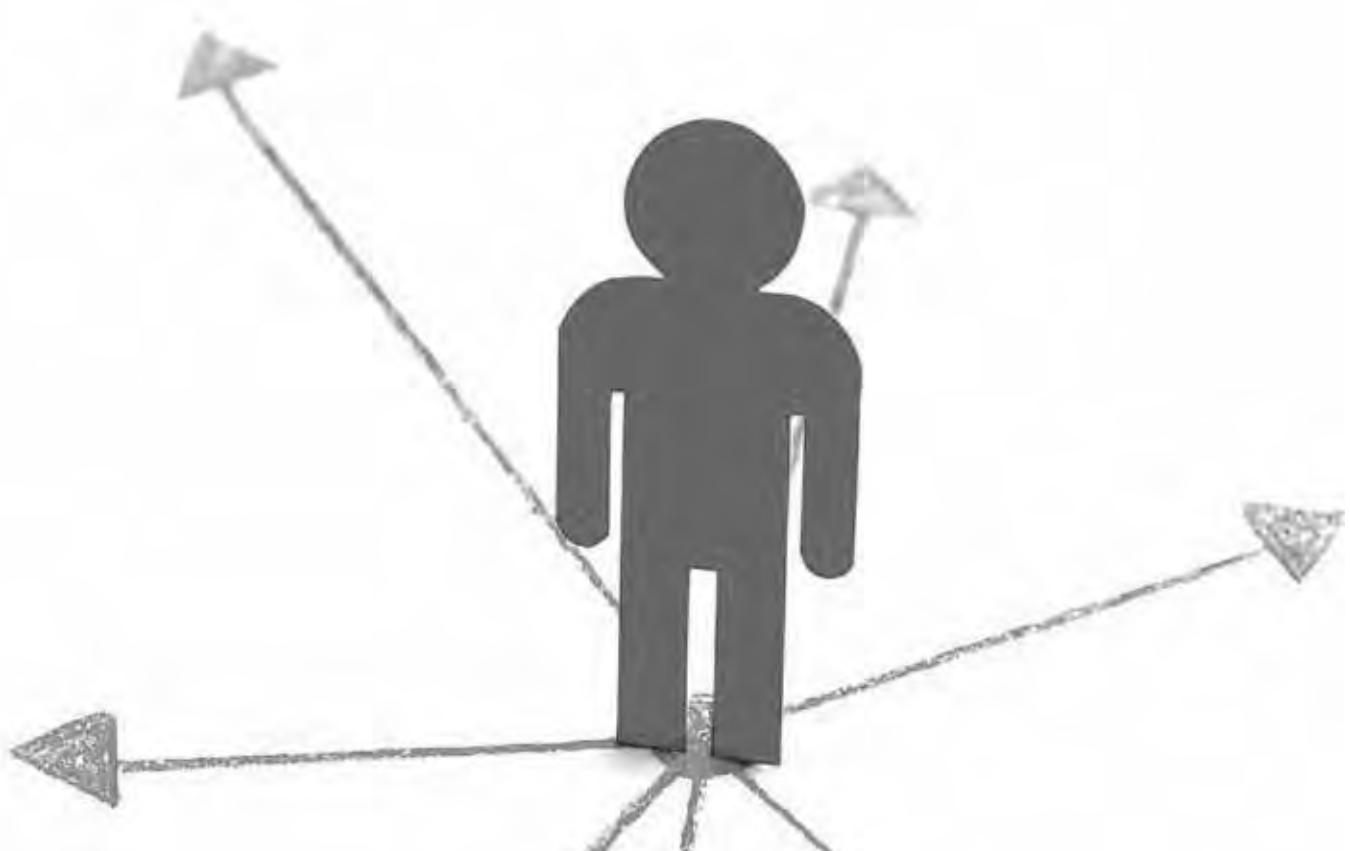


# Reducing reoffending in Scotland



Prepared for the Auditor General for Scotland and the Accounts Commission  
November 2012

# Auditor General for Scotland

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The Commission secures the audit of 32 councils and 45 joint boards and committees (including police and fire and rescue services).

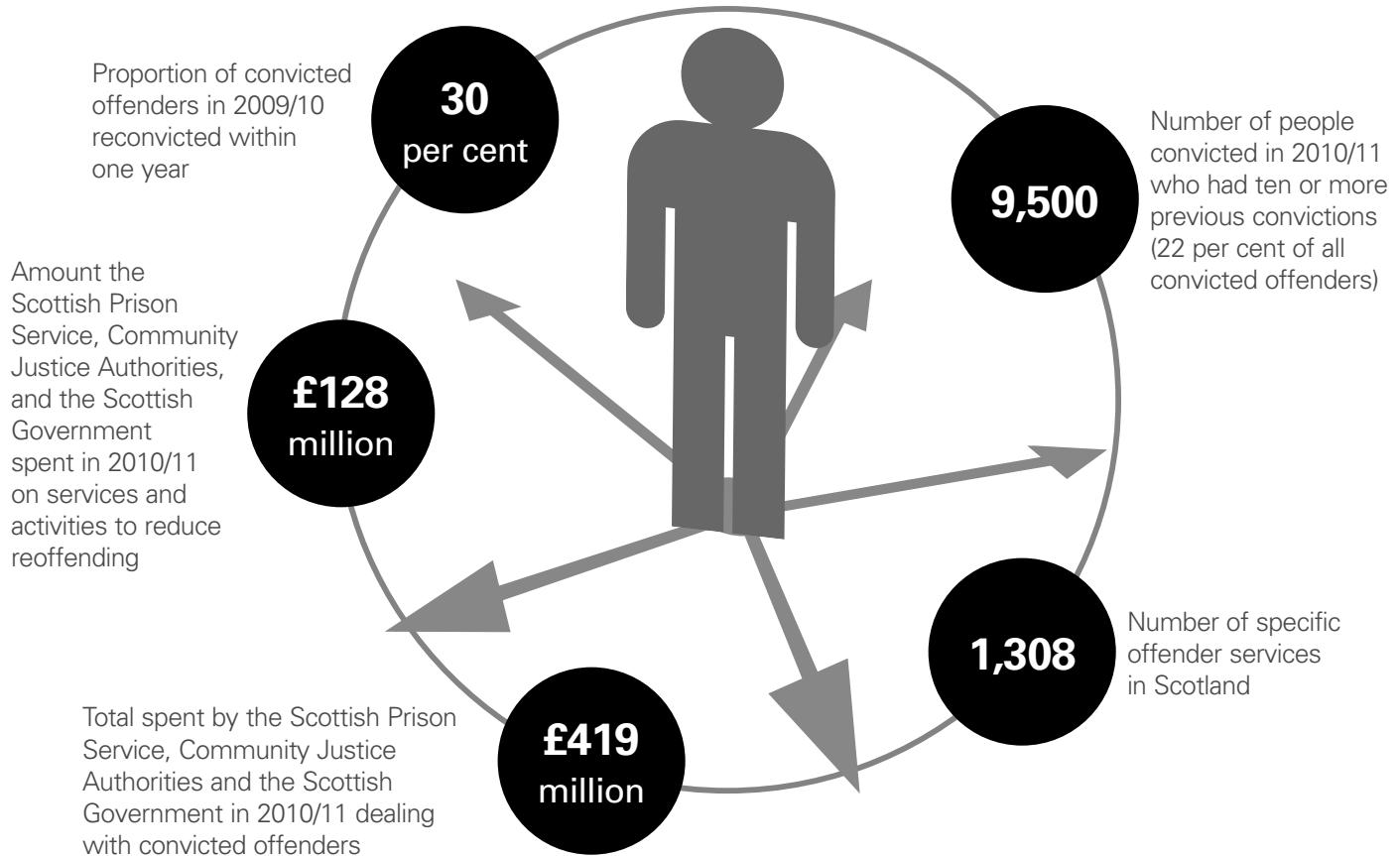
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# Summary

## Key facts



## Background

- 1.** In September 2011, Audit Scotland published *An overview of Scotland's criminal justice system*.<sup>1</sup> This highlighted that reoffending is a continuing problem in Scotland. In 2009/10, over 47,000 people were convicted of an offence and 30 per cent (over 14,000 people) were convicted again within one year.
- 2.** Criminal justice is about protecting the community, delivering justice for victims and meeting the needs of offenders to reduce the risk of them offending again. What happens to people who offend depends on a number of factors, for example the type of offence committed and the history and personal circumstances of the offender.
- 3.** In 2010/11, the Scottish Prison Service (SPS) and Community Justice Authorities (CJAs) – the main criminal justice bodies who deal with convicted offenders - and the Scottish Government spent an estimated £128 million on services and activities aimed specifically at reducing reoffending.
- 4.** In addition to these bodies, many other organisations and partnerships work with offenders after they have been sentenced, including the police, NHS boards, Alcohol and Drug Partnerships (ADPs) and over a hundred voluntary or community organisations. Together, they deliver over 1,300 services specifically for people who have offended.
- 5.** Two pieces of legislation aimed at reducing reoffending have been introduced since devolution. The Management of Offenders (Scotland) Act 2005 created eight CJAs, established on 1 April 2007.<sup>2</sup>

The Criminal Justice and Licensing (Scotland) Act 2010 introduced Community Payback Orders (CPOs) and a presumption against short-term prison sentences of less than three months. CPOs came into force on 1 February 2011.

**6.** The criminal justice system is demand led, but in *An overview of Scotland's criminal justice system* we identified that understanding the demand is not straightforward. While the number of recorded crimes and offences is falling, the number of people in prison and the number of community sentences are increasing, putting pressure on services to reduce reoffending.

**7.** In June 2011, the Scottish Government established the independent Commission on Women Offenders, specifically to consider what needs to be done to improve outcomes for women offenders. The Commission reported in April 2012 and made 37 recommendations.<sup>3</sup> The Scottish Government accepted 33 of these recommendations and is due to report to Parliament in October 2012 on progress against implementing them. It is still considering four recommendations.<sup>4</sup> Many of the issues raised by the Commission were also identified by us during our fieldwork and are covered in this report.

**8.** In 2007, the Scottish Government set a national indicator to reduce the reconviction rate as part of its National Performance Framework. Reconviction rate was selected as a proxy to measure the effectiveness of policy and legislative changes aimed at reducing reoffending. The Scottish Government set a target of reducing the overall (two-year) reconviction rate by two per cent to 42 per cent

by 2011. This was achieved. In 2011, the Scottish Government changed the indicator to reducing the one-year reconviction frequency rate.

**9.** Following publication of *An overview of Scotland's criminal justice system*, the Scottish Parliament's Public Audit Committee took evidence on the findings and published its own report in February 2012.<sup>5</sup> In that report, the Committee asked Audit Scotland to look at a number of issues related to reducing reoffending in this performance audit. The Committee's recommendations and our findings are included in Appendix 1.

## About our audit

**10.** This audit looked specifically at reducing reoffending. The overall aim was to assess the efficiency and effectiveness of approaches taken to reduce reoffending. The audit focused on what happens to adult offenders sentenced in court. We did not look at preventative work designed to stop people offending in the first place or measures to prevent low-level offenders going to court, such as police warnings or fines imposed by a procurator fiscal.

