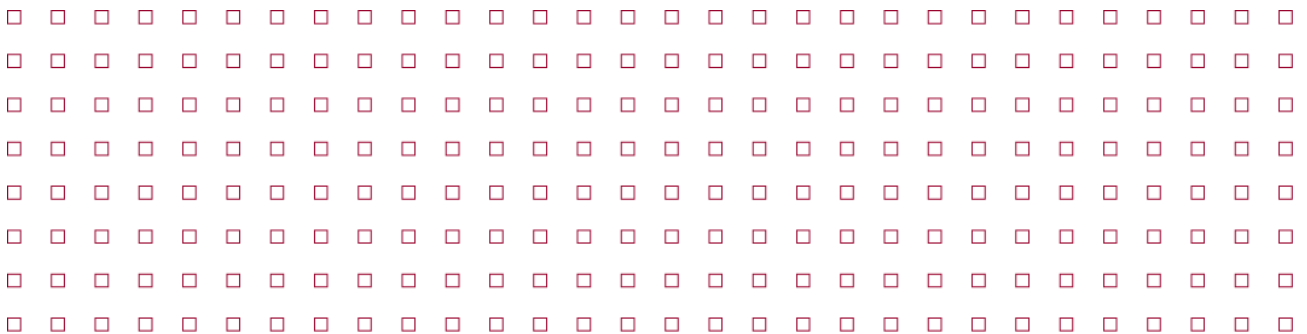




Ministry
of Justice

Update on progress in addressing the needs of ex-armed services personnel in the criminal justice system



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Life in the armed forces is generally a positive experience for the individuals concerned and a protective factor, which means that ex-armed service personnel are less likely than the general population to commit criminal offences, making their number in the criminal justice system (CJS) relatively small. For those that do find themselves within the CJS, the Government is committed to making sure that they, as with all offenders, have the support they need to turn their lives around and stop reoffending.

The recommendations made in the independent review into the rehabilitation needs of ex-service personnel in the CJS, led by Stephen Phillips QC MP last year, support the following key themes:

- Better identification and tracking of ex-service personnel who enter the CJS;
- Improving the knowledge base about the rehabilitation needs of this cohort to inform referrals to treatment and other services;
- Ensuring that the provision of rehabilitation services responds to the needs identified for these offenders;
- Greater awareness and training about the issues affecting ex-service personnel amongst practitioners, sentencers and other key staff who may come into contact with this group; and
- Greater partnership working between Government departments and independent organisations to take account of the needs of ex-service personnel.

The Government published its response to the review in December 2014 and the Ministry of Justice agreed to publish a review of the progress against this response within a year of its publication. Details of key progress are set out below. Future updates will be included in the Armed Forces Covenant Annual Report published by the Ministry of Defence.

Better identification and tracking of ex-service personnel who enter the CJS

Estimates of the number of the number of ex-service personnel in the CJS vary. A Ministry of Defence study estimated that ex-service personnel comprised around 3.5% of the prison population in 2009 and around the same percentage of offenders on probation. This is less than the adult population as a whole; around 9% of the adult population in England are ex-service personnel.

We are increasing the number of opportunities for ex-service personnel to disclose their military history as cases proceed through the CJS.

Liaison and Diversion (L&D) services at police stations and courts, which for referred offenders records whether an offender served in the armed forces, have been extended this year to provide coverage to over half of England. In the first six months of 2015/16 (to 30 September 2015), ex-

service personnel made up less than 2% of the L&D dataset, which recorded over 24,000 cases in that period. The minimum dataset identified 542 people referred to the L&D service that are either a “Veteran” or a current member of the armed forces. Of these 542 referrals, 60 people declined to engage with the L&D service leaving 482 who could be helped. Of these 482 people, 49 are current members of the armed forces and 433 are “Veterans”. Subject to a successful business case to HM Treasury, L&D services will be rolled out across the country by 2017.

In January this year, a question was added to the Basic Custody Screening Tool (BCST), an assessment for all newly received offenders into custody (both convicted and unconvicted), which asks anyone received into prison whether they have served in the armed forces or as a Reservist.

These data are subject to similar limitations as previous studies in that results are based on self-reported armed forces membership. However, early data show that the question has a relatively high response rate of around 85% and as the question is asked of all those received into prison rather than a sample, results should prove more representative than the small-scale studies carried out previously. Early indicative results are in line with results from the 2009 MoD study, albeit that the BCST is based on prison receptions rather than prison population. We intend to publish this data in 2016 once sufficient validation and quality assurance checks have been completed.

Furthermore, the National Probation Service (NPS) will be introducing a new electronic record as part of Equality Monitoring on the national Delius case management system. The Equality Information Form (EIF), will include the question ‘*Are you serving or have you served in the armed forces?*’ It is intended that the EIF will be completed on all offenders who have a pre-sentence report completed, including oral and fast delivery reports. This is being introduced in early 2016.

