertaken of vetting, particularly within the probation service, to enable peer support to take place more seamlessly when employing those with criminal convictions.

Expand the use of deferred sentences

The benefit of deferred sentences is that their use allows those being sentenced the chance to show a change in their personal circumstances during the deferral period, by meeting the conditions aimed at encouraging desistance. The person being sentenced is obliged to comply with any requirements during a longer period. Upon return to court, they will be expected to demonstrate positive changes to their life circumstances. In this sense, deferred sentencing actively engages the defendant in the sentencing process.

'I like the idea of deferred sentences, you can really show a Judge what you have done.'

Deferred sentences offer courts the opportunity to place people in a meaningful community programme while retaining the option of an alternative disposal based on their engagement and compliance with that programme. In doing so, they follow several evidence-based principles in working with offending.

Despite their benefits, deferred sentences are currently under-used. Their use stopped being recorded in 1984, and evidence from our members demonstrates that they are rarely used for the cohort that we work with. Anecdotal evidence⁴¹ suggests that deferring sentences is actively discouraged, as it lengthens the time within which a case is concluded, and therefore impacts on the HMCTS court timeliness targets. Moreover, without a structured approach to deferred sentencing, it is unclear to judges what the impact ought to be of a defendant's compliance on the final sentence.

Deferred sentences have an important role to play in improving procedural fairness. There is strong evidence to suggest that when people feel they have been treated fairly, they are more likely to comply with the criminal justice system in the future, increasing the likelihood of reduced reoffending.

⁴⁰ Revolving Doors, Clinks, Criminal Justice Alliance and National Women's Justice Coalition (2023) A summary of anecdotal and experiential evidence demonstrating the impact and issues associated with delays in MoJ vetting and denied clearance of staff and volunteers. Available online at <file:///C:/Users/Zahra%20Wynne/Downloads/Joint%20evidence%20on%20MoJ%20vetting%20issues%20final.pdf>

⁴¹ Centre for Justice Innovation (2021) Delivering a Smarter Approach: Deferred Sentencing. Available online at <https://justiceinnovation.org/sites/default/files/media/document/2021/Deferred%20sentencing.pdf>.



Recommendation: Deferred sentences should be utilised more in sentencing, particularly for individuals where unmet needs are leading to offending but have shown the capacity and willingness to turn their lives around. Data collection regarding their use should resume to create a wider understanding of their impact.

Theme 5: Custodial sentences

The revolving door group disproportionately experience short prison sentences due to their nature as ‘prolific’ and ‘hyper prolific’ offenders of low-level crimes. This section will largely put forward the argument for a presumption against short prison sentences, as well as stipulate conditions to make the presumption effective, contrasting to efforts where it has not worked.

Presumption against short prison sentences

To address severe overcrowding, the government have announced the building of 14,000 new prison places with a target of 2031. As of February 2024, the prison population of England and Wales was 89,000.⁴² Yet we continue to send people to prison to serve short sentences of 12 months or less, which are well-known to be ineffective due to high reoffending rates. Between April 2023 and June 2024, approximately 27,000 adults entered prison to serve sentences of 12 months or less, with approximately 21,500 entering to serve sentences of 6 months or less, and 5,700 entering to serve sentences between 6-12 months.⁴³ This means that a third of the prison population are entering prison to serve short sentences, causing significant churn within the system and fueling a cycle of reoffending.⁴⁴

In addition to their contribution to prison overcrowding, short prison sentences are ineffective in reducing reoffending. Adults released from custodial sentences of less than 12 months had a proven reoffending rate of 56.6%, compared to the overall proven reoffending rate was 26.4%.⁴⁵

The impact of short prison sentences on those serving them must also be considered. Short prison sentences are short enough that people are not able to access treatment for drug and alcohol issues and mental health issues within prison – a key issue affecting the revolving door cohort – but long enough that people often lose their housing, their job, relationships with their family, and in turn, experience trauma.⁴⁶

