

To: SOCIAL WORK COMMITTEE	Subject: CONSULTATION BY SCOTTISH EXECUTIVE ON REDUCING REOFFENDING – RESPONSE BY NORTH LANARKSHIRE COUNCIL
From: DIRECTOR OF SOCIAL WORK	
Date: 20 MAY 2004 Ref: JD/JS/MM	

1. PURPOSE OF REPORT / INTRODUCTION

- 1.1 The purpose of this report is to inform Committee of the consultation by the Scottish Executive on Reducing Reoffending in Scotland, published in March 2004.
- 1.2 The report will also inform Committee of the issues identified through the local consultation event, as part of the Scottish Executive's consultation exercise.
- 1.3 Committee is asked to endorse the outcome of local consultation as the basis of a response from North Lanarkshire Council and the Lanarkshire Criminal Justice Grouping. (Attached as an appendix to this report).

2. BACKGROUND

- 2.1. Prior to the 2003 Scottish Parliament election, the Labour Party Manifesto pledged to set up a Single Correctional Agency.
- 2.2 The formal coalition agreement made the commitment to consult on the establishment of a Single Agency.
- 2.3 In response to these proposals COSLA expressed the view that the criminal justice services currently delivered by local authorities, were of value and refused to enter into a consultation process which had a pre-determined outcome of the removal of these services from local government control.
- 2.4 COSLA set up a Task Group chaired by Councillor Harry McGuigan which has developed COSLA'S position on this issue and engaged with the Executive on the policy issues, and on the shaping of the consultation process.
- 2.5 There was willingness expressed to discuss options for improving outcomes within the criminal justice system and as a result the consultation was broadened to look at reoffending.

CONSULTATION PROCESS

- 2.6 The Executive set up a consultation team, which in addition to civil servants included representatives from COSLA, the Scottish Prison Service and the voluntary sector.

- 2.7 The consultation process was launched at the beginning of March 2004 and will close on 25 May 2004. An issue paper was circulated with individuals being asked to respond on an individual or organisational basis. A series of meetings with key stakeholders has been set up. COSLA in partnership with the Scottish Executive set up a series of consultations through the existing Criminal Justice Social Work Groupings. The Lanarkshire meeting was held on 7 May 2004.
- 2.8 The Lanarkshire meeting was well attended and in common with the other Grouping meetings the representation was broadly based and included in addition to criminal justice social work staff, Elected Members; the Sheriff Principal; representatives from Strathclyde Police; Scottish Prison Service; Scottish Children's Reporters Administration; Scottish Courts Service; key Council Departments; the voluntary sector including victim organisations; Lanarkshire NHS and academics.

3. PROPOSALS/CONSIDERATIONS/KEY ISSUES ARISING

- 3.1. A more detailed outcome of the consultation process is attached in Appendix 1. The key messages from the consultation process are highlighted below.
- 3.2 There was a recognition of the need for better joined up working in relation to reducing reoffending recognising the impact of offending on individuals, victims, families and communities.
- 3.3 Offending and reoffending are complex matters. There are inefficiencies within the whole Justice System that is slow to process cases. Overwhelmingly individuals who become trapped in the cycle of reoffending have problems associated with poor family relationships, poor literacy skills, difficulties in housing, problems with drug and alcohol abuse and lack of employment or training opportunities. Breaking the cycle of reoffending is complex but must involve other key players in the criminal justice process and other agencies in particular other local authority services, health and employment services.
- 3.4 There was a general recognition that prison should be used only for the most serious offenders and in the interests of public or personal safety. That short term sentences were ineffective in encouraging rehabilitation and changing offending lifestyles.
- 3.5 However it was also recognised that the Community and individual victims must be confident in the process. They must be included in determining appropriate strategies for reducing offending behaviour. There are links between this agenda and the community planning agenda.
- 3.6 There was no support for establishing a Single Agency. Structural change was not seen as a solution to the problem of reoffending. While at the edges it may improve the links between criminal justice social work and Scottish Prison Service that may be at the expense of creating further barriers with other agencies that have a critical role to play. Experience of organisational change would also suggest that change is disruptive to service delivery, expensive and can have a detrimental effect on staff retention and recruitment.
- 3.7 There is however a case for closer collaborative working between the prison service and the local authority to ensure continuity in assessment, planning and managing interventions. However the key to effective rehabilitation lies in the communities that offenders come from. Therefore the focus of service delivery should be community based.
- 3.8 That could be effectively done through joint planning mechanisms that ensure that the relevant agencies are working to a shared vision, have agreed objectives and standards and joint outcomes. There are lessons to be learned from the integrated service agenda in other sectors such as Joint Future and Integrated Children's Services. To ensure a sense of community ownership this should link with the community planning process.

