
To: Education and Children Policy Board

On: 14 May 2015

Report by: Director of Children's Services

Heading: Criminal Justice Social Work Grant 2015/16 and Service Update

1. Summary

- 1.1. The Community Justice Services Division of the Scottish Government allocates the grant funding for criminal justice social work to the Community Justice Authorities (CJAs) across Scotland. The grant is ring fenced funding, in accordance with section 3 of the Management of Offenders (Scotland) Act 2005.
- 1.2. The indicative grant allowance for Criminal Justice Social Work for Renfrewshire for 2015/16 will be £3,274,926 representing an increase of £456,399. A detailed breakdown of the allocation is provided in the attached appendix to this report.
- 1.3. For a number of years the grant provided has been subject to less workload fluctuations through a process of financial dampening and North Strathclyde Community Justice Authority Grant has benefited from this protection. Dampening ended in 2014/15, however it was recognised that a mechanism was required involving capping losses and distribution of funding resulting from workload increases, as such no Community Justice Authority should have gained more than 4% and lost more than 2% in overall grant in 2015/16.
- 1.4. A similar approach has been taken to the allocation of the North Strathclyde Community Justice Authority (NSCJA) grant to constituent local authorities to minimise significant fluctuations in grant allocation. This has also been reduced on an incremental basis and in 2014/15 we moved to the grant allocation being based on workload figures. The 2015/16 grant thus reflects that 34% of the workload of NSCJA is undertaken by Renfrewshire Council.

- 1.5. Previous grant awards within Renfrewshire reflected the fact that Renfrewshire, East Renfrewshire and Inverclyde provided a range of services across these Local Authority boundaries and as such grants are awarded to the authority providing the service. However the significant increase to core funding includes that as of 1 April 2015 both Drug Treatment and Testing Orders (DTTOs), provided by East Renfrewshire, and the Throughcare Service provided by Inverclyde will be provided by Renfrewshire Council to Renfrewshire service users. These three local authorities were most affected by the budget reductions and the need for greater efficiencies could not be further met within shared provision.
 - 1.6. The remainder of the core funding increase, approx. £175,000 relates to workload increases across the range of core services provided.
 - 1.7. Non-core funding has only increased by £9,740, This reflects the end of the 18 month funding for the Women's' Community Justice Service for Renfrewshire and East Renfrewshire, and the new finance to provide additional services in Renfrewshire ie Arrest Referral which will be aligned to the Court/DTTO service and the new Fiscal Work Orders where individuals will be diverted from prosecution and required to undertake unpaid work.
 - 1.8. A report provided to the Social Work, Health and Well-being Policy Board in March detailed the outcome of the 2nd phase of the Community Justice Consultation which will impact on the provision of funding, with grants awarded directly to Local Authorities as of 1 April 2017.
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2. Recommendations

- 2.1 The Education and Children Policy Board is asked to:
 - (a) note the budget allocation for Renfrewshire as detailed in the attached appendix;
 - (b) note updates in relation to:
 - the Women's' Community Justice Service
 - the provision of Fiscal Work Orders
 - updates in relation to shared service redesign
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3. Background

- 3.1 The Community Justice Services Division of the Scottish Government allocates the grant funding for criminal justice social work to the Community Justice Authorities (CJAs) across Scotland. The allocation of the grant for 2015/16 is a ring fenced funding, in accordance with section 3 of the Management of Offenders (Scotland) Act 2005. Chief Officers, as budget holders, are responsible for the effective financial management of the funds allocated to their CJA, including resource allocation across the constituent authorities. 2016/17 will be the final year that

allocation will be through the CJAs, from April 2017 onwards allocation will be directly to local authorities.

