

ADASS Submission to the House of Commons Justice Committee

This submission to the Justice Committee is in response to the call for evidence from the Association of Directors of Adult Social Services (ADASS). The ADASS is a membership organisation for those working in adult social care. As a charity we work with professionals, other organisations and people with lived experience to influence decision makers, policy and legislation. Our membership is drawn from serving statutory Directors of Adult Social Services employed by local authorities and their direct reports.

This submission follows the headings and questions put by the Committee with the submission in italics below. The first two sections are solely focused on prisons and ADASS will respond in relation to Sections 2 and 3 where it has relevant comment:

SECTION 1: RE-OFFENDING – MEASURING THE PROBLEM

SECTION 2: REHABILITATION IN PRISONS

ADASS represents the 152 councils, with a statutory duty to provide adult social care to those in prisons. The best picture of what that means for councils is through the annual survey by ADASS of its members. The following gives a snapshot from the 2023 survey:

- *The number of referrals from prisons to councils, for those with mental health needs, rose from 61% in 2021 to 81% in 2023 of the 152 councils with social service duties. The number from prisons with safeguarding needs from domestic abuse was 64% of councils in 2023. 51% of councils experienced increased rough sleeping needs of ex-offenders.*
- *The overall proportion of councils with prisons in their areas is 60%. Increased need comes from:*
 - *a high % with mental health needs*
 - *an increase in people with long term health and social care conditions*
 - *an increase in the numbers of older people in prison*
 - *the pressure of establishing good links with new prisons being built*
- *Difficulties in access to people in prison, provision of disability and related equipment, and the breakdown of community and family connections, hinders social care contributing to rehabilitation.*

SECTION 3 – RESETTLEMENT SERVICES AND ALTERNATIVES TO CUSTODY

3.1. To what extent does the Probation Service have the capacity to support effective resettlement pre and post release?

The last two annual reports of the previous (2022/23) and current (2023/24) Chief Inspectors of Probation highlight the precarious state of the Probation Service. The Annual Report for 2022/23 highlights:

- *Long waiting lists and delays to the assignment of offenders*

- *Serious high profile case reviews (with more to follow)*
- *High caseloads and underfunding to meet demand*
- *Retention issues and low morale, together with reduced experience of staff due to retirement of experienced officers*
- *Centralised management linked to the Prison Service, since 2021, lost the benefits of localised management and stronger partnerships with allied organisations*

The key issues are the under investment in Probation staff – the lack in skills against needs of people in prison, the retention/experience of the workforce and their workload – especially following the recent emergency measures in early prison releases. The outcomes are the very high rate of reoffending post release (over 55%), serious cases of violence and Probation staff burnout. ADASS suggests the Committee examine the potential for significant change, reform and investment in the Probation Service to overcome the barriers of it playing a significant role in reducing reoffending and increasing public safety.

3.2. How does joint working between services happen so that ex-offenders receive the support they need post-release?

ADASS notes the patchy and overall lack of place-based local joint working by the HMPPS with key organisations that provide services to those with non-custodial and on release from custodial sentences. There is only a small number of safeguarding boards for children and adults (led by councils) where Probation is represented or accesses joint training such as in domestic violence. The key support in housing, training/education and social care by councils, mental health and addiction by NHS partners, a wide range of specialist support from voluntary organisations – all require local interagency and multidisciplinary working by the Prison and Probation Services and which is totally lacking in most areas. Even in the exception in Greater Manchester where Probation jointly commissions support with the regional authority (GMCA), the voluntary organisations commissioned note the absence of Probation in their work.

There are a disproportionate number of women, black and other minorities (such as LGBT, faith and older people) in prisons. Catering for their individual needs to achieve rehabilitation goals requires a very different approach to the one currently applied by the Probation Service. ADASS suggests that the principles of the Care Act should be applied – which emphasises person-centred interventions, focused on building upon individual strengths and social capital is more inclusive of diversity and lived experience.

ADASS suggests the Committee look at the governance of the Probation Service to ensure it is appropriately linked into localised networks of agencies and services – the civil service led HMPSS is unable to do this.

3.3. How effective is support provided to ex-offenders on release such as homelessness prevention, employment opportunities and health and wellbeing services?

In general terms the support specified should help ex-offenders from reoffending – however the figures of reoffending have consistently showed this not to be the case with over 55% reoffending after release. Custody frequently breaks what family or community links offenders may have (especially when most are sent to prisons a long distance from their homes) and therefore localised support is vital for successful post release support.

Increased use of open prisons near to the home areas of those being prepared for release would better enable multi-disciplinary support and incentives for prisoners to “own” resettlement opportunities.

ADASS considers a joint localised approach between councils, the Probation Service and local partners could do substantially more – especially on homelessness through councils, health/wellbeing through NHS, social care and voluntary organisations, and employment. This would require appropriate resources – which in turn would reduce expenditure on prisons and the criminal justice system.

