



Publication of the Review of Ex-armed Forces in the CJS - Cross Government Response

As a society we have an obligation to ensure those who served in the armed forces are not disadvantaged because of their service. While I am reassured by the findings of this report that most ex-service personnel have successful civilian lives and do not enter the Criminal Justice System, the government's response demonstrates that we will consider any recommendation that will improve the lives of the small minority of ex-armed forces that commit offences.

The report makes it clear that the government must identify, assess and, where necessary, refer offenders for treatment.

The Liaison and Diversion programme in police custody and courts assesses offenders for vulnerabilities, such as mental health or alcohol misuse issues. Where appropriate, the service can refer onto an ex-armed forces specific service. This assessment will record whether an offender is an ex-armed forces, and will, where necessary, be passed onto prisons and probation.

I am also pleased to be able to say that as of January, every prisoner coming into prisons will be asked if they have been a member of the armed services. In addition, our reforms will ensure that for the first time in recent history, virtually every offender released from custody will receive statutory supervision and rehabilitation in the community.

Linked to this, the provision of a nationwide 'through the prison gate' resettlement service will provide continuous support for most offenders by one provider from custody into the community. We will support this by ensuring that most offenders are held in a prison designated to their home area for at least three months before release. Therefore whether ex-service personnel are serving a custodial or a community sentence, rehabilitation can be better focused on their needs. These are very important steps in the identification of ex-armed forces personnel and, therefore, the delivery of appropriate and improved assistance.

I have always been clear of my wish to see far greater use of mentors at the prison gate meeting offenders on their release, in order to help change offending behaviour. I therefore welcome the evidence found in this report on the effectiveness of mentoring, as well as local charities and support groups, in helping former service personnel.

The report highlights the importance of joined up working with service charities and other bodies to make sure provision of resources tailored to ex-servicemen's needs reaches them. My Department has products that collate the details of ex-armed forces charities, such as the Clinks Directory, the Just Mentoring website and the Confederation of Service Charities directory. We will continue to work with voluntary sector colleagues to enable these tools to be used to best advantage.

Some of these recommendations involve organisations independent of UK government, such as the Welsh Government, the Bar Council, the Law Society, the Confederation of Service Charities and the Judicial Council. I therefore cannot commit to recommendations on their behalf, but can commit to working with these organisations to help deliver the best outcomes for offenders.

I am grateful to Stephen Phillips MP QC and his team for conducting this review. I would also like to give my thanks to Rory Stewart MP for the work he did establishing the review before handing over to Stephen.

CHRIS GRAYLING

	Recommendation	Government response
1	<p><i>Within six months of the publication by the King's Centre for Military Health Research of their study examining domestic violence on the part of those who have served in the Armed Forces, the Secretary of State should make a statement to Parliament addressing the issue of domestic violence by former service personnel and the steps being taken across Government to address any issues identified as affecting this cohort of offenders and to prevent their offending.</i></p>	<p><u>Ministry of Justice</u></p> <p>The National Offender Management Service (NOMS) offers a range of services, interventions and risk management activities, which identify and address the individual needs of ex-Services personnel who are perpetrators of domestic violence.</p> <p>In addition to programmes designed specifically for domestic abuse, accredited programmes are available which address a range of needs related to domestic violence including: attitudes and thinking, emotion management, alcohol related violence and sexual offending.</p> <p>Also available are a range of relevant services, often working with other Government departments and their Agencies, including employment and education, substance misuse interventions, pathways for offenders with personality disorder, therapeutic communities, family and relationship services, relationship skills interventions and women safety workers. Multi Agency Public Protection Arrangements (MAPPA) and Multi Agency Risk Assessment Conferences (MARACs) are part of the co-ordinated community response to domestic abuse.</p> <p>Community Rehabilitation Companies will be mandated to deliver the sentence of the courts, including accredited Domestic Violence programmes.</p> <p>NOMS works in close partnership with the NHS in England and in Wales, who are responsible for funding and commissioning of health services in prisons. We will liaise with NHS England and the NHS in Wales to respond to the Kings research when it is published.</p>
2	<p>Data as to the numbers of those who have served in the Armed Forces and find themselves either in custody or subject to intervention by probation services should in future be routinely captured by the Ministry of Justice. Alongside such data, details of offences committed and the risk</p>	<p><u>Ministry of Justice</u></p> <p>From January 2015, we will use the Basic Custody Screening Tool to record whether remand and newly sentenced prisoners have been a member of the Armed Services when they first arrive in prison.</p> <p>In the community, nDelius (the community database) enables probation providers to flag whether or not an offender has been a member of the armed services, as does Prison NOMIS.</p> <p>The National Offender Management Service (NOMS) in Wales already follows Welsh</p>

