

Navigating the criminal justice system

A guide for voluntary organisations
working in the criminal justice system
in England and Wales

January 2022



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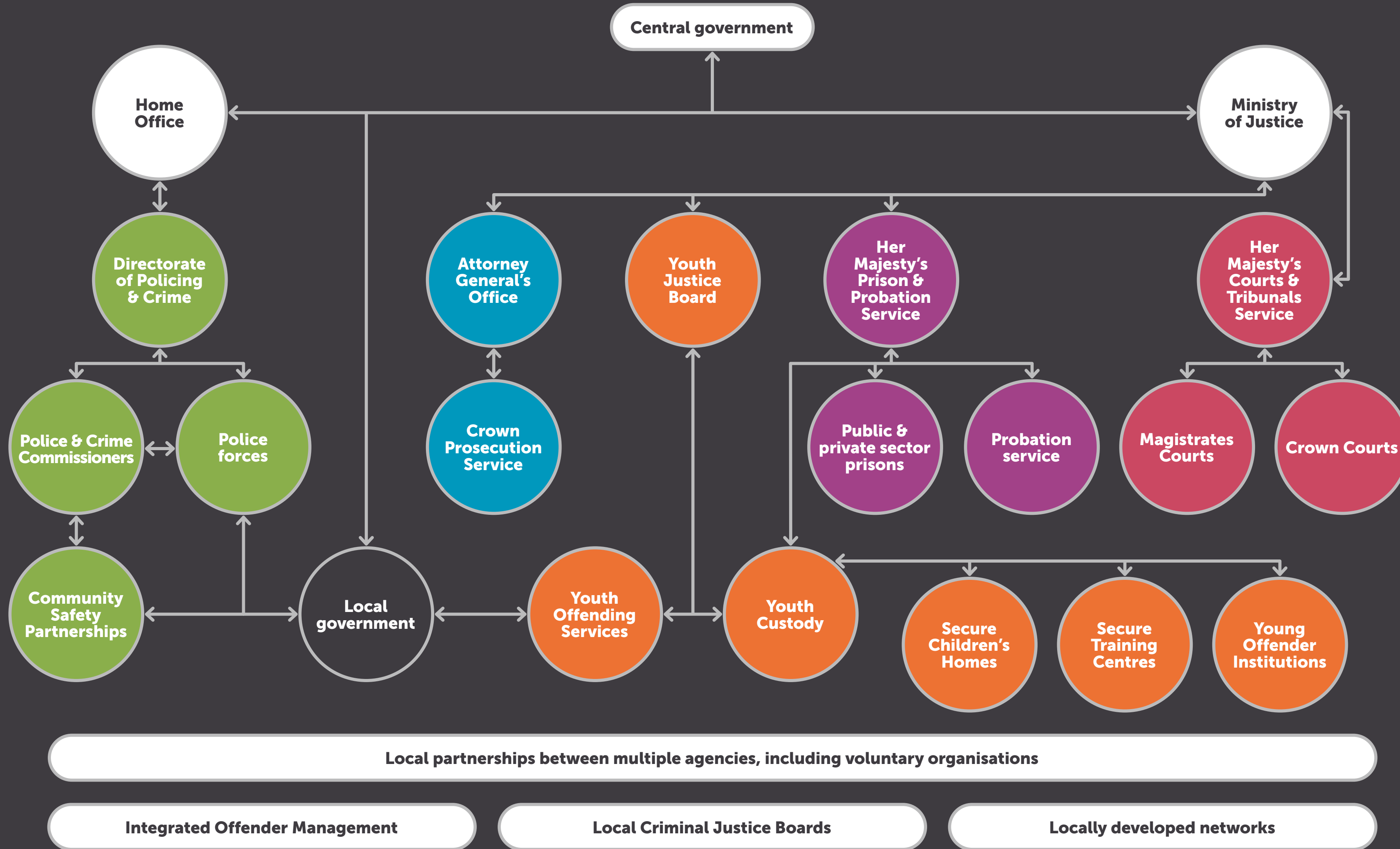
This guide is aimed at people working or volunteering for voluntary organisations that support people in the criminal justice system. The criminal justice system in England and Wales can be daunting to understand because of both its size and complexity. This guide aims to help you understand how the criminal justice system is organised and how it works.

The criminal justice system comprises of government departments and several agencies.

In this guide...



An overview of the criminal justice system



About the voluntary sector

Voluntary organisations working in the criminal justice system have a long history of providing services that complement and supplement statutory criminal justice services. Throughout its rich history, the voluntary sector has used its knowledge and expertise as a driver for positive change. From early steps to reform prison conditions in the 1800s, to more recent developments pioneering distinct services for women in the criminal justice system, developing support services for families of prisoners and championing service user led approaches.

The voluntary sector working in criminal justice covers a wide spectrum – from small, volunteer-run community groups to large national organisations which employ hundreds of people. Many employ a mix of paid and voluntary staff. Thousands of voluntary sector organisations don't specifically target people with convictions but include them within their client group because of the nature of their work.

Voluntary organisations often provide wrap-around services to enable and support individuals to undertake and complete their sentence and go on to live fulfilling lives.

