



Ex-Service Personnel and the Justice System Policy Summary

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Background and purpose



The FiMT Research Centre is committed to ensuring that 'evidence is at the heart of decision making for the benefit of ex-Service personnel and their families'. One mechanism for achieving this objective is to produce research and policy summaries for each of the nine transition themes which organise the Centre.¹ These summaries aim to provide an accessible and robust synthesis of up-to-date research evidence, policy, and practice relevant to the specified theme of focus. It is intended that they be used by researchers, policy makers, and service providers to inform their work, thereby placing evidence at the heart of decision making for the benefit of ex-Service personnel and their families.

This policy summary synthesises the available evidence of current policy and support provision for United Kingdom (UK) ex-Service personnel involved in the justice system (JS). Drawing on existing grey literature as well as consultations with relevant stakeholders, it reflects critically on the following topics:

- UK policy and strategy concerning ex-Service personnel within the JS
- Support provision for ex-Service personnel

within the JS (England and Wales)

- Support provision for ex-Service personnel within the JS (Scotland)
- Support provision for ex-Service personnel within the JS (Northern Ireland)

Through addressing the above points, the summary outlines existing policy and practice, identifies gaps in policy and current support provision, and considers the implications of existing research for future initiatives. A summary of current research evidence about ex-Personnel's engagement with the JS is available on the FiMT Research Centre's website (see Bryan & Keeling, 2023).

It is important to note that the findings presented here capture policy and support provision at the time of data collection and were based on the search strategy employed.² A robust methodology was used to produce this summary, helping to ensure that its findings are both valid and credible (see Annexes A & B).

This summary has been subject to peer-review by two independent parties.

¹ For details of the nine transition themes, see: <u>https://www.fimt-rc.org/themes</u>

² Data collection period: 01/08/2023 – 31/08/2023.

Key Findings:



Due to the devolved responsibility for service provision across the UK's constituent nations, police forces, and custodial establishments, there is currently **no UK-wide approach to assisting ex-Service personnel involved in the JS**.



Dedicated statutory assistance is not available to ex-Service personnel within the JS in Northern Ireland because of ongoing concerns surrounding the identification of those belonging to this cohort and whether they should receive tailored support.



Despite the absence of a UK-wide approach, **several policy initiatives have been introduced with the aim of providing more cohesive support to ex-Service personnel within the JS**. These include the Veterans' Strategy Action Plan (England), the Supporting the Transition of Military Personnel initiative (Wales), and the Strategy for Our Veterans (Scotland).



There are a **growing number of partnerships dedicated to assisting ex-Service personnel** involved in the JS across England, Scotland, and Wales. An example is Op NOVA, which operates throughout England as a collaboration between NHS England, Forces Employment Charity, and Care After Combat.



Training is available to police, prison, and probation staff in England, Scotland, and Wales to assist the identification of ex-Service personnel within the JS and any associated support needs.



Numerous non-mandated initiatives have been implemented in police custody and prison settings throughout England, Scotland, and Wales to support ex-Service personnel, including the Veterans in Custody programme, dedicated Veteran prison wings/hubs, and breakfast clubs.



There is **limited evidence of dedicated statutory and non-statutory assistance** for ex-Service personnel negotiating court proceedings, under probation, or serving community sentences.



There is currently **limited statutory and non-statutory support for the families of ex-Service personnel** involved in the JS.

UK policy and strategy concerning ex-Service personnel within the JS



The provision of dedicated assistance to UK ex-Service personnel within the JS is grounded on the Armed Forces Covenant (hereafter, 'the Covenant'). Formalised in 2011, the Covenant stands as a pledge between the Government, the nation, and the Armed Forces to support the Armed Forces Community, including ex-Service personnel and their families. At its core is an agreement that members of the Armed Forces Community should be treated fairly and face no discrimination or impediment on account of their (or a family member's) Service (MoD, 2011). This commitment has been identified as being particularly relevant to ex-Service personnel within the JS, especially because those belonging to this group can be reluctant to access support due to a belief that their life experiences will not be understood (HM Government, 2018).

Despite the recognised need to assist ex-Service personnel within the JS, there is currently no UK-wide approach to meeting this objective.

