

**REPORT TO: EDUCATION AND SOCIAL SERVICES COMMITTEE ON 13
FEBRUARY 2008**

SUBJECT: MORAY COUNCIL CRIMINAL JUSTICE SERVICE

BY: DIRECTOR OF COMMUNITY SERVICES

1. REASON FOR REPORT

- 1.1 To inform the Committee of the range and nature of work undertaken by the Moray Council Criminal Justice Service, of disposals available to courts and current and future developments that will affect Criminal Justice Services both locally and nationally.
- 1.2 This report is submitted to Committee in terms of Section D (23) of the Council's Administrative Scheme relating to functions of the Council as a Social Work Authority.

2. RECOMMENDATION

- 2.1 **It is recommended that Committee notes the content of the report.**

3. BACKGROUND

3.1 Moray Criminal Justice Team

The Moray Criminal Justice Team comprises:

The Service Manager, 1 Team Manager, 6.5 Criminal Justice Social Workers, 3 Community Service Supervisors, 1 Team Secretary and 2 part-time Admin Assistants.

Statistical information attached at **APPENDIX A**.

- 3.2 There has over the past number of years been a significant increase in demands from courts for the provision of Social Enquiry Reports and the Moray Team presently provides in excess of 500 reports per annum.
- 3.3 The Moray Council Criminal Justice Service provides offender services to High, Sheriff and District Courts in Scotland and elsewhere in Great Britain.
- 3.4 Courts in Scotland have a variety of sentencing options available to them and these include admonition, financial penalties, deferred sentences, community service, probation, restriction of liberty orders and imprisonment.
- 3.5 The Moray Council Criminal Justice Service will, where requested, provide Social Enquiry Reports to the courts in order to assist sentencers in determining the appropriate disposal. Social Enquiry Reports provide a variety of background information in relation to offenders including their social circumstances, financial position, attitude towards offending and to the victims of it. The report will consider the variety of sentencing options available to the

court and explain the circumstances in which the Criminal Justice Service could appropriately work with offenders in the community and consider the impact upon offenders if sentenced to periods of imprisonment.

- 3.6 Where the court decides to impose a sentence of admonishment, neither it nor the Social Work Department will have any further involvement with the offender as it has been decided that although the offender has pled, or been found guilty of an offence the court considers it unnecessary to impose any form of punishment. Admonition however is still considered to be a sentence and remains on the offender's criminal record.
- 3.7 Where the court considers a financial penalty to be an appropriate disposal, it may in some circumstances impose a fine supervision order and in this case the Social Work Department will work with the offender to ensure that the fine is repaid to the court.
- 3.8 Where the court considers a deferred sentence, normally for a period of good behaviour, the Social Work Department is unlikely to have any further involvement with the offender.
- 3.9 Where the courts considers a period of Probation to be a suitable disposal, it is normally on the basis that the Social Enquiry Report has identified difficulties in the offender's life, which if addressed is likely to reduce the chances of that individual re-offending. In such a case, the court may impose a Probation Order for a period ranging from 6 months to 3 years. During this period of time Social Work Criminal Justice Department will work with the offender to address issues and confront difficulties which he/she is experiencing and which impact directly upon their involvement in offending behaviour. When making a sentence of Probation, the court may impose additional conditions upon the offender such as the requirement to attend for alcohol/drug counselling, involvement in sex offender programmes or it may commit the offender to carrying out a period of unpaid work in the community.
- 3.10 Where Community Service is considered to be appropriate, it should always be as a direct alternative to a period of custody. Community Service is intended to be a punishment and in affect is a fine on the individual offender's time. The minimum period of Community Service is 80 hours and the maximum 300 hours. During any period of Community Service the offender is required to work along with the Criminal Justice Community Service team which carries out work throughout Moray on a variety of community based projects.
- 3.11 Restriction of Liberty Orders (ROLO) may be imposed on an offender when the court considers it appropriate to restrict that individual to a particular place during certain periods of time. The offender is fitted with an electronic tagging device and the place to which he/she is to be restricted is also fitted with an electronic system which will indicate if and when the individual goes out with it. Restriction of Liberty Orders are generally used when it has been identified that an individual has committed offences on a regular basis during certain hours of the day or night. Electronic tagging is therefore intended to alter their

behaviour by breaking the pattern of movements which they have been involved in in the past.