- 3.2 The indicative grant allowance for Criminal Justice Social Work for Renfrewshire for 2015/16 will be £3,274,926 consisting of £2,388,460 core funding and £886,466 non-core funding. Core funding allocation has increased by £446,659 and non-core funding increased by £9,740 since 2014/15. The overall difference to the grant allocation is an increase of £456,399. A further breakdown of the allocation is detailed in the appendix of this report.
- 3.3 Up until 2011 the core allocation to local authorities was aligned to workload reported in aggregate returns over the previous three year period. However it was recognised that for 2011/12 there were potential workload increases arising from the Criminal Justice and Licensing Bill and introduction of the new Community Payback Order (CPO). As such it was agreed by Community Justice Authorities (CJAs), the Convention of Scottish Local Authorities (COSLA), the Association of Directors of Social Work (ADSW), and the Scottish Government that there would be a moratorium on the funding formula, founded on a view that no Local Authority should receive a reduction in core or non-core funding to the funding they received in 2010/11. This was agreed by Chief Social Work Officers.
- 3.4 The reintroduction of the funding formula in 2012/13 led to significant variation from earlier years to the grant awards nationally and North Strathclyde CJA (NSCJA) has experienced an adverse impact from this decision in each financial year. In view of the extent of the variation it was agreed nationally that there should be a dampening within 2012/13 and the following two financial years to manage the impact on services. This was reduced from 50% in 2013/14 to 25% in 2014/15, whilst work was undertaken at a national level to review the mechanism of the funding formula.
- 3.5 Whilst dampening is now removed the funding group and the COSLA Distribution and Resettlement Group agreed that some form of mechanism should be applied to ensure service stability by mitigating the impact of workload changes, involving capping funding losses and distribution of funding resulting from workload increases, as such no Community Justice Authority should have gained more than 4% and lost more than 2% in their overall grant in 2015/16.
- 3.6 The grant award letter of 21st December 2012 also changed the method of allocation from previous years to take up the recommendations of the funding review group. This meant that the CJA received a lump sum allocation and not as in previous years a line by line core and non-core budget allocation. The aim being to allow greater flexibility within the budget following criticism from Local Authorities, CJAs, Audit Scotland, the Commission on Women Offenders and the Public Accounts Committee of Scottish Parliament. Allocation continues in this way. However qualifications to this continue, these include:
- the need to fund Intensive Support Packages from non- core budgets prior to seeking any funding from the Scottish Government
 - the needs for discussions between CJAs and government prior to any transfer of funding from a service to another

- the need to continue to report to the government on the previous budget lines to enable oversight of flexibility.
 - the need to provide all funding to the third party organisation where CJAs are acting only as a funding route e.g. Turnaround Service, where funding is administered by Renfrewshire Council.
- 3.7 In allocating the North Strathclyde Community Justice Authority (NSCJA) grant to local authorities it was agreed that the previous position of local dampening would cease in 2014/15, as such the 2015/16 allocation is based on workload statistics.
- 3.8 The grant award to Renfrewshire Council reflects the fact that some services are provided by Renfrewshire for other authorities within the CJA eg Pathways Partnership Project provides a service for Renfrewshire, East Renfrewshire and Inverclyde, whilst court social work services are provided for Renfrewshire and East Renfrewshire. Likewise East Renfrewshire provides the Forensic Community Mental Health Team (FCMHT) and thus the budget for these services sits within these councils' grant awards.
- 3.9 A report prepared for the Social Work, Health and Well-being Policy Board on 13 January 2015 in relation to the redesign of the Drug Treatment and Testing Order (DTTO) previously provided by East Renfrewshire Council for the 3 authorities, and Criminal Justice Throughcare Services previously provided by Inverclyde Council, gained approval for Renfrewshire to commence the delivery of both services for Renfrewshire service users as of 1 April 2015. This decision means that the grants for both services will be paid directly to Renfrewshire and thus explains a significant share of the core service budget increase (approx. £280,000), the remainder relating to workload increases.
- 3.10 DTTO will be combined with the Paisley Sheriff Court Social Work team ensuring increased resilience for both services. The core DTTO budget of £156,807 reflects Renfrewshire's share of the NSCJA workload. Arrest Referral, where offenders appearing from custody are referred to local addiction services will also be provided within this joint team, and will also be provided for East Renfrewshire Council. The non-core budget of £34,440 reflects this provision.
- 3.11 The criminal justice throughcare service will combine with the criminal justice fieldwork service, increasing resilience in this area and providing more continuity for the service user from custody to the community. The core throughcare budget of £401,662 thus includes Renfrewshire's share of the enhanced throughcare funding previously provided to Inverclyde, plus increasing funding resulting from workload increases in this area.
- 3.12 Non-core funding is provided for a range of support programmes that have been developed across Scotland. These vary across CJAs often as the consequence of the development of pilot programmes. The Government are reviewing non-core allocations to ensure that they remain fit for purpose and to ensure that inequalities of distribution are not perpetuated within funding allocations moving forward. The total grant for the Non-core support programme in Renfrewshire is £886,466, representing an increase of £9,740 since 2014/15.
- 3.13 This increase reflects the end of the additional funding for the provision of a Womens' Community Justice Service, and the provision of additional funding for Renfrewshire provision of Arrest Referral, and new funding for the provision of

