

DUNDEE CITY COUNCIL

REPORT TO: POLICY AND RESOURCES COMMITTEE – 11 MARCH 2013

REPORT ON: RE-DESIGNING THE COMMUNITY JUSTICE SYSTEM: A CONSULTATION ON PROPOSALS

REPORT BY: DIRECTOR OF SOCIAL WORK (DESIGNATE)

REPORT NO: 106-2013

1.0 PURPOSE OF REPORT

The purpose of this report is to update Committee and agree a Council response to the Government paper on Redesigning the Community Justice System: A Consultation on Proposals. The Commission on Women Offenders reported in April 2012 and recommended the creation of a single, national Community Justice Service responsible for the management, commissioning and delivery of services to adult offenders in the community. In response, the Government indicated that the status quo is no longer an option but committed to consulting with stakeholders on the options for change to find the optimal structure to improve service delivery. This report outlines the 3 proposed options contained in the consultation paper and recommends that Committee support the model which will build on service improvements in Dundee City.

2.0 RECOMMENDATIONS

It is recommended that Committee:

- Note the background to the consultation paper, the 3 options for structural reform and their potential impact on the delivery of services to adult offenders in the community.
- Agree that option 2, the local authority model, offers the best framework to improve services both nationally and locally.
- Instruct the Director of Social Work (Designate) to provide an update report on the implications of future decisions for service delivery in Dundee in early 2014.

3.0 FINANCIAL IMPLICATIONS

3.1 In each of the 3 options being proposed, funding for Criminal Justice Social Work (CJSW), or its equivalent, would continue to be ring fenced and a new funding formula would be introduced to more accurately reflect levels of demand and allow greater flexibility in expenditure. However, the first option would involve Community Justice Authorities (CJAs) strengthening their management of the budget; the second would involve local authorities resuming management of the budget; and the third would involve management of the budget transferring to a single national service.

3.2 In 2012/2013 Dundee City Council received a grant of £4,855,189 from the Scottish Government (distributed by the CJA) to fund Criminal Justice Social Work Services.

3.3 Tayside CJA receives £0.225m for the administration of the authority.

4.0 MAIN TEXT

- 4.1 Local authorities are responsible for the assessment and supervision of offenders subject to community sentences and on release from prison. Since 1998, funding has been ring fenced and includes core funding for the delivery of statutory services and non-core funding for additional services intended to target specific local needs, often delivered in partnership with other statutory or third sector agencies. Since the Concordat of 2007, the National Performance Framework and Single Outcome Agreements have provided an opportunity to build on this and meet both national and local objectives, especially in relation to reducing crime and the fear of crime. Following an earlier consultation on the creation of a single national service, the Management of Offenders (Scotland) Act 2005 introduced 8 Community Justice Authorities (CJAs), they became active in 2007 and are responsible for preparing plans for reducing offending, distributing money provided by the Government to CJSW and monitoring and reporting on the effectiveness of joint working arrangements. They bring together a number of agencies with an interest in community justice and alongside Angus and Perth and Kinross, Dundee City Council forms part of the Tayside CJA. The CJAs are made up of elected members from the constituent local authorities and are supported by a small staff team led by a Chief Officer.
- 4.2 Nationally re-offending rates are at their lowest in over a decade and overall recorded crime has reduced by 25% since 2006-07. In the last 2 years, as part of the Government Reducing Re-offending Programme 1 (RRP1), local authority CJSW services have successfully implemented a range of initiatives designed to help build on this. This includes the introduction of an accredited risk assessment tool; Implementation of Community Payback Orders (CPO), which simplifies the sentencing framework, involves 1 Order to which up to 9 requirements can be attached with a particular emphasis on delivering unpaid work in consultation with local communities. In addition performance monitoring of immediacy and speed, which covers the start times and completion rates of CJSW delivered supervision and unpaid work schemes; and revised National Outcomes and Standards for Criminal Justice Social Work, which promote a suitable balance between rehabilitative, reparative, restorative and restrictive measures have been introduced. These initiatives have largely applied to internal processes and practice but commissioned services from other agencies have also been revised as appropriate.
- 4.3 In accordance with Summary Justice Reforms, Social Work Departments have also worked with other agencies nationally and locally in the development of whole systems approaches for young and adult offenders. From arrest to sentence and release from imprisonment, with a range of agencies such as the Crown Office Procurator Fiscal Service (COPFS), Police and Scottish Prison Service (SPS), this has involved the delivery of proportionate interventions to the right offender at the right time and aims to make best use of multi-agency resources. As an integral part of national and local governance and delivery arrangements for Multi-Agency Public Protection Arrangements (MAPPA), Child Protection, the Protection of Vulnerable Adults, Violence Against Women Partnerships and Alcohol and Drug Partnerships, CJSW has a key role in protecting people from harm. Each of these developments has been achieved within current structural arrangements. The integration of adult health and social care, along with the transfer of prisoner health care from the Scottish Prison Service to the National Health Service, now offer further opportunities to improve treatment pathways for adult offenders.
- 4.4 As part of the Reducing Re-offending Programme 2 (RRP2), the Government is developing a wider performance framework for CJSW and potentially other agencies delivering services to adult offenders. To promote greater flexibility in expenditure and allow a focus on local needs, the Government has also recently removed the distinction between core and non-core funding and is reviewing the overall funding formula which dictates allocated amounts. A national Change Fund has already been introduced to encourage a targeted approach towards expenditure which reflects key priorities, ensures services are evidence based and encourages the involvement of the third sector in designing and delivering services through Public Social Partnerships (PSPs).

