

# Inspection of justice social work services in Scottish Borders council

April 2019



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## Introduction

The governance arrangements for criminal justice social work services are set out in legislation, making local authorities responsible for delivering a range of services for those involved in the criminal justice system<sup>1</sup>. This includes the completion of reports for courts and the Parole Board and the supervision of individuals on statutory social work orders and licences. Statutory social work orders include community payback orders (CPO) which can be imposed by courts in Scotland as an alternative to a custodial sentence. A person subject to a CPO can be required to comply with the terms of a supervision requirement or undertake an unpaid work requirement, or do both. A supervision requirement is one of nine provisions available to the court that can be imposed as part of a CPO<sup>2</sup>. Unpaid work takes place in local communities and is for the benefit of the community. These are the two most commonly used requirements and someone on a CPO can be subject to one of these or both depending on circumstances outlined in a report provided to court by justice social work services and the decision of the court. The exception to this is in relation to level 1 unpaid work requirements, which can be imposed without a social work report being requested by the court. Guidance on the management and supervision of these is contained within National Outcomes and Standards<sup>3</sup> and CPO practice guidance<sup>4</sup>.

There has been significant change in criminal justice social work over the last decade including the introduction of community payback orders in 2011<sup>5</sup>. Effective community-based sentencing options are essential to the successful implementation of the Scottish Government's community justice strategy<sup>6</sup> and the extension of the presumption against short sentences. In this context, the Care Inspectorate has decided to focus inspections of criminal justice social work services, at the present time, on how well community payback orders are implemented and managed as well as how effectively services are achieving positive outcomes.

## How we conducted this inspection

An inspection team visited Scottish Borders in November and December 2018 and in January 2019. We examined a self-evaluation report and supporting evidence provided by the local authority. We reviewed a representative sample of the records of people who were or had been subject to a community payback order during a two-year period from August 2016. This related to 89 records from a population of 336 individuals. We met with over thirty people subject to community payback orders including those with a supervision requirement or an unpaid work order, or both. We

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<sup>1</sup> Social Work (Scotland) Act 1968, Criminal Justice (Scotland) Act 2003, Community Justice and Licensing (Scotland) Act 2010.

<sup>2</sup> In imposing a CPO, the court may include one or more of nine specific requirements. These are unpaid work or other activity requirement; offender supervision requirement; compensation requirement; programme requirement; residence requirement; mental health treatment requirement; drug treatment requirement; alcohol treatment requirement; and conduct requirement.

<sup>3</sup> National Outcomes and Standards for Social Work Services in the Criminal Justice System, Scottish Government, 2010.

<sup>4</sup> Community Payback Order Practice Guidance, Scottish Government, 2019.

<sup>5</sup> Community Payback Orders were introduced by the Criminal Justice and Licensing (Scotland) Act 2010.

<sup>6</sup> National Strategy for Community Justice, Scottish Government, 2016.

undertook focus groups and interviews with key members of staff, partner agencies, stakeholders and senior managers with responsibility for justice services.

During the inspection, we considered how well National Outcomes and Standards and practice guidance was being applied and what difference community payback orders were making to the lives of individuals who were, or have been, subject to them. The scope of the inspection focused on the following.

- The ability of the justice service to demonstrate improved outcomes for individuals subject to community payback orders.
- How people subject to community payback orders experience services.
- Key processes linked to community payback orders, including quality of risk and needs assessment, planning and intervention.
- Leadership of criminal justice social work services.

We used a quality indicator model (appendix 2), to consider how the service was performing against a number of quality indicators and have provided evaluations using a six-point scale (appendix 1) for the following indicators.

- 1.1 improving the life chances and outcomes for people subject to a community payback order.
- 2.1 impact on people who have committed offences.
- 5.2 assessing and responding to risk and need.
- 5.3 planning and providing effective intervention.
- 9.4 leadership of improvement and change.

In the course of the inspection, we also explored the extent to which criminal justice social work services were prepared for the extension of the presumption against short sentences.

For the purposes of this report we refer to criminal justice social work services as **justice services**. We refer to people who are, or have been, subject to a community payback order as **individuals**. Where we refer to **staff**, we mean criminal justice social workers who have responsibility for the supervision of individuals subject to a supervision requirement as part of a CPO. These staff are sometimes referred to as **supervising officers** to reflect their role and function. We also refer to **unpaid work staff** in this report which is the term for staff with responsibility for supervising individuals on unpaid work placements.

## Context

Scottish Borders council is a rural authority located in the south east of Scotland. It covers an area of 1,827 square miles and is the fourth most sparsely populated local authority in Scotland. The population of the Scottish Borders is approximately

114,000. Thirty per cent of the population reside in locations with less than 500 inhabitants. Hawick is the largest town with a population of approximately 14,000, followed by Galashiels with 12,670. The Scottish Government's Scottish Index of Multiple Deprivation identifies areas of deprivation across Scotland. Of the 130 data zones in the Scottish Borders, five are in the 15% most deprived datazones in Scotland. Located in Hawick and Galashiels, they account for 3.5% of the Scottish Borders population. The Scottish Borders has a lower proportion of the population considered income deprived compared to the rest of Scotland however, there are specific areas that experience a high level of income or employment deprivation<sup>7</sup>. In the period 2017-2018, the justice service completed 384 criminal justice social work reports (CJSWR) for court and 223 community payback orders (CPO) were imposed. This is an increase on the previous reporting period when 333 CJSWR were submitted to court and 196 CPOs were imposed.

The justice service office and most of the justice service provision is based in Galashiels. Strategic management of the justice service is located within Scottish Borders council headquarters in Newtown St Boswells. Justice service delivery has strong links with neighbouring authorities East, Mid and West Lothian and the City of Edinburgh, including for the delivery of multi-agency public protection arrangements (MAPPA).

The rurality, geographical size and spread of the population across the Scottish Borders provide a challenge for the delivery of justice services.

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<sup>7</sup> Scottish Index of Multiple Deprivation 2016: Scottish Government

## Key messages

- Individuals subject to community payback orders experience strong, respectful and consistent relationships with staff. The service is not yet able to demonstrate the difference these relationships are making to improved outcomes.
- Assessment of risks and needs is a strength, driven by a national framework and training.
- Operational managers are supporting their staff well, enabling them to deliver statutory supervision requirements.
- The organisation and delivery of the unpaid work service is not operating effectively to provide a reliable community-based disposal.
- There is no clear and effective governance structure for justice services.
- Leaders do not have a sound enough understanding of the performance of the justice service to inform improvement priorities, planning and activity.

## Achieving outcomes

**In this section, we look at the extent to which the justice service can demonstrate improving trends against clear performance measures and can show tangible results in improving the life chances and outcomes for individuals subject to community payback orders.**

### How well are performance measures achieved?

The justice service provides an annual statistical report to Scottish Government on a range of performance measures. These include the number of criminal justice social work reports that the service had prepared for court, the number of statutory social work orders imposed, the successful completion of orders and commencement of unpaid work. The statistical returns on key performance measures for community payback orders, in particular unpaid work requirements, had shown a declining trend in performance over several years. This related in particular to the required timescales for the commencement and completion of unpaid work not being met. While these statistical reports provide useful data on the delivery of community payback order processes<sup>8</sup>, they do not reflect all of the activities undertaken by justice services and do not measure outcomes for individuals. The justice service had not established a system that could gather and use performance information on the delivery of services and outcomes for individuals beyond what was collected for the statistical return.

Senior managers recognised the poor performance of the unpaid work service in relation to achieving initial direct contact within one working day following court disposal; commencing induction within five working days and the commencement of unpaid work within seven working days. The group manager had begun to form a plan to improve the unpaid work service, but this was at the development stage. Too often, applications were made to court to request the extension of unpaid work requirements. This was at times related to an individual's non-compliance with the order. However, in many instances this was as a result of work placements not starting soon enough or being delayed or interrupted due to staff absences and inconsistent management of the unpaid work service and work placements. This meant that some individuals were on unpaid work requirements much longer than the court intended and therefore involved in the criminal justice system longer than necessary. This was not compatible with the ethos of delivering swift and effective justice and payback to communities in line with the principles of the community payback order.

### How well are outcomes for individuals improving?

At an operational level, staff were clear on what they were trying to achieve for individuals. From reading 89 records, we identified that individuals had achieved some positive outcomes. Nearly half had improved their relationships with family,

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<sup>8</sup> Criminal justice social work statistics 2017-2018, Scottish Government: February 2019

friends and staff, achieved more stable housing, were more able to manage their mental health and alcohol misuse and had been assisted to access and gain employment. The majority had reduced the frequency and seriousness of their offending during their community payback order. We found that the majority of individuals subject to supervision requirements had achieved some positive outcomes but far fewer individuals on unpaid work orders had achieved positive outcomes during the course of the CPO. However, as there were no systems in place for managers to gather performance information, they were unaware of the outcomes being achieved and therefore unable to demonstrate improvements over time.

Operational staff and managers were working hard to achieve positive outcomes for individuals but accepted they had no way of being able to demonstrate what had been achieved. The statutory review process could have been used as a mechanism to gather person-centric outcome information but the methods in place did not capture this. Third sector partners were able to gather outcome related information that could have provided a useful insight into what difference services were making however there had been no agreement between the justice service and partner services (commissioned and non-commissioned) about what type of information would be useful to gather and report on. Partner agencies had not been asked to provide existing information therefore potentially useful outcome data was not being shared. They were willing to contribute to the development of performance measures however were restricted by the lack of established systems or procedures.

