

## **DUNDEE CITY COUNCIL**

**REPORT TO:** SOCIAL WORK COMMITTEE - 17TH MAY 2004

**REPORT ON:** RESPONSE TO SCOTTISH EXECUTIVE REDUCING RE-OFFENDING CONSULTATION

**REPORT BY:** DIRECTOR OF SOCIAL WORK

**REPORT NO:** 343 - 2004

### **1.0 PURPOSE OF THE REPORT**

1.1 The purpose of this report is to brief members on the launch of the Scottish Executive's Reducing Re-offending consultation and the background to it and to seek approval of the response to the consultation as attached at Appendix 1.

### **2.0 RECOMMENDATIONS**

It is recommended that:

2.1 Members note the current consultation on Reducing Re-offending and its significance in shaping arrangements for future Criminal Justice Social Work Service delivery in Scotland

2.2 Members approve the draft response attached at Appendix 1.

### **3.0 FINANCIAL IMPLICATIONS**

3.1 There may be financial implications for Councils and for the Scottish Executive, depending on the outcome of this consultation. If the outcome is to establish a single agency for the delivery of Criminal Justice Social Work Services and Prison Services, it could be anticipated that the resources currently provided for the delivery of Criminal Justice Social Work Services would transfer from local authorities to a national agency. The level of resources currently provided to the Tayside Criminal Justice Partnership is £6,215,212 of which £4,053,503, relates to Dundee City Council expenditure.

### **4.0 LOCAL AGENDA 21 IMPLICATIONS**

4.1 The policy objective of meeting local needs locally is reflected in the proposed response to the Reducing Re-offending consultation.

### **5.0 EQUAL OPPORTUNITIES IMPLICATIONS**

5.1 There may be human resource implications for the Council, depending on the outcome of the consultation. If the outcome is to establish a single agency, the position of existing Criminal Justice Social Work Staff would require to be considered. The Council currently employs 99 FTE staff in the Criminal Justice Social Work Services.

## 6.0 MAIN TEXT

- 6.1 In recent years, members of the Social Work Committee have been actively involved in influencing national policy relating to the delivery of Criminal Justice Social Work Services. When the consultation paper "Community Sentencing - The Tough Option" was published in 1998, the Social Work Committee argued in favour of retaining Criminal Justice Social Work services within local authorities and offered support for the proposal that groups of local authorities could form partnerships to strengthen services whilst preserving local accountability (Committee Report 970-1998). In 1999, the Committee approved, in principle, the establishment of a partnership with Angus and Perth and Kinross Councils (Committee Report 822-1999), known as the Tayside Criminal Justice Partnership.
- 6.2 In a letter to COSLA in May 2001, the Scottish Executive provided confirmation that Criminal Justice Social Work Services would continue to be based in local authorities and gave approval to the composition of Criminal Justice partnerships. The Minister for Justice, Jim Wallace, acknowledged at that time that "Criminal Justice Social Work in Scotland derives much of its strengths from its position as a local authority service and that this will be reinforced by the new arrangements which support the continuing integration with other local authority services".
- 6.3 The newly approved Criminal Justice partnerships submitted their first strategic plans later that year and the newly formed partnerships commenced their first full year of operation in April 2002.
- 6.4 Following the Scottish Parliament Elections in 2003, the Scottish Executive's partnership agreement – "A Partnership For A Better Scotland" signalled the intention to embark on a major policy shift which could remove Criminal Justice Social Work Services from local democratic control, placing that control in a new arms length agency similar to and incorporating the Scottish Prison Service. The partnership agreement announced the intention to "publish proposals for consultation for a single agency to deliver custodial and non-custodial sentences in Scotland, with the aim of reducing re-offending rates".
- 6.5 On 18 August 2003, the Social Work Committee considered a report on these developments and approved a position statement, which is attached at Appendix 2. Since last year, the Tayside Criminal Justice Partnership has had an opportunity to meet with the Deputy Minister for Justice, when discussion reflected this position statement. Other Criminal Justice Partnerships have voiced similar concerns to Ministers. COSLA, through a dedicated task force, has also challenged the evidence base for proposing structural change. The COSLA task force have been pro-active in commissioning a leading academic, Professor Andrew Coyle, to undertake a review of research into the single agency approach in other jurisdictions. This research has concluded that "there is no evidence that particular organisational arrangements for the delivery of criminal justice in any one country leads to a higher or lower use of imprisonment or affect re-offending rates. However, there is strong evidence that a clear policy direction involving all players allied to effective local delivery of services is important".
- 6.6 It is heartening to note that, perhaps as a consequence of these responses to the original proposed consultation, the terms of the consultation have now been expanded to address the important but complex issues of how agencies can work together to reduce re-offending. The consultation was formally launched on 2 March 2004 and the deadline for responses 25 May 2004. It seeks views around five key issues:
- Roles and Responsibilities
  - The Purpose of Prison
  - Addressing Re-offending
  - Reducing Re-offending - An Integrated Approach
  - Effectiveness and Value for Money
- 6.7 The Tayside Criminal Justice Partnership has hosted a consultation event, held by the Scottish Executive at which a wide variety of agencies were represented. A unanimous

message emerged from this event that structural change is not required to deliver improvements; that improvements could be achieved through closer partnership working and that structured change in the form of a single agency could create additional problems.

