

## **BREAKING THE CYCLE: EFFECTIVE PUNISHMENT, REHABILITATION AND SENTENCING OF OFFENDERS**

### **SUMMARY OF THE KEY PROPOSALS IN THE NEW CRIMINAL JUSTICE STRATEGY**

In December 2010 the Government launched a [new strategy to reform the criminal justice system](#). The three priorities for the strategy is to improve the way the system currently punishes offenders, protects the public, and reduces re-offending.

The government believes a radical approach is needed to address what it sees as the current failures in the system which results in a re-offending rate of almost 50% for adult offenders.

The reform of the criminal justice system is of key concern to homelessness agencies and the clients it supports who may be at risk of offending or have a history of offending. Data collected by homelessness services and statutory sources clearly shows that ex-offenders are more likely to re-offend if they do not have appropriate accommodation and ex-offenders are overrepresented as clients in homelessness services.<sup>1</sup> Short sentenced prisoners were found to be particularly vulnerable to 'revolving door' cycles of homelessness and re-offending.

We have provided a brief summary of each of the six sections outlined in the strategy, with some suggestions of how these changes are relevant to homelessness. Details about how to respond can also be found below.

#### **1: Punishment and Payback**

This section of the strategy explains that prisons should be places of hard work and discipline and that Community Payback schemes will be more intensive and immediate. There is a strong focus on outcomes for victims. The government is looking at how the private and voluntary and community sectors can be used to provide services both in-reaching to prisons and in the community to deliver these aims

The government aims to achieve this through:

- More prisoners engaged in a structured full working week
- Greater focus on in-reach training and engagement with potential employers
- Use of private, voluntary and community sectors to develop the working prison
- In community sentences use tougher curfews and electronic monitoring
- Community Payback schemes to be more demanding and more rigorously enforced
- Victims will have greater engagement with criminal justice and increased use of restorative justice approaches

Aspects of this that will be particularly relevant to homeless people are the work and training strategies. We know that problems with functional literacy and numeracy, as well as employability skills are high amongst homeless clients and this strategy could improve access. The strategy is not clear about what prisoners will have access to such schemes, and how to engage short sentenced prisoners, who may have the most to gain, is not specified. The strategy is quite vague around how private and community sector

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<sup>1</sup> Ministry of Justice 'Compendium of re-offending statistics and analysis' November 2010. The MOJ report that 15% of offenders were homeless prior to custody and these offenders then had a much higher reconviction rate within one year of release, with 79% being reconvicted, compared to 47% who had accommodation.

organisation will be able to participate. If making a response you may wish to seek clarity over this as there may be potential opportunities for the homelessness sector to engage in these proposals.

## **2: Rehabilitating offenders to reduce crime**

The key theme of this section is that rehabilitation is the best way to improve public safety and reduce the number of victims. The strategy clearly states that “offenders must tackle the problems” which lead to offending behaviour. There is a strong emphasis on abstinence based recovery from addiction, work and accommodation, and addressing mental health needs. The strategy proposes a new partnership approach based on the principles of Integrated Offender Management (IOM). Payment by results is a clear aspect of the strategy.

Key proposals include:

- IOM approach to reduce barriers to and encourage more joint working and sharing of good practice
- Pilot of drug-recovery wings in prisons
- Broader application of the approach to managing women offenders
- Increase emphasis on tackling alcohol abuse
- Payment by results model to be developed for drug rehabilitation for short and community sentenced prisoners – tender process to begin shortly and co-design of the pilots from early in 2011.
- Continue the community provision for women offenders that has developed in partnership between probation and the voluntary sector.
- Mental health: increase treatment around personality disorders and work with the Department of Health and the Home Office to pilot and roll out liaison and diversion services by 2014

The strategy recognises the importance of housing in breaking re-offending patterns and particularly states that the MoJ will:

- Increase access to private rented sector properties in a programme led by Crisis
- Clarify the expectations for prison and probation to ensure that offenders receive appropriate housing assessments, advice and signposting to community services
- Support maintaining of new tenancies through work with local authorities
- Work across government through the Ministerial Working Group on Homelessness
- Reduce statutory barriers around “intentional homelessness” and local connection by working with the Department for Communities and Local Government

These proposals are clearly relevant to homeless clients who are over-represented in offender, drug and alcohol and mental health needs populations. For homelessness services there are likely to be further opportunities to be a part of the ‘new partnership’ IOM approach, where many services will already have connections. There may also be opportunities to have input into developing the tools to assist in local strategic planning for IOM and the methodology for assessing the impact of local approaches.

## **3: Payment by results**

The MoJ plans to develop and test the payment by results (PBR) approach. The strategy notes that identifying which organisation made the impact on reducing re-offending will be difficult to determine.

