

EAST AYRSHIRE COUNCIL

SOCIAL WORK COMMITTEE : 20 MAY 2004

CONSULTATION SEMINAR ON REDUCING OFFENDING 4 MAY 2004

Report by Executive Director of Educational & Social Services

1. PURPOSE OF REPORT

- 1.1 To advise Committee of the Scottish Executive Consultation on Reducing Offending which includes the issue of whether or not a Single Agency for Offending should be established in Scotland.

2. BACKGROUND

- 2.1 In May 2003 proposals for consultation for a Single Agency to deliver custodial and non-custodial sentences in Scotland with the aim of reducing offending referrals was produced in "A Partnership for a Better Scotland".
- 2.2 As a result, the Scottish Executive published a Consultation Document "Reducing Offending." A series of consultation exercises have been organised across Scotland.

3. CONSULTATION EXERCISE

- 3.1 The Ayrshire Criminal Justice Partnership Group on behalf of the Scottish Executive hosted a consultation seminar with all its main stakeholders on Tuesday 4 May 2004 at Park Hotel, Kilmarnock.
- 3.2 Of the 90 invitations, 75 individuals attended the conference, representative of 27 different departments of the local authority, and other agencies, including the voluntary sector.
- 3.3 The purpose of the day was to encourage debate from those with an interest in the Criminal Justice system and to seek their views as regards how we can reduce re-offending and on the proposal to create a Single Agency in Scotland which would be responsible for delivering the service.

4. KEY ISSUES

- 4.1 Feedback from each of the groups – expressed a high degree of consensus to further develop Ayrshire Criminal Justice Partnership as opposed to developing a Single Agency.

4.2 The following were the main themes identified by all delegates:

- (i) Integrated work with wide range of agencies and other local authority departments should be developed and strengthened.
- (ii) Management of offenders could be improved by tracking prisoners from community to custody and back to community with better access to Health Services.
- (iii) The number of short term sentences should be reduced. The need for legislative change to make aftercare compulsory should be considered.
- (iv) Resources should be increased and underpinned by stable long term funding arrangements.
- (v) Links with other developments particularly Sentencing Commission and proposed new prisons.

4.3 There was almost unanimous support for the view that a Single Agency should not be established.

4.4 The conclusions from the Consultation have been formulated into a draft response on behalf of Ayrshire Criminal Justice Partnership which will be considered by each of the Partners before final submission.

5. FINANCIAL IMPLICATIONS

5.1 Nil.

6. LEGAL AND POLICY IMPLICATIONS

6.1 Nil

7. RECOMMENDATIONS

7.1 It is recommended that Social Work Committee:-

- (i) support the view of those attending the Consultation Day not to endorse the creation of a Single Agency;
- (ii) endorse the view that the Criminal Justice Partnership in Ayrshire be further strengthened by increasing the number of agencies involved in the Partnership; and

- (iii) require the Executive Director of Educational and Social Services to submit the view of the Partnership Group regarding reducing re-offending as representing the view of East Ayrshire Council.

John Mulgrew
Executive Director of Educational & Social Services
Enc (0)
FMACK/PJP

6 May 2004

LIST OF BACKGROUND PAPERS

Nil

For further information, please contact Bill Eadie, Senior Manager, Operations, Council Offices, John Dickie Street, Kilmarnock KA1 1BY (Tel. 01563 576728)

IMPLEMENTATION OFFICER : JACKIE DONNELLY

Ayrshire Criminal Justice Partnership

RESPONSE TO REDUCING RE-OFFENDING CONSULTATION

10th MAY 2004

1. Roles and Responsibilities

- Comment on strengths, weaknesses and opportunities for improvement?

1.1 Strengths

A major strength of the current system is that Criminal Justice Social Work Services are fully integrated into general Local Authority Services including Housing, Education, Leisure and Recreation. This assists speedy access to services and a free exchange of information which is necessary to maximise public protection. The establishment of groupings has increased political accountability and provided the opportunity for closer political involvement in the development of local services. Within Ayrshire the grouping arrangement is now well established and is at a stage where we can develop the arrangement further to include other justice sector stakeholders and streamline management arrangements.

Relationships with other stakeholders within Ayrshire are very good with regular contact between Criminal Justice Social Work and Sentencers, Fiscals, District Courts, Faculties of Solicitors, Victim and Witness Support Schemes, Police and a Developing Voluntary Sector. All new service development are introduced following extensive consultation with these key stakeholders. This process has begun to break down professional barriers and is taking place within a culture of mutual respect and trust. The working environment therefore across justice sector agencies within Ayrshire is excellent as was demonstrated by the high turnout of stakeholders to the recent executive consultation event in the Park Hotel, where 27 separate agencies were represented.