⁴² Ministry of Justice (2023) Prison Population Projections 2023 to 2028. Available online at https://assets.publishing.service.gov.uk/media/65df5123b8da630f42c86271/Prison_Population_Projections_2023_to_2028.pdf

⁴³ Ministry of Justice (2024) Offender management statistics quarterly, prison receptions April-June 23/2024, table 2.Q.8. Available online at <https://www.gov.uk/government/statistics/offender-management-statistics-quarterly-april-to-june-2024>

⁴⁴ Revolving Doors (2018) Reducing the use of short prison sentences in favour of a smarter approach. Available online at https://revolving-doors.org.uk/wp-content/uploads/2022/02/RDA-SHORT-SIGHTED-BREIFING_MAR18-FINAL-3.pdf

⁴⁵ Ministry of Justice (2022) Proven reoffending statistics October to December 2022. Available online at <https://www.gov.uk/government/statistics/proven-reoffending-statistics-october-to-december-2022/proven-reoffending-statistics-october-to-december-2022>

⁴⁶ Ibid.



“I have done 19 short prison sentences in the last 20 years. A lot of the time I didn’t get any interventions [to address] the problems that led me to being in custody – substance misuse, alcohol, drug addiction, homelessness. These are the reasons I was breaking the law - to try and get myself somewhere to live for the night, to fund my addiction and just to survive really.”⁴⁷

To not only address the prison crisis, but to prioritise solutions that are proven to reduce reoffending, a presumption against short prison sentences must be introduced.

“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.”⁴⁸

Since the launch of our ‘Short Sighted’ campaign in 2018⁴⁹, we have argued that short sentences were counterproductive and called for a presumption against short prison sentences of 12 months or less. For a presumption to be effective, strengthened community sentences are needed to command public confidence and be better able to deal effectively with some of the underlying causes of persistent, low-level offending, including problematic substance use and mental ill-health. The steps needed to be taken to strengthen community solutions were outlined in Theme 4.

Recommendation: Introduce a presumption against prison sentences of 12 months or less in cases of low-level, non-violent/non-sexual offences, using increased investment and resource-allocation into community solutions to reform sentencing outcomes for those engaged in low-level offending.

Preventing up-tariffing

In order to ensure that a presumption against short prison sentences is a success, concerns with the execution of the presumption need to be addressed:

1. There has been a decline in the use of community sentences (as opposed to suspended sentences), which could see more up-tariffing in sentencing to send people to prison if sentencers do not feel confident in community solutions, as has been in Scotland, which will be discussed below in more detail.
2. Crisis in the system leads to large numbers of those receiving a suspended sentence going to prison at a later date due to their order being breached. This is concerning, given the rise in the use of recall by the probation service. Breaches often do not involve further offences being committed, and instead often reflect difficulties in someone’s road to

⁴⁷ Revolving Doors (2019) Reducing the use of short prison sentences in favour of a smarter approach. Available online at https://revolving-doors.org.uk/wp-content/uploads/2022/02/RDA-SHORT-SIGHTED_BREIFING-FEB19-FINAL_0-3.pdf

⁴⁸ Revolving Doors (2018) Reducing the use of short prison sentences in favour of a smarter approach. Available online at https://revolving-doors.org.uk/wp-content/uploads/2022/02/RDA-SHORT-SIGHTED-BREIFING_MAR18-FINAL-3.pdf

⁴⁹ Ibid.

recovery - they can better be addressed via other means. Recalls will be discussed in further detail within Theme 6.

In order to genuinely make a difference to the number of people in prison, suspended sentences should be the exception rather than the norm, with community sentences being more commonly used as they were in the past. As with our comments on community sentences above, the offer of community sentences needs to be one that is person-centred, has a multi-agency approach, and is delivered in a timely manner with peer support available throughout.

Recommendation: New legislation should expressly state a presumption for community sentences rather than suspended sentences, and the decline in use and quality of community sentences should be immediately addressed to increase sentencer confidence in the presumption.

