

## **Criminal Justice Board**

**8 February 2017 10:00 – 11:30 Rm 9.29a Ministry of Justice, 102 Petty France**

### Attendees:

- Lord Chancellor and Secretary of State for Justice (The Rt Hon Elizabeth Truss MP) - **JS**
- Health Secretary (The Rt Hon Jeremy Hunt MP) - **HeS**
- Attorney General (The Rt Hon Jeremy Wright QC MP) - **AG**
- Minister of State for Policing and the Fire Service (Brandon Lewis MP) - **BL**
- Minister for Courts and Justice (The Rt Hon Oliver Heald QC MP) - **SOH**
- Senior Presiding Judge (Lord Justice Fulford) - **LJF**
- President of Queen's Bench Division (Sir Brian Leveson) - **PQBD**
- Minister for Victims, Youth and Family Justice (Dr Phillip Lee MP) - **DPL**
- CEO of HMCTS (Susan Acland-Hood) - **SAH**
- CEO Crown Prosecution Service (Nick Folland) - **NF**
- Director of Public Prosecutions (Alison Saunders) - **DPP**
- Police and Crime Commissioner Representative (Hertfordshire Police and Crime Commissioner, David Lloyd) - **DL**
- Director General, Prison Reform and Youth Justice Policy Group, Ministry of Justice (Justin Russell) – **JR**
- Director General, Crime, Policing and Fire Group, Home Office (Paul Lincoln) - **PL**
- Chair, National Police Chiefs' Council (Chief Constable Sara Thornton) - **ST**
- Deputy Legal Secretary and Head of Operations, Attorney General's Office (Michelle Crotty) - **MC**
- CEO National Offender Management Service (Michael Spurr) - **MS**
- Director General, Justice and Courts Policy Group, Ministry of Justice (Catherine Lee) - **CL**
- Non-executive Board Member (Sir Theodore Agnew) - **TA**
- Observer for Number 10 (Jack Cole) - **JC**
- Deputy Director for Business Strategy, CTDD and HMCTS Reform/Change (Fiona Rutherford) – **FR**
- Deputy Chief Executive, HMCTS (Kevin Sadler) – **KS**
- Deputy Director, Criminal Court Policy, Ministry of Justice (Tabitha Brufal) – **TB**
- Head of Crime Insight and Assessment Team, Crime and Policing Knowledge Hub, Home Office (Tara Deshpande) – **TD**

### Apologies:

- Home Secretary (The Rt Hon Amber Rudd MP)
- Commissioner of the Metropolitan Police (Sir Bernard Hogan-Howe)
- Non-executive member (Sir Martin Narey)

### **Agenda item 1: Introduction**

1. The Justice Secretary (JS) thanked all members for attending. She informed CJB members that later on 8 February she would announce the creation of Her Majesty's Prison and Probation Service as a new executive agency to replace the National Offender Management Service.

## **Agenda item 2: Sexual Offences Deep Dive**

2. Catherine Lee (CL) updated the Board on the deep dive into sexual offences commissioned at the December CJB. The Senior Officials Group proposed that the analysis should focus on contact child sexual abuse and adult rape cases because these were the type of sexual offences that currently pose the greatest challenge to the CJS.
3. The Board agreed. It also noted the President of the Queen's Bench Division's (PQBD) observation that there are 17 different offences in the category of child sexual abuse (CSA) and that the analysis should take account of these differences.