- 6.8 Across the Partnership, meetings involving front line staff have taken place and staff have been encouraged to express their views. These views have been taken into account in the draft response which was approved on 14 April 2004 by the Tayside Criminal Justice Partnership Steering Group, consisting of representatives from Dundee City, Angus and Perth & Kinross Councils. The draft response is attached at Appendix 1. This response also reflects the position statement previously approved by the Social Work Committee on 18 August 2003.

## **7.0 CONSULTATION**

- 7.1 The Chief Executive, the Depute Chief Executive (Finance) and Depute Chief Executive (Support Services) have been consulted in the preparation of this report.
- 7.2 In addition, consultation has taken place internally with a wide range of staff and externally with a wide range of agencies.

## **8.0 BACKGROUND PAPERS**

- 8.1 The following background papers were used in the preparation of this report:

Reducing Re-offending Consultation document  
Report by Professor Andrew Coyle CMG PhD, International Centre for Prison Studies,  
Kings College, University of London

Alan G Baird  
Director of Social Work

Date: 29th April 2004

**DRAFT RESPONSE BY TAYSIDE CRIMINAL JUSTICE PARTNERSHIP  
TO RE:DUCE RE:HABILITATE RE:FORM : A CONSULTATION ON REDUCING  
REOFFENDING IN SCOTLAND**

**ISSUE 1: REDUCING REOFFENDING - ROLES AND RESPONSIBILITIES**

Our goal is a more effective and efficient system that reduces reoffending. Our goal is a co-ordinated service which manages offenders throughout their sentence to their reintegration into a law-abiding lifestyle. Each part of the service must take responsibility for the overall strategic objective of reducing offending and for their contribution to that.

*We would support the strategic objective of achieving a reduction in reoffending however, we would suggest that the achievement of this goal is not just dependent on the efficiency and effectiveness of the criminal justice system and all the agencies within it, it is also dependent on the contribution and co-operation of a range of other agencies, not traditionally regarded as part of the criminal justice system, including the NHS, education and training providers, employment services, the Benefits Agency, housing providers.*

*The Report of the Social Exclusion Unit, Reducing Reoffending by Ex-prisoners, graphically describes the social background of many prisoners. Compared to the general population, prisoners were found to be:*

- *13 times more likely to have been in care as a child*
- *10 times more likely to have been a regular truant from school*
- *13 times more likely to be unemployed*
- *2.5 times more likely to have a family member who has been convicted of a criminal offence*
- *6 times more likely to be a young father*
- *15 times likely to be HIV positive*

*In respect of basic skills:*

- *80% have the writing skills of an 11 year old*
- *65% have the numeracy skills of an 11 year old*
- *50 % have the reading skills of an 11 year old*
- *70% used drugs before coming to prison*
- *70% suffer from at least two mental disorders*
- *20% of male prisoners have previously attempted suicide*
- *37% of female prisoners have previously attempted suicide*

*If we are to tackle the strategic objective of achieving a reduction in reoffending, we need to consider not just the behaviour of offenders but also their social context. This suggests the need to develop a comprehensive and co-ordinated approach to tackling offending behaviour and factors associated with offending as well as to addressing the basic needs which offenders have in common with other citizens.*

## 1.1 What are the strengths and weaknesses of the current system providing offender services?

### Strengths

*Offenders receive services from a range of systems and agencies. A strength of the current arrangements for the supervision of offenders in the community is that supervision is provided by local authorities in the context of a wider set of responsibilities to address social care needs and to consider community safety. Criminal Justice Social Work Services are closely aligned to other social work services and we would estimate that approximately 30% of the offenders known to the Criminal Justice Social Work Service have recent or active involvement with other social work services such as children's services, child protection and community care services, particularly mental health, drug and alcohol and learning disabilities services. Client information systems allow for the identification of clients or more commonly families who have an involvement with more than one social work service and this makes joint working and effective information sharing easier to achieve. This is particularly important in the area of Child Protection as highlighted in the inquiry into the death of Caleb Ness.*

