

REPORT TO: SOCIAL WORK COMMITTEE – 22 April 2002
PERSONNEL AND MANAGEMENT SERVICES COMMITTEE –
15 April 2002

REPORT ON: DRUG TESTING AND TREATMENT ORDERS

REPORT BY: DIRECTOR OF SOCIAL WORK AND
DIRECTOR OF PERSONNEL AND MANAGEMENT SERVICES

REPORT NO: 248 – 2002

1.0 PURPOSE OF THE REPORT

1.1 This report informs members of the introduction of Drug Testing and Treatment Orders to Sheriff Courts and High Court sitting in the Tayside area. This report seeks approval from members for the establishment of a range of posts which are required to implement the scheme which will provide services to Angus and Perth and Kinross Councils as well as Dundee.

2.0 RECOMMENDATIONS

2.1 It is recommended that the Social Work Committee approves the content of this report and note that Drug Testing and Treatment Orders will be available to Tayside courts from Summer 2002.

2.2 It is recommended that the Personnel and Management Services Committee approves the establishment of the following posts:-

1 post of Project Leader, graded PO5-8, SCP39-42 (£26,801-£28,904)
6 posts of Social Worker, graded AP4/5+1, SCP 27-35 (£18,878-£23,930)
2 posts of Criminal Justice Assistant, graded AP2, SCP 19-22 (£14,984-£16,217)
2 posts of Clerical Assistant, graded GS1/2, SCP 3-12 (£9,680-£12,899)

3.0 FINANCIAL IMPLICATIONS

3.1 The Drug Testing and Treatment Order scheme will be wholly funded by the Scottish Executive. Funding in year 2002/03 will be £412,000, payable as a single allocation to Tayside Criminal Justice Services Partnership. The cost of establishing the above posts will be £257,600 in a full financial year. In addition to these supervision costs, additional expenditure will be incurred through drug testing and treatment.

4.0 LOCAL AGENDA 21 IMPLICATIONS

4.1 This report supports Key Theme 9 which acknowledges the right of “people to live without fear of personal violence or crime or persecution.”

5.0 EQUAL OPPORTUNITIES IMPLICATIONS

These proposals meet the Council's Equal Opportunities Policy.

6.0 MAIN TEXT

6.1 Drug testing and treatment orders were first introduced in the Crime and Disorder Act 1998. The sections that apply in Scotland are Sections 89-95 and Schedule 6. Schedule 6 refers specifically to combinations of a drug testing and treatment order and a restriction of liberty order. The latter order, more commonly referred to as tagging orders, will also be

available in Tayside courts in 2002. The Act makes it clear that a DTTO (drug testing and treatment order) may only be imposed where the court is satisfied that: -

- The offender is dependent on or has a propensity to misuse drugs, and
- The dependency or propensity requires and may be susceptible to treatment
- The offender is a suitable person to be subject of an order

6.2 Determining suitability will require a comprehensive assessment and a high level of motivation by the offender. The orders were first tested in pilot sites in Glasgow and Fife from February 2002 and evaluated by Social Work Research at Stirling University. In addition to the above a pilot drug court has been established in Glasgow Sheriff Court. The minimum period of a DTTO is 6 months and the maximum 3 years. Offenders must be over 16 and the court must consider a social enquiry report before imposing the order.

Key features of DTTO include: -

- Regular drug testing
- Monthly review by the Sheriff throughout the order
- Direct relationship between offender and Sheriff
- Further offence is not an automatic breach
- Statutory limitations on the role of the supervising officer
- Greater emphasis on drugs treatment, rather than offence focused approach, as the primary means of reducing offending and promoting social inclusion

6.3 Experience so far has shown the order is highly demanding of operational and administrative staff time. In pilot areas this led to the establishment of designated DTTO units or teams.

7.0 PROPOSALS

7.1 The Criminal Justice Social Work Services of Angus, Dundee City and Perth and Kinross Councils now work in partnership to deliver services to the courts, offenders and other criminal justice agencies. It is proposed that the Drug Testing and Treatment order scheme will be delivered as a partnership project and that the project staff will be employed by Dundee City Council, but will deliver a service across the three council areas. This is similar to the Tay Project for convicted sex offenders which already operates very effectively in the three councils.

7.2 As part of the scheme a health service provider is needed for testing and for some treatment services for drug users. Negotiations have begun with a local provider, but are not yet complete.

7.3 The DTTO requires that testing be carried out at specific intervals, to ascertain whether the offender "has any drug in his body" during the treatment and testing period. Testing is normally a dipstick analysis of a urine sample augmented by laboratory testing.

7.4 A range of treatment methods will be necessary to achieve the statutory objectives of "reduction or elimination of dependency or propensity to misuse."

The treatment range may include: -

- i. Detoxification
- ii. Substitute prescribing of methadone, with counselling support
- iii. Individual counselling programmes with drug free and drug reduction objectives
- iv. Groupwork to promote and support behavioural change

- v. Day programmes, including employment training, education and life skills, parenting and childcare enhancement
- vi. Short term residential programmes to establish and sustain overall treatment objectives
- vii. Modular ancillary interventions (individual or group based) covering matters such as self esteem, enhancement and assertiveness, dealing with personal abuse, health promotion and relapse prevention

7.5 In summary, this is a very complex order with a number of innovative features and one that requires effective multi-agency working if implementation is to be successful. Across Tayside it is expected there will be approximately 70 orders made in the first year. Drug testing and treatment orders provide offenders who predominantly offend to sustain their drug habit the opportunity of rehabilitation. It will reduce the necessity for custodial sentences and broadens out the range of non-custodial options to courts.

8.0 CONSULTATION

8.1 In the preparation of this report the Director of Personnel and Management Services and the Director of Finance have been consulted.

8.2 With regard to implementing the order, consultation will occur with the judiciary and with representatives from Health Services including possible private providers.

9.0 BACKGROUND PAPERS

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.

10.0 SIGNATURE

Director of Social Work

Date

Director of Personnel &
Management Services

Date

12 April 2002