## **Agenda item 3: Mental Health in the CJS**

4. Justin Russell (JR) and Tabitha Brufal (TB) presented a paper on mental health which outlined the nature of the demand offenders with mental health needs placed on the CJS.
5. The Health Secretary (HeS) acknowledged the issue and agreed there was potential to achieve better outcomes on all aspects of mental health, not just those affecting criminal justice. The 80% reduction in the number of people with mental health needs going into police custody showed what could be achieved by partners working together. HeS set out the broader context, noting that one in six people in the general UK population have a mental health condition, and a quarter of people would be diagnosed with a mental health problem at some stage in their life. It was important to focus on conditions that are likely to cause prolific re-offending and were a danger to the public.
6. PQBD and the Senior Presiding Judge (SPJ) pointed to examples of mental health problems being addressed successfully in the CJS. The successful Liaison and Diversion service at Newcastle showed what could be achieved when health practitioners were able to assess offenders early and identify mental health, substance misuse and other vulnerabilities. The L&D service would be rolled out nationally in England by 2020 and services would start soon at the Old Bailey, Isleworth and Wood Green Crown Court. The Milton Keynes treatment pilot showed how the number of community sentences with treatment requirements could increase significantly when a named psychologist was identified to supervise MHTRs and a tailored service was put in place.
7. Board members agreed that having an L&D service present at court appeared to be very effective and that there would be benefit to having similar access in the Magistrates' Courts as well as the Crown Court. The consensus was that it was important to focus on the middle of the CJS process as well as the beginning (police stations) and the end (prisons). Although the pressure on mental health services was recognised. Board members agreed that having access to appropriate treatment was important as offenders could often be excluded on grounds of risk or because of co-existing mental health problems.
8. The Attorney General (AG) and the Minister for Victims, Youth and Family Justice (DPL) highlighted the importance of keeping victims and witnesses in mind as the CJB addressed mental health problems in the CJS.
9. The Minister for Courts and Justice (SOH) and other Board members highlighted the potential benefits of joining up mental health and drug and alcohol addiction

treatment services in the CJS. Offenders could be passed between services with neither addressing the totality of their needs.

10. The Board recognised that better mental health interventions would require investment. The pilot in Milton Keynes showed how existing resources could be used more effectively but dedicated investment was likely to be needed. The HeS explained that this would require redistribution of existing resources as no new investment was available, but he advised that IAPT services had received additional funding to increase their throughput and suggested that offenders suited to these services should be included within the plans.
11. In summing up JS emphasised that, if the CJB was able to intervene early with offenders with mental health problems, then it will benefit the offender, the system and society. All Board members had a shared ambition to do this. She supported the idea of having a national agreement setting out how mental health treatment should be incorporated into the use of Out Of Court Disposals and a national protocol to guarantee timely mental health treatment for offenders. JS endorsed the idea of having a named mental health professional at every court able to supervise mental health treatment requirements and suggested the CJS should have an aspirational target to appoint one to every court in the short-term.
12. The discussion concluded with agreement on the need for joint action to implement better mental health interventions for offenders. Board members agreed with Sir Theodore Agnew's recommendation of producing an action plan to bring all of this work together.

**Action 1: MoJ, CJS partners and DH to develop an action plan to take the work forward.**

#### **Agenda item 4: Social media and the CJS**

13. Paul Lincoln (PL) and Tara Deshpande (TD) from the Home Office presented the paper on social media. PL said that the crimes at issue were not new, but the way that some people were now committing them was being changed by social media. The CJB acknowledged that social media was also desensitising young people, and was making bullying of young people something that the police had to deal with frequently.
14. BL noted that the constant impact of social media had implications for victims, and that social media could be used to combat, as well as facilitate, crime. Service providers could do more to deter crime, and more to help the police in terms of providing evidence in investigations.
15. AG said that many people were unaware of the consequences of their use of social media. People regarded social media as a space in which they could say things that they would not say anywhere else, which posed a problem to the CJS, and could put trials at risk.
16. The Board agreed to set up a working group to consider how the CJS can better deal with the implications of social media more comprehensive data

**Action 2. Establish a working group to consider and respond to the impact of social media and cybercrime on the CJS.**

Owner: Home Office

Date: Before next CJB meeting (3 May 2017)

### **Agenda item 5: Court Reform and Virtual Hearings**

17. Kevin Sadler (KS) and Fiona Rutherford (FR) presented a paper setting out further detail of the plan for rolling out virtual hearings in courts.
18. JS said she would be interested to see more detail about how far video technology is currently being used, including how many courts, police stations and prisons have video end-points, and what the usage rate is. JS said that there needed to be agreement among partners on how to proceed and to ensure the plans and technology are aligned.
19. ST referred to the letter from Kent Local Criminal Justice Board and its concerns that the police were shouldering the burden of the cost of virtual hearings without sufficient support from other CJS agencies.

### **Action 3. SOH to meet with Brandon Lewis and agree a way forward to maximise engagement with Katy Bourne (Sussex Police and Crime commissioner) and other PCCs and CJS.**

Owner: Sir Oliver Heald

Date: Prior to 3 May 2017