

EAST AYRSHIRE COUNCIL

SOCIAL WORK COMMITTEE: 7 SEPTEMBER 2006

MANAGEMENT OF OFFENDERS ETC...(SCOTLAND) ACT 2005

Report by the Executive Director of Educational and Social Services

1. PURPOSE OF REPORT

- 1.1 To update Committee of progress in the implementation of the Management of Offenders etc..(Scotland) Act 2005.

2. BACKGROUND

- 2.1 In March 2006, a report was presented to Committee advising of the introduction of a number of significant measures for Criminal Justice Social Work from the Management of Offenders etc...(Scotland) Act 2005.
- 2.2 This report also informed Committee that the Act introduced legislation which created 8 Community Justice Authorities (CJA's) across Scotland.

3. DEVELOPMENT OF COMMUNITY JUSTICE AUTHORITY

- 3.1 South West Scotland Community Justice Authority held its inaugural meeting on 5 April 2006 when it adopted draft standing orders and approved the establishment of a Committee structure.

- 3.2 The Community Justice Authority has a strategic and monitoring function. The designated partners include:

- Criminal Justice Social Work, East, North & South Ayrshire & Dumfries and Galloway
- Scottish Prison Service
- Police, Dumfries & Galloway and Strathclyde Constabulary
- Healthboards, Ayrshire & Arran and Dumfries & Galloway
- Procurator Fiscal Service
- Scottish Courts
- Victim Support for Scotland
- The Voluntary Sector

It is expected that the Community Justice Authority will also work with a number of local agencies including housing providers, drug & alcohol action teams, employment training services and job centre plus.

- 3.3 The four Councils who make up South West Scotland community Justice Authority each have one vote and two nominated Elected Members. The Chair of Social Work and the Vice Chair of Social Work were elected to represent East Ayrshire Council.

- 3.4 The Community Justice Authority appointed a Chief Officer on 17 May 2006 and she commenced her post on the 7 August 2006.
- 3.5 The delivery of Criminal Justice Services in East Ayrshire remains the responsibility of the Local Authority.

4. OTHER RELEVANT DEVELOPMENTS ARISING FROM THE ACT

- 4.1 The Committee Report of 23 March 2006 "Management of Offenders etc...(Scotland) Act 2005" outlined key aspects of the new legislation.
- 4.2 Criminal Justice Social Work is now implementing the relevant sections of the new legislation as follows: -

Supervision of Sex Offenders

The Act has introduced new sentencing powers for those sex offenders sentenced to between 6 months and 4 years who require to be supervised by a Criminal Justice Social Worker on release. In East Ayrshire Sex Offenders are monitored and supervised in line with new legislation and the East Ayrshire Sex Offenders Action Plan.

Home Detention Curfew (HDC)

HDC was implemented in June 2006. Scottish Association for Care & Resettlement of Offenders (SACRO) has been commissioned to carry out the home visits with Criminal Justice Social Work (CJSW) providing the report to the Scottish Prison Service (SPS). The ultimate decision as regards the offenders suitability for HDC is the responsibility of SPS. HDCs are now being implemented in East Ayrshire.

Multi Agency Public Protection Arrangement (MAPPA)

The introduction of Sections 10 & 11 of the Management of Offenders Etc (Scotland) Act 2005 is aimed at improving the management of high risk offenders in prison and in the community. It will ensure that the risk posed by serious violent or sex offenders is appropriately managed throughout the period in prison and following release.

MAPPA's will be implemented in April 2007 throughout Scotland and East Ayrshire Criminal Justice Social Work is preparing for this together with its key partners.

Integrated Case Management (ICM)

ICM was introduced by the Scottish Executive in June 2006. This ensures that where offenders are categorised as serious violent or sex offenders, annual case management meetings are convened by the Scottish Prison Service and jointly chaired between the SPS and the Local Authority during the prisoner's sentence and attended by Criminal Justice Social Work and other key partners as appropriate.

Home Leave and Probation Reviews

The Management of Offenders etc (Scotland) Act 2005 introduced home leave for prisoners who are assessed as low risk. This was implemented in June 2006 and ensures all prisoners granted home leave will be monitored by a Criminal Justice Social Worker.

It also introduced to the Court the opportunity for a Sheriff to request a Post Probation Progress Review Report.

5. THE LOCAL AREA PLAN

- 5.1 The requirement for each Community Justice Authority to produce an Area Plan is set out in the Management of Offenders etc...(Scotland) Act 2005.
- 5.2 South West Scotland Community Justice Authority is in the process of preparing the Area Plan for 2007-2008 which must be submitted to the Scottish Executive by the end of September 2006.
- 5.3 A draft of this Area Plan will be presented to Community Justice Authority prior to submission to the Scottish Executive and will be available in the members information point.

6. POLICY/LEGAL IMPLICATIONS

- 6.1 The Management of Offenders etc (Scotland) Act 2005 continues to introduce changes to Criminal Justice Services in Scotland as outlined in Section 4 of this report. Committee will be advised as further new developments arise.

7. FINANCIAL IMPLICATIONS

- 7.1 Funding for the development of Community Justice Authorities is provided by the Scottish Executive. £190,000 has been provided to the Community Justice Authority in this shadow year 2006/07.
- 7.2 The Scottish Executive will notify the Community Justice Authorities of budget allocation by the end of January 2007.
- 7.3 There has been £25,000 consequential increase in funding to East Ayrshire Criminal Justice budget by the Scottish Executive to assist with the increase in responsibility for Criminal Justice Social Work Services contained within proposals outlined at point 4.2. This however is not expected to meet the increase in workload and will be closely monitored to ensure that high quality services continue to be offered.

8. COMMUNITY PLANNING IMPLICATIONS

- 8.1 The overall objective 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.

9. RECOMMENDATIONS

9.1 Social Work Committee is asked to:-

- (i) Invite the Executive Director of Educational and Social Services to produce a report to a future Committee on the developments as a result of the Management of Offenders Act and in particular any resource implications.
- (ii) Invite the Executive Director of Educational and Social Services to produce a report to a future Committee on the details of the South West Scotland Community Justice Authority Area Plan.
- (iii) Otherwise note the contents of this report.

Graham Short
Executive Director of Educational and Social Services
(FMCK/LB)
2 August 2006
Enc (0)

LIST OF BACKGROUND PAPERS

- (1) Reducing Re-offending -National Strategy for the Management of Offenders 2006.

A copy of the above report is available in the Members Information Point.

For further information on this report please contact:-
Sally Ann Kelly, Senior Manager, Children & Families and Criminal Justice, telephone:
01563 576907

IMPLEMENTATION OFFICER: JACKIE DONNELLY