*Likewise, Criminal Justice Social Work Services are closely aligned to other council services such as housing services and are well placed to ensure that the housing needs of offenders are addressed in a way that is responsive to needs but also gives due consideration to the risks posed by offenders. The majority of convicted offenders who are being dealt with at any one time are in the community and so community links are vitally important. We would estimate that approximately 30,00 offenders are supervised in the community compared to 7.5,000 in prison at any one time.*

*Community Service is an area of service provision in which communities can see tangible outcomes in the form of unpaid work undertaken which is of benefit to the community. The local delivery of such services makes it possible for services to be provided which are meaningful for local communities as well as being constructive for offenders and there are countless examples of such projects across the Partnership areas eg SAFE Angus for Everyone. Criminal Justice Social Work Services also attempt to respond to the concerns of communities in other ways and contribute to the development of Community Safety strategies and action plans eg Criminal Justice Social Work Services make a significant contribution to the Public Safety, Domestic Violence and Child Protection Forums, both strategically and operationally. Current arrangements also allow for close strategic and operational links with other community planning partners and for involvement in the community planning process.*

*Across the Tayside Partnership, strong links exist with Tayside Police at a strategic and operational level, particularly in relation the management of sex offenders and other high-risk offenders. In Dundee the two police officers with responsibility for sex offender liaison have their office base in the Criminal Justice Social Work Service which is testimony to the importance attached to joint working. Across the Partnership, we also foster close links with colleagues in the NHS and the Joint Future Agenda has been a major driving force for this. A further strength is the extent to which local authorities are able to enter into partnerships with voluntary organisations, who have their own distinctive contribution to make to the supervision of offenders. In Tayside, strong partnerships exist with APEX, NCH, Families Outside, Tayside Council on Alcohol.*

*The Tayside Partnership area has two prison establishments within its boundaries, Perth Prison and the Open Estate. Relationships with the Scottish Prison Service at a local level have always been positive, this is illustrated by the development of a Throughcare network and several joint initiatives. Relationships with SPS at a National level have improved considerably in recent years, although we continue to have some concerns about the level of autonomy which SPS appear to have in relation to decisions that have an impact on other organisations with a shared interest in the rehabilitation of offenders eg there is concern about the effectiveness of the decision made by prison services with respect to transitional care of substance misusers.*

### *Weaknesses*

*At a strategic level, there is a lack of an explicit shared vision and shared objectives within the Criminal Justice System, as highlighted in the report by Andrew Normand (**Reference**). In relation to the goal of reducing reoffending, there is not sufficient recognition given to the role of other Criminal Justice agencies eg court, sentencers and police as well as other non criminal justice agencies can play in achieving this goal.*

*This leads to operational difficulties such as the lack of a single shared assessment process(es) which can be used across all agencies; difficulties in information sharing across all agencies, exacerbated by the complications of the Data Protection legislation.*

*A further concern is that the existing systems for providing services to offenders, whether it be in the community or in prisons, are directly affected by sentencing practice which shows considerable variations across the country. We welcome the current examination of sentencing practice under the auspices of the Sentencing Commission and hope that, from that, can come a more consistent approach backed by the resources required to deliver effective services.*

*The current balance of resources between prisons and community based services are a further concern. Research evidence indicates that well designed, delivered and resourced community based programmes are more effective in assisting offenders to change their behaviour than imprisonment yet the majority of resources continues to be spent on imprisonment, often involving very short prison sentences. \*There are parallels with the situation facing social care services prior to the advent of the Community Care Act 1990 and the policy decision taken at that time to embark on a long term strategy that would see a consistent move away from care in long stay hospitals to care in the community.*

*For those offenders who currently enter the prison system, there are major difficulties associated with them being located in prisons at some distance from their local communities. This creates a geographical barrier to the maintenance of family ties and to the efficient and effective delivery of throughcare, both of which can make a significant contribution to the future rehabilitation prospects of prisoners. We welcome the very recent recognition that has been given to the importance of throughcare services and to the new throughcare initiatives and throughcare funding. This has enabled us to begin to adopt a more comprehensive approach to throughcare however, substantial investment in these services is likely to be needed.*

*As a partnership which covers approximately 3,000 square miles, we face particular challenges in providing services. Current arrangements for funding services do not give sufficient weight to rural issues and this results in potential inequities for rural communities.*

**1.2 How could these services be improved?**

**1.3 How could the organisation and structure of these services be improved? and**

**1.4 How can the organisations involved better focus on shared objectives? What should these objectives be?**

*We would propose that at a national and local level there should be accountable arrangements in place which bring together representatives of all criminal justice agencies and other organisations who can contribute to the social inclusion of offenders. These national and expanded local criminal justice partnerships should have a remit to develop and implement policy consistent with an agreed set of shared objectives.*

