

Labour Party Review of the CJS

Criminal Justice Alliance Submission January 2023

Part One: Early intervention and prevention

This section explores what leads people to commit their first offence.

- i. Why do people offend?
- ii. What are we failing to do to prevent first-time offending?
- iii. What actions would make the system more effective at preventing offending?

I am grateful to our members: Family Action, Belong, Leaders Unlocked, St. Giles Trust, Fresh Youth Perspectives, Reach Every Generation, Growing Futures CIC, Voyage Youth, Circles UK, The Care Leavers Association and Key for Life for contributing their lived, learned and professional experiences to inform the section on prevention and early intervention.

Lack of investment in prevention and early intervention

The overarching and overriding message from CJA members was that as a result of long-standing cuts to early intervention, prevention and youth services over the last decade, money was being spent at the wrong end of the system for example on social care placements and prison places. They wanted to see a return to meaningful investment 'up stream' to divert people from being caught up in the current of the criminal justice system, to save money in the long term.

'Local authorities' ability to deliver or commission early intervention services has reduced. Instead, the money is going into secure places and removing children into foster care instead of dealing with the social and economic issues impacting families. We've done opposite of what we should be doing. It's upside down. It will only get worse until we have radical policies to turn this around. It is doable, we have to be able to switch the system round.'

'The amount of funding into early years massively reduced over last decade and is continuing, and yet funding to children in care hugely increased. It's so expensive. It's not rocket science. The new government needs to flip this back on its head with a really good focus on early years, including family support, early access to therapies and counselling for trauma. It's so blindingly obvious and would be a massive game changer.'

'We must reduce prison population, it has to be tackled. There are so many people don't need to be there – savings from that should be invested in early intervention and prevention.'

'Fifty percent of the young men we work with are fathers or becoming fathers. We need early intervention at that stage.'

'Young people currently in the CJS need to be seen as symptom of failures of break down in society not a cause. We need a much wider reframing. It's all of our responsibility to resolve and starts at very early stages.'

'How would a Labour Chancellor allocate budgets to support programmes of work in the prevention space? It is clear this government are investing more in agencies and organisations that are working to support stab victims and more police-led projects, but we do need to see more support for preventative work. I hope Labour can do more to reinstate youth clubs and bring back Sure Start initiatives.'

Funding arrangements for prevention and early intervention work is often fragmented resulting in a postcode lottery of services and often commissioning arrangements put local community and voluntary sector services in competition, rather than encouraging and facilitating joint working.

'The funding pushes us against each other, but we need to come together.'

'The funding here and there. It's fragmented and create silos. We don't collaborate and it's the child, family or person with needs who suffers. We need systemic approach.'

Community organisations including charities, social enterprises, community organisers and grassroots 'by and for' non-profit groups often fill in the gaps left by statutory services and can offer unique insights and ability to engage, but these gaps are getting wider and they are often not valued, financially or otherwise. At the same time the cost-of-living crisis is squeezing philanthropic funding as charities' costs increase and there is more competition for funding as they seek to cover the basic needs of those they are supporting.

'We take young people on disruption breaks for two weeks. With that money we could pay the mortgage for two months on a building. We need to value third sector more. We are doing a lot of the heavy lifting we don't get paid for. We want to contribute to make a change, but we need money to function.'

'We are seen as play workers not professionals. We have a recording studio and a play station but will be talking about sexual health and exploitation. I have seen a statutory worker put chairs in a circle and wonders why young people won't speak. Youth workers are trusted adults. We are the ones they call us when they have been stabbed. They will call us out of blue. We have to be held in higher regard and we can teach statutory services a thing or too.'

'At the weekend we are the ones called to look after children in need as it's out of hours and the statutory services are closed.'

'There has been a steady erosion of involvement of VCS in our country. Labour criminal justice policy must look at how we make CVS more integral. We have rich gifts we bring to table, but most of us live from hand to mouth. I'd really like to see greater commitment to bring CVS to the table and help fill gaps statutory services can't do.'

'It would be good to understand if Labour has a position on distribution of funding to Black and by and for organisations and does it understand the value of our unique insights?'

Lack of therapeutic support for primary and secondary trauma

There was a sense that 'trauma-informed' had become a bit of a tick-box and needed to move from a narrative to deeper understand and action, in particular with providing services that work with young people who have experienced trauma either directly or indirectly. There is growing evidence that counselling services, therapy and group work helps people to deal with traumatic experiences and improves their life chances.

'We talk about trauma informed, but should we not be trauma active? We need to be more proactive and less passive.'

'Trauma-informed practice needs to be understood by all professionals. There needs to be a framework that needs to be delivered at all stages of the CJS. Professionals having an awareness of trauma is good, but even better are services that delivered in a trauma informed way.'

'The language around trauma, lived experience, racial disparity and exploitation. Professionals now understand the language but not the issues. It's a tick box training they have had, think its job done. Almost like we've got the language that's all we need, but more care needs to be taken to understand issues, what lies beneath terms like trap houses, bando – we need to delve in deeper not just a surface veneer of understanding.'

'The whole impact of abuse they experienced themselves or witnessed. What do we do with that as society? We talk about counselling and therapy – but we put so little into it. We provide counselling and therapy to children in abuse or surviving abuse. The results are there, we do lots of peer research. The earlier they can access these services the better.'

Members discussed the attitude that removing children from home where they are experiencing or witnessing abuse doesn't address the trauma that child has experienced. Services that enable them to process their emotions, connect with peers and others with similar lived experiences and receive therapeutic support are vital.

'We run pre and post adoption services for teenagers. They can go to group and support each other. Teenagers say if they had not had counselling, therapy or group work, they felt so much

rage, anger and didn't know what to do with it, so they would have ended up excluded or in the criminal justice system.'

'We pick up the results of this lack of early intervention with the young men we work with in custody (up to 30 years old). Most had early years trauma and a lack of support. The two are inextricably linked. We see unresolved, unsupported trauma which informs and determines decisions they make. Addressing trauma early is foundational.'

'I was in foster care. It felt like they thought I was ok as we took her away from home. They thought the trauma dealt with as they removed me, but it wasn't.'