	<p>factors associated with, and characteristics of, offenders should be analysed.</p>	<p>Government guidance on ex-armed forces informed Prisons. The information is sought from the prisoner at reception/induction stage through self-disclosure and recorded on P-Nomis.</p> <p><u>Digital Transformation</u> - the government has an ambitious programme of digital transformation designed to make the criminal justice system more effective and efficient and better able to meet the needs of all those using it – including victims and witnesses in particular. The Common Platform Programme is a key element of this digital transformation and is intended to enable seamless collection and management of information throughout the Criminal Justice System and this could include a range of information on victims, witnesses and defendants. The scope and delivery plan for the Common Platform is currently being developed but will mean that information is stored in one place, accessed by the right people, rather than being passed from agency to agency.</p> <p><u>The Liaison and Diversion Programme</u></p> <p>Liaison and Diversion services share reports on an individual’s vulnerabilities and history with Probation services as part of the Pre-Sentence Report process at court.</p>
<p>3</p>	<p><i>At every stage of an interaction between an offender engaged with the criminal justice system and a professional working within that system, information should in future be captured and recorded as to whether or not that offender has formerly served in the Armed Forces.</i></p>	<p><u>Home Office</u></p> <p>The Government has made important strides in eliminating unnecessary central recording requirements so as to ensure that the police are freed-up to perform their key function – which is to fight crime. It is for this reason that we do not consider it to be appropriate to introduce a new data requirement. It does not, however, prevent chief officers in forces from collecting this information and making it available at a force level, should they decide to do so.</p> <p><u>Liaison and Diversion Programme</u></p> <p>Liaison and diversion services, which are currently rolling out across police custody suites and courts in England, record whether suspects have served in the armed forces, and this information is shared with criminal justice agencies as part of a wider report on the individual, to inform charging and sentencing decisions.</p>

		<p><u>Ministry of Justice</u></p> <p>Data can be added to nDelius and P-Nomis National Delius (the community and prison centralised information management systems) at any point in the sentence.</p>
4	<p><i>Within twelve months, the National Offender Management Service should, (a) refresh its guidance on working with former service personnel in custody, and (b) publish additional guidance addressing the needs of former service personnel who have offended and are being dealt with in the community.</i></p>	<p><u>Ministry of Justice</u></p> <p>NOMS will publish updated guidance for staff working with former service personnel in custody and the community in the summer of 2015.</p>
5	<p><i>To ensure the effectiveness of the Victims in Custody Support Scheme and its proper implementation nationally, the Ministry of Justice should make such elements of the scheme as are necessary to embed it within the custodial and probation services mandatory. Ongoing training should be offered to all criminal justice professionals working in these areas.</i></p>	<p><u>Ministry of Justice</u></p> <p>NOMS will continue to support ex-armed forces in custody and will build on the opportunities presented by the Transforming Rehabilitation programme to improve this service through:</p> <ul style="list-style-type: none"> • Extending services and support to ex-armed forces serving prison sentences of 12 months or less. • An increased emphasis on the role of the Governor, in leading informed and effective partnerships with the local community, and with CRC providers, including those who provide support for ex-armed forces. • Ensuring that the role of the prison officer continues to focus on support and signposting to appropriate services for ex-armed forces. • Revised guidance, reinforcing our commitment to the Armed Forces Covenant. <p>NOMS in Wales will continue to work in line with Welsh Government policy guidance, <i>Ex-armed forces informed Prisons</i>.</p> <p>In order to support the training and knowledge of criminal justice professionals we will also ensure that our new guidance (due summer 2015) for</p>

