

Adfam Submission: Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders

Background

Adfam is the national umbrella organisation working to improve the quality of life for families affected by drug and alcohol use. We do this by working with a network of organisations, practitioners and individuals who come into contact with the families, friends and carers affected by someone else's drug or alcohol use. We provide direct support to families through publications, training, prison visitors' centres, outreach work and signposting to local services, and work extensively with professionals and Government to improve and expand the support available to families.

Adfam has a long history in the criminal justice sector, providing a range of training, publications, toolkits, resources and other good practice materials to anyone working with offenders and their families. Adfam also has Family Support Workers in Brixton, Bronzefield, Holloway and Peterborough prisons, and will provide a similar service in HMP Belmarsh in the near future.

Key points

Several themes merit special attention in this response, and appear throughout:

- small community providers of family support services have a key role to play in the 'rehabilitation revolution', particularly concerning the large number of offenders with drug and alcohol dependencies
- families play a key role in someone's recovery from drug and alcohol use, and in breaking the cycle of reoffending: this must be recognised and families must be supported in this role in order to produce the best outcomes for all parties
- family relationships are a key component of recovery and rehabilitation: they have a unique power to effect change and provide hope and aspiration for people to turn their lives around
- outcomes relating to family relationships and the wellbeing of the offender's family should be included in any system of payment by results as key indicators of successful, meaningful rehabilitation
- work with families needs to be fully embedded in criminal justice responses all the way from arrest, to community sentences, during custody and after release.

Consultation responses

Adfam has only responded to questions where it has experience and expertise. Questions are identified by their number in the consultation document, and some have been grouped into subject areas.

Q2. How should we best use the expertise and innovation of the private and voluntary sectors to help develop the working prison?

A working prison should be part of a wider package of rehabilitation for offenders: their reasons for criminal behaviour and the nature of their life outside prison must be priorities, and expertise in the private and voluntary sectors should be sought throughout the design of this overall approach. The working prison should not be prioritised over other key factors in rehabilitation including family visits, access to training and skills development and drug treatment appointments.

Qs 8, 9 and 10. A new integrated approach to managing offenders

The Green Paper makes specific reference to offenders with multiple problems, which is to be welcomed as long as these multiple problems are dealt with in practice. Since criminal justice work has so many crossovers with other policy areas – not least drugs and alcohol – it must be part of a varied approach to tackling entrenched problems in our communities. The 2010 Drug Strategy pledges that ‘local areas will be free to design and *jointly commission* services’ (emphasis added) and this can play a key part in ensuring an integrated approach. Removing barriers to joint working relating to information-sharing is important, as is the more general need to share good practice.

Families and family relationships are obviously a important part of an integrated system: they play a key role in rehabilitation and recovery and are a huge source of support, hope and aspiration. Family support services, therefore, are a part of a truly integrated approach to offender management at local level and have a great role to play in breaking the cycle of reoffending: their expertise should not be wasted on the sidelines.

The Green Paper’s pledge to concentrate more on outcomes and results than simply processes should create a culture where organisations see co-operation and integrated working as mutually beneficial rather than a competitive risk. A piecemeal approach to commissioning can have the unwanted consequence of reinforcing ‘silos’, whereby many different organisations are cut off from others working in similar areas because they are only paid for a limited scope of activities; ensuring that local areas encourage partnership and agencies work together towards common goals is key.

Commissioning and decision-making processes need to be transparent and understandable, ensuring that organisations – including those in the voluntary sector – with the relevant expertise are not blocked from participating. In payment by results models, payments are understandably deferred until a service has demonstrated its effectiveness; however, when this new system is being introduced there is risk of an inherent bias towards large-scale private enterprises which can absorb the gap in funding until a point in the future; however, many small, local providers are currently

dealing with budget cutbacks and are not in a position to survive well into the future. With this in mind, a phased introduction of a payment by results system seems to be logical so that small independent and voluntary providers are not disadvantaged from the outset – especially in a policy environment where government is promising to support and empower local community providers.