Improving the knowledge base about the rehabilitation needs of ex-service personnel in the CJS to inform referrals to treatment and other services

The Ministry of Justice published two pieces of analyses in December last year which found in general, the needs of ex-service personnel are broadly similar to those of the general offending population in the CJS, although specific areas of need may be more prevalent. For example, ex-service personnel had similar levels of reported general mental health problems to other prisoners, though they may have greater levels of need in depression, Post-Traumatic Stress Disorder, and adjustment and identity issues. They may also have greater levels of need than others in alcohol misuse but are less likely to have drug misuse need. There is also some evidence to suggest that levels of physical health problems and disability might also be higher among ex-service personnel.

The L&D services are enabling specific information about the needs of offenders, who may also have a military background, to be captured. This information is shared with probation services and other practitioners to enable providers to tailor rehabilitative work to the needs and characteristics of the individual offender. By recording this information over time, we will be better able to identify and understand the particular needs of this group.

For example, of the 482 individuals with a military background who agreed to engage with L&D services in the six months to 30 September 2015, 94% had a need identified as set out in Table 1 below. The most common need to be identified was a mental health need, which was a need identified amongst 67% of current members of the armed forces and 82% of “Veterans”. This may overestimate the needs of those with a military background as it only covers those who were referred for L&D services.

Table 1: Identified needs of Veterans and Members of the Armed Forces engaging with L&D (data from pilot sites; April 2015 – September 2015)

	Current Member of Armed Forces		Veteran	
	N	%	N	%
Any Need	46	94%	408	94%
<i>Breakdown of needs:</i>				
Physical Need	*	*	83	19%
Mental Health Need	33	67%	354	82%
Learning Disability	*	*	*	*
Social and Communication Difficulty	*	*	12	3%
Risk of Suicide/Self-Harm	14	29%	96	22%
Alcohol Abuse Problem	12	24%	186	43%
Substance Misuse Problem	9	18%	101	23%
Accommodation Need	*	*	75	17%
Financial Need	*	*	45	10%
Gang Involvement	*	*	*	*
Abuse Victim	*	*	40	9%

Table Notes:

This data should be treated as indicative only. “Veteran” status is self-reported therefore it is possible that the number of veterans and serving members of the armed forces using L&D services is understated.

Individuals may have more than one need identified.

The table only covers needs identified. It is possible that individuals may have further needs which have not been identified.

Some of those that declined to engage with the L&D service still had needs identified, but these individuals have not been included in the table.

** An asterisk has been used to suppress values of five or less. This is to prevent the identification of individuals. Further disclosure control may be completed where this alone is not sufficient.*

Ensuring that the provision of rehabilitation services responds to the needs identified for these offenders

All prisoners, including ex-service personnel, are eligible for the full range of interventions and services mandated through what is referred to as the NOMS core rehabilitative offer as well as specialist services related to their individual risk and needs.

In prison, Governors have responsibility for reviewing and planning services to meet the needs of their population. They may work with armed services charities, such as The Royal British Legion (TRBL) and SSAFA (Soldiers, Sailors, Airmen and Families Association), who send caseworkers to support and work with ex-service personnel in some prisons.

As a part of the Transforming Rehabilitation reforms, eight providers took over the running of the Community Rehabilitation Companies (CRCs) on 1 February this year. These providers are now incentivised to reduce reoffending through Payment by Results contracts. The extension of statutory supervision to offenders sentenced to under 12 month custodial sentences also commenced on 1 February. In regard to services for ex-service personnel in particular, CRCs are in the process of deciding from which supply providers they wish to commission services on an ongoing basis and are finalising their decisions. For example, Purple Futures, who operate CRC services in 5 contract regions in England, are using the services of RFEA - the forces employment charity, Re-Org Trust, Royal British Legions Industries, SSAFA (Soldiers, Sailors & Airmen Families Association) and About Turn as part of their provider framework. In other CRC areas, work to finalise supply chains continues and more detailed information on which providers have been chosen should be available once all CRCs have finalised their decisions. Through the contract management process, we continue to work very closely with all providers to ensure they fulfil contractual commitments, reduce reoffending and maintain public safety.

NOMS also encourages the sharing of good practice such as the Veterans in Custody Scheme across the prison estate. Although there is no evidence to suggest that the resettlement needs of ex-service personnel in the CJS as a group are distinct, the use of mentoring services has been found to be a beneficial addition to formal services and interventions.

A pilot of Care after Combat's Phoenix Project is also being overseen by NOMS. Care after Combat have introduced a mentoring scheme for ex-service personnel who are within 12 months of release. The aim is to reduce reoffending by coaching or mentoring in a style that is more suited to those with a military history. They can also provide accommodation and employment/training opportunities on release. Care after Combat have now been operating in three prisons in England since July 2015, and are engaging with a further two. They are about to start a pilot in Wales. They have engaged nationally and locally with the CRCs and their providers in each establishment. Their pilot is due to finish at the end of June 2016. The evaluation of this project will inform our understanding of what outcomes the programme is able to deliver.

