

ANGUS COUNCIL

SOCIAL WORK AND HEALTH COMMITTEE

5 JUNE 2003

THE PROPOSAL TO CREATE A NATIONAL CORRECTIONAL AGENCY

REPORT BY THE ACTING DIRECTOR OF SOCIAL WORK

ABSTRACT

This report advises members of the Social Work Committee of the proposal by the Labour party in its manifesto to create a National Correctional Agency and of the Scottish Executive in its document "A Partnership for a Better Scotland: Partnership Agreement", published on 20 May 2003 to publish proposals for consultation for a single agency. This report notes that the setting up of a single correctional agency would involve the removal of a key social work service (Criminal Justice Services) from local authority management. A number of other potential consequences are also highlighted.

1 RECOMMENDATIONS

It is recommended that the Social Work and Health Committee:-

- (i) notes the contents of this report;
- (ii) instructs the Acting Director of Social Work to update members regularly with respect to the publication of consultation documents on the setting up of a National Correctional Agency.

2 INTRODUCTION

As members are aware, Social Work Criminal Justice Services provide a range of community based disposals for use by the courts, including Probation Orders for offenders who are thought likely to benefit from a programme aimed at addressing offending-related behaviour or problems; Community Service – unpaid work as an alternative to custody; and Supervised Attendance Orders for those people unable to pay fines. Criminal Justice Services also provide services to courts, especially preparation and presentation of social enquiry reports which aim to provide information and analysis of offenders' circumstances, personality and behaviour, to aid in the sentencing process.

The passing of the Sex Offenders Act 1997, and the publication of guidance for agencies on the Act in August 2000 has led Criminal Justice Services into increasing close partnership with Tayside Police, working together with other Council services – Child Protection, Community Care and Housing, to assess and manage the risk posed by sex offenders.

The future structure of Criminal Justice Social Work services was first raised formally in Scotland by Mr Henry McLeish, MP, then Minister of Home Affairs, in the Consultation Paper "Community Sentencing – The Tough Option" on 24 September 1998.

Angus Council (Social Work Committee Report No 1325/98), COSLA, and the Association of Directors of Social Work all provided detailed responses. All were opposed to the prospect of the removal of Criminal Justice Services from local democratic control. Angus Council described the setting up of a national service as “the worst possible option” in the response approved by Social Work Committee.

The main reasons at that time for the overwhelming commitment from local authorities to retain Criminal Justice Services within local democratic control were –

- loss of democratic accountability and the negative impact that the removal of Criminal Justice Services from local authorities would have on community safety and community planning. Local management was seen as flexible. A national service was seen as potentially rigid and bureaucratic;
- the negative impact upon staff of further restructuring;
- costs of the proposal – the costs of setting up a full infrastructure, involving personnel, finance, IT, support staff, accommodation, interview facilities were all noted as being potentially huge;
- effectiveness of current arrangements, included the credibility with courts (as evidenced by rising demand), value for money (as compared with the national service in England), the record of innovation, and the record of partnership working.

Following consideration of the responses, the Executive agreed that local authorities should continue to provide Criminal Justice Social Work services through the development of partnerships of local authorities. Discussions then took place between Angus Council, Dundee City Council and Perth & Kinross Council officers and a plan for a Criminal Justice Social Work Partnership was developed and implemented. Similar partnership arrangements were constructed by other local authority groupings and these were endorsed by the Scottish Executive. These partnerships or groupings have just completed their first full year of operation under a single budget. Angus forms part of a Tayside Criminal Justice Partnership with Dundee City and Perth & Kinross Councils. A steering group (involving Elected Members and Chief Officers) and a Criminal Justice Services Partnership management group have operated successfully for over 12 months.

On 3 April 2003, the First Minister announced a manifesto commitment to setting up a new single Correctional Agency to include the functions currently undertaken by the Scottish Prison Service and local authority Criminal Justice Social Work. The new Correctional Agency would involve “.... uniformed prison staff, and community correctional officers supervising thorough and effective sentences in the community”.

On 20 May 2003, the Scottish Executive published “Partnership for a Better Scotland: Partnership Agreement”. This document sets out the Executive’s agenda under the following headings: Children and Young People, Justice, Social Justice, and Sports, Culture and the Arts. In the section on Justice, and as part of a commitment to reform the courts and legal system, the document states:

“We will publish proposals for consultation for a single agency to delivery custodial and non-custodial sentences in Scotland with the aim of reducing re-offending rates.”

It is not clear whether the Executive intends to consult fully on the need to create a new agency, or whether consultation will be limited to how and when the new agency will operate.

Both commitments – the Labour manifesto and the Executive Partnership Agreement document – may lead to the removal of Criminal Justice Social Work (CJS) from local authority control. The notion of a single Correctional Agency has been brought forward without –

- evaluation of the effectiveness of the CJS partnerships
- evidence to support the assertion that a national agency would be effective at addressing reconviction rates
- costings or any reference to Best Value

3 PROPOSAL

It is proposed that members are kept fully informed by the Acting Director of Social Work regarding any publication by the Executive of consultation documents indicating proposals to remove Criminal Justice Social Work from local authorities.

Both COSLA and the Association of Directors of Social Work have expressed concern about the proposal. The reasons for this concern are virtually the same as before –

- establishing a “quango” will be expensive and reduce direct democratic control of key services at a national and local level
- no evidence has been brought forward which supports the case for change or indicates that the current arrangements are not working
- key partnerships between local authorities and other agencies, particularly the police, which are currently effective at protecting the public, may be undermined.

4 FINANCIAL IMPLICATIONS

At this stage, there are no financial implications for Angus Council. However, there would be significant financial implications both locally and nationally involved in the removal of Criminal Justice Social Work from local authorities. These include –

- staff costs – redeployment, severance and redundancy are issues which might require to be dealt with. There are 36 established posts with Angus Criminal Justice Social Work.
- management costs - Angus Council receives £77,000 administrative and management fee annually as an 8% charge on the 100% Criminal Justice Social Work funding provided by the Executive.
- costs of setting up a new agency providing services throughout Scotland. There might include –
 - (i) headquarters – buildings, staff, public relations, research and development, information technology, etc
 - (ii) infrastructure – offices, interview facilities, administrative and supervisory support throughout Scotland
 - (iii) civil service support.

5 HUMAN RIGHTS IMPLICATIONS

At this stage there are no implications arising out of this report which are relevant to human rights legislation.

6 CONSULTATION

The Chief Executive, the Director of Law and Administration, the Director of Finance and the Personnel Services Manager have been consulted in the preparation of this report.

7 CONCLUSION

This report updates members with respect to proposals which may result in the removal of Criminal Justice Social Work from local authority control. It instructs the acting Director of Social Work to update members regularly regarding relevant future developments.

Robert Peat
Acting Director of Social Work

NOTE: 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.