**11.** We identified the scale and nature of reoffending, the range of options for sentencing and the amount of money spent on reducing reoffending. We also assessed the effectiveness of partnership working, including the role of CJAs. We did not include young people referred back to the children's hearing system by a sheriff.

**12.** Evidence for this audit is based on an analysis of national and local data; information from SPS, the Scottish Government, CJAs and criminal justice social work services; and interviews with a wide range of

1 *An overview of Scotland's criminal justice system*, Audit Scotland, 2011.

2 The eight CJAs are Fife and Forth Valley, Glasgow, Lanarkshire, Lothian and Borders, North Strathclyde, Northern, South West Scotland and Tayside.

3 *Commission on Women Offenders*, Scottish Government, April 2012.

4 The four outstanding recommendations concern a proposal for new sentencing options; a review of services for women with borderline personality disorders; and two proposals to reform the leadership and delivery of adult offender services in the community (which would cover both men and women offenders).

5 *Public Audit Committee, 1st Report, 2012 (Session 4), An overview of Scotland's criminal justice system*, Scottish Parliament, 2012.

people who work with offenders. In addition, we commissioned a series of focus groups to gather views of people currently serving a community or prison sentence; and a review of evidence on levels of reoffending in other countries. This work is published in two supplementary reports available on our website [www.audit-scotland.gov.uk](http://www.audit-scotland.gov.uk). A detailed description of our methodology is provided in Appendix 2 and details of our advisory group in Appendix 3.

**13.** We have developed a series of questions for CJA board members to use to help them improve the effectiveness of the CJA in reducing reoffending. These are included in Appendix 4.

**14.** Our report is in four parts:

- Reoffending in Scotland (Part 1).
- Expenditure on reducing reoffending (Part 2).
- Services to reduce reoffending (Part 3).
- Effectiveness of current arrangements (Part 4).

### Key messages

- Reoffending is a continuing problem in Scotland. Recoviction rates have remained relatively static over recent years; 30 per cent of people convicted in 2009/10 were reconvicted within one year compared with 32 per cent in 1997/98. In 2010/11, more than one in five people convicted (9,500) had ten or more previous convictions. The Scottish Government estimates that the total economic and social costs of reoffending are about £3 billion a year.
- In 2010/11, SPS, CJAs and the Scottish Government spent an estimated £128 million on services to reduce reoffending and £254 million on restricting the liberty of offenders. The total amount spent by these bodies on dealing with convicted offenders was £419 million. More detailed information on the unit costs and quality of the range of services delivered is needed to make an overall assessment on how efficiently this money is being used. However, variation in the costs of criminal justice social work services indicates there is potential to improve efficiency in this area.
- There is a strong body of evidence on what is effective in reducing reoffending, but there is a mismatch between what is currently being delivered and what is known to be effective. There is an urgent need for a more strategic approach to planning, designing and delivering services at both a national and CJA level. Such an approach needs to be based on an analysis of need, the level of demand, evidence of what works and costs of delivery.
- Demand for services to reduce reoffending is increasing and SPS, CJAs and councils need better information on the needs of offenders to plan and manage services. Access and availability vary across the country and the level of support for prisoners serving short sentences needs to improve, particularly in relation to their housing needs.
- Many bodies are involved in reducing reoffending. They have different governance and accountability arrangements and different geographic boundaries, resulting in a complex landscape. Eight CJAs were established in 2007 to develop a more coordinated approach to delivering services for offenders and reduce reoffending. CJAs have brought people together, but the way they were set up and inflexible funding have significantly limited their effectiveness. They have made little progress with reducing reoffending.
- There needs to be stronger leadership at national, regional and local levels if reoffending is to be tackled effectively. There has been limited progress with many of the problems identified in the 2006 *National Strategy for the Management of Offenders* and these need to be addressed.

## Recommendations

The Scottish Government should:

- improve arrangements for funding community justice to ensure that:
  - the money is targeted towards effective approaches to reduce reoffending
  - there is more flexibility to meet local needs and priorities
  - allocations are more responsive to changes in demand
- improve the range of performance measures to assess the effectiveness of SPS, CJAs and councils in reducing reoffending
- review current arrangements for managing offenders in the community to ensure that:
  - there are clear and shared objectives to reduce reoffending
  - those working to reduce reoffending have appropriate powers
  - there is clear accountability and a mechanism to promote collective responsibility for reducing reoffending
  - arrangements promote and support what works in reducing reoffending and allow flexible service delivery
  - there is a more coordinated and strategic approach to working with the third sector.

The Scottish Government, SPS, CJAs and councils should:

- work together, and with other relevant public and third sector providers, to improve how services to reduce reoffending are planned, designed and delivered to ensure that they:
  - meet the needs of offenders, in particular those serving short prison sentences
  - recognise the level of demand
  - are based on evidence of what works
  - take into account costs of delivery.

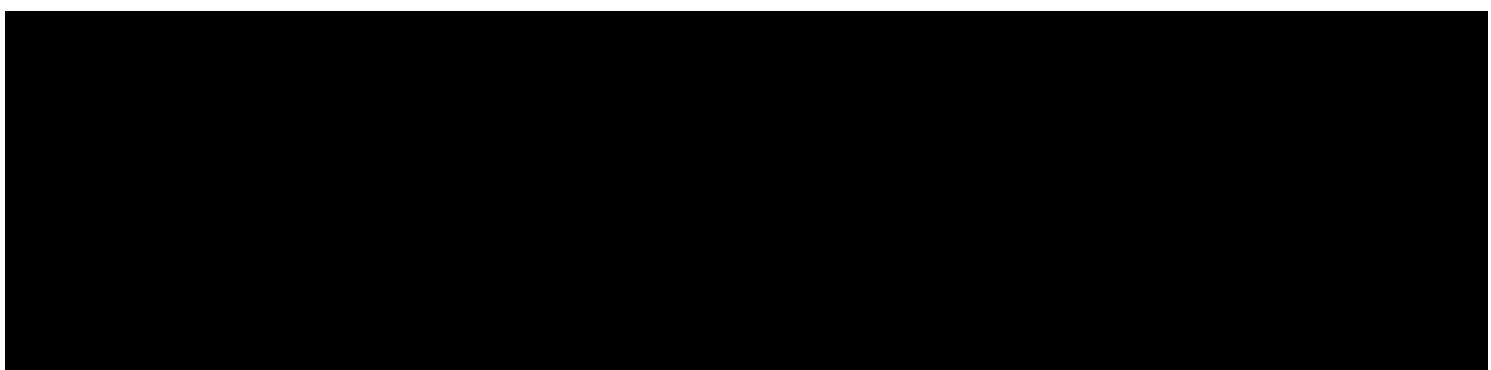
CJAs and councils should:

- work together to improve their understanding of the unit costs of different types of criminal justice social work activity and how these relate to the quality of service delivered. This work should be used to inform decisions on how resources are used and where efficiency could be improved.

# Part 1. Reoffending in Scotland



Reoffending is a continuing problem.



## Key messages

- Reoffending is a continuing problem in Scotland. Recoviction rates for those reconvicted within one year have remained relatively static over the last 13 years, at 30 per cent in 2009/10 compared with 32 per cent in 1997/98. In 2010/11, more than one in five people convicted (9,500) had ten or more previous convictions.
- The current level of reoffending has significant implications for criminal justice and other public services. The Scottish Government estimates that the total economic and social costs of reoffending are about £3 billion a year.
- The prison population continues to increase and the make-up of the prison population is changing, with more prisoners serving sentences of six months to four years.
- There are different sentencing options available to courts and there is a link between the type of sentence and the likelihood that someone will reoffend. People serving short prison sentences are the most likely to reoffend. Community Payback Orders were introduced in 2011 and were designed to achieve effective justice and reduce reoffending. It is too early to assess whether they have achieved these aims.

## Reoffending has been a problem in Scotland for many years

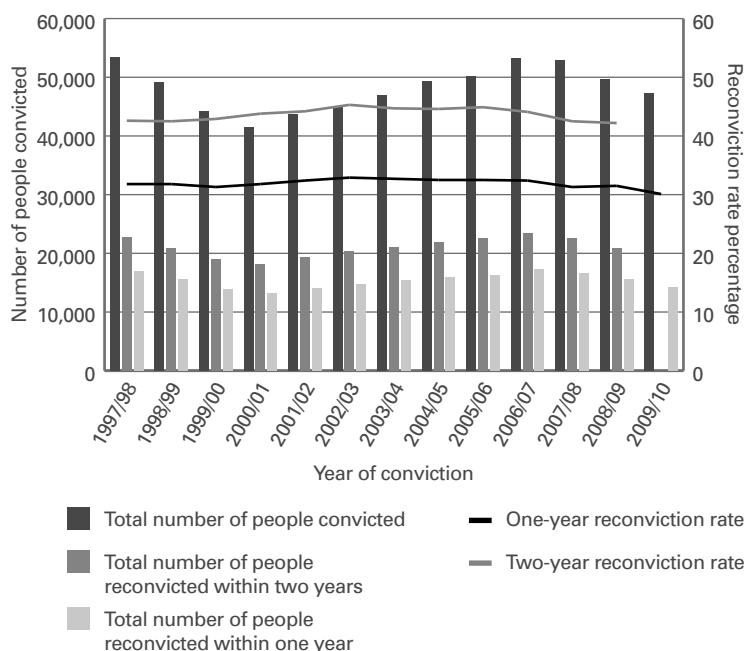
**15.** Recoviction rates are the most widely used method of measuring reoffending. Rates have remained relatively static in Scotland over the past 13 years.<sup>6</sup> In 1997/98, 32 per cent of offenders were reconvicted within one year. Recoviction rates increased to 33 per cent in 2002/03 and have declined since then to 30 per cent in 2009/10. Two-year recoviction rates have followed a similar pattern, rising to 45 per cent in 2002/03 and declining to 42 per cent by 2008/09. In 2009/10, 47,336 people were convicted of an offence, and 14,245 were reconvicted within one year. (Exhibit 1).

**16.** Overall recoviction rates only give an overview of the level of reoffending. They do not reflect changes in the nature of reoffending behaviour, such as changes in the seriousness of crimes committed, and there is a time delay in reporting. In order to produce more timely information, the Scottish Government now concentrates on publishing detailed analysis of one-year recoviction rates and one-year recoviction frequency rates. Recoviction frequency rates examine the average number of crimes committed by reoffenders in the year after they were convicted. Data published in September 2012 shows this is decreasing slightly, with

### Exhibit 1

#### Number of convicted offenders and reoffenders in Scotland, 1997/98 – 2009/10

The percentage of people reconvicted within one and two years has remained relatively static.



#### Notes:

1. The total number of people reconvicted within two years includes people reconvicted within the one-year total.
2. The number of people convicted consists of those receiving a non-custodial sentence or being discharged from custody in a particular year.
3. The decline in the number of offenders and reoffenders in the early 2000s mirrors a similar trend in recorded crime and offences over that period.

