

**CRIMINAL JUSTICE SOCIAL WORK PERFORMANCE
INSPECTION PROGRAMME 2003-2007**

Final Report

2007

Social Work Inspection Agency

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EXECUTIVE SUMMARY

Introduction

This report summarises the main findings of the programme of inspections of criminal justice social work services that the Social Work Inspection Agency (SWIA) carried out between September 2003 and April 2007. The findings are the basis for a number of recommendations to help move services forward. The report recognises the important contributions of Local Authorities, Community Justice Authorities and the Scottish Government in together providing a framework for and delivering more effective services.

The programme covered all unitary authorities and groupings of authorities providing criminal justice social work services, focusing on critical, higher volume services including court reports, probation, community service and the statutory supervision of released prisoners.

In the report we cite the evidence that we found at the time. In some instances this goes back over three years and we know that there have since been improvements in performance. However, we found that some themes and issues recurred throughout the inspection programme. We think this points to the need both for better local management and for more concerted national action to lead service improvements.

Main findings

Using a four-point scale we assessed the quality of reports for the courts and the Parole Board and the quality of practice as reflected in samples of case files. We also observed practice, interviewed staff about their work and sought the views of Sheriffs and the beneficiaries of community service.

We found good and very good practice across all the dimensions of practice we evaluated. There was, however, wide variation in the performance of individual groupings/authorities and a need for more consistently good performance.

Just under 40% of the social enquiry reports reached a wholly acceptable standard. The main deficits were in the quality of the analysis of offending and related risk assessment and in the way in which this information, together with other relevant information, was used to inform conclusions in reports.

Over three-quarters of offenders on statutory supervision had a supervision plan. Just over half of these plans were routinely reviewed and updated in line with the requirements of National Standards.

Working with offenders in overseeing and enforcing their compliance with the conditions of their statutory orders or licences was handled well in just over half of all supervision cases.

Whilst we found some good examples of working with offenders on attitudes, behaviours and distorted thinking, practitioners were better at dealing with the personal and social problems associated with offending.

Work with sex offenders was of a higher standard than work with any other group of offenders.

Work with other serious violent offenders was not strong. There needed to be more effective risk assessment and risk management and more options to help offenders to address their offending.

Practitioners were not systematically helping offenders to access the necessary range of services that could assist them with problems related to their offending.

Local authorities needed to improve the way they commissioned and monitored the performance of services they purchased to help offenders with problems associated with offending.

More should be done to realise the full potential of Community Service Orders.

Local authorities were not always gaining the full benefits of partnership working and making best use of the resources available.

Local authorities were collecting and using relatively little information about how well services were performing.

There had been some significant delays in taking forward national initiatives to improve practice.

The way ahead

The report contains 11 recommendations to improve practice. It also highlights key messages that touch on the respective roles and responsibilities of Local Authorities, Community Justice Authorities and the Scottish Government in driving improvement and change.

Local Authorities at senior management and elected member levels should exercise the necessary management oversight, taking active responsibility for their criminal justice services within the wider planning and performance framework of their Community Justice Authority. They must work closely with other local services to ensure that offenders in their authority have access to all the necessary services that support and further their social inclusion and help to reduce re-offending.

Community Justice Authorities must support partnership working and promote more joined-up services. Their contribution to delivering national priorities, and monitoring performance will be crucial to effective change.

The Scottish Government must provide a strong lead in taking forward the strategic change agenda. This includes developing an effective practice strategy, and bringing to fruition work on national key performance indicators and revised National Standards.

1. THE INSPECTION PROGRAMME

The inspection programme of local authority criminal justice social work services began in September 2003. Previous inspections had been about specific areas of service and Ministers' interest was to take a thorough look at the detail of practice across Scotland.

We designed the inspection methodology to examine compliance with National Standards for timescales, attendance and enforcement and to judge whether work with offenders was being carried out according to effective practice principles. We read advance information, looked at samples of files and reports, observed practice, interviewed practitioners and managers, talked with partner agencies providing essential support services and consulted service users, judges and the beneficiaries of community service.

We assessed reports and the work reflected in case files on a four-point scale:

- 'poor' was unacceptable;
- 'adequate' reached a minimum standard but with substantial room for improvement;
- 'good' reflected a wholly acceptable standard; and
- 'very good' reflected a very high standard.

We gave authorities and groupings initial feedback about our findings no longer than two weeks after the end of the inspection fieldwork and normally published a report within three months.

The inspection programme examined the most important aspects of criminal justice social work services. We looked at core, high volume services, in particular reports for the courts, supervision on probation and statutory licence, and community service. We did not look at lower volume services like diversion from prosecution, bail supervision and supervised attendance orders. Neither did we cover specialist services like drug testing and treatment orders.

The programme began before SWIA introduced its wider programme of performance inspections of local authority social work services. This latter programme takes a slightly different approach, using a performance improvement model and including a formal assessment of management competence and capacity. Where the criminal justice services of an authority had been inspected within the previous three years they were not included in the wider performance inspections.

This programme of inspections was conducted over a four-year cycle. The findings reported here reflect what was found in each grouping/authority at the time. Each grouping/authority was asked to prepare an action plan to address Inspectors' recommendations within three months of the date of publication of their report, with a progress report due nine months later. In most instances these have been satisfactory although it has proved necessary to undertake a follow-up inspection in two instances and a follow-up visit in one.