- 3.12 Where the court considers that it has no alternative but to impose a sentence of imprisonment, the Criminal Justice Department will continue to have contact with that offender under Throughcare arrangements. The purpose of Throughcare for prisoners is to ensure that contact with them is maintained during their period of imprisonment in order that they can upon release be successfully rehabilitated into the community.

3.13 Multi-Agency Public Protection Arrangements

The Moray Criminal Justice Service works in partnership with other agencies to ensure the effective management of violent and sex offenders in the community.

The MAPPA process introduced in 2007 provides the framework for the sharing of information for agreeing levels of risk and for identifying all the agencies roles and responsibilities in risk management. The Management of Offenders (Scotland) Act 2005 imposed the legislation that requires agencies to co-operate in this process.

At the present time the MAPPA process concentrates on the management of sex offenders in the community and ensures that all sex offenders living in Moray are routinely reviewed and that appropriate risk assessments are carried out in order that the appropriate level of management and intervention by the Police, Criminal Justice Social Work and other appropriate agencies is in place. In the future violent offenders will become part of this process but the date for implementation of this has not yet been announced.

3.14 Community Justice Authorities (CJAS)

CJAS are new statutory bodies created by the Management of Offenders (Scotland) Act 2005 to be strategic planning and monitoring authorities for the provision of Community Justice Services. The Moray Council Criminal Justice Service and the Authority itself is part of this process and is a member of the Northern Community Justice Authority which includes Aberdeen City, Aberdeenshire, Highland, Western Isles, Orkney and Shetland. Elected Members of the Local Authority are members of the Community Justice Authority and two Elected Members of the Moray Council attend Community Justice Authority Committees.

Further information in relation to Community Justice Authorities is provided at **APPENDIX B.**

- 3.15 The role of Criminal Justice Social Work in offender management has changed significantly since the introduction of Specialist Criminal Justice Services in 1989. The range and type of services available to the courts and offenders has increased and become more focused in relation to ensuring that issues directly related to offending behaviour are addressed. Standards of service provided by Criminal Justice Social Workers is determined by National

Standards introduced by the Justice Department some years ago and which are now under review.

- 3.16 The Management Offenders (Scotland) Act 2005 ensures that Criminal Justice Services and Community Services continue to improve the way in which offender management is carried out and address issues of re-offending through improved risk assessment techniques, improved offence focused work and greater co-operation between all Agencies with a responsibility towards reducing re-offending in our communities.

4. SUMMARY OF IMPLICATIONS

(a) Corporate Development Plan/Community Plan/Service Improvement Plan

There is clear link between the work of Moray Criminal Justice Service and the priority of strengthening public protection arrangements from the Service Improvement Plan.

(b) Policy and Legal

There are no such implications associated with this report

(c) Resources (Financial, Risks, Staffing and Property)

There are no such implications associated with this report.

(d) Consultations

Katrina McGillivray, Senior Personnel Adviser, Deborah Brands, Principal Accountant and Rhona Gunn, Senior Solicitor have been consulted in the preparation of this report and are in agreement with the content relating to their areas of responsibility.

5. CONCLUSION

- 5.1 The Moray Council Criminal Justice Service plays a key role in reducing re-offending and improving the quality of life of the population in Moray.**

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Background Papers: Appendices A and B
Ref: BD/ES

APPENDIX A

Year	Social Enquiry Reports	Probation	Community Service
00-01	257	-	60
01-02	327	44	73
02-03	334	33	53
03-04	286	43	52
04-05	432	38	68
05-06	534	54	62
06-07	505	67	83

COMMUNITY JUSTICE AUTHORITIES

Community Justice Authorities (CJAs) are new statutory bodies created by the [Management of Offenders etc. \(Scotland\) Act 2005](#) to be strategic planning and monitoring authorities for the provision of community justice services.

Who are the members of a CJA?

- Elected members of local authorities are members of the authority.
- Each CJA employs a Chief Officer and support staff to carry out the functions of the CJA.

