

## ANGUS COUNCIL

## SCRUTINY AND AUDIT COMMITTEE – 21 FEBRUARY 2013

## AUDIT SCOTLAND REPORT – REDUCING REOFFENDING IN SCOTLAND

## REPORT BY THE ACTING DIRECTOR OF SOCIAL WORK AND HEALTH

**ABSTRACT**

This report advises Elected Members of the Audit Scotland report published in November 2012 entitled "Reducing Reoffending in Scotland", its key recommendations and any necessary action to be undertaken by Angus Council. A copy of the report can be found on line at [http://www.audit-scotland.gov.uk/docs/central/2012/nr\\_121107\\_reducing\\_reoffending.pdf](http://www.audit-scotland.gov.uk/docs/central/2012/nr_121107_reducing_reoffending.pdf)

**1. RECOMMENDATIONS**

It is recommended that the Scrutiny and Audit Committee:-

- (i) notes the content of this report;
- (ii) notes that further reports in relation to the strategic and governance arrangements for Criminal Justice Services will be presented to Social Work and Health Committee as these develop at a national and local level.

**2. BACKGROUND**

Criminal Justice Services are designed and delivered to protect the public from offending, to deliver justice for victims and, by intervening ways in which challenge offending behaviour and which reduce the unmet needs of offenders, attempt to reduce the likelihood of reoffending. Services are delivered by a number of agencies including the Scottish Prison Service, the police, and social work. In the local authority context, services are delivered by the social work Criminal Justice Services (CJS) and, for under 18s, the Social work and Health Youth Justice Service. Many offenders have significant drug and alcohol problems, mental health issues, family difficulties, employment problems and housing issues; consequently the criminal justice service works with a number of partner agencies to address these issues.

The Angus Criminal Justice Services has worked in partnership with its counterparts in Dundee and Perth & Kinross since the year 2001 through the Tayside Criminal Justice Social Work Partnership. This partnership is designed to achieve consistency of approach across the Tayside area and ensuring the sharing of good practice, learning and where appropriate resources. A number of resources and services are shared and some are commissioned from third party providers on a shared basis, for example the Tayside Arrest Referral Scheme.

In 2007 the Management of Offenders (Scotland) Act 2005 created eight Community Justice Authorities across Scotland to oversee the work of the various key agencies involved in work with offenders. The Tayside CJA works closely with the criminal justice partnership from a strategic and governance perspective. The CJA also administers the Section 27 criminal justice budget allocation to the local authorities. The budgets which are dispersed to the local authorities each contain an element (8% of the total) which is intended to meet local authority costs in running CJS. Nearly all local authorities in Scotland are contributing some of the 8% to direct CJS running costs because the S27 allocation is generally inadequate to meet demand.

The implementation of Community Payback Orders in February 2011 significantly changed the nature of criminal justice social work in Scotland. The legislation which supported the introduction of CPO (the Criminal Justice and Licensing (Scotland) Act 2010) was based on an assumption against custodial sentences of less than three months, which would be replaced by unpaid work in the community. It also introduced individualised packages of offender management, support and work for change by increasing the range of disposals ("requirements" to use the terminology of the legislation).

These developments have been broadly welcomed by professionals in the field but they have increased the gap between demand and available resources. Since the introduction of the legislation in February 2011 there has been a 39% increase in the number of orders (282 in 2009 to 392 in 2012). This increase in orders is also compounded by an increase in the complexity and intensity of orders. Sheriffs are sentencing to longer unpaid work hours than was the case with community service and are requiring a greater level of supervision. The number of disposals requiring an element of supervision has increased from 54% to 66% and the number of combination orders, those which have both unpaid work and supervision, has doubled from 16% to 34%.

Angus Council has, at the time of writing, allocated a portion of the 8% (£32,000) to fund an additional Unpaid Work Supervisor post and, in order to meet a new duty from the Scottish Government, allocated £25,000 to meet the costs of installing the Care Justice Module on Care First.

