

Community justice



NHS Health Scotland is a national Health Board working with and through public, private and third sector organisations to reduce health inequalities and improve health. We are committed to working with others and provide a range of services to support our stakeholders take the action required to reduce health inequalities and improve health.

Key messages

- There is a high correlation between being in prison custody and income inequality, social mobility, teenage births, loss of trust, mental illness and high levels of obesity.¹
- We need to look at the wider societal inequalities that create risk factors that contribute towards offending and receiving a custodial sentence.
- The Community Justice (Scotland) Act 2016² will contribute to reducing inequalities and strengthen social justice by encouraging joint planning and co-ordination, promoting partnership working and increasing the opportunities for earlier and effective interventions to build resilience.

Key actions

- Help meet both health and social needs and address the risks and determinants of offending by strengthening earlier and effective interventions.
- Reduce the impact of offending and sentencing by increasing effective access to support for victims and families, use of 'diversion and community sentencing', and increasing access to support, treatment and recovery.
- Use an integrated, trauma-informed and assets-focused approach, which builds positive change, self-management and resilience to reduce the likelihood of further offending.

What is this briefing about?

This briefing focuses on community justice, especially the role that reducing offending can play in narrowing health inequalities. It recognises that the Community Justice (Scotland) Act 2016 provides a timely lever to reduce the likelihood of offending and to simultaneously reduce health inequalities.

Community justice is defined in the National Strategy³ as ‘the collection of individuals, agencies and services that work together to support, manage and supervise people who have committed offences, from the point of arrest, through prosecution, community disposal or custody and alternatives to these, until they are reintegrated into the community. Local communities and the third sector are a vital part of this process which aims to prevent and reduce further offending and the harm [and inequality] that [offending] causes [to victims, families and communities, and] to promote desistance, social inclusion, [social justice] and citizenship’.

What are health inequalities?

Health inequalities are the unfair and avoidable differences in people’s health across social groups and between different population groups. They represent thousands of unnecessary premature deaths every year in Scotland, and for men in the most deprived areas nearly 25 fewer years spent in ‘good health’; for women this is 22 years. Please see the first briefing in this series, ‘Health inequalities: What are they? How do we reduce them?’⁴ for more information on health inequalities and the broad range of actions that can be taken to reduce them.

Why is community justice important to health inequalities?

Preventing and reducing offending will contribute both to reducing inequality and strengthening social justice in Scotland. Social justice is the fair and equal distribution of wealth, opportunities and privileges within society.⁴ To increase public safety and assurance, we need to address the underlying determinants of offending rooted in the unequal distribution of power, income and wealth.⁵

There is a high correlation between being in prison custody and income inequality, social mobility, teenage births, loss of trust, mental illness and high levels of obesity.¹

To improve the lives of those most at risk of offending and receiving a custodial sentence, we first should appreciate the wider societal inequalities that create those defining risk factors. For example, Scotland’s prison population predominantly reflects our most socially deprived communities. In Scotland, the imprisonment rate is around 141 per 100,000 – the second highest in western Europe after England and Wales.⁶



Around 50% of all prisoners have a history of debt, with one-third never having had a bank account. The families of relatives serving sentences state their debts increase while a relative is in prison.⁷



A total of 47% of all prisoners have no formal qualifications, compared with 15% of the general population. More than 20% of the prison population need support with reading, writing and basic arithmetic.⁸



A total of 41% of men, 30% of women and 52% of young men in the prison system were permanently excluded from school.⁹



Although less than 1% of all children are in care, looked after children account for more than 25% of all people in prison.¹⁰

Reducing offending, reducing inequalities

Community justice partners, in contributing to reducing inequalities, are in a strong position to influence and address the factors that contribute to both crime and the likelihood of being a victim (see figure below). Current actions on public protection, community safety, alcohol licensing, and social housing and homelessness are examples of opportunities to intervene earlier and reduce the impact of offending.



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The **Community Justice (Scotland) Act 2016** and the community justice partner arrangements at local level provide good opportunities to strengthen the impact on health and reduce the inequalities associated with crime, offending and being a victim. It will therefore have a positive impact on the health and wellbeing of the wider community and, in reducing the impact of crime on poverty and by tackling inequalities, contribute to social justice. A new document ([‘Reducing Offending, Reducing Inequalities’](#)¹¹) has also been published to outline where local partners can make the impact.

The Community Justice Strategy, along with the creation of **Community Justice Scotland**, will drive this. They will ensure:

- communities improve their understanding and participation in community justice
- partners plan and deliver services in a more strategic and collaborative way
- people have better access to the services they require, including welfare, health and wellbeing, housing and employability
- effective interventions are delivered to prevent and reduce the risk of further offending.

These are supported by person-centred outcomes to strengthen life chances, positive relationships, participation in education and employment, capacity for change, and self-management.

National performance indicators

A set of national performance indicators has been published to measure impact.¹² This includes health and wellbeing measures such as better mental health and less substance use, and for a range of wider health improvement determinants of wellbeing, such as housing, education and employment. These combined efforts also aim to reduce the stigma associated with involvement in the justice system.