The voluntary sector is particularly well known for providing specialist services that reflect the diversity and needs of individuals. There are many specialist organisations for groups such as veterans, foreign nationals, mothers and babies in prison; and networks that link common services, e.g. around the arts, faith and sport. The voluntary sector remains a key provider of support for families of prisoners.

Information on hundreds of voluntary sector organisations providing services to people affected by the criminal justice system and their families can be found on Clinks' [Directory of Services](#). Voluntary sector organisations can register their details on the directory for free.





Ministry of Justice

The **Ministry of Justice** is responsible for courts, prisons, probation services and attendance centres.* It oversees the work of Her Majesty's Courts and Tribunals Service (HMCTS) and Her Majesty's Prison and Probation Service (HMPPS).

Home Office

The **Home Office** is the lead government department for the 43 police forces, providing national support for the work of locally elected Police and Crime Commissioners (PCCs).

Her Majesty's Courts and Tribunals Service

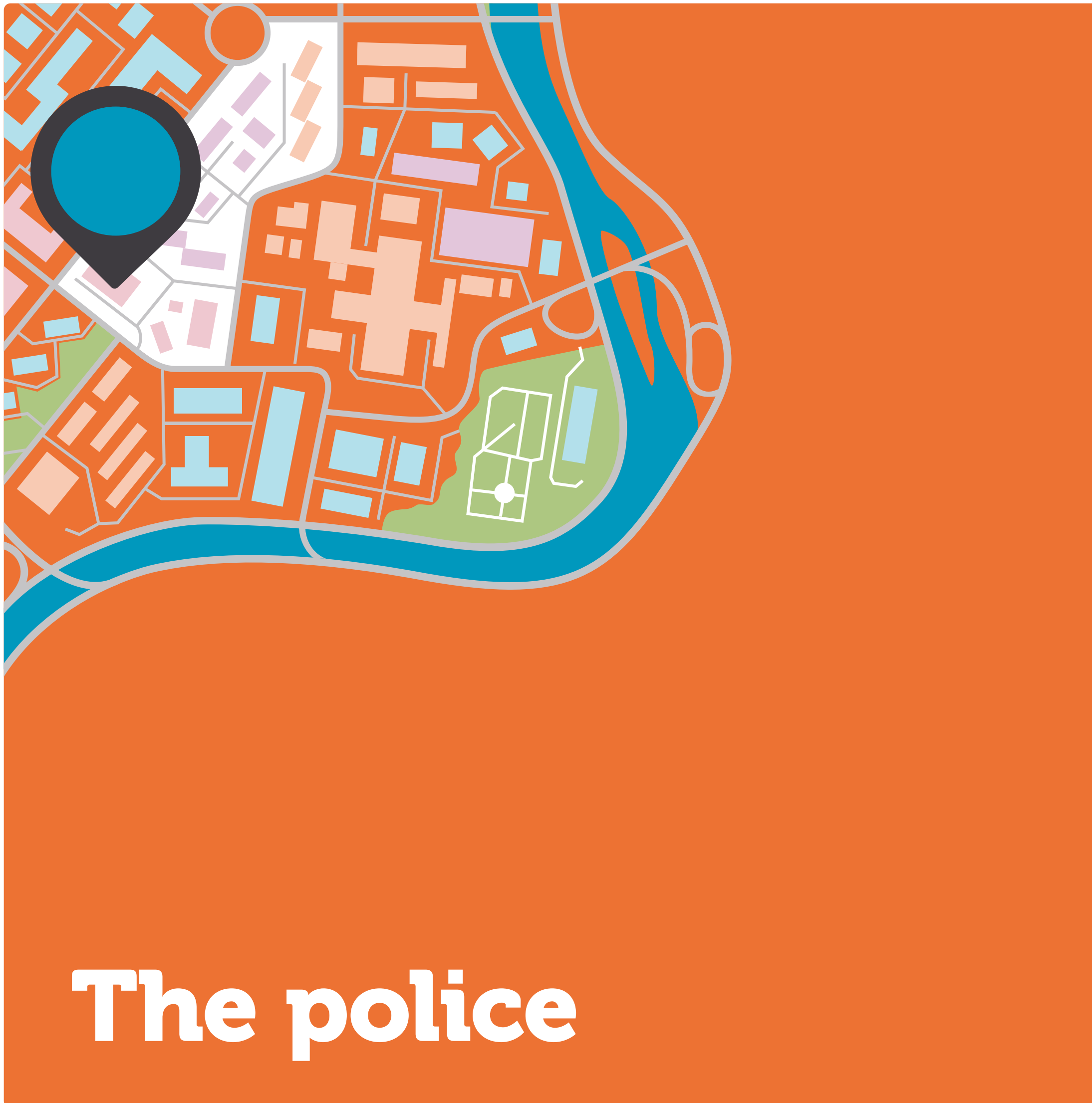
Her Majesty's Courts and Tribunals Service was created in April 2011. It is responsible for the administration of criminal, civil and family courts and tribunals.