Learning from Scotland

In 2011, Scotland implemented a presumption against short prison sentences of three months or less, which has since increased to 12 months. The Scottish presumption against short sentences involves a court's obligation not to impose imprisonment for 12 months or less unless no other appropriate method of dealing with the individual is deemed suitable. The emphasis in Scotland lies in sheriffs considering available community options in each case. Despite this, Scottish government data reveals a consistent rise in the prison population, with 75% of all custodial sentences in Scotland spanning less than 12 months, a figure that has remained consistent in recent years.⁵⁰

The definition of "suitable" methods left considerable discretion to judges and sheriffs. To avoid a presumption against short prison sentences that has little to no impact, as is the case in Scotland, it is essential that this presumption is automatic, rather than being left to the discretion of judges. In Scotland, the uptake of community options is hindered by funding, fragmented services and a lack of confidence in available alternatives among sheriffs due to concerns about service quality and accessibility. This has led to a lower-than-desired utilisation of community sentencing alternatives.⁵¹

This shows that defining the parameters of the presumption is crucial, as wider discretion may result in less frequent use. The experience in Scotland indicates that clear monitoring, evaluation, ongoing research, and robust community support are essential for the successful implementation of such presumptions. There is a need for assurance regarding the viability of community options and the availability of adequate support to ensure public safety and encourage judicial uptake.

⁵⁰ Scottish Government (2022) Criminal proceedings in Scotland: 2020-2021. Available online at <https://www.gov.scot/publications/criminal-proceedings-scotland-2020-21/pages/13/>

⁵¹ Centre for Justice Innovation (2024) Expert Voices: Presumption against short sentences: the Scottish experience. Available online at <https://www.youtube.com/watch?v=OP6zkXWkalo&t=14s>



Recommendation: A presumption against short sentences needs to be automatic, not left to judicial discretion, and spelled out robustly within legislation.

Theme 6: Progression of custodial sentences

In this theme, we will focus on solely on the issue of recalls, and specifically outline why people in the revolving door may be recalled, and how to manage non-compliance for those in the revolving door cohort.

Reasons for recall

The number of people recalled in England and Wales has risen by 85% in the period from 2017 to 2023⁵², with the average time a person spent in custody following recall increasing by approximately 50%. Between April and June 2024, 13,338 people were released from prison and 9,782 were recalled for breaching their licence conditions, which represents a 44% increase on recalls in the same quarter in 2023.⁵³ In other words, for every 100 people released in the period, 73 people were recalled to prison. This is having a serious impact on prison numbers.

Whilst recall is an important public protection measure, most recalls are not because of actual risk of harm. Between April 2023 and June 2023, the majority of the recalls (77%) were due to non-compliance rather than further offending. Only 24% of recalls involved a charge of further offending – 36% involved failure to keep in touch, and 23% involved failure to reside.⁵⁴

‘Instead of needing recall to prison, non-compliance is often a cry for more support.’

Rather than being linked to efforts to manage public protection, the rise in the use of recall is can be linked to issues within the probation service, which, as detailed above, is overstretched and underfunded. We have consistently heard from members and sector partners that those on licence are less likely to be recalled if they have had the same supervising officer from the day of release.

Probation staff have faced criticism for a number of high-profile cases where tragedy has occurred. The anxiety this has provoked within probation staff was recognised in the Probation Inspectorate’s thematic review of probation recall culture and practice in 2020. This reported that ‘recently there have been fears that responsible officers will be unfairly held responsible for any adverse consequences resulting from a failure to instigate recall.’⁵⁵

⁵² UK Parliament (2024) Draft Criminal Justice Act 2003 (Suitability for Fixed Term Recall) Order 2024 Debated on Monday 11 March 2024. Available online at [https://hansard.parliament.uk/commons/2024-03-11/debates/654186b8-70ed-4052-b522-e320d9582198/DraftCriminalJusticeAct2003\(SuitabilityForFixedTermRecall\)Order2024](https://hansard.parliament.uk/commons/2024-03-11/debates/654186b8-70ed-4052-b522-e320d9582198/DraftCriminalJusticeAct2003(SuitabilityForFixedTermRecall)Order2024)

⁵³ Ministry of Justice (2024) Offender management quarterly statistics: April to June 2024. Available online at <https://www.gov.uk/government/statistics/offender-management-statistics-quarterly-april-to-june-2024/offender-management-statistics-quarterly-april-to-june-2024#licence-recalls>

⁵⁴ Ibid.

