

To: Education and Children Policy Board

On: 18 August 2016

Report by: Director of Children's Services

Heading: Criminal Justice Grant 2016/17 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 2016/17 will be £3,354,876 representing an increase of £49,950. A detailed breakdown of the allocation is provided in Appendix 1 of 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 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 2016/17.
- 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 2016/17 grant thus reflects that 35% of the workload of NSCJA is undertaken by Renfrewshire Council.
- 1.5. The core funding increase of £28,601 relates to workload increases across the range of core services provided.
- 1.6. Non-core funding has increased by £21,349. This reflects the increased funding for work with women offenders and a slight increase in the funding for Fiscal Work Orders where individuals will be diverted from prosecution and

required to undertake unpaid work. Fiscal Work Order funding is distributed within NSCJA based on each local authority's percentage share of the core budget, thus despite there being no increase to the Fiscal Work Order budget for NSCJA in 2016/17, Renfrewshire's percentage share of the NSCJA workload has increased from 34 to 35% since 2015/16.

- 1.7. On 9 June 2016 NSCJA received notification from the Justice Division that a further £393,683 S27 funding will be awarded to the CJA, that this funding reflects budget transfer from the Scottish Prison Service and requires to be utilised for prevention and alternatives to custody. The allocation for Renfrewshire will be determined by the NSCJA Board on 9 September 2016. Work is underway to consider how this funding can be best utilised within the financial year.
- 1.8. Other criminal justice developments include the creation of a pilot bail supervision service for women, Renfrewshire's involvement in the Scottish Government Penal Policy Improvement Project to reduce the use of remand, and staff have been trained in the provision of the Up2U domestic violence programme. Renfrewshire has also implemented the MAPPA extension for other offenders who present a serious risk of harm to the public.
- 1.9. A report provided to the Social Work, Health and Wellbeing Policy Board in March 2015 detailed the new model of community justice, advising that Community Justice Authorities would be disestablished and new community justice arrangements put in place. The Community Justice Scotland Act 2016 received Royal Assent on 21 March 2016. Community Justice Authorities will be disestablished on 31 March 2017.
- 1.10. Criminal Justice Social Work will continue to be delivered by the Local Authority. This will impact on the provision of funding, with grants awarded directly to Local Authorities as of 1 April 2017.
- 1.11. Work has also taken place nationally to review the criminal justice funding formula. It is proposed that there is a move from 75% of allocation being workload related and 25% being needs related i.e. based on unemployed males 16-24; to a 50% workload based grant with the needs element replaced by measuring the Social & Economic Cost of Crime (E&SCC). It is also proposed that the majority of non core funding, except for a few protected areas, is distributed according to the formula. This was considered at the COSLA Settlement and Distribution Group on 12 May, however no decision was made with further information sought.

2. Recommendations

- 2.1. The Education and Children Policy Board is asked to note:
 - a) Note the indicative budget allocation of £3,354,876 for criminal justice social work services in Renfrewshire for 2016/17 as detailed in Appendix 1.
 - b) Note updates in relation to:

- MAPPA Extension
 - Up2U Building Health Relationships
 - NSCJA Bail Supervision Service for Female Offenders/the Penal Policy Improvement Project
 - The new model for Community Justice
-

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 2016/17 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 2016/17 will be £3,354,876 consisting of £2,417,061 core funding and £937,815 non-core funding. Core funding allocation has increased by £28,601 and non-core funding increased by £21,349 since 2015/16. The overall difference to the grant allocation is an increase of £49,950. A further breakdown of the allocation is detailed in Appendix 1 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 then 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 2016/17. This continues into 2016/17, with NSCJA receiving

the maximum 2% budget reduction this year. This relates primarily to decreases in workloads within other CJA Local Authorities, as the majority of Renfrewshire workloads continue to rise.