To promote best value and reduce costs, longer-term funding through the Change Fund will be determined by both performance and re-tendering exercises, with no guarantee that existing providers will continue to be funded. It seems possible that these principles of best value and competition will be extended.

- 4.5 Whilst progress is being made, a number of reports have recently stated public services in general and the criminal justice system could be more efficient and effective. The Christie Report, Audit Scotland reports on Reducing Re-offending, the Scottish Parliament Public Audit Committee and the Commission on Women Offenders have all stated organisations need to work more collaboratively to both improve performance and reduce spend. The Christie Report places a particular emphasis on the importance of prevention and others have consistently criticised a lack of strategic leadership and a cluttered and overly complex strategic and operational landscape. There is a strong consensus that the type, quality and cost of community justice services are either too variable or lack transparency, that they are delivered by too many bodies and that this is compounded by short-term and fragmented funding with an insufficient focus on how this relates to best value and outcomes
- 4.6 However, in terms of the optimal structural arrangements necessary to address these issues, these reports have lacked the same degree of consistency. Whilst the Christie Report did not focus specifically on community justice, it recommended a general reduction in the number of public sector bodies and a new concordat between the Government and local authorities to develop joined up services backed by funding arrangements requiring integrated provision. Conversely, the Audit Scotland reports have stated the way CJAs were set up and inflexible funding have severely limited their effectiveness. They recommend better working relationships between CJAs and local authorities to achieve required improvements. The Commission on Women Offenders report differs again and stated radical transformation is required, recommending a single national Community Justice Service to commission, provide and manage adult offender services in the community. These differences are reflected in the 3 options outlined in the Government consultation paper.
- 4.7 In Dundee, there are over 100 staff employed within CJSW, a number of whom are registered with the Scottish Social Services Council, the body that regulates professional Social Workers. Under the Social Work (Scotland) Act 1968 there is a requirement for every Local Authority to appoint a professionally qualified Chief Social Work Officer (CSWO) to ensure the provision of effective professional advice to elected members and officers in the authorities' provision of Social Work services. Part of the role of this post is to promote understanding of the complexities of Social Work service delivery, specifically in relation to child and adult protection and the management of high risk offenders, as well as the key role Social Work plays in contributing to the achievement of national and local outcomes. In addition they have a responsibility to promote values and standards of professional practice

In Dundee, CJSW is an integral part of the Social Work Department, contributing towards the preparation and implementation of the Departmental Plan, the Community Safety Plan, the Integrated Children's Services Plan and the Single Outcome Agreement. The service works in partnership with a range of statutory and third sector agencies, many including, the Police, NHS, Apex, Princes Trust and Venture Trust, are co-located at Friarfield House. The service exceeds the national average in respect of most immediacy and speed indicators and although re-offending rates remain high, the most up to date Government figures from 2009-10 show they are nationally the second most improved. The service leads on the implementation of the whole system approach for young offenders, which has similarly contributed towards sustained reductions in youth crime. The seamless delivery of services to young offenders as they enter the criminal justice system has been aided by Children's Services and CJSW being part of the same management team.