*The work undertaken by Crown Agent, Andrew Normand CB provides a starting point for this, although we would suggest that the aims and objectives proposed should also include an objective "to promote the social inclusion of offenders as part of a wider strategy to reduce reoffending".*

*Specific suggestions for service improvements are as follows:*

- *We would advocate that a more pro-active approach requires to be taken nationally and locally to raise awareness of the achievements of Criminal Justice Service Social Work and the Scottish Prison Service. Specific access to reconviction data at a local level would enable a more robust approach to be taken to the evaluation of services and to the promotion of "what works".*
- *We would suggest that greater priority requires to be given to overcoming the barriers to information sharing between local authorities and SPS.*
- *We would suggest that there should be greater availability of services which promote social inclusion in prison establishments dealing with prisoners serving less than four years.*
- *There should be increased investment in core Criminal Justice Social Work Services. Greater flexibility in service provision is required if services are to respond appropriately to the needs/risk presented by offenders eg evening/weekend working. These need to be supported financially.*
- *The new throughcare initiatives should be underpinned by an ongoing programme of training and development involving local authority staff, SPS and voluntary organisations.*
- *There should be greater consistency in the availability and funding of specialist support programmes across Scotland.*

**1.5 Is it possible to improve accountability for reducing reoffending rates?  
If so, how do we go about this**

*No single organisation can be held accountable for reducing reoffending rates. Offending is linked to a wide range of social issues which require to be tackled alongside offending behaviour. This requires the active commitment of organisations who are not part of the criminal justice system, such as employment services, housing providers, health services.*

*We have advocated the establishment of national and local partnerships which would encompass all relevant agencies and suggest that there should be an agreed set of outcome measures relevant to each agency which contribute to the overall strategic objective of reducing reoffending.*



## ISSUE 2: THE PURPOSE OF PRISON

- 2 Our goal is for prison to be viewed as the ultimate sanction for the punishment of the most serious offenders and for those who present an unacceptable risk to society.

*We would support this goal however, suggest that it requires to address not just the perception of prison as the ultimate sanction, but the actual use of imprisonment as the ultimate sanction.*

*We would suggest that there is ample evidence to suggest that imprisonment is not being used as the ultimate sanction for the most serious offenders and for those who present an unacceptable risk to society.*

*We would advocate that the Scottish Executive should have an explicit goal of reducing the prison population which ranks among the highest in Europe. We do not support the very simplistic argument that the cause of the rising prison population is a lack of confidence in community disposals and would advocate that consideration also requires to be given to the appropriateness of existing powers to imprison.*

Our goal is the effective and efficient management of offenders through focused and relevant programmes to support change in prisoners in custody.

*We would support this goal however, would suggest that it does not go far enough and requires to reflect the need for work to be done in prisons which maintain prisoners' connections to their families and communities and to the services which they will require in order to successfully reintegrate into the community on their release eg health, employment and housing. Given finite resources we suggest that change programmes should be focussed on high risk offenders as a priority. Given the relative ineffectiveness of institution based programmes it is suggested that for other offenders resources are concentrated on social inclusion issues.*

Our goal is for this work to be undertaken within an integrated system that continues to manage offenders upon release in order to reduce the risk of their returning to offending.

*We would support this goal however, would advocate that any integrated system requires to include all the agencies which can contribute to reducing reoffending. We do not support a narrow interpretation of an integrated system which consists solely of SPS and Local Authority Criminal Justice Social Work Services.*

### 2.1 What can be done to improve the rehabilitation of short term prisoners?

*The use of custody as the ultimate sanction for the most serious and high risk offenders would see a reduction in the prison population which in turn would make it possible for the expansion of services to short term prisoners. We would advocate that short term prisoners should be located as close as possible to their home areas and that there should be a strong emphasis on providing prisoners with access to services which will assist in their reintegration into the community.*

*We would also advocate that there needs to be greater provision of social inclusion services and offending behaviour programmes for high risk short term prisoners. If prisoners were located close to their home communities, it should be possible for Criminal Justice Social Work and SPS, in conjunction with key voluntary sector partners, to jointly develop and deliver a range of programmes suitable for offenders, both in the prison and in the community.*

*Throughcare resources for short term prisoners are currently very limited and we would urge the Scottish Executive to consider further investment in these services.*

*Finally we are aware that many short term prisoners leave prison with outstanding cases which remain to be dealt with within the Criminal Justice System. An offender's motivation to grasp the fresh start inherent in release from prison is undoubtedly affected by this and it is the experience of staff dealing with offenders that rehabilitation plans can be disrupted by further court appearances for historical matters in the period following release. We would urge the Scottish Executive to put mechanisms in place to ensure that, as far as possible, outstanding criminal justice matters can be dealt with during a period in custody.*