Senior managers had not agreed what outcomes they were trying to achieve and were therefore unable to demonstrate what difference was being made to the life chances of individuals subject to a community payback order. The lack of performance management and outcome-focused measures meant there was limited understanding by managers and staff about performance and achievements. This was impacting on their ability to make improvements and changes to the service.

## **Delivery of key processes**

**In this section, we look at the extent to which the justice service recognises the need for help and support and provides this at the earliest opportunity. We consider the quality of assessment and planning and the range and quality of different types of intervention. We also look at how individuals are involved in key processes.**

### **How well do staff provide help and support?**

Staff were providing clear information to individuals in relation to their supervision requirement and were consistent in recognising the need for help and support at an early stage. They had a good understanding of the needs and potential barriers experienced by individuals. Staff understood the travel constraints for many of the individuals subject to supervision and worked to provide flexible appointments in



response to this. Individuals who were subject to a supervision requirement told us they received quick access to supervision and referrals were made swiftly to support services, such as housing, drug and alcohol services and employability services. While staff were quick to make referrals to these services, there was a lack of wider support services within the region. This was in part due to difficulties in attracting a wide range of third sector services to the area due to the rurality of the region and the relatively small number of individuals that required a service outwith the main towns. Some members of staff did not know what services were available. Similarly, third sector service providers were not always clear on what was being provided by each other. This had the potential to result in duplication of service provision and confusion about referral pathways.

Programme providers told us individuals were consistently very well prepared for participation in group work, which enabled them to engage with and complete programmes. A strong network of collaborative relationships with other professionals including those from police, programme providers and drug and alcohol services was evident, and staff cited this as an important factor that was facilitating effective delivery of supervision requirements. However, for a significant number of individuals, timescales for the commencement of unpaid work requirements were not met in accordance with National Outcomes and Standards, which meant they were not starting quickly enough. From case records we reviewed, initial contact or interview was delayed in nearly half (44%) of cases and unpaid work induction was delayed in more than half (53%). There was no mechanism in place at the induction stage to signpost individuals to other support services that may have been beneficial to them.

### **How well do staff assess risk and need?**

We evaluated the quality of criminal justice social work reports as good or better in the majority of case records we read. We could see that the views of individuals had informed the report in almost all cases. These reports were consistently submitted to court on time. The judiciary found the information provided by social workers helpful in informing sentencing decisions. Having domestic abuse staff situated in court supported quick access to information in relevant cases. Our review of case records confirmed that in a number of cases, court reports concluded that there was no need for a supervision requirement despite the fact reports outlined a range of needs that could potentially have been addressed through a supervision requirement. In these cases, staff had not taken the opportunity to highlight a supervision requirement as a preferred option to the court. This meant that some individuals who may have benefitted from a supervision requirement did not have this imposed.

Staff were undertaking the assessment of risk and needs to a high standard. LS/CMI<sup>9</sup> assessments were completed within the required 20 days in most

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<sup>9</sup> Level of Service/Case Management Inventory is a risk and needs assessment instrument used by justice social work services in Scotland.

instances. The quality of risk assessments was good or better in almost all cases we read. In addition, staff sought the views of individuals to inform the assessment in almost all cases, demonstrating a person-centred approach to the assessment of risk and need. Where risk of serious harm assessment was completed, this was to a very high standard. Staff had undertaken the relevant national risk assessment training and felt confident about what was required when assessing complex cases. Practice regarding the assessment of risk and needs had clearly benefitted from national oversight, direction and training, which has had a positive impact on local practice. Line managers ensured that staff had the training and support required to undertake high quality assessments.

Assessment of risk and need was appropriately informed by consultation with partner agencies in almost all relevant cases and was undertaken jointly with third sector and prison-based staff where required. This supported comprehensive information sharing and resulted in better-informed assessments. While initial assessments were completed timeously and comprehensively, there was less attention paid to reviewing assessments over time to ensure that they remained accurate and up to date. While information sharing arrangements were evident, this often took the form of unplanned and informal conversations between staff and partner agencies and was not always recorded in individuals' records. This meant that evidence of information sharing was not readily available for quality assurance purposes.

Specialist risk assessment instruments including Risk Matrix 2000<sup>10</sup>, Stable and Acute 2007<sup>11</sup> and the Spousal Assault Risk Assessment<sup>12</sup> had been used in appropriate circumstances. Age appropriate tools such as ASSET were used for the assessment of young people involved with the youth justice service. Staff were able to reflect with colleagues on practice around this area, which they found useful.

There was no process for identifying and assessing the needs of those subject to Level 1 unpaid work orders and consequently it was likely that needs and vulnerabilities were going undetected and unaddressed. In circumstances where a criminal justice social work report had been prepared for court and an unpaid work order made, the unpaid work induction did not consistently make use of information from the report in order to match needs to the provision of placements.

Discussions regarding victim safety planning were evident within case records for those convicted of domestic violence and sex offences, which indicated that the protection of victims was actively considered in relevant cases. However, staff were not always consistent in ensuring that victim safety plans were recorded within files.