The service has prioritised the development of services for women and alongside Children's Services, is developing a more coherent, family orientated approach towards female offenders who are also parents. Working with the Violence Against Women Partnership, the service is similarly developing integrated approaches towards female offenders engaged in prostitution and/or who are victims of domestic abuse. It contributes towards meeting other Departmental responsibilities, such as the Out of Hours Service, statutory services delivered by accredited Mental Health Officers and providing information on risk in respect of child and adult protection concerns. Increasingly, unpaid work activities undertaken by offenders reflect the priorities of the 8 Local Community Planning Partnerships. In 2011-12, an estimated £231,000 worth of unpaid work was carried out by offenders across the city.

The service works collaboratively with colleagues in Angus and Perth and Kinross to deliver a number of shared services, including the provision of sex offender group work programmes and supported accommodation. There is a shared approach towards the commissioning of some services, such as Employability Programmes and Mentoring and a shared approach towards quarterly performance audits. In addition, alongside colleagues in Angus and Perth and Kinross, the service contributes towards the preparation and implementation of the Tayside CJA Strategic Plan. At present, this includes 5 objectives agreed with relevant partners on Youth Crime, Community Payback Orders, Resettlement, Domestic Violence and Persistent Offenders. The service also represents Angus and Perth and Kinross colleagues at the multi-agency Tayside Local Criminal Justice Board (LCJB), which coordinates the implementation of Summary Justice Reforms. The LCJB Strategic Plan again includes similar objectives relating to the whole system approach for young offenders, Community Payback Orders, women offenders and resettlement. It is recognised that there are some duplicated planning processes and complex governance arrangements.

- 4.8 The consultation paper highlights these various national and local issues and emphasises how they do not reflect the wider principles of public service reform. These include the importance of strategic direction and leadership, prevention and early intervention, clear lines of accountability, effective partnerships involving all sectors, strategic commissioning based on needs, evidence of what works and best value, a strong and united voice to represent community justice interests, better data management to assess performance, a whole systems approach and workforce development which reflects organisational objectives and fosters the requisite staff skills. The 3 options are offered as a means of maximising opportunities to achieve these aims and include a number of common areas, such as a statutory duty on partners to develop and implement a strategic plan, continued ring fenced funding for CJSW or its equivalent, a national performance framework focusing on outcomes and improved workforce development to support change in practice. They all include national leadership and central scrutiny but differ in terms of how this would be achieved. Feedback on the various options is required by the end of April 2013 with resulting changes coming into effect in 2016. The options can be summarised as follows;

4.8.1 Option 1 - enhanced CJA model

Under this model, CJAs would continue to be the strategic body responsible for reducing re-offending but with a Chair appointed by Scottish Ministers, Board membership widened to include a member of the Health Board and Registered Social Landlords (RSL) and functions expanded to include strategic commissioning and possible delivery of CJSW operational services. The Chair would be required to meet the Cabinet Secretary annually to review performance against agreed outcomes and outputs. The continued regionalisation and strengthening of CJAs would facilitate more responsive and equitable transfer of resources between local areas and could provide greater opportunities to introduce new efficiencies and reduce overall costs. However, while CJAs have been successful in bringing some, but not all, agencies together, they have introduced an additional level of bureaucracy and given that they are strategic bodies with no operational responsibilities they have also introduced a level of complexity to both planning and liaison processes. At times there appears to be a duplication of activity, at officer level. Their added value has been questioned at a time when front line services are increasingly stretched and given both their size and national and regional focus their contribution to planning on a local basis has been limited.

The current geographical boundaries of the 8 CJA areas are not coterminous with many current or anticipated structural changes in either the criminal justice or health and social care sectors and it is anticipated that there could continue to be duplication of or tensions between regional and local planning arrangements. Currently CJAs do not have the requisite knowledge, skills and experience to manage and deliver operational services and there is a lack of clarity as to how the stated aim of the Government to build on the existing core principles and values of Social Work would be achieved or how they would interface with the statutory responsibilities of the Chief Social Work Officer.