- 2.2 Individuals can end up in prison because of persistence rather than seriousness. How can the issue of persistence be effectively addressed?**  
*The issue of persistence in offending requires to be addressed with persistence by all the relevant agencies. Prison only offers a temporary, expensive period of respite for communities. On occasions, imprisonment can exacerbate an offender's situation and increase the likelihood of reoffending eg if housing is lost or drug treatment disrupted by a short period of custody. There needs to be a greater willingness to "stick with" offenders who persistently offend and local authorities need to be better equipped to provide more intensive and flexible support and supervision to such offenders.*

*There is also scope for a more imaginative response to dealing with people who have breached statutory orders eg tagging, fines, possibly attached to earnings and benefits.*

- 2.3 How can an institution which isolates individuals from communities also effectively reintegrate individuals back into society.**  
*We would suggest that the isolation of offenders from their communities creates barriers to effective rehabilitation, hence the importance of prisoners being located locally and of prisons playing a greater part in the development and delivery of strategies to reduce reoffending.*

*We would suggest that when custody is considered essential, consideration should be given to different terms of imprisonment which would have a less damaging affect on the maintenance of family and community ties. An example of this would be weekend imprisonment.*

#### **2.4 What are the most effective and appropriate ways of managing sentences for long and short term prisoners to reduce reoffending?**

*We are aware that the Scottish Prison Service operate a sentence management scheme for long term prisoners. The recent throughcare developments have been designed to ensure a Criminal Justice Social Work contribution to sentence management. We would suggest that this needs to be extended further to include families and other agencies, when appropriate, who have a part to play in the prisoners future rehabilitation.*

### **ISSUE 3: ADDRESSING REOFFENDING**

Our goal is to create a strategic, consistent, sustained and managed approach to the development and delivery of work with offenders, which will challenge offenders, offer them the opportunity to change their criminal behaviour and, by its effectiveness, reduce reoffending.

*We would generally support this goal however, again emphasise the need to address reoffending in a way that also addresses the social inclusion agenda.*

#### **3.1 What kind of interventions are most successful in tackling reoffending behaviour?**

*There is compelling research available about what works best with most people although the professional task is to identify what will work with the individual. Research suggests that programmes delivered in the community are more effective than those provided in a prison setting. The key seems to be good case management addressing problems identified jointly with the offender after proper assessment using structured tools. Work needs to be based on the development of sound, respectful relationships between workers and offenders.*

*The casework needs to address those social inclusion issues identified as being associated with the individual's offending eg accommodation, employment etc.*

*Cognitive behavioural work can also work either in groups or individually (targeted at the offender's learning styles). Cognitive behavioural work needs to be set in the context of programme integrity so that it is delivered properly.*

*There is also the need to explore the potential of reparation and mediation schemes much more - to promote victim awareness in general and specifically.*

#### **3.2 How can we ensure that offender programmes are effective and consistent across Scotland?**

*There is no virtue in the provision of single programmes across the whole of Scotland because of the need to address local issues especially the rural dimension. There does however need to be recognition of the importance of targeting and casework.*

**3.3 How can we ensure that community and prison-based programmes are complementary to each other and ensure maintenance of the progress an individual has made?**

*Community and prison-based programmes could be made complementary to each other through the joint development of programmes especially so that topics can be revised and reprised in the community. In addition single shared assessment and joint delivery between prison and community as well as improved access within the prison estate and in the community to structured programmes would also promote closer integration of work done in the community and in prison at a broad strategic level.*

*At the individual level information on programmes done in the community should follow people into prison and information on what people have done in prison should follow them out. Though it should be noted that the community supervises perhaps 30,000 offenders any one time in comparison with the 7.5K in prison so most of the people the local authorities deal with do not go to prison.*

*Similarly arrangements need to ensure that people on special programmes eg Drug Treatment and Testing Orders can follow the same regimes while on remand or for short sentences if their progress on DTTO justifies it.*

**3.4 What needs to be done to ensure that measures to reduce reoffending are improved?**

*The situation would be improved if all the agencies involved in the delivery of criminal justice services had shared objectives, better training and a more sophisticated approach to measurement. Offending is inevitable in a liberal society; it would be helpful too for professionals and the community if this could be recognised.*

*We need shared objectives about the reduction of reoffending explicitly stated and supported by policy statements from Scottish Executive. These objectives need to be shared by all the social inclusion agencies including health and housing (see Issue 1).*

*Proper casework with training for all staff involved in reducing reoffending in pro-social modelling; programme integrity and a holistic, person-centred approach to case work.*

*A more sophisticated approach to measurement of reoffending is required so that we can know whether we have had an impact on the levels of reoffending that were likely, this includes the ability to monitor reduced frequency, seriousness of offending and the ability to monitor different programmes. Also we should be able to look at the effectiveness of completed probation rather than probation imposed.*

*There is a need for public understanding and political acknowledgement that there is no "silver bullet" to offending which is a complex phenomenon rooted in the structures of society.*

## ISSUE 4: REDUCING REOFFENDING - AN INTEGRATED APPROACH

Our goal is a seamless management of sentenced offenders which focuses on public safety and challenges offenders to change their offending behaviour.