In its place, a highly complex ecosystem of support has emerged which is subject to the uneven jurisdictional landscape of the UK's three independent justice systems (England and Wales, Scotland, and Northern Ireland) and characterised by highly localised initiatives. There is also a myriad of statutory and non-statutory bodies currently involved in support provision, offering a host of (frequently overlapping) services which are often poorly publicised. As a result, **both service users and providers have reportedly been left uncertain about the help available and assembling a comprehensive picture of existing support structures is extremely challenging** (MoD & OVA, 2023; Davies & Davies, 2019; Ford *et al.*, 2016).

Forces in Mind Trust (n.d.) have issued a policy statement summarising the leading issues relating to ex-Service personnel's involvement in the JS along with outlining a collection of actions required to enhance support for this group.³ The observations and recommendations of this summary mirror and develop those made by Forces in Mind Trust. They also sit alongside the work of the COBSEO (Confederation of Service Charities) Justice Cluster, which includes representatives from the statutory and non-statutory sectors and is dedicated to improving support provision for ex-Service personnel throughout the JS.

Support provision for ex-Service personnel within the JS (England and Wales)

National Initiatives:

While there is currently no UK-wide approach in place, national bodies based in both England and Wales have introduced initiatives designed to assist ex-Service personnel within the JS. The UK Government issued a call for more cohesive support to ex-Service personnel involved in the JS via its Strategy For Our Veterans (2018), including greater collaboration between statutory and non-statutory service providers. Building on this notion, the Office for Veterans' Affairs has recently appointed a 'Veterans and the Law Lead' as well as published a Veterans' Strategy Action Plan (2022) featuring a series of commitments to improve data collection on ex-Service personnel across the JS. One item referenced in this document is HM Prison and Probation Service's (HMPPS) 'Veteran Support Map' - an online resource which displays the support available to ex-Service personnel engaging with the JS and sits alongside HMPPS' Creating Future Opportunities programme to reduce re-offending (CFO, 2023; Armed Forces Covenant, 2022).⁴ A further initiative is Op NOVA which was launched in April 2023 and operates across England.⁵ Commissioned by NHS England and delivered by the Forces Employment Charity (with support from Care After Combat), this nonclinical service acts as a single point of contact for ex-Service personnel involved in the JS and offers personalised support packages, including mental and physical health treatment plans via Op COURAGE and OP RESTORE respectively (Forces Employment Charity, 2023).6

In Wales, support for ex-Service personnel within the JS has been shaped by Integrated Offender Management (IOM) Cymru's Supporting the Transition of Military Personnel (SToMP) initiative.

Reflecting the designation of ex-Service personnel as a priority group in the All Wales Criminal Board's 2014 Reducing Reoffending Strategy (Cooper et al., 2018), SToMP was launched in 2016 to establish a whole-system approach for identifying and assisting former members of the Armed Forces within the JS (MoD, 2016). Among the project's achievements was the introduction of bespoke pathways for ex-Service personnel serving custodial sentences to ensure adequate support and access to national helplines (Davies & Davies, 2019). Although the project ended in 2021, IOM Cymru has pledged to continue to oversee work relating to ex-Service personnel's engagement with the JS in Wales as well as respond to the recommendations from an evaluation of the project (Welsh Government, 2022; see Davies & Davies, 2019).

Police Custody and Court Settings:

Dedicated support is available at various junctures of the JS across England and Wales. *In police custody, this assistance is centred on the identification of ex-Service personnel and signposting them to relevant services when required.* Notably, the provision of specialist staff training and displaying of information posters have been cited as leading methods through which police forces attempt to identify ex-Service personnel together with their support needs.

⁴ Available here: <u>https://www.creatingfutureopportunities.gov.uk/mod-delivery-map/</u>

⁵ Op NOVA builds upon the work of Project NOVA – an initiative which was established in 2014 and coordinated by the Forces Employment Charity and Walking With the Wounded to provide early targeted help to ex-Service personnel within the JS in the north east and north west of England, along with South Yorkshire and Humberside.

⁶ Op COURAGE is a NHS specialist service designed to help Service leavers identify and treat mental health conditions (see NHS England, 2023a). Op RESTORE provides specialist care to ex-Service personnel who have physical health problems as a result of their military Service (see NHS England, 2023b).

Police officers in Wales have also been issued with business cards featuring a NHS 'point of contact' which can be given to ex-Service personnel at the point of arrest (Fossey et al., 2017). Further sources of support are the Liaison and Diversion (England) and Criminal Justice Liaison (Wales) services. Represented in every police custody suite across England and operational throughout Wales, these organisations aim to identify individuals with specific vulnerabilities and develop tailored support pathways when necessary (Prison Reform Trust, 2023). While the Liaison and Diversion and Criminal Justice Liaison services are available to everyone across the JS, their standard operating procedures require practitioners to identify ex-Service personnel and develop appropriate plans accordingly (Prison Reform Trust, 2023; Phillips, 2014).