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<sup>10</sup> Risk Matrix 2000 is an actuarial risk assessment instrument used to assess risk posed by individuals convicted of sex offences.

<sup>11</sup> Stable and Acute 2007 is used to undertake a dynamic assessment of risks posed by individuals convicted of sex offences.

<sup>12</sup> Spousal Assault Risk Assessment (SARA) – A structured guide to the assessment of risk for those suspected or convicted of spousal abuse.

## How well do staff plan and provide effective interventions?

Individuals subject to supervision benefitted from having a consistent case manager, which was helping to build important relationships. There was an appropriate level of partnership working to deliver case management plans in almost all cases. Case management plans were present in most cases and the majority of those were completed within 20 days as required by National Outcomes and Standards. We found that the level of supervision provided by supervising officers was in line with risk in all cases.

Supervising officers rather than team leaders chaired statutory reviews, which left little scope for objectivity and quality assurance. Staff held reviews regularly in accordance with case management plans, but the quality of the review process lacked rigour. Priority was not always given to monitoring progress against key objectives outlined in the plan. Staff did not consistently invite partner agencies to review meetings.

Staff were not routinely undertaking home visits to individuals in accordance with case management plans. Managers attributed this in part to historical staff shortages and the challenges presented by the time it would take to travel across the area. Where police and social workers worked together to monitor high-risk individuals, home visits were predominantly undertaken by police only. In some circumstances, a more appropriately robust arrangement would be for police officers and social workers to undertake joint visits together.

Access to specialist forensic and clinical consultation was removed for the Borders justice service as government funding for the initial pilot of the Sex Offender Liaison Service (SOLS) based in Edinburgh had been withdrawn. Previously, the service had supplemented robust multi-agency planning for high-risk cases. NHS Lothian had subsequently taken responsibility for the provision of this service however, a significant gap in provision remained as Borders council does not have access to NHS Lothian services.

Most individuals who had a supervision requirement were able to access services to meet their needs and address risk. This included community-based resources to address drug and alcohol issues and services to improve employability prospects such as Right Track. Where a programme requirement was part of a community payback order, this was implemented well. Individuals were able to access group work programmes including Moving Forward: Making Changes and the Caledonian programme where this had been ordered by the court.

A new Women's Hub was in place, which was adopting a holistic approach to intervention. While this was a new resource, it was already providing a robust approach to meeting the needs of women on community payback orders. Young people subject to community payback orders were ably supported by designated

youth justice staff who provided age appropriate intervention programmes and approaches to address identified risk and needs.

We have outlined earlier that because of inconsistent management and planning of unpaid work placements, individuals often experienced delays in commencing and concluding them. Alongside this, there was a lack of provision of other-activity<sup>13</sup> options. This meant that the service was not taking full advantage of this option to address the needs of individuals subject to unpaid work only. Unpaid work staff were not taking time to identify the existing skills individuals possessed at the start of unpaid work, therefore skills were not used nor, in the majority of cases, were individuals supported to develop new skills. Some individuals were spending a considerable amount of time being transported to and from their unpaid work placements. This reduced the time they spent undertaking unpaid work. While the geography of the area was a clear factor affecting travel time, services had not paid enough attention to developing localised squads and personal placements in order to reduce the time spent on travel.

Line managers did not have capacity to undertake routine case file audits. Staff absences had made this worse, as line managers had been undertaking supervision duties to cover absences for some time. This had resulted in a reduction in quality assurance.

### **How well do staff involve individuals in key processes?**

Staff worked hard to encourage participation in the community payback order where there was a supervision requirement. Individuals told us they were provided with clear information and their views were sought and listened to throughout the order particularly at the assessment and case planning stages. Women who engaged with the Reconnect programme indicated they were given a range of opportunities to contribute their views about the content and format of group work sessions. They had also been engaged in consultation about the environment and décor of the service, which helped to make them feel welcome and safe. While individuals' views were sought during statutory reviews, there was an inconsistent approach to recording these. This meant that the service was unable to monitor and report on how the views of individuals had been used to improve outcomes or service delivery.

Individuals described positive examples where offence-focused work had been adapted to take account of their learning style and ability. There were also examples of programme work being made available in other languages to enable individuals for whom English was not their first language to access group work and associated materials. Individuals told us that they found offence-focused work challenging but that it had helped them to think differently about their behaviour and make positive changes. However, very few individuals reported that they had been encouraged to invite family members or supportive others to statutory reviews of their supervision.

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<sup>13</sup> An unpaid work requirement allows an individual to undertake "other activity" as part of the order designed to address identified needs and as directed by the justice service.

