

EAST AYRSHIRE COUNCIL

SOCIAL WORK COMMITTEE : 23 MARCH 2006

MANAGEMENT OF OFFENDERS ETC (SCOTLAND) ACT 2005

Report by Executive Director of Educational and Social Services

1. PURPOSE OF REPORT

- 1.1 To advise Committee that on 3rd November 2005, the Scottish Parliament formally approved the Management of Offenders etc (Scotland) Act 2005. The Bill was given Royal Assent in December 2005. The subsequent Management of Offenders etc (Scotland) Act 2005 introduces a number of significant measures for Criminal Justice Social Work which will be detailed within this report.

2. BACKGROUND

- 2.1 In May 2003 proposals for consultation for a Single Agency to deliver custodial and non-custodial sentences in Scotland was produced in "A Partnership for a Better Scotland" the aim of these proposals was to reduce re-offending.
- 2.2 As a result the Scottish Executive published a consultation document "Reduce Re-offending" and a series of consultation exercises were organised across Scotland. Within Ayrshire this was held in the Park Hotel, Kilmarnock on the 4th May 2004. Seventy-five delegates attended representing a range of 27 different agencies. A report referring to this was presented to Social Work Committee on 27th January 2005.
- 2.3 As a result of this consultation, as well as a range of other developments, the Management of Offenders Act was approved by Parliament in November 2005.

3. AREAS COVERED BY NEW LEGISLATION

- 3.1 The following sections are expected to be introduced incrementally between February and Autumn of 2006.
 - 3.1.1 Development of eight new Community Justice Authorities (C.J.A.s). (Information regarding this development is being reported to Committee in a separate report).
 - 3.1.2 Placing a statutory duty on the Scottish Prison Service (SPS) and Local Authorities to work together to reduce re-offending and ensure effective partnerships are developed.
 - 3.1.3 Requiring the Police, Local Authorities, SPS and Health Service to establish joint arrangements for assessing and managing the risk posed by serious sex offenders.

- 3.1.4 Ending unconditional early release for sex offenders sentenced to between six months and four years in prison. They will be released on licence with various conditions (this was implemented on 1st February 2006).
- 3.1.5 Improving the transition from prison to the community for low risk prisoners by introducing Home Detention Curfew which includes electronic tagging (Likely to be introduced Summer/Autumn of 2006).
- 3.1.6 Tightening of the Sex Offenders Register by allowing proceedings to be commenced in a wider range of courts against sex offenders who initially fail to register and whose whereabouts are unknown.
- 3.1.7 Allowing the Criminal Justice Compensation Authority to recover compensation paid to victims from offenders.

4. POLICY/LEGAL IMPLICATIONS

- 4.1 The Management of Offenders Act introduces fundamental changes to Criminal Justice Services in Scotland.
- 4.2 The creation of Community Justice Authorities will have far reaching policy and legal implications and these will be reported to Committee as the changes are introduced.

5. FINANCIAL IMPLICATIONS

- 5.1 Specific detail regarding Community Justice Authorities has been highlighted in a separate report to Committee.
- 5.2 There has been no consequential increase in funding by the Scottish Executive to assist with the increase in responsibility for criminal justice social work services contained within proposals outlined at points 3.1.2 – 3.1.7. Further assessment of the implication of this on existing services requires to be undertaken and will be reported to Committee in due course.

6. COMMUNITY PLANNING IMPLICATIONS

- 6.1 The overall target of the introduction of the Management of Offenders Act is to reduce re-offending. This aspiration is consistent with the Improving Community Safety theme of the Community Plan.

7. RECOMMENDATIONS

7.1 Social Work Committee is asked to:

- (i) Invite the Executive Head of Social Work to produce a report for Social Work Committee in May 2006 detailing the anticipated resource implications for the introduction of sections of the Act.
- (ii) Otherwise note the contents of this report.

John Mulgrew
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1 March 2006

LIST OF BACKGROUND PAPERS

Nil

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