Source: Audit Scotland based on *Statistical Bulletin: Recoviction rates in Scotland: 2008/09 and 2009/10 offender cohorts*, Scottish Government, September 2012

6 Recoviction rates are measured by following convicted offenders from the time they are convicted for a period of one or two years to see whether they are reconvicted of any crimes during this period. Due to the time lag between the end of the follow-up period and the data being published by the Scottish Government, the most recent data available for one-year recoviction rates is from the 2009/10 cohort of convicted offenders. Similarly, the most recent data for two-year recoviction rates is from 2008/09.

54 reconvictions per 100 offenders in 2009/10 compared with 59.7 in 2006/07. Reconviction rates are closely related to developments within the criminal justice system more generally, for example how different types of offending behaviour are treated by the courts. Reconviction rates also do not include people who have reoffended after receiving early intervention measures, such as police fixed penalty notices.

**17.** Many other countries experience similar problems with reoffending. We commissioned the Scottish Centre for Crime and Justice Research (SCCJR) to compare Scottish reconviction rates with England and Wales, Northern Ireland, the Republic of Ireland, Norway and New Zealand. This research found that most of these countries experienced similar problems with reoffending. While there are various definitions of 'reoffenders' and 'reoffending', which make direct comparisons difficult, the typical range of reconviction rates is between 30 and 50 per cent.<sup>7</sup>

#### Persistent offending is a particular problem

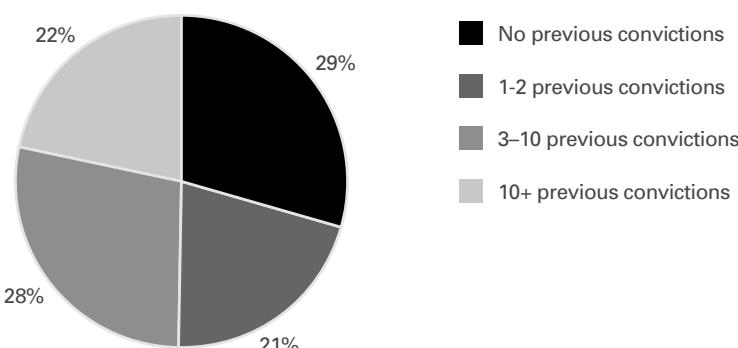
**18.** In 2010/11, 9,500 people (22 per cent of all convicted offenders) had ten or more previous convictions (Exhibit 2). Less than a third, 29 per cent, of people convicted in 2010/11 were convicted for the first time.

**19.** People with many previous convictions are far more likely to reoffend. Of the people convicted in 2009/10 who had no previous convictions, only 13 per cent were convicted of another offence within a year; whereas more than half (57 per cent) of those with ten or more previous convictions were reconvicted.

#### Exhibit 2

##### Convicted offenders and previous convictions, 2010/11

In 2010/11, more than one in five people convicted (9,500) had ten or more previous convictions.



Note: The data shows previous convictions since 1989.

Source: Audit Scotland based on *Statistical Bulletin: Reconviction rates in Scotland: 2009/10 offender cohort*, Scottish Government, September 2012

**20.** The Scottish Government publishes different sources of data which report the number of previous convictions that offenders have. These data sources are not directly comparable. There is no data currently published that explicitly shows how the number of persistent offenders is changing over time. Robust, transparent and comparable data are needed to support the development of approaches to reduce reoffending and monitor their effectiveness.

#### Men under 21 are the most likely to reoffend

**21.** Overall, significantly more men reoffend than women; of the 14,245 people convicted in 2009/10 who were reconvicted within one year, 12,299 were men and 1,946 women, and most people who reoffend are under the age of 30 (Exhibit 3). Offenders originally convicted of crimes of dishonesty, breach of the peace and violent crime

are the most likely people to be reconvicted. Further analysis of the data shows that men under 21 are the most likely to reoffend. Over a third of this group who were convicted in 2009/10 reoffended within one year compared to just over a quarter of men over the age of 30. Women are generally less likely to reoffend than men, and women over 30 are the least likely to reoffend (20 per cent of women over 30 convicted in 2009/10 were reconvicted within one year).

**22.** An analysis of data provided by SPS shows that in March 2012, 40 per cent of all prisoners came from the most deprived areas in Scotland, compared to 15 per cent of the total Scottish population. Almost half (44 per cent) of prisoners also reported being under the influence of drugs at the time of their offence.<sup>8</sup> This profile is similar to reoffender populations in other countries.<sup>9</sup>

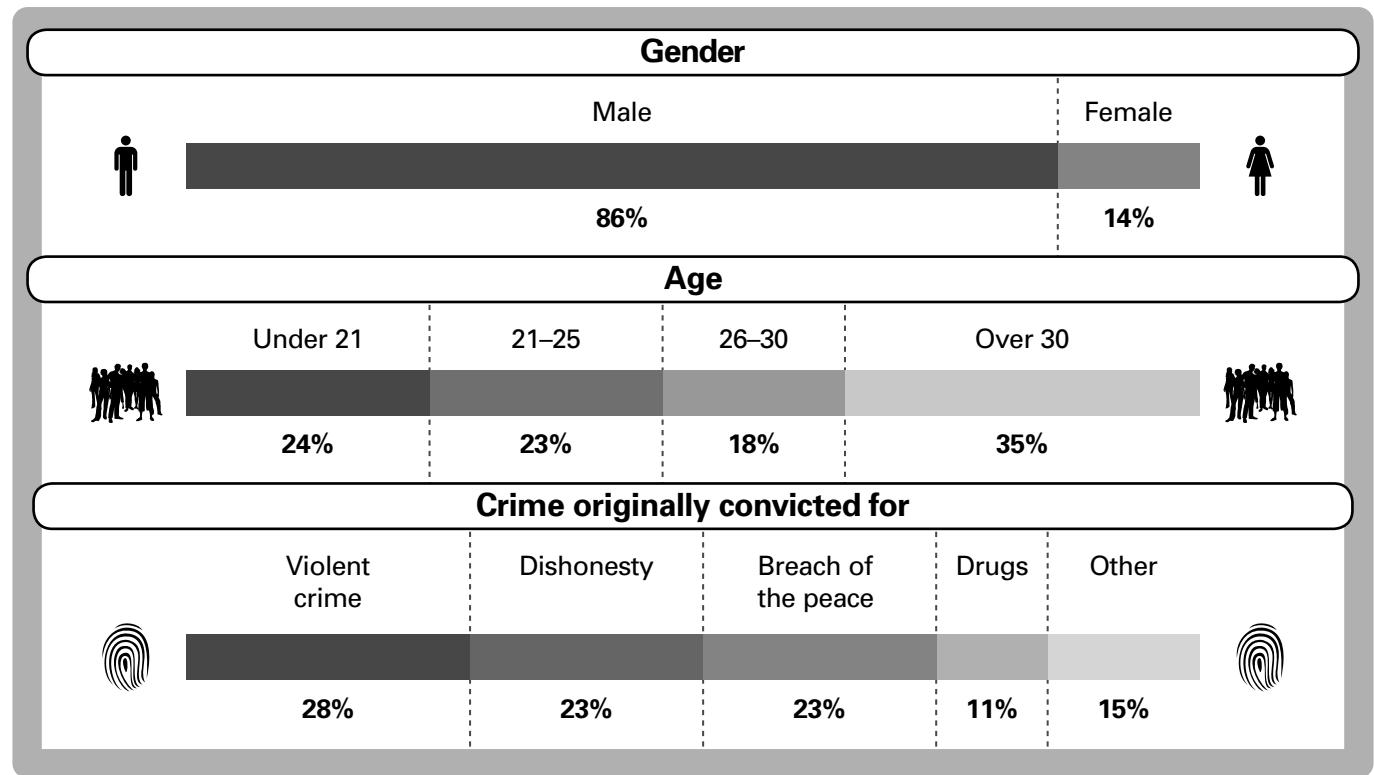
<sup>7</sup> Reducing reoffending: review of selected countries, Scottish Centre for Crime and Justice Research, May 2012. The exception is Norway which has a reported reconviction rate of 20 per cent but the lower rate is partially a result of a different definition of reconviction.

<sup>8</sup> Prisoner Survey 2011, Scottish Prison Service, November 2011.

<sup>9</sup> Reducing reoffending: review of selected countries, Scottish Centre for Crime and Justice Research, May 2012.

### Exhibit 3

Profile of people convicted in 2009/10 and reconvicted within a year  
The majority of reoffenders are male.



Note: 'Other' includes sexual crimes, damage, and other miscellaneous crimes.

Source: Audit Scotland based on *Statistical Bulletin: Reconviction rates in Scotland: 2009/10 offender cohort*, Scottish Government, September 2012.

### There is a relationship between the type of sentence received and reconviction rates

**23.** There is a range of options available to the courts for sentencing people once they are found guilty, including fines, community sentences and imprisonment. Exhibit 4 (overleaf) summarises the main options and the support available for offenders during and after their sentence.

**24.** The link between type of sentence and reconviction rate is well documented. SCCJR found that in all the countries reviewed, reconviction rates were higher for those leaving

prison than those serving community sentences.<sup>10</sup> In Scotland, 46 per cent of people who left prison in 2009/10 reoffended within a year, compared to 34 per cent of those who received a community sentence.<sup>11</sup> This was also a key finding from the Prisons Commission.<sup>12</sup> This doesn't necessarily mean that community sentences are more effective in reducing reoffending as the two groups of offenders are not directly comparable, for example people in prison are more likely to have longer criminal histories than those on community sentences. However, further research taking these differences into account has shown that people who have served

short prison sentences are more likely to reoffend than those on either community sentences or longer prison sentences.<sup>13</sup>

**25.** The Criminal Justice and Licensing (Scotland) Act 2010 introduced a presumption against short prison sentences of three months or less and brought in Community Payback Orders (CPOs) as a new community penalty. CPOs are designed to deliver both effective justice through offenders doing unpaid work and to reduce reoffending through additional requirements, such as supervision by a criminal justice social worker. CPOs came into force in February 2011, and by the end of March 2012 over

10 Reducing reoffending: review of selected countries, Scottish Centre for Crime and Justice Research, May 2012.

11 Community sentences includes probation orders, community service orders, and restriction of liberty orders. *Statistical Bulletin: reconviction rates in Scotland: 2009/10 offender cohort*, Scottish Government, September 2012.