There needs to be a greater understanding and support for secondary trauma and a greater range of therapeutic options available, in particular at transition points, and a greater emphasis on therapeutic training for professionals. Person-centred services should also be nuanced, bespoke, culturally sensitive and the language used with young people should be relatable.

'We need to understand and develop more culturally specific models.'

'Yesterday I was in a school, talking about misogyny and exploitation. The young people didn't know what grooming or exploitation was, but they did know who Andrew Tate was and looked up to him. We use this terminology and words, and we expect children to understand these concepts. Like disparity – what does that mean, let's say what it is – it's a harsher treatment for people of colour.'

'I have witnessed some insensitive practice and language. I don't identify as BAME, ask me how I like to be addressed. We need really think about how we portray and engage with people we support – how do we really engage and bridge the gap of trauma – we need to consider those on the end of it.'

'It's nearly all CBT in prisons – it has a place, but need other therapeutic services and counselling services too.'

'Therapeutic support and clinical supervision should be available in schools and prisons – for staff and the person. My probation officer was a therapist before joining probation. She is the main reason I'm sitting here today. With that training she helped me massively; but other people haven't had opportunity to talk to a trained person.'

'Transitions are pinch points – a child receiving support from CAHMS might never meet the adult threshold for support and so face a cliff edge of care at 18.'

Members were keen to highlight the individualised nature of how people experience trauma. A trauma-informed approach is one that is tailored to an individual's needs, takes the time to understand that persons lived experiences and how they intersect with other experiences and characteristics. However often services do not allow such a holistic approach.

'When we talk about lived experiences – how these factors intersect and impact how they interact with the world - we need the capacity and funding to deliver individualised responses as we know one size doesn't fit all.'

'For people who have carried out sexual offences, there is such a stigma of sexual crimes, they don't want to hear that sometimes their crimes and abusive acts are related to experiencing trauma.'

'We support the idea that every person, individual, culture experiences trauma differently. It makes it complex to work in this area.'

Some people didn't recognise themselves as having experienced trauma, so needed support to recognise this first before support could be offered.

'I believe we look at trauma as one sided but there are both push and pull factors of why females join and exit gangs. In my research they often had indirect trauma not addressed from young age, such as their mother was domestically abused. They believed that as long as a man doesn't hit

me I'm ok, but they put up with emotional and financial abuse. It wasn't something they realised until adulthood.'

'We can work for weeks with someone to help them understand they have experienced trauma as they have so much shame about their offence.'

'Trauma-informed services helps professionals to understand the person and helps the individual to understand what is going on for them. Exploring trauma can help the individual to understand why they are making certain decisions and can get to the root cause of why a person is making bad decisions. Trauma informed services can help individuals build better relationships and communicate better.'

Others highlighted that children are being referred to services that do not meet their needs to address the trauma they have experienced.

'We don't have access to clinically based services for young people. CAHMS wont deal with children with identified trauma. They get bounced around emotional wellbeing services, but not addressing the trauma.'

'They can't get access to counselling in foster care as not adopted, but we cannot continue to ignore those children.'

Trauma can have life-long impacts which are often ignored, including the trauma which has been brought about by police use of stop and search for example, or the trauma of a parents own education impacting on how they engage with their children's schooling. A greater understanding is required to truly provide a trauma-informed service.

'I've got multiple ACEs (Adverse Childhood Experiences) – that's still with me now. I've still got same triggers seeing police even though I work with them. I still get nervous. It causes a reaction in me and has lifelong after effects, can cause crime, but also the inability to communicate effectively, have relationships etc. Again, people understand the language of ACEs but don't understand the lifelong impacts.'

'They didn't understand why a Black boy would run away from the police and said this would be a trigger to stop and search them, compounding the trauma. Even if I see police I turn a different route, as know it could mess up my day or week. They know the language but there isn't an understanding.'

One of the biggest barriers for trauma informed practice is securing people's physical and psychological safety in environment where they do not feel safe – this can be in custody or the community. In custody traumatic events like segregation, use of force and spit hoods can exacerbate trauma, and in the community frequent use of stop and search can make people feel unsafe.

'It dilutes and negates the work we are trying to do building trusting relationships and dealing with attachment issues, if at the send of the session we are leaving them in an environment that is physically and psychologically unsafe for them.'

Children impacted by parental / familial imprisonment.

Research shows that despite the vulnerability of children who experience parental or family imprisonment, they often remain 'hidden' or 'invisible'. These children often suffer with separation, secrecy, loss and trauma during the sentencing and imprisonment of their parent or family member, as well as experiencing stigma, discrimination and isolation from their local communities as a result. Parental imprisonment is acknowledged as an adverse childhood experience (ACE) and children affected by parental imprisonment also tend to be disproportionately exposed to other stressful or traumatic experiences.

Children with a parent or sibling in prison, are often hidden from the system and their trauma goes unrecognised and unsupported. There should be a cross-departmental approach to improving ensure there is a holistic response to supporting the children and families of people in prison (such as the Department for Education, Department of Health and Social Care as well as chief social

workers, local authorities and social services). This cross-governmental working should be co-ordinated by the Cabinet Office. In addition, the government should consider whether the Children's Commissioners for both England and Wales should have a statutory duty for promoting and protecting the rights of children who are impacted by parental imprisonment. We recommend the Department for Education consider issuing more extensive, tailored guidance on how to support children whose parents are in prison and also have additional needs, and provide relevant training for teachers and school staff. Members tell us that the focus of social services which support children and families' is primarily and understandably on 'risk' to the child. In some instances, there may not be a risk to a child who is experiencing parental or family imprisonment, but there may be a support 'need'. For there to be more consideration given to the specific needs of these children, we recommend the 2018 Working Together to Safeguard Children guidance is strengthened to explicitly reference the potential vulnerabilities of children experiencing parental imprisonment. 15. Women who give birth or experience early motherhood in prison can often experience separation from their child, as their imprisonment is often a trigger for social services' involvement. There should be greater support for women in prison who face challenges in pregnancy and early motherhood, their babies and their wider families, as part of the new multidisciplinary 'Family Help' offer. We recommend the government provide adequate, sustainable funding that enables consistent, effective delivery of family work in prisons.