*We would largely support this goal. The key to its achievement is the existence of robust and accountable partnership arrangements incorporating all the agencies which can contribute to reducing reoffending or the social conditions that contribute to reoffending.*

Our goal is an integrated, effective and efficient system which secures public confidence and reduces offending.

*We would suggest again that no single system can reduce reoffending. (See response to Goal 1).*

### 4.1 What are the barriers in the current arrangements to achieving a seamless management of sentenced offenders?

*The lack of shared objectives across agencies within and outwith the criminal justice system is a barrier which could be overcome by the establishment of national and local partnerships (see response to Issues 1.2-4).*

*Data protection issues are still experienced as barriers to effective communication and urgent attention needs to be given to addressing these concerns.*

*The legacy of under resourced local authority throughcare services means that, despite the recent injection of resources, service development is at a relatively early stage. These services however, as they develop, offer considerable potential to improve the transition from prison to the community and vice versa.*

### 4.2 What can be done to improve service delivery across all the agencies involved so that we challenge offenders to stop offending?

*The experience of Community Care Services is that service delivery has improved with the development, under the Joint Future Initiative, of strategic partnerships. There is evidence that a broader strategic and operational partnership involving a number of key agencies, as listed in 4.5, would be fundamental in achieving the desired shift in the balance of provision from prison to the community and to tackle offending behaviour effectively.*

*It is clear that service delivery can be improved by investing in efficient and effective services.*

### 4.3 How can information be best shared between agencies to reduce reoffending?

*The ISCJIS project offers potential for the electronic exchange of information which can increase efficiency, as well as providing easier access to the*

*information which is required for risk assessment and risk management purposes. The current arrangements for manual transfer of information, particularly access to information on previous convictions, is time consuming and inefficient and improvements are urgently required\*.*

*Some information sharing protocols have already been developed however, others are required eg protocols relating to sharing of risk assessment information. Data protection issues are experienced as a barrier to effective information sharing and these need to be addressed. The SPS Community Integration Plan has the potential to become a useful vehicle for information sharing provided that it is not developed by SPS staff in isolation from other agencies.*

#### **4.4 What are the barriers to communication and how can these be overcome?**

*In recent years, some of the barriers to communication between SPS and local authorities have been addressed through the work of the Tripartite Group. This mechanism for bringing together Criminal Justice Social Work, Scottish Executive and the Scottish Prison Services has led to a better understanding of the issues faced by each stakeholder in providing effective services to offenders and to a sharper focus on how there can be a more co-ordinated approach to service development and delivery. An aspiration of the Tripartite Group was to develop a wider Throughcare Alliance and we can see merits in this. There remains significant cultural differences between the Scottish Prison Service, local authorities, voluntary organisations and other agencies. These require to be understood if they are not to become barriers to effective communication and joint working. Understanding can only be increased by the continued work of the Tripartite Group and other partnerships which bring together agencies with a common interest in reducing reoffending.*

#### **4.5 What are the key agencies that community based criminal justice services and the prison service need to work closely with?**

- *Other Social Work services*
- *Other Council services*
- *NHS, in particular drug and alcohol services, mental health and learning disability services*
- *Police Forces*
- *Sentencers*
- *Scottish Court Administration*
- *Procurators Fiscal*
- *Voluntary Organisations*
- *Employment Services*
- *Education providers*

**4.6 What organisational structures would provide an effective solution?**

*We would suggest that there are compelling arguments for retaining Criminal Justice Social Work as part of local authority provision. These are outlined in our response to Issue 1.*

*We would suggest that prisons require to be more closely tied to local communities and, wherever possible, to house prisoners from their own locality.*

*We would advocate the creation of a national and a series of local partnerships, similar to the Joint Future Partnership Agreement which bind all key agencies listed in 4.5 to a set of relevant outcome measures linked to the strategic aim of reducing reoffending.*

**4.7 Would the establishment of a single agency to deliver custodial and non custodial sentences provide the most effective solution?**

