REPORT 376/08

ANGUS COUNCIL
SOCIAL WORK AND HEALTH COMMITTEE
10 APRIL 2008

REFORMING AND REVITALISING – THE REPORT OF THE
REVIEW OF COMMUNITY PENALTIES

REPORT BY THE DIRECTOR OF SOCIAL WORK AND HEALTH

ABSTRACT

This report informs the Social Work and Health Committee of the proposals contained in the Scottish Government’s recent review of community penalties, highlighting the potential implications of this review and identifies what actions can be taken locally to progress the review. A copy of the Scottish Government’s Review of Community Penalties “Reforming and Revitalising” has been placed in the Members’ Lounge.

1 RECOMMENDATIONS

It is recommended that the Social Work and Health Committee:

i) notes the content of the review and potential implications for service delivery;
ii) instructs the Director of Social Work and Health to provide the Committee with a further report when the operational, and consequent resource implications are clarified.

2 INTRODUCTION

The Scottish Government is committed to developing a coherent penal policy that uses prisons for serious offenders but deals with lower risk offenders in the community. The government also believes there is scope to make greater use of community penalties in place of short custodial sentences. There is recognition that community penalties are not always well understood and sometimes there is a perception that any penalty other than prison is a “soft option” despite the fact that community sentences can restrict freedom, require the offender to repay something to the community and cover a longer period than a short-term prison sentence. Statistics also show that those sentenced to prison for less than six months are more likely to re-offend within two years than those given community service.

The review of community penalties undertaken by the Scottish Government involved a series of meetings with a range of organisations working in the delivery of criminal justice services including statutory and voluntary organisations, community justice authorities and other agencies within the criminal justice system. The review proposed actions around four main themes:

- reparation and payback
- rehabilitation and reintegration
- quality and enforcement
- community engagement
Reparation and Payback

The Scottish Government proposes that Scotland will have a single reparative community sentence to be known as a Community Service Order (CSO). The new CSO will subsume the existing community service orders, supervised attendance orders and community reparation orders. It is hoped that this single flexible sentence will fit better with the public’s understanding of what community service involves. Other significant changes will include:

- an early initial induction process for the offender including a needs assessment;
- ensuring completion within six months as opposed to one year as is currently the case;
- powers to impose orders within district courts;
- allowing up to 15% of orders to be used towards skills development or counselling – currently community service only involves unpaid work;
- allowing for electronic monitoring (tagging) as a condition of community service.

Within Angus around 270 reparative type orders are supervised annually, of these 100 are community service orders. The average number of hours per community service order is 145 which means that around 14,500 hours of unpaid work in the community in Angus is undertaken by offenders as a direct alternative to custody. This is work that would not otherwise have been undertaken and has an estimated value of £80,000 (ie 14,500 x minimum wage £5.52) to the local community. Placements may vary from small scale tasks to large environmental projects which help to improve local environments which is a core element of the council’s plan. Examples of local projects include environmental work at Glen Doll Nature Reserve, the Millennium Forest Montrose and the gardening scheme for elderly and disabled members of the community. Maintenance work has been undertaken at Glenisla village hall. Other examples include painting, the rapid response graffiti removal scheme, collection for the Blytheswood charity and furniture project and deliveries for the Forfar Resource Store. In addition there are a range of smaller individual placements generally within charitable organisations across Angus.

The addition of skills development etc as part of this new order is to be welcomed and will link directly with the council’s strategy for lifelong learning by providing an opportunity to improve offenders’ employability prospects.

Operationally these proposals will have implications. On average, a person will complete just over seven hours of their community service order per week and therefore will take around five months to complete their order if they attend on a regular weekly basis. However, some offenders do not attend regularly and this extends the required time period. Some offenders have reduced availability because of employment or childcare commitments therefore reducing completion times to six months will have substantial implications regarding the availability of such offenders for unpaid work. The availability of increased, viable work placements will need to be considered. Therefore there will be substantial, but as yet, unquantifiable financial implications for provision of the new community service order in terms of staffing.

