

Report

Report to:	Social Work Resources Committee
Date of Meeting:	2 June 2021
Report by:	Director, Health and Social Care Executive Director (Finance and Corporate Resources)

Subject:	Additional Non-Recurring Section 27 Funding to Address the Backlog in Justice Social Work Delivery Due to the Pandemic
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1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ update the Committee on the additional funding allocated to Justice Services and the third sector to address the backlog and projected increase in demand for Justice Services
- ◆ outline the proposed expenditure in South Lanarkshire Council to reduce the backlog and increased demand on Justice Social Work Service provision that has arisen due to COVID
- ◆ outline the breakdown in expenditure to the third sector to support the recovery plan

2. Recommendation(s)

2.1. The Committee is asked to approve the following recommendation(s):-

- (1) that the additions to the Social Work Resources establishment on a fixed term basis, as outlined in section 5.1 be approved to address the backlog and new demand in Justice Social Work Services that has arisen due to the pandemic; and
- (2) that the additions to the Social Work Resources establishment on a permanent basis as outlined in section 5.2 are approved.

3. Background

3.1. Mapping undertaken by the Justice Board at the Scottish Government identified that the backlog generated by the pandemic may take a decade to clear. The backlog has adversely impacted on the delivery of business in all aspects of the justice system including the Crown Office and Procurator Fiscal Service (COPFS), Scottish Courts and Tribunal Service (SCTS) and Justice Social Work Services. The Justice Board have also indicated that the pandemic has had an adverse impact on the Scottish Prison Service who report an increase in the volume of persons remanded to and/or sentenced to custody over the past year. The national Justice Strategy emphasises the importance of early, intervention, prevention and reducing and managing high risk behaviours. All facets of the Justice Strategy have relevance to supporting the recovery of Justice Services as the country moves forward from tier 4 restrictions.

4. Current Circumstances

4.1. South Lanarkshire Council Justice Services Backlog

◆ Unpaid Work

Nationally, due to Tier 4 restrictions and public health guidance the unpaid work service has been unable to deliver a service in the regular manner to persons sentenced to this disposal by the court between March 2020 and April 2021. Over the past 12 months the service has been suspended at times or, when it has been operational, has been due to social distancing and health and safety guidelines which means we have only been able to deliver a service at a reduced capacity. For example, the service has been unable to utilise vans to transport service users or have had to reduce the ratio of staff to supervisors from 5 to 3. Additional hand washing and welfare facilities have had to be accessed which has led to barriers to the delivery of community-based work. Where possible, “other activity” has been creatively and legally introduced and expanded to include rag rug making and the creation of safety blankets. The introduction of the Corona Virus Regulations 2020 and updated in 2021 has enabled the legal extension of orders by a 12-month period and reduced the backlog in hours by 35% with certain conditions attached (excluding for example, sexual or domestic abuse offences). On 8 April 2021 with the reduction of 35% in orders, there was a backlog of 52,000 hours. The backlog is reported on and monitored at a national level. The local backlog in hours is consistent with the national picture in accordance with the size of the locality.

4.2. Additional Demand and non-recurring funding

4.2.1. Justice Social Work Service delivery is significantly influenced by business in the COPFS and the SCTS. All these services have been affected by the pandemic. The SCTS have at times suspended most court business other than solemn cases and when they have resumed have reduced capacity and applied new approaches to delivery such as virtual custody courts. As restrictions ease, all these factors are projected by Justice analytics to lead to a spike in court activity by approximately 40%.

The Scottish Government Justice Board have been allocated an additional £40 million to address the backlog and new demand for orders. South Lanarkshire Justice Social Work Services have been allocated nonrecurring funding of £742k to address this demand. Of this funding, £130k must be spent on the third sector. Local authorities are being requested to report on the progress with addressing the backlog twice annually, firstly, in October 2021 and then in March 2022.

4.3. Proposed spend in SLC to Support a reduction in the Backlog

4.3.1. Unpaid Work Service

To help reduce the volume of unpaid work orders in rural communities it is proposed that an additional base to deliver unpaid work is added to the Lanark area. The additional base would support social distancing and include sanitary facilities to support the delivery of unpaid work in the local community. It is proposed that a base at Lanark with an approximate cost of £0.075m is identified. A Placement Coordinator is added to the service to promote the organisation of unpaid work. An additional social work assistant will help support developments such as the kitchen learning hub where attendees can learn skills in for example, bread making and can acquire a health and safety qualification to promote employability. Additional support for unpaid work from the third sector is outlined in section 4.6.