*The establishment of a single agency would be a costly and unnecessary change which, for all the reasons outlined in our response to Issue 1, could not hope to impact on reoffending in isolation. We have great concerns that such a move, as well as being wasteful of resources, would run the risk of weakening the links with other local services so essential for effective service delivery. In short, such a solution could potentially create more serious problems.*

**4.8 How might the strengthening of the adult justice system improve the way work is undertaken with the children's hearing system?**

*There is scope for the Children's Hearing System to contribute to the work of local and national Criminal Justice Partnerships, as outlined in our response to Issue 1.*

**ISSUE 5: EFFECTIVENESS AND VALUE FOR MONEY**

*Our goal is an efficient system of offender management which focuses on what is effective in reducing reoffending and delivers lower reconviction rates (the main measure of reoffending) as a return for our financial investment in service provision. It is our view that no single system can achieve this. It can only be achieved by the effective operational and appropriate linking between a number of different systems.*

*A system which promotes rising prison numbers at a time of falling crime when prison is known for the highest reoffending rates is inefficient. Political leadership is required to address this.*

**5.1 What are the current sources of inefficiency and ineffectiveness in the community based and prison services in Scotland? and**

**5.2 How can these be addressed?**

*A major source of inefficiency and ineffectiveness is the current over-use of imprisonment. This requires to be addressed by the Sentencing Commission.*

*However, a suggested solution to this inefficiency is to introduce criteria required to be met prior to the imposition of any custodial sentence:*

- *seriousness of the offence; or*
- *protection of the public; or*
- *the offender has demonstrated failure to respond to, or co-operate with, alternatives to custody.*

*Introduction of these criteria would help focus custodial sentences on more serious offenders.*

*There is also a disproportionate amount of money spent on processing cases through the Criminal Justice System as opposed to dealing with the behaviour which is causing concern. A particular issue in this Partnership is the high level of reports requested on relatively minor offences. This diverts resources to assessment which would otherwise focus on programmes for change. \*This would suggest the need for the greater promotion of diversion from prosecution of cases where it is not in the public interests for prosecution to be pursued.*

*Inefficiency in the arrangements for sharing information (see Issue 4) can be addressed through accelerating the progress of the ISCJIS Project.*

*The historically low investment in throughcare services, particularly to short term prisoners, can lead to a lack of appropriate follow up in the community. This can be remedied by increasing investment.*

**5.3 How might organisational restructuring be used to address these inefficiencies in the system?**

**5.4 Are there other solutions which would not require organisational restructuring?**

**5.5 How could a single agency meet these challenges?**

*Organisational restructuring in the form of a single agency would not address the inefficiency in the current systems. Some of the solutions relating to the use of custody rest with the sentencing commission. Solutions to other issues highlighted can be addressed without the need for costly restructuring which could create additional problems.*

**5.6 Are resources currently being used in the most effective way in delivering sentences and programmes?**

**5.7 If not, how might we improve the effective use of resources?**

*As indicated in the response to earlier issues, the resources currently being spent on short term prison sentences and the building of new prisons could more effectively be directed at community based services which research suggests are more likely to impact on offending.*

*Prisons should be the ultimate sentence for the most serious and high risk offenders and there should be greater emphasis on locating prisoners closer to their local communities and on prisons having strong local links. This would make it possible for a shared approach to programme development and delivery to take place involving local authorities, SPS and voluntary organisations.*



28.04.04  
SINGLE AGENCY/Partnership Response

**TAYSIDE CRIMINAL JUSTICE PARTNERSHIP**  
**POSITION STATEMENT: SINGLE NATIONAL CORRECTIONAL AGENCY**  
( Adopted by Partnership Steering Group 30<sup>th</sup> June 2003)

The Tayside Criminal Justice Partnership notes with concern the commitment in the Scottish Executive Partnership Agreement that *"we will publish proposals for consultation for a single agency to deliver custodial and non custodial sentences in Scotland with the aim of reducing reoffending rates"*. This appears to signal the intention to embark on a major and potentially expensive policy shift which would remove Criminal Justice Service from local democratic control, placing that control in a new arms-length agency, similar to, and incorporating, the Scottish Prison Service. This proposed policy shift comes at a time when Councils have made a considerable investment in developing the preferred model of Criminal Justice Partnerships which are barely a year old.

**The Partnership Model**

The Partnership model was widely supported when the Scottish Executive undertook a consultation exercise following the publication of the paper, Community Sentencing - the Tough Option in 1998. Since then, legislation has reinforced the position of the Partnerships and has greatly expanded the statutory functions of the local authorities who form the Partnerships, through the introduction of new provisions relating to Arrest Referral, Restriction of Liberty Orders, Throughcare, Diversion from Prosecution, Drug Treatment and Testing Orders.

