ABSTRACT
This report advises elected members of the increased demands facing Criminal Justice Services following the implementation of Community Payback Orders (CPOs), and of the resultant budget pressures. It seeks approval from the committee for proposed measures which can be taken to address these issues.

1. RECOMMENDATIONS

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

(i) notes the increased demands for Criminal Justice and Youth Justice Services resulting from the implementation of Community Payback Orders;
(ii) notes the need for an additional Community Service Supervisor post to be funded from the 8% council management fee included within the Community Justice Authority allocation to Angus Council;
(iii) approves the proposal to fund the implementation of the CareJustice module from OLM from the Social Work and Health revenue budget.

2. BACKGROUND

It will be recalled that a report was submitted to Social Work and Health Committee on 11 November 2010 (Reference 804/10) advising the committee of the implementation of the Criminal Justice and Licensing (Scotland) Act 2010 and the introduction of Community Payback Orders. The committee instructed the Director of Social Work and Health to report on the progress in relation to the implementation, impact and resourcing of CPOs at an appropriate point in the future.

As the legislation had not yet been implemented in November 2010, it was difficult at that time to anticipate precisely how the new legislation would impact on Criminal Justice Services. However, it was predicted that the new orders would impact on services in three ways:-

• because of the presumption against short sentences of imprisonment of three months or less, that the number of community disposals given by courts would increase;
• that the new CPO would probably contain multiple requirements in many instances and would require an increased number of progress reviews before the Sheriff. This was seen as a positive development, but it was recognised that it would lead to an increase in contact between Criminal Justice Social Workers and offenders and an increase in reports to the courts;
the legislation was likely to result in longer and more intensive periods of unpaid work, thereby making additional demands on existing community service resources.

3. CURRENT POSITION

The government’s intention in the new legislation was to oblige offenders to make restitution to their own communities for their offending through unpaid work. The Sheriffs locally have embraced this principle. 55 out of a total of 66 (83%) of CPOs which have been made in Angus since commencement have had unpaid work requirements. After five months of this financial year, and excluding transference of Supervised Attendance Orders cases and short sentences into CPOs, there is a projected increase from 189 to 274 [45%] in unpaid work places compared to last year. The number of hours contained within placements is increasing dramatically. In 2010-2011 there was a total of 25,750 hours imposed by the courts. In the first five months of 2011-2012 there have already been 14,359 hours imposed along with 2,049 SAO hours; if this trend continues, the service will incur at least 40,000 hours this year, an increase of 55% in unpaid work hours over last year.

This increase has lead to difficulties for CJS in achieving the desired performance standard of commencing unpaid work placements within seven days of the order being imposed. We are currently only able to achieve 58 from a total of 99 (59%), when the desired target is 75%. Prior to this year, Criminal Justice Services has not operated a waiting list for placements but increases in demand have meant that we have had to introduce one. At the time of writing (as of 31st August) there are 28 people on the waiting list for commencing placement.

It will be recalled that CPO’s were introduced without any additional funding from the Scottish Government, despite the increase in statutory duties. Most recently there has been some indication of proposed central government funding in 2012-2013.

The unpaid work section currently has three Community Service Supervisors. Demand is now exceeding capacity and this problem is likely to increase. There is a clear need for a fourth Community Service Supervisor in order to increase capacity. Particular problems arise during holiday periods. A fourth supervisor post would allow more flexibility at such times and would allow for more regular weekend and evening work within the community.

Last year, not all of the 8% management fee provided to the local authority for Criminal Justice Services was allocated. It is proposed to establish an additional Community Service Supervisor post from the 8% management fee, at a cost of £32,000.

Local authority Criminal Justice Services will be required to provide a significant amount of Unit Level Data to the Scottish Government about CPO cases, as well as collective trend information. It will not be possible to record, collate and produce this information from the existing IT system, CareFirst 5. OLM, the CareFirst provider, has developed a CareJustice module which encompasses CPO and which would be able to provide the necessary information. There has been considerable debate between OLM and the local authorities, including via the CareFirst National User Group, about responsibility for the provision of the CareJustice module. The local authorities took the view that the module should be provided by OLM as part of the existing provision and at no, or minimal, cost. OLM stated that this was a new package, based on new legislation, and therefore the local authorities needed to meet the costs. Despite a lengthy debate OLM could not be persuaded from this position and it will be necessary to purchase the CareJustice module from OLM. No funding has been provided by the Scottish Government.
The cost of implementing the CareJustice module is £20,025 for initial setup plus £5,006 for maintenance in the first year, and in each of the two subsequent years. The total three year cost to the council will be £35,043. Installation is necessary if the authority is to record and report on its activities in CPO, as per Scottish Governments requirements.

4. PROPOSALS

(i) That the committee approves funding for the establishment of an additional Community Service Supervisor post from the 8% management fee attached to criminal justice funding.

(ii) That the Committee approves the purchase of the CareJustice module to be funded from the Social Work and Health revenue budget.

5. PROPERTY IMPLICATIONS

There are no property implications.

6. RISKS

The risks associated with the recommendations above are:-

- that the council is unable to meet its statutory duties to provide sufficient places on unpaid work schemes to meet Sheriff Court disposals.
- that the council is unable to comply with performance standards for CJS in the area of unpaid work implementation because of an imbalance between demand and capacity.
- that the council is unable to report to the Scottish Government on its activity levels for Community Payback Orders.

7. FINANCIAL IMPLICATIONS

(i) Cost of a new Community Service Supervisor post: £32,000. This will be met from the 8% management fee paid to the local authority.

(ii) Cost of purchasing CareJustice module; £20,025 in year one, and £5,006 for each of the first three years: £35,043 in total. The initial purchase cost will be met from a projected under spend from Children and Family Services (due to early achievement of savings for 2012/13). The ongoing operating costs will be met from the 8% management fee paid to the local authority.

8. HUMAN RIGHTS IMPLICATIONS

All Service Users are the subject of court imposed orders. There are no human rights implications.

9. EQUALITIES IMPLICATIONS

The issues dealt with in this report have been the subject of consideration from an equalities perspective. An equalities impact assessment is not required.

10. ANGUS COMMUNITY PLAN AND SINGLE OUTCOME AGREEMENT

This report contributes to the following local outcome(s) contained within the Angus Community Plan and Single Outcome Agreement 2011-2014:-

- Our communities are safe, secure and vibrant.
- Individuals are involved in their communities.
11. CONSULTATION

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

12. CONCLUSION

Community Payback Orders were introduced under the Criminal Justice and Licensing (Scotland) Act 2010 and have led to a significant increase in demand for Criminal Justice and Youth Justice services. There has as yet been no additional funding from central government to assist local authorities in meeting these demands. A gap is emerging between demand and capacity to respond and this gap is likely to increase unless appropriate action is taken. The most significant issues are the need to increase resources in the area of unpaid work, and the need to purchase the appropriate IT system to permit the required reporting. The proposals are detailed with costs at sections 4 and 7 above.

ROBERT PEAT
DIRECTOR OF SOCIAL WORK AND HEALTH

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 a material extent in preparing the above report.

SW&H/RP/GB