Whilst new ways of working in the criminal justice arena are clearly needed, there is always a risk that a thirst for ‘innovation’ goes too far and claims funding and support at the expense of established and successful programmes – particularly small-scale providers who may be more used to providing frontline services on a shoestring than designing bidding documentation about plans for revolution. Family support services are a clear example of this: most are small, local, volunteer-led services with a passion for improving the lives of families in their community but do not always have the infrastructure in place to plan far into an uncertain funding future. It is imperative that the expertise of these groups is not lost, so government (at both local and national level) must provide an environment where they can make the most of their resources – for example through the measures outlined in the recent Giving Green Paper.

Q11. How can we use the pilot drug recovery wings to develop a better continuity of care between custody and the community?

Working with the family throughout the process of treatment and whilst preparing for release is crucial. For example, Adfam’s prison-based Family Support Workers engage with the family when their relative is in prison, but also continue to work with the family for a period after release to support them through the process of reintegration into the community and adjusting to life outside prison. This practice should be replicated elsewhere.

Q12. What potential opportunities would a payment by results approach bring to supporting drug recovery for offenders?

The nature and course of serious addiction is extremely difficult to predict and the application of payment by results to drug recovery is a contentious issue. However, there is a broad consensus that time in prison is too often a missed opportunity for effective interventions: there is a window for those with a drug or alcohol problem to spend time planning for life changes, and there is ready access to treatment options.

Recovery is about much more than simply being drug-free, as is becoming more widely recognised; organisations which support drug and alcohol users need to see the wider context of drug use, including families and social networks. A payment by results system which puts a premium on the real results that problematic drug and alcohol users need - in areas such as housing, education, employment and family relationships – presents an opportunity to end a cycle of atomised work-streams in supportive agencies and offenders being passed from one organisation to the next without sufficient all-round support. Paying organisations for the results they achieve rather than simply the processes they administrate opens up great opportunities for systems that are ambitious for the individual they are employed to support.

To address the new approach to funding, including payment by results, the Drug Sector Partnership ([Adfam](#), [The Alliance](#), [DrugScope](#) and [eATA](#)) have produced a consensus statement on Funding and Purchasing which applauds the intentions behind payment by results, while urging Government to:

- ensure that the development of payments by results is based on full and detailed consultation and engagement with service providers and service users, including the full range of voluntary and community sector organisations
- ensure that any piloting of payment by results involves robust evaluation, comparing an appropriate range of approaches and also enabling meaningful comparison with the performance of other approaches to outcome-based commissioning.

It specifically calls on Government to ensure that all payment by results pilots meet the following key criteria:

- Outcomes are specified in a way that reflects the complexity and multiplicity of individual recovery journeys, the significance of "small steps" and the tendency for relapse to be part of "cycles of change".
- The welcome focus on recovery and re-integration is not seen as an alternative to harm reduction services, which save lives, prevent disease and reduce crime.
- A national standards and regulatory function is clearly maintained to ensure that practice is of the highest professional standards and does not include approaches where there is evidence that they may be ineffectual or harmful.
- Results should be measured through objective and verifiable mechanisms that minimise the amount of paperwork and bureaucracy.
- Service users should have a role in negotiating outcomes with service providers that reflect their priorities and motivation and help to build therapeutic relationships, as well as in a robust qualitative evaluation of the pilots.
- Payment by results is developed in a way that enables small local organisations to compete, and is not weighted disproportionately towards large organisations, including private companies.
- Outcomes and payments are developed in a way that prevents 'cherry-picking', which has the perverse consequence that those most in need - including people with multiple needs - find it the most difficult to get help.
- Outcomes and payments are developed in a way that incentivises and rewards co-operation and partnership between different sectors (including mental health, housing, education, training and employment, criminal justice and family support) and reflects local conditions (for example, the accessibility of homes or jobs in a particular locality at a particular time).

- Outcomes for families and carers who are affected by drug and alcohol problems are fully understood and provided for.

Q13. How best can we support those in the community with a drug treatment need, using a graduated approach to the level of residential support, including a specific approach for women?