## Impact and experience of community payback orders

**This section focuses on the impact that criminal justice social work services, including those commissioned by social work services, were having on the lives of those individuals who are, or have been, subject to a community payback order. It considers if individuals have benefitted from positive relationships with staff and what effect getting help and support has had on them.**

Effective working relationships between individuals and staff was an area of strength. Individuals told us they experienced very positive relationships with staff and that this had a beneficial impact on their lives. Many told us that their circumstances would be much poorer without the support and direction provided to them by their supervising officers. Individuals with a supervision requirement reported that staff took an interest in their whole life, not just their offending behaviour. They valued the practical support and advocacy provided to them to access housing, employment and health services. These accounts were supported by our review of case records where we could see that individuals had been supported to access suitable interventions in most cases.

An exit questionnaire was in place to gather individuals' views on the experience of being on a community payback order. This had been collated over an eight-year period, but the response rate was relatively low. Almost all stated they felt they were treated with respect and courtesy by staff and their attitude to offending had changed during the course of their order.

Individuals were able to access a referral for mental health assessment through their GP however, there was limited access to treatment. For some individuals, the inability to access mental health supports was a barrier to engagement with their order.

Women attending the Reconnect group within the Women's Hub told us that they found the environment welcoming and safe. The support from staff had made a significant difference to their mental health and their sense of connection to their community. Regular involvement from a wide range of community-based health and support services provided the women with advice and information on physical, mental and sexual health, finances, housing, education and employment. Women found these contributions useful and informative, making other services much more accessible to them. This gave them a strong sense of ownership of the service and encouraged trusting relationships with staff.

Individuals were not always clear on the purpose and outcome of statutory supervision reviews. As previously stated, in many cases, reviews were being chaired by supervising officers rather than line managers and therefore individuals were unclear on the difference between these and standard supervision

appointments. This represented a missed opportunity to fully explore the progress made and the impact of intervention.

Some individuals experienced quick access to suitable unpaid work placements and described positive relationships with unpaid work supervisors. They told us that they benefitted from the structure and routine that placements provided. For others, delays in accessing unpaid work placements, limited placement opportunities and inconsistent placement planning, hindered them in completing their orders within the timescales directed by the court. This extended their involvement in the justice system unnecessarily. Several individuals described receiving conflicting information from staff about unpaid work appointment times leading to confusion and in some instances resulting in warnings being issued.

## Leadership

### How well are leaders supporting improvement and change?

**This part of our report examines the effectiveness of leaders in striving for excellence in the quality of justice services. We look at how well leaders provide governance and oversight and use performance management to drive forward service improvement, innovation and change. We also look at the extent to which leaders involve staff and partners and learn from others to develop services.**

We have outlined in this report aspects of operational service delivery that were working well. This was largely as a result of the efforts of operational staff and a committed group manager. However, it was clear that the criminal justice social work service had been operating for some considerable time without effective leadership from the most senior levels. There was no clear governance structure in place to drive the strategic planning and delivery of the justice service. Changes in senior management over a number of years had resulted in a lack of clarity in strategic planning and had weakened links to the wider governance structures within the council. There was limited attention to the justice agenda evident within senior council leadership groups. Elected members were therefore unable to provide appropriate oversight and scrutiny of the service. There was a lack of vision for service improvement and development. Staff in the justice service described working in a “forgotten service”.

Senior leaders had limited awareness of the performance of the service at all levels. They were unable to demonstrate continually improving performance trends, as there was no effective performance management information system in place to do this. A lack of an established approach to self-evaluation constrained their ability to understand what aspects of service delivery may require improvement or what was working well. As a result, they had no clear picture of what was required for future service development. There was no consistent approach to involving staff,

stakeholders and individuals in approaches to change or improve services. Any improvements made had been slow to achieve.

A lack of oversight of the unpaid work service meant there were significant deficits that had been present for some time without effective corrective action or investment. Attempts had been made to improve but, without senior management attention, had not been sustained. Long-term absence of line managers and a number of changes to operating practices had resulted in a reduction in performance standards.

A newly appointed chief social work officer recognised the need for significant attention to both develop outcome measures and systems to gather information to support planning and to take action to improve justice services where there were deficits. The chief social work officer was starting to drive the public protection agenda but the public protection committee, while planned, had yet to be established. The recent Justice Service Improvement Plan 2018-20 had been put in place, which outlined the strategic and operational objectives identified by the justice group manager. While it reflected some key objectives, there was no clear sense of priorities and little detail on how these would be achieved. Responsibility for achieving objectives primarily fell to the group manager. This was not realistic and continued to show a lack of collective ownership of the plan at senior leadership level.

The lack of established operational and strategic groups with a distinct remit to plan and oversee the delivery of justice services had resulted in a gap in the formation of well-informed justice policy within the authority. There was no established process in place to ensure that policies and procedures were reviewed regularly and updated. Some staff guidance documents were also out of date. While longstanding members of staff were familiar with what was expected of their practice, new members of staff were less clear. They had to rely largely on more experienced colleagues for direction.