2. WHAT OUR FINDINGS TELL US

During the course of the inspection programme we read:

- 1,773 social enquiry reports;
- 246 home background reports;
- 484 probation case files;
- 314 case files on those subject to probation with a condition of unpaid work;
- 339 community service files;
- 189 parole case files; and
- 85 non-parole case files.

Below we set out our main findings from the file reading and our interviews and practice observations. In some authorities (particularly in the islands authorities) the case file samples were very small and the percentages derived from them should be treated with a degree of caution. In line with our published reports we state the figure for the grouping where authorities are part of a grouping of authorities. In some instances we identify the performance of individual authorities within a grouping where this was markedly stronger or weaker than the cited figures.

The findings show wide variations in performance with some very good practice and some that left very substantial room for improvement. In some instances the quality of case records was weak and failed to capture essential information about planning, levels of contact and work undertaken with offenders.

Social enquiry and home background reports and related risk assessments

Social enquiry reports help to inform sentencing decisions and contribute to public protection. They should contain assessments that can form the basis for initial decisions about how to work with the offender if the court decides to make a community order.

Findings

Of the 1773 social enquiry reports sampled, 668 or just under 40% reached a wholly acceptable standard (assessed as 'good' or 'very good').

The performance range extended from around 60% of the reports sampled in Fife and Shetland to 25% of the Northern partnership sample (the overall grade of this partnership was affected by the gradings for Aberdeen City. Only 10% of the City's sample was wholly acceptable).

Of the 246 home background reports we read just over 40% were of a wholly acceptable standard.

Conclusions

The overall standard of court reports, home background reports and related risk assessments was not good enough. The main issues that contributed to these ratings were:

- social enquiry report authors too frequently simply played back the offender's version of the current offence with little investigation and analysis of the events and context. Dealing with the offence would be easier if report writers had more information about the current offence from the Procurator Fiscal but social workers' interviews were still not probing enough;
- social enquiry report authors' assessments of the risk of re-offending risk of harm were not well enough informed by sound risk assessment practice. Guidance to staff on risk assessment was not always clear or well disseminated. Training was not of a consistently high standard and for some staff it had been a long time ago. A few staff were undertaking risk assessments without having completed the necessary training. Some staff were resistant to using any structured risk assessment tools;
- too few social enquiry report authors wrote clearly and concisely. The language of some reports was unnecessarily formal. They frequently used jargon and over elaborate sentences. They said they did this because they thought that it lent their reports more credibility. Sheriffs reading reports did not agree. This style made reports less accessible to offenders;
- too few home background report authors provided a sound assessment of the possible risks to the community arising from the offender's release. There were also weaknesses in the ways in which they detailed what resources, including specialist resources, would be used to supervise the offender in the community.

Services most frequently used peer review and report sampling to check the quality of reports. Some authorities had carried out formal audits and reported to staff on the findings. Some also sought the views of sentencers. In too many authorities the processes for checking the quality of reports were not rigorous enough.

Following a long gestation period, the Scottish Government has commissioned and piloted a new risk assessment tool¹ to help with the assessment of risk of re-conviction and to screen for risk of harm and there are plans to roll this out nationally by March 2009. This process has been very slow. The evidence from our inspections shows that introducing a new generic risk assessment framework nationally will need to be very carefully managed, with a stronger strategic lead from the Scottish Government, if the overall standard of risk assessment is to rise. This strategic lead should encompass a thorough training and implementation programme.

The way staff currently learn to write reports is based too much on custom and habit and there is a strong case for changing the training approach away from what currently constitutes an 'apprenticeship' model to one that addresses the quality and consistency of the content, analysis and conclusions of reports.

Recommendations

Local Authorities/Community Justice Authorities should ensure that all staff writing social enquiry reports are provided with training that addresses the quality and consistency of the content, analysis and conclusions of reports.

The Scottish Government should give a stronger strategic lead to improving risk assessment practice.

¹ 'Level of Service Case Management Inventory'

Reducing re-offending

The National Strategy for the Management of Offenders² sets a target of reducing re-conviction rates in all types of offences by 2% by March 2008. It also identifies other outcomes for offenders. These include reduced or stabilised substance misuse, improved literacy skills, increased employability prospects, improved physical and mental well-being, access to community support including financial advice and education, improved family and social relationships and access to suitable accommodation.

Effective practice and case management

Research suggests that strategies for reducing re-offending with any one offender are likely to involve a number of different elements³. These can include participation in individual or group work to challenge attitudes and to improve problem solving and cognitive skills, and assistance to address the range of needs listed above (so called 'criminogenic' needs because they are statistically associated with offending). Offenders are also positively influenced by the ways in which criminal justice staff interact with them. It is not sufficient simply to identify what services should be delivered—staff should know how to deliver them. As no two offenders are the same it is important that services are individualised⁴.

Effective case management (that is working with the offender and others to access and co-ordinate the services and resources needed to address problems like these) should therefore help motivate offenders to engage in work to address their offending behaviour; help them find ways of tackling personal and social problems that make re-offending more likely; monitor risk factors that can signal imminent offending (particularly important with high-risk offenders) and offer a positive role model.

Addressing anti-social attitudes, behaviours and distorted thinking and improving problem solving and cognitive skills

Addressing these issues is one strand of an effective practice strategy. We looked at the content of supervision to establish how well this was done.

Main findings

We found that services were using a wide range of interventions but of these, non-programme individual work was by far the most common. In even the best performing services little more than half the cases we sampled used any other approach. 'Targets for Effective Change' materials were the preferred choice of individual practitioners for one-to-one work.

Some authorities were running short, bespoke group work programmes. These varied in frequency and throughput. Most programmes had been put together locally. Programmes were generally well attended. Where there were eligibility criteria these were usually based on the nature of the offence and level of assessed risk.

In the better performing authorities the quality of core practice skills was higher. Best practice was evident where social workers had planned and were well prepared. Better performance

2 Scottish Executive, May 2006

3 Reducing Re-Offending: Key Practice Skills: McNeill F, Batchelor S, Burnett S, and Knox J: 21st Century Social Work: Scottish Executive 2005

4 'How the resettlement of prisoners promotes desistance from crime: or does it? Maguire M and Raynor P: Journal of Criminology and Criminal Justice; Vol 6(1) 2006

also correlated positively with the quality of case recording. Services that performed well promoted accountability and had accurate, up-to-date records.

There was too often a lack of joint working between group work programme staff and case managers. Levels of contact with case managers could drop significantly during periods where the offender was attending a group.

With the exception of those convicted of sexual offences, offenders had no access to accredited programmes. The then Scottish Executive established an Accreditation Panel in 2003. By August 2007 when this programme of inspections was completed, the panel had accredited two programmes – the C-SOGP and ‘Constructs PSSO⁵’.

Conclusions

Interventions to help offenders to address anti-social attitudes, behaviours and distorted thinking and to improve their problem solving and cognitive skills were mainly delivered through individual supervision and short, locally developed group work programmes. Research evidence suggests that interventions to address issues of this kind need to be matched to levels of risk and need, well thought out and delivered to a consistent standard by staff with appropriate training⁶. They must be long enough to facilitate learning and, to avoid drop-out, offenders should be motivated and supported to participate. At the same time offenders may also need help with other problems related to their offending. Programmes of this kind are more likely to be effective when case managers link well with programmes to reinforce the learning and consolidate change gains.

Interventions with these characteristics were not widely enough available. This was not helped by the slow progress made by the Scottish Accreditation Panel. The balance of most work was more towards addressing problems relating to offending than towards the attitudes and behaviours manifested in the offending itself.

The Scottish Government has recently introduced, Constructs PSSO, an accredited general offending programme for men aged 18+ which, if well implemented, should go some way towards righting this balance.

In remote and rural areas group work programmes are not viable and other ways have to be found to deliver a service that accords with effective practice principles. Some priority therefore needs to be given to the development and use of one-to-one options for programme work.

Addressing criminogenic needs

Analyses of the social circumstances of offenders show that most are socially disadvantaged. Statistics reveal high levels of family breakdown and unemployment, low levels of educational attainment, relationship difficulties, poor life skills, alcohol and drug misuse, mental and physical health problems and accommodation difficulties⁷. Finding ways to help offenders to tackle problems of this kind is frequently an important component of an action plan to reduce offending and to support change (so-called ‘hooks for change’)⁸.

5 Community Sex Offender Group Work Programme and ‘Constructs’ - Positive Steps to Stop Offending

6 (McGuire J and Priestley P: What Works: Reducing Re-Offending-Guidelines from Research and Practice. Chichester: Wiley 1995

7 Reducing Re-offending by Ex-Prisoners, Report of the Social Extension Unit, the Cabinet Office 2002

8 Farrall S and Bowling B (1999) ‘Structuration, Human Development and Desistance from Crime’ British Journal of Criminology 39(2): pp 252-67

Main findings

We found that in every authority or grouping, criminogenic needs were better addressed than offending behaviour, sometimes markedly so. Examples of good practice we observed included:

- offenders with patterns of offending related to substance misuse who had been helped by effective joint working to tackle this misuse and stop or reduce their level of offending;
- offenders with histories of serious violent offending and of mental health problems whose dangerous behaviour was being managed by close joint working between criminal justice social work services, forensic mental health services and the police; and
- offenders who had experienced repeat homelessness who had been helped to maintain a tenancy and achieve some stability in their lives.

We found that the availability of resources that would help tackle problem areas in offenders' lives differed across authorities and groupings and that practitioners were not systematically helping offenders to access relevant services.

Generally, criminal justice staff could refer offenders to services open to the wider public (such as housing, employment or health services) or to resources commissioned by the council department of which they were a part. However, as the needs of other people who used services often had greater priority, criminal justice social work services also made additional arrangements, either by commissioning services specifically for offenders or by developing services in-house.

The most commonly used agencies from which services were commissioned included:

- APEX Scotland (to improve employability);
- SACRO (most often to provide a supported accommodation service);
- Turning Point (to address addiction problems);
- NCH Scotland (to deal with particular issues faced by young offenders); and
- Local Councils on Alcohol.

Most practitioners were positive about the added value of working with these external organisations, particularly where clear expectations had been agreed at senior management level, where communication was good, and where partners with an ongoing involvement attended supervision reviews.

Too commonly, nevertheless, we found weaknesses in the monitoring and evaluation of commissioned services. Up-to-date service level agreements (SLAs) were not in place in many areas. Where they were in place, local authorities had rarely set out clear and measurable targets and outcomes or required the commissioned service to provide performance monitoring information.

These weaknesses often extended to services provided in-house. A number of authorities or partnerships employed dedicated addictions, employability or housing support staff but did not normally measure the effectiveness of the services provided.

We found that some case managers contributed to the variations in quality and range of provision for offenders by failing to make systematic and appropriate use of available resources. Examples included:

- low referral rates to some commissioned or in-house resources;
- lack of ongoing contact with agencies following referral;
- failure to agree joint action plans; and
- failure to invite partner agencies to attend reviews.

Conclusions

One way of addressing variations in the quality and range of services that support offenders to reduce their offending would be to introduce a nationally approved 'menu' of activities/services that authorities should provide or commission and that case managers should draw on. Such a 'menu' could form one strand of an effective practice strategy.

Providing this 'menu' and running more accredited programmes will only be viable if the Scottish Government and Local Authorities consider the changes needed to deliver them (including looking at the ways existing resources are deployed and identifying any extra resources that may be required). The efficient and effective allocation of resources is a key test for the new Community Justice Authorities.

Recommendations

Local Authorities should improve the way they commission services and monitor and evaluate their performance.

The Scottish Government should consider introducing a nationally approved 'menu' of services that support offenders to reduce their offending.

The Scottish Government, Community Justice Authorities and Local Authorities should together consider how to take forward the effective practice agenda to provide the right balance of accredited programmes and other services that help reduce re-offending.

Planning and review

Developing individual supervision plans and reviewing and updating them regularly is a key element of practice.

Main findings

There were supervision plans in over three-quarters of the 1072 case files we read (this figure excludes community service). In even the poorest performing grouping/authority, over 60% of the files sampled contained a plan.

We found substantial differences in the quality of plans. Some were well focussed and made good use of all the relevant information about the offender and his circumstances. In Angus, for example, managers had introduced a template that required practitioners to record:

- the assessed levels of risk and harm;
- any additional statutory conditions and the action needed to meet them;
- offence-focussed issues and how they would be addressed in supervision;
- other identified issues that were relevant;

- whether any other departmental social work service had an interest;
- whether the offender was a substance misuser with children or regular access to children; and
- whether there were mental health problems.

This template offered a sound basis from which to implement service delivery. By contrast in North Lanarkshire staff were using a computer-generated template for preparing action plans that did not help them to prepare clear and specific supervision plans. They commented that it was 'not user friendly', and that it was 'long and unwieldy'.

Performance relating to the conduct of case reviews was not so good. There was a review of the supervision plan as required by National Standards in just over 50% of the cases we read. Performance ranged from 100% of cases sampled in Orkney (a sample of only 15) to less than 33% of those in Dumfries and Galloway.

Conclusions

Where plans were SMART (specific, measurable, achievable, realistic and time-limited) the service follow through in addressing, offenders' behaviours and criminogenic needs was generally better. Case managers made more use of available information including the conclusions of structured risk assessments to focus supervision on the specific issues that influenced the offender's risk of re-conviction.

The figures for reviews showed that, too often, services did not review offenders' supervision plans and progress in achieving identified goals and tasks at the intervals required by National Standards. This led to a considerable amount of 'drift' and to reactive rather than pro-active practice.

We found that good case planning and regular reviewing were more evident where managers had underpinned these key processes with clear procedures and protocols and routine monitoring.

Compliance and enforcement

Ensuring that offenders comply with the conditions of their orders or licences is an important aspect of practice. As well as reflecting the requirements of the court they constitute a lever for the supervisor in working with offenders to address their offending. Wherever possible the aim should be to use enforcement procedures to achieve compliance with an order or licence rather than to breach it. In the event of breach, the possibility of continuing to work with the offender should not be ruled out.

Main findings

Overall, services managed compliance and enforcement issues well in just over 50% the 1072 case files we read (this figure excludes community service).

The range extended from 33% of the cases sampled in the Western Isles to 70% in East Renfrewshire, Inverclyde, and Renfrewshire.

Conclusions

We found that better performing authorities had clear processes for managing and recording compliance, underpinned by regular reviews of orders and licences at appropriate intervals. In Forth Valley grouping managers had undertaken an audit of practice that had identified inconsistencies in managing compliance and had introduced fresh procedures. In Glasgow by contrast, managers were not routinely monitoring enforcement practice and were relying largely on their staff to consult them about enforcement issues.

In discussion, staff said they were often uncertain about the formal parameters within which they could exercise discretion and frequently used their own judgement. These judgements were usually about whether a particular infringement was 'acceptable' or not.

Whilst we think it is right that practitioners should be able to exercise their judgement, our findings pointed up too much inconsistency in the ways that discretion was being exercised and recorded. A too flexible and unstructured use of discretion generates inconsistency and unfairness and undermines the intentions of sentencers. We think that the current National Standards do not offer a clear enough framework for enforcement and compliance and they need to be revised. Practitioners should also remember that warning offenders and instituting breach proceedings does not mean that they have to stop working with them. Continuing contact can underline the case manager's commitment to work towards a positive outcome and help the court or Parole Board decide whether to continue an order or licence.

Recommendation

National Standards should provide a clearer framework for enforcement and compliance, particularly in the exercise of discretion.

Work with high-risk offenders

Because of the nature of the offending and the heightened risk to the community our inspections took a closer look at the community supervision of high-risk offenders. Our definition of high risk included all categories of sex offending and other violent offences that had caused, or had the potential to cause, serious harm.

Sex offenders

Almost all authorities had written protocols with the police that set out procedures for the oversight and resettlement of sex offenders and we found examples of good joint working with the police to manage risk. These included joint police/social work risk assessment, police representation at case discussions and sex offender liaison groups that regularly reviewed individual cases. However, a number of authorities did not routinely include other partners such as children and families colleagues and housing providers in these liaison groups.

Social enquiry reports and risk assessment

The standard of the sub-sample of social enquiry reports on sex offenders was substantially better than the standard of the full social enquiry report sample (62% compared with 38% of reports were either 'good' or 'very good').

Planning

Sex offenders were more likely to have action plans for the first three months of supervision than other offenders in our sample (81% of sex offenders compared with 77% for the sample as a whole). Sex offenders were more likely to have SMART action plans on file that addressed both offending behaviour and offending-related needs.

Intervention

The content of supervision in addressing the risk of re-offending and harm was judged to be 'good' or 'very good' in 69% of sex offender cases. This figure compares well with the average for the sample as a whole (38%).

These figures reflect the investment that has gone into developing staff competences and resources for work with sex offenders. The quality of the work undertaken in the accredited C-SOGP was impressive. In Fife we directly observed one session and looked at four others on video. They were all well facilitated keeping to the integrity of the programme materials and making effective links between sessions. In some areas social work staff had trained as case managers and we observed them making good use of case management materials in their work with individual offenders.

In those authorities/groupings where the C-SOGP programme was being run there was usually limited capacity. We found that offenders were waiting for extended periods for places and were sometimes unable to access the programme during the currency of their orders.

In South Lanarkshire the housing resource service had introduced two housing support worker posts to provide support and oversight to sex offenders and other high-risk offenders who had been released into the community from prison or the State Hospital on licence who were subject to a court order. These staff worked closely with criminal justice staff and there had been some joint training. They also had access to social work information systems.

Managing compliance

The management of compliance in sex offender cases was substantially better than in the sample as a whole (88% of sex offender cases assessed as 'good' or 'very good' compared with 51% for the full case sample).

Adherence to National Standards

Visits to the offender's home were not being made regularly enough (they were made in 55% of cases). As well as providing an opportunity to work with the offender these also provide a check on the offender's living arrangements and whereabouts.

Violent offenders

Performance in relation to the sub-sample of serious violent offenders was markedly poorer when compared not only with the sex offender sample but with the sample as a whole.

Social enquiry reports

Reports on serious violent offenders failed to reach the standard of the full sample (32% compared with 38% reached a wholly satisfactory standard). In a significant proportion of reports on serious violent offenders, risk of harm analysis was 'poor'.

The quality of related risk assessments was uneven and we have commented earlier in this report on the reasons for this. More authorities must develop more effective risk assessment practices, particularly in relation to the highest-risk offenders. In this context, the Scottish Government has commissioned the Risk Management Authority to develop a multi-agency risk assessment framework for use with violent offenders.

Planning and intervention

A high proportion of serious violent offenders had action plans for the first three months of supervision (73%). However, there were weaknesses in the quality of subsequent supervision of these offenders. The content of supervision in addressing the risk of re-offending and harm was 'good' or 'very good' in just 30% of cases (lower than for the sample as a whole).

The predominant approach to the supervision of serious violent offenders was non-programme individual work, much of which failed to address their offending. A few authorities were running short anger management programmes they had developed themselves and a few were running domestic violence programmes. There are currently no accredited or approved programmes available for addressing violent behaviour and no immediate prospect of any being introduced.

Compliance with National Standards

In managing those offenders assessed as posing a heightened risk of harm to others it is important to ensure that sound monitoring arrangements are in place. We found, however, that the management of compliance in the sample of serious violent offender cases was marginally worse than that in the overall sample (50% compared to 51%).

Too few checks were also made on offenders' living arrangements (they were made in 38% of cases). Practitioners should be alert to risks to other adults and to children.

Conclusions

These findings point up the need for improvements in the supervision and management of high-risk offenders, particularly serious violent offenders. These include the routine screening for risk of serious harm for all offenders and, where necessary, full risk of harm assessments. All cases should have clear SMART action plans. Checks on place of residence and living arrangements must be more frequent. Supervisors should rapidly follow up any instances of absenteeism, unsatisfactory communication or poor behaviour, and apply sanctions for non-compliance more consistently.

We found staff aware of acute risk factors in their work with sex offenders but less so in their work with violent offenders. Staff working with sex offenders are assisted by a case manager's pack that complements the C-SOGP. We think that a case manager's pack for work with high-risk-of-harm violent offenders would help to improve practice.

