

# Report

Report to:	<b>Social Work Resources Committee</b>
Date of Meeting:	<b>15 November 2017</b>
Report by:	<b>Director, Health and Social Care Executive Director (Finance and Corporate Resources)</b>

Subject:	<b>Unpaid Work Service - Service Redesign</b>
----------	---

## 1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ advise the Committee of the work undertaken to review the Unpaid Work Service (UWS)
- ◆ advise of an options appraisal that was undertaken in relation to models of delivery to ensure the service is fit for purpose and able to cope with an increased demand in relation to this area of statutory service delivery

## 2. Recommendation(s)

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

- (1) that, following a review of the Unpaid Work Service, the preferred Option; Option 2 of Service Redesign as highlighted at Section 5.2 of the report and in Appendix 4, is approved;
- (2) that the posts, as detailed in section 7.1 are added to the establishment; and
- (3) that it be noted that the costs associated with this recommendation, will be met by the current Section 27 Grant for Justice Services within the local authority.

## 3. Background

3.1. Legislative Context and Governance arrangements

3.1.1 Social Work Resources' Justice Services is a statutory service fulfilling an essential role in the Criminal Justice System. The Community Justice (Scotland) Act 2016 resulted in the dissolution of the Community Justice Authorities and the subsequent introduction of the Community Justice Partnership (CJP).

3.1.2 Justice Services is part of the CJP and report on key performance indicators on a quarterly and annual basis to the Community Planning Partnership (CPP) and the Scottish Government.

3.1.3 The Criminal Justice and Licensing (Scotland) Act 2010 places a statutory duty on councils to fulfil the requirements for Community Payback Orders (CPOs) and Fiscal Work Orders (FWOs). CPOs must contain Offender Supervision and/or Unpaid Work conditions. FWOs only contain Unpaid Work. Unpaid Work must be completed within the timescales set by the court.

### 3.2. Local Context

- 3.2.1. In the South Lanarkshire Council area, the UWS provides a dedicated service to deliver the conditions of CPOs with requirements for Unpaid Work and also FWOs.
- 3.2.2. Service delivery has three areas of focus:
- ◆ providing service-users with Unpaid Work to meet the requirements of their Order within the relevant timescales and supervising the Unpaid Work
  - ◆ taking, arranging and organising referrals for Unpaid Work from the community, including individuals, community groups and agency projects
  - ◆ providing opportunities for 'meaningful activity' (30% of an individual's CPO Unpaid Work requirement can be fulfilled by meaningful activity other than Unpaid Work, for example learning skills to help secure employment such as CV writing)
- 3.2.3. All localities in South Lanarkshire receive service delivery from the UWS central base at Auchentibber Resource Centre, Blantyre. Additionally, there is a sub-location and workshop in Lanark.
- 3.2.4. Services are provided to male and female adults (over the age of 16) who are residents of South Lanarkshire (though there is a reciprocal arrangement in place with other councils if required). Some of the service-users are in employment and, therefore, Unpaid Work requires to be flexibly delivered including options for service-users to carry out Unpaid Work in the evenings or weekends.
- 3.2.5. The UWS also requires to transport service-users to and from the locations required. For this purpose, the service leases six vehicles.
- 3.2.6. Between 1 April 2016 and 31 March 2017, the UPWS received:
- ◆ 1,264 CPOs in respect of 1,003 service-users
  - ◆ 40 new FWOs generating 1,460 hours of Unpaid Work
  - ◆ 116 assessment requests
  - ◆ 869 CPOs with Unpaid Work resulting in a collective total of 103,555 hours. (diagrams outlining the breakdown in number of CPOS and hours is outlined in Appendix 2).
- 3.2.7. Between 1 April 2016 and 31 March 2017, the UWS dealt with 492 work referrals from a variety of sources within the community such as Education, Councillors and Charitable organisations.

## 4. Unpaid Work Service Review and Re-design

- 4.1. Following the identification of capacity and performance issues in the UWS, SLC initiated an internal review. Alongside this, SACRO undertook an independent review on behalf of the service to give objectivity to the process.
- 4.2. The reviews concluded that the UWS was at significant risk of being unable to deliver its statutory functions. The review identified significant issues that demanded immediate, interim measures to mitigate risks and ensure statutory functions were delivered.
- 4.3. A review of the management arrangements took place and additional temporary staffing supports were put in place with an increased number of Social Work Assistants (3 FTE). SACRO were also contracted on a short term basis until 31 March 2018 to offer support to meet the statutory requirements.