Rehabilitation and Reintegration

The review suggests that probation supervision would be enhanced if it was more structured and interventions were designed to enhance an offender’s life skills. The development of a modular approach to probation supervision has been suggested. Therefore the Scottish Government plans to roll out an enhanced, more consistent approach to delivering probation (based on evidence of effectiveness) and to support Community Justice Authorities as they facilitate more effective joining up of services at a local level.
There is also a recognition that those with problems related to substance misuse need access to a range of support services and therefore the Scottish Government plans to pilot the use of a new level of Drug Treatment and Testing Order (DTTO) for dealing with lower level offenders who are offending as a consequence of drug misuse. The intention is also to make this order available to the district courts. At present, DTTOs are only available to more serious offenders where there is an established link between drug misuse and offending. These are intensive orders which require an individual to undergo a programme of treatment which involves regular and random drug testing. Currently, within Tayside, around 65 DTTOs are made annually.

It should be noted that tackling substance misuse is a core element of the council’s approach to both community safety and health and care and has also been agreed as a priority area for improvement by Tayside Community Justice Authority.

These proposals will have operational implications if higher numbers of people receive DTTOs in terms of managing the orders and ensuring specialist treatment resources are available. There may also be implications for Criminal Justice Services across the Tayside partnership in terms of the delivery of accredited groupwork programmes within Tayside.

Quality and Enforcement

The review emphasised that speedy action to deal with breaching orders is vital, but also felt there would be benefit in having new breach powers which would allow for formal action without necessitating a return to court. The Scottish Government therefore intends to:-

- revise National Standards – this work is already in progress and revised standards are expected later in 2008;
- continue the work of the Performance Improvement Strategy Group which aims to promote consistently high quality work with offenders in the community around quality assurance, risk assessment and management interventions etc;
- introduce a consistent approach to risk assessment – plans are already in place for the national rollout of the LS/CMI risk assessment and management tool and staff will start to be trained from the summer of 2008 onwards;
- explore alternatives to formal breach procedures in court;
- legislate so that courts have the option to review community service orders

A number of the above actions are already in progress and legislative changes will be required prior to initiating some of the other proposals.

Community Engagement and Involvement

The review concluded that steps could be taken to improve public awareness and increase community involvement in the operation of community penalties. It is therefore proposed to:

- promote a legislative duty on service providers to carry out consultation with communities in determining projects for community service;
- support the Community Justice Authorities in developing a communications strategy as a part of their three year plan. The Tayside Community Justice Area Plan includes examples of how a communications strategy may be developed;
- institute a national payback scheme of the year award which recognises the development of innovative schemes that involve and benefit communities.
The Community Justice Authority clearly has a major role in terms of communication and is currently developing a communications strategy which it is hoped will improve public knowledge about the criminal justice system in order to improve the confidence of the public in community sentences and impact positively on public attitudes towards such sentences. The review, however, provides an early opportunity to connect operational approaches to reducing re-offending more directly to local communities by giving them a significant role in determining community service projects. It is therefore suggested that more consultation be carried out locally to agree projects and promote the work of the scheme and that this be done through the local Community Planning Networks. This would ensure projects are seen to be of immediate value to local communities and increase the visibility of community service.

3 PROPOSAL

It is proposed that the Social Work and Health Committee note the contents of this report regarding the Reforming and Revitalising – Report of the Review of Community Penalties and instructs the Director of Social Work and Health to embark on a series of consultations through local Community Planning Networks and provide the Social Work and Health Committee with a review of progress in 12 months time. As noted, there will be resource (and therefore financial implications) in relation to the new community service order, however the extent of these at the present time are unknown.

4 FINANCIAL IMPLICATIONS

A number of the proposals will have financial implications for local authorities. Work in relation to this will be progressed as more implementation information from the government becomes available.

5 HUMAN RIGHTS IMPLICATIONS

There are no human rights implications arising as a result of the recommendations contained in this report.

6 CONSULTATION

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

7 CONCLUSION

Reforming and Revitalising – Report of the Review of Community Penalties contains proposals and suggested actions to ensure that community penalties are used to their full potential in the future. A number of the actions are already in progress, however, some of the proposals will have significant operational implications which will require further consideration.

R Peat
Director of Social Work and Health

NOTE: The undernoted 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 a material extent in preparing the above report.

2. “Community Sentencing: Public Perceptions and Attitudes”.