There is limited publicly available information on the help accessible to ex-Service personnel during court proceedings in England and Wales.

Nevertheless, some third sector organisations offer assistance through preparing letters of advocacy as well as sharing information about existing court processes (Cooper *et al.* 2018). Additional support is available via Op NOVA, with project case workers providing written assessments to courts if an individual's status as an ex-Service person is deemed relevant to the alleged offence (Forces Employment Charity, 2023).

The Prison Estate:

Numerous interventions have been made to identify and assist ex-Service personnel in prisons across England and Wales. A question addressing prior military Service has been included in the mandatory Basic Custody Screening interview since January 2015, with prison staff also being encouraged to 'ask the question' at later stages of an individual's sentence (HM Government, 2020; Ministry of Justice, 2015). Furthermore, assistance is frequently available to ex-Service personnel via the Veterans in Custody Support (VICS) programme, including the presence of Veterans in Custody Support Officers (VICSOs). Alongside aiding the identification of

ex-Service personnel and organising tailored events (e.g., coffee mornings, breakfast clubs), VICSOs can help to address particular support needs by liaising with service providers as well as raising awareness amongst the wider prison community (Armed Forces Covenant, 2021; Robson et al., 2019). However, the VICS programme is neither mandatory nor universally implemented across the prison estate, while the post of VICSO remains voluntary (Grand-Clement et al., 2020). Recent years have additionally seen the introduction of so-called 'veterans wings' or 'hubs' in several prison establishments, including HMP Parc (Wales) and HMP Risley (England). Although not always reserved exclusively for ex-Service personnel, these facilities allow individuals to receive tailored support from organisations such as Care After Combat and SSAFA which offer a variety of prison in-reach programmes (HMPPS, 2023; OVA, 2023; HM Government 2020).

Probation Services and Community Sentences:

Despite ex-Service personnel having been labelled by HMPPS (2021) as a cohort requiring 'tailored services', assistance for former members of the Armed Forces under probation and/or serving community sentences continues to be highly localised and uneven. That said, several initiatives have been introduced in England and Wales to assist ex-Service personnel. Through the SToMP project, Veteran Champions have been installed in probation services throughout Wales to ensure that offender managers are aware of the support available for ex-Service personnel (Davies & Davies, 2019). Bespoke training packages have similarly been offered by the Probation Institute for staff on assisting former members of the Armed Forces. Meanwhile, NHS England's recently introduced **RECONNECT** programme has identified ex-Service personnel as a group in need of targeted support. In a similar manner to Liaison and Diversion services, this scheme seeks to engage prison leavers with specific healthcare requirements and ensure that they receive sufficient help from probation services as well as community-based organisations (NHS England, 2023c).

Support provision for ex-Service personnel within the JS (Scotland)

National Initiatives:

In 2022, the Scottish Government issued a refreshed action plan for its Strategy For Our Veterans (2018) which sought to assess the extent to which the original objectives remained valid and if further commitments needed to be made. With respect to the aim of helping ex-Service personnel to gain 'the resilience and awareness to remain lawabiding citizens', several avenues of support were highlighted. These included helping the Scottish Prison Service's efforts to encourage ex-Service personnel to socialise with the wider prison population and assisting third sector organisations in the creation of more cohesive communities (Scottish Government, 2022b). The Scottish Government has also pledged to conduct an updated analysis of the Scottish Prison Population Statistics dataset - which featured a 'veteran marker' derived from self-declarations upon arrival in prison - to improve understanding of the number and characteristics of ex-Service personnel within this setting (Scottish Government, 2022a).

