

**Department of Justice
Departmental Response
to recommendations in the Northern
Ireland Audit Office's Report
Mental Health in the Criminal Justice
System**

**Presented to the Northern Ireland Assembly
by the Department of Justice**

22 July 2019



© Crown copyright 2019

This publication is licensed under the terms of the Open Government Licence v.3.0 except where otherwise stated. To view this licence visit www.nationalarchives.gov.uk/doc/open-government-licence/version/3/.

Where we have identified any third party copyright information, you will need to obtain permission from the copyright holders concerned.

Any enquiries regarding this document should be sent to us at:

Department of Justice
Block B
Castle Buildings
Stormont Estate
Belfast
Northern Ireland
BT4 3SG

Or emailed to: DOJSMPPHRPB.Correspondence@justice-ni.x.gsi.gov.uk

You can download this publication from the Department of Finance website at: <https://www.finance-ni.gov.uk/articles/departmental-responses-niao-reports>.

Contents

Pages 5-6

Department of Justice:
Mental Health in the Criminal Justice
System

Glossary of Abbreviations

DoH	Department of Health
DoJ	Department of Justice
NIAO	Northern Ireland Audit Office
PfG	Programme for Government

DEPARTMENT OF JUSTICE DEPARTMENTAL RESPONSE TO NORTHERN IRELAND AUDIT OFFICE (NIAO) RECOMMENDATIONS IN THE NIAO'S REPORT OF 14 MAY 2019 ON "MENTAL HEALTH IN THE CRIMINAL JUSTICE SYSTEM"

Department of Justice

Mental Health in the Criminal Justice System

The responses within this Departmental Response have been made at official level. Where specific recommendations relate to issues of policy these will require Ministerial endorsement.

NIAO Recommendation 1

Establish a justice/health leadership group, with dedicated staff with specific skills to coordinate the activities of justice and health bodies to embed cross-sector communication, alignment, and the collaboration necessary to address mental health and other Problem Solving Justice issues.

The Department of Justice (DoJ) accepts this recommendation, which has already been implemented.

Since the initial fieldwork for the Northern Ireland Audit Office (NIAO) review was carried out, a senior level Health in Justice Oversight Group jointly led by DoJ and the Department of Health (DoH), has been established. The purpose of this group is to provide strategic oversight of the delivery of the Improving Health within Criminal Justice Strategy and Action Plan, which was published on 28 June 2019, and which includes actions to improve outcomes for those with mental health issues who come into contact with the criminal justice system.

A Director from NIAO attended the inaugural meeting of the Oversight Group on 12 April 2019 to provide an overview of the main findings from the NIAO report.

A Health in Justice Strategy Implementation Group has also been established. The Implementation Group is co-chaired by the Director of Rehabilitation Division in DoJ and the Director of Secondary Care in DoH, and includes representatives from a wide range of organisations within both the justice (Police Service of Northern Ireland, NI Prison Service, Youth Justice Agency, Probation Board for Northern Ireland) and health (Health & Social Care Board, South Eastern Health & Social Care Trust, Public Health Agency) sectors. The purpose of the Implementation Group is to take forward the actions in the Action Plan and to report on progress to the Oversight Group. The Implementation Group will also provide regular thematic updates to the Oversight Group on key issues such as mental health, raise any issues of concern and take forward any additional areas of work as directed by the Oversight Group.

DoJ believes these new arrangements will provide a more structured approach to joint working across the health and justice sectors, building on the positive relationships that have already been established.

NIAO Recommendation 2

The justice system should develop a shared, system-wide definition of mental health issues through a process of stakeholder engagement. This definition should include a clear statement of what improved outcomes for offenders with mental health issues look like.

DoJ accepts this recommendation.

DoJ agrees with NIAO's view that the development of a shared definition of mental health issues, through a process of stakeholder engagement, would be helpful and should assist in providing clarity on the improved outcomes DoJ are seeking for offenders with mental health issues. Monitoring the key groups that fall within this definition will be challenging, given that mental health issues amongst offenders are often highly correlated and co-existent with a range of other vulnerabilities and individual challenges, which can create difficulties in terms of the accurate capture of information. However, this recommendation will be taken forward through the Health in Justice Strategy Implementation Group, which will work towards developing a definition as outlined above, and a statement of what the various improved outcomes for offenders with mental health issues would look like.

NIAO Recommendation 3

The justice system should review its current reform initiatives in the context of delivering improved outcomes for offenders with mental health issues. This should be underpinned by robust performance measurement and baselines, linked to PfG outcomes and an action plan to deliver a positive change.

DoJ accepts this recommendation in principle.

There are a number of reform initiatives being taken forward to support the delivery of Outcome 7 of the draft Programme for Government: ‘We have a safe community where we respect the law and each other’. DoJ will carry out a review of these in the context of delivering improved outcomes for offenders with mental health issues to ensure these are as comprehensive as possible.

The Health in Justice Action Plan (referred to in the response to recommendation 1) already includes a range of actions to deliver a positive change and improve outcomes for those with mental health issues who come into contact with the criminal justice system. This includes, for example, actions in relation to mental health street triage, ensuring consistent practice on personality disorder and forensic mental health, care pathways for adult mental health services, reviewing mental health and psychological therapies in prison custody, low to medium secure mental health facilities, the diversion and support of vulnerable individuals coming into contact with the criminal justice system, and accommodation for mentally disordered offenders.

In addition, DoJ is considering the scope to pilot a Mental Health Court as part of the Problem Solving Justice approach. This specialist court would assist in the delivery of mental health interventions in the community in partnership with the health sector, to reduce offending behaviour linked to mental health, and increase treatment compliance with improved psychological well-being. It is anticipated the Mental Health Court would reduce the number of individuals going to prison with mental health needs and improve public safety by reducing the tendency of people who have mental health problems that have come into contact with the criminal justice system to relapse into criminal behaviour.

DoJ acknowledges the importance of measuring the impact of reform initiatives, and outcomes for offenders with mental health issues, though would highlight that the justice sector does not gather healthcare data and DoJ is keen to ensure that addressing this recommendation does not inhibit the pace of reforms which have been recognised as priorities. However, DoJ will consider what more can be done to capture the outcomes of its reform initiatives.