With regards to the issue of domestic violence, we understand the King's Centre for Military Health Research has recently secured funding for a four year study to look at domestic violence among serving and ex-service personnel, which will begin in January 2016. We will monitor the progress of the study as we recognise that the impact and prevalence of domestic abuse can be significant and long lasting. In order to help offenders overcome the issues created by domestic abuse, NOMS staff:

- Model and promote healthy non-violent relationships.
- Challenge and prevent abusive behaviours.
- Deliver the accredited Building Better Relationships programme both in custody and the community.
- Take account of the potential for domestic abuse when conducting risk assessments for release on temporary licence or home detention curfew.

- Use Multi-agency public protection arrangement for the management of individuals who have serious offences and pose high risk of serious harm.

NOMS in Wales continues to work in line with the principles of Welsh Government guidance, *Ex-Armed Forces in Prison*, for example identifying a Veteran In Custody Support Officer in every Welsh Prison and working collaboratively with health and third sector specialist veteran services to support ex-service personnel in Welsh prisons. The Wales Reducing Reoffending Strategy identifies ex-service personnel as one of five priority offender groups for which Integrated Offender Management (IOM) principles should be utilised. The ultimate goal is to implement a whole-system, multi-agency approach to supporting ex-service personnel, from arrest to their exit from the CJS.

Greater awareness and training about the issues affecting ex-service personnel amongst practitioners, sentencers and other key staff who may come into contact with this group

We have been exploring opportunities for encouraging awareness and improving training for practitioners on the issues that may affect ex-service personnel who enter the CJS or are at risk of doing so.

NOMS is currently updating guidance for staff on working with ex-service personnel in custody and the community. The guidance will be laid out in the form of a *Better Outcomes for ex-armed service personnel* document. It will use evidence-based principles to help staff improve outcomes for ex-service personnel offenders. It will also support a more effective approach to improving offenders' engagement with rehabilitative activity. This is to maximise the benefits of services delivered, and to ensure that they are delivered in ways that are most likely to be responded to. The document, once published, will be issued to staff working with ex-service personnel and shared with other criminal justice professionals. It is anticipated NOMS will publish this guidance early in 2016.

We are working with the Home Office to explore with the College of Policing the possibility of including content on ex-service personnel in Approved Professional Practice and/or relevant police training modules.

The Judicial College has considered whether any amendment is required to the Equal Treatment Bench Book to reflect circumstances that may be presented by ex-service personnel cases and concluded that the existing structure and content of the bench book enables judges to refer to relevant sections without the need for further amendment. The College further advises social context issues are woven in to the case studies used in training events in line with the College Strategy. These case studies on issues of social context are regularly refreshed and may feature issues relevant to ex-service personnel. The College does not recognise a need for greater awareness or training on the issues affecting ex-service personnel above any other social context issue.

The Bar Council and Law Society are bodies independent of Government. The Bar Council confirm that their current publications and practices support the needs and vulnerabilities of this cohort. The Bar Council has been proactive in providing materials for advocates who encounter vulnerable people in the justice system. The Advocacy Training Council has been working with various professionals and experts to develop the Advocate's Gateway which gives free access to practical, evidence-based guidance on vulnerable witnesses and defendants.

The Law Society confirm that it runs seminars for criminal solicitors whenever there are new developments or services to inform their members about. For example in 2014, NHS England, Prison Reform Trust and a solicitors firm were invited to deliver a seminar on the challenges faced by defendants with mental health needs or learning difficulties, and the support that is available to them such as through the NHS Liaison and Diversion Scheme. Furthermore, the Law Society also recently produced a practice note on meeting the needs of vulnerable clients, which includes in its list of vulnerability indicators, risk factors such as mental health problems and long term alcohol misuse to be considered when identifying vulnerable clients.

Greater partnership working between Government departments and independent organisations to take account of the needs of ex-service personnel

We are pleased to report that the Covenant Reference Group identified support to ex-armed service personnel in the CJS as one of the funding priorities for the £10m Armed Forces Covenant Fund for 2015/16, which opened to applications on 13 August 2015. Applications are currently being considered with final decisions and awards due to be announced in March 2016.

The Government has also committed funds from banking fines to service charities working with ex-service personnel in the CJS. Care after Combat has been awarded £1m to further develop and extend their Phoenix Project, and Skillforce will receive £1.6m to use ex-service mentors to engage the hard to reach within the school system and vulnerable ex-service personnel in police custody.

We value partnerships with voluntary, Community and social enterprise (VCSE) organisations and the expertise they provide and we are currently working with a number of charities and other VCSE organisations including Cobseo, the Confederation of Service Charities. Although we are unable to pilot every idea, we will continue to work with the VCSE to test innovative ideas and concepts through available funding streams.



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