4. RECOMMENDATIONS

4.1. Committee is asked to:

- (i) Note the outcome of the Lanarkshire Grouping consultation.
- (ii) Agree that greater collaborative working is required amongst the key agencies. This will not be effectively achieved by a Single Agency but on the basis of a Joint Planning mechanism that has the authority to hold individual agencies accountable for their area of responsibility.
- (iii) Agree that this should be linked to local communities and that the local authority has a key role to play in co-ordinating the above activity in line with its community planning responsibilities.
- (iv) Agree that the above points should form the basis of North Lanarkshire Council's formal response to the consultation paper.
- (v) Agree that this response will inform the response submitted on behalf of the Lanarkshire Criminal Justice Grouping.
- (vi) Otherwise note the contents of the report.



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12 May 2004

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A copy of the consultation document a Consultation on Reducing Reoffending in Scotland published by the Scottish Executive is available in the Members Library.

Summary of Key Issues Arising from Consultation on Reducing Re-offending

Issue 1 – Roles & Responsibilities

The strength of the current system include:

- There is a significant range of provision available in both prison and in local authorities that could be harnessed to address offending behaviour.
- Within the community and in Prison relationships have been developed with key agencies who have a critical role to play in reducing re-offending.
- Local connection and knowledge is a strength in developing services as is local collaboration between agencies. On an informal basis that provides greater information.
- The Social Work value base fits in with the above developments as it recognises both the importance of the individual and the Social Inclusion Agenda.
- There is a policy and drive to improve services in all Agencies.
- Local Strategic Planning now encompasses all major services and agencies. The development of an effective plan that addresses reducing re-offending could fit in comfortably with the developing Community Plan process.
- There is much more emphasis on research and training of workers than previously.
- National objectives and standards within Criminal Justice Social Work Services is seen to be a strength as it sets a framework for action although these may now require to be updated to take on board new relationships and changes in the client population.

Weaknesses

The major weaknesses were identified as follows: -

- Re-offending remains an issue that affects both the individual offender, the families they come from and often the communities in which they live.
- The system is deficient from a victim perspective on a number of fronts.
- Amongst the community/public still there is a lack of support for community based disposals.
- Although there is more evidence of Agencies working together, access into service at the right time is still poor.
- There is a lack of common assessment tools and information sharing between Agencies remains poor.
- The system is effected by both pilots which are not properly rolled out, and short term funding which creates difficulties in developing ongoing services.
- Prisons are geographically distant from the communities that offenders come from.

Opportunities

There are a number of opportunities that could take the agenda forward. These include: -

- Through the Community Planning/Community Safety Process ensuring that offending is seen as a community issue that needs to be dealt with as part of the Social Inclusion Agenda.
- Agencies are beginning to recognise the contribution they can play in reducing offending other than Prison and Criminal Justice Social Work and that needs to be harnessed.

- Restorative Justice Developments offer the opportunity to engage much more with the community.
- Community Service is still seen as an effective disposal – we could build on that disposal in order to make it more effective from a Social Inclusion perspective.
- Youth Justice and the developments that are taking place there indicate how early intervention can be successful in engaging with young people.
- The Research and Training Agenda have given us a greater shared knowledge about what works.
- Throughcare demonstrates that joint working is a possibility.

Objectives of Sentence Management

The key objective of Sentence Management must be public safety and protection. It is however important that individuals are properly assessed and targeted. There are difficulties currently with undertaking adequate assessments because of the poor information available to Social Enquiry Report Authors. They are not in receipt of the contextual information that would help assess the level of risk the person poses. In relation to disposals, there are still concerns that sentencing practice varies and that the disposal does not necessarily lead to a good outcome in terms of managing offending. For example short term sentences are seen as not being effective, disrupting links with the community and family, sometimes home and job and more likely to lead to a continuing cycle of re-offending than to break that pattern. However, it is used frequently when a community alternative would have been possible.

Where people do go into Prison however it is important that the assessment carried out in the community is used to inform the programme that is established in the Prison. We need to be able to track the progress of the individual and to communicate that information back to the community when the person is released from Prison.

In some instances the objectives of sentence management has to be to control the individual.

It is also important that we raise awareness of the impact on victims and the community and that is built into the programme offered to the offender where appropriate.

