

DUNDEE CITY COUNCIL

**REPORT TO: Personnel and Management Services Committee - 12 August 2002
Social Work Committee - 19 August 2002**

REPORT ON Social Work Department - Restriction of Liberty Orders

**REPORT BY: Director of Personnel and Management Services and Director of
Social Work**

REPORT NO: 561-2002

1 PURPOSE OF THE REPORT

1.1 This report informs members of the availability of restriction of liberty orders to Sheriff Courts and High Courts in Scotland. This report seeks approval from members for the establishment of two posts that are required to support the scheme.

2 RECOMMENDATIONS

2.1 It is recommended that the Social Work Committee approves the content of this report and notes that Restriction of Liberty Orders are available to Dundee Sheriff Court.

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

2 posts of Social Worker, graded SCP 27-35 (£18,878 - £23,930)

3 FINANCIAL IMPLICATIONS

3.1 The cost of establishing the above posts will be £45,700 in a full financial year which will be met in full from the Scottish Executive's 100% grant funding for Criminal Justice Services.

4 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 EQUAL OPPORTUNITIES IMPLICATIONS

5.1 These proposals meet the Council's Equal Opportunities Policy.

6 BACKGROUND AND PROPOSALS

- 6.1 Restriction of Liberty Orders were introduced under Section 5 of The Crime and Punishment (Scotland) Act 1997: amending The Criminal Procedure (Scotland) Act 1995 (Sec 245a). This order is more commonly referred to as “electronic tagging”. These orders have been available since 1 May 2002.
- 6.2 The Act makes it clear that a Restriction of Liberty Order may only be imposed where the court is satisfied that:-
- The offender is over 16 years of age.
 - That it is the most appropriate method of disposal.
 - Before making a Restriction of Liberty Order which will require the offender to remain in a specified place or places the court shall obtain and consider information about that place or those places, including information as to the attitude of persons likely to be affected by the enforced presence of the offender.
- 6.3 Determining suitability for a Restriction of Liberty Order will require a comprehensive assessment by report writing social workers. This additional function is not presently accounted for within the existing staffing complement.
- 6.4 Key features of Restriction of Liberty Orders include:-
- Can be imposed for any period up to 12 months.
 - Can restrict the offenders movements as the court sees fit up to 12 hours each day.
 - The offender must agree to comply prior to an order being imposed.
 - Monitoring is undertaken by a private contractor as are applications for breach of an order.
 - Breach of an order can result in a custodial sentence.
 - The order does not prevent the offender undertaking employment.
- 6.5 The initial response from Dundee Sheriff Court suggests that this will be a disposal that is valued by local sentencers in reducing crime within Dundee. Criminal Justice Social Work plays a crucial part in the assessment for Restriction of Liberty Orders and the quality of these assessments will to a great extent determine the future success of the order. It is, therefore, vital that this service is resourced at an appropriate level. It should be noted that, since this order has been available, it has coincided with a higher level of demand for court reports generally (increase of 52 in the period 1 May - 16 June).

6.6 In summary, Restriction of Liberty Orders provide the court with a disposal that can protect the public from an offender at the times during which the offender is most likely to be involved in crime. Although the order does place severe restrictions on an offender's liberty, it is more socially inclusive than custody as the offender can maintain employment and a stable family environment. Based on a projection from initial demand there is a potential for over 300 assessments in the first year.

7 CONSULTATION

7.1 The Chief Executive, Director of Support Services and Director of Finance have been consulted in the preparation of this report.

7.2 Consultation has taken place with the judiciary and Reliance Monitoring Services with regard to implementing restriction of liberty orders.

8 SIGNATURES

A. Baird
Director of Social Work

Date

J.C. Petrie
Director of Personnel and Management Services

Date