Her Majesty's Prison and Probation Service

Her Majesty's Prison and Probation Service is an executive agency of the Ministry of Justice. Created in April 2017, HMPPS is responsible for managing the operations, performance and commissioning of prison and probation services, rehabilitation services for people leaving prison, and making sure support is available to help people stop reoffending. Through Her Majesty's Prison Service, HMPPS manages public sector prisons and youth custody and the contracts for private prisons. Through the Probation Service, it oversees probation delivery.

* Young people are sometimes required to attend attendance centres as part of a community sentence or court order





There are 43 police forces. The police are responsible for keeping the peace and investigating offences reported to them.

They provide information and advice to the Crown Prosecution Service (CPS) about alleged offences committed by individuals. Their role is to uphold the law, to prevent crime, to pursue and bring to justice those who break the law, and to protect and reassure the community.

The police are the first point of contact for people entering the criminal justice system. They are also a potential point of diversion away from it. Police forces work with a range of local community organisations to reduce criminal or antisocial behaviour and activity. You can find links to your local police force by visiting the [police.uk](https://www.police.uk) website.

Liaison and Diversion services

Liaison and Diversion services identify individuals who have a learning disability, mental health or substance misuse issue, or other vulnerabilities, when they first come into contact with the criminal justice system. Criminal justice agencies are trained to recognise possible signs of vulnerability in people when they first meet them (when they come into contact with the police or the courts) and involve their local Liaison and Diversion service to engage with the person for further assessment of their needs. The service can then support people, refer them for appropriate health or social care or enable them to be diverted away from the criminal justice system into a more appropriate setting, including support by voluntary organisations.



Police and Crime Commissioners

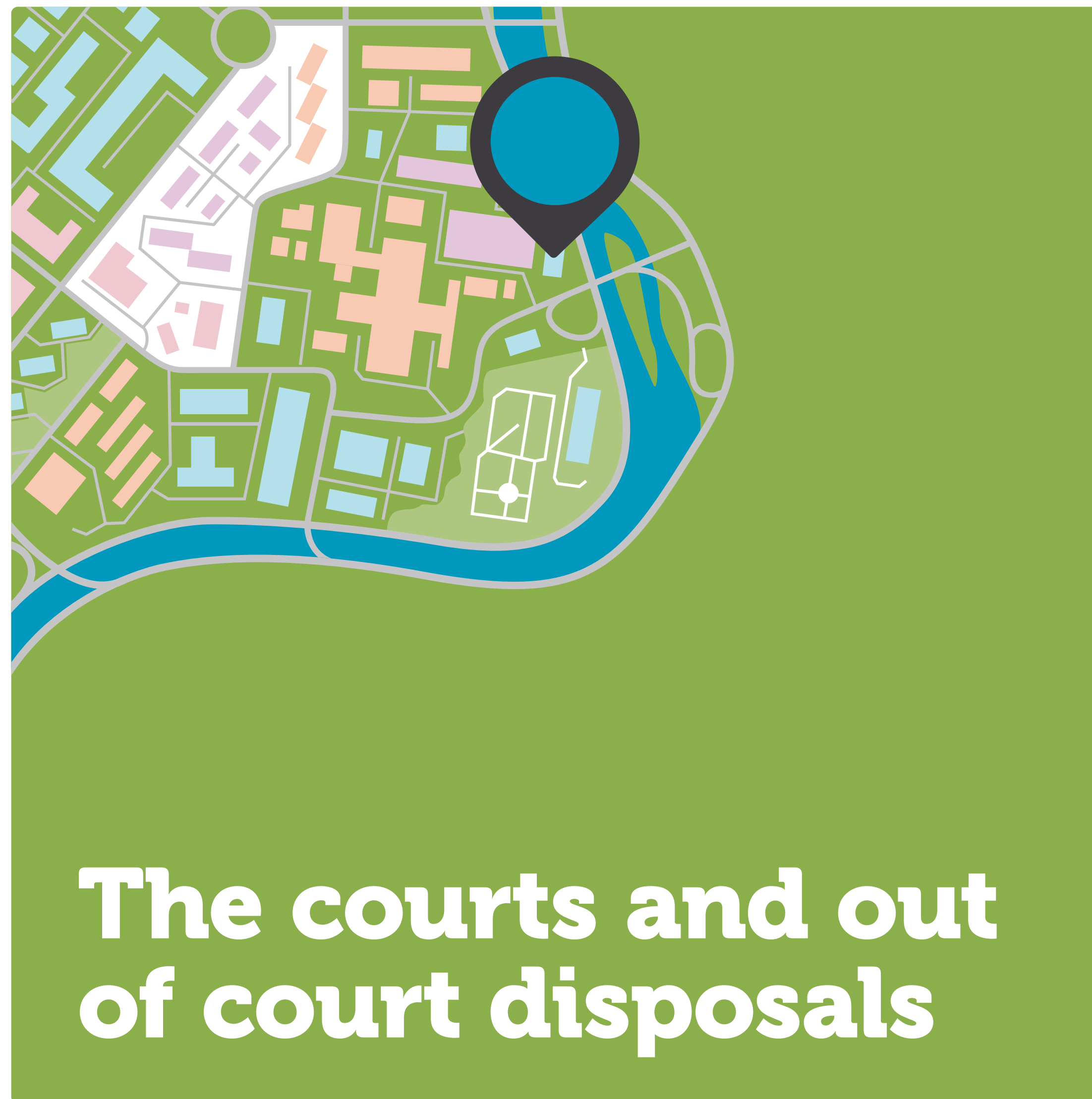
The first **Police and Crime Commissioners** (PCCs) were introduced in November 2012 and replaced what were previously Police Authorities. There are PCCs in 40 police forces. In Greater Manchester, West Yorkshire and London, PCC responsibilities sit with the Deputy Mayor. The PCC is an elected official and is answerable to the public.