In relation to Public Protection and Child Protection in particular, the links that have been developed within and across the local authorities of Ayrshire and with all key stakeholders are robust. This enables a free exchange of information and routine joint risk assessments between Social Work, Police and occasionally other partners e.g. Housing which undoubtedly has been effective in reducing risk. As well as the joint assessment arrangements there is also a common practice of joint risk management involving all Social Work disciplines, Strathclyde Police, Housing Services and the Voluntary Sector. These arrangements have been possible because of the good working environment that exists within and across the Three Ayrshire Authorities.

1.2 Weaknesses

Two substantial weaknesses within the current system are worth highlighting. The first weakness is the often haphazard arrangements for short term prisoners returning to the community. Although local Authorities have a statutory duty to provide voluntary throughcare for a period of 12 months following release, the uptake of this is extremely low. The uptake of other services available through the Voluntary Sector for prisoners with particular

needs with e.g. drug misuse, is also very low following discharge from Prison. In addition, short term prison sentences do not allow prison staff to conduct any meaningful work with prisoners which creates a very negative experience. I.e. they go into prison serve their time then come out and nothing has changed. It is amongst this population of short-term offenders that recidivism is highest. In order to reduce re-offending amongst this group, the executive should consider replacing short-term sentences with community based disposals funded by a resource transfer from prison services into the community. Community supervision would enable individual rehabilitation action plans to be put in place dealing with employment, training, housing, family relationships and anti-social behaviour.

The second weakness within the current system is the absence of any National Strategy for the Criminal Justice System part of which would focus on reducing re-offending. A National Strategy would determine policy, set targets and recognise that all of the Criminal Justice Agencies have a role in reducing offending. The Ayrshire Partnership believes that no single agency can successfully tackle the complexities that lead to offending behaviour and that all agencies have a role and responsibility in reducing offending. National leadership and co-ordination of a Criminal Justice Strategy implemented through a local network of partnerships has a greater chance of achieving the objective than the current isolated and self directed structures.

1.3 Opportunities

The Ayrshire Partnership believes, we can build on the existing grouping. Established models on integrated working such as Joint Futures, Integrated Children's Services etc provide good examples of how good joint working represents a more effective and efficient option to tackling the offending than disruptive structural change. The principle of these models can be applied to this problem with an overriding understanding that they are a response developed to recognise that structural solutions are not always appropriate. Joint Futures provides a model for common agreed agenda, vision and values and common budgets are all directed to work in the one direction. Developing local grouping partnerships along the joint future model to tackle re-offending will avoid the distraction of yet another major re-structuring and the huge managerial effort that would be required to put a single agency together.

1.4 Objectives of sentence management

The Ayrshire Criminal Justice Partnership believe that the use of custody is an important element of a well balanced sentencing policy. There are some individuals within the community whose offending behaviour is either so dangerous or intractable and for which the community does not currently have either the resources nor skills to safely contain. However, prison is routinely used for a significant number of offenders serving short periods of incarceration for whom the prison neither acts as a deterrent or a means of rehabilitation. The main objectives of sentence management should therefore be to assist the prisoner with rehabilitation and to reduce re-offending and risk to the public. In order to achieve this, good links between the prison and

community based services require to be established at the point of sentence and a joint action plan agreed between prison and community based services which addresses both risk and need. For those offenders who end up in custody the experience has to be focused from the point of sentence on their eventual discharge and rehabilitation. This may include addressing practical issues such as housing, education, training and family relationships and may also involve some programme work at dealing with anti-social attitudes and behaviours. The development and resourcing of community based services and the establishment of joint working protocols between these services and prison could create a seamless transition.

1.5 How can we improve accountability for reducing offending rates (who is responsible and how do we go about it)?

Ultimately the Minister for Justice should be accountable for reducing re-offending as it is the Executive that sets National Policy and allocates resources to tackle this problem. It is the view of the Ayrshire Partnership that no single agency should solely have responsibility for this problem as by virtue of sole responsibility, it means that none of the other Justice Agencies then have any responsibilities. Quite clearly reducing re-offending should be a responsibility of all Justice Sector Agencies and in order to re-enforce this, as we have suggested elsewhere, we propose the creation of a National Criminal Justice Strategy which sets targets, clear objectives and vision to tackle this problem.

2. Purpose of Prison

2.1 What can be done to improve the rehabilitation of short-term prisoners?

We have stated previously our belief that short term prison sentences are ineffective at dealing with re-offending. As such these sentences should only be used when all other options have been exhausted. Stronger links require to be developed between prisons and community based services which involve joint risk assessment, joint rehabilitation action plans and robust information sharing system. Such arrangements would require to be fully resourced with assistance to drug using prisoners given top priority.

How can the issue of persistence be effectively addressed ?