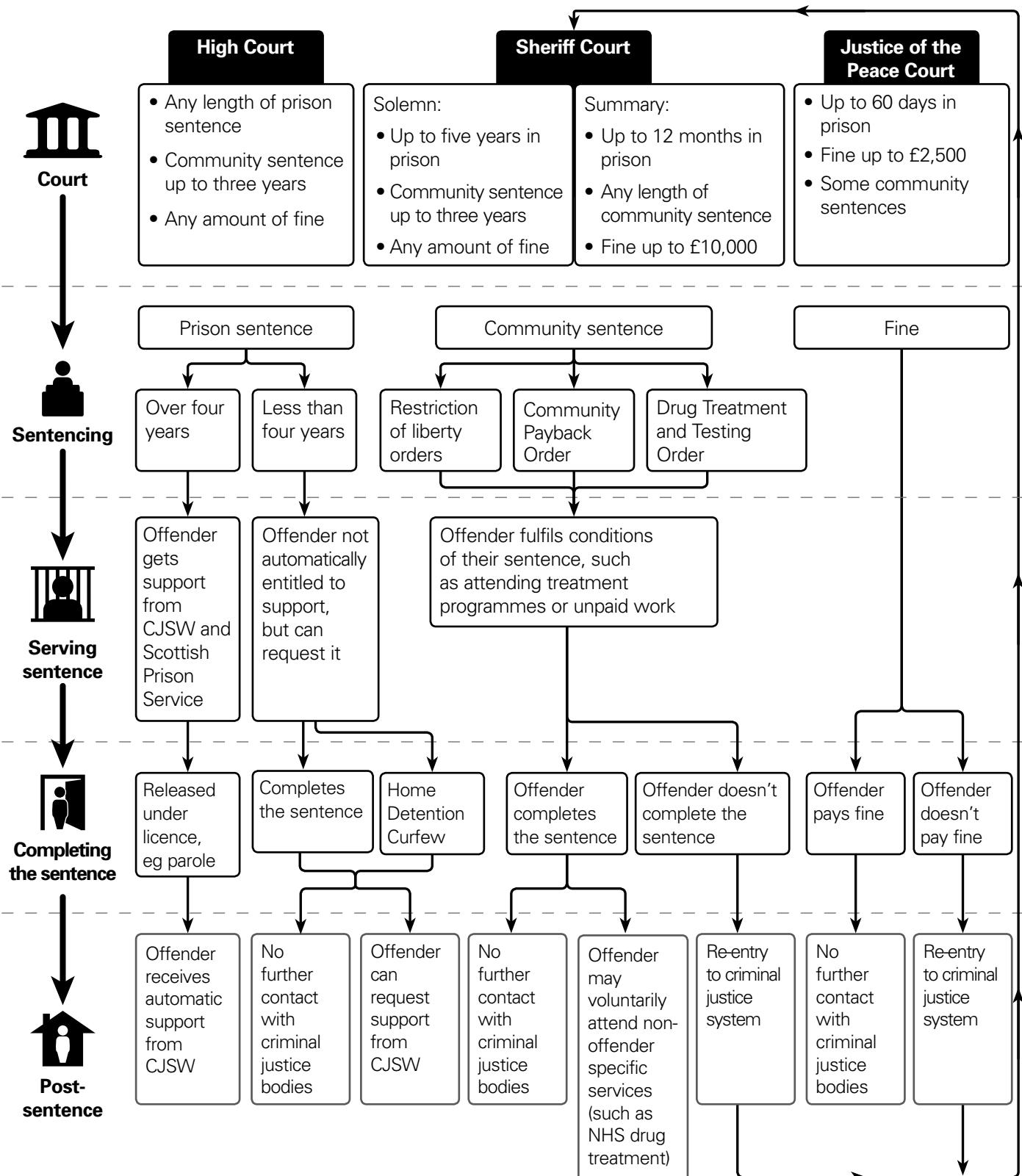
12 *Scotland's Choice: Report of the Scottish Prisons Commission*, Scottish Government, 2008.

13 Reducing reoffending: review of selected countries, Scottish Centre for Crime and Justice Research, May 2012.

## Exhibit 4

### Sentencing options and offender pathways

There is a range of options available to courts which have different consequences for the offender.



Note:

1. CJSW – criminal justice social work.

2. With the exception of sex offenders, all prisoners sentenced to less than four years are released after serving half their sentence.

Source: Audit Scotland

11,000 CPOs had been imposed, the majority by Sheriff courts.<sup>14</sup> However, it is too early to assess their impact on reducing reoffending.

**26.** A sheriff's decision about the type of sentence an offender should receive is entirely independent and based on a number of factors, including:

- the need to protect the public and the impact on victims
- the severity and nature of the offence and what mitigating or aggravating factors were present at the time of the offence
- the nature and number of the offender's previous convictions
- whether the offender has previously received a community sentence which they then breached<sup>15</sup>
- the characteristics of the offender and their motivation to stop offending.<sup>16</sup>

**27.** In our interviews, sheriffs reported that they are aware of the ineffectiveness of short prison sentences in reducing reoffending. However, they feel they are often left with little option but to impose a prison sentence, given the previous offending history or number of breaches of community sentences by a particular offender.

**28.** The Commission on Women Offenders reported evidence to suggest that informed, focused and ongoing engagement between a sheriff and an offender can help in motivating people to comply with community sentences. The higher completion of Drug Testing and Treatment Orders (DTTOs) in Glasgow City and Fife, where there are designated drug courts, supports

this finding.<sup>17</sup> A different approach to sentencing is applied in drug courts, where the sheriff works with other criminal justice bodies to bring about a change in offending behaviour, while maintaining judicial independence. The Commission also noted the importance of courts ensuring the sheriff who passed the sentence also conducts any associated review hearings (for example, CPOs can require progress to be reported to the court). However, moving to this type of sentencing would have significant implications for the Judiciary, the Scottish Court Service and other criminal justice bodies, both financially, as more court time may be required, and professionally, for example, sheriffs may require additional training. Further work is therefore needed to assess its potential cost-effectiveness in reducing reoffending.

### The level of demand is increasing

#### The prison population is continuing to increase

**29.** Scotland's prison population has increased by 27 per cent in the last ten years and is among the highest per head of population in western Europe. In 2011/12, an average of 8,178 people were in prison on any day. The most recent prison statistics project the prison population rising to 9,500 by 2020/21.<sup>18</sup>

**30.** The profile of the prison population has also changed over the past decade. There are now fewer people serving sentences of six months or less (a decrease of 17 per cent between 2002/03 and 2011/12) but more people serving sentences of six months to four years (an increase of 50 per cent). The number of prisoners serving sentences of more than four years has remained constant at around 2,400 people (Exhibit 5, overleaf).<sup>19</sup> Analysis of data provided by SPS shows that at March 2012, two in five

convicted prisoners (2,500 prisoners) had served more than ten previous prison sentences. Almost half of these (1,186 prisoners) had served more than 25 previous prison sentences.

### More community sentences are being imposed

**31.** Before the introduction of CPOs in February 2011, offenders could be given a number of different types of community sentence – community service orders; probation orders; or supervised attendance orders. The number of people on these orders has changed over the years. Between 2004/05 and 2010/11:

- the number of people on community service orders increased by nine per cent (to 5,665)
- the number of people on probation orders and supervised attendance orders decreased by one per cent (to 7,520) and seven per cent respectively (to 2,764).

**32.** Although 11,162 CPOs were issued between February 2011 and April 2012, this does not reflect the number of people sentenced, as some people may receive two concurrent CPOs. In addition, community service orders and probation orders are still being used for offences committed before 1 February 2011. Initial analysis by the Scottish Government indicates that, overall, the number of community sentences being imposed is increasing. Data on the number of people within each council receiving CPOs have been collected since April 2012 and are due be published late in 2013. This will provide better information on the level of demand for criminal justice social work and other services for people serving community sentences.

14 <http://www.scotland.gov.uk/Topics/Statistics/Browse/Crime-Justice/Datasets/CPOs>

15 Breaching an order is the term used when an offender does not follow the conditions of their sentence.

16 *Denying Responsibility – Sentencers' Accounts of their Decisions to Imprison*, J Tombs and E Jagger, *British Journal of Criminology* (2006), 46, 803-821.

17 *Commission on Women Offenders*, Scottish Government, April 2012.

18 *Scottish prison population projections: 2010-11 to 2019-20*, Scottish Government, June 2012.

19 *Prison Statistics Bulletin 2011/12*, Scottish Government, May 2012.

## Reoffending is putting an increasing strain on the public purse

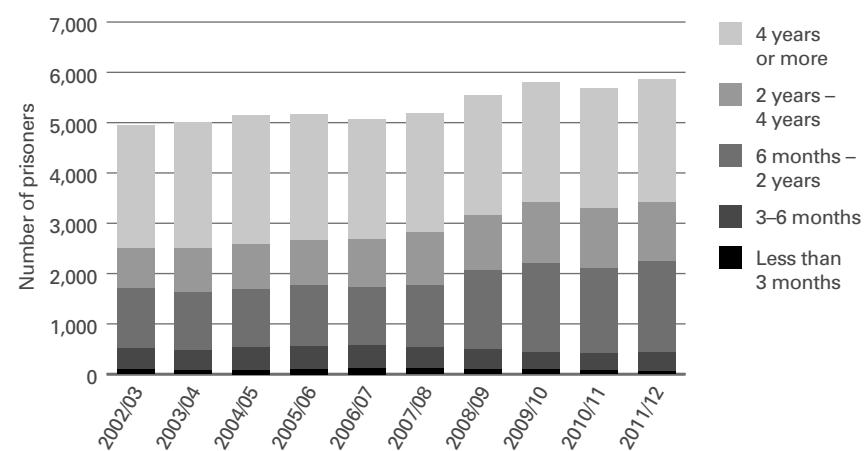
**33.** The current level of reoffending has significant implications for public services. The increase in the prison population and the number of community sentences is placing increasing demands on criminal justice bodies. This is combined with increased demand on other services, such as addiction services provided by the NHS and council housing services.

**34.** The Scottish Government estimates that the total economic and social costs of reoffending are around £3 billion a year.<sup>20</sup> Further research carried out by the Scottish Government estimated the total cost of reoffending by a single cohort of offenders who had three or more previous convictions over a ten-year period was £5.4 billion.<sup>21</sup> This is an under-estimate as it does not include all the costs incurred by bodies outside the criminal justice system.

## Exhibit 5

### Scottish prison population 2002/03 – 2011/12

The number of prisoners serving sentences of six months to four years is increasing.



