

# Press Notice

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## Independent inspection of adult & youth offending work



**EMBARGOED: NOT FOR USE UNTIL 00:01 - 17 December 2009**

**A JOINT INSPECTION OF WORK PRIOR TO SENTENCE WITH OFFENDERS WITH MENTAL DISORDERS  
BY HMI PROBATION, HM CROWN PROSECUTION SERVICE INSPECTORATE, HMI COURT ADMINISTRATION AND HMI CONSTABULARY**

A joint inspection report was published today by HMI Probation, HM Crown Prosecution Service Inspectorate, HMI Court Administration and HMI Constabulary on work with offenders with mental disorders.

The joint inspection team, led by HMI Probation, found that, although concerns about individual's mental health once identified, were followed up in almost all cases seen, communication between the criminal justice organisations could be made more systematic and effective.

Andrew Bridges, HM Chief Inspector of Probation, speaking on behalf of the four Chief Inspectors, said:

“We found, perhaps surprisingly, that there was not a clamour from either criminal justice or health professionals for diverting an increased number of offenders from prosecution. Most felt that the majority of such offenders could and should be expected to take responsibility for their actions, and that treatment should be alongside rather than instead of court action. However, in the minority of cases, the ones who were suitable for diversion, there did appear to be scope for greater efficiency by diverting these earlier in the process, before they got to the court stage. Most of the areas we visited would also benefit from a better quality and more timely psychiatric report service once at the court stage.

More generally, whilst we would not suggest that mental disorders ‘cause’ people to start offending, except in a small number of cases, it was clear that treatment did help some current offenders to stop offending, so sustained access to treatment continues to be very important.”

### **Key findings from the inspection**

1. Effective planning was impeded by the lack of a national agreed definition of offenders with mental disorders, the paucity of data and the incompatibility of recording and data collection systems amongst the key criminal justice organisations.
2. Despite recent activity at a national level, organisations were still working to the 1990s guidance and strategic planning at a local level was underdeveloped. Although a great deal of effort was initially put into diversion projects, the momentum had not been maintained.
3. Concerns remained, however, about the engagement of the health services and the subsequent availability of treatment for the many offenders who had less serious mental health issues or whose mental illness was associated with substance misuse.
4. Cases were discontinued, where appropriate, and we saw little scope for increasing the total numbers diverted. It would, however, appear possible for the number of cases diverted from prosecution at the earlier, pre-charge stage to be increased. Whilst this would not result in any overall change, it would mean a rise in number diverted before the court processes were invoked, thereby benefitting both the individual and saving public time and money.
5. Many of the issues raised in this report were also highlighted in Lord Bradley’s independent review of offenders with mental disorders in the criminal justice system, published in April 2009. The recommendations from this review are currently being taken forward through the Health and Criminal Justice Delivery Plan.

### **Recommendations**

1. The report contains a number of recommendations directed at the Home Office, Office for Criminal Justice Reform, Department of Health, Department of Children, Schools and Families, Ministry of Justice, Youth Justice Board, police forces, local health and social care agencies and criminal justice organisations to address the findings detailed above.
2. Details of the recommendations are given in the notes to editors.

## Notes to editors

### The inspection

- In total we looked at the work carried out in 130 cases, as reflected through the case files held by the different criminal justice agencies. The sample inspected comprised:
  - 80 police records
  - 61 CPS files
  - 42 Pre Sentence Reports produced by the Probation Service
  - 58 court files.
- Fieldwork for the inspection took place between November 2008 and February 2009, during which time we visited six areas: Dyfed-Powys (Aberystwyth and Carmarthen), Greater Manchester (Bolton), London (Camberwell), West Mercia (Hereford), Warwickshire (Nuneaton and Leamington Spa) and Wiltshire (Swindon).
- The inspection report recommends that:
  - *the Department of Health, Department for Children, Schools and Families, the Ministry of Justice, the Youth Justice Board and the Home Office adopt a common definition that defines the scope of offenders with mental disorders*
  - *the Office for Criminal Justice Reform (OCJR), in collaboration with the Home Office, Ministry of Justice and Department of Health ensure effective cross-cutting work with offenders with mental disorders by the development and implementation of guidance to local criminal justice organisations through the National Criminal Justice Board on the rigorous and systematic collection of data to promote joint working.*
  - *police forces, in collaboration with local health and social care agencies, develop joint protocols on the location and operation of places of safety, to include agreement on the 'exceptional circumstances' under which a police station is to be used.*
  - *criminal justice organisations, in liaison with local social care organisations, engage with their local Primary Care Trusts (PCTs) to ensure that assessment and treatment facilities for offenders with mental disorders are available promptly and of good quality.*
  - *the Ministry of Justice and the Department of Health review the arrangements for the commissioning and monitoring of psychiatric reports in order to ensure that delays in sentencing are minimised and that the reports are of good quality.*
- **The report will be available on the HMI Probation website from 17 December 2009 – <http://justice.gov.uk/inspectorates/hmi-probation>**
- If you would like an embargoed copy of the report please contact 020 3334 3525.
- Liz Calderbank is the contact for this report and is available for interview. Please contact her direct on 07973 384751, or contact Vikki Buxton in the press office on 020 3334 3525.