- 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 2016/17 allocation is based on workload statistics, as stated Renfrewshire is currently 35% of the NSCJA workload.
- 3.8. The grant award to Renfrewshire Council reflects the fact that some services are provided by Renfrewshire for other authorities within the CJA e.g. Pathways Partnership Project provides a service for Renfrewshire, East Renfrewshire and Inverclyde, whilst court social work services and arrest referral 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. 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 total grant for the Non-core support programme in Renfrewshire is £937,815, representing an increase of £21,349 since 2015/16.
- 3.10. This increase reflects additional funding for women offenders, provided for bail supervision and diversionary activities, and an increased share of the NSCJA Fiscal Work Orders budget in 2016/17 based on Renfrewshire's increasing share of the NSCJA workload.
- 3.11. 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. Work is still outstanding to calculate actual costs for delivering the programme. The grant letter has advised that the current level of funding provided to Renfrewshire will be maintained for 2016/17 whilst there is ongoing engagement with stakeholders. Renfrewshire runs MFMC for Renfrewshire, East Renfrewshire and Inverclyde, 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. Currently funding remains at the previous level and the three authorities contribute further funding from their throughcare budgets to meet the actual cost of service delivery. (These contributions are already contained within the current Renfrewshire throughcare grant).

- 3.12. **MAPPA extension:** Multi Agency Public Protection Arrangements (MAPPA) was introduced in April 2006 as a result of the Management of Offenders etc (Scotland) Act 2005. This requires the Police, Local Authorities, Health Boards and the Scottish Prison Service as the Responsible Authorities to establish multi-agency arrangements to assess and manage the risk posed by certain categories of offender.
- 3.13. Since 2006 this has related to registered sexual offenders who required to notify under sexual offences legislation, and mentally disordered restricted patients. However from 31 March 2016 Section 10(1)(e) of the above act extends the arrangements to include 'other' offenders who are:
 - a) Convicted of an offence and considered by the responsible authorities to be a person who may cause serious harm to the public.
 - And** b) By virtue of that conviction required to be under supervision by any enactment, order, or licence.
 - And** c) The risk of serious harm posed is assessed as requiring active multi-agency management at MAPPA level 2 or 3.

The definition of serious harm being:

'There is a risk of harmful behaviour which is life threatening and/or traumatic and from which the victim's recovery, whether physical or psychological, can be expected to be difficult or impossible'. (RMA/FAME)

- 3.14. There is no automatic or statutory inclusion in this category, it is for the Responsible Authorities to decide, based upon the published criteria, to whom they wish it to apply. The criteria for 'other' offenders reflect that this extension will consider the critical few nationally, it is not an extension for all violent offenders. The Risk Management Authority considers that this will equate to approximately 100 cases nationally and numbers will be monitored by Scottish Government. Initial commencement nationally relates to those being released from custody from 31 March 2016, with existing cases being added incrementally. Multi-agency discussions have been undertaken locally to ensure that arrangements are in place for those where release timescales are known, and those where sudden release could be anticipated.
- 3.15. **Up2U: Creating Healthy Relationships:** At the end of 2015 a scoping exercise was undertaken to find an evidence based individual programme for

criminal justice social workers to work with those subject to criminal justice statutory orders who commit domestic abuse. Up2U: Creating Healthy Relationships was selected as the most appropriate to take forward. Up2U is an innovative programme developed by Portsmouth City Council for people who use domestically abusive behaviours in their intimate partner relationships. The programme is evidence based and has been developed with the support of a Quality Assurance Group consisting of representatives from Victim Support Services, Mental Health, Children's Services, Substance Services and Health. It is based on research and practice successfully used in offender rehabilitation, motivational interviewing and attachment theory.

Up2U recognises that people use domestic abuse for different underlying reasons ranging from childhood trauma and emotional deregulation, learned behaviour, attitudes that support gender differentials, poor conflict resolution to the use of power and control resulting in different typologies of domestic abusers. Therefore Up2U is an assessment led intervention programme responding to individual need, risk and responsivity by offering tailored packages to suit the needs of the individual. When someone is accepted onto Up2U support is offered to their partner/ex-partner to ensure ongoing safety and risk management, this support is provided from a range of Council and third sector services.

Criminal Justice Social Work and a staff member from Women and Children First have undertaken the training in February and April 2016 and a screening facility is underway to ensure all relevant cases are considered for intervention. Staff are also liaising with Dr Dominic Pearson, University of Portsmouth who is leading on the evaluation of the programme.

- 3.16. **The North Strathclyde Bail Supervision Service:** In September 2015 a letter from the Scottish Government Justice Division advised of a further £107,563 S27 grant for NSCJA. A £1.5million budget transfer had already taken place from the Scottish Prison Service as a result of the decision not to build HMP Inverclyde. Local Authorities had been offered the opportunity to bid for this funding, and Renfrewshire received £30,000 for 2015/16. The remaining funds were then divided equally across the eight CJAs. The letter advised that this grant required to be utilised to support the expansion of Supervised Bail and Early Stage Diversion initiatives for female offenders. As a result the North Strathclyde Bail Supervision Service for female offenders commenced in March 2016, providing supervised bail for females attending Paisley, Dumbarton and Greenock Sheriff Courts, this service is run by SACRO. The Renfrewshire Criminal Justice Services Manager chairs the Operational group across the four local authorities, and represents Renfrewshire Council on the Strategic Group chaired by the NSCJA Chief Officer.
- 3.17. In March 2016 NSCJA was advised that £187,500 was to be made available to NSCJA to support a reduction in the use of custody for women and to sustain any projects set up in 2015/16. The NSCJA board agreed that £43,000 of this would be used to sustain the SACRO service until 30 June 2017 and that the remainder would be split equally across the CJA local authorities on the basis of their percentage of the core grant i.e. 35% for Renfrewshire, £50,575. This will be used to fund an additional Social Worker in the Womens' Community Justice Service.

- 3.18. **The Penal Policy Improvement Project:** On 20 May 2015 the Scottish Government wrote to local authorities seeking expressions of interest to be part of a project to reduce the use of imprisonment, both remand and sentences. The project sought to use improvement methodology for testing change. Renfrewshire responded and is one of three local authorities in Scotland, the others being Dundee and South Lanarkshire Councils, which is engaging in the project. Renfrewshire is focussing on reducing the use of remand and has utilised the NSCJA Bail supervision service to test the stages of information sharing and decision making across the range of agencies involved. A multi-agency group with representation from the Scottish Government Justice Division, Police Scotland, The Scottish Court Service, the Crown Office Procurator Fiscal Service, SACRO and the local authority is led by the Renfrewshire Criminal Justice Services Manager. The Sheriff Principal, North Strathclyde Sheriffdom has also been consulted and agreed to the provision of court data.
- 3.19. On 9 June NSCJA received further information that an additional £393,683 S27 funding was being awarded to NSCJA, further budget transfer from SPS. Renfrewshire will receive an allocation for the development of prevention and alternative to custody services subject to agreement at the board on 9 September 2016. This requires to be used to meet local priorities and needs in consultation with the local community justice partners and stakeholders and the third sector.
- 3.20. 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 2016/17. 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. It is anticipated that this service will be funded directly from government or from Community Justice Scotland from 1 April 2017 as opposed to their present situation where Renfrewshire administers the grant on behalf of NSCJA.
- 3.21. The national Reducing Reoffending Change Fund initially funded until March 2015 will be continued until 31 March 2017 by which time it is anticipated that the new 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, and Turning Point Scotland, the lead third sector agency in relation to the HMP Low Moss PSP which supports adult male offenders returning to Renfrewshire from HMP Low Moss. 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 and Low Moss.

