



## Problem-Solving Courts Working Group Terms of Reference

### Aim

The Lord Chancellor and Secretary of State for Justice and the Lord Chief Justice have established a joint working group to examine models of problem-solving courts and advise on the feasibility of possible pilot models to be taken forward in England and Wales in 2016/17.

### Ministry of Justice Objectives for Problem-Solving Courts

- **To achieve offender behaviour change** through a model of judicially supervised rehabilitative programmes
- **To encourage innovation in the use of judicial disposals and improve compliance** with the orders of the court; and
- **To deliver a swifter and more certain response to crime and to reduce reoffending.**

### Scope

The working group will advise on:

- existing models of problem-solving courts nationally and internationally, and their applicability to England and Wales.
- The feasibility of options for pilot models including practical, legislative and constitutional issues, and judicial leadership;
- the support needed from within and without the criminal justice system, including the development, or improvement, of pathways in to rehabilitative and behaviour change interventions.
- The key criteria for a future suite of pilots of problem-solving courts, including the lessons from previous pilots and the required statutory provisions for taking forward any new pilots.

### Workstreams

The working group will need to consider:

- the types of offender and offence that should be dealt with by a problem-solving court
- jurisdiction and forum
- the role and powers of the judiciary
- the possible need for adapted models that cater for women and youths
- models of incentives and sanctions



# Ministry of Justice

- the need for possible legislative changes
- the composition of the problem-solving team and the multi-agency contribution
- the physical and IT infrastructure and the modern assessment tools needed to effectively deliver a problem-solving approach
- Resource implications including the efficient use of judicial resources.

The working group will need to take account of domestic and international evidence of what works well in engendering behaviour change through a problem-solving court approach. This includes the scope, quality and effectiveness of past and current models, in particular the USA, Canada, Australia and New Zealand.

The group should also consider the reasons why previous attempts at setting up Problem Solving Courts have been unsuccessful and take account of lessons learnt.

The group will also need to consider fit with the broader direction of justice reform, including out-of-court disposals, HMCTS reform, the development of a new prisons strategy, the role of the probation services and new models of offender health provision, and consider how problem-solving courts should be delivered within the wider context. The group should be mindful of the impact of problem solving courts on the rest of the justice system.

## **Membership**

The working group comprises five MOJ representatives, six members of the judiciary, as well as external expertise.

## **Governance**

The working group will report to both the Lord Chancellor and the Lord Chief Justice (through the President of the Queen's Bench Division). It will inform the work of the HMCTS Board and the national Criminal Justice Board.