The core functions of PCCs are to secure the maintenance of an efficient and effective police force within their area, and to hold the Chief Constable to account. They each have oversight of a police and crime plan which seeks to reduce crime and improve community safety in their geographical area. PCCs are responsible for the police fund (from which all policing of the area is financed). More information regarding PCCs in your area and police and crime plans can be found [here](#).

Association of Police and Crime Commissioners

The **Association of Police and Crime Commissioners** (APCC) is the national membership body that supports Police and Crime Commissioners, Police, Fire and Crime Commissioners (PFCCs), Deputy Mayors and other local policing bodies to provide national leadership and drive strategic change across policing, criminal justice and wider community safety.





The courts and out of court disposals

Almost all criminal cases begin with an offence being reported to the police.

If there are reasonable grounds to suspect a crime has been committed, the police will arrest an individual and, following an investigation, if there is enough evidence, they may recommend to the Crown Prosecution Service that the individual is charged with a specific offence.

Out of court disposals

Out of court disposals (OOCd) are a range of options available to the police to use in certain cases as an alternative to a prosecution. They allow the police to deal quickly with low-level offending without recourse to the courts and are an opportunity to provide intervention and support to individuals, diverting them into rehabilitative services to help reduce escalation of offending.

Bail and remand

The first court hearing after an individual is charged is at a magistrates' court. After being charged, the individual may be released on bail. This means they are released until their court hearing, but they might have to agree to certain conditions, for example living at a particular address and not contacting certain people. If bail is refused by the courts, the person will be remanded in custody until their court hearing. When a person is remanded in custody it means that they will be kept in prison until a later date when a trial or sentencing hearing will take place. Further information regarding bail conditions and reasons for bail refusal can be found [here](#).



Magistrates' and crown courts

When an individual is charged with a specific offence, this means the case will be going to court. The criminal courts are divided into magistrates' courts and crown courts. All cases start in a magistrates' courts. There are some offences that are less serious and can only be dealt with at this level (including most motoring offences and minor criminal damage – these are known as 'summary offences'). There are other offences which can be heard at either the magistrates' or crown courts (such as burglary and drugs offences – these are called 'either way' offences). More serious offences are dealt with by crown courts (such as murder and rape – these are known as 'indictable offences'). Magistrates are volunteers who have been trained and have the support and advice of legally qualified court clerks. Judges sit primarily in the crown court and are qualified barristers who have been appointed to the judiciary.

If an individual is charged with a minor offence, the case could be decided by a magistrate without the person going to court (known as a 'single justice procedure'). If a person gets a **single justice procedure notice** they must respond within 21 days.

Problem solving courts

Problem solving courts generally operate out of existing courts.

They use the authority of the court combined with the other services necessary to provide treatment, reduce re-offending and improve outcomes. They usually have a particular specialism, for example a specific need such as drug abuse, a specific crime, such as domestic abuse, or a specific group of people such as women or young adults.





If the individual pleads guilty, or is found guilty after a trial, the magistrate or judge imposes a sentence.

Depending on the seriousness of the offence, the Probation Service might be asked to prepare a pre-sentence report on the individual and the information, assessments, and recommendations in the report will be used to help the magistrate or judge arrive at a decision. There are many types of sentence that a judge or magistrate can give. They range from discharges and fines, which are given for lower-level offences, up to life sentences in prison for the most serious crimes. The **Sentencing Council** has more detail on the range of sentences, but these are summarised below.

Discharges

Discharges are where a person is released from court without any further action. These are given for the least serious offences. There are two types of discharge:

- An 'absolute discharge' means that no further action will be taken
- A 'conditional discharge' means that no further action will be taken as long as the person does not commit another offence during the discharge period.

Fines

Fines are the most common type of sentence given by the courts. They are usually given for lower-level offences and must be paid within a set period of time.



Community sentences

Community sentences are overseen by the Probation Service and combine some form of punishment with activities carried out in the community. There are **13 possible requirements** that a person given a community sentence might be expected to meet and they can be given just one or a combination. **Community sentence treatment requirements** (CSTRs) are a requirement for a person to complete treatment for a mental health, drug and/or alcohol problem as an alternative to custody.

Suspended prison sentences

Suspended prison sentences are prison sentences of between 14 days and two years (or six months in the magistrates' court) which are suspended for up to two years. This means that the person does not go to prison immediately but must carry out their sentence in the community by complying with up to 13 requirements set by the court (as for community sentences, above). If the person does not adhere to the requirements set by the court, they can then be sent to prison to serve the remainder of the original length of sentence given.

Prison sentences

Prison sentences are reserved for the most serious offences and may be imposed where the court believes it is necessary to protect the public. The type and length of sentence depends on the seriousness of the offence and the maximum penalty for the crime allowed by law.

