

DUNDEE CITY COUNCIL

REPORT TO: Social Work Committee – 16 January 2006

REPORT ON: Management of Offenders Etc (Scotland) Act

REPORT BY: Director of Social Work

REPORT NO: 21 - 2006

1.0 PURPOSE OF THE REPORT

- 1.1 This report summarises key issues arising from the Management of Offenders etc (Scotland) Act. The Act will impact significantly on Social Work Services in the Criminal Justice system and provides for the creation of Community Justice Authorities.
- 1.2 Background information in relation to the consultation on Community Justice Authorities was presented to the Social Work Committee in June 2005 (Report No 24-2005).

2.0 RECOMMENDATIONS

It is recommended that the Social Work Committee:-

- 2.1 Note the proposals and their significance in relation to the delivery of Social Work Services in the Criminal Justice system.
- 2.2 Require that the Director of Social Work provides a further report to the Social Work Committee in March 2006, detailing progress in relation to Community Justice Authorities.

3.0 FINANCIAL IMPLICATIONS

- 3.1 There are no implications for the Council as Criminal Justice Services is funded directly by the Scottish Executive. There will however be costs associated with the Act, although the exact nature of these have yet to be quantified. Additional funding has already been allocated to cover the increased responsibilities in relation to the supervision of sexual offenders. The Tayside Criminal Justice grouping has been allocated an additional £43,000 for 2006/07. There will also be costs associated with planning for the introduction of the new Community Justice Authorities and it is anticipated the Tayside Criminal Justice grouping will receive around £15,000.

4.0 LOCAL AGENDA 21 IMPLICATIONS

- 4.1 The policy objectives of meeting needs locally and of reducing crime and ensuring people are safe and feel safe are reflected in the Act.

5.0 EQUAL OPPORTUNITIES IMPLICATIONS

- 5.1 None

6.0 MAIN TEXT

6.1 A key purpose of the Act is to create a stronger than ever partnership between the Scottish Prison Service and Criminal Justice Social Work in the community in order to tackle Scotland's unacceptably high rates of reoffending.

6.2 The key elements of the Act can be summarised as follows:

- establishment of a National Advisory Board, chaired by the Justice Minister, which will determine the National Strategy, issue guidance and, in certain circumstances, issue directions;
- establishment of Community Justice Authorities;
- further provision for the supervision and care of offenders; and
- strengthens arrangements in relation to the supervision of sexual offenders.

6.3 Scottish Ministers (and through them the Scottish Prison Service), Community Justice Authorities and Local Authorities now have a statutory duty to co-operate with one another and this co-operation extends to information sharing.

6.4 One of the most significant aspects of the Act relates to the creation of Community Justice Authorities. It has recently been announced that there will be eight Community Justice Authorities with Angus, Dundee City and Perth & Kinross forming one such authority.

6.5 Each Community Justice Authority will be made up of Councillors from the constituent local authorities. Their responsibilities will include:

- preparing an area plan for reducing reoffending;
- monitoring the performance of Local Authorities and the Scottish Prison Service (SPS) in complying with the area plan and co-operating with each other;
- allocation of budget;
- promoting good practice and issuing direction to Local Authorities and making recommendations to SPS if performance is assessed as unsatisfactory.

6.6 Local Authorities will retain operational responsibility for Social Work Services in the Criminal Justice system but they can transfer functions to the Community Justice Authority by Statutory Instrument.

6.7 Each Community Justice Authority will be supported by a Chief Officer who will report to the Minister on the activities and performance of the Criminal Justice Authority, Local Authority and SPS. This will be a newly created post.

6.8 Shadow Community Justice Authorities are to be in place by April 2006 and be fully operational from April 2007.

6.9 The other significant component of the Act requires responsible authorities – the Police, Local Authorities, SPS and Health, to jointly establish arrangements for the assessment and management of risks posed by certain offenders. This aspect of the Act is already being considered in the ongoing review of approaches to sexual offenders.

7.0 ISSUES FOR LOCAL AUTHORITIES

7.1 The creation of Community Justice Authorities will impact significantly on the work of Social Work Services in the Criminal Justice system. Guidance and Scottish Statutory Instruments will be issued in the New Year and will provide information on organisation,

governance and voting rights. This work is being undertaken in consultation with CoSLA and the Director of Social Work also has a lead role through the Association of Directors of Social Work.

7.2 In planning for the implementation of Community Justice Authorities, Local Authorities will require to consider:

- local democratic and legal issues;
- strategic and operational issues, including consultation with partners, planning, finances and quality assurance;
- organisational infrastructure in terms of new posts, accommodation and support.

7.3 A Project Team, comprising officer representation from across the Tayside Partnership has been established to progress implementation details and ensure ongoing dialogue with elected members, Chief Executives, Directors and key partners. The team will report on a monthly basis to the Tayside Criminal Justice Partnership Steering Group. Regular reports will also be prepared for the Social Work Committee to ensure members are appraised of developments.

8.0 CONSULTATION

8.1 The Chief Executive, Depute Chief Executive (Finance), Depute Chief Executive (Support Services) and the other authorities within the Tayside Grouping have been consulted in the preparation of this report.

9.0 BACKGROUND PAPERS

9.1 The following Background Papers were relied upon on preparation of this report:

Consultation Report on Community Justice Authorities and Committee Report 24-2005

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Date: 6 Jan 2006