'The trauma due to the incarceration of parents or sibling, these are very hidden children. I understand why children don't want to tell people, but we need to support those children not to be next generation and to stop that cycle. We can't do until we know who they are.'

For more detail:

[Children's Commissioner Family Review response | Criminal Justice Alliance](#)

Victimisation

Members observed that people they work with can be perpetrators of crime, but also have experience of being victims of crime. However committing a crime can often overshadow their experiences of victimisation and this is not recognised or supported, despite sometimes being linked to the causes of their offending. Some CJA members who we consulted with reported that those they support can only access victim support services after they have served their sentence. Some members who work with children and young adults told us that the nexus of 'victim' and 'perpetrator' was particularly problematic for this age group and described the challenges of accessing suitable support for those dealing with trauma. For example, young adults moved to different geographical locations for their own safety were often not given access to local victim support services. There is a lack of dedicated services for children and young people who have been a victim of crime. Members also commented on the high prevalence of experiences of victimisation of women and girls in the criminal justice system, including multiple forms of abuse and exploitation. Again, with insufficient services targeted specifically at supporting this group.

For more detail:

[CJA/MoJ Policy Forum on BAME victims of crime | Criminal Justice Alliance](#)

Lack of stable foundations and basic needs not being met

Another barrier to effective trauma-informed practice is children whose basic needs are not being met, such as lack of stability due to living in temporary accommodation and not having a settled home, and/or a lack of resources for basic needs such as clothes, food and energy due to poverty, exacerbated by the cost-of-living crisis. The ripple effect of a lack of stability on children is not sufficiently understood by the public and policies do not adequately focus on ensuring their basic needs are being met, which is the foundation on which other trauma-informed work can build.

'We need to secure the foundations. We are building on rocky foundations. Society doesn't care enough about young people and children. I need to create environment that is safe, where there are opportunities. But how do we do that without firm foundations?'

Members, in particular those working with young people involved in County Lines, were deeply concerned that the cost-of-living crisis is increasing levels of desperation which can lead to grooming, exploitation and young people literally adding their names to waiting lists for shifts at trap houses to make money or pay off debts. And these new ways of working through shifts mean young people are not away long enough to be registered as missing, and so don't come to the attention of the authorities.

'The model has changed. It's no longer people waiting outside schools to recruit. They are running to exploiters. They don't care about your CV if you can take a pack from A to B. Now with County Lines kids do not go missing, they are doing shifts in trap houses in the city. No one recognises the missing episode as it's only few hours. We are not keeping up with model of exploitation. Children sign up to go to trap houses in other cities as the only way to get out of their city and protect themselves from harm in their own cities.'

'We need to re-look at exploitation. A lot of young people are running towards this lifestyle as they have no other hope or opportunities. There is a line of young people offering themselves to do county lines. It's no longer the child catcher outside schools. There are waiting lists.'

Members also reported that a 'hands off' approach until young people reached adulthood was not working as they were not being channelled into support services and then at 18 were receiving long sentences.

'With Child Criminal Exploitation there seems to be hands off approach until 18. The police rightfully don't want to hold 16-year-old in police custody but a young man I worked with had 35 cases outstanding. He started to spiral, he thought he was Teflon. Now he is 19 in prison. The different approach from minor to adult is such a shock. There is no rehabilitation for under 18s as far as I have seen boys, and more girls. It's an attitude of hands off, wait until get to 18 then deal with them, give them long prison sentences. Then they enter the university of crime having left school with no qualifications.'

'Someone needs to realise the crisis we are in with a lot of young people entering into Child Criminal and sexual exploitation. We need to take transitional safeguarding from 18-25 very seriously not end up with a bunch of 19-20 yr olds being criminalised.'

'I want to raise the National Referral Mechanism – there are a lot of myths about it and a reluctance with police to refer. We have pushed for young people to be on NRM and have genuinely diverted young people through multiple third sector agencies supporting them back into education training and employment to feel inspired and feel they have got a future.'

'We need to do more to support young people to develop their sense of identity. In turn this can support the development of positive relationships and reduce the pull of negative relationships such as gangs.'

Members noted that they see a lack of social mobility. Of young people 'stuck' there their parents are due to lack of opportunities for better life chances. And those at the 'top' need to do more to provide those opportunities through training, employment and funding of services to enable people to progress.

'There is a lack of social mobility. We need to get rid of the sticky floor and sticky ceiling syndrome by giving our young people opportunities and hope for future.'

'We need to improve their financial security through employment, real opportunities. We need to work closer with the corporate sector, companies, with awareness raising to get rid of stigma to give opportunities.'

'There is no access to opportunities for the young people I work with, no social mobility. They are stuck where their mum and dad are.'

Lack of diagnosis and support for children who are neurodiverse

Evidence about neurodiversity has increased, including ADHD and autism, including the understanding about triggers for school exclusions, addictions, self-harm and suicide, and poor

mental health. However, diagnosis and support services have not kept up with demand and as a result there are long waiting lists. Support offered to people who are neurodiverse is not always suitable, for example most counselling services in school or through CAHMS are CBT-based which is less suitable for people who are neurodiverse. A lack of universal training and education about neurodiversity was identified in order to ensure early diagnosis.

'Lot of young people I work with in schools have ADHD or dyslexia and have reading difficulties. Instead of asking for help, they are disruptive, put in seclusion and are at risk of exclusion. One girl I worked with didn't feel like she was smart enough, she felt silly. These things are not picked up from a young age. If its left until year nine or ten its too late. It needs to be at primary school.'

'CBT is mostly use for children over 8, but it's not suitable if they are neurodivergent. School and NHS counselling services have a CBT influenced modelled, but it doesn't fit the neurodivergent community.'

'Our service working with children at risk of being excluded has had to be completely redesigned over the last seven years to have a much greater focus on neurodiversity.'

'We are not asking teachers to be specialists, but they need to be able to spot things early.'