In June 2011 the Scottish Government established the Independent Commission on Women Offenders to consider how outcomes could be improved for women offenders. The commission reported in April 2012 and made 37 recommendations. A key recommendation was that the Scottish Government review the means by which criminal justice services are delivered as the current structure was considered by the Commission to be unfit for purpose.

This recommendation, along with a number of other initiatives, has been absorbed into the Scottish Government's Reducing Reoffending Programme 2. On 20 December 2012 The Scottish Government published "Redesigning the Community Justice System: A Consultation on Proposals". This consultation document asks public bodies to comment by 30 April 2013 on three options for reform:

- **Option A: Enhanced Community Justice Authority (CJA) model**, where changes are made to CJA membership and functions.
- **Option B: Local Authority Model**, where local authorities assume responsibility for the strategic planning, design and delivery of offender services in the community.
- **Option C: Single Service Model**, with a new national social work-led service for community justice (separate to but sitting alongside the Scottish Prison Service) is established.

In September 2011, Audit Scotland published "An Overview of Scotland's Criminal Justice System". This highlighted the continuing problem of reoffending in Scotland. In 2009/10 over 47,000 people were convicted of an offence and 30% (over 14,000 people) were convicted again within one year. Following the publication of "An Overview of Scotland's Criminal Justice System" the Scottish Government's Public Audit Committee took evidence on the findings and published its own report in February 2012. In that report the committee asked Audit Scotland to look at a number of issues relating to reducing reoffending in a performance audit. This audit was published on 7<sup>th</sup> November 2012 and specifically looks at reducing reoffending. The overall aim was to assess the efficiency and effectiveness of approaches taken to reduce reoffending.

### 3. **AUDIT SCOTLAND REPORT – REDUCING REOFFENDING IN SCOTLAND**

The Audit Scotland report, published on 7 November 2012, focuses on persistent offenders and intentionally does not consider preventative work or diversion.

The report identifies the scale and nature of reoffending, the range of options for sentencing and the amount of money spent on reducing reoffending. It also assesses the effectiveness of partnership working, including the role of CJAs.

The report states that evidence for the audit is based on an analysis of national and local data; information from the Scottish Prison Service, the Scottish Government, CJAs and criminal justice social work services; and interviews with a wide range of people who work with offenders. It also commissioned a number of focus groups to gather views of people currently serving a community or prison sentence. Finally, it included a review of evidence of levels of reoffending in other countries.

The report highlights the following key messages:-

- a) Reoffending is a continuing problem in Scotland. Reconviction rates have remained relatively static over recent years; 30% of people convicted in 2009/10 were reconvicted within one year, compared with 32% in 1997/98. The Scottish Government estimates that the total economic and social costs of reoffending are about £3 billion per year.
- b) In 2010/11 the SPS, CJAs and the Scottish Government spent an estimated £128 million on services to reduce reoffending and £254 million on restricting the liberty of offenders (custody). The report states that "more detailed information on the unit costs and quality of the range of services delivered is needed to make an overall assessment on how efficiently this money is being used", it goes on "variation in the cost of criminal justice social work services indicates there is potential to improve efficiency in this area".

*(It should be noted that there is some disagreement between Audit Scotland and the local authority criminal justice services about the way in which financial information was gathered and about how unit costs were identified.)*

- c) There is a strong body of evidence in what is effective in reducing reoffending but there is a mismatch between what is currently being delivered and what is known to be effective. There is an urgent need for a more strategic approach to planning, designing and delivering services at both national and CJA level. Such an approach needs to be based on analysis of need, the level of demand, evidence of what works and costs of delivery.