Determinate prison sentences are prison sentences with a fixed length. This is the most common type of prison sentence. For prison sentences of 12 months or more, the person spends the first half of the sentence in prison and the second half in the community 'on licence', which will include specific conditions. Whilst on licence the person will be subject to a period of supervision and if the conditions of their licence are not met or are 'breached' they may be recalled to prison. For prison sentences under 12 months, the person is normally released automatically halfway through, followed by a period of supervision. People serving sentences of between three months and four years, with certain exceptions for violent or sexual offences, may also be eligible for release on a home detention curfew (HDC). This allows a person to be released up to 135 days before their automatic release date. They will be electronically tagged, and a curfew imposed. If a person breaches the curfew they can be recalled to prison.

Indeterminate prison sentences of Imprisonment for Public Protection (known as IPP sentences) do not have a fixed length of time. This means no release date is set and the person must spend a minimum amount of time in prison (called a 'tariff') before they are considered for release. The Parole Board is responsible for deciding if someone can be released from prison. This was intended to apply to people convicted of serious offences who did not merit a life sentence and was abolished in 2012. However, the abolishment of these sentences was not retrospective and there are still people in prison serving an IPP sentence who are well over their minimum tariff but have yet to be released.



Life sentences

Life sentences last for the rest of a person's life. This sentence can mean the person spends time both in prison and in the community subject to licence conditions. If they are released from prison and commit another crime, they can be sent back to prison at any time. If a person is found guilty of murder, a court must give them a life sentence. When passing a life sentence, a judge must specify the minimum term (called the 'tariff') they must spend in prison before becoming eligible to apply to the Parole Board for release. The only exception to this is when a life sentence is passed with a 'whole life order' meaning that the person will spend the rest of their life in prison, until death.





HM Prison Service is a part of HMPPS, and comprises over 120 prisons. Some of these are contracted out to private companies. Most prisons are for adult males. There are ten for women and five are young offender institutions holding young men aged 15 to 21. You can search the current list of prisons [here](#).

Prison regimes include opportunities for training, education, drug treatment, and include advice and practical support to prepare people for release and support with issues like accommodation, employment and finance. Adult prisons are broadly categorised according to the level of security each provides.

Category A prisons

Category A prisons (the High Security Estate) hold individuals who are considered to be the most dangerous, serving long sentences for serious offences. Category A prisoners are those that would pose the most threat to the public, criminal justice agencies, or national security should they escape.

Category B prisons

Category B prisons hold individuals serving long to medium length sentences who are deemed less of a risk (in comparison to Category A) to the public, criminal justice agencies, or national security. They often present a lower risk of potential escape. Some Category B prisons partly or wholly function as remand prisons, holding people in pre-trial detention. A considerable proportion of the people in remand prisons may be there for a short period of time. Category B prisons that contain remanded prisoners are sometimes also known as 'local prisons.' People serving sentences of less than 12 months often remain in their 'local prison' until they are released.



Category C and D prisons

Category C (training) prisons and Category D (open) prisons hold individuals who are less of a risk to the public and present a much lower risk of escape. These prisons are often more focused on resettlement, with most people in these prisons approaching the end of their sentence and preparing for release back into the community. This will include the opportunity for prisoners to leave prison under release on temporary licence (ROTL), which allows them to undertake voluntary work placements, paid employment or can allow for overnight visits to relatives.

Women's estate

There are currently 10 women-only prisons with six having mother and baby units, plus one women's custodial unit on the HMP Peterborough site where adult men are also held in separate facilities. Clinks continues to represent and provide support to organisations working with **women in the criminal justice system**.