Working closely in tandem with the Scottish Government is the Scottish Association for the Care and Resettlement of Offenders' Veterans Mentoring Service (SACRO VMS). As a community justice organisation, SACRO launched the VMS to support individuals who have served within the UK Armed Forces and are at risk of becoming involved, or are already involved, in the Scottish JS. This encompasses working with ex-Service personnel to develop a personalised peer support plan which aims to recognise and develop their life skills, including accessing education/employment and introducing critical life changes to promote desistance from criminal behaviour (SACRO, 2023). Ex-Service personnel with particular mental and/or physical health needs are also given

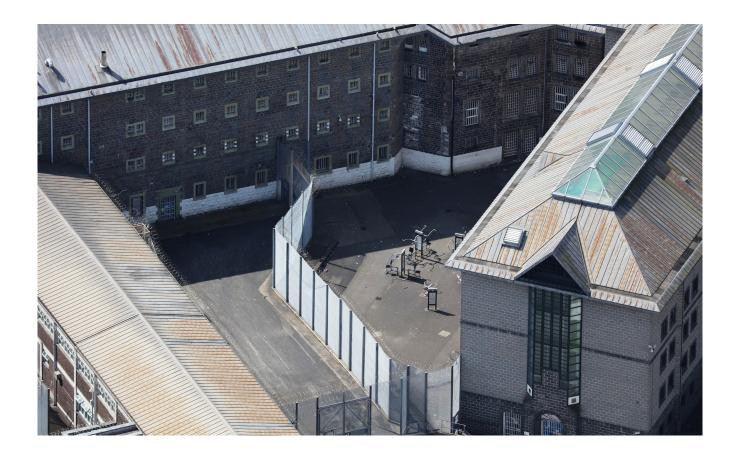
assistance in accessing relevant organisations as well as working towards independent living (SVCN & NHS Scotland, 2022).

Police Custody and Court Settings:

Several programmes have been instigated across Scotland to assist ex-Service personnel entering police custody. At their centre is Police Scotland's long-standing network of 'Veterans Champions' which has a representative in each of Scotland's Local Policing Divisions (Scottish Government, 2022a). In addition to helping identify ex-Service personnel, the Veterans Champions serve to promote Police Scotland's bespoke referral mechanism to the Armed Services Advice Project (ASAP) – a collaboration of charity and statutory services which helps individuals to access relevant support groups (ASAP, 2023a). Several other working relationships with third sector organisations have been developed to further support ex-Service personnel in police custody. The charity Who Dares Cares, for example, has delivered post-traumatic stress disorder awareness sessions to police officers of all ranks in both Lanarkshire and the City of Edinburgh (Scottish Government 2022a). Subject to their identification and support needs, ex-Service personnel entering police custody may also be diverted from prosecution and referred to relevant service providers via the Crown Office and Procurator Fiscal Service (Community Justice Scotland, 2020).

In a similar manner to England and Wales, only a limited amount of information is available on the support offered to ex-Service personnel within legal settings. One source of assistance is the ASAP, whose website includes a dedicated 'self-help page' which is supported by Citizens Advice Scotland and features links to information sources on topics such as court procedures and legal costs.⁷ The ASAP

Available here: https://www.citizensadvice.org.uk/scotland/law-and-courts/legal-system-s/



(2023b) also offers advice on legal proceedings via phone and local face-to-face appointments in several locations across Scotland, including Aberdeen, Inverness, and Edinburgh.

The Prison Estate:

For ex-Service personnel entering the Scottish prison estate, multiple support mechanisms are in place alongside those available to the wider community. Mirroring the Basic Custody Screening questionnaire in England and Wales, all individuals entering prison are given the opportunity to disclose any prior military Service and thereby be referred to specialised support providers. Each Scottish prison also has a dedicated VICSO Champion whose primary responsibility is to further aid the identification of ex-Service personnel as well as to encourage their integration into the prison community through initiatives such as breakfast clubs (Scottish Government, 2022b). A Scottish Veterans Prison In-Reach Group was established in 2010 to examine the welfare needs of ex-Service personnel, although no further information is available publicly on either the composition or activities of the group (Robson et al., 2019).

Probation Services and Community Sentences:

In contrast to England and Wales, Scotland does not have a single probation agency but instead possesses 32 local authority departments which provide statutory criminal justice services on behalf of the Scottish Government, including supervising offenders subject to community sanctions and providing throughcare assistance to prisoners (Grant et al., 2020). There are, however, initiatives and organisations which offer targeted support for ex-Service personnel at this juncture of the Scottish JS. Working in collaboration with both statutory and third sector service providers, Veterans' First Point (2023) is a programme provided by NHS Scotland and designed to meet the needs of ex-Service personnel under probation or community supervision through signposting them to appropriate authorities. Scottish Veterans Residences (2023), meanwhile, is one of several institutions dedicated to helping ex-Service personnel involved in the JS (and beyond) access appropriate accommodation and file benefit claims if needed.