If we identify that social exclusion is a major influence on re-offending then it is necessary that programmes seek to raise the ability of the offender and to reintegrate them back into their communities.

Issues 1 – Accountability

The general view is that no one person can be held accountable. There needs to be a clear idea of what we are trying to achieve that is supported on a collective basis by all those who have a responsibility towards the individual offender or for reducing re-offending. We need to set outcomes based on a consensus of how success can be measured.

If we are identifying that the local community is an important part of this Agenda then that accountability also needs to be to the local community. This could be done through having a clear national framework that is adopted at local level and reported through the Community Planning process.

There has to however be political commitment to addressing all the component parts that contribute to re-offending.

Issue 2 – The Purpose of Prison

The purpose of prison is to ensure community safety and to protect the community from violent and dangerous offenders. In our experience people are not always sent to prison for that purpose and indeed sometimes sent for welfare reasons. That means further discussion requires to take place within the community about developing resources that are appropriate to the needs of these individuals (e.g. women often end up in prison because of the complexity of their needs although often are not a risk to the community). We need to develop alternatives to short term sentences although better planning and co-ordination and confidence of the sentencers in alternative disposals has to be addressed.

It is recognised that for some people because of their chaotic lifestyles, alternatives to prison would require intensive support. There are people whose liberty perhaps needs to be curtailed, however there are a variety of options available including Restriction of Liberty Orders, looking at week-end or evening prison. The advantage of the latter would be that those who have employment could continue in that, those who require access to services could continue with that. It is important to recognise that while the Consultation Report identifies a lack of continuity from prison to the community, going into prison disrupts people's access to services and in the longer term they are going to require access to community based facilities to support their particular needs. Those who are involved in persistent offending receiving short term sentences are often extremely vulnerable in their own right, and short term prison breaks the chain of support available in the community.

How do we Deal with Persistence

There are examples of practice emerging from the Youth Court that suggests that there are administrative matters that would improve the way that we manage this issue. The Youth Court rolls up all outstanding charges which mean that individuals are confronted with the complexity of their problem, the seriousness of their problem and the persistence of their behaviour. This also means that any Action Plan put into effect is not disrupted by subsequent appearances in Court.

If we identify that those involved in this type of behaviour are often the most chaotic, they also require a range of agencies to be involved. We need to identify who the key partners are. If we are going to be effective in tackling offending behaviour these include more than Criminal Justice Social Work and SPS. Health, Housing and the Voluntary Sector all have a role to play in developing effective services to tackle offending. This needs to be on a joint planning basis so that there is not duplication of effort and a proper range of facilities are developed within a local area to tackle all aspects of offending behaviour.

For those for whom a period in Prison is an appropriate response to their behaviour, in order to ensure successful reintegration back into the community a period on Community Supervision should be part of their sentence. Therefore, if somebody is sentenced to a year either that should mean a year with six months served in Prison and six months with work in the community, or the period in Prison should be three months with three months support in the community to ensure integration.

Issue 3 – Addressing Re-offending

Which Type of Intervention is the Most Successful

Those interventions which are most successful are those which are based on good quality assessments which determine the level of need and risk in a particular case, followed by an Action Plan associated with that identified need and risk. There should be a worker identified responsible for managing the case, recognising that the relationship between the key worker and the individual is an important factor in achieving change.

That worker will not necessarily have all the skills to put an appropriate Action Plan into practice but should be able to refer to other services of workers as relevant and to ensure that the sequencing of intervention is appropriate. There is work that has been carried out by Paul Holt of De Montfort University which details the effectiveness of this type of approach learning from the experience of case management practice in Community Care.

Programmes which operate to acceptable standards or are accredited are integral to effective intervention. Accredited programmes require a high level of resource input. It is also important that staff are trained in order to undertake the role. If Prison and Community based staff are to be undertaking the same programmes there should be a joint training programme available.

The intervention has to make sense to the offender. That means that there should be every attempt to avoid duplication of input particularly if that then gives the offender mixed messages. One way of addressing this would be to ensure that the offender has a "Passport" that passes on information of the work that has been undertaken.

Effective intervention also requires a quick response if the person is not co-operating. The breach process through the Courts is slow and cumbersome and ineffective in maintaining the motivation of the individual. Therefore, successful intervention depends on looking at the whole system and how it works together not just individual parts of the system.

While Prison and Criminal Justice Social Work staff have skills in looking at offending behaviour it has to be recognised that offenders often have other needs e.g. underlying offending behaviour may be problems with mental health which require specialist input from Health & Community Care Workers.

