

## **DUNDEE CITY COUNCIL**

**REPORT TO: SOCIAL WORK AND HEALTH COMMITTEE - 23RD MAY 2011**

**REPORT ON: FISCAL WORK ORDER PILOT**

**REPORT BY: DIRECTOR OF SOCIAL WORK**

**REPORT NO: 240 - 2011**

### **1.0 PURPOSE OF REPORT**

To inform the Social Work and Health Committee of a new Fiscal Work Order scheme, to be jointly piloted by the Social Work Department and the Crown Office Procurator Fiscal Service (COPFS) as an alternative to prosecution for an initial 12 month period from 2 May 2011.

### **2.0 RECOMMENDATIONS**

It is recommended that the Social Work and Health Committee;

- Note the Fiscal Work Order pilot
- Instruct the Director of Social Work to provide a review of progress in 12 months

### **3.0 FINANCIAL IMPLICATIONS**

The Government is providing £50,000 additional, ring fenced funding to the Social Work Department to implement the Fiscal Work Order in 2011-12.

### **4.0 MAIN TEXT**

4.1 The Criminal Proceedings (Scotland) Act 2007 made provision for the introduction of a Fiscal Work Order as an alternative to a financial penalty or Court hearing for people charged with an offence who have no or very few previous convictions. The purpose was to divert those people from the criminal justice system, reduce costs through the speedy resolution of some low tariff alleged offences and provide the person with an opportunity to carry out work in the community as a form of punishment. The Order can consist of 10-50 hours of unpaid work, up to 10% of which can consist of an educational component. It must be completed within 6 months and when completed, the COPFS discharge the case, resulting in no criminal record. Where an offender refuses carry out the work or fails to complete, the COPFS retains the right to issue a Fiscal Fine or prosecute in Court. This distinguishes the Order from Fiscal Fines, which return to a fines enforcement system if not paid.

4.2 To date, the Fiscal Work Order has been piloted in 4 other local authorities. An evaluation showed that the types of offences for which it was used included breach of the peace, theft by shoplifting and minor possession of drugs. The majority of people who started the Order were aged 20 years or under and over 75% had 1 or no previous convictions. It offered a range of benefits, including good value for money; placements such as environmental projects and painting and decorating; and individuals developing skills and references to assist with paid employment. There was an average completion rate of 75% and although, due to timescales, the assessment did not include reconviction rates, there was anecdotal evidence that it had a deterrent effect. It also showed that, in view of attrition rates, a higher number of referrals than the target for starts was required. Equally, that some would benefit from other forms of diversionary support which focused instead on their personal needs.

4.3 In Dundee, there is a target of 100 offenders starting the Order in the first year. If successful in meeting this target, 1,000-5,000 unpaid work hours will therefore be provided to the community. The COPFS will refer selected low tariff cases to Criminal Justice Social

Work for an assessment of their suitability. Where they are both willing and able to work, they will start immediately on either an individual or group placement which will include garden maintenance, graffiti clearance, building renovations, litter picking and voluntary work in charitable organisations. Where they are not suitable, they will be referred back to COPFS. The scheme will also operate alongside existing diversionary measures delivered by the service, which offer relevant support and for young people aged 16-17 years can include a restorative aspect such as victim mediation. The COPFS will similarly continue to retain the right to issue a Fiscal Fine or prosecute where they fail to comply in these cases as well.

4.4 The people subject to a Fiscal Work Order will not be mixed with other offenders carrying out unpaid work as part of a Community Payback Order imposed by the Court. Equally, along with all other unpaid work schemes delivered by the service, placements must not deprive others of paid employment. This will create challenges in terms of both identifying and managing suitable placements but in collaboration with Local Community Planning Partnerships, the Department already has a range of placements which will be utilised. Other placements will be identified through continued consultation with the community, with the evaluation suggesting that a higher than average number will require individual placements. The service also already has literacy, numeracy and employability services available to deliver to suitable individuals for up to 10% of the hours offered. The additional funding will be used to coordinate the scheme and ensure all offenders are appropriately supervised.

4.5 There is, therefore, a firm infrastructure upon which to implement and develop the scheme. It will be evaluated in accordance with a framework to be provided by the Government, which is likely to include referrals, starts, average hours and successful completions plus the more qualitative views of agencies, placement providers and the individuals carrying out the work. This information would be provided to Committee in a future report.

## **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. There are no major issues.

5.2 An Equality Impact Assessment has been carried out and will be made available on the Council website <http://www.dundee.gov.uk/equanddiv/equipact/>.

## **6.0 CONSULTATIONS**

The Chief Executive, Depute Chief Executive (Support Services), Director of Finance and Crown Office Procurator Fiscal Service have been consulted in preparation of this report.

## **7.0 BACKGROUND PAPERS**

Summary Justice Reform: Evaluation of Fiscal Work Order Pilots  
[www.scotland.gov.uk/socialresearch](http://www.scotland.gov.uk/socialresearch)  
Equality Impact Assessment