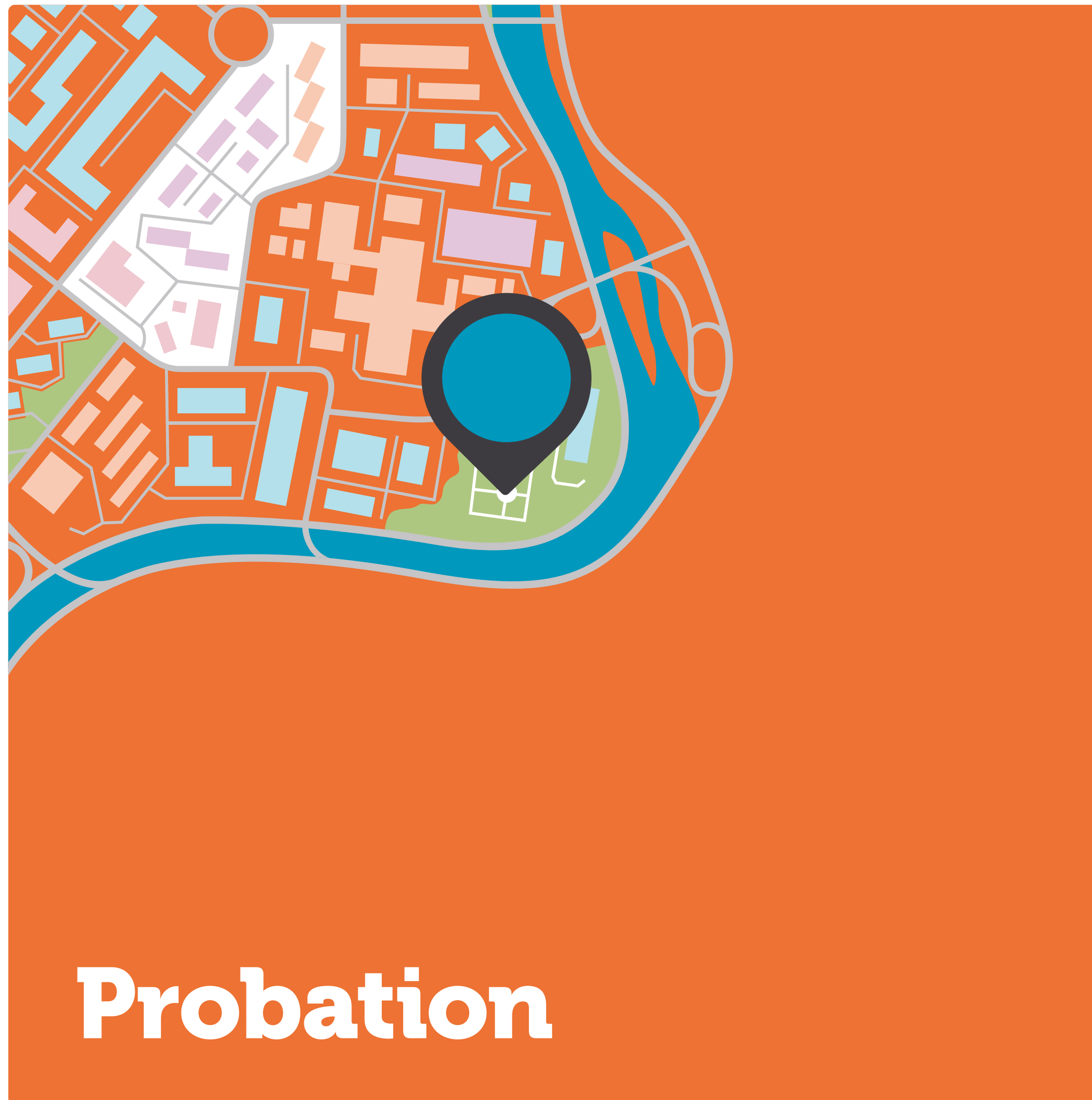
Categorisation

Following initial categorisation, subsequent reviews will take place and consideration given to whether there has been a change in the risks presented by the individual since their last review. As a result of this assessment a decision is made as to the most appropriate conditions for that person. This can include a decrease or increase in security categorisation.



You can find out the number of people in prison on the **Howard League for Penal Reform** website, along with other statistics related to prisons and the criminal justice system in the latest **Bromley Briefing prisons factfile**, published by the Prison Reform Trust.





The Probation Service is the statutory criminal justice service that supervises people in the community who have been released from custody on license and people who have received community sentences.

The Probation Service is responsible for:

- Advising courts on sentencing decisions, including preparation of pre-sentence reports
- Working with people in custody to prepare them for life after release through the Offender Management in Custody (OMiC) model
- Monitoring the risk posed by people supervised in the community and ensuring the public is protected
- Planning and delivering rehabilitative support, often in partnership with voluntary sector organisations
- Enforcing compliance with court orders and licence conditions, including provision of accredited programmes and unpaid work placements.

The Probation Service is made up of **12 probation areas** – 11 regional probation areas across England and a probation service area for Wales. Each area is overseen by a Regional Probation Director (RPD) who is responsible for the overall delivery and commissioning of probation services in their area. RPDs hold responsibility for delivery of sentence management, unpaid work, and interventions. They hold significant regional commissioning budgets for rehabilitative services.



Voluntary sector and private sector organisations are commissioned to deliver rehabilitation and resettlement services through the national probation **Dynamic Framework** in 11 of the probation areas. Greater Manchester Probation Service co-commissions services with Greater Manchester Combined Authority (GMCA) through the Integrated Rehabilitative Service (IRS) procurement system.

Each of the 12 probation areas has published a **Regional Reducing Reoffending Plan** which sets out how they will work with partner organisations to address the causes of reoffending. The plans, which are renewed annually, allow RPDs to highlight specific priorities and ambitions for their individual areas.

Clinks continues to engage with the MoJ, HMPPS and Regional Probation Directors to ensure the voluntary sector is a central partner to the Probation Service. Further information on our work can be found **here**.





Independent inspectorates and regulators exist for the following criminal justice agencies.

Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services
Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMIC) independently assesses police forces and policing and publishes information to allow the public to compare the performance of their force against others.

Independent Office for Police Conduct
The **Independent Office for Police Conduct (IOPC)** oversees the police complaints system. It investigates the most serious matters and sets the standards by which police should handle complaints, using learning from its work to influence changes in policing. It is independent and makes decisions entirely independently of the police and the government.

Her Majesty's Crown Prosecution Service Inspectorate
Her Majesty's Crown Prosecution Service Inspectorate (HMCPSI) inspects the Crown Prosecution Service and the Serious Fraud Office, providing independently assessed evidence to help drive improvement and build public confidence in the prosecution process.

