



**REPORT TO: CHILDREN AND YOUNG PEOPLE'S SERVICES COMMITTEE ON
30 OCTOBER 2019**

**SUBJECT: UPDATE ON THE WORK OF THE CRIMINAL JUSTICE SOCIAL
WORK TEAM**

**BY: DEPUTE CHIEF EXECUTIVE (EDUCATION, COMMUNITIES AND
ORGANISTIONAL DEVELOPMENT)**

1. REASON FOR REPORT

1.1 To inform the Committee of the work of the Criminal Justice Social Work (CJSW) team and the preparations for the potential impact arising from the Presumption Against Short Sentences (PASS).

2. RECOMMENDATION

2.1 **It is recommended that the Committee scrutinise and note the contents of this report.**

3. BACKGROUND

3.1 The statutory presumption against short-term sentences (PASS) was approved by the Scottish Parliament through the Criminal Justice and Licensing (Scotland) Act 2010. Scottish courts therefore must not pass a sentence of imprisonment for 12 months or less on a person unless it considers that no other sentence is appropriate.

3.2 This new legislation aims to increase the use of more effective methods of both addressing offending and rehabilitation, such as Community Payback Orders (CPOs). The change will apply to cases where the offence was committed on or after 4 July 2019.

3.3 An increase in community sentences impacts on the Criminal Justice Team (CJT) in Moray who have the statutory duty to deliver CPOs. The Court can impose CPO's with up to 9 conditions attached, such as unpaid work, substance misuse treatment, mental health treatment and supervision, which ensure that those sentenced have timeous access to relevant support. Compliance with CPOs is also monitored and the Court retains the power to re-sentence, including a custodial sentence, should a person fail or be unable to comply

- 3.4 The CJT in Moray are supportive of this new legislation. It is generally accepted that people receiving short-term prison sentences do not get the help they need to stop offending and the re-offending rates are poor compared to community sentences. It is understood that some estimates put forward by the Scottish Government points to a 20% reduction in custodial sentences and a 7.5% increase in CPOs as a result of PASS. Moray saw a 10% increase in CPOs from 2016/17 (325 CPO's) to 2017/18 (357 CPO's) and are currently sitting above the Scottish average for CPO's per 10,000 population.

4. IMPACT AND PREPARATION

- 4.1 Community Sentences funding contained in Part 2 of the local authority grant funding for CJSW was provided to develop capacity in preparation for PASS. Moray therefore received an additional £56,247 in 17/18. The funding was used to employ a further Senior Social Worker to the team to support staff and have better oversight of caseload management as caseloads had increased.
- 4.2 In order for the team to prepare further for PASS, over the past two years the Unpaid Work Team have developed and established a female only squad; it is recognised that the profile of women with convictions means the reform could have the greatest impact upon them – with around 90% of custodial sentences imposed on females being under a year in length. A shorter day's squad has also been introduced and an evening squad to accommodate those with more complex needs or with childcare and who cannot attend unpaid work for a full 7 hour day.
- 4.3 In addition to strengthening the Unpaid Work Team there is a commitment to staff training and development. Most recently this has been focused on training social workers to become group work facilitators. This means the staff team can deliver programs using cognitive behavioral techniques depending on risks and needs. This is an effective way of delivering a service and can maximise on staff time. A drop in/group work program for women (supported by partner agencies) has been piloted and should the numbers of females increase this will be revisited.

5 SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

The report was informed by the priorities within the Corporate Plan and 10 Year Plan.

(b) Policy and legal

The underlying assumption is that community supervision is an effective means of protecting the public and victims of crime while protecting the rights and interests of the offender. Section 204(3A) of the Criminal Procedure (Scotland) Act 1995, as amended, introduced a statutory presumption against short prison sentences for less than 12 months in respect of all offences committed on or after 4 July 2019.

(c) Financial Implications

There are none for the Council as a result of PASS. Criminal Justice Social Work receives a ring-fenced grant provided under sections 27A and 27B of the Social Work (Scotland) Act 1968 as amended.

(d) Risk Implications

None highlighted in this report

(e) Staffing Implications

There are no staffing implications arising from this report.

(f) Property

There are no property issues arising from this report.

(g) Equalities/Socio Economic Impact

An Equality/Socio Economic Impact Assessment is not required as this report is to inform Committee on performance.

(h) Consultations

Chief Executive, Senior Officers in Education and Social Care, Paul Connor, Principal Accountant, the Equal Opportunities Officer, Morag Smith, Senior Solicitor (Litigation and Licensing) and Tracey Sutherland, Committee Services Officer have been consulted and are in agreement with the contents of this report as regards their respective responsibilities.

6 CONCLUSION

6.1 That Committee scrutinises and notes the content of the report and that the Criminal Justice Team will continue to monitor statistical trends in Moray in order to identify and respond to the impact of PASS.

Author of Report: Tish Richford, Acting Criminal Justice Social Work Service Manager

Background Papers:

Ref: