

WMCA Wellbeing Board

Date	19 th July 2019
Report title	Update on Community Sentence Treatment Requirement Programme
Portfolio Lead	Cllr. Izzy Seccombe, Chair WMCA Wellbeing Board
Accountable Chief Executive	
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Report has been considered by	WMCA Scrutiny Champion has been briefed Reducing Re-offending Delivery Group (supported by the OPCC)

Recommendation(s) for action or decision:

The WMCA Board is recommended to:

- Note the progress in the Birmingham and Solihull CSTR pilot
- Endorse the proposal to extend the Community to the Black Country as set out in Section 4 of the report.

1. Purpose

To update the Board on the progress of the Birmingham and Solihull CSTR Pilot and seek endorsement of the proposal to extend the pilot to the Black Country.

2. Background

The Mental Health Commission recognised that offenders and ex-offenders are at an increased risk of poor mental health and people leaving prison are at an increased risk of suicide and self-harm. Persistent offenders are likely to have experienced severe and multiple disadvantage. Poor mental health and/or substance abuse increases the risk of re-offending, strengthening the case for effective mental health support, including early intervention, family-based approaches and increasing capacity across the criminal justice system to identify and respond to poor mental health. The report also found that, based on the conservative assumption the proportion of crime attributable to mental ill health, including personality disorder and substance misuse is around 20%, the mental health-related cost of crime in the WMCA comes out at about £0.98 billion a year.

To address this issue the Thrive Action Plan included a commitment to help implement a programme to make more regular and widespread use of the Mental Health Treatment Requirements (MHTR). The MHTR is a sentencing option which offers offenders with mental health problems the option of a treatment plan that addresses the underlying causes of offending. This is available as a sentencing option for offenders aged 18+ whose offence falls within the Community Sentence or Suspended Sentence guidelines. The focus has been on offenders with primary level mental health needs who would benefit from therapeutic support. Nationally the number of MHTR orders has been low and the Birmingham pilot was established in 2018 to put the services and processes in place to embed this within the courts in Birmingham and provide evidence to support the case for wider roll out of this support. This pilot was one of 5 test bed sites on the National Community Sentence Treatment Requirement (CSTR) Programme. A Steering Group with all the relevant partner organisations monitors the implementation of this CSTR pilot.

The first phase of the pilot from January – October 2018 was successful in achieving 28 MHTR orders at court. During this phase of the pilot the key learning points identified the need to establish better processes to enable offenders with substance misuse and alcohol problems to receive dual orders (an MHTR can be given jointly with either an Alcohol Treatment Requirement (ATR) or a Drug Rehabilitation Requirement (DRR) and also to ensure robust clinical governance arrangements with secondary care services.

3. Phase 2 of the Birmingham and Solihull Mental Health Treatment Requirements

During Phase 2 of the CSTR pilot the area extended to include Solihull based on the Birmingham and Solihull CCG footprint. This second phase was funded by the NHS England through the National CSTR Programme and additional funding from the WMCA. The MHTR assessment and treatment is carried out by the Birmingham and Solihull Mental Health NHS Foundation Trust which ensures appropriate clinical governance arrangements with secondary mental health care. The CSTR Steering Group has re-designed the process flow for Phase 2 to ensure partner organisations are clear about their role in the CSTR assessment and sentencing process. It is expected that 62 MHTR orders will be made in the 7 month assessment period. From the 23rd April –30th June 17 MHTR orders have been made (including 5 dual MHTR and ATR /DRR orders.)

National Evaluation of the CSTR programme has been carried out and a summary of this report has been attached as Appendix 1. The key findings were:

- Pilots have already seen an almost 250% increase in those referred for mental health treatment within 18 months with higher rate of compliance with the terms of an order, just 8% failed to comply with their requirements.
- 80% of CSTRs were sentenced on the day, offering offenders treatment without adjournments or delays
- Just 8% of offenders who received a CSTR failed to comply with their requirements - five per cent lower than the national average of 13%
- The programme provided a clearer pathway for the use of mental health treatment requirements

The NHS Long Term Plan recognised the work of the 5 national CSTR test bed sites. Minister Agar, Parliamentary Under Secretary of State at the Ministry of Justice, announced on the 20th June that the CSTR programme will be expanded to 9 further areas.