The Green Paper itself states that 37% of prisoners have said that they will need help finding a place to live when they are released from prison; it is likely that many of the remaining 63% may rely on their families, and enhanced family support and mediation services could help both this group and those whose family relationships have suffered and broken down.

Support for those with a drug treatment need should take into account the needs of those around them, particularly families. For example, if families are relied upon to provide accommodation, they cannot just be seen as a 'free resource': they must have access to support structures in their own right to manage the difficult role they have. Children are also a key issue, and not just for women; they must be kept at the heart of any approach.

Any drug treatment in prison needs to take account of the root causes of offending behaviour. In terms of gender differences, treatment for women in prison should take into account the need for a safe setting and environment, and recognise domestic violence and sexual abuse as risk factors. There should be a specific action plan for women engaged in sex work, focussing on ending criminalisation and increasing support.

Q14. In what ways do female offenders differ from male offenders and how can we ensure that our services reflect these gender differences?

Women in the criminal justice system are a minority, but experience higher rates of poverty, lower educational achievement and greater instance of mental ill health than male offenders. Particular care should be taken with women in terms of tenancies (they should not lose them while in custody and therefore leave prison homeless) and childcare: female offenders are unable to regain custody of children until they have suitable housing, but find it difficult to find suitable housing without custody of the children, so are often faced with a cyclical problem. Family support, visits and time with babies and children should be available alongside healthcare, education and training.

Qs 23, 24 and 32. Payment by results

In line with Big Society principles, small as well as large providers must have a fair chance to bid for the provision of services, including local agencies supporting families affected by drugs and alcohol. Commissioning structures should ensure that small organisations are not blocked out of the relevant application processes, which should be open, transparent and accessible. Organisations currently working at a local level need to be recognised and others should look to learn from them, and see what they do well.

Small, local providers often lose out to larger organisations because economies of scale mean that larger agencies can afford to tender at lower rates. However, paying for results rather than activities means that the simplest, cheapest option may be exposed as a false economy and the quality of work is what really matters. Small organisations should be supported – for example through some of the proposals in the [Giving Green Paper](#) relating to skills exchanges and pro bono support – in governance areas like data collection and bid writing in order to demonstrate the true strength of their work, and ensure that their voice is not lost in a competitive environment.

A payment by results system in an area as complex as offending would have to be diverse in order to be effective, bringing together expertise in drug treatment, criminal justice, family support, poverty, childcare and safeguarding, employment and skills, and so on in order to produce tangible long-term results. Similarly, an approach based truly on localism should lead inevitably to a range of providers in the sector. Family support agencies should automatically be included in the search for ‘diverse’ providers: they are a key contributor to recovery from drug and alcohol problems, and therefore have a major contribution to make in cutting reoffending.

There is also scope for umbrella organisations to act as conduits to smaller agencies, as discussed in [Adfam’s response](#) to the Government’s *Supporting a Stronger Civil Society* consultation. Information is easily disseminated through these channels (Adfam lists over 130 local community organisations in its [online database of family support groups](#), and distributes fortnightly policy briefings to over 1,300 recipients) and can ensure that opportunities are not missed by small agencies.

Q26. What measurement method provides the best fit with the principles we have set out for payment by results?

A key difficulty in a payment by results system is accurately attributing credit for complex outcomes such as those required in the rehabilitation of offenders. Only taking one outcome – such as a simple yes/no answer to ‘has the offender reoffended?’ – throws up problems as the result could be due to a number of factors including improved family relationships, a steady job and stable accommodation, or better mental health, and in turn the outcome could be attributed to a number of providers.

The Coalition’s 2010 Drug Strategy talks about recovery, but breaks down ‘recovery capital’ into outcome areas including social capital (including family relationships), human capital (such as skills and a job) and physical capital (e.g. money and a safe place to live). A payment by results system for criminal justice outcomes should identify contributors to reducing recidivism in the same way the drug strategy sets out smaller components of a drug-free life. Different organisations with separate but interlinking areas of expertise can then contribute to the all-round outcomes that lead to a reduction in reoffending. Some factors may be more difficult than others to measure (for example an improvement in family relationships) but a payment by results model is only as effective as the results it pays for, and Government and local areas must embrace this opportunity to reward what really matters, rather than the simple outputs which are more the mark of a target-driven system.

