A nursing alternative

Many people who end up in court have a mental health problem. Erin Dean meets nurses in a new service who direct them to the care they need

The Court Assessment and Referral Service (CARS) is a liaison and diversion service working across courts and police stations in Avon and Wiltshire. The 17 members of staff are all mental health or learning disability professionals – and more than half are nurses.

Individuals referred to the team, which is run by Avon and Wiltshire Mental Health Partnership NHS Trust, will receive a prompt face-to-face assessment. The staff provide reports to inform sentencing decisions and, when appropriate, divert individuals from custody into treatment.

For women, there is an alternative option to custody – a day centre in Bristol called Eden House, where they can access primary and secondary mental health services.

In a typical three-month period, the service assesses about 140 people in courts and 200 more at police stations. About a quarter of those who need support have substance misuse issues and a similar number have depression. Almost one in five have psychosis, 13 per cent have anxiety and around 6 per cent have a learning disability.

CARS practitioner and mental health nurse Laura Hampshire says: ‘An assessment takes about 45 minutes. A lot of detail is required, which can be difficult because of the environment – it may be in police or court holding cells. ‘Many people being assessed are distressed, having been arrested, and are concerned about where they are going to end up.

‘They have not been convicted when we see them and we are there for their mental health. If they have done what they have been accused of, it could be because of their mental state. A large number of people we see would not dream of behaving the way they did if they were well. They would be mortified.’

Early intervention

Jane Anderson, service manager for criminal justice liaison services for Avon and Wiltshire Mental Health Partnership NHS Trust, adds that early intervention is vital.

‘People receive an assessment on the day, which means the courts have all the available knowledge and sentencing is more likely to be appropriate. It is a patient-centred service that focuses on the recovery of the client. ‘We are all working together to reduce re-offending – and if the offending is related to a mental health problem then treatment for that problem will reduce the risk of re-offending significantly.’

‘We assess clients in police or court holding cells. Many are distressed having been arrested’

More than two thirds of men, women and young people in prison have two or more mental health problems. There are also many prisoners with learning disabilities.

Ensuring that offenders are assessed and get the health care and support they need, preferably before they are sent to prison, is the focus of many nurses working with the criminal justice system.

Nurses often make up the majority of staff in liaison and diversion services, which help to identify people with mental health problems or learning difficulties who come into contact with the criminal justice system. The teams are due to be established across every court and police custody suite in England the end of next year.

The teams were born out of the Care not Custody campaign, launched by the National Federation of Women’s Institutes and the Prison Reform Trust in 2009.

The campaign was set up after the suicide in prison of the 33-year-old son of a WI member. He had schizophrenia and a
There are 100 liaison and diversion teams in England working to ensure offenders with mental health needs are treated and steered away from the criminal justice system when appropriate. The teams, which include nurses, also have a role in reducing re-offending rates.

Author
Erin Dean is a freelance journalist

history of serious mental illness. After a long spell in custody, he was sentenced to five years in prison where he suffocated himself with a plastic bag.

His mother wrote in the report for the campaign: ‘Care for the mentally ill should be therapeutic and in surroundings conducive to peace and recovery – not the barred, noisy, stressful and gardenless prison.’

The campaign followed a review of mental health and learning disabilities in the criminal justice system by Lord Bradley in 2009, which found there were more people with mental health problems in prison than ever before.

Care not Custody has brought together a coalition of organisations, including the RCN, to lobby the government for action to help prevent vulnerable people being sent to prison inappropriately. A result of this coalition was a pledge in March 2011 from the secretaries of state for health and justice to commit to the development of national ‘liaison and diversion’ services.

In England, more than 100 of these teams are now working with the police, the courts, social services and the NHS to improve the experience and care of those with mental health problems.