- 4.4 An Improvement Plan and steering group led by the Head of Children and Justice Services was established in December 2016. Resource mapping (including mapping with population indices); benchmarking with other UWS and three sub-groups were established as part of the Service Redesign work. This work concluded that the service is currently significantly under-staffed.
- 4.5 The service redesign group undertook an options appraisal to explore current delivery and alternative models of delivery. The outcome of the options appraisal is highlighted below.

## **5. Options Appraisal for delivery of the UWS**

- 5.1. Option 1 Model 1: Maintaining the status quo (Appendix 3)
  - 5.1.1. Model 1 involves maintaining the current staffing structure outlined in Appendix 3. This model offers clarity in terms of governance, roles and responsibilities and management arrangements.
  - 5.1.2. The additional interim arrangements identified in Section 4.3 have been necessary to enable the UWS to meet its statutory functions. To revert the service to this model would result in a serious and likely risk of the UWS not meeting its statutory functions, as identified by the internal and the external review.
  - 5.1.3. The model utilises four qualified Social Workers, however, there is no distinctive role for Social Workers in the UWS.
  - 5.1.4. This structure does not have the capacity or flexibility to cope with absence due to annual leave, training or sickness. Continuing with this model would lead to a frequent and significant risk of the service being unable to deliver its statutory functions, with a particular escalation of risk at times of absence.
  - 5.1.5. This model has contributed to high caseloads for Social Workers and Social Work Assistants (SWA). Social Workers and SWAs in this model are required to carry caseloads in excess of 100. Excessive caseloads create risks of the UWS not being able to deliver its statutory functions. In terms of the national key performance indicators reported to the Scottish Government, the performance has been erratic.
  - 5.1.6. In summary, this model is not recommended due to significant risks identified by the review.
- 5.2. Option 2, Model 2: Locality Model of Delivery. Seven day a week service (Appendix 4)
  - 5.2.1. Option 2 involves the creation of 7 additional SWA posts, 4 additional Supervisor posts and 0.5 additional Placement Co-ordinators.
  - 5.2.2. The model deletes 4 Social Worker posts. As stated there is no statutory requirement for Social Workers in the UPWS and UWS are delivered without Social Workers in other areas in Scotland.
  - 5.2.3. This model is based on the findings of the reviews and has been developed by the members of the service re-design group. It ensures the UWS meets its statutory function and risks identified by the reviews are mitigated.
  - 5.2.4. This model will result in consistent and improved performance reporting in relation to Key Performance Indicators. Additional SWAs in post will enable staff case loads to reduce and additional work to be undertaken such as home visits to ensure the performance indicators are met and improve service delivery. It will, therefore, gain credibility and reputation in the eyes of the court.

- 5.2.5. Adequate staffing would reduce caseloads and offer capacity for more placement opportunities and better outcomes for localities. This model would enable the service to be resourced at times of peak demand and maximise opportunities for service users to get through their orders. Increased staffing would also allow for flexibility in the workforce and staff having the opportunity to learn different roles and increase the skill base of the team. Contingency arrangements are also built into the structure and enable service resilience and continuity during times of absence to ensure statutory functions met.
- 5.2.6. The model ensures a seven day service can be delivered which is an increasing demand for the UWS. The service needs to ensure that the statutory requirements of court orders are met. To deliver this service, the staff group are required to work over a seven day period, including the provision of an evening service. Changes to work and shift patterns will ensure there is the required capacity to meet outcomes. Discussions have commenced with employees and Trade Unions to agree working hours and patterns of work that support the service.
- 5.2.7. Additional infrastructure changes are required such as IT, desks, equipment and staff training which can be met within the existing budget provision. There will be a requirement for an additional vehicle at a cost of £0.015 million.
- 5.2.8. In summary, this model, Option 2 is recommended because it ensures that the UWS meets its statutory duties and addresses the risks identified by the review process.
- 5.3. Option 3, Model 3: Mixed Model of delivery with Council and External Provider. (Appendix 5)
- 5.3.1. Model 3 is a 'hybrid' model, utilising a Third Sector organisation such as SACRO for part of the service delivery.
- 5.3.2. This model is currently being utilised as the interim model developed to stabilise the service. This would result in a sharing of responsibilities and service delivery. The current arrangement with SACRO could not continue in its current format as a commissioning and tendering process is necessary.
- 5.3.3. Numbers of Supervisors and Placement Co-ordinators would have to be increased and this would incur additional costs over and above the costs to commission a Third Sector provider to deliver aspects of the service.
- 5.3.4. Utilising the Third Sector in the delivery of a statutory service also causes constraints in terms of flexibility. Contract arrangements are fixed and, therefore, offer little flexibility. For example, if the numbers of CPOs/FWOs decrease, then the opportunity to draw money back would not be an option. Similarly, increases in court orders may result in negotiations for financial uplifts on an ongoing basis.
- 5.3.5. A crucial role of the UWS is to work closely with the Justice Teams in localities and sharing information is a daily activity. There are considerable difficulties in relation to employees from the Third Sector accessing data systems and information sharing with colleagues. Currently, the Third Sector employees rely on core staff to access, records and share information. Additionally, public sector employees have statutory duties under Public Protection to investigate, provide information and be involved in investigations. This would raise significant challenges in terms of the role of the Third Sector in the UWS.

- 5.3.6. The UWS already works in partnership with other Third Sector providers in other areas without cost implications. For example The Venture Trust and Volunteer Services are utilised to assist service-users to address identified needs.
- 5.3.7. In summary, this model is not recommended. There is no significant cost difference, however, implementation issues and sharing of information and Data Protection will be an issue.
- 5.4. Option 4, Model 4: Independent Service Model Commissioned by the Council (Appendix 6)
- 5.4.1. This model would involve the full commissioning out of the UWS to a third sector or independent sector organisation. This would require authority to be sought to tender out in accordance with the national procurement rules for public sector workers. This would involve consultation with colleagues in Finance and Corporate Resources in terms of legal and specialist procurement.
- 5.4.2. The investment in the Third Sector could be viewed as positive in terms of relationships with Community organisations. Risks and responsibilities would be contractually delegated to the Third Sector organisation. However, the requirement to ensure services are delivered and performance reporting would still be the statutory responsibility of the local authority.
- 5.4.3. From the benchmarking exercise that was undertaken in relation to other local authorities, it is apparent that no other UWS in the country has fully tendered out their service. There is, therefore, no Third Sector or Private Sector Organisation in Scotland with experience in delivering a fully commissioned UWS.
- 5.4.4. A full service specification would require to be developed and the full tendering out of the service. This would be an open procedure and could take between six to nine months for full implementation. The current service would have to run in parallel until such time as a fully commissioned service was up and running. This will result in double running costs through an implementation period.
- 5.4.5. Assessing financial cost and whether the option is feasible has, therefore, not been possible. Indicative costs for this model based on service need and the provision currently received from SACRO, would be considerably more expensive than the current or other proposed models.
- 5.4.6. There would be challenges in relation to information sharing in localities which would pose particular issues for service users subject to combination orders. Cases such as these require close communication with the locality Justice Services. Information sharing in relation to Public Protection would also be a significant issue. Key Performance Indicators would become difficult to measure and report on to the Scottish Government.
- 5.4.7. There would be significant staff implications for the current staff group (33.5 FTE) SLC posts. The current skill base of staff would be lost and the current base at Auchentibber would be impacted. This, however, could be sold to generate a capital receipt. The model would mean there would be no flexibility of service provision should CPO/FWO demand increase or decrease.
- 5.4.8. In summary, this model is not recommended because this model is untried and would pose a risk to service delivery and reputational damage to the Council if the service were not deliverable or meeting the expected outcomes.

## **6. Recommendations and Action Plan for Transition**

- 6.1. Given the current model of UWS delivery is not sustainable or fit for purpose, the recommendation is for Option 2 Model 2 (Appendix 4) to be endorsed by the Social Work Resources Committee. In summary this would result in:
- ◆ the removal of 4 Social Worker posts
  - ◆ the addition of 7 Social Work Assistant posts
  - ◆ the addition of 0.5 Placement Co-ordinator post
  - ◆ the addition of 4 Supervisor posts
- 6.2. To ensure the new model of service delivery is embedded by 1 April 2018, additional SWAs and supervisors will be recruited as soon as possible. SACRO will be issued with a three month notice period and will stop delivering their service from 31 March 2018. Additional staffing in post and an appropriate notice period to SACRO will ensure there is a smooth transition from the interim to the new model of service delivery. Aspects of the UWS currently delivered by SACRO will be safely and smoothly transferred to South Lanarkshire Council staff with all risks safely managed.

## 7. Employee Implications

- 7.1. Table 1 below outlines the establishment change associated with implementation of Option 2 (Appendix 4)

Post (Social Work)	Current Number of Posts (FTE)	Proposed Number of Posts (FTE)	Grade	SCP Range	Hourly Rate	Annual Salary	Gross Cost inc on costs 30.3%
Operations Manager	1	1	Grade 4 Level 2 – 5	79 – 88	£20.84 - £23.85	£38,030 - £43,523	£49,553 - £56,710
Team Leader	2	2	Grade 3 Level 8	75 – 80	£19.64 - £21.16	£35,841 - £38,614	£46,700 - £50,314
Social Worker	4	0	Grade 3 Level 2 - 4	55 – 74	£14.60 - £19.35	£26,643 - £35,311	£34,715 - £46,010
Social Work Assistants	6	13	Grade 2 Level 2- 3	36 - 48	£11.06 - £13.19	£20,183 - £24,070	£26,298 - £31,363
Placement Coordinators	3	3.5	Grade 2 Level 4	50 – 57	£13.58 - £15.04	£24,782- £27,446	£32,290 - £35,762
Placement Supervisors (32 hours)	9	13	Grade 2 Level 3 + 1	42 - 48	£12.43- £13.58	£20,739 - £22,657	£27,022 - £29,522
Total Costs	25	32.5					£983,843- £1,120,020

- 7.2 These posts have been evaluated using the Council's Job Evaluation Scheme.

## 8. Financial Implications

- 8.1. The total additional costs of Option 2 are £0.190 million arising from additional staffing of £0.175 m and a vehicle of £0.015m. This is offset by the cessation of the SACRO contract, resulting in additional funding required of £0.036m which will be met for the existing Section 27 grant provided for the delivery of Justice Services.

## 9. Other Implications

- 9.1. There are information technology issues for the full implementation of Model 2. IT developments are required to support the change to Model 2.

- 9.2. There are significant risks in not developing this resource and the Council runs the risk of not meeting its statutory requirements. This would incur not only the reputational risk, but Public Protection risks for individuals and communities.
- 9.3 There are no sustainability issues with respect to information in this report.
- 10. Equality Impact Assessment and Consultation Arrangements**
- 10.1. The report does not introduce a new policy, function or strategy or recommend a change to an existing policy, function or strategy and, therefore, no impact assessment required.
- 10.2. Discussions have taken place with all staff in the UWS and representatives from all staff groups participated in the redesign group.
- 10.3 Managers and staff have been fully informed of the proposals and discussions have also taken place with the Trade Unions regarding the review.

**Val de Souza**  
**Director, Health and Social Care**

**Paul Manning**  
**Executive Director (Finance and Corporate Resources)**

13 October 2017

**Link(s) to Council Values/Objectives**

- ◆ Improve community safety
- ◆ Protect vulnerable children, young people and adults
- ◆ Embed governance and accountability
- ◆ Strengthen partnership working, community leadership and engagement

**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

Ext: 3952 (Phone: 01698 453952)

Email: [diane.dobbie@southlanarkshire.gcsx.gov.uk](mailto:diane.dobbie@southlanarkshire.gcsx.gov.uk)

## **Appendix 1: Detailed Background Information relating to the Unpaid Work Service**

### **Context of Criminal Justice Services**

South Lanarkshire Justice service is a statutory service fulfilling an essential role in the Criminal Justice System. The introduction of Community Justice (Scotland) Act 2016 dissolved the Community Justice Authorities (CJA) and introduced new governance arrangements in the form of Community Planning Partnerships (CPP). A new funding formula was introduced at this time. South Lanarkshire Council (SLC) funding allocation for 2017/2018 was £5,269,583.

