

DUNDEE CITY COUNCIL

REPORT TO: SOCIAL WORK COMMITTEE - 18 AUGUST 2003

REPORT ON: RESPONSE TO PROPOSALS FOR A SINGLE CORRECTIONAL AGENCY

REPORT BY: DIRECTOR OF SOCIAL WORK

REPORT NO: 542 - 2003

1.0 PURPOSE OF THE REPORT

The purpose of this report is to advise members of the implication of the Scottish Executive's stated intention to publish proposals for a single agency to deliver custodial and non-custodial sentences in Scotland and to propose the adoption of the position statement agreed by the Tayside Criminal Justice Partnership Steering Group (Appendix 1).

2.0 RECOMMENDATIONS

It is recommended that the Social Work Committee:-

2.1 approves the position statement attached at Appendix 1

2.2 authorises Officers to reflect this position statement in any discussions with the Scottish Executive concerning the development of proposals for a single correctional agency.

3.0 FINANCIAL IMPLICATIONS

The establishment of a single national agency is likely to have considerable financial implications for the Scottish Executive and for individual councils. It could be anticipated that the resources currently provided for the delivery of Criminal Justice Social Work Services would transfer from local authorities to the national agency. The level of resources currently provided to the Tayside Criminal Justice Partnership is £5,457,872.

4.0 LOCAL AGENDA 21 IMPLICATIONS

The establishment of a single national agency is likely to be contrary to the policy objective of meeting local need locally.

5.0 EQUAL OPPORTUNITIES IMPLICATIONS

The establishment of a single national agency is likely to have considerable human resource implications for local authorities, which would require careful consideration.

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).
- 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 The Scottish Executive's partnership agreement – "A Partnership For A Better Scotland", however, appears to signal 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 announces 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 reoffending rates".
- 6.5 These developments come at a time when Criminal Justice Social Work Services are increasingly able to provide evidence of effective practice and of effective collaborative work with other services and agencies. In Dundee, the Criminal Justice Service played a lead role in establishing the Public Protection Forum, which brings together representatives from Council Departments and Tayside Police. The Forum adopts a collaborative approach to tackling the challenge of managing potentially dangerous offenders in our communities and has at its very core a shared concern for the safety and protection of the public. Likewise, the Criminal Justice Service contributes to the Child Protection Committee and ensures that effective links are made between how offenders are supervised and how children can be protected. The strength of local collaboration is evidenced by the co-location of 2 specialist police officers and criminal justice social workers within the Council's Criminal Justice office in Dundee.

Other important areas of collaboration are in relation to substance misuse services and a very constructive partnership has been developed with NHS Tayside in order to provide a Drug Treatment and Testing Order service to courts across Tayside. The Criminal Justice Service is also able to demonstrate effective practice in reducing re-offending. An example of this, is the work of the Tay Project, a specialist project which deals with convicted sex offenders. During the 2 year period April 2000- March 2002, 48 offenders took part in programmes. Of these, only 1 person was known to have re-offended. Over the same period, 40 offenders convicted of offences of domestic violence took part in domestic abuse programmes operated by Dundee and Angus councils. Of these, only 3 were known to have re-offended. This level of reconviction compares favourably with the reconviction rates following imprisonment. Twelve months after leaving prison 48% of ex-prisoners have been reconvicted, the majority of a crime serious enough to result in a return to custody.

6.6 The Tayside Criminal Justice Partnership is concerned about the prospect of a national agency replacing the functions currently carried out by local authorities. This concern is shared by ADSW and COSLA and both organisations are campaigning vigorously against the proposals. The Tayside Criminal Justice Partnership Steering group has prepared a position statement which outlines the commitment that has been made by each of the three councils to the local delivery of Criminal Justice Social Work Services. It summarises the rationale for delivering services in this way and provides evidence of the achievements of the Tayside Criminal Justice Partnership over a relatively short period of time. It also highlights the human resource implications of these proposals at a time when recruitment and retention of social work and social care staff is of national concern. The proposed position statement is being considered by each of the three Councils

7.0 CONSULTATION

7.1 The position statement has been approved by the Tayside Criminal Justice Steering Group at its meeting on 30 June 2003 and the Chief Executive, Depute Chief Executive (Support Services) and the Depute Chief Executive (Finance) have been consulted in the preparation of this report.

8.0 BACKGROUND PAPERS

8.1 No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information), were relied on to any material extent in preparing the above report, however, reference has been made to committee reports 970 - 1998 and 822 - 1999, to the document "Community Sentencing – the Tough Option" published by the Scottish Executive in 1998 and "A Partnership For A Better Scotland", published by the Scottish Executive in 2003.

Alan G Baird
Director of Social Work

Date: 8th August 2003

APPENDIX 1

TAYSIDE CRIMINAL JUSTICE PARTNERSHIP POSITION STATEMENT: SINGLE NATIONAL CORRECTIONAL AGENCY (Adopted by Partnership Steering Group 30th 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 Social Work Services 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.