Support provision for ex-Service personnel within the JS (Northern Ireland)



There is little evidence of tailored statutory support for ex-Service personnel within the JS in Northern Ireland. This reflects, in part, the fact that the Covenant has not been adopted fully in Northern Ireland and ex-Service personnel are not recognised as a group requiring additional assistance by either the Northern Ireland Prison Service or the Probation Board for Northern Ireland (PBNI) (Armed Forces Covenant, 2023; Armour et al., 2017). Nevertheless, there are non-targeted services in place which can assist ex-Service personnel within the JS. The PBNI (2023a) has a section on its website for those under its supervision which contains information on community service orders, complaints procedures, and pre-sentence reports. Moreover, a 'Changing Lives' app has been developed to help users

desist from criminal conduct by directing them to probation, mental health, addiction, and other support services (PBNI, 2023b).

The Northern Ireland Veterans' Support Office (NIVSO) is a further source of assistance for ex-Service personnel engaging with the JS. Established to aid the Covenant's delivery in Northern Ireland, the NIVSO acts as a single point of contact for both ex-Service personnel and those organisations (statutory and non-statutory) providing dedicated services for this group. In so doing, it provides a means through which ex-Service personnel can be referred to appropriate help and offers a follow-up service to ensure that this support is delivered when necessary (NIVSO, 2023).

Recommendations:



The nature, extent, and distribution of dedicated support (statutory and non-statutory) for ex-Service personnel within the JS is currently unclear across the UK. Further efforts are required to **chart the services available** and present this information in a comprehensive and accessible manner.



Owing to the devolved responsibility for support provision across the UK's constituent nations, police forces, and custodial establishments, there is currently limited coordination and communication regarding the assistance available to ex-Service personnel involved in the JS. Further structures must be put in place to facilitate the **sharing of best practice amongst these institutions along with non-statutory service providers**. Such initiatives should form the basis for consistent and even support delivery.



The identification of ex-Service personnel within the JS is challenging and represents one of the greatest barriers to support uptake. **Coordinated policy and training is needed** to ensure that service providers are suitably equipped to identify ex-Service personnel, record their data accurately, and communicate the assistance available to them upon disclosure.



In England and Wales, the currently voluntary status of VICSOs has restricted the support available to ex-Service personnel serving custodial sentences and led to uneven service provision across the prison estate. **It is recommended that this role be mandated** and that a similar position be established in English probation services to facilitate consistent support provision.



Reflecting the finding that struggling to re-adjust to societal norms upon departure from the Armed Forces represents a potential risk factor with respect to engaging in criminal behaviours, service providers (statutory and non-statutory) in England, Scotland, and Wales offer targeted assistance to ex-Service personnel throughout the JS on how to reintegrate into civilian society. **These initiatives should be maintained and extended where appropriate**.



Current statutory and non-statutory assistance for ex-Service personnel negotiating court proceedings, under probation, or serving community sentences **should be subject to review and, if necessary, expanded** to ensure consistent support provision across the JS.



Further initiatives are needed to **identify the families of ex-Service personnel within the JS** and attend to their support needs.



It is recommended that **regular evaluations of current and any future service provision for ex-Service personnel within the JS are conducted** by credible independent organisations to identify potential areas of improvement and share best practice.

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Annex A: Methodology

To compile the summary presented above, a narrative literature review of extant grey literature was conducted.⁸ This methodological approach was chosen due to its suitability for synthesising a broad range of material with the aim of informing future research and/or policy. To conduct the review, a structured approach was employed which centred around the sequential process of literature identification, data extraction, and follow-up analysis.

Consultations with leading stakeholders were conducted in parallel with the data extraction procedure to validate the initial findings as well as obtain supplementary information relevant to the summary. To identify and contact these stakeholders, a call for evidence was issued via social media as well as the COBSEO newsletter and Justice Cluster which included an invitation to interview. Leading stakeholder organisations which were known to be engaged in service provision and did not respond to the initial invitation to interview were also contacted directly.

The consultations were held via Microsoft Teams and lasted between 30 and 60 minutes. A list of the stakeholder organisations which consented to a consultation and/or provided supplementary information is provided in Annex B.

