

To: Communities, Housing and Planning Policy Board

On: 30 October 2018

Report by: Director of Children's Services

**Heading: External Scrutiny of Community Justice and Criminal Justice
Social Work**

1. Summary

- 1.1 In June 2018 Local Authorities were advised by the Care Inspectorate of initial proposals to take forward scrutiny of both community justice and criminal justice social work.
- 1.2 The Care Inspectorate has now confirmed that community justice will be subject to supported and validated self-evaluation, with criminal justice social work being subject to formal inspection. Four authorities will be subject to external scrutiny during 2018/19: two in relation to community justice and two in relation to criminal justice. Two local authorities have already been advised that they have been selected for participation in the external scrutiny programme and the other two will be advised in November 2018.
- 1.3 The community justice supported and validated self-evaluation will focus on 3 quality indicators:
 - Planning and delivering services in a collaborative way.
 - Effective use and management of resources.
 - Leadership of strategy and direction.
- 1.4 Renfrewshire Community Justice Steering Group has volunteered to be one of the first areas evaluated. The care inspector quality indicators were considered early in 2018 by this group, following their creation, in preparation for this. Progress against these three areas will be updated and analysed through questionnaires and a specific development session.

- 1.5 In relation to Criminal Justice, Inspection will focus on community payback orders (CPOs), the community sentences supervised by criminal justice social work since 2012. This scrutiny will also consider preparation for the extension from 3 to 12 months of the Presumption Against Short Sentences (PASS), which will reduce numbers in custody whilst increasing those subject to community payback orders. The inspection will also focus on the use of Section 27 funding for criminal justice services.
- 1.6 It is not planned that all Local Authorities will undertake this inspection, but that initial inspections will inform thematic areas which should be explored further within ongoing inspections. Quality assurance work will inform improvements to be undertaken.
- 1.7 The board will be updated as further information or timescales are made available.
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2. Recommendations

- 2.1 The Communities, Housing and Planning Policy Board is asked to note:
- the planned external scrutiny of Community Justice and Criminal Justice Social Work, with potential timescales, and work undertaken locally to quality assure and inform improvements.
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3. Background

- 3.1 In June 2018 Local Authority Community Justice Steering Group chairs across Scotland were contacted by the Executive of Scrutiny and Assurance at the Care Inspectorate, in relation to scrutiny activity of both community justice and updated scrutiny of criminal justice Social Work.
- 3.2 Local Authorities were advised that the Scottish Government had asked the Care Inspectorate to lead on the scrutiny and assurance activity in relation to the implementation of community justice, and on the performance of criminal justice social work in Scotland. They were also informed that a multi-agency high level Advisory Group would be created to develop the approach, scope and focus of scrutiny activity.
- 3.3 The correspondence advised that a new team, the Strategic Scrutiny Justice Team, had been established within the Care Inspectorate to lead on this work, and that Chief Social Work Officers would be contacted in relation to criminal justice social work.
- 3.4 On 24 August 2018 correspondence was received by Local Authority Chief Social Work Officers. Local Authorities were advised that inspections of criminal justice social work services during 2018-19 will focus on community payback orders. The inspection will also explore and comment on the use of Section 27 criminal justice social work funding.

- 3.5 The inspection will consider how well national outcomes and standards for criminal justice social work are being applied and what difference community payback orders are making to the lives of individuals who are subject to them. Focus will be on the following areas, using the quality indicator model in the *Guide to community justice in Scotland*:
- Outcomes for individuals subject to community payback orders, including performance measures against both local and national statistical data.
 - Impact and experience for those subject to community payback orders.
 - Key processes linked to community payback orders, including quality of risk/needs assessment, planning and intervention.
 - Fulfilment of statutory duties, performance management and quality assurance.
 - Leadership of criminal justice social work.
- 3.6 Correspondence advised that focus would also be on the service's capacity for improvement and, in particular, the extent to which criminal justice social work services is prepared for forthcoming changes in relation to the presumption of short sentences (PASS) i.e. the pending extension of 3 to 12 months presumption against short sentences. This pending change will result in reduced numbers subject to custodial sentence and a rise in community payback orders (CPOs) supervised by criminal justice social work. There is as yet no timescale for the introduction of the extension to PASS.
- 3.7 The information provided advised that the development of methodology was in progress which would be made available at the earliest opportunity. These include:
- Specific guidance on how to use the *Guide to community justice in Scotland* in respect of self-evaluation of community payback orders. This will provide useful questions and details regarding supporting evidence for self-evaluation;
 - A detailed process document that will take local authorities through each stage of the inspection process, enabling clarity at each stage as to what is required and what we will be doing.
- 3.8 Local Authorities were advised of the intention to undertake criminal justice inspections in two local authority areas before the end of March 2019, with notification of the first inspection being made to the local authority Chief Executive and Chief Social Work Officer early in September. Not all local authorities will be subject to inspection of CPOs in this format, with initial inspections informing whether there is a need for thematic reviews of more specific practice areas.
- 3.9 On 6 September 2018 Clare Wilson, Care Inspectorate Service Manager, attended the Renfrewshire Community Justice Steering Group to update partners on the new care inspectorate structure, and the scrutiny process. Information shared was that Community Justice would be subject to a Supported and Validated Self-Evaluation Process. Ms Wilson advised that correspondence was pending which would inform on how the self-evaluation process would be carried out. She did advise that this would feedback on the effectiveness of the partnership approach, the strengths, areas for development and capacity for improvement.

- 3.10 Information shared was that focus would be on 3 quality indicators:
- Planning and delivering services in a collaborative way.
 - Effective use and management of resources.
 - Leadership of strategy and direction.
- 3.11 Following the meeting Renfrewshire Community Justice Steering Group agreed to volunteer to be one of the first areas subject to self-evaluation.
- 3.12 An update provided at the Social Work Scotland Justice Standing Committee on 5 October 2018 was that 2 local authorities have been advised of their selection for scrutiny, one each for community justice and criminal justice. Two further authorities will be advised in November 2018, of the plan to commence scrutiny within 2018/19.
- 3.13 Work is in progress to prepare for this scrutiny. The Renfrewshire Community Justice Steering Group previously considered our progress against all the quality indicators. Progress against the three indicators identified for self-evaluation will be updated within the partnership through a questionnaire and a development session to inform actions to be taken forward. Within criminal justice quality assurance will inform any improvement actions.
- 3.14 Further updates will be provided to the board as information becomes available.
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Implications of the Report

1. **Financial** - None.
2. **HR & Organisational Development** - None.
3. **Community Planning** -

The Renfrewshire Community Justice Steering Group is embedded within the community planning structure, reporting directly to the Community Protection Chief Officer's Group. Criminal Justice social work is one of the key partners within community justice in Renfrewshire.

4. **Legal** - None.
5. **Property/Assets** - None.
6. **Information Technology** - None.

7. Equality & Human Rights –

The recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report because for example it is for noting only. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.

8. Health & Safety

None.

9. Procurement

None.

10. Risk

None

11. Privacy Impact

None.

List of Background Papers

None

JT

24 October 2018

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