### **Accountability**

Social Work Justice Services are part of the Community Justice Partnership (CJP) and report on key performance indicators on a quarterly and annual basis to the (CPP) and the Scottish Government. Justice Services are delivered in accordance with the National Outcomes and Standards for Social Work in the Criminal Justice System (2010).

### **Pan-Lanarkshire Services**

There are several services that are jointly delivered by (SLC) and (NLC) and are referred to as Pan-Lanarkshire Services. A review of Pan-Lanarkshire Justice Services commenced in June 2017. (SLC) Justice Services currently host the Court and Drug Treatment and Testing Order (DTTO) service for both North and South Lanarkshire Councils. (NLC) Justice Services host Throughcare. The outcomes of reviews of these services are likely to have an impact on how these services are delivered and also on future funding for Justice Services in (SLC). The reviews are scheduled for completion by November 2017.

### **Statutory Duties**

Social Work Justice Services are underpinned by statutes imposing legislative duties to deliver their services. Multi Agency Public Protection Arrangements (MAPPA) are delivered in terms of the Management of Offenders (Scotland) Act 2005 and Community Payback Orders (CPO) and Fiscal Work Orders (FWO) are delivered in terms of the Criminal Justice and Licensing (Scotland) Act 2010. Court Reports including an assessment of suitability for a CPO with an Unpaid Work requirement are completed in terms of Section 27 (1) (a) of the Social Work (Scotland) Act 1968.

### **Community Payback Order (CPO)**

The CPO came into force in 2011 and replaced Community Service Orders, Probation Orders and Supervise Attendance Orders. The legislation introduced a "Presumption Against Short Sentences" (PASS) which were viewed by the Scottish Government as ineffective in meeting needs to reduce offending while in custody. The presumption against short term custodial sentences has substantially increased the use of the Unpaid Work element of the CPO since 2011.

People sentenced to a CPO can be ordered to carry out between 20 and 300 hours of Unpaid Work. A level 1 order can last from 20-100 hours and should be completed within 3 months. A level 2 order can last between 101-300 hours and should be completed within 6 months.

Up to 30% of an order can consist of activity other than Unpaid Work. Other Activity can include service users learning skills to help secure employment, for example how to write a Curriculum Vitae (CV).

### **Requirements of the Community Payback Order**

The CPO must contain one or more of the following requirements:

- an element of unpaid work or other activity
- offender supervision

It may also contain any of the following 7 requirements:

- compensation
- programme
- mental health treatment



- drug treatment
- alcohol Treatment
  - residence
  - conduct

Unpaid Work is the most common disposal introduced by the court and in (SLC) a dedicated service delivers this work on behalf of the court.

### **Fiscal Work Order (FWO)**

In July 2015, under the legal framework of Criminal Justice and Licensing (**Scotland**) Act 2010, the Scottish Government, along with partners in the Crown Office and Procurator Fiscal Service and local authority Criminal Justice Social Work departments, made FWOs available in all 32 local authorities across Scotland. FWOs provide Procurators Fiscal with the option of offering an "alleged offender" a period of community-based reparative work (of between 10 and 50 hours), completion of which discharges the right to prosecute for the related offence.

By extending the range of measures available to prosecutors in dealing with offences which do not require a court hearing, FWOs are designed to benefit victims and communities through the speedier and more appropriate resolution of cases. They provide constructive community work activities or programmes for "alleged offenders" with the aim of encouraging personal and social responsibility and self-respect.

