

## Independent Advisory Panel on Deaths in Custody



Rt Hon Steve Barclay MP  
Chief Secretary to the Treasury  
HM Treasury  
1 Horse Guards Road  
London  
SW1A 2HQ

27 August 2021

Dear Chief Secretary,

*Support for increased provision and availability of Community Sentences with Treatment Requirements in order to reduce crime, improve health and save lives.*

The Independent Advisory Panel on Deaths in Custody (IAPDC) and the Magistrates Association (MA) have been working together to ensure that community sentences with treatment requirements, specifically the Mental Health Treatment Requirement, Alcohol Treatment Requirement and Drug Rehabilitation Requirement, are universally available as an alternative to short prison sentences for offenders with relevant treatment needs. This is not the case at present. Custody has been shown to exacerbate the risk of self-harm and suicide, especially for people with mental health conditions, including substance misuse and addiction.

Magistrates are uniquely placed to improve outcomes for offenders and yet they are frequently faced with the unenviable prospect of having to sentence an offender with alcohol and/or drug and/or mental health needs for whom no suitable sentence is available. Last year we wrote to inform you of our joint work, published in 2019, which showed that magistrates are keen to attach treatment requirements to community sentences where appropriate but are prevented from doing so due to lack of availability and/or information. Proper availability of local treatment services, improved communication and information sharing, and effective partnerships between health, social care and justice, can put this right and ultimately save lives.

For many people who offend, treatment is best undertaken in the community where, under supervision of probation services and overseen by clinicians, men and women can address their offending behaviour, improve their health and rebuild their lives. Evidence is clear that diverting people away from custody is a less expensive option than incarcerating them through the often revolving door of prison.

The pressing need for funding and promotion of Community Sentence Treatment Requirements is supported by Ministry of Justice data which shows that of the 84,438 Community Orders which were made in Court in 2020, fewer than 1% carried a Mental Health Treatment Requirement. Drug and Alcohol Treatment Requirements fared little better (3% and 2% respectively) and represent a lower proportion of overall orders than during 2019. Additionally, the proportion of treatment requirements given as part of Suspended Sentence Orders were almost identical to those used for Community Orders.

The use of pilot sites has demonstrated that when an area has received targeted investment then the use of treatment requirements increases significantly. This was evident in the first five pilot sites when, during an 18-month period, the number of Mental Health Treatment Requirements increased from 55 to 456.

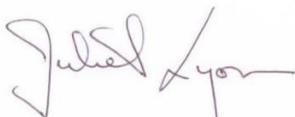
During the past year, government publications have highlighted the importance of funding for the services which would make treatment requirements effective. Published in September 2020, the Ministry of Justice's '*A Smarter Approach to Sentencing*' white paper, proposed to '*significantly increase the availability and usage of Community Sentence Treatment Requirements*' and that the '*MoJ will commit new justice funding to the CSTR Programme for 2020/21, in addition to the significant funding already committed by NHSE/ in their 2019 Long Term Plan*'.

The Department of Health and Social Care's '*Reforming the Mental Health Act*' white paper, published in January 2021, emphasised its ambition to enhance community support to help prevent a future mental health crisis. The expansion of Community Sentence Treatment Requirements should be a key part of this ambition, as it would enable offenders to receive necessary treatment in the community instead of being diverted towards prison.

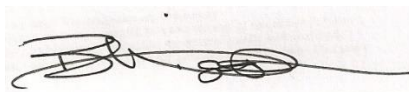
While we acknowledge existing funding commitments which have been put in place for Community Sentence Treatment Requirements, and the progress being made in the pilot sites, we do not believe that the rollout is taking place quickly enough. Funding for Mental Health Treatment Requirements is coming from the NHS Long Term Plan, yet this will only support half of operating Courts by the end of 2022/23. This needs to be increased to 100% of Courts to be fit for purpose. To develop robust sentences in which the judiciary can be confident, funding should also be sourced for additional measures, such as the ability to carry out drug testing for those on Drug Rehabilitation Requirements. Recent work by the IAPDC on preventing substance misuse-related deaths in the criminal justice system demonstrates that a whole systems approach is the most efficient method of treatment, and underscores the need for sentences which can provide a variety of support in one disposal.

With decisions concerning the Spending Review to be made imminently, we now have a real opportunity to make sure treatment requirements are appropriately funded and available in every area and to every court. This would increase their use, both cutting crime and reducing the risk of deaths in custody in the process. We urge you and colleagues in Government take this opportunity to save lives.

Yours sincerely,



**Juliet Lyon CBE**  
Chair  
Independent Advisory Panel on  
Deaths in Custody



**Beverley Higgs JP**  
National Chair  
Magistrates Association

cc.

*Nadine Dorries MP, Minister of State, Department of Health and Social Care*

*Chris Philp MP, Parliamentary Undersecretary of State, Home Office and Ministry of Justice*