*(An insufficient focus on the evidence of effectiveness and service delivery is a fair criticism. The problem has three specific elements: firstly, much criminal justice activity is delivered to meet specific statutory requirements, for example the provision of reports to the courts, which cannot be deviated from; secondly, focusing on effective services at the expense of less effective ones implies a flexibility of funding allocation which does not currently exist. Many services are paid for by ring-fenced funding with no capacity to transfer money across boundaries; thirdly, there is an inbuilt disincentive for achieving success in some areas because it reduces funding for other areas of statutory provision. In an Angus context, Structured Deferred Sentence (SDS) is a very successful disposal with well evidenced positive outcomes in terms of reoffending, but it diverts offenders away from statutory disposal where funding is granted per individual order.)*

- d) Demand for services to reduce reoffending is increasing and the SPS, CJAs and the local authorities need better information on the needs of offenders to plan and manage services. Access and availability vary across the country and the level of support for prisoners serving short sentences needs to improve, particularly in relation to their housing needs.
- e) The report comments on the range of bodies involved in reducing reoffending and their different governance and accountability arrangements, and different geographic boundaries. This results in what the reports calls a "complex landscape". It notes that, whilst CJAs have brought agencies together, the way they were set up and inflexible funding arrangements have "significantly limited their effectiveness. They have made little progress with reducing reoffending."
- f) Stronger leadership at national, regional and local levels is required if reoffending is to be tackled effectively.

The report goes on to make a number of recommendations, the most significant of which are as follows:

- a) The Scottish Government should improve arrangements for funding community justice to ensure that: money is targeted towards effective approaches to reduce reoffending; there is more flexibility to meet local needs and priorities; and allocations are more responsive to changes in demand.

- b) The Scottish Government should improve the range of performance measures to assess the effectiveness of SPS, CJAs and councils reducing reoffending.
- c) The Scottish Government should review current arrangements for managing offenders in the community to ensure that: there are clear and shared objectives to reduce reoffending; those working to reduce reoffending have appropriate powers; there is clear accountability and a mechanism to promote collective responsibility for reducing reoffending; arrangements promote and support What Works in reducing reoffending and allow flexible service delivery; there is a more coordinated and strategic approach to working with the third sector.
- d) The Scottish Government, SPS, CJAs and councils should:
  - Work together, and with other relevant public and third sector providers, to improve how services to reduce reoffending are planned, designed and delivered and to ensure that they meet the needs of offenders, in particular those serving short prison sentences; recognise the level of demand; are based on evidence of What Works; and take into account costs of delivery.
  - Work together to improve their understanding of the unit costs of different types of criminal justice social work activity and how these relate to the quality of services delivered. This work should be used to inform decisions on how resources are used and where efficiency could be improved.

As this was a national audit there are no specific recommendations for Angus. However Audit Scotland have agreed to work with the Tayside Community Justice Authority and the three Tayside Criminal Justice Services to review the position in Tayside against the reports findings. The outcomes from this work will be presented Elected Members and the Tayside Community Justice Authority in due course.

#### **4. PROPOSALS**

It is proposed that the Scrutiny and Audit Committee instructs the Acting Director of Social Work and Health to appraise Social work and Health of further developments in the strategic and governance arrangements for Criminal Justice Services as these develop at a national and local level.

#### **5. PROPERTY IMPLICATIONS**

There are no property implications arising from this report.

#### **6. RISKS**

There are no specific risks arising from this report.

#### **7. FINANCIAL IMPLICATIONS**

There are no financial implications arising from this report.

#### **8. HUMAN RIGHTS IMPLICATIONS**

There are no human rights implications arising from this report.

#### **9. EQUALITIES IMPLICATIONS**

The issues dealt with in this report have been the subject of consideration from an equalities perspective (as required by legislation). An [equalities impact assessment](#) is not required.

#### **10. ANGUS COMMUNITY PLAN AND SINGLE OUTCOME AGREEMENT**

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

- Our communities are safe, secure and vibrant.

## **11. 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.

## **12. CONCLUSION**

The Audit Scotland report (Reducing Reoffending in Scotland) is likely to be influential in the future administration and governance of Criminal Justice Services in Scotland, especially when accompanied by the strategic and structural changes recommended in the National Commission for Women Offenders and Reducing Reoffending Programme 2. This report is intended to highlight key issues arising from the Audit Scotland report and set those in context.

**LORRAINE YOUNG**  
**ACTING 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.

**CJS/SW&H/TA/GB**