Selected ways of developing this model are through:

- Creating one model for custodial sentences and one for community sentences

- A prime and subcontractors model, where the prime may be prison or probation, depending on the targeted offender group
- Commissioning of six new PBR projects
- Separate payments for delivery statutory requirements and compliance and payments for delivering reductions in offending

The MoJ state in the strategy a desire to work with a more diverse range of providers and acknowledges there will need to be consideration of the barriers that may be experienced by smaller voluntary sector providers in taking part. As the model is yet to be developed it is difficult to ascertain exactly how homelessness services will be able to engage and what the commissioning / contracting structures will be. Most homelessness services already have ex-offenders as clients and many have programmes specifically to address the support needs of offenders there is an imperative to be a part of this process, especially in terms of influencing the methodologies and accessing funding.

#### **4: Sentencing Reform**

This section of the strategy outlines how the sentencing framework will be reformed. It focuses on sentencing for adult offenders (over 18) and aims to:

- Create a simpler sentencing framework that is easier to operate and understand
- Make better use of prison and community sentences
- Create a framework which supports better rehabilitation for offenders and increase reparation to victims and society.

Some of the ways it seeks to achieve this are through:

- Using only one sentencing framework which applies to all offenders
- Supervision in the community on licence will be retained as part of custodial sentences for more than 12 months but will be made more proportionate and flexible.
- More efficient use of courts: more out of court disposals for low level crime and anti-social behaviour and promoting diversionary restorative justice approaches (eg treatment or education programmes).
- Dealing better with persistent offenders, particularly those who receive short sentences. Short sentences will not be stopped, but they hope to use more preventative methods (eg mental health and substance misuse support)
- Creating more 'imaginative' and effective community sentences, with greater flexibility to determine the requirements with which an offender needs to comply.

One of the key aspects relevant to homeless clients is that the strategy wishes to explore amending treatment requirements for mental health, alcohol or drug treatment for an offender. They want to give more flexibility for providers to tailor the intervention – eg replacing separate treatment requirements with a more generic health treatment requirement. The paper says there has been a poor take up of mental health treatment requirements to date which it hopes to address by offering more flexible assessments to make more people eligible.

#### **5. Youth Justice**

This section outlines measures against the context that 75% of young people released from custody re-offend within a year. Overall it proposes to transfer more responsibility and accountability to local areas and encourage local partnerships to tackle youth offending in their area. It aims to:

- Prevent offending through diversionary activity and out of court orders
- Incentive local efforts to reduce youth offending using payment by result methods
- Abolish Youth Justice boards and replace this with more locally flexible governance and 'lighter touch' monitoring

Some of the specific measures include:

- New compliance panels set up by Youth Offending teams to support young people in complying with their sentences
- Introducing a single remand order for all under 18s (currently there are various models used locally)
- Exploring how secure accommodation providers could move to a payment by results model.
- Building on local and community involvement in local youth justice services (eg as offender panel members and mentors)

For those members who work with young offenders, the move to payment by results model could have a big impact on the way services are funded and the outcomes needed to be measured and achieved. More on payment by results can be found in section 3 of the strategy document.

## **6: Working with communities to reduce crime**

This section outlines how the government hopes to achieve the 'fundamental shift' from central government to local areas in reducing crime. Some of the ways it hopes to deliver this are by:

- Strengthening the role of police and ensuring the courts are effective in tackling re-offending
- Increasing freedoms and flexibilities for local areas, including supporting innovative approaches to tackling families with multiple needs
- Giving communities more opportunities to get involved
- Taking a cross governmental approach to ensure all the necessary services are involved in prevention and rehabilitation of offending

Specific actions include:

- Evaluating some of the dedicated drug and mental health court pilots which have been shown in some cases to improve partnership working and outcomes for offenders. As many clients supported by our sector have needs related to these issues, the result of this evaluation will be interesting to see if such models are rolled out
- Multi-agency working: the strategy would like to learn from some of the multi-agency community approaches taken and build on the Integrated Offender Management (IOM) models to improve collaborative working at a local level
- Trialling restorative justice models such as Neighbourhood Justice panels to address low level crime
- Local flexibility: measures such as local pooled budgets will be piloted for supporting families with complex needs. The strategy does not discuss if these budgets could be used more widely.

As there is such an emphasis on collaborative working so it will be important to demonstrate the value that local criminal justice agencies can gain from including accommodation based services in the approaches they take and showcase some of the ways this is already happening across the sector. Evidence so far suggests collaborative working practices can vary a great deal depending on the local area.

## **Responding to the consultation**

The deadline for responding is the **4<sup>th</sup> March 2011**. Full details of the consultation questions can be found at [www.official-documents.gov.uk/document/cm79/7972/7972.pdf](http://www.official-documents.gov.uk/document/cm79/7972/7972.pdf) To make sure your ideas are included, contact the policy team at Homeless Link: [helen.mathie@homelesslink.org.uk](mailto:helen.mathie@homelesslink.org.uk); 020 7840 4428