Angus, Dundee and Perth & Kinross Councils strongly supported the model of Criminal Justice Partnerships on the basis that this model retained local accountability for services, and also promoted a high level of integration with other services such as child protection, mental health, drug and alcohol services, and housing. Offending cannot be seen in isolation from other issues and we are aware that individuals who commit offences and their families have a wide range of needs which require to be met at the same time as they are supported and challenged to change their offending behaviour. We have supported the model of Criminal Justice Partnerships in the belief that services which are locally based, responsive to local need and integrated with the work of other council services and partner agencies are better able to contribute to community safety and to the social inclusion of offenders.

We are aware of many examples of integrated working protecting our communities. The recent report by the Social Inclusion Unit "Reducing re-offending by ex-prisoners" highlights nine key factors which can have a significant impact on the likelihood of a prisoner re-offending. These are education, employment, drug and alcohol misuse, mental and physical health, attitudes and self-control, institutionalisation and life-skills, housing, financial support and debt and family networks. Local authorities have a good track record in providing or working in partnership to provide services in most of these areas.

We are concerned that, by contrast, no evidence has been presented that a correctional service model is more effective in achieving the twin goals of community safety and social inclusion., or in minimising the use of imprisonment. Without such evidence we believe that the policy shift proposed could compromise the development of effective strategies to tackle offending behaviour which the criminal justice partnerships/groupings are already demonstrating that they are able to address.

## **The Tayside Criminal Justice Partnership**

In the short time that the Tayside Criminal Justice Partnership has been in operation, we have demonstrated our commitment and ability to develop and improve services in accordance with the principles established by the Minister for Justice in May 2000.

- We have established robust management arrangements at both an operational level and strategic level.
- We have developed a partnership approach to the planning and ongoing review of services through reconfiguring existing posts into a Partnership Planning Team.
- We have introduced a partnership-wide DTTO service which is already proving to be in great demand from local courts. This service is a joint venture between the Partnership and Tayside Primary Health NHS Trust.
- We have developed an Arrest Referral Scheme across the three Council areas which links appropriately with Tayside Police and have developed plans to consolidate these schemes into a single scheme with increased capacity.
- We have reinstated a forensic social work service to Murray Royal Hospital.
- We have developed a range of offending behaviour programmes, most of which have been delivered within existing resources. These programmes are already demonstrating significant success.
- We have continued to improve established Partnership projects such as the Tay Project which has achieved national and international recognition for its innovative work in the development of programmes for sex offenders who deny their offending and for sex offenders with learning difficulties. The latter area of work has been developed in conjunction with NHS Tayside and was recently highlighted as an example of good innovative practice at an international conference.
- We have developed our accommodation services through enhancing programme provision within East Port House, through developing move on accommodation for residents in East Port House and through the development of Anchor House in Perth.
- We have developed a comprehensive throughcare plan which builds closer links between local prisons and community-based services.

- We have maintained close links between Youth Justice Service and Criminal Justice Services and have strategies in place to ensure that we provide the most effective response to 16 and 17 year olds who are at the cusp of the youth and adult systems.
- We have developed very close working arrangements with Tayside Police and child protection services in relation to the assessment and management of sex offenders and the model of risk assessment developed in Tayside by the Tay Project - TayPrep30 -has now been adopted by all Scottish Police Forces.

All of this has been achieved through considerable investment in partnership working by a committed and well trained workforce and there is still more that can be achieved.

### **The Human Resource dimension**

The role our staff play in developing and delivering our services must not be under emphasised. They are absolutely critical to the provision of effective criminal justice services which reduce offending. On a daily basis, our staff are building the credibility of our services in the eyes of sentencers, other stakeholders, service users and their families. Our staff however, are in short supply and it is particularly unfortunate that these proposals, which bring with them uncertainty and disruption for criminal justice staff, come at a time when there is a national shortage of social workers and social care staff. Concerted efforts are required to recruit and retain staff and these are being made at a national and local level with a great degree of urgency. The uncertainty created by the proposals for a correctional service undermine the work that is being undertaken nationally and locally to attract and retain high calibre staff in social work and could considerably weaken our services.

### **Conclusion**

The Tayside Criminal Justice Partnership is concerned that a Single Correctional Service is being proposed without any clear indication of what it is intended to achieve or any evidence that this model is an effective model for enhancing community safety, promoting the social inclusion of offenders and reducing the unnecessary use of custody. By contrast we would advocate that there is a growing body of evidence to suggest that services provided by local authorities can and do meet these objectives. We are committed to continuing to provide high quality criminal justice social work services in partnership with other agencies and, in the absence of any contrary evidence, will continue to advocate that our statutory power and responsibility to do so should remain.