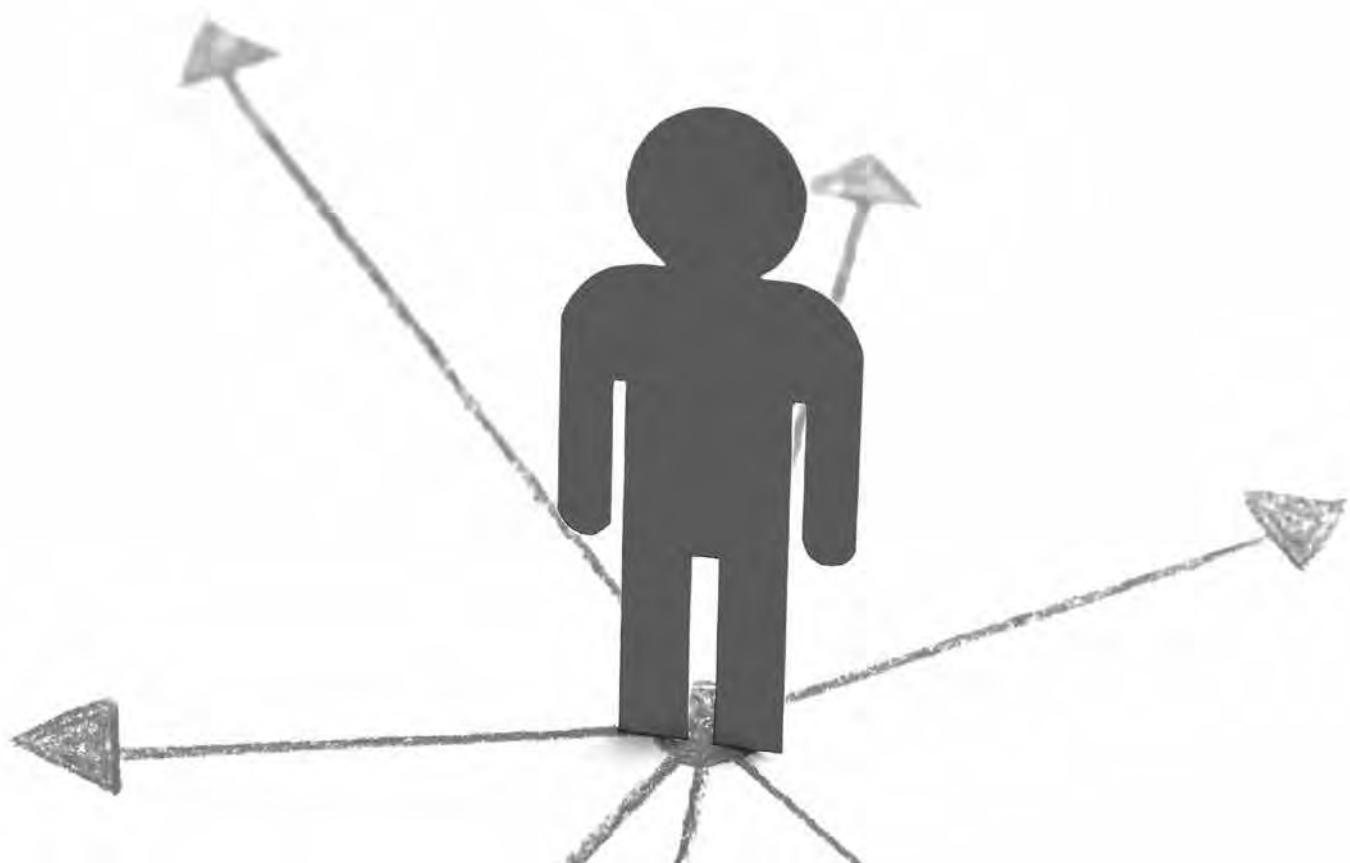
Note: This exhibit excludes prisoners on remand who have not yet been convicted, prisoners who have been recalled from supervision or licence, and fine defaulters.

Source: *Prison Statistics Bulletin*, Scottish Government, 2012

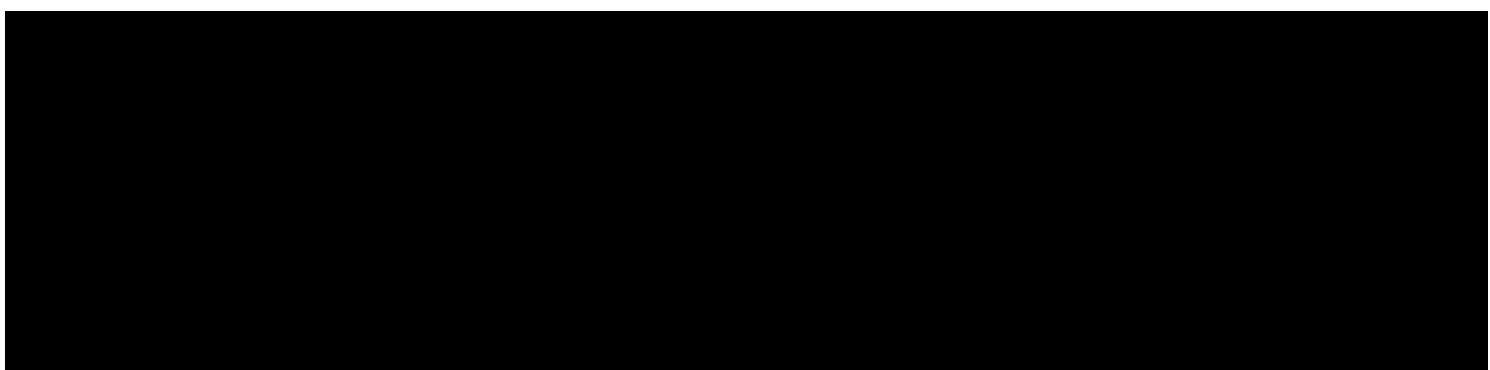
<sup>20</sup> This figure is derived from unpublished analysis by the Scottish Government. The Scottish Government estimated the total economic and social costs of different types of crime and related this to the proportion people convicted in court who had been previously convicted.

<sup>21</sup> *The Strategy for Justice: Evidence*, Scottish Government, September 2012.

# Part 2. Expenditure on reducing reoffending



£128 million was spent on reducing reoffending, less than a third of the total amount spent on dealing with convicted offenders.



## Key messages

- In 2010/11 SPS, CJAs and the Scottish Government spent an estimated £128 million on services and activities aimed specifically at reducing reoffending and £254 million on restricting the liberty of offenders.
- The current funding for criminal justice social work is inflexible and does not encourage reducing reoffending.
- There is a lack of detailed information on activity costs and quality of services to reduce reoffending; however, the wide variation in unit costs of some criminal justice social work services indicate there is potential to improve efficiency.

### **In 2010/11, SPS, CJAs and the Scottish Government spent an estimated £128 million on reducing reoffending**

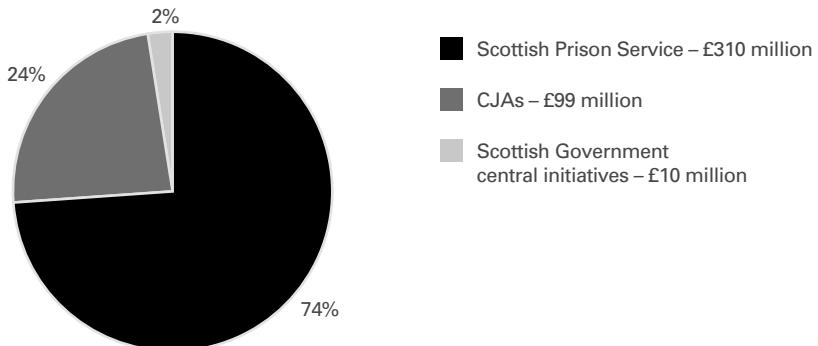
A total of £419 million was spent in 2010/11 on dealing with people sentenced in court

**35.** The majority of funding for dealing with offenders after they have been sentenced comes from the Scottish Government and goes to either SPS or the eight CJAs. CJAs do not spend the money themselves, as they do not deliver services; they allocate it to the councils in their area to deliver criminal justice social work services and other initiatives such as drug courts. The Scottish Government Justice Directorate also spends some money directly on people convicted in court, in particular in managing the contract for electronic tagging. In 2010/11, the total spent by these bodies was £419 million (Exhibit 6).<sup>22</sup>

**36.** Criminal justice is about protecting the community, delivering justice

## Exhibit 6

Expenditure by the main criminal justice bodies, 2010/11  
SPS accounted for the majority of the expenditure.



Source: Audit Scotland, 2012 using data supplied by Scottish Prison Service and Scottish Government, 2012

for victims and meeting the needs of offenders to reduce the risk of them offending again. The *National outcomes and standards for social work services in the criminal justice system* grouped these intended outcomes under four headings (known as the four Rs):<sup>23</sup>

- Restriction** – punishing the offender for their crime by restricting their movement, eg a prison sentence.
- Reparation** – the offender paying back to society, either financially or through activities such as unpaid work in the community.
- Rehabilitation** – rehabilitating the offender to reduce their chances of reoffending.
- Reintegration** – reintegrating the offender back into society.

**37.** In our 2011 report, *An overview of Scotland's criminal justice system*, we estimated that £81 million was spent on services to reduce reoffending in 2009/10.<sup>24</sup> Since then, the Scottish Government, CJAs, and SPS have identified which elements

of their expenditure contribute to each of the four Rs. It is inevitably a matter of judgement as to the exact split, as some activities will contribute to more than one outcome.<sup>25</sup> The work carried out by the Scottish Government, CJAs and SPS to identify the levels of expenditure within the four categories appears reasonable, although this has not been independently audited. Exhibit 7 shows the spending against each of the aims (four Rs). The Scottish Government and CJAs also identified around £22 million (five per cent) spent on supporting and enabling activities such as writing court reports and training programmes. While important for effective criminal justice processes, these were not considered to contribute directly to either restriction or reducing reoffending.

### **Restricting the liberty of offenders cost £254 million in 2010/11**

**38.** The work carried out by the Scottish Government, CJAs, and SPS identified that in 2010/11 the majority of their expenditure was spent on restricting the liberty of offenders (£254 million, 61 per cent). SPS spent most of this (£235.6 million)

<sup>22</sup> Financial information for 2010/11 was the latest available at the time of writing this report. Audited annual accounts for 2011/12 for CJAs are not available until December each year. The £419 million excludes SPS capital expenditure.

<sup>23</sup> *National outcomes and standards for social work services in the criminal justice system*, Scottish Government, 2010.

<sup>24</sup> *An overview of Scotland's criminal justice system*, Audit Scotland, 2011.

<sup>25</sup> The breakdown of expenditure using the four Rs headings is the best available estimate due to the difficulty of allocating expenditure into the four headings. For example, prison sentences are mainly about punishing offenders for their crime, but also have an element of rehabilitation.

keeping prisoners in custody. CJAs spent £12.9 million on services and activities with a restriction element, such as community service, bail and home detention curfews. The Scottish Government spent a further £5.9 million on restriction, including the contract for electronic tagging.