It is important that offenders are encouraged to maintain desistance from offending. Experience shows that offenders can reduce offending during the period of intervention the important part is to sustain that beyond the period of intervention. They therefore need support to develop a full social lifestyle, this will require input from employment training, mentoring and befriending.

Experience of community service is also shown that where there is a sense of paying something back that can also have an impact on the offender's co-operation. Therefore, where appropriate a restorative element should be built in. In some instances this may involve direct contact with the victim. However, it has to be acknowledged that not everybody is appropriate for this type of work – those offenders who show no empathy may do more harm to the victim and the community than benefit from such an intervention.

Effective & Consistent Services Across Scotland

This can be achieved by developing the accreditation agenda although it needs to be recognised that this is resource intensive. In building up to the accredited programme however it is possible to develop based on general knowledge of what works a consistency in the approach to programmes with appropriate training for workers to deliver that. The Criminal Justice Development Centre could play a key role in taking this forward.

Communication is a two way process. It is important that information on work already undertaken by the offender is relayed to the prison system, at the same time the Prison needs to ensure that the community is informed about work that is undertaken by the offender whilst in custody.

Issue 4 – An Integrated Approach

What are the Barriers and how can they be Overcome

We believe this has less to do with structure than ensuring that organisations working in the field have a shared purpose and work towards the achievement of shared objectives. The Youth Court and Drug Court provide a good model of how various Agencies can come together with a shared understanding of what they are trying to achieve.

Drugs and alcohol remain important factors in an offending lifestyle. Other Agencies are therefore critical to the management of that behaviour. There is a problem about access to services, although the additional funds made available to alcohol and drug services is beginning to improve this position. However, it is important that in determining an intervention with an offender, that these other relevant agencies are involved in planning intervention.

The distance of Prisons from communities is a major problem in maintaining community contact, both with families and with relevant services. We recognise that there is a major problem in the current distribution of the prison estate that makes geographical links difficult. However, if we recognise that reducing re-offending is going to most effective if people are supported in their communities to desist from offending, it is important that the Prison Service build links with communities. It may be possible for example to look at key officers in each establishment taking responsibility for links with a geographical area and being part of the joint planning arrangements in that area.

Resources can be a barrier to effective delivery of service. The statutory responsibilities of different agencies can present other barriers. For example Criminal Justice Social Work require to meet the demand for SERs. Over the past period this demand has increased and that undoubtedly has had an impact on the ongoing work we do with people subject to Statutory Orders.

Assessment and management of the Order is key. There needs to be a common assessment process and agreed case management plan share between Agencies.

There is an issue about sentencing policy whereby individuals are subject to disposals that are not relevant to their assessed need. Therefore, this cannot be looked at in isolation from sentencing policy and what more needs to be done with sentencers in order to improve their confidence in the disposals on offer.

Barriers to Effective Communication

There is a need to understand the basic rules and responsibilities of the different parts of the Criminal Justice system, what their value base is and how these different parts can most effectively link together. There is an awareness raising and training agenda associated with that.

We need improved IT systems that allow for communication and protocols that clarify what information can be shared in line with data protection legislation.

At the end of the day effective communication is achieved by workers sharing an agenda with each other, meeting and talking to each other. This can be done both over individual cases and by a commitment by getting together to plan joint services.

Implications for the Children's Hearing

This question was difficult to answer. We believe that the Children's Hearing Model has something to offer to the adult system. It is a holistic approach that looks at the total needs of the individual and identifies the general responsibility amongst Agencies for addressing young people's needs.

The Youth Justice developments that have taken place within the Children's Hearing system has allowed a shift in focus to look at the deeds as well as the needs of young people at risks of becoming involved in the adult system. Where these services have been developed in partnership with Adult Criminal Justice services it allows a form of early intervention that may prevent some young people being moved into the Adult Criminal Justice system.

There needs however to be closed communication between the adult system and the children's system recognising that children brought up in households where there is a chaotic lifestyle and persistent offending could create future difficulties for young people. We should use the information to try to break the cycle of issues that impact on young people.

Finally, we need to understand that many adults appearing before the court system may have been known to Social Work Services and the Children's Hearing System for a number of years. While not an excuse for their behaviour it is important that those working with adults understand the impact of early life experiences and the supports that people need to address some of these issues.