4.8.2 Option 2 - local authority model

Under this model, CJAs would be abolished and local authorities would assume both strategic and operational responsibility for the planning, design and delivery of services in their own area. As the lead agency, they would have a statutory duty to work with partner bodies, including the Police, Health Board, Third Sector, Scottish Court Service, COPFS and Victim Support, to produce and deliver a shared plan. A joint Government and COSLA Leadership Group would be set up and there would be a direct relationship with Government in terms of funding, accountability and performance. Guidance would be issued to ensure Single Outcome Agreements have a particular focus on reducing re-offending and community planning partnerships would play a key role. It is recognised that social work and social care services are essential to the delivery of good outcomes, particularly for the most vulnerable members of society and this model would build on existing local arrangements and offer opportunities to more fully integrate the offender management, community safety and public protection agendas through existing structural arrangements. The model would encourage the further integration of the criminal justice and health and social care sectors to enable a more cohesive approach to the full range of CPO requirements which address criminogenic needs and typically include substance misuse, accommodation and mental health. These areas are already included in the SOA but there would require to be a greater focus on offenders. The model would not necessarily exclude opportunities to continue and even build upon work across geographical boundaries with other local authorities and as the paper states permutations are possible, there may be opportunities to formalise some approaches such as joint commissioning, performance management and workforce planning. However, as there would continue to be 32 local authorities involved in managing, commissioning and delivering services, resource transfer between areas would not be straightforward, there may be some duplication in the management of services and available capacity might not be fully utilised.

4.8.3 Option 3 - single service model

Under this model, CJAs would be abolished and a national, Social Work led service, with strategic and operational responsibility for the planning, management and delivery of services, would be established. This new organisation would be a Non-Departmental Public Body headed by a Chief Executive accountable to a small national board sitting alongside the Scottish Prison Service. The Board would include representation from COSLA and Victim Support Scotland. The service would contain 3 regions coterminous with the recent introduction of area federations in COPFS and the Police to promote a more coherent approach towards planning. Current CJSW staff would transfer to the new service, with the practical issues considered if this option was progressed. There would be opportunities to develop greater national consistency in the range, quality and cost of services, the transfer of resources would be more flexible and dynamic and additional health and social care resources could be commissioned on the basis of need from national and local providers. There would be an important emphasis on retaining the core values and principles of Social Work, although opportunities for staff to work in different care settings would be reduced. This option would represent major structural reform and would ultimately remove responsibility for the provision of CJSW services from local authorities. Potentially, it would also compromise links with local partner agencies and may lead to confusion particularly around interfaces for example with youth justice and wider child and adult protection services. A number of families would have Social Work interventions from 2 distinctly different bodies and the benefit of shared information systems would be lost. The paper does not quantify the cost of establishing a national service, or the potential cost reductions in the longer term.

4.9 The issues highlighted by the various national reports are reflected locally and the review of community justice structures, alongside related areas on funding, performance and services, is welcomed. The common areas of the 3 options are viewed as essential and seem likely to ensure shared multi-agency accountability for reducing re-offending within clear commissioning, practice and performance frameworks based on best value, evidence of what works and the demonstrable impact of services. However, as these principles and objectives are common to all the public sector, it seems that the most coherent, efficient and effective way of achieving them at both a national and local level is to base these and other structural developments on the recommendations of the overarching Christie Report. This would involve the Government continuing to work with local authorities to continue to improve the design and delivery of Single Outcome Agreements whilst retaining the core values of Social Work. Central oversight and scrutiny would be promoted through the Government and COSLA Leadership Group and the Council would continue to be directly involved in matters of community justice. Crucially, this model would not exclude opportunities to work across geographical boundaries in respect of commissioned services, performance management and workforce planning.

It is therefore proposed that option 2, the local authority model, provides the best opportunity to develop synergies across the public sector and the genuine integration of services which aim to reduce re-offending and generally improve public life.

5.0 POLICY IMPLICATIONS

This Report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-Poverty, Equality Impact Assessment and Risk Management. There are no major issues.

An Equality Impact Assessment has been carried out and will be made available on the Council website <http://www.dundee.gov.uk/equanddiv/equimpact/>

6.0 CONSULTATIONS

The Chief Executive, Director of Corporate Services and Head of Democratic and Legal Services have been consulted in preparation of this report.

7.0 BACKGROUND PAPERS

The Scottish Government Response to the Commission on Women Offenders is available at www.scotland.gov.uk/About/commissionwomenoffenders

Equality Impact Assessment

JENNI TOCHER, DIRECTOR OF SOCIAL WORK (DESIGNATE)

DATE: 21/02/13