The Management of Offenders etc. (Scotland) Act 2005 contains provision for responsible authorities in a local authority area to establish Multi-Agency Public Protection Arrangements (MAPPAs) for assessing and managing the risks posed by offenders. The arrangements will apply to sex offenders in the first instance and be extended to other violent offenders later. SWIA plans to carry out an inspection of the effectiveness of these arrangements during the course of 2008 in collaboration with other relevant inspectorates.

Recommendation

The Scottish Government, Community Justice Authorities and Local Authorities should give more priority to improving services for serious violent offenders. This means better risk assessment and risk management and more programmes that require offenders to address their violent behaviour.

Throughcare

Throughcare services are services for prisoners both during their sentence and on release intended both to assist them to reintegrate with society and to help manage the risk they may pose to the public.

Phase 1

In 2002 the then Scottish Executive required groupings/unitary authorities to submit plans to deliver specialist throughcare services with the aim of sharpening the focus of throughcare and building capacity to address the specific service requirements of prisoners. Plans had to be approved by the Scottish Executive. This involved identifying all relevant prisoners (those sentenced to four years custody or over and those serving under four years released on statutory licence), maintaining regular contact with them during their sentences and supervising them on release. The brief to groupings/authorities was that the service should be discrete (to protect the resource) and the responsibility of a single manager.

We found that progress in implementing these changes had been slow and that some of the arrangements local authorities had made were not creating specialist services in the way that was envisaged. In Edinburgh, some practice teams had not designated specialist throughcare staff but had used the additional funding to increase overall staffing levels. In the Ayrshires, the partnership had not succeeded in implementing its original plan to introduce a specialist partnership-wide throughcare service.

A substantial proportion of the serious violent offenders in our case file sample were throughcare cases. Our findings show that this group of offenders was not offered sufficient opportunities to address their offending and that improvements were needed in risk assessment and management. In some cases local authorities offered less of a service to released prisoners than to offenders on probation.

Those services that were provided focussed mainly on resettlement (including accommodation, addictions and employment) following a prisoner's release and did not address offending either at this early stage or later on. Only a few authorities offered those on licence access to offending behaviour programmes. This finding is concerning because the ex-prisoner population includes a significant proportion of offenders who have served long sentences for serious violent offences that have caused significant harm. We think this group of offenders needs an enhanced rather than a reduced service.

In conjunction with HMIP, SWIA is planning to begin an inspection of throughcare arrangements for high-risk prisoners later in 2007.

Phase 2

A later initiative (launched May 2004) provided funding to local authorities/groupings to offer assistance on a voluntary basis to ex-prisoners who had served sentences of less than four years.

Partly in response to requests from local authorities, the then Scottish Executive revised these arrangements shortly after introducing them, changing both the priority groups and the focus of work (to addictions services). These changes had created some difficulties for local authorities. For example some had recruited staff with the skills to meet the original requirement.

Community Service

Community Service is a disposal which enables the offender to pay something back to the community whilst offering a positive experience of authority and an opportunity to learn. Offenders are required to maintain standards of attendance and conduct and, under supervision, to apply themselves to the job in hand.

The number of offenders on community service has grown substantially in recent years. Nationally there has been a 30% rise in use of the disposal over the five-year period 2001-2006. Increasingly community service schemes are taking on offenders with more complex personal profiles and offending histories, in particular, offenders with substance misuse problems. Getting these offenders through their orders constitutes a significant challenge for community service supervisors and organisers.

In gathering information about community service we consulted people and organisations for whom offenders on community service had worked. We found that the overwhelming majority were grateful for the work offenders undertook. Many said they depended on it.

Main findings

A great deal of the work we observed was of genuine value to the community. Most offenders we interviewed saw the value of what they were doing. A few had continued as volunteers when they had completed their orders.

Examples of work activities

- Providing a rapid response service to clean up graffiti;
- Building a sensory garden for people with disabilities;
- Assisting a healthy eating initiative that delivers cost-price fruit and vegetables to people living in deprived areas;
- Serving meals to older people at lunch club;
- Cleaning beaches in island communities;
- Upgrading a community cycle path;
- Restoring and recycling furniture; and
- Building an environmental greenhouse for local communities.

Some offenders had developed new skills as a result of the work they had undertaken and most felt they had benefited from the discipline that carrying out the work had required. A very few schemes had built on the opportunity by making links with employment agencies or training work supervisors as SVQ assessors so that they could accredit some of these skills.

Some authorities made specific provision for women offenders and for offenders who could not undertake harder physical work through ill-health, disability or addiction. Some established women-only work teams and made special efforts to recruit female work supervisors. A number had developed good workshop facilities.

Management

Some authorities needed to manage community service better. Almost all community service schemes interviewed offenders promptly after they were sentenced and the majority started them in weekday work placements within the 21 day timescales set out in National Standards. However, there were waiting lists in around a third of authorities and in a small number of these authorities offenders had to wait as long as six months to begin their work placements.

We also found that some authorities needed to handle compliance and enforcement practice better. Overall, services managed compliance and enforcement issues well in around 60% of the 339 community service files read. The performance range extended from over 90% of cases in Argyll, Bute and the Dunbartonshires, 85% of those in Glasgow and just under 80% of those in the Ayrshires partnership to only 20% of those in Dumfries and Galloway.