Literature identification

Sources relevant to the study were located using four complementary search strategies:

- An initial literature search using Google was conducted in August 2023 using a selection of key words identified as relevant to the summary. Details of the full search strategy can be found in Annex B.
- An appraisal of non-academic literature within the Forces in Mind Trust Research Centre repository.
- A call for evidence was issued via social media as well as the COBSEO newsletter and Justice Cluster in August 2023, requesting that stakeholders submit documentation relevant to the summary. Direct appeals for evidence were also sent to relevant existing contacts.
- 'Snowball searching', which consisted of identifying relevant sources through the reference lists of prior selected literature.

The resulting longlist of literature was then subject to a set of inclusion and exclusion criteria (see Table 1.1) to identify those sources which were most relevant to the review. Any sources which did not meet the criteria applied were excluded from full review.

⁸

A narrative literature review is a targeted method for synthesising existing research and knowledge relating to a specific topic. It is conventionally used to describe findings from previous studies, particularly to describe general debates in extant literature, and to identify gaps in knowledge to provide a rationale for future research. See Ferrari (2015).

Criteria	Inclusion	Exclusion
Focus of the source	Sources addressing policy and/or support provision for UK ex-Service personnel within the UK JS, including police service and custody, prosecution services, prison system, and other sentencing conditions (e.g., community orders).	Sources which do not address issues specified in the inclusion criteria.
Type of source	Grey literature produced by credible statutory and non-statutory service providers relevant to the summary. Evaluations of service provision relevant to the summary.	Source types not meeting those specified in the inclusion criteria.
Date of publication or issue	Sources published during or after 2001 (year selected to reflect the summary's objective of capturing recent developments in policy and practice).	Sources published prior to 2001.
Country of origin	Sources produced in the UK.	Sources produced outside the UK.
Language	Sources published in English.	Sources published in languages other than English.

Table 1.1 Literature inclusion and exclusion criteria

Data extraction

To map relevant information in a robust and replicable manner, a structured data extraction framework was employed. This included the development of an initial taxonomy of policies and services discussed in the literature (including their geographic distribution/scope), which was subject to peer review and comment. After further consolidation, the original taxonomy was revised to capture support provision across three geographic areas: 1) Support provision for ex-Service personnel within the JS (England and Wales), 2) Support provision for ex-Service personnel within the JS (Scotland), and 3) Support provision for ex-Service personnel within the JS (Ireland).

Analysis and write-up

As the final step in the research process, a concise narrative was developed which synthesised the leading outputs from the data extraction and stakeholder consultations. This formed the basis of an initial draft summary which was subject to peer review. A final version of the summary was then complied which incorporated relevant revisions and copy-edits.

Annex B: Policy summary search strings & contributing stakeholders

Policy summary search strings

Population:

"veteran*" OR "deployed" OR "reserve" OR "military veteran*" OR "armed forces veteran*" OR "UK veteran*" OR "ex-service personnel" OR "ex service personnel" OR "service leaver*" OR "service personnel" OR "Early Service Leaver" OR "Armed Forces" OR "Royal Air Force" OR "RAF" OR "Army" OR "Royal Navy" OR "Royal Marine" OR "defence personnel" OR "military service personnel"

Subject matter:

"criminal justice" OR "justice system" OR "justice" OR "offender" OR "offending" OR "criminal offences" OR "re-offending" OR "re offending" OR "recidivism" OR "crime" OR "criminal*" OR "criminal record*" OR "veteran offender*" OR "offender*" OR "prison*" OR "Prison sentence" OR "Prison service" OR "jail*" OR "arrest*" OR "police" OR "policing" OR "postrelease outcome*" OR " post release outcome*" OR "custody" OR "rehabilitation" OR "probation" OR "Probation service" OR "klegality" OR "klegal" OR "custodial sentence" OR "community order" OR "community service"

Contributing stakeholders

Stakeholder	Contribution type
Blesma	Supplementary information
Care After Combat	Supplementary information
COBSEO	Supplementary information
Combat Stress	Supplementary information
Forces Employment Charity	Consultation
Help for Heroes	Supplementary information
Nacro	Supplementary information
NHS England	Consultation
Royal British Legion	Consultation
Scottish Government, Veterans Unit	Supplementary information
SSAFA	Supplementary information
UK Government, Cabinet Office (Office for Veterans' Affairs)	Consultation
UK Government, HM Prison & Probation Service (Barking, Dagenham and Havering)	Consultation
UK Government, HM Prison & Probation Service (Creating Future Opportunities)	Consultation
UK Government, Ministry of Justice (Prisoner Outcomes, Resettlement and Reoffending Division)	Consultation
York St. John University	Supplementary information

