

PFCC Report Acknowledgement record

Version:

Force	Staffordshire
Police and Crime Commissioner	Ben Adams
Temporary Chief Constable	Emma Barnett
Title of inspection	Neurodiversity in the Criminal Justice System - A Review of evidence July 2021
Inspectorate	 <p>Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services</p>
Summary of inspection	<p>For many years, professionals who work in the criminal justice system have been concerned about the experiences and outcomes of those with neurodivergence: this has included the patchiness of data, the inconsistency in assessment and the levels of knowledge and understanding of staff. The aim of this review has been to understand what is currently known and being done in this area and to make recommendations for further action from the government. The team has gathered evidence through an analysis of data sources, a series of round table events with experts, a general call for evidence, by consulting with practitioners in police, probation and prisons, and by listening to those with neurodivergent conditions who have experienced the criminal justice system. One of the challenges has been the breadth of the term 'neurodiversity' which covers so many different conditions, including autism, traumatic brain injury, and learning difficulties and disabilities.</p>
Grade	
Recommendations	<p>Recommendations to the Lord Chancellor and Secretary of State for Justice</p> <p>Main recommendation In order to improve outcomes for neurodivergent people within the criminal justice system a coordinated and cross-government approach is required. To give the leadership and direction needed, the Ministry of Justice should work with the Home Office, Department for Health and Social Care and the Department for Education and the Welsh Government to develop an overarching national strategy. This strategy should be developed together with people with personal experience of neurodivergence.</p> <p>Recommendation A common screening tool for universal use within the criminal justice system should be introduced, supported by an information sharing protocol specifying how information should be appropriately shared within and between agencies, to make sure that necessary adjustments and extra support are provided for individuals as they progress through the criminal justice system.</p> <p>Recommendation Screening data should be systematically collected and aggregated to provide a more accurate assessment of the prevalence of neurodivergence to inform needs analysis and service planning at all levels of the criminal justice system.</p> <p>Recommendation A programme of awareness-raising and specialist training should be developed and delivered to staff working within criminal justice services. For frontline staff this learning should be broad-based, mandatory, raise awareness of neurodivergent conditions and how they impact on communication and be supported by practical strategies for working with neurodivergent people. More specialised training should be provided for staff whose roles require it. The programme should be developed and delivered in consultation with people who have personal experience of neurodivergence.</p>

<p>Recommendation Adjustments to meet the needs of those with neurodivergent conditions should be made throughout the criminal justice system. Relevant departments and bodies should work together to anticipate needs and make adjustments in anticipation of needs. Simple and largely low-cost changes to create neurodiversity-friendly environments, communications and staff culture are likely to benefit those coming into contact with the criminal justice system, regardless of neurodivergent conditions, and should be made as soon as possible.</p> <p>Recommendation Criminal justice system agencies should work together and with other statutory and third sector organisations in a coordinated way, to understand and meet the needs of neurodivergent individuals in the community, prevent offending and support rehabilitation. The Ministry of Justice should provide an action plan to address these recommendations within three months, followed by updates on progress at six and 12 months.</p>

Areas for improvement

Police Crime and Commissioner’s Acknowledgement

I welcome this review on Neurodiversity in the Criminal Justice system. Neurodiversity is undeniably a complex area, and it is concerning that the review notes that “it seems that perhaps half of those entering prison could reasonably be expected to have some form of neurodivergent condition which impacts their ability to engage”, and I would recommend and welcome further research to evaluate the full extent of circumstances.

In Staffordshire the Commissioner’s Office, Police, local authorities and health partners are working together to improve services for people coming into contact with the police or criminal justice agencies with complex health and social care needs, including individuals with mental health needs.

A multi-agency Mental Health and Community Safety Strategic Board – the first of its type in the country – has been established to oversee the development and delivery of a joint strategy to improve the availability of services at key stages of the criminal justice process - from initial contact with the police, through to arrest, detention in custody and first appearance at court - to ensure that individuals with complex needs are able to be quickly assessed and, where appropriate, diverted from unnecessary contact with the criminal justice system and into appropriate treatment and support.

Services currently in place include:

- a countywide, multi-agency, Community Triage service through which police and nursing staff jointly attend mental health-related incidents to identify people with vulnerabilities and determine an appropriate agency response
- provision of custody and court-based mental health liaison and diversion services which identify people with vulnerabilities in contact with the criminal justice system and help them to access appropriate treatment and support services
- provision of Assistant Psychologists at Court – as part of the national Community Sentence Treatment Requirements (CSTR) pilot programme - to offer same-day assessments to support greater use by the Courts (in appropriate cases) of Community Orders with Mental Health Treatment Requirements (MHTRs), which require individuals whose offending is linked to their mental health to attend for treatment as part of their sentence.

At point of arrest and in the period immediately following arrest custody based Mental Health Liaison and Diversion (L&D) Teams routinely screen for neurodiversity issues during their assessment. L&D staff

complete an holistic assessment with services users and ensure that where appropriate identified neuro divergent service users are offered support to access local services.

Similarly at the sentencing stage Assistant Psychologists (APs) in place at Court as part of the current national CSTR pilot programme undertake assessments of individuals identified by Probation as potentially being suitable for consideration for a Community Order with a Mental Health Treatment Requirement (MHTR).

Whilst staff do not specifically screen for neurodiversity as part of assessments staff will be mindful of neurodiversity issues during assessment and if someone is sentenced to an MHTR and has needs in this area interventions are adapted accordingly. Where appropriate staff will refer individuals on to appropriate secondary mental health/Learning Disability Teams for support.

The National CSTR Programme Team has recently employed an experienced psychologist to work with CSTR pilot sites across the country to support work with service users with neurodiversity issues and provide training for staff and local providers in Staffordshire are linking into this support. CSTR providers across the West Midlands are also collaborating in developing joint training arrangements with a view to clinicians delivering training to all staff (community and in-patient) in Autism and working with people with Autistic Spectrum Disorders with a plan to roll this training out from later this year. This training will be delivered in partnership with individuals with Autistic Spectrum Disorders.

Whilst service arrangements in recent years have been improved and multi-agency training stepped up, there remain concerns relating to provision for neurodivergent offenders within the criminal justice system (CJS) in Staffordshire:

- Screening for Neurodiversity

Outside of L&D in Custody there is no specific screening for neurodiversity rather it is left to practitioners to identify neurodivergent needs or challenges as part of generic mental health assessments.

- Rehabilitative Support

There is currently a lack of community-based offending behaviour programmes / rehabilitative support services and interventions tailored for or adapted to the needs of neurodivergent offenders (offending behaviour programmes in the community are only available to address sexual offending) Service arrangements in Staffordshire will continue to be reviewed going forward in order to strengthen provision for neurodivergent offenders.

Additionally, NHS England is in the process of re-commissioning Integrated Offender Health (non-custodial) Services in Staffordshire including the provision of Liaison and Diversion, RECONNECT and Mental Health Treatment Requirement support services and the service specification includes strengthened requirements in respect of neurodiversity assessment / screening across all services.

I welcome the recommendation of collaboration work between the Home Office, Department for Health and Social Care and the Department for Education to develop an overarching national strategy. I look forward to see the Ministry of Justice's action plan to address the recommendations noted, and will look to work collaboratively to support the implementation of its actions to ensure that we understand and meet the needs of neurodivergent individuals in our communities.