3.4. What impact do licence recall conditions have on promoting resettlement?

There is a high risk from over-reliance on technology in licence conditions . Separation of technology such as tags through private companies, from supervision by the Probation Service increases this risk.

ADASS members have no direct involvement in the use of technology in sentencing. We would suggest that from the experience of people drawing on social care using technology i.e. be closely connected to and administered by well trained staff responsible for the outcomes of their care/intervention roles. This would help ensure it is accepted and used by the person achieve therapeutic goals. The same principle should apply to the criminal justice system – there is a risk of failure from a separation of technology from the enablement/supervisory functions and staff. This would mean licences combine the appropriate use of technology with supervision and agreed rehabilitation goals with the offender.

3.5. What role should non-custodial sentences have in promoting rehabilitation?

ADASS considers this aspect of the review the most important. The House of Lords Justice and Home Affairs Committee report “Cutting Crime: better community sentences” (December 2023), sets out the wider case for change, to restore confidence in community sentencing rather than an over reliance on prisons. It points out community sentences are half the number they were a decade ago. The outcome is an inevitable increase in prison sentences and numbers in prison.

- a) What impact would an increase in the use of non-custodial sentences have on resettlement services?

There is insufficient capacity in the courts, the Probation Service, councils and wider partners (NHS, housing and voluntary organisations) to provide significant increases in non-custodial sentences. ADASS suggests that an “invest to save” approach be taken by government, in finding transitional extra resources, to make the shift to preventative community sentences that significantly reduce custodial sentences over the next 5 years thereby providing longer term benefits.

- b) What, if any, changes to community sentencing should be introduced if the Sentencing Review recommends a move away from short custodial sentences?

The Justice Committee is invited by ADASS to consider the recommendations in the House of Lords report above with an ambition to seek a return to similar levels of community sentences that operated in 2010 (a 50% increase on those current).

There are three key changes ADASS suggests are considered:

The courts need to be enabled to better consider the causes of offending to tailor sentences that are a better balance between punishment and rehabilitation, the needs of victims and those of offenders. This could include:

- *“intermediate” courts with both judge and magistrates to reduce the load on crown courts*
- *greater use of pre-sentence reports from the Probation Service as part of wider reform of that service*
- *increased use of “problem solving” courts to enable local factors in offending to be tackled with multi-disciplinary support*

Reform of the Probation Service through short term, executive actions that enable the service to expand beyond the current focus on prison discharges to cater for the demand from courts on pre-sentence reports and community sentences as a start to rebuilding confidence in community sentences.

Introduce social work professional training, development regulation alongside retaining the best of current PQUIP probation training – that expands the skills and career opportunities for the workforce to meet the needs of offenders and improve staff retention. ADASS has concerns that the reduction in the length of probation training from 2 years to 1 year, the narrow focus on surveillance, offending behaviour and lack of career progression hinders the skills and experience necessary to cater for the serious risks of re-offending. Local multidisciplinary networks and skills in The Probation Service have a better chance to overcome causes of crime such as domestic violence, addictions, mental health and sexual or other serious offending.

In addition there needs to longer term legislative change to give the Probation Service a new and wider remit, powers in supervision in community sentences and prison licences, and statutory responsibility for performance through local governance (i.e. remove control from the HMPPS and devolve to local boards akin to Youth Justice that ensures local solutions to local offending). Children and Adult Safeguarding Boards (led by councils) are an example of the multi-agency approach to protecting vulnerable people which the Probation Service has no obligation to join and frequently does not.

c) What examples of best practice are there for effective resettlement?

ADASS has limited access to information on resettlement outcomes due to the paucity of information from the Probation Service on local performance. The same applies to the other partners in local networks such the Police and Crime Commissioners. Also, the recent restructures of the Probation Service (especially the renationalisation into HMPPS in 2021) have led to the dissolution of what local examples of best practice the councils were involved in.

The following is an example from 10 years ago in Oldham in Greater Manchester.

A family mediation scheme “Through the gate” linked to drug and addiction rehabilitation which were proven to be highly effective in reducing reoffending when

piloted previously in Oldham up to 2015 (there are no known current schemes to point to). It had a disciplined approach and incentives for those in prison to enter into a programme of reduction, or clean preparation for release, and a holistic support post release including housing, employment and family mediation. This was co-ordinated by the Probation Service, in partnership with the Depaul charity, the council and voluntary organisations. Depaul continue to operate a youth justice service with ("National Reconnect") which includes the same principles of social solutions and therapeutic face to face work with families.

Conclusion:

ADASS urges the Justice Committee recommend to government the reviews of different elements of the criminal justice system underway (the Sentencing Review, the Review of Courts, and this review) are coordinated to ensure an effective reform aimed at the return of confidence in criminal justice by the public, victims and communities across England and Wales.

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