2.2 There is no simple or single way to effect change in an individual. Research shows that programmes based on deterrents are ineffective and the likelihood of re-offending is little influenced by the sentences imposed. Where individuals perceive themselves as having nothing to lose, deterrents is even less likely to be effective. Programmes which are most effective in reducing re-offending are recognised to have key elements which include risk and need assessment and the offenders learning style. Such programmes are currently available in Scotland but are not delivered consistently and perhaps more importantly for the effective reducing in re-offending are not currently available to short-term prisoners who make up approximately 85% of the prison population.

2.3 How can prison effectively re-integrate individuals back into Society ?

The Ayrshire Partnership believes that re-integration is best achieved in a multi-agency basis involving those agencies whose services are key to successful re-integration including, employment, housing, education and training, health and social work. Scottish Prison Service working along with Criminal Justice Social Work Services could engage these agencies within groupings and agree arrangements for joint rehabilitation action plans. These action plans would be based on the assessed need of the prisoners and contain risk management plans where this is appropriate.

The Ayrshire Partnership believes that a National Criminal Justice Strategy would provide a focus vision and guidance to enable these local arrangements to proceed and to ensure that all agencies involved share the same vision and objective.

2.4 The most effective way of reducing re-offending is to give the offender a stake back in society in other words to assist the offenders re-integration into the community.

As we suggested above the key services to ensure successful re-integration are employment, health, housing, education/training and social work. These agencies should be working together to provide s structured rehabilitation action plan for each prisoner and this work should begin at the point of sentence. This is a substantial piece of work which requires to be done which would require additional resources for those agencies involved.

3. Addressing Re-offending

3.1 What kind of interventions are most successful in tackling re-offending behaviour?

As we indicated earlier we believe there is no single or simple way to effect change on an individual and that what seems to work with some groups of offenders is different to that which will work with others e.g. with young offenders as apposed to older offenders. Programmes most effective at reducing re-offending are recognised to have key elements which include risk and need assessment and take into account the offenders learning style. Such programmes should be available across all areas of Scotland should be to an accredited standard and should be available as an alternative or part of a short custodial sentence.

3.2 How can we ensure that offender programmes are effective and consistent across Scotland?

A National Criminal Justice Strategy would identify those programmes which are seen to be effective with particular groups of offenders and would provide a programme for the roll out and training for use by staff in both community and prisons. The only way to provide a consistent approach to the roll out and

use of programmes is by providing national leadership through a Criminal Justice Strategy Group.

3.3 How can we ensure that community and prison-based programmes are complementary to each other and ensure maintenance of the progress an individual has made?

The Ayrshire Partnership believe that improvements can be made to develop joint working between prison and community based staff. We believe that it is crucial that programmes began in the prison should be completed in the community and therefore prison and community based agencies require to be using similar programmes and to be trained in the delivery and assessment of those programmes. As above we would point to the necessity for national leadership on this issue and that this would be best achieved through a National Criminal Justice Strategic Group comprised of representation of all justice agencies and those other partner agencies who have a key role in rehabilitation

3.4 What needs to be done to ensure that measures to reduce re-offending are improved?

At the risk of repeating ourselves again we would suggest the only way to achieve national consistency in the aim of reducing re-offending is through a National Criminal Justice Strategic Group. Such a group as we have suggested previously will be responsible setting national objectives to reduce re-offending providing clear vision which all agencies can sign up to and make recommendations of allocation or re-allocation of resources and set realistic and achievable targets for all agencies involved.

4 Reducing Re-offending – An Integrated Approach

4.1 What are the barriers in the current arrangement to achieving a seamless management of sentenced offenders?

One of the most obvious barriers which, currently exist is that not all justice agencies or community based agencies have the same vision or same objectives in relation to their role within the system. So for example, the treatment of drug misusing offenders is a lower priority within health services than it is within Criminal Justice Social Work.

There still requires to be a great deal of work done on technology interface between not only the justice sector agencies but also the voluntary sector and other health and social care sector agencies who have a role to play in rehabilitation

4.2 What can be done to improve service delivery across all the agencies involved so that we challenge offenders to stop offending?

We have indicated elsewhere in this response that there required to be a multi-disciplinary approach to reducing offending, that no single agency has the sole

responsibility nor ability to effectively tackle this problem. Joint working protocols should be developed involving all key stakeholders with leadership on the development of these being given by the National Criminal Justice Strategy Group.

4.3 How can information best be shared between agencies to reduce re-offending?

Individual case information requires to be exchanged in order that joint assessment and rehabilitation action plans can be agreed on a multi-agency basis.

In addition, aggregate information which highlights trends and profiles of offending should be exchanged between the key agencies to assist with planning and the development of services in response to trends.

4.4 What are the barriers to communication and how can these be overcome?

There is a lack of information sharing protocols between key stakeholders but this is a matter which could be tackled within the remit of the National Criminal Justice Strategy Group.