Fiscal Work Orders from 1 April 2015. Arrest Referral, which will be aligned to the provision of court and DTTO services is referred to under 3.10.

- 3.14 A report to the Social Work, Health and Well-being Policy Board in 5 November 2013 advised that Renfrewshire successfully submitted a bid to the Scottish Government to provide funding for the Women's' Community Justice Service for Renfrewshire and East Renfrewshire, £23,000 was received for the last 6 months of 2013/14 and £46,000 for 2014/15. The bid included the appointment of a Turning Point Scotland post and contribution to literacy services in East Renfrewshire for women offenders, however primarily consisted of a redesign of existing services given the short term funding and need for sustainability of the service. In January 2015 the new Justice Secretary Michael Matheson, announced that the plan to build a new prison for female offenders in Inverclyde would not be taken forward, and that an additional £1.5 million would be made available for community programmes. Renfrewshire has recently submitted a proposal for further funding to the Scottish Government to continue elements of this service and awaits a response. Consultation events are being arranged by CJAs on behalf of government to consider the future plans for interventions with women.
- 3.15 Fiscal Work Orders, where individuals are diverted from prosecution and would require to undertake unpaid work in the community are being rolled out nationally from 1 April 2015. Prior to this they were piloted by 7 local authorities across Scotland. £0.5 million was made available nationally, split equally across the 6 CJAs. Within NSCJA the £62,500 has been split based on the local authority's percentage of core workload in NSCJA, Renfrewshire's share is £21,300. The Government estimates that this order costs £250 to deliver and as such this provides the capacity for 85 such orders, close monitoring of order numbers will take place to enable dialogue with Government should the numbers exceed expectation. The grant award letter advises that Government will monitor uptake closely and any impact or reduction to related criminal justice services.
- 3.16 Moving Forward Making Changes (MFMC), a national group and individual work programme for intervention with sexual offenders was rolled out nationally within 2014/15. The Criminal Justice Services Manager in Renfrewshire represents Social Work Scotland on the Scottish Government Programme Implementation Board. MFMC replaces the Community Sexual Offender Groupwork Programme (C-SOGP) which has been provided by Renfrewshire since 2002. In 2014/15 some local authorities, estimated to have higher workloads, received additional funding. Renfrewshire received the same level of funding as previously. The grant letter, has advised that the current level of funding provided to Renfrewshire will be maintained for 2015/16 whilst accurate implementation costs for MFMC are established. Renfrewshire runs MFMC for Renfrewshire, East Renfrewshire and Inverclyde, an implementation plan and existing costings were provided to Scottish Government in April 2014 and an IT system has recently been established to enable regular information to be provided to Government on the numbers and level of service provided. Funding for C-SOGP, now MFMC has been a static non-core budget, however it is anticipated that in the future it will be primarily related to workload.