School exclusions

Members were clear that school can be an important protective factor in children's lives, but the impact of off-rolling, school exclusions and lack of trauma-informed school environments is reducing the potential protective nature of school for many children, and in some cases can be the cause of additional harm and trauma, especially for Black children. There are examples of good work happening in regions and on a local level with schools working in a multi-agency way with the community and voluntary sector, as well as health professionals, to ensure schools can play a protective role to prevent school exclusions and break the 'school to prison' pipeline:

'We work a lot with local schools to stop school exclusions by bringing in health and other professionals in meetings focused on contextual safeguarding. We lobbied to get clinical time on trauma within schools and youth offending service.'

'We found that out of young people excluded from school in our region, 90% entered the criminal justice system withing one year.'

There needs to be greater scrutiny of exclusions and off-rolling children. The home education framework for these children can be weak, increasing the vulnerability of young people who are already very vulnerable, to county lines and child criminal exploitation.

Dame Carol Black's Independent Review of Drugs found that children and young adults have been swept into the supply of illicit drugs at an alarming rate, especially at the most violent end of the market. Evidence shows strong associations between children being drawn into county lines with child poverty, increasing numbers of children in care and school exclusions. Members tell us that the current legal framework criminalises young adults for drug offences but does not sufficiently recognise them as victims of child criminal exploitation, who need to be effectively safeguarded. Although guidance on the National Referral Mechanism exists for criminal justice agencies, many young people involved in illegal drug markets will not meet the threshold for referral and safeguarding support. Women and girls tend to be most involved in the lower levels of the illegal drug trade, but this is also where the greatest number of arrests occur. Many of these women and girls have often been coerced, intimidated or threatened, or have experienced sexual exploitation.

Often local authorities do not have the ability to effectively monitor exclusions and off rolling happening in academy schools.

'We need to look at behaviour policies and check they are adhering to the Public Sector Equality Duty. With academies it's not working with negotiated transfers. Local councils allow academies to juggle the numbers. They don't know who is off rolled. I was really surprised they didn't know. It's a real red flag that no one had that understanding.'

There also needs to be much greater transparency and support for schools to reduce these practices, in particular where they are disproportionately impacting Black and racially minoritised children:

'We work with 250 schools in Lincolnshire. No school can exclude a student until they have gone through our service.'

'Funding youth worker practitioners and mentors in schools and colleges would be massively cost effective.'

'Schools when I was growing up were centre of the community, now staff are desperate to lock up and get the kids off premises. The Timpson report addressed some key issues, but nothing has changed. Young people are being disengaged by education system, not the other way round.'

'We were commissioned to do whole school behaviour approach focused on trauma, understanding behaviour and race. We found behaviours due to trauma more likely to be seen as aggressive with Black children so exclusion more likely.'

One member made a plea to understand that children are not disengaging from education, education is disengaging from them:

'I recently met a young man in custody who was 16 who hadn't been in education since the age of nine. He had achieved 35 qualifications in 6 months. He said the school disengaged from him and reflected on his wasted childhood being exploited.'

There is growing use and evidence around restorative approaches in schools and other settings, however there is a lack of resource, understanding and broader restorative culture to embed a restorative culture more widely. Members also raised concerns about residential social care settings following punitive approaches and getting the police involved, rather than taking a restorative approach.

'Instead of adjudications, there should be mediation and restorative services in custody.'

'If people are used to restorative approaches in schools, then they can use those skills in adult life.'

'Social services can support children in care placements (principally residential care) to implement decriminalisation protocols so that children in care are not criminalised for minor incidents that would not be criminalised in a family setting.'

Part Two: Preventing re-offending

The section on preventing re-offending draws on work the CJA have carried out with a wide range of our members over the past few years. Links to the original sources have been listed throughout. All CJA's work, which has been co-produced with our members, can be found here: [Resources | Criminal Justice Alliance](#)

This section explores what leads people to repeatedly offend.

- i. Why do some convicted offenders go on to reoffend?
- ii. What actions should we take to reduce the likelihood of reoffending?

Diversion

Evidence shows that diversion and out of court disposals are usually more effective than court disposals in reducing offending. The best reoffending rates are for cautions; in the last quarter of 2018, 14% of those who received a caution reoffended compared to 24% of those who were asked to pay a fine by the court. Out of court approaches also don't entail a long criminal record which can be a barrier to employment, housing and education. ([See the work of Transform Justice](#))

We support The Strategic Review of Policing 2022 recommendation that where a stop and search leads to a drug find, and a charge of possession would otherwise be made, that people are consistently diverted toward an intervention outside of the criminal justice system rather than being prosecuted. Drug diversion schemes are already in place in over ten UK police authorities. Evidence shows that diversion schemes can lead to reduced re-offending and arrest rates, while connecting those who are drug dependent with treatment services. We recommend that drug diversion schemes should be expanded to every police force across the UK as part of a nationally co-ordinated approach, which considers good practice principles and learning from more established diversion schemes. Expanding diversion schemes has previously been recommended by Dame Carol Black, the Health and Social Care Committee and the Advisory Committee on the Misuse of Drugs (ACMD), among others.

Community sentences

Members said that many of the above barriers to accessing education in prison could be removed if there was a greater emphasis on community sentences rather than custody; in particular if those sentences such as Unpaid Work involve a meaningful element of education, training and employment (ETE). Investing in the infrastructure around probation and unpaid work placements, rather than investing in building new prisons, was felt to be a more effective long-term strategy.

'They should stop building more prisons and putting as many people in prison. If there were more people on community sentences, like unpaid work, these barriers wouldn't exist and people could access ETE support in the community instead.'

The evidence is clear that community sentences reduce re-offending more than short custodial sentences. Yet, there has been an 46% decline in the use of community sentences over the past ten years in England and Wales. At the same time, the quality of supervision delivered by our probation services has deteriorated. We need to reform community sentences. In doing so, we need to move away from the clichés of the past about tough or soft justice.