Her Majesty's Inspectorate of Prisons for England and Wales
Her Majesty's Inspectorate of Prisons for England and Wales (HMI Prisons) is an independent inspectorate, led by HM Chief Inspector of Prisons, which reports on conditions for and treatment of those in prison, young offender institutions, secure training centres, immigration detention



facilities, police and court custody suites, customs custody facilities and military detention. In 2017 the **Urgent Notifications process** was introduced so that HM Chief Inspector of Prisons can alert the Secretary of State for Justice where there are urgent and significant concerns about a prison.

Her Majesty's Inspectorate of Probation

Her Majesty's Inspectorate of Probation (HMI Probation) is the independent inspector of probation and youth offending services. As well as inspections of individual/regional services, it publishes regular thematic reports on key issues in the criminal justice system and conducts Serious Further Offence (SFO) reviews.

Independent Monitoring Boards

Independent Monitoring Boards (IMBs) are made up of members that are independent, unpaid and conduct an average of 2-3 visits per month. They have unrestricted access to their local prison or immigration detention centre and can talk to any prisoner or detainee they wish to, out of sight and hearing of members of staff if necessary. Their role is to monitor day-to-day life in these settings and ensure that proper standards of care and decency are maintained. They also play a significant role in dealing with individual issues.

Prisons and Probation Ombudsman

The **Prisons and Probation Ombudsman** (PPO) carries out independent investigations into complaints and deaths in custody. It investigates complaints made by prisoners, young people in detention (prisons and secure training centres), people under probation supervision and individuals detained under immigration powers (detained individuals). It investigates deaths of prisoners,

young people in detention, approved premises residents and detained individuals due to any cause, including any apparent suicides and natural causes. It also investigates deaths of recently released prisoners, using its discretionary powers.





Local Criminal Justice Boards

Local Criminal Justice Boards (LCJBs) are locally created forums within which partnerships of local criminal justice agencies can collaborate. They operate as a voluntary partnership in most counties in England, usually around a police force area.

They are often chaired by the local Police and Crime Commissioner or Chief Constable. They typically include representatives from the police, Office of the PCC, Crown Prosecution Service, HM Courts and Tribunal Service, HM Prison Service, Probation Service, and the youth offending team.

Community Safety Partnerships

Community Safety Partnerships (CSPs) are hosted by the local authority and, working closely with the PCC, it is their responsibility to bring together key criminal justice partners to discuss and inform ways in which crime can be reduced at a local level. CSPs hold a small amount of funding for local initiatives and can be an effective mechanism for voluntary sector organisations to push for local action to address issues of crime and justice.

Reducing Reoffending Boards

Reducing Reoffending Boards are generally convened by the Police and Crime Commissioner, or the Deputy Mayor with PCC responsibility in devolved areas. Their aim is to bring together local partners and senior leaders from statutory and voluntary sector agencies to develop strategies, activities and funding opportunities based on local priorities and need, to prevent and reduce reoffending in communities. In some regions, these