The management of individuals who were assessed as posing a high risk of harm was a notable strength. This was primarily overseen through multi-agency public protection arrangements (MAPPA) undertaken by Scottish Borders in partnership with East, Mid and West Lothian councils and the City of Edinburgh. This partnership established an offender management committee for strategic and operational oversight of MAPPA in Scottish Borders. The committee operated effectively and monitored the quality of service delivery by undertaking quarterly case files audits. It ensured that policy, procedures and guidance for staff were clear and up to date, and reflected national objectives and practice expectations. The Scottish Borders justice group manager ensured that learning from audits and reviews undertaken nationally were shared with staff in order to continue to improve operational practice.

## How well is the service preparing for the extension of the presumption against short sentences?

The justice group manager and chief social work officer had considered the potential impact of the forthcoming extension of the presumption against short sentences. They projected there would likely be a small increase in the number of community disposals from court but did not anticipate this being a significant figure. They had reviewed the capacity of justice services to respond to an increased number of community payback orders and were confident that they had sufficient capacity to absorb a moderate increase. However, we could not share their confidence, given the performance issues in the unpaid work service outlined in this report, which can only be made worse by even a moderate increase in demand. Leaders were unable to show they had a plan in place and the investment in the service to ensure consistently good performance in the unpaid work service.

### Areas for improvement

- Senior officers should introduce a clear structure for the operational delivery and strategic leadership of justice services in order to provide effective governance.
- The justice service should develop a performance management framework to gather and analyse performance information to demonstrate improved outcomes for individuals.
- As a matter of priority, managers should strengthen the delivery and performance of unpaid work services in order to provide a credible community payback option that has a positive impact on communities and individuals.
- Senior officers should ensure that policies and procedures are updated and reviewed regularly to fully guide and support staff practice.
- Managers should use quality assurance processes routinely to examine and improve practice, particularly home visits and statutory reviews.

### Capacity for improvement

The chief social work officer and group manager recognised the need for improvement in the service and had a good sense of what needed to change. They acknowledged that a number of changes would be required in order to improve the structure for the governance of the justice service and the oversight of improvement and change. However, senior leaders were less aware of the extent of change required to improve the service. The lack of elected member oversight of justice services unless addressed is likely to hamper progress. The council was developing a programme to review organisational design and efficiency that would include justice services. A multi-disciplinary executive group had been formed with a specific remit to review and redesign governance, practice models, information sharing and use, and resourcing. Recommendations included a proposal to create a public protection committee potentially incorporating elected members. The



committee would have a sub-group mandated with specific responsibility for justice services. Two project staff were tasked to develop proposals regarding processes, terms of reference and structural options for the proposed committee. The group manager had initiated a comprehensive review of the unpaid work service with a view to re-structuring the service.

For the justice service to achieve the required areas for improvement it will be necessary for senior leaders to take ownership of the vision, planning and direction of the service. However, a lack of senior leader support and attention could put plans for improvement in jeopardy.

## Evaluations

What key outcomes have we achieved?	
1.1 Improving the life chances and outcomes for people subject to a community payback order	Weak
<p><b>Rationale for the evaluation</b></p> <p>The justice service had not identified what outcomes they were aiming to achieve and had not established an effective process to monitor or collect information on outcomes for individuals. This meant that the service had very little information on whether or not positive outcomes were being achieved. The service was unclear on what aspects of the justice service were working well or less well and was therefore unable to make well-informed decisions on what needed to improve. There had been a declining trend in performance over several years however, no action had been taken to address this. During our inspection, we identified that positive outcomes had been achieved for some individuals particularly those subject to a supervision requirement. However, as the service had no clear outcome priorities or measures in place they were unable to demonstrate what difference they were making to the life chances of individuals subject to a community payback order. This significantly limited the ability of the service to identify and plan for improvements.</p>	

How well do we meet the needs of our stakeholders?	
2.1 Impact on people who have committed offences	Good
<p><b>Rationale for the evaluation</b></p> <p>Individuals experienced positive working relationships with justice social work staff and those subject to a supervision requirement were supported well to access services that were helpful to them. Individuals valued the approach taken to supervision, which addressed risks associated with offending behaviour but also considered their wider needs in relation to issues such as housing and employability. Some stated that their circumstances would be much poorer without the assistance provided by the staff. Women attending the Reconnect service described very positive experiences of the help and support provided to them. The experience of individuals subject to an unpaid work requirement was less consistent. While some benefitted from the structure and type of work placements provided by the service, others highlighted delays in commencing work placements, the lack of provision of local work placements and options to undertake other activity.</p>	