Smarter community sentences mean giving probation practitioners the powers, the freedom and the flexibility to do their jobs. Smarter community sentences mean ensuring victims and communities who suffer from crime have more of a voice to see reparation done. Smarter community sentences mean leveraging the full resources of the Government, from the police, the courts, through to drug treatment and employment services and others to work with probation to deliver punishment and to give people the chance to turn around their lives. ([See the work of Centre for Justice Innovation](#))

We recommend the government expand the availability of high-quality Community Sentence Treatment Requirements, including Drug Rehabilitation Requirements, so they are available for judges in every court across England and Wales. We recommend the government provide dedicated resources to train and support the judiciary on using CSTRs. The judiciary being aware of and having confidence in CSTRs is vital to them being used. For example, previous training for the judiciary on Mental Health Treatment Requirements (MHTRs) was found to increase their use. However, this training was not centrally funded or provided, and only delivered on an ad-hoc basis. Effective judicial training requires adequate and sustained funding.

For more details:

[A smarter approach to sentencing? | Criminal Justice Alliance](#)
[How to Start Reducing the Prison Population | Criminal Justice Alliance](#)

Restorative Justice and Practices

RJ has huge potential to increase victims' satisfaction, improve their wellbeing and reduce reoffending. These benefits are well-evidenced, including by the Justice Select Committee in their 2016 inquiry into RJ, the cross-party APPG on Restorative Justice's 2021 report and CJA's recent report on increasing RJ across England and Wales:

- Numerous studies have shown victims who are given the opportunity to engage with RJ are more satisfied than those who only experience the criminal justice system.

- A study shows that a victim is almost seven times more likely to receive an apology from the person that caused them harm through RJ than in court.
- Home Office research found that 85 percent of victims participating in RJ were satisfied with their experience; 20 percent more than the control group. Almost nine in ten would recommend it to other victims.
- Various studies show a reduction in reoffending of between 14 to 34 percent following RJ, reducing the likelihood of future victims.

We recommend victims should have a statutory entitlement to be automatically referred to an RJ service. RJ services are best placed to explain what it offers and its benefits (as opposed to the police or another criminal justice agency) and can then offer support to a victim if they decide to take up RJ in the future.

The MoJ has not had a national action plan on RJ since 2018. We recommend reintroducing a national action plan, which sets out how access, awareness and capacity of RJ will be improved within the CJS. The national action plan should be prepared and laid before parliament at least every five years, with progress against the plan published annually. Justice departments in both Scotland and Northern Ireland have an RJ action plan or strategy in place.

We also recommend a greater focus on restorative practices and approaches in prisons including restorative practices to deal with adjudications, as well as preventing and resolving conflict, improving relationships between people in prison and staff, and to build and maintain family ties and prepare for release.

For more details:

[12477 Restorative Justice Inquiry Report v3.indd \(rjappg.co.uk\)](#)

[Responding Restoratively to COVID-19 | Criminal Justice Alliance](#)

[A journey of learning, growth and change | Criminal Justice Alliance](#)

[Briefing for peers on amendment to PCSC Bill to increase use of Restorative Justice | Criminal Justice Alliance](#)

Education and services in prison

Adopting rehabilitation as the main purpose of prison would support prison governors in developing regimes, policies and processes that enable an aspirational, rehabilitative culture which prioritises purposeful activity and meaningful connections. It would help make clear the premise that deprivation of liberty is the punishment and that prison should have rehabilitation as its key purpose. We recommend that the MoJ integrate the evidence-based principles of a rehabilitative culture, especially in training staff.

The lack of digital infrastructure was a frustration shared by members, who identified it as a significant barrier to both prison education delivery and enabling communication between prison staff, prisoners, employment-focused organisations and employers. The Coates Review was clear on the need for a digital revolution in prisons, but this has yet to materialise in any substantial way.

There is a lack of parity between what is provided in further education in the community and what is offered in prisons, which should be urgently addressed. There needs to be a greater focus on ensuring HM Inspectorate of Prisons and Ofsted recommendations in relation to purposeful activity are promptly implemented after inspections.

It is important that education and training in prisons includes vocational qualifications that are relevant to employers and industry leaders, such as apprenticeships, traineeships and access to higher-level qualifications. The government should change the law to allow people to take up full apprenticeships in prison, so that they can learn new skills and move closer to gaining employment.

Education and training opportunities should also be relevant to people in prison and their levels of training or qualifications prior to entering prison. This may vary from no qualifications at all to degree-level education. Many of those entering prison have low literacy and numeracy levels. Addressing this through a range of accessible formal and informal learning opportunities (including peer mentoring, family learning projects and embedding basic skills in prison work and other settings such as the gym and library) is vital for successful educational engagement and progression.

There should be increased support and advice for the many people in prison who want to start their own business and become self-employed (including access to IT to complete funding applications). The model of a Voluntary Sector Coordinator should be established in each prison to help voluntary sector organisations communicate and collaborate with prison staff and each other.

The use of ROTL should also be increased to facilitate access to further and higher education in the community, especially if those opportunities are not available to people while they are in prison. People should be able to access supported work experience, volunteering opportunities, internships and real work-based training through ROTL, particularly for those who may need additional support to be ready to enter employment and those furthest away from the job market.

We recommend that the MoJ and HMPPS introduce a national minimum standard for technology in each prison, which is outcome-focused, replicates established good practice and addresses inconsistency across the estate.

People in prison also need to regularly use technology to improve their digital literacy, develop digital skills and build confidence in using the internet for daily tasks and future employment. Technology should not be used as a replacement in prisons, but as a supplement and complement to face-to-face education. In-cell technology should not result in people spending longer periods of time in their cells, instead there should be greater access to blended approaches. Video conferencing should enable people in prison to access services that are based further away, such as resettlement services or legal advice.

For more details:

[Education: Are prisoners being left behind? | Criminal Justice Alliance](#)

Maintaining family ties and building supportive networks

We recommend the government provide more support services that take a holistic approach and address the needs of the person in prison, their family and their differing experiences. Supporting the family in a more holistic way will support the person's rehabilitation and resettlement after release.