⁵⁵ HMI Probation (2020) A thematic review of probation recall culture and practice. Available online at <https://www.justiceinspectors.gov.uk/hmiprobation/wp-content/uploads/sites/5/2020/11/Recall-thematic.pdf>



In addition, probation has faced high turnover of staff since Transforming Rehabilitation was instigated in 2014. Newly qualified and PQiP (trainee) officers now form a significant part of the workforce meaning newer staff have less experience to learn from. We believe these two features are leading to a more risk-averse culture which is leading to more recall decisions.

Members have told us that sometimes the lack of support causes people to act in a way that will instigate recall because they find the management of their own life so difficult they feel safer in prison. We recommend fixed term recalls should be scrapped, and other recalls should only take place when new offences have occurred (or the police believe they have) and when there is strong evidence of a rise in the risk of harm occurring.

Reforming the management of recall

Whilst emergency recalls are clearly needed for public protection, we believe fixed term recalls are counterproductive, resulting in more chaos in the life of the person supervised and adding to the workload of all involved in the process, and adding to the costs. We suggest that these recalls would be better dealt with in the same way as breaches of Community Orders – via the option of additional measures added to the supervision period.

Recommendation: Whilst emergency recalls should continue to follow the current process, fixed term recalls should be abolished, and breach-style processes adopted instead. Legislation should be explicit that standard term recalls should only be used when there is deemed to be a public protection risk or the person on licence has lost contact with the officer. In other cases, there should be efforts to improve support for the individual.

Theme 7: Individual needs of victims and offenders

In this section, we will outline the needs and experiences of those who are caught in the revolving door of crisis and crime, and look specifically at women in the revolving door.

The revolving door cohort

The term "revolving door" describes the pattern of individuals cycling repeatedly through systems of care, crisis intervention and criminal justice, often with little long-term improvement in their circumstances. People caught in this cycle often experience a combination of complex needs relating to drugs, alcohol, mental health, trauma, poverty, and domestic abuse. They are frequently in contact with multiple statutory agencies, but because their needs are not always properly understood or addressed in an integrated manner, they experience fragmented, disjointed care that exacerbates their situation and leads to reoffending time and time again.

Those caught in the revolving door are far more likely to serve repeated short sentences. As of June 2024, 60% of people serving a sentence of 23 months or less had a need for drug



misuse intervention, 39% had an alcohol misuse need, and 70% exhibited a significant level or some level of psychological problems.⁵⁶

In 2019 we launched a retrospective study⁵⁷ exploring the childhood experiences of people in the revolving door. We found that people in the revolving door have experienced more life challenges, more severely, and for longer periods of time than others. We discovered that the childhoods leading to the revolving door in adulthood have a typical pattern involving exceptional levels of abuse, neglect and household disruption:

- 100% spent most of their childhood in the most deprived 10% local areas, if not in care homes or youth offending centres.
- 55% had carers who were long-term unemployed or retired.
- 80% did not have half of the childhood necessities such as three meals a day and a warm winter coat.
- 100% had experienced 5 or more adverse childhood experiences (ACEs).

‘I’ve spent my whole life being let down by the services meant to look out for me, but it’s me who is labelled the criminal.’

The appropriate way to address the issues that those in the revolving door cohort face is a multi-agency approach that treats multiple, intersecting disadvantages and considers the whole person, as is the approach taken by the Changing Futures programme,⁵⁸ which has been informed by Revolving Doors’ National Expert Citizens’ Group (NECG).⁵⁹ The Changing Futures programme works with local partnerships across England, bringing together the voluntary sector, local authorities and Government to challenge multiple disadvantage.