4. Roll out of CSTR Pilot to the Black Country

There are 4 courts operating within the Black Country:

- Dudley Magistrates Court
- Walsall Magistrates Court
- Wolverhampton Crown Court
- Wolverhampton Magistrates Court

The Police and Crime Commissioner will fund the pilot to increase the use of MHTRs in the Black Country (100k for 12 months). Building on the learning from the Birmingham and Solihull Pilot, information about the court processes in the Black Country and discussions with the Reducing Re-offending Delivery Group it is proposed that the CSTR pilot:

- **Works with and build on the existing services within court** - The criminal justice service working in Walsall and Wolverhampton courts is commissioned by the CCGs. There is an opportunity to work with this service to identify the additional resources that would be required to undertake the MHTR assessments and the role of the Lead Clinician (It is a requirement that the recommendations made to court is approved by a senior clinical psychologist)
- **Starts at one court in the Black Country** - In order to build the consistent relationships with partner organisations, and in particular to enable same day sentencing where possible, it is important the MHTR assessment is available 5 days a week. The CSTR pilot also includes the assessments for DRRs and ATRs which are commissioned by each local authority. It is proposed that the Black Country CSTR model is developed at one court initially to ensure that the relevant organisations understand their role in the process flow. Depending on the additional resources required it may then be possible to extend the pilot to other courts.

The majority of cases that fall within the relevant sentencing threshold will be seen at magistrates court and therefore it would not be appropriate to focus this role on the Crown court only.

The data below shows the number type of cases seen at each of the 3 Black Country magistrate's courts:

	Dudley	Walsall	Wolverhampton
Number of cases (January 2019)	498	757	416
Age of defendants	Adult	Adult	Youth and Adult
Type of case / court list information (Appendix A)	Overnight defendants from police custody, GAP ¹ , NGAP ² and trial	Overnight defendants from police custody, prison, GAP, NGAP and trial	Youth courts and Domestic Violence and private prosecutions
Number of Community Sentence Orders / Suspended Sentence Orders (January 2019)	129	200	46
Other information	The 3 magistrates courts operate across the Black Country region and see offenders from across the area.		

Based on the data above and discussions with health and justice partner organisations it is proposed that Walsall is the most appropriate court to start the Black Country CSTR pilot. It is intended that the CSTR pilot will be available to offenders from across the Black Country who attend this court. It will be important to engage with the Local Authority Substance Misuse Commissioners and providers to ensure that the pathway for dual orders is agreed across the 4 local authority areas.

Governance

A Steering Group including the following organisations will be convened to identify the specific resources required to establish the CSTR pilot, agree MHTR Service Specification and process flow:

- Walsall Metropolitan Borough Council
- Wolverhampton City Council
- Dudley Metropolitan Borough Council
- Sandwell Metropolitan Borough Council
- Walsall CCG
- Dudley CCG
- Wolverhampton CCG
- Sandwell CCG
- Dudley and Walsall Mental Health Partnership (Liaison and Diversion Service provider and CCG
- Criminal Justice Service provider)
- National Probation Service
- West Midlands and Staffordshire Community Rehabilitation Company
- HMCTS
- Walsall Magistrates Bench
- NHSE England Liaison and Diversion Service Commissioner
- Substance Misuse Provider Organisations
- National CSTR Programme
- Office of the Police and Crime Commissioner

¹ GAP – Guilty Anticipated Plea

² NGAP – Not Guilty Anticipated Plea

- WMCA

The service will be commissioned through the CCGs commissioning arrangements

The Black Country CSTR pilot will report to:

- Black Country CSTR Steering Group
- WMCA Wellbeing Board
- Reducing Reoffending Delivery Group (This is a sub group of the Local Criminal Justice Board managed through the OPCC, and is the primary vehicle for accountability to the PCC, although as the sole funder of the project, the PCC may ask for additional reports if required.)
- National CSTR Programme Board

5. Financial Implications

There are no financial implications as a result of the proposal within this report as funding for the CSTR is secured from PCC directly to the CCG who will commission the work streams set out in this report.

6. Legal Implications

There are no immediate legal implications flowing from the contents of this report.

7. Equalities Implications

Mental Health Treatment Requirements are a sentencing option for offenders aged over 18. The CSTR pilot will monitor the age, gender and ethnicity of the offenders referred for an MHTR assessment and also those who receive an MHTR order.

8. Inclusive Growth Implications

The CSTR programme does not have any direct impact on the investment programmes across the West Midlands Combined Authority. However, as set out in the Thrive Action Plan the CSTR programme aims to help recovery, reduce reoffending, and reduce the cost and impact of crime on the local community which support the WMCA inclusive growth principle of Health and Wellbeing.

9. Geographical Area of Report's Implications

The report sets out that the proposed roll out of the CSTR Programme in the Black Country will start at Walsall Magistrates Court which serves the Black Country area.

10. Other Implications

None

11. Schedule of Background Papers

None