People in prison should have access to technology that can be used to maintain important relationships, which is particularly important for people in prison whose families or friends cannot attend in-person social visits due to distance or other factors (for example, if they are foreign nationals with family overseas, have elderly family members or have young children). The government should continue to provide secure video calls and commit to ensuring free or affordable access to them. As it changes providers of video call technology, it should evaluate the provision to identify and address any barriers to its effectiveness.

A wide and creative range of support should be provided for people in prison and their significant others. For example, the use of ROTL for family contact and supportive relationships should be increased, there should be more on-site provision across the estate to enable weekend visits to take place, more child-friendly environments, relationship and parenting courses and restorative family mediation work. All prisons should have mechanisms for consulting with families through forums, councils or surveys, where any issues families are experiencing can be identified and addressed.

Some people in prison may not have contact with their family, so other positive support networks need to be cultivated to aid their resettlement. This could be through college, university, employment or being linked to clubs in the local community, such as sports clubs. Care leavers in prison should have access to specific support services.

There needs to be greater community involvement in prevention of offending and reoffending through mentoring, role models and supporting people to integrate into a community. Developing a sense of belonging. Providing activities that can engage and develop a sense of belonging.'

For more details:

<https://www.criminaljusticealliance.org/cja-resources/purpose-and-connection-a-briefing-in-advance-of-the-prisons-white-paper/>

First days after release

Members identified that the days after release were seen as critical while they motivated, in a routine and before other influences can derail plans.

'You have to go to prison on day of release or you loose them. We give them food and take them to appointments. That first week we will set up gym sessions, studio sessions. They are in a habit of getting up at 7am. A week later they are getting up at 3pm unless you give them a routine and access to positive activities in first week.'

'Most people leave prison with the expectation they want to change but when they come out of gate there is no one there to support them. If get job have to pay for housing in approved premises but they are not paid enough. Or they can't get job because of their history. It's understandable why people go back to what they know.'

We recommend legislation to prevent people being released from prison on a Friday and that people leaving prison are also provided with access to technology, basic possessions, travelcards to get to interviews and shopping vouchers for food. Getting this right will set up people leaving prison to thrive, rather than fail at the first hurdle and end up being recalled, putting further strain and cost on the prison system.

Money and accommodation after release

We recommend a one-off Universal Credit advance payment grant specifically for people who have just been released from prison, rather than a loan. People in prison should be supported by prison staff to provide the documentation needed to make a claim, such as an ID, a bank account and an address.

The term 'accommodation' does not fully capture the concept of a 'home'. As well as quantity of housing, quality of housing and support services is equally important. Services should work towards securing homes for people leaving prison, which provide long-term stability, safety, comfort and community.

'Although we talk about it, and I talk about it all the time, in terms of the word accommodation, we're really talking about somebody's home aren't we. And I think we should just try and remember that and think about this is somebody's home in the future so what pathway are we putting them on as well. So we've got to sort out the immediate but it's about giving them a long term home at some point. So how do we get them to that point, rather than slightly dehumanising it all the time with accommodation.'

If living with family or friends is an option, supporting these relationships while in prison can provide a route to finding a home on release from prison, but support may also be required to support the transition. There may be a need for culturally sensitive mediation services to help re-build relationships. Pre-release planning, family involvement and Through the Gate support should be offered if someone leaving prison will be living with friends or family to ensure positive outcomes for both parties.

Timely assessment of these needs is crucial for successful housing outcomes. Accommodation screening tools must be consistently applied to every person in prison at the start of their sentence and then again well before being released, and resettlement plans promptly dealt with. HMPPS should investigate why prison and probation services are not making referrals at the expected rate and produce an action plan to address any identified problems.

Through the Gate support and independent advocacy can be important factors in the likelihood of a person securing housing on release from prison. Friday releases make advocacy to secure accommodation even more difficult. Timely needs assessments in prison must identify the level of support required for a person leaving prison and ensure any necessary independent advocacy is in place on release.

The private rented sector could play a bigger role in providing accommodation for people leaving prison, particularly if tenancies can be 'de-risked' by providing guarantees, deposits, and support and building trust with landlords. HMPPS should explore how the private rented sector can be better utilised to provide homes for people leaving prison where suitable. If people in prison could earn and save money through better paid and more meaningful work, either in custody or on ROTL, this could be used towards a deposit.

Support should be offered to those in supported accommodation who secure employment to ensure they are not financially penalised.

'The impact of not knowing where you're going is huge on somebody. It's quite anxiety increasing anyway, leaving prison, we shouldn't pretend that this is an easy or a good time for people all the time. It's very difficult. And not having somewhere to live, and not having that security can be really challenging.'

Several attendees highlighted how the criminal justice system currently makes it very difficult for people who do have accommodation prior to entering prison to maintain that accommodation or, at the very least, to bring that accommodation to an end with minimal knock-on effects for future housing options. One attendee highlighted the importance of working with people while they go through the courts in order to provide this kind of timely support. 'There's very little scope to work with those people in courts, pre-sentence. The systems are predicated on processing people through systems. If you could get people caught in a timely way and have access to those being sentenced there is scope to actually close their tenancy with the local authority, build trust with landlords, hand across the key, deal with the pets, deal with the belongings. And when they come out there's some potential there to actually maintain the relationships.' One attendee highlighted that maintaining accommodation may be particularly problematic and overlooked as an issue, in particular those on remand.

'I actually think in terms of the role of the MoJ a lot of it is about maintenance and maintaining accommodation once someone comes into prison. And I think many people will lose it and therefore be deemed intentionally homeless. And there's a particular, I think we have from reports from services, issue to do with remand. So prisoners on remand are actually being at a heightened risk of those same problems.'

'I'm not sure if it's an entirely helpful comment but I think for young adults particularly, and again it's not an MoJ issue, but I think we have to look at the welfare support. Because if they can't get equivalent welfare support then they're going into HMOs and it's entirely inappropriate. I feel like we're just setting that group up to fail in those circumstances when they can't draw proper accommodation.'

Connected to the issue of Through the Gate support is the need for effective independent advocacy. Some attendees highlighted how important this advocacy is for accommodation issues because of the resistance from some local authorities to carry out their duties. It can be very difficult (and potentially detrimental to their case) for people coming out of prison without independent support to persuade local authorities to progress their case.