<b>How good is our delivery of services?</b>	
5.2 Assessing and responding to risk and need	Good
<p><b>Rationale for the evaluation</b></p> <p>Overall, the quality of assessment of risk and needs was strong. Criminal justice social work reports included comprehensive assessments and reflected the use of specialist risk assessment instruments where necessary. Staff routinely sought the views of individuals to inform the assessment, demonstrating a person-centred approach. There was strong collaboration between partners during the assessment process and effective information sharing which was resulting in well informed assessments. While staff undertook high-quality initial assessments, less attention was paid to reviewing assessments over time to ensure that they remained accurate and up to date. There was no assessment of the needs of individuals subject to level 1 unpaid work requirements and as such, the service was unable to respond in a way that could have benefitted individuals and potentially increase the effectiveness of the order.</p>	
5.3 Planning and providing effective intervention	Adequate
<p><b>Rationale for the evaluation</b></p> <p>The quality of case management plans was strong and in most cases, they accurately reflected the issues that had been identified through the assessment process. Supervision was person-centred and took a holistic approach to addressing risk and needs. Most individuals who had a supervision requirement were able to access services to meet their needs and address risk. However, priority was not always given to monitoring progress against key objectives outlined in the case management plan. The quality of statutory reviews of community payback orders needed to be better. Staff did not routinely undertake home visits in accordance with National Outcomes and Standards. Some individuals found it difficult to access mental health interventions due to a lack of suitable provision. The unpaid work service was underperforming and did not provide a wide enough range of work placements and other activity opportunities.</p>	

<b>How good is our leadership?</b>	
9.4 Leadership of improvement and change	Weak
<p><b>Rationale for the evaluation</b></p> <p>Aspects of operational practice were working well. This was largely attributable to committed staff and line managers and sound direction from the group manager. However, due to a lack of strategic leadership and direction, continued poor performance of the unpaid work service had gone unchallenged, explored or acted upon. A lack of clear governance of the justice service resulted in no ownership of making improvements where required. There was no clear vision or strategy for the service and an inability to demonstrate improving outcomes. Leaders had limited information to identify what aspects of the service were working well or less well and did not have a clear picture of what was required for future service development. There was no consistent approach to involving staff, stakeholders and individuals to identify areas for improvement and change. Any improvements had been slow to achieve.</p>	

## Appendix 1

### The six-point evaluation scale

The six-point scale is used when evaluating the quality of performance across quality indicators

Excellent	Outstanding or sector leading
Very Good	Major strengths
Good	Important strengths, with some areas for improvement
Adequate	Strengths just outweigh weaknesses
Weak	Important weaknesses – priority action required
Unsatisfactory	Major weaknesses – urgent remedial action required

An evaluation of excellent describes performance which is sector leading and supports experiences and outcomes for people which are of outstandingly high quality. There is a demonstrable track record of innovative, effective practice and/or very high-quality performance across a wide range of its activities and from which others could learn. We can be confident that excellent performance is sustainable and that it will be maintained.

An evaluation of very good will apply to performance that demonstrates major strengths in supporting positive outcomes for people. There are very few areas for improvement. Those that do exist will have minimal adverse impact on people's experiences and outcomes. While opportunities are taken to strive for excellence within a culture of continuous improvement, performance evaluated as very good does not require significant adjustment.

An evaluation of good applies to performance where there is a number of important strengths which, taken together, clearly outweigh areas for improvement. The strengths will have a significant positive impact on people's experiences and outcomes. However, improvements are required to maximise wellbeing and ensure that people consistently have experiences and outcomes which are as positive as possible.

An evaluation of adequate applies where there are some strengths but these just outweigh weaknesses. Strengths may still have a positive impact but the likelihood of achieving positive experiences and outcomes for people is reduced significantly because key areas of performance need to improve. Performance, which is evaluated as adequate, may be tolerable in particular circumstances, such as where a service or partnership is not yet fully established, or in the midst of major transition. However, continued performance at adequate level is not acceptable. Improvements must be made by building on strengths while addressing those elements that are not contributing to positive experiences and outcomes for people.

An evaluation of weak will apply to performance in which strengths can be identified but these are outweighed or compromised by significant weaknesses. The

weaknesses, either individually or when added together, substantially affect peoples' experiences or outcomes. Without improvement as a matter of priority, the welfare or safety of people may be compromised, or their critical needs not met. Weak performance requires action in the form of structured and planned improvement by the provider or partnership with a mechanism to demonstrate clearly that sustainable improvements have been made.

An evaluation of unsatisfactory will apply when there are major weaknesses in critical aspects of performance which require immediate remedial action to improve experiences and outcomes for people. It is likely that people's welfare or safety will be compromised by risks which cannot be tolerated. Those accountable for carrying out the necessary actions for improvement must do so as a matter of urgency, to ensure that people are protected, and their wellbeing improves without delay.

## Appendix 2

### The quality indicator model

The inspection team used this model to reach evaluations on the quality and effectiveness of services.