These draw together the best of health, social care, voluntary and community sector outcomes and align them to one set of objectives which centres on the needs of the individual within the justice system. A good example for this approach is supporting young people vulnerable to offending; those who are victims of crime; or those being looked after by local services.





To do this, the following actions are recommended:

Divert young people away from arrest and prosecution	Offer alternatives to secure care and custody
Address needs and change behaviour, especially for low-level offences	Encourage more use of the children’s hearings system
Retain more young people on supervision requirements	Use the most effective risk management measures
Support young people if they appear in court	Support reintegration and transition back to the community.

Increasing opportunities for earlier interventions

Greater co-ordination, integrated delivery of health and justice, and delivery to prevent and reduce crime can reduce the duplication of effort and reduce public service costs. This is particularly important at a time when resources are under pressure.

For people who are at risk of becoming involved in the justice system, the four key areas where Community Planning Partners can focus and generate highest impact are in:

	preventing violence
	reducing alcohol and drug use
	improving mental health
	reducing trauma.

Early and effective interventions, a whole-system approach and collaboration can help achieve these outcomes.

Reducing the impact of offending and sentencing

Many vulnerable people who offend can appear frequently in the early stages of the justice system. There are opportunities to intervene and reduce any negative impact of being in contact with the justice system. For example, interventions in police custody, alternatives to prosecution, community sentencing (including the use of electronic monitoring) and the use of treatment orders or fiscal work orders can help to intervene before people become engaged in a cycle of further offending.

The public sector can reduce the negative impact of being involved in justice services by focusing on:

- a whole-system approach
- building on people's relationships and skills (assets)
- better victim support
- police custody inreach
- problem-solving courts
- non-custodial sentences
- working with families
- encouraging recovery.

The following factors increase the likelihood of having a **negative experience** through contact with the justice system: **poor mental health, harmful substance use, gender and identity issues, being a young person** and/or having been **a previous victim of violent crime.**

Building resilience and sustaining change

We need to increase the ability of both specialist and universal services to respond effectively, particularly to people with histories of trauma and those in recovery from substance use issues.

Trauma and the prevalence among people in contact with justice services is high. Women within justice systems are particularly affected, with both physical and sexual violence leading to poor mental health outcomes.¹³ Studies of sexual violence show elevated rates of depression, anxiety and comorbidity,¹⁴ and there is evidence of very severe health impacts associated with trafficking and stalking.¹⁵

Building ‘recovery-oriented systems of care’ can, for example, also strengthen resilience and help sustain change.¹⁶

At the core of this approach is a commitment to an ‘asset-based’ assessment, one designed to find out the risk and protective factors people have in their lives.

Key features also include:

- person-centredness
- inclusiveness of family, friends and community
- keeping people safe and free from harm
- services that are trauma informed.

Examples of services that could use these approaches include housing, health, social work, employment and education. There is also evidence emerging around the effectiveness of peer support interventions.¹⁷

The best levers for sustained positive change include:

Strengthening community justice in partnership	Improving co-ordination of delivery
Maximising people’s resilience	One-to-one throughcare support and peer mentorship
Trauma-informed policy and practice	Recovery-oriented systems of care.

Community justice partners, in their roles within community planning, have an opportunity to simultaneously reduce offending, increase public safety and assurance by reducing both the determinants of offending (see page 2) and the inequalities and injustice they create.

Actions

This section outlines a summary of specific actions, aligned to the Community Justice Strategy, which local community justice partners could consider and that evidence gathered in the **Reducing Offending, Reducing Inequality** resource suggests would reduce inequalities and improve health while also reducing offending.

Increase opportunities for earlier intervention by:

- making better use of current alcohol and drug policy, partnership and recovery capital (the resources needed to achieve and maintain recovery from substance misuse) to reduce crime and its impact
- preventing and reducing the fear, distress and inequality that poor mental health can create
- preventing, mitigating and better managing those who have experienced trauma within specialist services.

Mitigate the negative impact of offending and sentencing by:

- strengthening our equalities, gender-based violence and alcohol and drug misuse work to reduce the likelihood of becoming a victim
- strengthening the resilience of children, young people and families involved with the justice system
- intervening in police custody to better manage people with mental health and substance use issues and reduce the risk of self-harm
- providing alternatives to prosecution, diversion and support, especially for women and young people, to reduce the likelihood of further offending
- increasing the use of community sentencing with treatment, recovery and delivering this in an integrated way
- providing better care for people serving prison sentences, particularly young people, those with mental health problems, substance use issues or those at risk of poor sexual health.

Build resilience and sustain change through:

- increasing the ability of both specialist and universal services to respond effectively to people in recovery or with histories of mental illness or trauma
- improving delivery of interventions in custody and strengthening peer, mentoring and mutual aid and recovery capital to reduce the likelihood of further offending
- build on the Scottish Prison Service's organisational and purposeful activity reviews to increase workforce skill and capacity, including maximising throughcare support
- strengthening impact by implementing the Community Justice Act 2016 together through collaboration and a combination of directive and adaptive leadership.

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Collaboration with NHS Health Scotland

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