'But the reason why we have really good outcomes is because we have a person who literally sticks with them – it's much more than your normal Through the Gate stuff. So they're much more intense whilst they're in prison, they pick them up at the gate, they give them a mobile phone, they do everything, they go to housing with them and you know, they argue with the housing authority. Every single time. One of our staff was accused of doing a sit-in in the local authority because he refused to leave because he was 11 like, he's priority need, you cannot not house him. And they were saying, no he's not, you need to do all these things. But it works because there's someone fighting their corner.'

One attendee also raised the issue of recall and the extremely disruptive effect it can have on accommodation.

'The impact of recall on housing is an absolute disaster. So that's the most important thing on my agenda because that can be addressed, there's no reason for it. We're recalling many people just cause they haven't had contact, not because they've committed anything, are causing any more risk. Just they haven't been in touch. And when it comes to housing, you start living somewhere and then suddenly, you know, so if that could be taken into account that would be really helpful.'

For more detail:

[CJA/MoJ Policy Forum – Accommodation on Release from Prison | Criminal Justice Alliance](#)

Employment / self-employment after release

One in six people have some sort of criminal record. Criminal records are a barrier to employment for hundreds of thousands of people. Fundamental changes are needed to sufficiently address this. We recommend the government introduce a more proportionate and flexible disclosure system, so that minor and very old crimes do not appear on standard and enhanced criminal records checks. It could also take a distinct approach to childhood criminal records and introduce regular review mechanisms. ([See Fair Checks campaign](#) for more details)

We recommend the government introduce more incentives for employers to take on people with previous convictions, including financial incentives, such as the previous manifesto commitment of a one-year holiday on Employer National Insurance Contributions (NIC)

There has been a recent shift in focus to better support people leaving prison to secure employment, including the establishment of Employment Advisory Boards to broker relationships between employers, prisons and people coming out of prison to find work and training opportunities. However, there are multiple barriers to this working, in particular the lack of access to internet and technology, failing education provision, lack of access to education places in prison and the urgent need for criminal record reform.

Another barrier to employment after release is the need for people in approved premises having to pay for their accommodation if they are working, which sets up a disincentive.

For more detail:

[Education: Are prisoners being left behind? | Criminal Justice Alliance](#)

[Purpose and connection: A briefing in advance of the Prisons White Paper | Criminal Justice Alliance](#)

Drugs and drug policy

Drug use is primarily a public health matter that is often made worse by a criminal justice approach, as set out in the Misuse of Drugs Act 1971 (Our members tell us that the UK drug legislation is now an active cause of the problem. Research shows the current framework makes drug use more unsafe, which leads to drug-related health issues and deaths. The risk of criminalisation is an obstacle to accessing treatment, particularly for young adults and the stigma of using drugs prevents access to evidence-based 3 drugs education. Some of our members reported to us that the harms caused by contact with the criminal justice system, and the impact criminalisation and imprisonment can have on life chances, outweigh any harms caused by drug use itself. Enforcement efforts are often ineffective, counterproductive and disproportionately impact on Black, Asian and minority ethnic communities.

We recommend responsibility for drugs policy is transferred from the Home Office to the Department of Health and Social Care (DHSC), as was 'strongly recommended' by the Health and Social Care Committee in 2019.¹² A Minister for Drugs should be appointed to DHSC to lead on drug policy, with potential for cross departmental working with the Minister for Crime and Policing in the Home Office and Ministry of Justice. Dame Carol Black also stated that enforcement activity

can have unintended and negative consequences, such as increasing levels of drug-related violence and involving more people in the criminal justice system.

The Misuse of Drugs Act is 50 years old but has never been subject to a formal government evaluation or review: the terms of reference for Dame Carol Black's Independent Review of Drugs clearly stated that changes to the existing legislative framework would be 'out of scope'. This is despite calls for a Royal Commission on Drugs and more recent demands by cross-party MPs for a full legislative review. As such, we recommend the government commission Dame Carol Black to undertake a third part of her Independent Review of Drugs, which should focus on the potential for licensing, decriminalisation, legalisation, regulation and taxation of drugs in the UK. Her remit should specifically include the ability to make recommendations for legislative change.

A wide, evidence-based range of drug treatment, services and education is needed to provide appropriate care for people who are dependent on drugs. Therefore, we recommend local authorities commission a full range of evidence-based harm reduction and treatment services to meet the needs of their local population, in line with national clinical guidelines and commissioning standards. This was also recommended by Dame Carol Black. CJA members want to see greater use of Community Sentence Treatment Requirements, drug diversion schemes, drug courts and the role of naloxone in preventing drug-related deaths. There is a need for greater national co-ordination and oversight of these initiatives in order to address the significant variation of support across the UK.

Over one-third of people in prison are there due to crimes relating to drug use, and most are serving short sentences for acquisitive crimes related to their drug dependency, largely for theft. CJA member Revolving Doors Agency has found that three in five people who receive custodial sentences of less than six months report having a drug or alcohol dependency on arrival at prison. There is strong evidence suggesting that short sentences are not effective at reducing reoffending or addressing the causes of crime, particularly when drug dependency is the cause. Due to their short sentences, people in prison who are drug dependent spend little time in treatment; many people only receive treatment for two weeks or less. Scotland introduced a presumption against short custodial sentences of less than three months in 2011, which has recently been increased to sentences of up to 12 months, to reduce prison 'churn' and increase the use of community sentences. We recommend introducing a presumption against the use of short custodial sentences of less than six months, with a view to increasing this to 12 months.