Issue 5 – Effectiveness & Value for Money

What are the Current Sources of Inefficiency & Ineffectiveness

We believe that the current issues include poor communication; duplication of services; performance indicators that look at outcomes and quality in delivery; poor IT systems; inappropriate use of prison both for sentenced prisoners and those on remand where alternative community disposals or bail alternatives could be considered. Offenders could benefit from case management support based on common assessment tools where the information available to those working with the offender is adequate to ensure a good assessment. From a Criminal Justice Social Work perspective the demands for reports for individuals who are not likely to receive a Community Disposal prevents work with offenders who would benefit from Community Disposals. The Criminal Justice system is cumbersome with delays built in that prevent effective intervention with individuals early in their journey through the system. Services delivered in the community are disrupted by being sent to Prison and the lack of aftercare following short sentences prevents offenders being effectively reintegrated back into the community.

Would a Single Agency Meet these Challenges

A Single Agency based on the proposals laid out in the Partnership Agreement would not meet these challenges. Throughout this response it has been recognised that the key to effectively reducing offending lies in ensure that appropriate services are available that meets the underlying causes of the individuals offending. Both the Prison and Criminal Justice Social Work are only part of the solution. CJSW has the advantage through Community Planning and Resource Planning processes to engage with other service providers in the community to provide services necessary to offenders. A single agency based on a merger of SPS and Criminal Justice Social Work would disrupt these current arrangements.

Prisons are geographically distant from local communities and therefore have less flexibility in engaging with local communities to develop appropriate types of resources. It is counter to the developments that are taking place in other services particularly children's services and adult services that set a national then local framework for delivery, but delivery is increasingly carried out at a local community level.

It will impact on our ability to manage risk particularly in relation to Child Protection and Vulnerable Adults. The development of the protocols to manage sex offenders has ensured effective information sharing with Children & Family colleagues in relation to children who are vulnerable in the community.

The alternative is to be found in the examples that have developed through Joint Futures through the Integrated Children's Service Agenda, through Community Planning where the key agencies with a responsibility for reducing re-offending (which go beyond SPS and Criminal Justice Social Work) through joint planning mechanisms agree a shared view on the way forward. The objectives are set based on that shared view and individual Agencies who have signed up to that Plan are held accountable for their responsibility to deliver. The example of Joint Future is an indication of Children's Services has also led to discussion on shared resources and pooled budgets allowing the opportunity to develop services across boundaries.

As has already been mentioned structural change in itself will not necessary achieve this end. It is also disruptive and expensive. There can be a loss of knowledge and it can effect staff recruitment and retention.

Can We Improve the Effectiveness in the Use of Resources?

The Drugs Courts and the Youth Courts provide examples of how resources can be used more effectively by agreeing a joint approach where it is clear how the various services fit together. Speeding up the process and dealing with some of the administrative difficulties in the system has also made the outcomes more effective.

The above examples indicate that we need a strategic framework in which we operate.

Although outwith the scope of this consultation there are issues to do with sentencing policy that needs to be addressed if we are going to make effective use of resources. At the moment we have individuals who receive ineffective community based disposals according to their needs, and others who are sent to Prison for inappropriate periods of time which apart from allowing some community respite do nothing in the longer term to reduce that person's propensity to re-offend. We have serious concerns that unless the system is looked at as a whole then the issues that have been identified will not be addressed.

Summary

In Summary, the outcome of the Grouping Consultation Meeting was to identify

- There is the opportunity for closer liaison and dialogue between all those Agencies responsible for reducing re-offending. This would involve not just SPS and Criminal Justice Social Work but those Agencies who can address the needs of individual offenders. For example, Substance Misuse Agencies, Health and Housing and Employment Agencies have critical roles to play.

- The transparency of the system could be achieved by formal joint planning mechanisms that set clear objectives for the system and to hold people accountability for their part of the process. However, it needs to be recognised that those working with the offender after disposal can only be effective if the whole process from the point the offender is identified works efficiently.
- We need to recognise that the landscape of offending has changed that those caught in the cycle of persistent offending are more chaotic and while the National Objectives and Standards for Criminal Justice Social Work are strengths they need adapted to the new circumstances and to reflect the need for partnership working.
- We need to also recognise that the landscape of partnership working has changed and that there are good examples of frameworks to provide closer integration in working with offending.
- A single Agency would skew the issue away from local accountability. That is very important if we identify that the key to reducing re-offending lies in the Social Inclusion of the individual offender.
- Reducing reoffending cannot be seen to be separate from other strategies such as anti-social behaviour, community safety, domestic abuse, health, housing, community care and children's service agendas which are being developed through the local authorities.