- 4.3.2. Additional support for the delivery of Community Payback Orders in localities to enhance the ability to respond to an increase in demand for court reports and Community Payback Orders (CPOs) it is proposed that 4 additional Social Work Assistants are added to the localities. Social Work Assistants will help to advocate for service users and support their attendance at appointments where required. This may involve accompanying service users to appointments to maximise their income, secure housing and promote employability. Social Workers will then have the capacity to deliver statutory tasks such as completing court reports, risk assessments and on supervising programmatic work for those subject to statutory interventions. An additional Social Worker will also be added to this service to add capacity to for example, complete court reports.
- 4.3.3. The Caledonian Programme
The Caledonian Programme is introduced as a condition of a CPO for persons convicted of domestic abuse offences. Statistical modelling predicts that programme requirements for domestic abuse interventions as a condition of a CPO will also increase. It is therefore proposed that an additional Social Worker is added to the Justice team delivering the Caledonian Programme to enable the team to respond to the projected increased demand for court reports and group work interventions.
- 4.3.4. Drug Treatment and Testing Orders
Drug Treatment and Testing Orders (DTTO) are stand-alone orders and used as an alternative to custody for persons with frequent substance related offending behaviours. To enable the team to respond to an increase in demand for these orders it is proposed that an additional Social Worker is added to the DTTO team to enhance the ability to respond to an increase in community-based disposals for this service user group.
- 4.3.5. Moving Forward Making Changes
Moving Forward Making Changes (MFMC) is a nationally accredited treatment programme to address the behaviours of registered sex offenders subject to MAPPA and/or license conditions and is usually delivered on a group work basis. Health and Safety and social distancing issues have prevented these group work programmes from taking place during the pandemic. Scottish guidance has been followed in terms of adapting this programme to delivery on a one-to-one basis. One-to-one work has not been possible for all cases and as such there is a backlog in delivery of this work which has impacted on the ability to fully evidence management of risks as interventions are not being undertaken. It is therefore proposed that an additional senior practitioner accredited to deliver the MFMC programme is added to the establishment.
- 4.4. Court Social Work Services
- 4.4.1. Bail Supervision
To enhance our ability to respond to an increase in demand for bail supervision it is proposed that an additional Social Work Assistant is added to the bail supervision team. The national recovery programme is emphasising the importance of enhancing bail options and new legislation has been introduced to support electronic monitoring options for service users. Financial incentives have also been introduced with increases in the use of bail supervision being retrospectively matched with additional funding.

4.4.2. Diversion from prosecution

The national recovery board has emphasised that there will continue to be an increased emphasis on diverting cases from prosecution to reduce wider demand in the Justice Service. To enhance our ability to deliver on increased demand for diversion from prosecution we would propose adding one additional Social Worker to the diversion from prosecution team.

4.4.3. Whole System Approach Team

The Whole System Approach team leads on the delivery of Structured Deferred Sentencing. To support an increase in Structured Deferred Sentencing referrals it is proposed that an additional Social Worker is added to the establishment to support an increase in demand in this area.

4.4.4. Third Sector Spend Expenditure

Third sector partners supplement the work provided by statutory agencies in getting it right for persons either on the cusp of or involved in the Justice system. To support recovery and an increased demand for Justice Services, third sector monies have been allocated to support statutory Justice Services in the following areas:

- ◆ Unpaid Work

SACRO expand on their additional unpaid work service and offer 7-day provision of supervisors to oversee workshops and community-based activities. Action for Children, who work with young people on Structured Deferred Sentences expand their service to working with young people sentenced to unpaid work. Action for Children have workers skilled in engaging with young people and will offer opportunities such as acquiring skills in the building industry to promote future employment in this area.

- ◆ Bail Housing and Mentoring

In partnership with South Lanarkshire Housing, we have reserved a flat provided by the Blue Triangle Housing Association (BTA). The flat will serve the dual purpose of reducing the likelihood of bail for those who do not have a suitable community-based address. Individuals utilising this accommodation will be promptly directed to ongoing housing supports to reduce the risk of homelessness

- ◆ Mentoring Support

Mentoring supports are required to prevent breaches of bail. It is proposed that a suitable mentoring and support service are commissioned to deliver mentoring that will help to support, guide, and offer practical assistance to persons in conflict with the law. In the longer term it is intended that mentoring support would help persons find a stable lifestyle including access to employability, housing, and family support to help prevent a return to offending and support a stable lifestyle

- ◆ Women affected by Domestic Abuse

The increase in demand for the delivery of the Caledonian Programme for men will also add additional demands for support for women. To meet this demand, we would propose adding an additional women's worker to the service to expand the Women's Aid service to support the delivery of Caledonian, and;

