

**Harris Review
Liaison & Diversion
Round Table Event
14th January 2015**

Attendees

Lord Toby Harris	Laura Fairweather – NOMS
Deborah Coles	Jackie Ashby – NOMS
Graham Mackenzie (Secretariat)	Linda Robinson – Home Office, Safeguarding and Vulnerable People Unit
Mike McClelland – NAPO	
Sarah Salmon – Criminal Justice Alliance	

Apologies

Dr Dinesh Maganty	Mark Ashford
Stephen Cragg QC	Lissa Matthews
Neil Stone	Laura Griffin
	Rachel Halford

Welcome and Introduction

1. Attendees introduced themselves and outlined their role pertinent to the subject of the roundtable.

Objectives of the Roundtable

2. Lord Harris welcomed the attendees and outlined the aims of the review and specifically the objectives for the series of roundtable meetings that had been arranged.

Plenary Discussion

3. Local pilots where Mental Health practitioners are based in courts (e.g. Hammersmith) have assisted in production of pre-sentence reports that present a fuller picture of an individual for the Sentencers to consider when determining the appropriate sentence;
4. Many issues surrounding the consideration of alternatives to custody relate to the availability of the services locally and there are sometimes issues as many local services/organisations are reluctant to accept new individuals;
5. Majority of cases are now dealt with through consideration of pre-sentence reports produced on the day, as against the full reports which take 21 days to prepare. HMIP report on preparation for Transforming Rehabilitation identified that 37% of offenders were sentenced on the basis of full written reports and the remaining 63% (42% with short written reports and 21% oral reports) were sentenced on the basis of reports produced on the day. Impact of meeting disposal targets and economies of scale, i.e. cost of

producing a report on the day as against the cost of producing over 21 days;

6. Move towards greater use of reports produced on the day increases the risk that an individual's mental health issues will be missed or overlooked and not made aware either to the Court or subsequently to the custodial establishment;
7. There is a specific issue regarding this particular age group and understanding that chronological age might not match up with an individual's maturity;
8. Consideration should be given to whether lessons learnt from the younger age group (i.e. under 18) could/should be applied to this age group. Areas for consideration include a less adversarial approach by Sentencers, instead becoming more pro-active and solution focussed. There have been pilots in Manchester where aspects of this approach worked; however, it was acknowledged that results were driven by individual Sentencers and had not been as successful in other courts;
9. There is a problem at the point of transition (i.e. from youth to young adult) regarding the reduced level of support and assistance provided to an individual;
10. Unclear as yet how identification and presentation of alternatives to custody will operate under changes delivered through Transforming Rehabilitation (TR). The ability to react quickly to changes in prison population or overall crime rate might not be as easy under TR due to the need to consider contractual implications;
11. There was a recognition that there have been innovative approaches applied by private companies and it was hoped that such innovations might be delivered through the TR changes;
12. Recognition that in some instances, where custody threshold has been breached there are very limited sentencing options available for vulnerable young adults beyond a custodial sentence, compounded through the increased use of on the day pre-sentence reports;
13. Often with this particular age group there is difficulty in getting them to open up and discuss their issues or concerns and sometimes the only way to ascertain any information is through discussions with the family – something which can be restricted if producing an oral report;
14. NOMS are in the process of updating the Probation Instruction on the production of Pre-sentence reports and are in discussion with the Prison & Probation Ombudsman to develop an updated version. The changes will look to respond to the observations by HMIP on the implications arising from Transforming Rehabilitation (http://www.justiceinspectorates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2014/12/Transforming_Rehabilitation-Early_Implementation1.pdf)
15. There was a tacit acknowledgement that many see it as an easier option to remand an individual in order to secure a quicker mental health assessment, than trying to secure an assessment through the co-commissioning community based route;

16. Similar to whether lessons could be learnt from the approach applied to the under 18 age group, there was discussion about whether a similar approach to that adopted for female offenders post-Corston, namely a more holistic approach across the relevant organisations;
17. Many of the issues impacting upon the ability to determine the appropriate course of action for vulnerable young adults relates to the lack of consistent data exchange between CJS organisations and the relevant health and mental health care providers, and
18. There would be significant downstream benefits arising from investment in interventions at an early stage – prevention is always better than a cure. It is not always clear to politicians and those involved the whole life cost of a crime, including the cost to the victim, the offender and the relevant CJS organisations. Diversion away from the CJS might help to reduce that cost and potentially lead to a reduction in re-offending.

Summary of Findings

19. Lord Harris summarised the observations and comments made by those attending:
 - Where available, Mental Health practitioners based in Courts provide a valuable resource;
 - Introduction of disposal targets for the Courts and CPS has meant an increase in the use of fast-track or oral pre-sentence reports;
 - Unique nature of the 18 to 24 age group not always appreciated, especially in relation to their maturity;
 - Availability of local health & mental health facilities as part of sentencing or treatment options, compared to availability through custodial establishments;
 - Limited sentencing options available to Sentencers once custody threshold exceeded, and
 - Could lessons be learnt and applied from the approach taken for under 18s, through YOTs for this particular age group?