What we have learnt from our work with Changing Futures and the NECG is that what works is community solutions, joined up services, not treating problematic substance use and poor mental health as separate issues, continuity of care, peer support, and a move away from short prison sentences.⁶⁰

‘First, we need to ensure that every possible alternative is considered before imposing any kind of ‘short’ prison sentence. Incarceration should always be the very last resort [...] It is essential we prioritise continuity of care and treatment from day one – so that people can still get treatment and support in the community, rather than being left to their own devices.’⁶¹

⁵⁶ UK Parliament (2024) Prisoners: questions for the Ministry of Justice. Available online at <https://questions-statements.parliament.uk/written-questions/detail/2024-02-20/14892>

⁵⁷ Revolving Doors (2022) 1,800,000 opportunities missed by criminal justice system. Available online at <https://revolving-doors.org.uk/publications/1800000-opportunities-missed-criminal-justice-system/>

⁵⁸ UK Government (2021) Changing Futures. Available online at <https://www.gov.uk/government/collections/changing-futures>

⁵⁹ Revolving Doors (2024) National Expert Citizens Group. Available online at <https://revolving-doors.org.uk/national-expert-citizens-group/>

⁶⁰ Revolving Doors (2023) Beyond mere ‘maintenance’: what people experiencing multiple disadvantage need from the criminal justice system. Available online at <https://revolving-doors.org.uk/beyond-mere-maintenance-what-people-experiencing-multiple-disadvantage-need-from-the-criminal-justice-system/>

⁶¹ Ibid.



Recommendation: A distinct approach to sentencing should be taken for prolific offenders who are offending due to unmet needs, with a targeted approach featuring a combination of problem-solving courts, comprehensive pre-sentence reports, combined community sentence treatment requirement orders, and a continuous offer of peer support.

Women

Behind women who are in contact with the criminal justice system, there is frequently a complex history of trauma, abuse and mental-ill health.

‘My life was in tatters and I was in a really destructive relationship. I could not stop using substances. I was an intravenous drug user on heroin and crack. I couldn’t stop. My addiction was escalating and that had a really bad impact on my mental health. I have a bipolar diagnosis. I was hallucinating and having psychosis, and I didn’t have secure housing. I think I had a lot of built-up trauma as a result of my addiction. I found myself getting caught up in heavier and heavier crimes, and involved with more and more dangerous people.’⁶²

The fact that a majority of women are sentenced for petty theft⁶³ or TV licence evasion⁶⁴ is additional evidence of the broader socio-economic disparities that lie behind female offending. The trauma and disruption inflicted by these sentences often destroy families and set up families for intergenerational cycles of imprisonment – in a retrospective study exploring the childhood experiences of people in the revolving door, 85% of our members that responded had a parent that had been in prison.⁶⁵

“There are so many young women and women of my age in the system who are broken. They have been seriously abused and have ended up by going into that spiral and then coming under the criminal justice system. Some of those people have lost their children; they have lost their lives. They did not do anything; they were traumatised or seriously abused by somebody else, which destroyed their life and sent them into the criminal justice system, where a lot of them have just been left.”⁶⁶

In 2018, the Female Offender Strategy committed to a substantial decrease to the number of women entering prison to serve short prison sentences.⁶⁷ Years later, we still find that 60% of

⁶² Revolving Doors (2022) Statement on the Justice Select Committee’s Inquiry into women in prison. Available online at <https://revolving-doors.org.uk/statement-on-the-justice-select-committees-inquiry-into-women-in-prison/>

⁶³ Prison Reform Trust (2023) Six in 10 women sent to prison to serve sentences of less than six months. Available online at <https://prisonreformtrust.org.uk/six-in-10-women-sent-to-prison-serve-sentences-of-less-than-six-months/>

⁶⁴ UK Parliament (2024) TV Licence Non-payment: Women. Volume 836: debated on Tuesday 5 March 2024. Available online at <https://hansard.parliament.uk/Lords/2024-03-05/debates/96DD7483-FCA5-4405-99DE-5C7EEE7E9813/TVLicenceNon-PaymentWomen>