- 3.22. **The Criminal Justice Funding Formula:** Work has also taken place nationally to review the criminal justice funding formula. In January 2015, a funding Technical Advisory Group (TAG) was established with agreement of the main community justice funding group to undertake a review and options appraisal for developing a new funding formula. This advisory group includes representation from Social Work Scotland, CJAs, Local Authorities, COSLA, Scottish Local Government Partnerships (SLGP) and Scottish Government.
- 3.23. It is proposed that there is a move from the current method of allocation in which 75% of allocation is workload related and 25% is needs related i.e. based on unemployed males 16-24; to a 50% workload based grant with the needs element replaced by measuring the Social & Economic Cost of Crime (E&SCC). Also that non core funding is no longer protected for all areas as previously, instead that the majority of non core funding, except for a few protected areas such as Turnaround and MFMC is distributed according to the formula.
- 3.24. There is as yet no information available as to the impact that this would have on individual local authority budgets. However it is recognised that 18 Local Authorities would gain whilst 13 would reduce their funding based on this formula. It is proposed that tapering would take place over a three year period to reduce the impact of the change.
- 3.25. The new formula was considered at the COSLA Settlement and Distribution Group on 12 May, however no decision was made as further information is being sought.
- 3.26. **The New Model of Community Justice:** A report provided to the Social Work, Health and Wellbeing Policy Board in March 2015 detailed the new model of community justice, advising that Community Justice Authorities would be disestablished and new community justice arrangements put in place. This will impact on the provision of funding, from 1 April 2017 grants will be awarded directly to Local Authorities.
- 3.27. The Community Justice Scotland Act 2016 received Royal assent on 21 March 2016. Under the new model, the Community Justice Authorities will be disestablished on 31 March 2017 and new community justice arrangements will be put in place at both a national and local level, placing a duty on statutory partners to have regard to the National Strategy for Community Justice. A new national strategy for offenders and a performance and improvement framework will provide the model against which partnerships will plan and report.
- 3.28. Within Renfrewshire the Community Justice Steering Group has been created which reports to the Safer and Stronger Renfrewshire Thematic Board. Criminal Justice Social Work will continue to be delivered by the Local Authority. The statutory partners must work together to prepare a plan for their local authority area, to be submitted to Community Justice Scotland by March 2017. They will be jointly responsible for the plan's development and implementation. An initial Transitions Report was approved by the Leadership Board and submitted to Scottish Government on 31 March 2016.

Implications of this report

- 1. Financial Implications**
The indicative grant allocation for Renfrewshire 2016/17 is £3,354,876 and detailed in Appendix 1.
- 2. HR and Organisational Development Implications**
None.
- 3. Community Plan/Council Plan Implications**

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 Womens' 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 underway.
--------------------	--
- 4. Legal Implications**
None.
- 5. Property/Assets Implications**
None.
- 6. Information Technology Implications**
None.
- 7. Equality and Human Rights Implications**

(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 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. (Report author to arrange this).
- 8. Health and Safety Implications**
None.
- 9. Procurement Implications**
None.
- 10. Risk Implications**

None.

11. Privacy Impact

None.

List of Background Papers

(a) Background Paper 1: 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 Service Childcare and Criminal Justice, 0141 618 6827.

Children's Services

DH/MG

22/7/16

Author: Dorothy Hawthorn, Head of Service Childcare and Criminal Justice, 0141 618 6827.

Appendix 1

	COMPARISON OF SCOTTISH GOVERNMENT CRIMINAL JUSTICE SERVICES GRANT			
Service	Final 2015/16 Allocation		2016/17 Allocation	Variance*
<u>Core</u>		<u>Core</u>		
Community Payback Order	£1,128,494	Community Payback Order	£1,092,546	-£35,948
Criminal Justice Social Work Reports	£373,050	Criminal Justice Social Work Reports	£369,151	-£3,899
Throughcare	£401,662	Throughcare	£424,990	£23,328
Home Detention Curfew	£10,666	Home Detention Curfew	£11,267	£601
Diversion	£44,704	Diversion	£47,555	£2,851
Bail	£146,377	Bail	£156,734	£10,357
Court Services	£126,699	Court Services	£147,476	£20,777
Drug Treatment and Testing Orders	£156,807	Drug Treatment and Testing Orders	£167,342	£10,535
	£2,388,460		£2,417,061	£28,601
<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
Womens' Justice Service	£30,000	Womens' Justice Service	£50,575	£20,575
Arrest Referral	£34,440	Arrest Referral	£34,440	£0
Fiscal Work Orders	£21,300	Fiscal Work Orders	£22,074	£774
	£916,466		£937,815	£21,349
	£3,304,926		£3,354,876	£49,950

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.