

Criminal Offending, Social and Financial Exclusion, and Civil Legal Aid

FACT SHEET

Recent estimates put the cost of crime to the United Kingdom at over £75 billion annually.¹ Re-offending by released prisoners alone costs more than £10 billion annually,² with around half of adult prisoners reoffending within one year of release.³ The figure is around three-quarters for juveniles.⁴ Various risk factors have been identified in relation to offending and re-offending behaviour. Many are elements of social exclusion, going right back to early childhood - though uncertainty remains around the extent to which some are “indicators”, rather than causes, of behaviour.⁵ Factors identified as increasing the risk of prisoners’ re-offending include difficulties obtaining/retaining employment, financial problems, homelessness and family break-down.⁶ Each of these can involve legal issues at the heart of the civil legal aid scheme. These civil legal issues can also exacerbate mental illness, another risk factor for offending/re-offending.⁷

Findings from the Civil and Social Justice Survey (CSJS), 2006-2009

1% of CSJS respondents had recently been arrested, and 0.2% recently released from prison.

- 63% of people who had been recently arrested reported one or more ‘difficult to solve’ civil law problems over the past three years, compared to just 35% of other people. The figure rose to 70% if people had *also* been a victim of crime, and over 80% for those who had recently been released from prison.
- People who had been recently arrested were significantly more likely to report civil law problems concerning, for example, employment (10% v 5%), rented housing (11% v 3%), homelessness (13% v 1%), money/debt (21% v 6%). They were also more likely to have themselves been victims of crime (38% v 20%).
- 67% of recently arrested people who reported civil law problems had experienced *multiple* problems, compared to 37% of other people. The same was true of people who had recently been released from prison.
- People who had recently been arrested or released from prison, and who had experienced civil law problems, reported an average of 2.7 problems.
- People who had been arrested or released from prison were much more likely to report that civil law problems led to stress related ill health.

Findings from the LSRC Evaluation of the LSC Money Outreach Advice Pilots

The evaluation included surveying 133 prisoners about financial management and problems.⁸

- 73% of prisoners were financially excluded, and 31% had faced real financial problems in the preceding 3 years.
- Only 10% of prisoners who had faced real financial problems got advice.
- 16% of prisoners had been behind with their bills when they started their sentence. Over one-third of these people then fell further into debt while in prison. Of those who had not been behind with bills, 5% reported falling into debt while in prison.

It is evident that criminal offenders face “highly complicated and inter-related”⁹ problems of social exclusion – many of which raise civil law issues – and that these contribute to offending behaviour. Problems are primarily associated with the “chaotic lives” of offenders, but also stem from people being “excised from their everyday life” through imprisonment.¹⁰ The often limited personal capability of offenders limits their capacity to address problems that contribute to their offending, and makes them highly reliant on the assistance of others.¹¹ This is particularly so in the case of prisoners, because of the restrictive environment in which they live. Thus, to reflect the multiple problems offenders face,¹² and address the particular barriers to problem resolution they encounter, “a successful strategy to tackle re-offending must include a wide range of partners.”¹³ It must also involve effective co-ordination between them. Building on existing provision of legal advice in prisons and to offenders in the community, by organisations such as Citizens Advice,¹⁴ the Legal Services Commission and National Offender Management Service are currently setting up debt advice services in prisons in many parts of England and Wales.¹⁵

LSRC PUBLICATIONS

- Buck, A., Tam, T. and Fisher, C. (2007) *Putting Money Advice Where the Need is: Evaluating the Potential for Advice Provision in Different Outreach Locations*, London: Legal Services Research Centre
- Buck, A. (2009) Reaching Further Through Outreach Advice, in Buck, A., Pleasence, P. and Balmer, N.J. (eds.) *Reaching Further: Innovation, Access and Quality in Legal Services*, Norwich: TSO.
- Kemp, V., Pleasence, P. and Balmer, N.J. (2007) *The Problems of Everyday Life: Crime and the Civil and Social Justice Survey*, London: Centre for Crime and Justice Studies, Briefing 5/2007
- Pleasence, P. (2006) *Causes of Action: Civil Law and Social Justice*, Second Edition, Norwich: TSO.

NOTES

- ¹ Equivalent to around 20 pence on the basic rate of income tax: Chambers, M., Ullmann, B. and Waller, I. (2009) *Less Crime, Lower Costs: Implementing Effective Early Crime Reduction Programmes in England and Wales*. The cost is borne by public services, businesses, households and individuals: Brand, S. and Price, R. (2000) *The Economic and Social Costs of Crime*; Dubourg, R., Hamed, J. and Thorns, J. (2005) *The Economic and Social Costs of Crime Against Individuals and Households 2003/04*; Elliott, G. (2008) *The Invisible Crime: The Business Crime Survey*; National Audit Office (2008) *The Home Office: Reducing the Risk of Violent Crime*.
- ² Social Exclusion Unit (2002) *Reducing Reoffending by Ex-Prisoners*.
- ³ Ministry of Justice (2009) *Reoffending of Adults: Results from the 2007 Cohort*.
- ⁴ Ministry of Justice (2009) *Reoffending of Juveniles: Results from the 2007 Cohort*.
- ⁵ Farrington, D.P. (2007) Childhood Risk Factors and Risk Focused Prevention, in Maguire, M., Morgan, R. and Reiner, R. (eds.) *The Oxford Handbook of Criminology*; Social Exclusion Unit (2002) *Reducing Reoffending by Ex-Prisoners*.
- ⁶ Social Exclusion Unit (2002) *Reducing Reoffending by Ex-Prisoners*.
- ⁷ P. Pleasence and N.J. Balmer (2009) *Mental Health and the Experience of Social Problems Involving Rights: Findings from the United Kingdom and New Zealand*; Social Exclusion Unit (2002) *Reducing Reoffending by Ex-Prisoners*.
- ⁸ Evaluation of Legal Services Commission pilot money advice outreach services, funded for a three year period, from 2005 to 2008, by H.M. Treasury's Financial Inclusion Fund.
- ⁹ Social Exclusion Unit (2002) *Reducing Reoffending by Ex-Prisoners*
- ¹⁰ Grunseit, A., Forell, S. and McCarron, E. (2008) *Taking Justice into Custody: The Legal Needs of Prisoners*
- ¹¹ Grunseit, A., Forell, S. and McCarron, E. (2008) *Taking Justice into Custody: The Legal Needs of Prisoners*
- ¹² Clustering of problems also extends to civil law issues: P. Pleasence, N.J. Balmer, A. Buck, A. O'Grady and H. Genn (2004) *Multiple Justiciable Problems: Common Clusters, Problem Order and Social and Demographic Indicators*; R. Moorhead, M., Robinson and Matrix Research and Consultancy (2006) *A Trouble Shared: Legal Problems Clusters in Solicitors' and Advice Agencies*.
- ¹³ Citizens Advice (2007) *Locked Out: CAB Evidence on Prisoners and Ex-Offenders*
- ¹⁴ Citizens Advice (2007) *Locked Out: CAB Evidence on Prisoners and Ex-Offenders*
- ¹⁵ www.legalservices.gov.uk

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