		working with former members of the armed services is available to all staff working in public and private sector prisons, the National Probation Service and Community Rehabilitation Companies, and that it provides both background information to enhance understanding and practical guidance for improving service delivery.
6	<i>All Liaison and Diversion schemes should develop pathways specific to those who have served in the Armed Forces. The assessment of such pathways should form a distinct part of the evaluation and development of best practice.</i>	<p><u>The Liaison and Diversion Programme</u></p> <p>Liaison and diversion services are available to all people who are identified as vulnerable when they attend a police custody suite or court, suspected of committing a criminal offence. A wide range of needs and therefore a wide range of referral pathways are used to support vulnerable individuals, including former members of the armed forces.</p> <p>All liaison and diversion services are required to respond to the needs of their local population, and appropriate pathways for former members of the armed forces are part of that service configuration.</p>
7	<i>Any directory of healthcare services and providers which is created in accordance with the recommendations of Lord Ashcroft's Ex-armed Forces Transition Review should be extended to include all relevant or accredited specialist support services and service providers offering interventions for former service personnel who have found themselves engaged with, or are at risk of engagement with, the criminal justice system.</i>	<p><u>Ministry of Defence</u></p> <p>A Cobseo (Confederation of Service Charities) directory of membership does already exist, which is reviewed when members join or leave. The Ministry of Defence will continue to work with Cobseo in refining their directory in light of this recommendation. Forces in Mind Trust commissioned the Directory of Social Change (DSC) to conduct an independent and comprehensive review of the military charity sector, and to produce an authoritative on-line Guide to the Military Charity Sector. The guide was published on 18 November 2014.</p> <p>The Welsh Government has responsibility for Health and Social Services in Wales. The Welsh Government has established the Ex-armed forces NHS Wales, which was previously known as the all-Wales Ex-armed forces Health and Wellbeing Service, to support the emotional and mental health needs of ex-armed forces by providing dedicated ex-armed forces' therapists in each Local Health Board. We intend to liaise with Welsh Government in relation to the coverage of the directory in Wales.</p>
8	<i>The Ministry of Justice should work with the Home Office to ensure that every police force in</i>	<p><u>Home Office</u></p> <p>It is encouraging to see examples of referrals to support services for ex-armed forces in local force</p>

	<i>England and Wales implements a specific programme of training for officers to assist in the identification and referral of former service personnel in police custody to support services able to assist in preventing their offending behaviour.</i>	areas as the report details. The National Policing Lead, together with the College of Policing, will consider the best practice in this area and whether a national approach to support services and associated training is required to support that.
9	<i>In conjunction with other government departments and police forces across the country, the Ministry of Justice should implement a court diversion and peer mentoring scheme for former service personnel, centred on the major criminal justice centres within each circuit in England and Wales.</i>	<p><u>Ministry of Justice</u></p> <p>Under the Government's Transforming Rehabilitation Programme we are changing the way we provide probation and rehabilitation services in order to reduce reoffending.</p> <p>Linked to this, provision of the nationwide 'through the prison gate' resettlement service will provide continuous support by one provider from custody into the community.</p> <p>Providers will have the flexibility to tailor rehabilitative work to the needs and characteristics of the individual offender. We know that some are keen to introduce mentoring services which can be tailored to the needs of ex-service personnel, and also include signposting offenders to accommodation, education, or health services. Ultimately, it will be for providers to decide what approach to take in each case but we anticipate this will be done through a combination of experienced probation officers, former offenders working with current offenders and the skills to be found in the voluntary sector.</p> <p>NOMS is grant-funding the JustMentoring website (www.justmentoring.org.uk). We will work with the Mentoring and Befriending Foundation, who provide it, to promote it to armed services charities. Enhancing peer support and services is also a priority area for NOMS Public Sector Prisons and a range of activity is promoting and enabling this approach.</p>
10	<i>The National Offender Management Service should in future work with service charities and other bodies (possibly including the cross-</i>	<p><u>Ministry of Justice</u></p> <p>There are already a number of Voluntary Sector organisations working on reducing reoffending listing ex-armed forces as a beneficiary group on both the Clinks Directory and the Just Mentoring website. Under the existing infrastructure support grant, and</p>