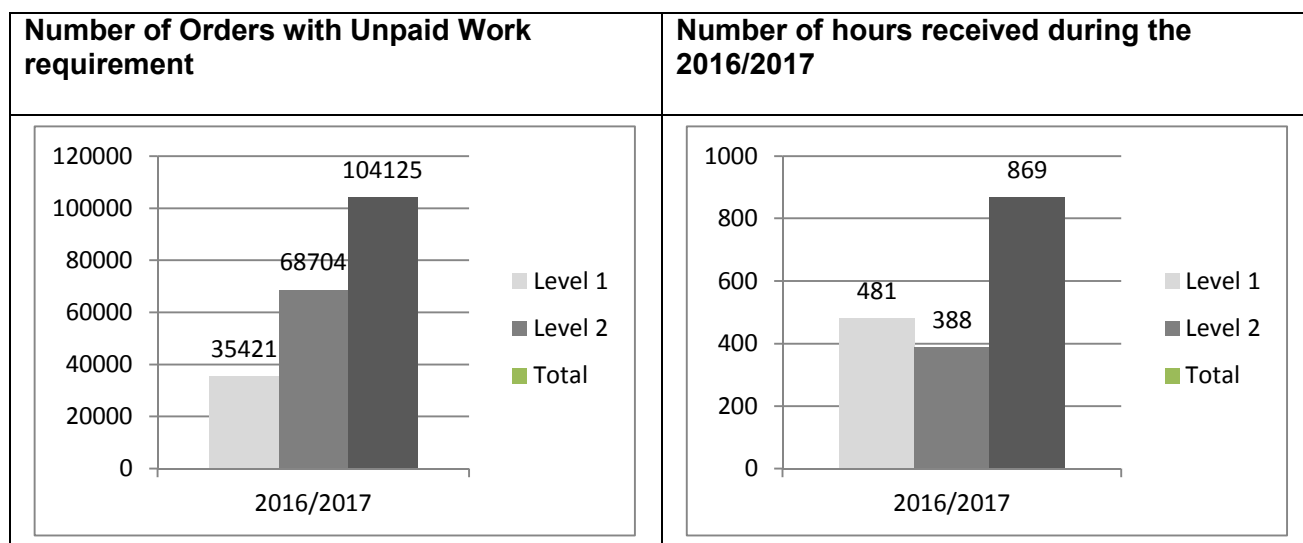
## Appendix 2

### Community Payback Orders with Unpaid Work Requirement

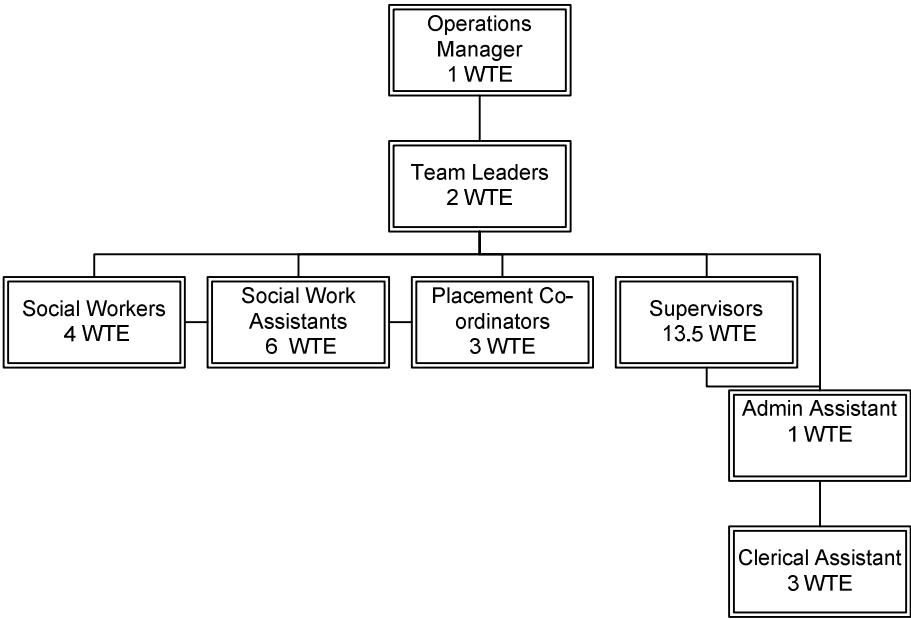
The following diagrams highlight that a total of 1264 Community Payback Orders (CPOs) were received during 2016/2017 in respect of 1003 offenders, out of which were 849 males and 148 females (6 gender unknown).

During this period a collective total of 103,555 hours of unpaid work were issued in respect of 869 CPOs with an Unpaid Work requirement. The work primarily focused on community and agency projects in addition to assistance in the delivery of work referrals received from individual members of the community. The primary objective being that all project work undertaken was targeted to benefit individuals and communities throughout South Lanarkshire.