What key outcomes have we achieved?	How well do we meet the needs of our stakeholders?	How good is our delivery of services for those involved in community justice?	How good is our operational management?	How good is our leadership?
<b>1.</b> Key performance outcomes	<b>2.</b> Impact on people who have committed offences, their families and victims	<b>5.</b> Delivery of key processes	<b>6.</b> Policy, service development and planning	<b>9.</b> Leadership and direction
<b>1.1</b> Improving the life chances and outcomes of those with lived experience of community justice	<b>2.1</b> Impact on people who have committed offences	<b>5.1</b> Providing help and support when it is needed <b>5.2</b> Assessing and responding to risk and need <b>5.3</b> Planning and providing effective intervention <b>5.4</b> Involving people who have committed offences and their families	<b>6.1</b> Policies, procedures and legal measures	<b>9.1</b> Vision, values and aims <b>9.2</b> Leadership of strategy and direction <b>9.3</b> Leadership of people <b>9.4</b> Leadership of improvement and change
	<b>2.2</b> Impact on victims		<b>6.2</b> Planning and delivering services in a collaborative way	
	<b>2.3</b> Impact on families		<b>6.3</b> Participation of those who have committed offences, their families, victims and other stakeholders	
	<b>3.</b> Impact on staff		<b>6.4</b> Performance management and quality assurance	
	<b>3.1</b> Impact on staff		<b>7.</b> Management and support of staff	
	<b>4.</b> Impact on the communities		<b>7.1</b> Staff training and development, and joint working	
<b>4.1</b> Impact on the community	<b>8.</b> Partnership and resources			
			<b>8.1</b> Effective use and management of resources	
			<b>8.2</b> Commissioning arrangements	
			<b>8.3</b> Securing improvement through self evaluation	
<b>10.</b> What is our capacity for improvement?				
Overall judgement based on an evaluation of the framework of quality indicators				

## Appendix 3

### Terms we use in this report

**ASSET** is a structured assessment tool for use with young people that examines offence history, identifies the factors, and circumstances that may have contributed to offending behaviour.

**Caledonian programme or system** is an integrated approach to addressing domestic abuse. It combines a court-ordered programme for men, aimed at changing their behaviour, with support services for women and children.

**Case management plan:** this should be developed in collaboration with the individual and should seek to address the identified risks and needs and promote the strengths identified by the assessment process.

**Guide to self-evaluation of community justice:** the Scottish Government commissioned the Care Inspectorate to develop a guide to self-evaluation for community justice in Scotland. The guide is part of the approach to promote continuous improvement and excellence in community justice.

**Local placements** refer to the provision of an unpaid work placement in the area where the individuals live. Local placements can minimise time and cost for travel and provide benefits to the local community.

**Multi Agency Public Protection Arrangements (MAPPA)** offers a co-ordinated approach to the management of those subject to Sex Offender Notification Requirements, restricted patients and individuals subject to community supervision who present a high or very high risk of serious harm.

**Moving Forward: Making Changes (MF: MC)** is a behavioural programme designed to provide treatment for men who commit sexual offences or offences with a sexual element.

**Person-centred approaches** are practice that focuses on the individual's personal needs, wants, desires and goals so that they become central to the social work process.

**Presumption against short-term sentences (PASS):** the Criminal Justice and Licensing (Scotland) Act 2010 introduced a presumption against sentences of less than three months, requiring the court to (i) only pass a sentence of three months or less if no other appropriate disposal is available and (ii) record the reasons for this. Following a period of consultation, the Scottish Government announced plans to extend the legislation to include a presumption against sentences of less than 12 months in 2019.

**Reconnect programme** is a service for women in the Scottish Borders who have been, or are at risk of becoming, involved in offending behaviour.



**Right Track** is a European Social Fund project that provides employment support to people who reside within the Scottish Borders area who also have a criminal conviction.

**Risk of serious harm:** the *Framework for Risk Assessment, Management and Evaluation* (RMA, 2011) defines risk of serious harm as follows: 'There is a likelihood of harmful behaviour, of a violent or sexual nature, which is life threatening and/or traumatic and from which recovery, whether physical or psychological, may reasonably be expected to be difficult or impossible'.

**Sex Offender Liaison Service (SOLS):** the NHS Lothian Sex Offender Liaison Service assesses and consults on sexual offenders to help criminal justice and other agencies manage such individuals in the community.

**Statutory reviews:** National Outcomes and Standards indicate that case management plans should be reviewed, and where necessary, revised at regular intervals during the course of a community payback order.

**Supervision requirement** is one of nine provisions available to the court that can be imposed as part of a CPO. With the exception of unpaid work for individuals aged 18 and over, none of the CPO requirements can be imposed without the addition of a supervision requirement. Supervision requires the individual to attend appointments with a criminal justice social worker for a specified period. The aim of supervision is to encourage compliance and reduce reoffending by engaging the individual in a process of change.

**Unpaid work** is intended as an alternative to imprisonment; this takes place in local communities and is for the benefit of the community. Unpaid work can be imposed as a stand-alone requirement by means of a level 1 or level 2 order, or in conjunction with a range of other requirements including supervision.

**Victim safety planning** is a risk management activity by which attention is drawn to the safety of specific individuals or groups who may potentially be victimised, with a view to devising preventative or contingency strategies.

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