**£15 million was spent on ensuring offenders pay something back to society (reparation)**

**39.** Just over £15 million (four per cent of total expenditure) was spent on sentences and services aimed at making offenders pay something back to society. CJAs spent almost all of this (£14.9 million) on funding councils to deliver sentences such as Community Service Orders. The remaining £0.6 million was spent by the Scottish Government on activities with a reparation element, such as a pilot for fiscal work orders.<sup>26</sup>

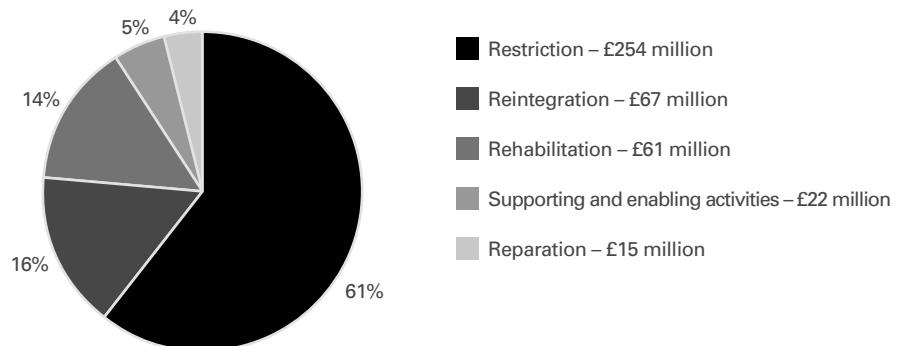
**£128 million was spent on reducing reoffending**

**40.** The Scottish Government, CJAs, and SPS estimated that they spent £128 million on reducing reoffending in 2010/11 (ie rehabilitation and reintegration), less than a third of the total amount spent on dealing with convicted offenders:

- **Rehabilitation – £60.8 million** (14 per cent). The majority of this was spent by CJAs (£37.8 million) on services and activities such as sex-offender programmes and addiction services. SPS spent £21.7 million, mainly on addiction services for prisoners, and the Scottish Government spent £1.3 million, primarily on funding for voluntary organisations that provide rehabilitation services.
- **Reintegration – £66.7 million** (16 per cent). SPS spent most of this (£52.7 million) on services to support prisoners move back into the community, such as help with housing, employability skills and education. CJAs spent £11.9

### Exhibit 7

**Breakdown of expenditure by the main criminal justice bodies, 2010/11**  
A third of expenditure was on reintegration and rehabilitation which both contribute to reducing reoffending.



Source: Audit Scotland, 2012, using data supplied by Scottish Prison Service and Scottish Government, 2012

million on services and activities such as supported accommodation and employment training. The remaining £2.1 million was spent by the Scottish Government on funding services and activities that contribute towards reintegration, such as the work of voluntary organisations.

**41.** In addition to public sector expenditure, a number of other bodies provide funding for services to support offenders. The two most significant funders are The Robertson Trust and the Big Lottery. The funding is small in comparison to the public sector (for example, £3 million from The Robertson Trust and £9 million from the Big Lottery in the last six years), but is significant to the individual services receiving it.

**The current funding for criminal justice social work is inflexible and does not encourage reducing reoffending**

**The Scottish Government provided £99 million to deliver criminal justice social work services in 2010/11**

**42.** In 2010/11, the Scottish Government provided CJAs with a grant of £99 million to allocate to

the 32 councils to deliver criminal justice social work services. The grant is mainly calculated using a funding formula and is ring-fenced. Scottish Government funding to CJAs has increased from £90.3 million in 2007/08 – a real-term increase of two per cent over four years. This increase was mainly due to funding provided by the Scottish Government to implement CPOs. This is in contrast to real-term reductions to budgets in the rest of the criminal justice sector and more widely in the public sector.

**Funding arrangements are based on historical activity and local need rather than successful outcomes**

**43.** CJA funding is calculated in two ways, called core and non-core funding:

- Core funding is for the delivery of statutory criminal justice social work services such as submitting social work reports to courts and implementing community sentences such as CPOs. It is calculated using a formula introduced in 1999, which was later modified to take account of CJAs. The formula is calculated from a combination of workload

<sup>26</sup> Fiscal work orders were introduced in some pilot areas in 2008. They allow procurators fiscal to introduce unpaid work orders as an alternative to prosecution, when a fiscal fine or court hearing is deemed inappropriate.

and local need. The workload measures are used to determine the relative share of work across all the core services (such as community sentences and social work court reports) averaged over the past three years. Local need is based on the population of unemployed males aged 16–24 in an area and the council's proportion of court business. The total amount available for each service is then divided between the eight CJAs to distribute to the 32 councils, according to the estimated workload and need.

- The level of non-core funding is decided by the Scottish Government, based on national priorities and historic allocations. Non-core funding is further divided into funding for national initiatives that are delivered locally in some areas (known as centrally initiated funding) and funding for services and interventions that the CJA agrees locally (non-centrally initiated funding). Centrally initiated programmes include, for example, the Caledonian domestic abuse programme and pilot projects (such as the Drug Treatment and Testing Order II pilot).<sup>27</sup>

**44.** Although it is important to recognise workload, the formula for deciding the core grant does not encourage CJAs to reduce reoffending. If the number of community sentences imposed in an area falls the CJA may receive less funding in future years. While CJAs have the authority to redistribute both the core and non-core grant to their councils to reflect local need, most follow the allocations based on the historical formula.

#### Funding is prescriptive leaving CJAs only £21 million for local initiatives

**45.** The core funding for CJAs is largely determined by the level of demand arising from convictions at court and non-core centrally initiated

funding is specified by the Scottish Government. This means that CJAs have limited flexibility in deciding how to use the funding allocated to them. In 2010/11, CJAs received a total grant of £99 million:

- £62 million – core funding
- £16 million – non-core, centrally initiated funding

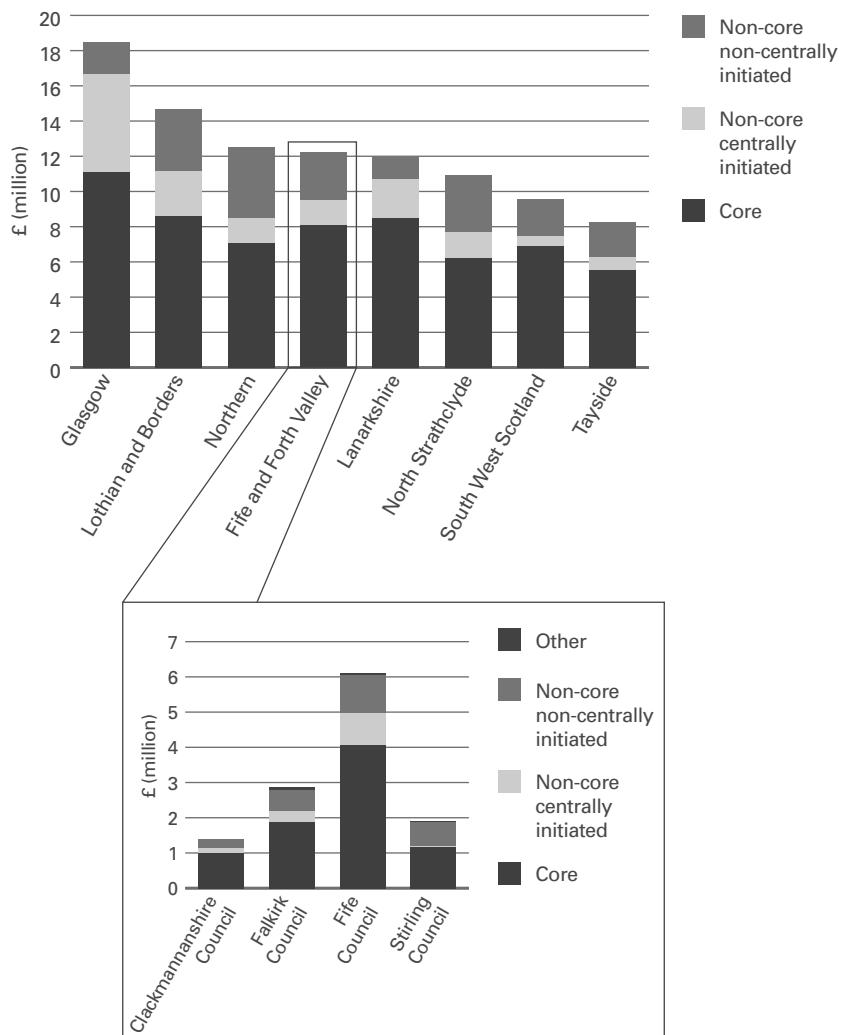
- £21 million – non-core, non-centrally initiated funding to deliver local initiatives such as supported accommodation or projects aimed specifically at young offenders.

**46.** The allocation for each of the three areas of expenditure varies by CJA (Exhibit 8). The amount of non-core non-centrally initiated funding available to spend on local initiatives differs significantly, for example, it

#### Exhibit 8

##### Grant make-up in each CJA

The percentage of CJA grant available for locally decided initiatives varies.



Note: Other is one-off funding from the Scottish Government in 2010/11 for the development of new services.

Source: Audit Scotland based on CJA Annual Accounts, 2010/11 and Fife and Forth Valley Financial Statements 2010/11

<sup>27</sup> Caledonian is a national programme for men who have been convicted of domestic abuse offences. The DTTO II pilot scheme is aimed at lower-level offenders who are in the earlier stages of drug misuse and offending.

makes up 11 per cent of the total grant in Lanarkshire CJA (£1.3 million) compared with 24 per cent in Lothian and Borders CJA (£3.5 million).

**47.** CJAs then allocate the grant to their constituent councils. The lack of flexibility means that some councils receive small amounts of money to spend on local initiatives. Exhibit 8 uses Fife and Forth Valley CJA as an example to illustrate how it allocates its budget across the four constituent councils and how much is available in each to spend on locally decided initiatives to reduce reoffending. For example, Fife Council received £6.1 million in 2010/11. This was divided into the three main headings – core (£4 million), non-core centrally initiated (£900,000) and non-core non-centrally initiated (£1.1 million). Each of these three headings was then subdivided into a further 25 budget lines, ranging from £6,600 for substance-related offending services to £1.2 million for delivering community sentences.

#### **Most criminal justice social work departments are spending more than they are allocated by CJAs**

**48.** Local financial returns show income and expenditure for each council service area and are returned to the Scottish Government by councils on a yearly basis. Our analysis of these returns shows that in 2010/11, 22 councils contributed a total of £8.6 million in addition to the CJA grant. Fifteen councils (across all CJAs) have subsidised their criminal justice social work departments every year since 2006/07. The amount of subsidy provided by councils in 2010/11 varied widely, for example Moray council contributed £49,000 compared with a contribution of £471,000 from Aberdeen City council.<sup>28</sup>

#### **Short-term funding affects the delivery of services**

**49.** CJAs can experience problems with short-term funding. A recent example of this was in April 2010, when the Scottish Government provided each CJA with £100,000 to spend specifically on services to support women offenders. CJAs reported that they found it challenging to plan, manage and spend this funding because it was provided at short notice and was guaranteed only for a year. The short-term nature of the funding made it difficult to commission services where staff had to be recruited to fill posts and to ensure the funding was spent appropriately. It is difficult to identify how effective this funding has been in reducing reoffending among women. It was spent in different ways, often supplementing existing funding for services for women offenders, there are no consistent measures of performance, and effectiveness needs to be assessed over a longer period.

**50.** During our fieldwork, many of the voluntary and third sector organisations involved in reducing reoffending expressed concern about current funding arrangements. They reported that some funding has to be applied for annually and public sector funders can be late in approving final grants. They said that this can make it difficult to plan services effectively and recruit and train staff or volunteers.

**51.** The Scottish Government has recently reviewed the funding arrangements for managing offenders in the community. Scottish ministers and COSLA are considering the Review Group's proposals and changes in the formula are likely to be introduced from April 2013.

#### **Further information on costs is needed to assess the efficiency of approaches to reduce reoffending**

##### **Information on the cost of prison-based services is improving but needs to be linked to levels of service delivery and quality**

**52.** Services for offenders are delivered both in prison and in the community. Services delivered in prison are funded in different ways. For example, SPS has national contracts with two colleges to provide educational courses; other prison-based services may be funded jointly by a range of public and third sector organisations, although these will involve indirect costs to SPS, for example through prison officer time in escorting or supervising prisoners.

**53.** SPS paid an estimated £4.7 million in 2010/11 to councils to provide criminal justice social work services for prisoners serving sentences of four years or more. However, there is limited information on the level of service delivered in individual prisons in relation to this expenditure. A 2011 national inspection report on social work services in prisons identified that services varied and that attempts to achieve consistency had been under discussion for ten years.<sup>29</sup> SPS and the Association of Directors of Social Work have still not reached agreement on what criminal justice social work services should be provided and at what cost in each prison.

**54.** The recent work undertaken by SPS to estimate its expenditure on rehabilitation and reintegration services is a good start in improving its understanding of the costs of different services. This information has the potential to identify areas where efficiency can be improved by comparing costs and activities across different prisons. Further information is needed in order to assess the overall effectiveness of this

<sup>28</sup> Local Financial Returns 2010/11.

<sup>29</sup> *Social work services in Scotland's prisons: a national inspection*, Social Work Inspection Agency, 2011.

expenditure. SPS and other relevant bodies need to work together to build a shared understanding of what happens to offenders once they leave prison.

### **Costs of criminal justice social work activities vary and there is potential to improve efficiency**

**55.** In general, councils have limited information on the unit costs of their activities.<sup>30</sup> In the absence of unit cost information, we analysed councils' 2010/11 expenditure on two specific criminal justice activities and matched this against reported activity in these areas to provide an estimate of unit costs. While we recognise that activity levels will not directly relate to funding streams, this analysis is intended to illustrate the extent of variation in costs between councils and provide a starting point for further work. The two areas we looked at were probation orders and social work court reports. We found that:<sup>31</sup>

- the cost of probation orders ranged from £951 in South Lanarkshire Council to £2,887 in Renfrewshire Council. The Scotland average was £1,613
- submitting social work court reports cost £185 per report in Clackmannanshire Council compared to £599 in Moray Council. The Scotland average was £337.

**56.** There are no apparent links between these costs and the location of the council (ie, rural councils do not necessarily have higher unit costs than urban councils) or with the number of offenders in an area. However, there are likely to be many reasons behind the variation in costs,

for example similar work being done by different grades of staff; different ways of allocating overheads; and some offenders requiring more detailed supervision. There is also likely to be variation in the quality of services delivered. Scrutiny reports published by the Care Inspectorate have identified that the quality of criminal justice social work services varies.<sup>32</sup>

**57.** On the face of it, the range of costs indicates there is potential to improve the efficiency of criminal justice social work activities. Our analysis of the unit costs of probation orders and court reports can be used to illustrate the potential scope for savings. For example, reducing the cost of carrying out probation orders to the Scotland average could release £1.8 million across the country, and reducing the cost of submitting court reports to the Scotland average could release £1.1 million.<sup>33</sup>

**58.** Data on the cost and number of CPOs delivered by individual councils during 2011/12 were not available at the time of our audit. CPOs range from three months to three years and involve different conditions, so estimating their unit costs will be challenging. However, it should be possible to cost the separate elements of the CPO, for example, an hour of supervision or a day of unpaid work.

**59.** Early indications are that councils have taken different approaches to implementing CPOs, which are likely to give rise to variations both in cost and effectiveness. Similar differences arose when Drug Treatment and Testing Orders (DTTOs) were introduced; discussions

with practitioners highlighted a wide variation in contracts between councils and NHS boards, and activities undertaken by different grades of criminal justice social work staff and addiction and health staff. However, there has been no analysis of the cost of these differences or their impact on the effectiveness of DTTOs.

**60.** CJAs and councils need to do further work to understand the costs of different criminal justice social work activities, the reasons behind any variation, and links to quality of service and effectiveness in reducing reoffending. This work should include collecting and analysing information on staffing levels and grades, the time spent on different activities and/or individual offenders, and tracking offenders to assess the effectiveness of the services delivered, where possible.

**61.** This analysis only covers services for offenders delivered by SPS and criminal justice social work. Services to address the needs of offenders are delivered by a wide range of other providers as well, for example support from council housing departments, NHS drug treatment programmes, and education courses run by further education colleges. Many of these services are essential in helping offenders to change their offending behaviour, but it will always be difficult for providers to identify what is spent on this relatively small group of service users. However, there may be potential to estimate costs from an offender's perspective, rather than the provider's.

<sup>30</sup> *How councils work: an improvement series for councillors and officers - using cost information to improve performance: are you getting it right?*, Audit Scotland, May 2012.

<sup>31</sup> This analysis is based on 27 councils. The figures for West Dunbartonshire Council include those for Argyll & Bute Council and East Dunbartonshire Council as they operate in a partnership with West Dunbartonshire Council responsible for the expenditure. The Island councils (Eilean Siar, Orkney, and Shetland) are also excluded from the analysis as they receive a single allocation which is not broken down into individual budget lines and so do not report in detail on their expenditure. The cost per sentence/report was calculated using councils' expenditure on each item divided by the number of sentences/reports in that year. The source for this information was councils' annual financial returns to CJAs and Scottish Government criminal proceedings data for 2010/11.

<sup>32</sup> [www.scswis.com](http://www.scswis.com)

<sup>33</sup> Efficiency savings were calculated by working out the difference between each council's cost per order/report and the Scotland average and then multiplying this by the number of orders/reports carried out.

## Recommendations

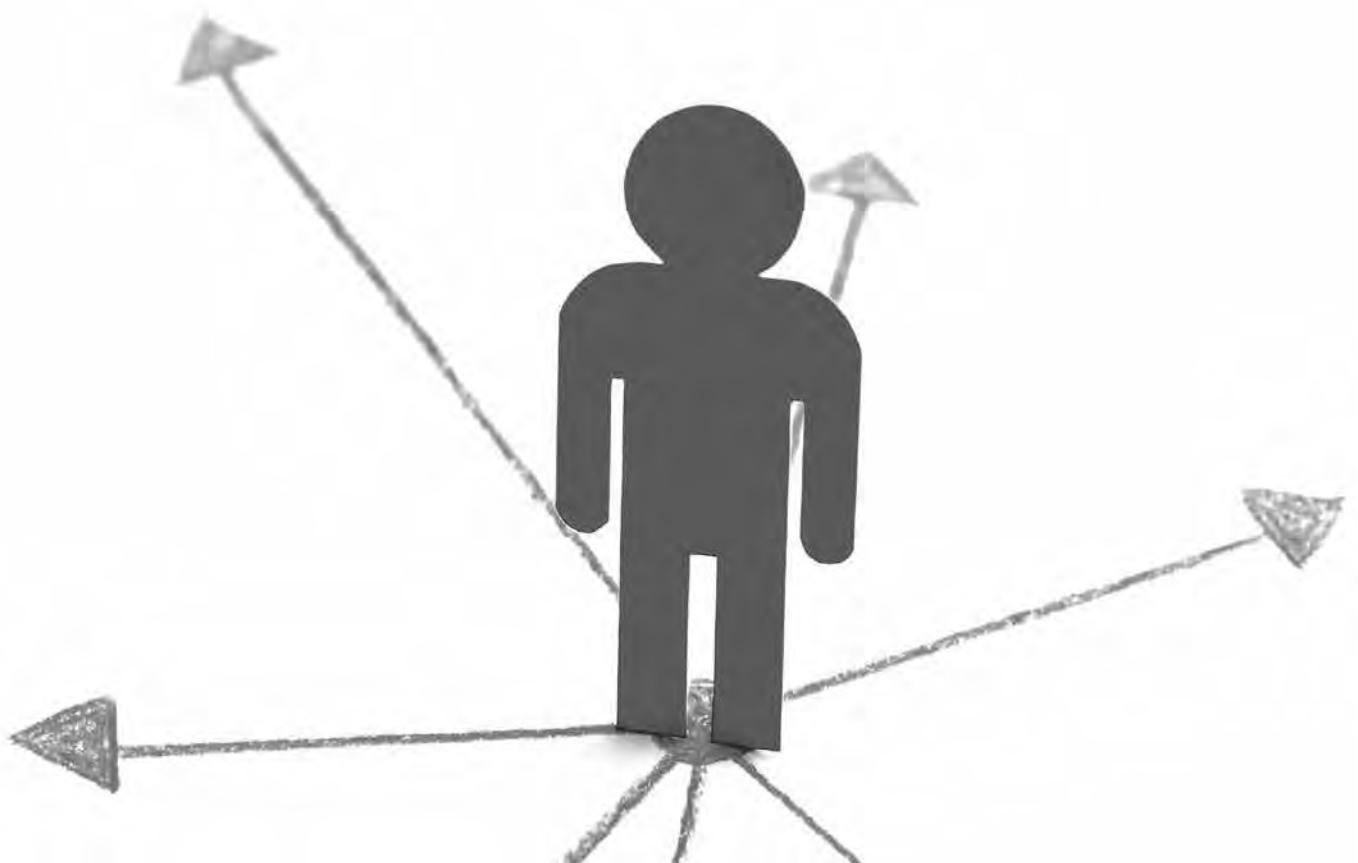
The Scottish Government should:

- improve arrangements for funding community justice to ensure that:
  - the money is targeted towards effective approaches to reduce reoffending
  - there is more flexibility to meet local needs and priorities
  - allocations are more responsive to changes in demand.

CJAs and councils should:

- work together to improve their understanding of the unit costs of different types of criminal justice social work activity and how these relate to the quality of service delivered. This work should be used to inform decisions on how resources are used and where efficiency could be improved.

# Part 3. Services to reduce reoffending



There is a mismatch between the services currently being delivered and what is known to be effective.

## Key messages

- Managing demand for services to reduce reoffending is challenging. The criminal justice system is demand led; demand is increasing and prisoners may be located far from their homes. SPS, CJAs and councils need better information on the needs of offenders in order to plan and manage services.
- Access and availability of services vary across the country and the level of support for prisoners depends on the length of sentence being served. More effective support is needed for prisoners serving sentences of less than four years.
- There is a strong body of evidence on what is effective in reducing reoffending, but this is not being used consistently to design or commission services. There is a mismatch between what is currently being delivered and what is known to be effective.
- There is an urgent need for a more strategic approach to how services to reduce reoffending are planned, designed, commissioned and delivered at both a national and CJA level. This approach needs to start with the needs of offenders and the level of demand, be based on evidence of what works and take into account costs of delivery.

### **SPS, CJAs and councils need better information on offenders' needs to plan and manage services**

**62.** The statutory responsibility for delivering services to offenders lies primarily with SPS and criminal justice social work services. Both providers have to balance the need for public

safety with support for offenders. SPS is required to deliver a range of custodial and rehabilitation services to those sent to it by the courts across Scotland. Criminal justice social work services have a wide range of responsibilities, including producing social work reports to the courts; implementing CPOs and DTTOs; developing risk management plans for offenders leaving prisons (in particular those serving sentences of four years or more); and supervising offenders on release.