	<p><i>government Covenant reference Group) to ensure the coordination of support from both statutory agencies and service charities to former service personnel who have offended.</i></p>	<p>the new (NOMS-led) grant for 2015-2016, there is scope to better organise, support and promote these groups to practitioners.</p> <p>NOMS will continue to engage with service charities to ensure that armed service offenders in custody and the community can access their support.</p> <p>There is an increased emphasis on leading and facilitating informed and effective partnerships with the local community, and with CRC providers, including those who provide support for ex-armed forces for all NOMS staff (NOMS Commissioning Intention 2 - https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/280922/commissioning-intentions-2014.pdf)</p> <p>We have also began discussing with Cobseo how we can better engage with their members.</p>
11	<p><i>A senior civil servant within the Ministry of Justice reporting to the Secretary of State should be appointed to have responsibility for former service personnel engaged with the criminal justice system, with the aim of ensuring an identifiable national strategy implementing best practice across England and Wales for dealing with this cohort of offenders.</i></p>	<p><u>Ministry of Justice</u></p> <p>A Senior Civil Servant in the Ministry of Justice's policy directorate will champion the consideration of the policy and strategy related to ex-armed forces offenders to ensure it promotes best practice. The Rt Hon Mike Penning MP, Minister of State for Policing, Criminal Justice and Victims, has responsibility for ex-armed forces' policy as part of his portfolio.</p>
12	<p><i>The Secretary of State should report annually to Parliament on the progress which has been made in addressing the needs of former service personnel who find themselves engaged with the criminal justice system.</i></p>	<p><u>Ministry of Justice</u></p> <p>The Ministry of Justice agrees with the recommendation to publish a review of progress against this report within a year of its publication. As part of this progress the Ministry will consider whether a stand-alone annual review would be the most suitable option going forward, or whether this could be incorporated into the Annual Covenant Report, which currently includes a section on offending.</p>
13	<p><i>Training as to the issues affecting former service</i></p>	<p><u>The Judicial College</u></p> <p>Fair treatment is a fundamental principle embedded</p>

	<i>personnel should be offered to all levels of the judiciary, and publications dealing with diversity and fair treatment should be amended to deal with this group of offenders.</i>	<p>in the judicial oath, and the judiciary recognise the vital responsibility they have to ensure that this is delivered to all those involved in the justice process. The Judicial College Equal Treatment Bench Book covers many of the important aspects of fair treatment and makes some suggestions as to the steps that judges can take to ensure this.</p> <p>It also recognises that treating people fairly requires awareness and understanding of their different circumstances. In order to further assist judges to provide ex-armed forces with the most appropriate and fair treatment in the justice system, the College will consider whether the Bench Book should be updated to include former service personnel as a separate group, and to identify the most common issues for them.</p>
14	<i>Training as to the issues affecting former service personnel should be encouraged for criminal defence solicitors and counsel as part of the fulfilment of their continuing professional development requirement.</i>	<p><u>Ministry of Justice</u></p> <p>The Ministry of Justice agrees with this recommendation and is instigating discussions with the Bar Council and the Law Society about how to implement this recommendation.</p>
15	<i>The issue of former service personnel within the criminal justice system and of their offending should be considered as one of the priorities for the 2015/16 annual £10million LIBOR fund.</i>	<p><u>Ministry of Defence</u></p> <p>The Covenant Reference Group (CRG) discussed priorities for next year's £10 million fund at its meeting on 1 December 2014. This included an element of funding to support ex-armed forces in the criminal justice system. While four broad areas of funding were agreed (which would include measures for ex-armed forces in the criminal justice system) the Covenant Reference Group did not agree any specific priorities.</p> <p>Covenant Reference Group members were asked to confirm any specific funding priorities out of committee. We expect the CRG to review priorities again, as proposals for management of next year's fund crystallise.</p>