

## **DUNDEE CITY COUNCIL**

**REPORT TO: SOCIAL WORK AND HEALTH COMMITTEE - 25TH JUNE 2012**

**REPORT ON: FISCAL WORK ORDERS**

**REPORT BY: DIRECTOR OF SOCIAL WORK**

**REPORT NO: 242 - 2012**

### **1.0 PURPOSE OF REPORT**

This report provides an update on progress in implementing Fiscal Work Orders.

### **2.0 RECOMMENDATIONS**

It is recommended that the Social Work and Health Committee:

2.1 Note progress made in the implementation of Fiscal Work Orders and ongoing measures being taken with the Crown Office Procurator Fiscal Service.

2.2 Instruct the Director of Social Work to provide a further review of progress in 12 months.

### **3.0 FINANCIAL IMPLICATIONS**

The Scottish Government has provided £50,000 additional funding in 2011/12 and 2012/13 for the implementation of Fiscal Work Orders.

### **4.0 MAIN TEXT**

4.1 Members are reminded that the Fiscal Work Order was introduced as an alternative to formal prosecution for first time and/or low tariff offenders aged 16 years and over. Instead of being issued with a Fiscal Fine or prosecuted in Court, offenders are provided with an opportunity to carry out unpaid work for between 10 and 50 hours to be completed within 6 months. An evaluation of the 4 initial pilot sites in Hamilton, Livingstone, Dumbarton and Inverness concluded the Order offers a fair, efficient and effective disposal, especially for those who had limited means to pay fines. It was shown that the Order can benefit both the individual offender and the community.

4.2 The initial evaluation also indicated that, despite its clear potential as a flexible, low cost option, the respective targets for the number of offenders starting an Order was not met in the pilot sites. It concluded that this was due to a combination of reasons including offenders failing to attend assessment, refusing the formal offer during an assessment and/or were assessed as unable to carry out unpaid work due to health issues. On this basis, the evaluation recommended that almost twice as many referrals were necessary in order to achieve the target for the number of starts and achieve best value.

### **4.3 Developments**

In Dundee, like the initial pilot sites, the Order has been piloted as a partnership between the Crown Office Procurator Fiscal Service (COPFS) and Criminal Justice Services. An additional £50,000 funding was provided by the Government to increase capacity and meet anticipated levels of demand. A first year target of 100 offenders starting work was established based on demographics and crime trends. Based on the initial evaluation, it was agreed that COPFS would screen cases and aim to refer around 200 offenders to Criminal Justice Services for assessment. The assessment would then focus on whether the offender was both able and willing to carry out unpaid work.

4.4 Following initial consultation in respect of targets, criteria and referral processes, the Order has been available since May 2011. Since then, COPFS has made a total of 37 referrals, consisting of 26 males and 11 females, 4 of which were young people aged 16-17 years. The offences were predominantly minor theft, vandalism and breaches of the peace and there were also 3 cases involving minor assaults. The average length of an Order has been 28 hours. In all cases, assessments have been carried out to determine suitability within the same week and outcomes have been as follows:

- 14 were able and willing to participate in the Order
- 3 are awaiting assessment
- 6 did not meet the criteria
- 10 failed to attend an assessment
- 2 were assessed as unsuitable due to significant health conditions
- 2 refused to participate in unpaid work and elected prosecution

4.5 Of these, 38% therefore resulted in offenders starting an Order. Of those starting, 7 offenders have successfully completed and 7 offenders continue to carry out unpaid work. Over 30% of referrals were for women and 11% were for young people. In order to avoid negative influences, individuals were not placed on projects carried out by more persistent and/or serious offenders subject to a Court Order. Instead, projects have largely been carried out on an individual basis and have included furniture re-cycling, youth sports programmes, work in a charity shop, work in a day care centre and work at a tourist attraction. A total of 234 hours in unpaid work have been completed.

4.6 Each project has also been evaluated in terms of the views of placement providers, whose feedback has been positive. Comments include reference to the provider believing the offender has learned their lesson as a result of the unpaid work, the offender bringing personal experience which benefited young people and the offender being welcome back to the placement any time. It therefore appears clear that, where an offender starts an Order, there is a likelihood of them completing it to the benefit of the community. Where they have not started or failed to attend after starting, COPFS has been informed for formal prosecution to be considered.

4.7 When comparing implementation in Dundee with evaluation of the initial pilot sites, a higher proportion of referrals have been on women and young people and a broader range of hours have been offered. In all areas, the Order has demonstrated the potential to be an efficient and effective alternative to a Fiscal Fine and formal prosecution for first time and/or low tariff offenders.

#### 4.8 **Summary and Next Steps**

In Dundee, the first year of implementation has illustrated the potential benefits of Fiscal Work Orders. Continued funding has been provided by the Government in 2012-13 and the Criminal Justice Service continues to work with COPFS to increase the number of referrals to the scheme. It has been agreed that cases meeting the criteria will be jointly screened and referred for assessment on a weekly basis. It is anticipated that this will increase the number of offenders starting an Order and the number of unpaid work hours completed. Crucially, it should also promote best value.

### 5.0 **POLICY IMPLICATIONS**

5.1 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.

5.2 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**

Committee Report Number 240-2011 Fiscal Work Order Pilot

Equality Impact Assessment

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**Director of Social Work**

DATE: 14th June 2012