

## Finance and Constitution Committee Call for Views on the Management of Offenders Bill Financial Memorandum Response from Social Work Scotland

Social Work Scotland is the professional leadership body for the social work and social care professions. We are a membership organisation which represents social workers and other professionals who lead and support social work across all sectors. We have members from NHS, local authorities, third and independent sectors.

Social Work Scotland welcomes the opportunity to respond to the Call for Views issued by the Finance and Constitution Committee of the Scottish Parliament on the the Management of Offenders Bill Financial Memorandum.

Social Work Scotland shares the Scottish Government's commitment to reducing re-offending and has responded to the Justice Committee's call for views, on the reforms outlined in the bill, in a separate consultation response.

### Consultation

#### **1. Did you take part in any consultation exercise preceding the Bill and, if so, did you comment on the financial assumptions made?**

Yes. Social Work Scotland highlighted that in most cases people subject to EM would need additional support and this would require additional resources to be made available as appropriate. If used as part of bail supervision (to increase the safety and protection of the victim(s) and witnesses) this would be subject to a justice social work assessment which would have workload and cost implications.

Latter legislative change in relation to domestic abuse, whilst very welcome, may also have an impact. An increase in numbers convicted of domestic abuse would lead to an increase in certain social work tasks such as conducting home visits to victims.

Local authorities which provided individual responses to the consultation highlighted financial implications in various areas of justice including additional time for court, police, criminal justice social work and COPFS in assessing, supporting and supervising people. This also included additional time spent on breaches or court reviews. Additional demands on third sector and others in supporting people were also referred to by some local authorities.

#### **2. If applicable, do you believe your comments on the financial assumptions have been accurately reflected in the FM?**

Yes. On the basis that there may be an expansion in the use of EM, Social Work Scotland considers that the financial assumptions reflect most of the implications in terms of workload for the courts and for justice social work. However subsequent developments in extending the presumption against short sentences, the introduction of new domestic abuse legislation the potential associated increase in breach proceedings would also impact on practitioners workloads.

The impact on COPFS and Police Scotland in processing and reacting to breaches respectively is not reflected in the FM.

**3. Did you have sufficient time to contribute to the consultation exercise?**

Yes. Social Work Scotland considers that the timeframe for responding was appropriate.

Costs

**4. If the Bill has any financial implications for your organisation, do you believe that they have been accurately reflected in the FM? If not, please provide details.**

The FM suggests an uplift of £266,500 per additional 100 individuals who would not otherwise have been made subject to a community sentence. Whilst an increase in numbers in the FM is predicted to be small, this remains uncertain and the burden of this will fall on local authorities should numbers be in excess of those predicted. We would also caution that the FM estimate is based on 2014/15 figures.

In relation to justice social work the increased workload will primarily originate from additional numbers of people who would require to have a justice social work report and the suitability assessment for EM to be completed. However there may well be an additional demand on staff time due to an increase in managing and reporting breaches. This does not appear to have been addressed in the FM.

We would also highlight the impact of other policies such as the extension of the presumption against short term sentences to include sentences of less than twelve months. Many of those frequently serving short sentences will have been subject to, and have breached, a variety of community disposals in the past. People who have complex needs and chaotic lifestyles are more likely to require a range of supervisory and support input and may also be more likely to breach an order. We take cognisance of the G4S Statistical Bulletin (2017) which indicates higher order completion rates in Scotland for those made subject to EM, however it is difficult to predict whether the introduction of novel types of EM will have a similar impact.

Social workers may be more likely to recommend a CPO with a condition of EM in order to improve victim protection and make inroads into reducing the short term prison population. These factors could potentially lead to a rise in the number of orders made and additional service demands.

The extension of the presumption against short term sentences viewed alongside new legislation which increases the definition of domestic abuse may also lead practitioners to recommend EM more frequently in order to enhance victim safety and improve monitoring whilst supporting desistance from offending. People who commit domestic abuse offences are represented across all socio-economic groups and are often in secure employment, the maintenance of which is key to supporting desistance. Whilst Social Work Scotland very much welcome these new measures it is difficult to predict with any accuracy the likely impact on services both in terms of the nature of the supports required and increased numbers subject to CPO.

Social Work Scotland would highlight the likelihood of an overall increase in the length of orders. The system assumes cost at standard rate regardless of order length. Given the opportunity to expand community sentences, with an opportunity to enhance risk management plans by way using EM, it appears likely that we will see more three year orders regardless of the time restraints of the EM requirement.

As the memorandum makes clear the justice system is reactive and is an entity in which it is difficult to predict where costs may rise or fall. Social Work Scotland anticipate that social work staff will greatly appreciate having electronic monitoring as part of a CPO or DTTO, rather than as a separate disposal (RLO). It seems likely that practitioners will want to offer community disposals

which impact on short term custody wherever possible to improve social inclusion and promote desistance from offending.

**5. Do you consider that the estimated costs and savings set out in the FM are reasonable and accurate?**

The costings appear to be reasonable however there are factors which may not have been taken into account. It is noted that the anticipated cost of having EM as a CPO requirement is deemed to be minimal and is expected to be offset by a reduction in cost derived from sole RLOs. However as highlighted in the FM it is difficult to predict if this more streamlined process will lead to an increase in the use of EM as a requirement of a Community Payback order due to it being more straightforward for the courts to impose this. The introduction of the presumption against sentences of less than one year may also attract the imposition of longer orders which would otherwise have been disposed of via custodial sentence.

**6. If applicable, are you content that your organisation can meet any financial costs that it might incur as a result of the Bill? If not, how do you think these costs should be met?**

As a professional membership organisation, there are no direct financial implications for Social Work Scotland. Should there be an increase in individuals being subject to a community sentence there would be an expectation that this increase in workload would be reflected in future budget provision to local authorities.

**7. Does the FM accurately reflect the margins of uncertainty associated with the Bill's estimated costs and with the timescales over which they would be expected to arise?**

Possibly. It is difficult to predict the frequency with which the courts will impose EM, however it is agreed that there will likely be a reduction in standalone RLOs.

#### Wider Issues

**8. Do you believe that the FM reasonably captures any costs associated with the Bill? If not, which other costs might be incurred and by whom?**

The FM makes a reasonable attempt to capture costs amongst the named organisations however it is difficult to predict the full impact of this, particularly for local authorities charged with supervising orders. As with any potential increase in orders there could be an increase in breaches of these orders which may impact on resources. The higher the number of people subject to electronic monitoring, the more there will be potential for breach proceedings being initiated. This could also potentially have an impact on Police Scotland and the COPFS.

**9. Do you believe that there may be future costs associated with the Bill, for example through subordinate legislation? If so, is it possible to quantify these costs?**

Should the Scottish Government extend the use of EM as a requirement for other community based disposals this may lead to an increase in workload for several organisations. As already discussed it is not possible to fully quantify the cost to various organisations at this stage. For example it may be appealing to courts to utilise EM in bail supervision cases as an alternative to remand. At this time bail supervision is not readily utilised by all courts but should this increase there would be an associated increase in cost.

Extending the use and type of EM, for example, as a condition of temporary release may further increase the nature and number of assessments completed jointly by community based and prison based social work and this may also impact on staffing levels/resources.

Social Work Scotland would welcome the opportunity to provide evidence to Committee.

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