

DUNDEE CITY COUNCIL

REPORT TO: SOCIAL WORK AND HEALTH COMMITTEE - 25TH AUGUST 2008

REPORT ON: SCOTLAND'S CHOICE - REPORT OF THE SCOTTISH PRISONS COMMISSION

REPORT BY: DIRECTOR OF SOCIAL WORK

REPORT NO: 413 - 2008

1.0 PURPOSE OF REPORT

- 1.1 To inform Committee of the proposals contained in the report of the Prisons Commission which was convened to examine Scotland's use of imprisonment in the 21st Century, highlight the potential implications arising from the report and identify what actions can be taken locally to progress the recommendations.

Figures contained in Tayside Community Justice Area Plan indicate that in March 2007 there were 423 people from Dundee in Scotland's prisons, a substantial number of whom will either be on remand or serving sentences of 6 months or less.

Scotland's Choice contains a range of recommendations which, taken together, offer a response to the challenges of rapidly growing and overcrowded prisons. The report is currently being considered by the Scottish Government.

2.0 RECOMMENDATIONS

It is recommended that the Social Work and Health Committee:

- 2.1 Note the contents of the review and note the further reports will be provided as the recommendations are progressed nationally and the implications for the delivery of Criminal Justice Social Work Services in Dundee become clearer.

3.0 FINANCIAL IMPLICATIONS

- 3.1 A number of the recommendations 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 Prisons Commission emphasises that public safety and reducing the damaging effect that crime has on victims and communities is paramount but recognises that rapidly growing and overcrowded prisons are making it increasingly difficult to secure public safety and respond effectively to serious crime. The guiding principles contained in the report are: punishment must be visible, swift and fair; communities should be at the heart of penal reform and action; prison populations must be controlled to achieve wider strategic objectives and that Scotland can be an international model.

The recommendations are broadly based around seven themes as follows:

- Rethinking punishment;
- Prosecution and court processes;
- Sentencing and managing sentences;
- Community justice, prisons and resettlement;
- Custodial Sentences and Weapons (Scotland) Act 2007;
- The Open Prison Estate; and
- The future.

The work of the Commission was informed by a series of consultations, visits to specialist resources, oral and written evidence and public events, one of which took place in Dundee.

4.1.1 Rethinking Punishment

The Commission recommends that imprisonment should be reserved for serious offenders whose offences are so serious that no other form of punishment will do and for those who pose a threat of serious harm to the public. It recommends moving beyond imprisonment as a way of punishing offenders so that paying back in the community becomes the default position in dealing with less serious offenders.

4.1.2 Prosecution and Court Processes

The Commission recognises the importance of exploring the whole criminal justice process, specifically in relation to prosecution and use of remand. It therefore recommends that the Government extends the types and availability of alternatives to prosecution and extends bail information and supervision through enhanced court-based social work units. Locally work has been on-going through the Community Justice Authority to review bail and diversion services and an operational working group has been established specifically to progress bail services. Dundee has a dedicated staff member within the Sheriff Court and has already aligned diversion services within the same team. In addition the Commission recommends legislative changes to ensure the Crown can deal with an accused person's outstanding charges at the same time.

The Commission recognised that younger offenders have specific needs and recommends exploring options for detaining 16 and 17 year olds in secure youth facilities which are separate from older offenders and those under the age of 16. It also suggests there would be merit in examining the case for specialist Youth Hearings. Currently within Dundee in the last year around 300 social enquiry reports were prepared on 16 and 17 year olds and approximately 36 (12%) were sentenced to custody.

4.1.3 Sentencing and Managing Sentences

The Commission suggests that, in order to command public support, both sentencing and the management of sentences needs to be more consistent, transparent and intelligible to the public. It therefore recommends establishing an independent National Sentencing Council who would develop sentencing guidelines that can be applied nationwide. Additionally, it recommends that, where sentences involving community supervision are imposed, there should be one single Community Supervision Sentence which would encompass a wide range of conditions and measures. The central ethos would be that of payback to the community by, for example, unpaid work, engaging in rehabilitative work etc. The sentence would be informed by a three stage approach which focused on how much payback, what kind of payback and checking progress and payback. In order to drive forward these changes it is recommended that a National Community Council is established. Additional recommendations include:

- the introduction of legislation to require a sentencing judge, who would have otherwise have imposed a sentence of six months imprisonment or less, to impose a Community Supervision Sentence instead, except in particular circumstances;
- the establishment of progress courts to enable swift and regular reviews which would also tackle compliance issues;
- the introduction of a conditional sentence whereby a period of custody is imposed but suspended subject to the offender keeping to a strict set of conditions;
- subject to the full implementation of the other recommendations that the current system of Home Detention Curfews (electronic tagging which facilitates early release) be terminated.

These recommendations offer a significant change to the way in which sentences are currently imposed and managed and would have considerable implications for the way in which local authorities supervise offenders and commission services from other organisations involved in managing offenders.

4.1.4 Community Justice, Prisons and Resettlement

The Commission recognise that resettling offenders so they are less likely to re-offend and be recalled to custody is a challenging task which requires the involvement of a number of agencies and the support of the public. It therefore recommends that the proposed National Community Justice Council be tasked with developing the status, visibility, credibility, consistency and quality of criminal justice social work and resourced accordingly. It also recommends that the Government promote a general duty to reintegrate offenders and increase the range of options available to the Parole Board in order to better manage release and compliance.

Tayside Criminal Justice Partnership already has a well established Resettlement Service which is currently subject to review in order to ensure it continues to meet the demands and priorities of the three local authorities.

The report highlights that social work services in the Criminal Justice system are pivotal to the proposed changes and emphasises the need for renewed vision, visibility and leadership. Crucially the report also recognises the need for proper resourcing in terms of finance, specialist knowledge and skills an increased standing within the criminal justice system. There are significant opportunities in this recommendation for social work services.

4.1.5 Custodial Sentences and Weapons (Scotland) Act 2007

The Commission recommends that the Custodial Sentences and Weapons Act should only be implemented after the implementation of the Commission's other recommendations and after a reduction in the prison population is achieved. Full implementation of this Act in its current form would have substantially increased the number of offenders requiring supervision on release from custody and would have had substantial resource implications for criminal justice social work.

4.1.6 The Open Estate

The Commission recommends that there is an on-going need for the open estate in order to prepare offenders for release and prepare them for freedom.

4.1.7 The Future

The current prediction, based on the fact that the average prison population has increased in every year of this century, is that the prison population will reach 8,700 inmates by 2016. The Commission recommends that the Government pursue a target of reducing the prison population to an average daily population of 5,000 - and estimates that, if the full range of recommendations contained in the report are implemented, this is achievable.

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 Chief Executive, Depute Chief Executive (Support Services), Depute Chief Executive (Finance), Head of Finance and the other authorities in the Tayside Partnership have been consulted in preparation of this report.

7.0 BACKGROUND PAPERS

Scotland's Choice - report of the Scottish Prisons Commission July 2008 and Tayside Community Justice Authority Area Plan 2008 - 2011 September 2007 were consulted in the preparation of this report.

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DATE: 7th August 2008