4.5 What are the key agencies that community-based criminal justice services and the Prison Service need to work closely with?

The key agencies are not just those justice agencies such as police, sentencers, fiscal and crown office but also victim support, witness support, employment, education, housing health and training organisations.

4.6 What organisational structures would provide an effective effective solutions?

No single organisational structure will provide an effective solution as the number of stakeholders involved is far too large. We have suggested elsewhere within this response that our strong view is for a National Criminal Justice Strategy Group which will lead all relevant agencies towards a set of agreed objectives, vision, targets and practices aimed at reducing re-offending.

4.7 Would the establishment of a single agency to deliver custodial and non custodial sentences provide the most effective solution?

The Ayrshire Criminal Justice Partnership believes that the establishment of a single agency would divert managerial and professional time away from tackling re-offending that the single agency would not be able to develop close local relationships which Criminal Justice as groupings have been able to do. that in any case no single agency can successfully tackle the complexity that leads to offending behaviour. As we have suggested elsewhere an integrated approach to this is vital. To tackle re-offending effectively direct and immediate access is required to a range of services that provide accommodation, employment, drug services, alcohol services, mental health

provision, learning support, welfare, benefits, child protection and services to vulnerable adults. These are the important services that require to be much better coordinated and the concentration on creating a single agency will miss the opportunity which exists to have these organisations and services work together with a single focus on reducing re-offending.

4.8 How might the strengthening of the adult justice system improve the way work is undertaken with the children's hearing system?

The Ayrshire Criminal Justice Partnership believe that there are elements in both the adult and children's systems which can be improved such as the speeding up of cases going through each system in order that assistance, support and supervision can be provided quickly and effectively. The partnership also believes that it is preferable to keep children within the children's hearing system and in order to do this additional resources and support requires to be spent in providing an effective range of options for hearings.

5 Effectiveness and Value for Money

5.1 What are the current sources of inefficiency and ineffectiveness in the community-based and prison services in Scotland?

One obvious source of inefficiency is identified within the consultation document itself and that is – it costs £15,000 for a six month short prison sentence and only £1,300 for a Community Service Order – in other words you can get 10 Community Service Orders for the price of one short sentence. Given that the re-offending rate for people on Community Service Orders is significantly lower than those receiving short term prison sentences this would seem like a huge area of inefficiency as Community Service Orders were introduced as a direct alternative to custody. Another obvious source of inefficiency is the use of imprisonment for persons in default of small amounts of outstanding fines. There is clearly no economic argument for imprisoning someone with two or three hundred pounds or less outstanding since the cost of imprisonment will probably be around at least ten times that amount and that does not even take into account the costs involved in processing the person through means courts etc.

Sources of ineffectiveness through the system include the long delays it takes cases brought before courts, the delay that takes to act on breach of community based orders which puts the credibility of these orders at question in the minds of both offenders and the community.

5.2 How can these be addressed?

The Executive should consider that before a short-term prison sentence is used and the offender is able to comply with the Community Service Order that they should be given the opportunity to Community Service and only when the order is breached should custody be considered. The Executive should also

consider providing courts with an option of first disposal other than fining that could be used with those offenders who have little chance of paying. E.g. Chaotic drug users.

5.3 How might organisational restructuring be used to address these inefficiencies in the system?

As we have said elsewhere in this response we do not believe the organisational re-structuring will provide a solution to problems which are best tackled on a multi-agency basis and with a clear vision strategy and targets which all agencies can work towards.

5.4 Are there other solutions which would not require organisational restructuring?

We have referred during this response in several places to the need for a National Criminal Justice Strategy which channels the efforts of all relevant agencies within the justice sector and the communities towards reducing re-offending. We do not believe that any organisational re-structuring by itself will contribute towards reducing re-offending although we do acknowledge that better joint working arrangements require to be developed between a whole range of stakeholders.

5.5 How could a single agency meet these challenges?

We have stated repeatedly during this response that we do not believe that a single agency provides any solution towards the challenge of reducing re-offending. We believe that the time spent in managerial and professional time in setting up a single agency will be time diverted from the problem itself. We believe that ownership and responsibility for reducing re-offending rests with a wide variety of agencies within the justice sector and in communities and that managerial and professional time would better be spent in producing a strategy with vision, clear objectives and targets that all these agencies can sign up to.

5.6/7 Are resources currently being used in the most effective way in delivering sentences and programmes?

Resources are clearly not being used effectively when it costs £15,000 for a short-term prison sentence and there is universal acknowledgement that these are ineffective in dealing with re-offending whereas community based disposals are at least a tenth of the cost of a short term sentence and there are at least no worse in preventing re-offending. There requires therefore to be a large resource transfer from short-term prison sentences to community based sentences if the Executive believe that resources should be used most effectively.