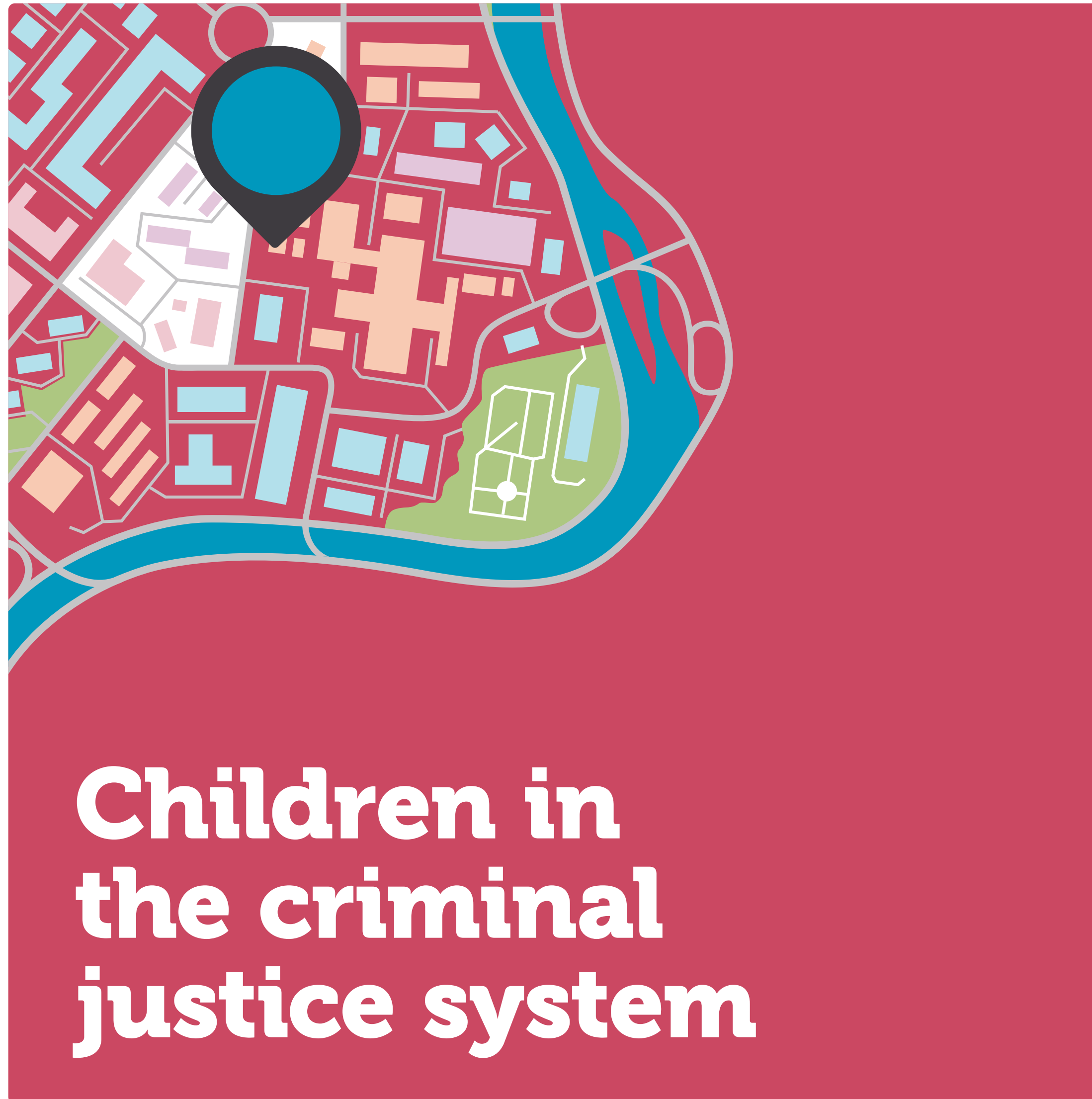


boards have representation from all the PCCs within a region, prison and probation leads and wider sector agencies – for example NHS and local authorities. These allow a range of partners to develop effective strategies across whole regions. These can enable co-commissioning opportunities for organisations working with individuals in the criminal justice system.

Integrated Offender Management

Integrated Offender Management (IOM) brings together the police, probation and other agencies, including the voluntary sector, to develop and deliver a local and collective response to persistent and problematic offending. It aims to reduce the negative impact of crime and reoffending by working in partnership to identify and manage individuals who have committed prolific and repeat offences in local communities, providing and directing them to relevant support services. Further details can be found in the [Integrated Offender Management strategy](#).





Children in the criminal justice system

The Youth Justice Board (YJB) is an executive non-departmental public body, sponsored by the Ministry of Justice, that oversees the youth justice system (for people under the age of 18).

YJB members are appointed by the Secretary of State for Justice. Their main function is to monitor the operation of the youth justice system and the provision of youth justice services. The YJB provides guidance, support and information for practitioners in Youth Offending Teams and others working with young people in, or at risk of contact with, the criminal justice system.

Youth offending teams work with children aged 10-18 who have come into contact with the criminal justice system. There is a youth offending team in every local authority. [Find your local youth offending team here](#). The youth offending team gets involved if a child has come to the attention of the police because of their behaviour or is arrested and is charged with a crime and has to go to court, or is convicted of a crime and given a sentence.

The Youth Custody Service is a distinct part of HMPPS, established in 2017, responsible for the running of public sector sites across the youth secure estate. The youth secure estate is made up of five under-18 Young Offender Institutions, two Secure Training Centres and eight Secure Children's Homes.

Young Offender Institutions

Young Offender Institutions (YOIs) are for people aged 15-21. People aged 15-17 are held separately to people aged 18-21. Some YOIs are standalone institutions, but in some instances are co-located.



Secure Training Centres

There are currently three Secure Training Centres (STCs), two of which are run by private contractors while a third is managed by HM Prison Service. The Youth Justice Board purchases places for children. STCs hold children aged 12-17.

Secure Children's Homes

Secure Children's Homes (SCHs) are all run by local authorities. The Youth Justice Board can purchase places for boys and girls aged 10-14. SCHs range in size from 8 to 40 beds.

Navigating the criminal justice system – information sessions

Are you new to working or volunteering in the criminal justice system? Do you have volunteers or staff members who want to increase their understanding of the criminal justice system?

We hold information sessions for voluntary sector staff and volunteers in which we aim to increase awareness of – and provide the opportunity to explore and discuss – how the criminal justice system is organised, the complexities within it, and how it works.

For more information...

Visit [our website](#) for upcoming opportunities or email events@clinks.org





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Our vision

Our vision is of a vibrant, independent and resilient voluntary sector that enables people to transform their lives.

Our mission

To support, represent and advocate for the voluntary sector in criminal justice, enabling it to provide the best possible opportunities for individuals and their families.

Join Clinks: be heard, informed, and supported

Are you a voluntary organisation supporting people in the criminal justice system?

Join our network of over 600 members.

Clinks membership offers you:

- A voice to influence change
- Practical assistance to be effective and resilient
- Support from a community of like-minded professionals.

We are offering free membership to all voluntary organisations until March 2022, and to those with annual income less than £100,000 until the end of March 2023.

www.clinks.org/membership

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