⁶⁵ Revolving Doors (2022) 1,800,000 opportunities missed by criminal justice system. Available online at <https://revolving-doors.org.uk/publications/1800000-opportunities-missed-criminal-justice-system/>

⁶⁶ Revolving Doors (2022) Statement on the Justice Select Committee’s Inquiry into women in prison. Available online at <https://revolving-doors.org.uk/statement-on-the-justice-select-committees-inquiry-into-women-in-prison/>

⁶⁷ <https://assets.publishing.service.gov.uk/media/5b3349c4e5274a55d7a54abe/female-offender-strategy.pdf>



women in prison have received sentences of less than six months.⁶⁸ As outlined in our discussion of PSRs, the effect of short custodial sentences on women is substantial, breaking families apart and further traumatising women, whose offending is often linked to abuse and exploitation to begin with.

Recommendation: Government must finally commit to and take action on all objectives of the Female Offender Strategy, including committing to an immediate end to short prison sentences for women.

Young adults

Through the work of our New Generation Policing Project⁶⁹, which focused on young adults aged 18-25 years old, it has become clear that a distinct approach to sentencing is needed for young adults. Evidence demonstrates that the brain is not fully matured until the age of 25, yet those over 18 are still sentenced as adults⁷⁰.

The figure for adults convicted of an indictable offence with a history of repeat offending accounts for nearly two-fifths (39%) of the offending population. Additionally, the reoffending rate for young adults in the revolving door is significantly higher than all other young adults in the criminal justice system, and the more entrenched the young adult is in the revolving door, the more likely they are they to reoffend.⁷¹ The progression from the youth justice system into the adult system means that young adults often experience a cliff-edge in support, with the sudden drop-off further entrenching unmet needs.⁷² Considering this, a distinct approach to sentencing must be taken for young adults, taking into account maturity, and the drivers of offending. A distinct approach could mean the difference between a young adult breaking the cycle of crisis and crime at an early stage, or being caught in the system for years.

Recommendation: A distinct approach to sentencing must be taken for young adults between the ages of 18-25 years old, with changes in legislation made to account for this.

Conclusion

Current sentencing practices condemn many people to being further caught in cycles of crisis and crime. The Sentencing Review represents a real opportunity to bring about meaningful change which, through reducing the numbers of people in custody, means rehabilitation will

⁶⁸ Prison Reform Trust (2023) Six in 10 women sent to prison to serve sentences of less than six months. Available online at <https://prisonreformtrust.org.uk/six-in-10-women-sent-to-prison-serve-sentences-of-less-than-six-months/>

⁶⁹ Revolving Doors (2024) New Generation Policing. Available online at <https://revolving-doors.org.uk/new-generation-policing/>

⁷⁰ Revolving Doors (2021) Understand us: A survey exploring young adults' views and experiences of policing. Available online at <https://revolving-doors.org.uk/wp-content/uploads/2021/02/RD-Understand-us-20pp-A4.pdf>

⁷¹ Revolving Doors (2022) Diverting young adults away from the cycle of crisis and crime. Available online at <https://revolving-doors.org.uk/wp-content/uploads/2022/02/RDA-T2A-Diverting-young-adults-away-from-the-cycle-of-crisis-and-crime-3.pdf>

⁷² Ibid.



become a defining feature of the criminal justice system, which will in turn lead to more people going onto lead fulfilled lives away from the cycle of crisis and crime.

To achieve this for long term benefits and gain, there needs to be a national diversion strategy and framework to keep people with unmet health and social needs out of the criminal justice system into help and support. An immediate move away from the expensive policy failure of short prison sentences and renewed and vigorous focus on strong, supportive community orders. These must feature peer support, informed sentencing through robust pre sentence reports and ideally problem solving courts. Established good practice exists across all of these areas and we hope to see these recommendations reflected in the final report of the Sentencing Review.