- 3.17 Turning Point Scotland's Turnaround Project which provides services for offenders across NSCJA and South West Scotland CJA will receive further Scottish Government Justice funding in 2015/16. The service provides the residential unit in Renfrewshire and community based staff embedded within local authority criminal justice services to provide groupwork programmes to CPO clients. Renfrewshire has had 1.5 staff placed within groupwork services to maximise the provision of group and additional individual work to CPO clients across Renfrewshire and East Renfrewshire.
- 3.18 The national Reducing Reoffending Change Fund initially funded until March 2015 will be continued until 31 March 2017 by which time the national body, Community Justice Scotland, will have a role in national commissioning. It has two key aims: to provide offenders with substantial one-to-one support through evidence-based mentoring schemes; and to promote strong, equal partnership working between third and public sector organisations. Two national bids for mentoring services to women offenders (led by SACRO), and for prolific male offenders (led by the Wise Group) were successful in obtaining funding from 2013 – 2015. Locally Action for Children were also successful in gaining funding for the Moving On Project, which provides services for young men across Renfrewshire leaving Polmont Young Offenders Institution. Staff from both national bids are co-located within criminal justice groupwork services in Renfrewshire, to provide an integrated service to Renfrewshire clients and there are close working relationships with Moving On.
- 3.19 A report to the Social Work, Health and Well-being Policy Board in March detailed the outcome of the 2nd phase of the Community Justice Consultation which will impact on the provision of funding, from 1 April 2017 grants will be awarded directly to Local Authorities.

Implications of the Report

1. **Financial** – the indicative grant allocation for Renfrewshire 2015/16 is £3,274,926 and detailed in the appendix.
2. **HR & Organisational Development** – human resources and legal services have been fully involved in the agreements in relation to the TUPE of Throughcare and DTTO staff.
3. **Community Planning** –
Safer and Stronger – criminal justice staff work with offenders to address offending behaviour, undertake reparative work to repay the community against which they have offended, and support rehabilitation, with the aim of reducing recidivism and thus promoting safer communities. The creation of the Women's' Community Justice Centre and developments in unpaid work are already actions within the Safer and Stronger action plan, and the roll of unpaid work service users in contributing to wider actions within the Safer and Stronger and Greener Community Plans is also under discussion.

4. **Legal** – none
 5. **Property/Assets** – none
 6. **Information Technology** – none
 7. **Equality & Human Rights**
 - (a) 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. 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
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List of Background Papers

None.

The foregoing background papers will be retained within Children's Services for inspection by the public for the prescribed period of four years from the date of the meeting. The contact officer within the service is Dorothy Hawthorn, head of childcare and criminal justice, tel 0141 618 6839)

Children's Services

DH

20 April 2015

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Appendix

	COMPARISON OF SCOTTISH GOVERNMENT CRIMINAL JUSTICE SERVICES GRANT			
Service	Final 2014/15 Allocation		2015/16 Allocation	Variance*
<u>Core</u>		<u>Core</u>		
Community Payback Order	£1,111,917	Community Payback Order	£1,128,494	£16,577
Criminal Justice Social Work Reports	£334,002	Criminal Justice Social Work Reports	£373,050	£39,048
Throughcare	£226,841	Throughcare	£401,662	£174,821
Home Detention Curfew	£9,299	Home Detention Curfew	£10,666	£1,367
Diversion	£30,176	Diversion	£44,704	£14,528
Bail	£120,946	Bail	£146,377	£25,431
Court Services	£108,620	Court Services	£126,699	£18,079
		Drug Treatment and Testing Orders	£156,807	£156,807
	£1,941,801		£2,388,460	£446,659
<u>Non Core Services</u>		<u>Non Core Services</u>		
Community Sexual Offender Treatment Programme/MFMC	£246,797	Community Sexual Offender Treatment Programme/MFMC	£246,797	£0
Constructs Positive Steps to Stop Offending	£177,774	Constructs Positive Steps to Stop Offending	£177,774	£0
Training and Development	£60,000	Training and Development	£60,000	£0

Non –Centrally Initiated Funding	£346,155	Non –Centrally Initiated Funding	£346,155	£0
Women's' Justice Service	£46,000 (12 months)	Women's' Justice Service	£0	£-46,000
		Arrest Referral	£34,440	£34,440
		Fiscal Work Orders	£21,300	£21,300
	£876,726		£886,466	£9,740
	£2,818,527		£3,274,926	£456,399

NB. This appendix does not include the £1,100,000 grant award to the Turnaround Service, which is included within Renfrewshire Council's grant award but which finances Turning Point Scotland residential and community services across North Strathclyde Community Justice Authority and South West Scotland Community Justice Authority. Renfrewshire Council holds this grant for administrative purposes only.