

## **DUNDEE CITY COUNCIL**

**REPORT TO:** SOCIAL WORK AND HEALTH COMMITTEE - 25 FEBRUARY 2008

**REPORT ON:** REFORMING AND REVITALISING - REPORT OF THE REVIEW OF COMMUNITY PENALTIES

**REPORT BY:** DIRECTOR OF SOCIAL WORK

**REPORT NO:** 130-2008

### **1.0 PURPOSE OF REPORT**

- 1.1 To inform Committee of the proposals contained in the Scottish Government's recent review of community penalties, highlight the potential implications and identify what actions can be taken locally to progress the review.

### **2.0 RECOMMENDATIONS**

- 2.1 Reforming and Revitalising contains proposals and suggested actions to ensure community penalties are used to their full potential in future. A number of the actions are already in progress however, some of the proposals have significant operational implications which require further consideration. It is recommended that the Social Work and Health Committee:
- 2.1.1 note the contents of the review and potential implications for service delivery;
- 2.1.2 instruct the Director of Social Work to embark on a series of consultations through the local Community Planning Networks and provide Committee with a review of progress in 12 months time.

### **3.0 FINANCIAL IMPLICATIONS**

- 3.1 A number of the proposals have financial implications for local authorities. Work in relation to this will be progressed as more information on implementation becomes available.

### **4.0 MAIN TEXT**

- 4.1 The Government is committed to developing a coherent penal policy that uses prisons for serious offenders but deals with lower risk offenders in the community and believes there is scope to make greater use of community penalties in place of short sentences. There is recognition that community penalties are not well understood and sometimes there is a perception that any penalty other than prison is 'soft' despite the fact that community sentences can restrict freedom, require the offender to repay something to the community and cover a longer period than a short-term prison sentence. Statistics also show that those sentenced to prison for less than 6 months are more likely to reoffend within two years than those given community service.
- 4.2 The review of community penalties involved a series of meetings with a range of organisations and proposed actions around four main themes:
- reparation and payback;
  - rehabilitation and reintegration;
  - quality and enforcement; and
  - community engagement.

#### 4.2.1 Reparation and Payback

The Government plans to transform Community Service (CS) and will introduce one single reparative community sentence which will be known as Community Service. Currently there are a number of separate orders, including Community Service, Supervised Attendance and Community Reparation Orders but the distinction between them has not always been clear.

Other significant changes will include:

- ensuring completion within six months as opposed to one year as is currently the case;
- powers to impose Orders within District Courts although this power has existed within Dundee for some time;
- allowing up to 15% of Orders to undergo skills development or counselling - currently Community Service only involves unpaid work;
- allowing for tagging/electronic monitoring as a condition of Community Service.

Within Dundee around 530 reparative orders are supervised annually, of these 400 are community service orders. The average number of hours per community service order is 146 which means that around 58,000 hours of unpaid work in the community is undertaken by offenders within Dundee as a direct alternative to custody. This is work that would not otherwise have been undertaken at an estimated value of £300,000 to the local community. Placements may vary from small scale tasks to large environmental projects which help to improve local environments which is a core element of the Council's plan. Examples of local projects include environmental work at Riverside Drive, Law Hill and Broughty Ferry Beach which has contributed to the Blue Flag and Britain in Bloom Awards. Maintenance work has been undertaken at Camperdown Park, Templeton Woods and Clepington Road. Other examples include painting, graffiti removal in Linlathan and Ardler and maintenance to the Black Watch Memorial. The workshop facilities have also refurbished furniture and cemetery benches across the City and have undertaken joinery work for both Craigie and Glebelands nurseries. In addition, there is a range of smaller individual placements across the city.

Operationally the Government's proposals will have implications. On average, a person will complete just over three hours of their community service order per week and will take around 10 months to complete their order. Some offenders have reduced availability because of employment or child care commitments therefore reducing completion times to six months will have substantial implications and careful consideration will be required.

The addition of skills development/counselling is to be welcomed and will link directly with the Council's strategy for lifelong learning by providing an opportunity to improve offender's employability prospects.

#### 4.2.2 Rehabilitation and Reintegration

There is recognition that those with problems related to substance misuse need access to a range of support services and there is a suggestion that probation would be enhanced if it was more structured and more programmes designed to enhance offender's life skills were introduced. The Government therefore plans to pilot the application of Drug Treatment and Testing Orders (DTTOs) to a wider range of offenders. At present, DTTOs are only available to more serious offenders where there is an established link between drug use and offending. These are intensive orders which require an individual to undergo a programme of treatment which involves regular and random drug testing. Currently, within Tayside, around 65 DTTOs are made annually. The intention is also to make the Order available to the District Courts.

In addition, the Government plans to:

- roll out an accredited group work programme across Scotland, this is currently being delivered in a number of areas and more information on national roll out is awaited;
- focus on prevention, particularly in relation to young people binge drinking and drug misuse. Tackling substance misuse is a core element of the Council's approach to both community safety and health and care and has also been agreed as the area for improvement for Tayside Community Justice Authority.

These proposals will have operational implications if higher numbers of people receive DTTOs in terms of managing the Orders and ensuring specialist treatment resources are available.

#### 4.2.3 Quality and Enforcement

The review emphasised that speedy action to deal with breach is vital but also felt there would be benefit in having new breach powers which would allow for formal action without necessitating a return to Court. The Government therefore intends to:

- revise National Standards - this work is already in progress and revised standards are expected later in 2008;
- continue the work of the Performance Improvement Strategy Group which aims to promote consistently high quality work with offenders in the community around quality assurance, risk assessment and management interventions, etc;
- introduce a consistent approach to risk assessment - plans are already in place for national roll out and staff will start to be trained from April 2008;
- explore alternatives to formal breach procedures in Court;
- legislate so that courts have the option to review Community Service Orders.

A number of the above actions are already in progress and legislative changes will be required prior to initiating some of the other proposals.

#### 4.2.4 Community Engagement and Involvement

The review concluded that steps can be taken to improve public awareness and increase community involvement in the operation of community penalties and proposes to:

- promote a legislative duty on service providers to carry out consultation with communities in determining projects for Community Service;
- support the Community Justice Authorities in developing a communications strategy as part of their three year plan. The Tayside Community Justice Area Plan includes examples of how a communication strategy may be developed.
- institute a national payback scheme of the year award which recognises the development of innovative schemes that involve and benefit communities.

The Community Justice Authority clearly has an important contribution to make in terms of communications and is currently developing a Communications Strategy which will improve public knowledge about the criminal justice system in order to improve confidence and impact positively on attitudes. However the review provides an early opportunity to connect operational approaches to reducing re-offending more directly to local communities by giving them a significant role in determining Community Service projects. It is therefore suggested that more consultation be carried out locally to agree projects and promote the work of the scheme and that this be done through the local Community Planning Networks. This would ensure projects were seen to be of immediate value to local communities and increase the visibility of community service.

### 5.0 **POLICY IMPLICATIONS**

This report has been screened for any policy implications in relation to sustainability, strategic environmental assessment, anti-poverty, equality impact assessment and risk management. There are no major issues.

### 6.0 **CONSULTATIONS**

The other authorities in the Tayside Partnership have been consulted in preparation of this report and key independent sector providers also, the Chief Officer of the Tayside Community Justice Authority, the Chief Executive, Depute Chief Executive (Support Services), Depute Chief Executive (Finance) and Head of Finance.

### 7.0 **BACKGROUND PAPERS**

The Scottish Government's Review of Community Penalties "Reforming and Revitalising" published on 27 November 2007 and "Community Sentencing: Public Perceptions and Attitudes" were consulted in the preparation of this report.