The teams can identify the health needs of offenders wherever they are in the criminal justice system, enabling the police and courts to make informed decisions about charging and sentencing. They also aim to ensure that offenders receive appropriate treatment, and are diverted from the criminal justice service when appropriate.
RCN learning disabilities and criminal justice nursing adviser Ann Norman says: ‘If someone has a mental health problem or learning disability, we have to question if prison is the right place for them. It is about being morally right and just.’

In Norfolk, six mental health nurses work on the liaison and diversion team, which was launched in 2011. It assessed 800 people in its first year. Almost half were referred by police, a further 46 per cent by the probation service and the remainder from a range of sources including solicitors and court staff.

The team’s work involves writing reports for the courts and probation services, and liaising with GP, mental health, social, housing and learning disability services. It also provides mental health training for police and probation staff.

Deputy service manager Ian Trenholm is confident the service is making a difference. He cites one successful case that involved a young man with a record of repeated serious offences. He was assessed by the team, diagnosed with paranoid schizophrenia and started on treatment. The client engaged with mental health services and has not committed a crime since. This process took ten months.

Offending stops
‘Diversion is not a quick fix, but the evidence suggests that when someone with a mental health problem receives treatment, their offending can be stopped and they receive the health care they need,’ Mr Trenholm says.

A different model is the street triage team, where mental health nurses work with the police to assess people before they are arrested or detained under the Mental Health Act to see if they should be cared for somewhere more suitable than a police cell. Initially trialled by police forces in Cleveland and Leicestershire, the government announced earlier this year that it will be rolled out to four more police services.

One of the aims of street triage is to cut down on the number of people detained for 72 hours by the police under section 136 of the 1983 Mental Health Act. This power is used when someone is found in a public place appearing to be suffering from a mental health disorder and is in immediate need of care or control.

There has been a sharp drop in the use of section 136 in the two pilot areas, because people have been diverted to more appropriate locations, such as a mental health hospital.

According to a 2009 review of the evidence on liaison and diversion services, almost 20 per cent of women and 15 per cent of men with mental health problems or learning disabilities or difficulties that interfere with their ability to cope with the criminal justice system, reductions in re-offending and improvements in mental health.

Fact file: people in prison
- The prison population in England and Wales is more than 83,000.
- The average annual cost of a prison place in England and Wales is more than £37,000.
- Almost half of women prisoners in a Ministry of Justice study were assessed as having anxiety and depression. This can be compared with 19 per cent of the female UK population who were estimated to have different types of anxiety and depression.
- 20-30 per cent of all offenders have learning disabilities or difficulties that interfere with their ability to cope with the criminal justice system.
- 25 per cent of women and 15 per cent of men in prison reported symptoms indicative of psychosis. The rate among the general public is about 4 per cent.

Source: Prison Reform Trust

The report, Diversion: A Better Way for Criminal Justice and Mental Health, found a particularly strong case for replacing short prison sentences with effective treatment in the community.

According to the review, such an approach has the potential to save more than £20,000 per case, including savings to the criminal justice system of up to £8,000 and benefits from reduced re-offending valued at around £16,000.

Jenny Talbot, director of the Care not Custody programme for the Prison Reform Trust, says the situation is much better than it used to be, but she is concerned that the 2014 deadline for national liaison and diversion services has slipped.

Further investment
A business case that includes greater investment in liaison and diversion services is being considered by the Treasury, and a response is expected this month.

‘There has been investment in these services, but we are not there yet,’ says Ms Talbot. ‘There is an awful lot to do and there has been some time slippage, so we have to be on our toes.’

She emphasises that these services should not be used solely as a way to divert all people with mental health problems or learning difficulties away from the courts.

‘The concept of liaison and diversion is brilliant, but what we must not do is forget about liaison and focus on diversion.

‘People with mental health problems or learning disabilities should still be held to account for their actions and given the chance to prove their innocence, just like anyone else. Diversion can remove that opportunity.

‘Diversion should be placed in the context of the wider society. We need to ensure we support people’s needs, but it is not a get out of jail free card’

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