Q27. What is the best option for measuring reoffending and success to support a payment by results approach?

As mentioned above, a payment by results system is only as good as the results it pays for. To reflect the key role families play in recovery, rehabilitation and reintegration, outcomes centred on family relationships should be included when measuring 'success'. The involvement of family support in rehabilitation plans should be ensured, with input from local organisations with expertise in this complex area. Families can add great value during the rehabilitation process and this should be acknowledged throughout.

As with drug treatment and relapse, there is a risk that paying for time-limited results related to reoffending can be unrepresentative of long-term outcomes, for example if a service is paid when a client has not offended for a number of weeks or months. Time-limiting also brings the risk of services ceasing work with clients once they have hit a target, thereby removing the support they were reliant on and starting the process all over again. Offenders – many of whom have been offending for long periods of time – are often not well-suited to short-term interventions and need ongoing support, and a payment by results system must take account of this. A single bulk payment after a certain amount of time (for example 12 months) may focus too much attention on this milestone; a staggered system or use of interim results, where payment is introduced gradually or topped-up periodically, would be a better option.

A payment by results system must not only take into account an 'endpoint' such as 'client has not offended for 6 months' when rewarding support organisations; it must also have a 'distance travelled' measure. Adfam made a similar point in its response to the drug strategy: organisations cannot be allowed to cherry-pick the easiest cases and there must be an incentive to work with the group that is hardest to reach and has the most entrenched problems. Any tariff system must appreciate the complexity and severity of the crime (for example a one-off offence or the latest in a long line of convictions) and look at the key factors in rehabilitation, including of course family relationships. The Government should be able to draw on figures it currently holds for the likelihood of reoffending according to crime, and this could at least be a starting point.

As the Green Paper itself attests, 'a significant portion of crime is committed by offenders who have multiple problems' and 'a relatively small number of highly prolific offenders are responsible for a disproportionate amount of crime'. By inference, the number of times these people reoffend suggests that no one sentence is for a great length of time and, in the case of problematic drug or alcohol users, offences are likely to be for fairly small-scale acquisitive crime. In its current state, the support available for these offenders in prison does not remedy the deeply entrenched problems they have in their lives, and a broad range of interventions, both in prison and in the community, is needed to support them into recovery and life as a valuable part of society.

Q39. How important is the ability to breach offenders for not attending treatment in tackling their drug, alcohol or mental health needs?

People who do not want to engage with treatment services are extremely difficult to convince otherwise, even with the threat of sanctions. Adfam would be particularly concerned about financial penalties being visited on the families of offenders in any way: offenders dependent on drugs or alcohol tend to be financially unstable as it is, and often their families take much of this burden. With recovery being an extremely personal process, it would be doubly inappropriate to mandate a particular type of treatment for someone it isn't appropriate for, or that does not suit their individual needs. Though it should be the goal of any government to have as many problematic drug and alcohol users as possible access treatment, attempting to force them to do so with the threat of punishment is not the only route to greater success. Without a more comprehensive programme of support for rebuilding a life not dominated by addiction, someone who accessed treatment alone would likely end up using again before long, as the reasons for their use in the first place would not have been considered.

Q40. What steps can we take to allow professionals greater discretion in managing offenders in the community, while enforcing compliance more effectively?

Measuring outcomes rather than processes is a key way of giving experienced professionals the freedom to employ methods they know work. A 'one size fits all' approach is not appropriate in an area as complex as offender behaviour, and a system which is truly based on localism and payment by meaningful results would provide the right kind of environment for professionals to work to the best of their ability.

Q41. How might we target community sentences better so that they can help rehabilitate offenders before they reach custody?

Working with people close to the offender, particularly family members (including parents, partners and children) is extremely important in helping to address the reasons behind offending behaviour before criminal activity becomes more serious. Community sentences, therefore, should include elements of family support.

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