For more detail:

[Home Affairs Select Committee drugs inquiry response | Criminal Justice Alliance](#)

Tackling racial discrimination and inequality

Experiencing racism and discrimination in prison or while on probation can result in harm and trauma to the individual, as well as hampering efforts towards rehabilitation. Lack of culturally sensitive services can fail to engage people effectively or understand their specific needs. There is more work to be done to ensure that the recommendations of the Lammy Review are implemented and outcomes for Black, Asian and minority ethnic people in the criminal justice system improve. Reports from the CJA as well as HMI Prisons, HMI Probation and others set out the problems and solutions. For example, we recommend:

- At least one dedicated Band 6 non-operational member of staff for Equality, Diversity, and Inclusion work in each prison with a clear job description and objectives, as well as sufficient time, resources and training to meet those objectives.
- Improved funding / commissioning of specialist organisations working with Black, Asian and minority ethnic people.
- Identify racist and sexist attitudes and behaviours in prison staff applicants during the recruitment process.
- Work towards the ethnic profile of prison staff in each prison reflecting the ethnicities of people imprisoned in that establishment.
- Make sure Discrimination Incident Report Forms are independently scrutinised by an external specialist organisation and action is taken on any themes emerging from them.

For more detail:

[Towards Race Equality | Criminal Justice Alliance](#)

[Tackling Double Disadvantage: A 10-point action plan for change | Criminal Justice Alliance](#)

Professionals with lived experience

The value of diverse professionals including those with lived experience in building trust with individuals and communities was a strong theme with our members.

'The clinical commissioning group funded youth workers for targeted children and we got other funding to get mentors from Mentivity from London, as they have an understanding of grooming and country lines.'

'70% of the young men we work with had no father figure or they were in prison. We train some of the young men we have worked with who now have stability to become mentors and case workers. They are the biggest instigators of change, it's a really successful model.'

'I've been there and done it – my team is mixed, not every YP needs to meet me, I need diversity in my team to match with different young people's needs.'

However, there are numerous barriers preventing this from happening as widely as it could and should in the sector, due to stigma, discriminatory treatment, opaque and onerous vetting processes and lack of funding, training and progression routes.

'Access to schools and prisons for people with convictions can be hard, there are practical barriers like vetting, even if you have worked in other schools or prisons.'

'How schools treat us when we try to mentor students. There is also a hardship to get in. I thought we were all here to help young people?'

'It took a long time for me to work my way up management level.'

For more details:

[Change from Within: Insights from people with lived experience working to improve the criminal justice system | Criminal Justice Alliance](#)

Part three: priorities

If you were the Secretary of State for Justice, what key changes would you make to the criminal justice system as a matter of priority?

1. **Reducing the prison population** - for example by introducing a presumption against short sentences, reducing remand and increasing time served on licence in the community.
2. **Meaningful cross-departmental and cross-sector working and investment in prevention and resettlement** - breaking down silos through a greater focus on whole system-change.
3. **Reducing racial disparities** – for example through increased scrutiny and accountability across the CJS and drug policy and policing reforms.
4. **Workforce** – improved training and clinical supervision/support, increased diversity and valuing lived experience in front line and leadership roles.
5. **Reducing stigma and changing the narrative** – such as using people first language (e.g. not using the terms offender and ex-offender), avoiding sensationalist narratives and reforming the criminal record regime.

For more details on narrative:

[TJ Framing Toolkit WEB4.pdf \(transformjustice.org.uk\)](#)

[Resolving-crimes-without-going-to-court-a-messaging-guide.pdf \(transformjustice.org.uk\)](#)

[Bridges from prison: a communications toolkit for making the case for jobs and relationships | FrameWorks Institute](#)

Part four: Savings opportunities

Please give examples of financial waste or savings opportunities within the criminal justice system and/or the MOJ that could be more effectively invested.

Halt unnecessary and expensive prison expansion plans: The government's latest spending review committed to a £3.8 billion investment for 20,000 additional prison places. The government should focus on efforts to reduce the prison population without compromising public safety, thereby preventing the need to build new prisons.

Greater use of diversion: Prosecution and court-imposed sanctions are neither effective nor cost-effective for many crimes and those who commit them: Most court convictions result in a fine (78%) or a conditional/absolute discharge (3%) neither of which involve rehabilitation or making amends.

Digital strategy for prisons and probation: The current piecemeal approach is ineffective and results in a huge amount of wasted time, effort and resource. There is still a huge reliance on paper files and systems that do not talk to each other or share data, meaning multiple assessments, time wasted transcribing notes into a digital format when outside the prison. It is also a huge barrier for external providers to offer consistent services across establishments and hampers efforts to scale up good practice. In-cell time is wasted due to the lack of in-cell technology for education. Lack of controlled access to the internet hampers efforts to find employment, housing and plan for release – instead prison employment hubs had old fashioned paper index cards so vacancies are not up to date. A lack of video conferencing technology means lawyers, probation staff, community and voluntary sector agencies and employers do not have sufficient contact with people in prison – instead having to rely on post or visits which require staff resource and often long periods of travel. A national standard of technology in prisons would ensure that when people are transferred between prisons they do not have to 'start over' each time.

Please provide any additional comments below.

[The CJA's vision](#) of a fair and effective criminal justice system is one that is safe, smart, person-centred, restorative and trusted. These provide a clear set of principles for reform of the CJS.

Success will rely on the approach taken to designing policies and services. Meaningful consultation and collaboration with practitioners and people directly impacted is critical in order to co-design responses which will work. Members have identified that too often consultation is carried out in a tokenistic manner and there is no feedback loop or identified change happening as a result:

- *'There is a lethargy. We've just done recruitment and people aren't applying. They don't see what difference it makes.'*
- *'They are not remunerated for their lived experience. Members of the Black community are asked to give lived experience again and again, but nothing seems to happen with it. Our mayor did a knife summit, and it was same questions asked to our young people, so they didn't engage. When asked they said we told you two years ago, but there was no feedback, no change so why would we engage? There is distrust.'*
- *'The community needs to step up, but we need action now. Like David Lammy said, there's a lot of movement, but Black communities need to see in their daily lives that something has shifted.'*
- *'There is a sense of disempowerment. We are just a bunch of mums, stealthily bringing the communities voice to upper echelons. Community engagement should not just be a tick box. We need to collate true authentic voices and ensure they are heard.'*

For more information please contact:

Nina Champion, Director, Criminal Justice Alliance
Nina.champion@criminaljusticealliance.org.uk