Many schemes did not systematically assess and record the potential risk an offender might present in a placement and pass on relevant written information to work supervisors. Some authorities offered a very limited range of work placements. Some authorities offered work supervisors little training or supervision.

Sheriffs were mixed about how community service operated. Some were wholly confident that authorities ran the schemes well, that offenders carried out work of benefit to the community and that staff enforced non-compliance rigorously. Others were less positive, commenting on delays in beginning placements and in taking action in respect of non-compliance.

With some exceptions we found that not enough was being done to publicise the work that offenders completed so that the general public remained unaware of the contribution that offenders were making.

Conclusions

Taken together, these findings show that community service is making a positive contribution but that is not yet close to realising its full potential. There have been relatively few new initiatives in recent years and our evidence suggests that senior managers have not been giving the service enough priority.

There is scope for a fresh thinking in the ways in which community service is taken forward. For example, community service schemes can do much more to link work activities with the acquisition and formal recognition of skills and qualifications which will assist offenders in the labour market.

We also think that more can be done to publicise the work that offenders carry out to the general public so that they have a better understanding of the range and quality of the work undertaken.

Recommendations

The Scottish Government should find ways of injecting fresh impetus into the working of community service to make the most of its undoubted potential as a disposal which requires offenders to pay something back to the community whilst offering a positive experience of authority and an opportunity to learn.

Local Authorities should do more to publicise the work of their community service schemes.

Management practice

We looked at management practice focussing in particular on quality assurance and partnership working.

Quality assurance

Local authority/grouping strategic plans usually signalled the intention to monitor and review services and to develop and introduce quality assurance processes and procedures but they contained very little information about how well services were performing. Information about services mostly addressed service outputs rather than service outcomes.

We found more effective monitoring and evaluation where councils had adopted a corporate quality assurance framework. For example in Orkney the service manager submitted quarterly performance reports using the corporate performance portfolio. The Forth Valley grouping established a performance management group that commissioned thematic reviews of specific service areas. The grouping brought staff together to learn about the findings of the audits and to assist in the development of a service improvement plan.

Some authorities had undertaken audits of case files. These tended to focus on quantitative rather than qualitative factors and were most useful for establishing whether quantitative National Standards had been met. The quality of individual and group work approaches/programmes was mainly monitored through staff supervision. This approach did not deliver a consistent information flow about service quality. Even when authorities had information about how their services were performing they were not routinely using these findings to improve performance.

The criminal justice service in each authority was tied into the IT system used by that authority. This meant that within a criminal justice grouping of authorities different IT systems were being used. This created difficulties for collecting and collating data sets across groupings.

Most of our reports highlighted quality assurance as an area for improvement Managers need to do more to gather and analyse relevant information to check key processes and to record and evaluate outcomes. They would be helped to do this if there was a national performance framework incorporating key performance indicators and greater standardisation of IT systems across services dealing with offenders in prison and in the community. This is something the Scottish Government, together with Community Justice Authorities, Local Authorities and the Scottish Prison Service, is currently addressing.

Recommendation

The Scottish Government, together with Community Justice Authorities, Local Authorities and the Scottish Prison Service, should move quickly to introduce a national performance framework and key performance indicators.

Partnership working and local authority groupings

The National Strategy for Offender Management⁹ places considerable emphasis on partnership working. The National Advisory Board is committed to supporting national-level discussions about partnership working and to testing area plans for evidence of developments in service integration and joint problem solving. The evidence of our inspections suggests that, in their work with each other, local authorities have a considerable way to go to deliver better integrated, more efficient and effective criminal justice services. The Community Justice Authority reforms also require them to work closely with the Scottish Prison Service and voluntary sector providers in particular to provide 'seamless services'.

Local authority groupings for criminal justice social work services were established in April 2002. They were intended to improve service efficiency by pooling more resources and delivering economies of scale. In each of our reports involving a grouping we evaluated how well these were working and what we considered to be the obstacles to better partnership working.

We found positive examples of partnership working in a few groupings. These included:

- appointing peripatetic staff to cope with surges in demand for social enquiry reports;
- transferring professional and administrative resources from one local authority to another following an assessment of resource requirements;
- appointing a single criminal justice services manager;
- appointing partnership development officers to take forward joint initiatives and to coordinate strategic planning and the collection of information about service performance; and
- delivering some services across a grouping. This was most frequently a specialist programme for sex offenders (the C-SOGP).

These examples were more the exception than the rule. We found more obstacles and resistance to partnership working than positive examples of it. Of the eight groupings, we judged only two to be taking the partnership agenda forward with much effectiveness and we frequently commented on the need for improvement.

We identified a number of obstacles to achieving these kinds of improvements:

- managers were unable to overcome practical issues resulting from the contractual arrangements of staff with individual authorities, for example issues of pay and conditions;
- authorities found it difficult to accommodate inter-authority line management arrangements for staff;
- IT systems were incompatible; and
- authorities had different corporate mechanisms for quality assurance.

