

DUNDEE CITY COUNCIL

REPORT TO: SOCIAL WORK AND HEALTH COMMITTEE - 24TH JANUARY 2011

REPORT ON: CRIMINAL JUSTICE AND LICENSING ACT (SCOTLAND) 2010

REPORT BY: DIRECTOR OF SOCIAL WORK

REPORT NO: 27 - 2011

1.0 PURPOSE OF THE REPORT

To inform Committee of the implementation of the Criminal Justice and Licensing Act (Scotland) 2010 and the related introduction of revised National Outcomes and Standards (NOS) for Criminal Justice Social Work which will have important implications for sentencing and the delivery of Social Work services in the criminal justice system.

2.0 RECOMMENDATIONS

It is recommended that the Committee:-

- 2.1 Note the Criminal Justice and Licensing Act (Scotland) 2010 and NOS and the implications for Social Work
- 2.2 Endorse the measures being put in place to ensure the new legislation and standards will be implemented effectively.
- 2.3 Requires the Director of Social Work to provide a report on the first year of practice following implementation of the new act.

3.0 FINANCIAL IMPLICATIONS

- 3.1 The new legislation may involve an increase in workloads but it is anticipated this will be met through existing resources or additional ring-fenced funding from the Government. There will be no financial implications for the Council.

4.0 MAIN TEXT

- 4.1 The Scottish Prisons Commission report, Scotland's Choice published in 2008, outlined the problem of growing short-term prison sentences and high re-offending rates amongst short-term prisoners. In Scotland, there are over 7,000 people in prison and over 54% are in for less than 6 months. The report recommended the increased use of robust community based alternatives (report number 413/2008).
- 4.2 The report informed subsequent recommendations in a Government report on Protecting Scotland's Communities - Fair, Fast and Flexible Justice. This emphasised the need for a credible system of community sentences which could be understood by local communities, could respond to their needs and could be delivered to offenders swiftly (report number 93/2009). These aims and principles have now been incorporated into a Criminal Justice and Licensing Act (Scotland) 2010.
The Act will be implemented from 1 February 2011. It includes a presumption against prison sentences of 3 months or less and replaces separate Probation, Community Service and Supervised Attendance Orders with the single, streamlined community sentence of a Community Payback Order (CPO). The order will be available in both the Justice of the Peace and Sheriffs Courts and can contain a number of requirements, including

supervision, unpaid work, substance misuse treatment, mental health treatment and compensation.

4.3 The Act also introduces a statutory duty for local authorities to consult with a range of agencies on the nature of unpaid work activities and for the provision of an annual report to the Government on the operation of the new order with the first such report due from April 2012.

4.4 The Act will be implemented alongside revised standards which dictate that the supervision of and/or work carried out by offenders must always commence within 5 days and that unpaid work must be completed within 6 months. The frequency of supervision will be informed by risk levels so offenders assessed as presenting the highest risks will be seen more frequently. Supervision must be informed by 4 key themes of restrictions, such as tagging; rehabilitation, such as social skills programmes; reparation, such as unpaid work; and reintegration, such as employment support.

4.5 This will ensure an appropriate balance of support, monitoring and punishment which meets the needs of both offenders and the wider community with high risk cases seen more frequently and may also involve unpaid work and an evening curfew.

4.6 **Local Implications and Measures**

4.6.1 While it is difficult to predict the implications in terms of increased community sentences, typically around 300 sentences of less than 3 months are imposed by the Dundee Courts every year. There is a particular issue in respect of women, where over 60% of prison sentences are for less than 6 months. If these were to translate into a CPO, it would increase the number of offenders supervised by 30% to 1,200. The Department has therefore already;

- Reorganised service delivery from 3 Probation and 1 Community Service teams to 4 generic Community Payback Teams consisting of qualified and paraprofessional staff. The Public Protection Team which focuses on sexual and violent offenders remains
- Altered the proportion of qualified and unqualified staff, with an increase in overall staffing numbers so that lower risk cases are managed by para professionals. Staff have been trained on the CPO and NOS as part of a national training programme
- Established a new team which will have a dedicated focus on women offenders to meet their distinct needs. As part of this, a new mentoring service has been developed in partnership with the voluntary sector to provide more intense support
- Introduced new measures for the start and completion of unpaid work, developed links with Local Community Planning Partnerships, increased the number and variety of unpaid work placements, lead the production of a Tayside Unpaid Work Newsletter and, in partnership, with Dundee College, developed a range of additional learning opportunities.
- Revised contracts with Action for Children and Apex to meet the requirements of the new legislation
- Participated in awareness raising sessions with other agencies including Justices of the Peace.

4.7 In the last year there has been an 8% increase in the number of offenders completing unpaid work successfully with work carried out across the City. The service also continues to be responsive to more immediate, emergency requirements, including recent activity to clear snow at over 70 addresses attended or occupied by vulnerable people across the City.

4.8 Clearly, effective work with offenders is dependant upon a range of agencies. The delivery of mental health and drugs and alcohol conditions in particular will require continued input from the NHS. The Department is therefore liaising with NHS colleagues to ensure offenders are prioritised and receive timely access to assessments and treatment.

5.0 POLICY IMPLICATIONS

- 5.1 This report has been screened for any policy implications in respect of sustainability, strategic environmental assessment, anti poverty, equality impact assessment and risk management.
- 5.2 An Equality Impact Assessment has been carried out and will be made available on the Council website <http://www.dundeeecity.gov.uk/equanddiv/equimpact/>.

6.0 CONSULTATIONS

- 6.1 The Chief Executive, Depute Chief Executive(Support Services) and Director of Finance have been consulted in the preparation of this report.

7.0 BACKGROUND PAPERS

The following Background Papers were relied upon on preparation of this report:

- Report number 413/2008
- Report number 93/2009
- Equality Impact Assessment

Alan G Baird
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Date: 12th January 2011