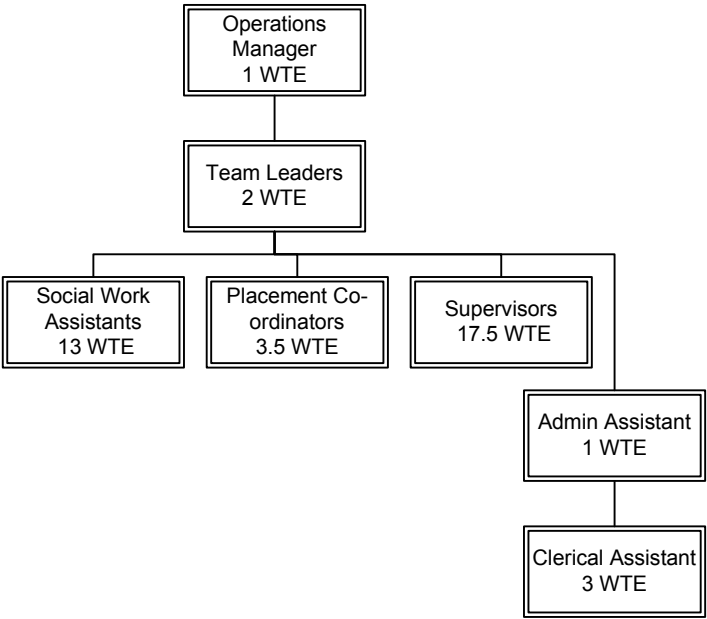
The two diagrams below highlight a breakdown of number of CPOs with an Unpaid Work requirement and hours received during the reporting period.



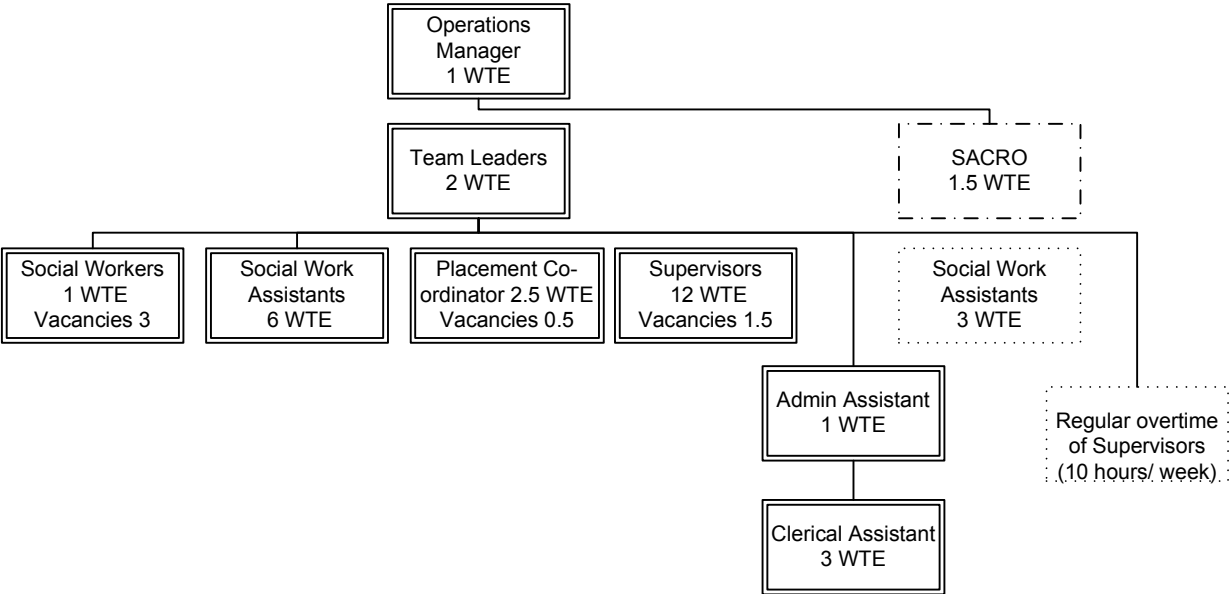
Model 1 - Current Establishment Structure



Model 2 - Proposed Structure



Model 3 – Hybrid Current Working Structure (including temporary arrangements)



Model 4 – Commissioned Service delivering all Unpaid Work on behalf of SLC