- ◆ Turning Point

To support the additional demand for intervention to DTTO service users with complex needs it is proposed that Turning Point offer additional support to DTTO service users

4.5. Planning and Performance Capacity

- 4.5.1. Separate from the funding outlined in this report and linked from a strategic planning perspective. It has been recognised that existing capacity and skill – mix from a support services perspective for Justice Services needs to also be re-considered given the increasing number of national strategic agendas for Justice Services. The need to have sufficient capacity on an ongoing basis to understand the implications of this and how this organised and translated into project plans and strategic plans has been identified as a resource gap. To mitigate against this, it is proposed to convert, on a permanent basis, an existing Planning and Development Officer post to a Planning and Performance Manager to provide additional leadership capacity, as detailed in section 5.2.

4.6. Third Sector

- 4.6.1. The breakdown in spending allocated to third sector partner agencies is outlined in the table below.

Third Sector organisation	Costs
Blue Triangle Housing Support	£0.040m
SACRO	£0.102m
Action for Children	£0.020m
Turning Point	£0.020m
Mentoring for Bail	£0.030m
Women's Aid	£0.030m
Total	£0.242m

5. Employee Implications

- 5.1. Due to the non-recurring nature of the funding it is proposed that the following posts are established on a fixed term basis for 9 months.

Post	No of posts	Grade	SCP range	Hourly rate	Annual salary	Gross Cost	Total cost
Social Worker	5	G3 L4	72 – 74	£20.61- £21.25	£37,611 - £38,779	£49,074 - £50,529	£245,035 - £252,645
Social Work Assistant	6	G2 L4	55 – 57	£16.03- £16.52	£29,253 - £30,147	£38,117 - £39,282	£228,702 - £235,692
Senior Practitioner	1	G3 L8	79 – 80	£22,89 - £23.24	£44,159 - £42,411	£54,429 - £55,261	£54,429 - £55,261
Placement Coordinator	1	G2 L4	55 – 57	£16.03- £16.52	£29,253 - £30,147	£38,117 - £39,282	£38,117 - £39,282
Total Cost							£566,283 - £582,880

- 5.2. The following additions and adjustments are made to the Social Work Resources establishment on a permanent basis.

Post	No of posts	Grade	SCP range	Hourly rate	Annual salary	Gross Cost	Total cost
Planning and Development Officer	-1	G3 L4	72 - 74	£20.61 -	£37,611 -	£49,007 -	(£49,007 -
				£21.25	£38,779	£50,529	£50,529)
Planning and Performance Manager	1	G4 L2-5	82 - 88	£23.92 -	£43,651 -	£56,878 -	£56,878 -
				£26.18	£47,776	£62,215	£62,215
Total Cost (net)							£7,871 - £11,686

6. Financial Implications

- 6.1. The Scottish Government Justice Board have been allocated an additional £40 million to address the backlog and new demand for orders. South Lanarkshire Justice Social Work Services have been allocated funding of £0.742m on non-recurring basis to address this demand, of which a minimum of £0.130m must be spent on the third sector.
- 6.2. The total cost of the proposals is £0.742m: staffing £0.425m (nine months); third sector £0.242m and unpaid work base £0.075m, all of which will be funded from the additional monies allocated.
- 6.3. The Scottish Government has increased the funding to support collaborative working across Community Justice Partnerships from £50,000 to £62,500. This funding has been used for the Planning Officer post and will now fund the Planning and Performance Manager post.

7. Climate Change, Sustainability and Environmental Implications

- 7.1. There are no implications for climate change in terms of the information contained in this report.
- 7.2. There are no implications for sustainability in terms of the information contained in this report.
- 7.3. There are no implications for the environment in terms of the information contained in this report.

8. Other Implications

- 8.1. There are no additional risk implications associated with this report.
- 8.2. There are no sustainable development issues associated with this report.
- 8.3. There are no other issues associated with this report.

9. Equality Impact Assessment and Consultation Arrangements

- 9.1. This report does not introduce a new policy, function or strategy, or recommend a change to existing policy, function or strategy and, therefore, no impact assessment is required.
- 9.2. Consultation has taken place with the Trade unions regarding the report.

Val de Souza
Director, Health and Social Care

Paul Manning
Executive Director (Finance and Corporate Resources)

11 May 2021

Link(s) to Council Values/Ambitions/Objectives

- ◆ Focused on people and their needs

Previous References

- ◆ none

List of Background Papers

- ◆ none

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

Diane Dobbie, Service Manager, Children and Justice Services

Ext: 3952 (Phone: 01698 453952)

Email: diane.dobbie@southlanarkshire.gov.uk