What will CJAs do?

- CJAs provide a co-ordinated approach to planning and monitoring the delivery of offender services. A [National Strategy for the Management of Offenders](#) has been developed to underpin this. The aim is to target services to reduce reoffending and to ensure close co-operation between community and prison services to aid the rehabilitation of offenders.
- The role of CJAs is to plan, co-ordinate, monitor and report on the delivery of offender services both in the community and within the prison service. Their statutory functions include:
 - to prepare, in consultation with other bodies responsible for the delivery of services, a plan for reducing reoffending;
 - to monitor the performance of bodies responsible for the delivery of these services;
 - to report annually to Scottish Ministers on delivery of services in compliance with the plan;
 - to promote good practice;
 - to allocate resources provided by Scottish Ministers to local authority criminal justice social work services; and
 - to arrange with partner bodies for the sharing of information relating to relevant persons.
- The local area plan will build on the work already under way to improve the process of managing offenders by developing common risk assessment tools, integrated sentence planning, consistent case management and case supervision supported by improvements in information sharing.
- CJAs came into operation from 3 April 2006 and in the first year their primary responsibility was to produce a strategic plan for their area in consultation with statutory and non-statutory partner bodies. From April 2007, they assumed their full responsibilities which additionally includes disbursement of funds provided by Scottish Ministers for community based criminal justice social work services and monitoring the operational delivery of the services provided in accordance with the strategic area plan.

Area Plans – 2007/2008

- The first set of area plans for 2007-2008 have been completed by CJAs and reviewed by the National Advisory Body on Offender Management. The plans were approved by Scottish Ministers in January 2007 and the planning cycle for 2008-2011 has now commenced.

What are the statutory duties of a Chief Officer?

- The Chief Officer is required to report to Scottish Ministers as and when required on the activities and performance of the CJA, appropriate local authorities, the Scottish Prison Service (SPS) and partner bodies in complying with the CJA's plan.
- Where it appears to the Chief Officer of a CJA that –
 - the CJA is failing, or has failed, satisfactorily to exercise its functions under the Management of Offenders etc. (Scotland) Act 2005; or
 - an appropriate local authority or the SPS is failing to comply with the CJA's area plan,

the Chief Officer is to report the failure to the Scottish Ministers.

What are the areas covered by the CJAs?

- There are eight CJAs covering all local authorities in Scotland.

Who are the “partner bodies”?

- The organisations which are being designated as statutory partner bodies are:
 - Police forces within the area of the CJA;
 - Local health boards within the area of the CJA;
 - Individuals/Organisations who are in receipt of funding above a level to be specified by Scottish Ministers to deliver offender services. This criteria is currently under review in order to maximise the participation of the voluntary sector
 - Scottish Court Service;
 - Crown Office and Procurator Fiscal Service;
 - Victim Support Scotland.
- There is also a wider range of organisations which it will be more appropriate to name in guidance to CJAs. We will be developing this list in the period leading up to the introduction of CJAs. Current plans are that the bodies to be included in guidance will be:
 - Housing Representatives;
 - Community Planning Partnerships;
 - Community Safety Partnerships;
 - Community Health Partnerships;
 - Other local voluntary groups as judged appropriate by the CJA, including community and faith groups;
 - Criminal Justice Boards;
 - Further Education Colleges;

- Prison Visiting Committees;
- Area Child Protection Committees;
- Youth Justice Services; and
- Area Drug Action Teams.

Since this is not a statutory list, the CJA will have flexibility to include appropriate partners within their own area.

A number of bodies will be engaged at the national level. These include:

- The Parole Board;
- The Risk Management Authority;
- Jobcentre Plus;
- The State Hospital;
- Scottish Children's Reporters Administration;
- Social Work Inspection Agency (SWIA);
- HM Chief Inspector of Prisons;
- HM Inspector of Constabulary; and
- The Sentencing Commission and The Care Commission.

Current issues for the CJAs

- In first year of operation, to drive successful implementation of area plans for reducing re-offending and to create the partnership with criminal justice agencies and other service providers, eg NHS, housing, addiction services, which will support successful implementation.