Challenges like this are not insuperable but we encountered both inertia and, in some instances, a reluctance to move the agenda forward. The joint committees comprising elected members and senior officials that steered the work of partnerships did not always take opportunities to develop partnership working. At manager and practitioner level a proliferation of working groups was often not delivering results quickly enough.

To improve this situation authorities will have to do more to address the obstacles our inspections have identified. The new Community Justice Authorities add a fresh dimension to partnership working. Most are bigger than the old groupings and comprise not only local authorities but other organisations (most notably the Scottish Prison Service) with whom there is a duty to collaborate. There is no requirement for the pre-existing local authority groupings to continue (although some have chosen to do so). Community Justice Authorities operate within a statutory framework and the legislation provides for the transfer of resources to be directly managed by them if this is considered necessary.

Recommendation

Local Authorities in each Community Justice Authority area should review their partnership arrangements with the aim of reaching clear agreements about how to make better use of their joint resources, bearing in mind that if they cannot do this the option exists for specific services to be directly managed by the Community Justice Authority.

3. KEY MESSAGES

Learning from inspections

In this section we discuss the significance of these findings for the current wider agenda of improvement and change. This agenda flows from the recent consultation on community sentences, the National Strategy for Offender Management, the establishment of a National Advisory Board and the creation of Community Justice Authorities. These initiatives all have the aims of improving public protection, reducing re-offending and ensuring that prison places are used only for those offenders who cannot be dealt with safely in the community or whose offences are so serious that prison is the only option.

Very similar issues arose from all our inspections and those authorities inspected towards the end of the cycle did not necessarily perform better than those inspected at the beginning. This suggests some critical areas of weak performance that services are finding hard to resolve on their own. This is particularly true of quality assurance, partnership working, risk/needs assessment, structured work to address attitudes and behaviours associated with offending, and service commissioning. These areas are relevant both for the new Community Justice Authorities and for the Scottish Government in the ways that they help to guide and promote policy and practice developments.

Local Authorities, Community Justice Authorities and the Scottish Government each have a stake in taking forward the agenda for improvement and change. To be effective, this change must be driven by all three constituencies working closely together. We set out below what we think are the key drivers of change for each constituency.

Local Authorities

Corporate responsibility

We found that senior managers and elected members in local authorities were not always exercising the necessary level of management oversight. Criminal justice services are part of the services provided by local authorities. Senior managers and elected members in every authority must take active responsibility for their criminal justice services, leading them, scrutinising their performance and promoting quality management.

Social inclusion

We have pointed out how important it is for offenders to be able to access services that will assist them with problems associated with their offending and further their rehabilitation and social inclusion. In earlier consultations about how criminal justice services should be organised and managed local authorities made the point that they were well placed to link offenders with local services relevant to their needs. We think they should be doing more to make this happen, particularly in the areas of accommodation, employability, education and training. Local drug and alcohol teams should be working more closely with criminal justice services to make sure that relevant services are available for offenders at every stage of the criminal justice process. To do this local authorities will need to improve both their joint planning and their commissioning.

IT systems and recording practice

Improving service standards and sharing more services across individual community justice authorities needs more integrated systems for capturing and recording information. Local

authorities should examine their practices to establish the scope for sharing or aligning their IT systems. The systems needed for capturing the required information for criminal justice services should not be driven by requirements for other local authority services.

Community Justice Authorities

Partnership working

Our inspections pointed up significant challenges in the area of partnership working. All the constituent members of Community Justice Authorities must work hard to ensure that the obstacles to partnership working that we have identified are overcome.

Planning and performance management

Community Justice Authorities have an important role in ensuring that national priorities are clearly reflected in their plans and that all those services that can assist with local plans for reducing re-offending are 'joined up'. They also report on performance to the National Body. These responsibilities must be pursued pro-actively. Strategic plans should take account of information about how services are performing and budgets should be allocated in accordance with identified priorities within the Community Justice Authority area.

The Scottish Government

National Standards

The Scottish Government is now commissioning new National Standards for criminal justice social work services. Currently services are working to National Standards that, in their original form, were developed 15 years ago. Most have been revised since then but they still bear the hallmark of that time. Our inspections have shown that standards are important in their identification of key processes. Purposeful intervention needs planning and we found that in some instances there were no plans. Offenders should be seen promptly after an order or licence is made and this was not always happening. Compliance and enforcement practice requires a measure of consistency which was not always evident. Standards should, however, be about more than processes although some process standards may be necessary. They should also identify outcomes and give support to practices and principles that are likely to deliver effective practice.

Risk assessment and risk management

The Scottish Government, together with Local Authorities and the Scottish Prison Service, has been considering how to raise standards of risk assessment and risk management for a number of years. This work is now reaching a conclusion and has the potential to improve the quality and consistency of risk assessment practice including risk of harm assessments. It is critical that the introduction of the LSCMI risk assessment tool is supported by clear guidance to staff using it and by a high quality training programme.

Quality assurance

Local Authorities and Community Justice Authorities need an established national performance framework that helps to address service performance and assist service planning. This task requires a stronger lead from the Scottish Government.

Effective practice

The Scottish Government, through its Effective Practice Unit, has the lead in taking this agenda forward. We think there is a need for a comprehensive effective practice strategy that addresses the delivery of the main statutory community disposals of probation, community service, and parole and non-parole licence.

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