**63.** *An overview of Scotland's criminal justice system* identified that people who offend often have a range of needs, for example they may have health or addiction problems or broken family relationships.<sup>34</sup> Services and interventions designed to reduce reoffending need to be based on a holistic assessment of all the needs of each offender and the level of risk they may pose to communities. Changing the behaviour of people who reoffend is challenging. In our focus groups, offenders recognised that stopping offending takes time and may require addressing a range of different issues.

**64.** Progress is being made in how the needs of individual offenders are identified and met. During 2011, the Scottish Government rolled out a new case management tool, the Level of Service/Case Management Inventory (LS/CMI), to all councils and SPS. This is intended to support criminal justice social workers assess an offender's needs and the risk they may reoffend or cause serious harm, and to decide the most appropriate services or interventions. As all councils are using the same system, this has the potential to improve consistency and information sharing. The roll-out was completed in March 2012.

**65.** Within prisons, NHS staff assess the health needs of offenders, and prison staff assess other needs, such as literacy or behavioural difficulties.

Information from these assessments is recorded for each prisoner on the relevant NHS or SPS system.

**66.** However, these systems are designed primarily to manage the needs and risks of individual offenders, rather than for planning services. As yet, the potential for data from LS/CMI and the prisoner record system to be collated and analysed to provide management information has not been fully explored and is not being used systematically to identify needs. The Risk Management Authority is currently collecting data derived from LS/CMI and developing its use for planning and management purposes. For example, generating local and national risk and need profiles which could then be used to inform local resource allocation and service development. The need for SPS to improve its understanding of the needs of offenders was a recommendation in the 2008 Audit Scotland report *Managing increasing prisoner numbers in Scotland*.<sup>35</sup>

**67.** Without this information, it is not clear how SPS, CJAs and councils can ensure that the range of services required to support an individual offender will be available at the location and time they are needed. Offenders may be given services that happen to be available, rather than those targeted to reduce the risk of reoffending.

**68.** People serving a CPO or a DTTO also need support to reduce their offending behaviour. While there is provision for the courts to impose CPOs with additional requirements, such as treatments for alcohol or drugs or mental health support, these are only being imposed in a small minority of cases. For example, less than five per cent of the CPOs imposed during 2011/12 include a requirement for alcohol treatment, and less than one per cent include a requirement for mental health treatment.<sup>36</sup> It is not clear how or

<sup>34</sup> *An overview of Scotland's criminal justice system*, Audit Scotland, 2011.

<sup>35</sup> *Managing increasing prisoner numbers in Scotland*, Audit Scotland, 2008.

<sup>36</sup> Analysis provided by the Scottish Government, 2012.

whether these are linked to the needs of offenders being sentenced in court.

### **The geographic spread of people in prison and small numbers in some areas make managing demand challenging**

**69.** The criminal justice system is demand led and service providers have little control over demand once people have been sentenced. Prisons have to accommodate everyone sent for custody and criminal justice social work services have to implement all the community sentences imposed. Demand for services to reduce reoffending is increasing with more people in prison and more community sentences.

**70.** The number of people from different councils who are in prison at any one time varies, and prisoners may be located in prisons away from their home area. We analysed data on the home postcodes of people in prison (excluding those on remand) on one day in March 2012. On that day, every council in Scotland had people in prison, but the numbers varied, and the prisoners were located in prisons across the country. Exhibit 9 shows the numbers of prisoners from the Tayside CJA area and where they were located. This distribution is similar in other CJAs areas.

**71.** Exhibit 9 shows that most people from the Tayside CJA area go to HMP Perth. However, it also shows that there are people from the Tayside area in every prison in Scotland. There are often good reasons for this. For example, people under 21 are sent to HMYOI Polmont so they are separated from adult offenders and can access services tailored to young people; or prisoners may need to be moved for their own safety or that of other prisoners.

**72.** However, the geographic spread and small numbers of offenders in some prisons present challenges to the three councils in the Tayside area. Planning and delivering services for prisoners in HMP Perth may be more straightforward, as it is local and most of the prisoners from each council are based there. However, it will be much more difficult to ensure that appropriate and tailored services are available to prisoners in some other prisons, particularly where there are small numbers (eg, HMP & YOI Cornton Vale) or they are a long distance away (eg, HMP Dumfries).

**73.** The spread of prisoners from all councils in each prison also makes it difficult for SPS to ensure that every prisoner gets access to appropriate services and for prison link centre staff to liaise with staff in all of the 32 councils. SPS is reviewing the population within each prison with a view to placing more prisoners closer to their home. However, given the need for specialist support for some prisoners, there will always be some geographic spread of prisoners.

### **The availability of and access to appropriate services vary significantly**

**74.** There is a strong body of evidence on what is effective in reducing reoffending. A number of recent reviews identify many of the same critical success factors.<sup>37-41</sup> These include:

- supporting people to find employment, to improve relationships with their families and with the communities they live in and to manage their own lives better (life skills)
- relationships between support workers and offenders that are based on mutual respect

and trust, are flexible and non-judgemental, and sustained in the move between prison and the community

- adopting an holistic approach tailored around individual offenders and their particular needs, recognising that these may change.

**75.** An overview of Scotland's criminal justice system found that information on the full range of services available for offenders was limited.<sup>42</sup> The Scottish Government has started to address this by developing a national Directory of Services (the directory), which it launched in April 2012. The directory provides details of all the services available for offenders, both in prison and in the community. It is intended to improve understanding of what services are available locally and help CJAs and their partners plan more effectively in future.

**76.** The directory lists 1,308 specific offender services (743 in prison and 565 in the community) by individual prison, CJA and council area under eight outcome areas.<sup>43</sup> It includes services provided by prisons by criminal justice social work and by a range of voluntary and community organisations. Exhibit 10 (page 24) lists the number of services in each outcome area.

**77.** The directory does not provide a comprehensive picture of all the work that is done with offenders, for example it does not include one-to-one supervision between a social worker and offender. Also, it may not include the full range of activities covered by the more holistic support services, which might include, for example, working with families, building up relationships and improving motivation.

37 *What works to reduce reoffending*, Justice Analytical Services, Scottish Government, October 2011.

38 *Commission on Women Offenders*, Scottish Government, April 2012.

39 *Alternative approaches to reduce reoffending: the impact of work with offenders and their families*, The Robertson Trust, 2011.

40 *Discovering Desistance: An ESRC Knowledge Exchange Project*, Report from Glasgow workshop, 2012.

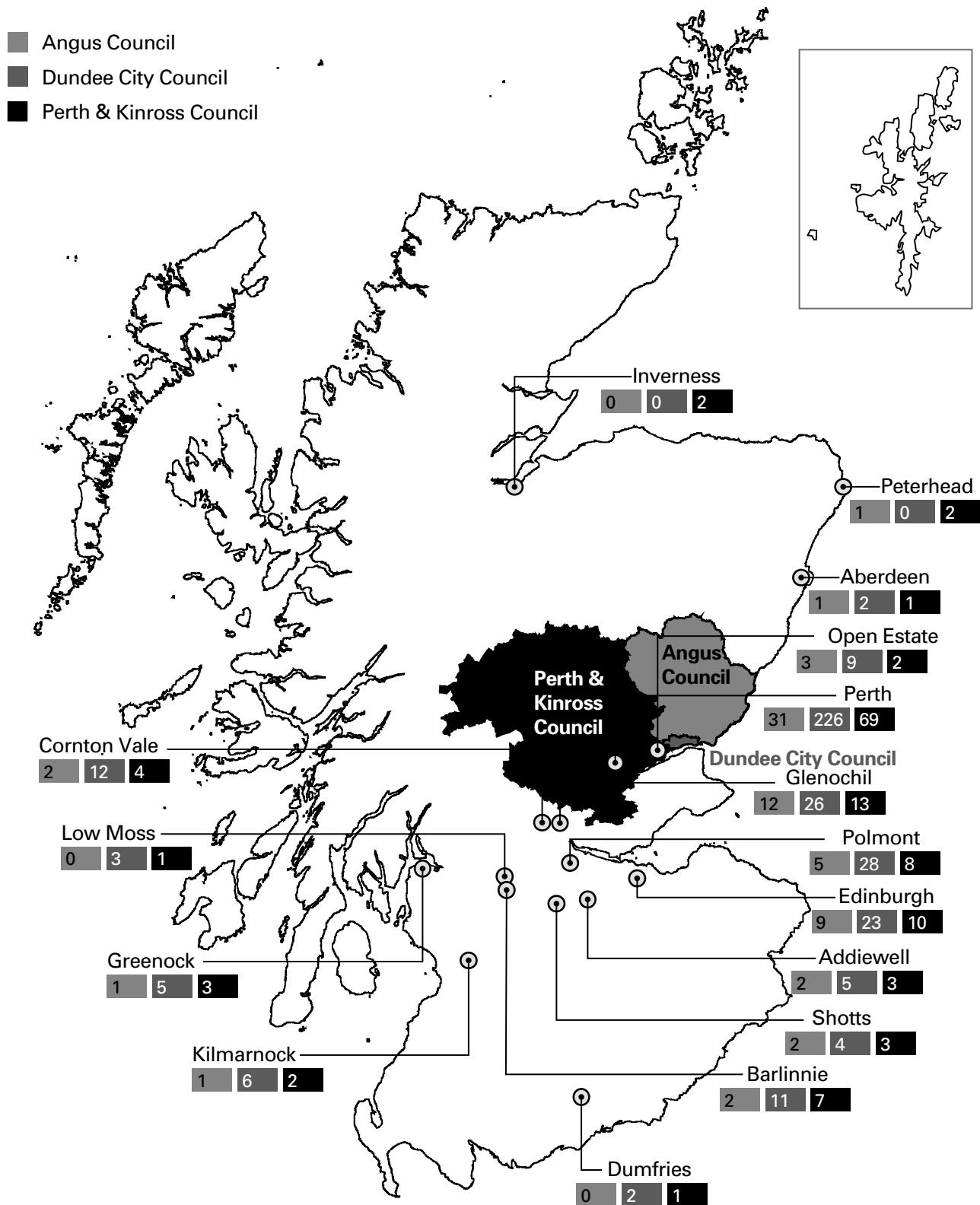
41 *Reducing reoffending: review of selected countries*, Scottish Centre for Crime and Justice Research, May 2012.

42 *An overview of Scotland's criminal justice system*, Audit Scotland, 2011.

43 Some services may be listed more than once if they are delivered in more than one council area.

**Exhibit 9****Distribution of people in prison from Tayside CJA**

The number of people in prison varies among councils and some are in prisons a long way from their home.



**78.** However, there appears to be only a limited relationship between the services offered to offenders, what is important to them in reducing reoffending and what is known to be effective. The majority of services cover three outcome areas – employability, health and addictions and influencing thinking and behaviour. Few are provided on money and debt management, motivation or families and relationships. Prisoners in our focus groups cited financial problems as one of the major concerns they had on leaving prison.

"Some guys have to go out with just a carrier bag, it's all they have in the world."

Prisoner in our focus group

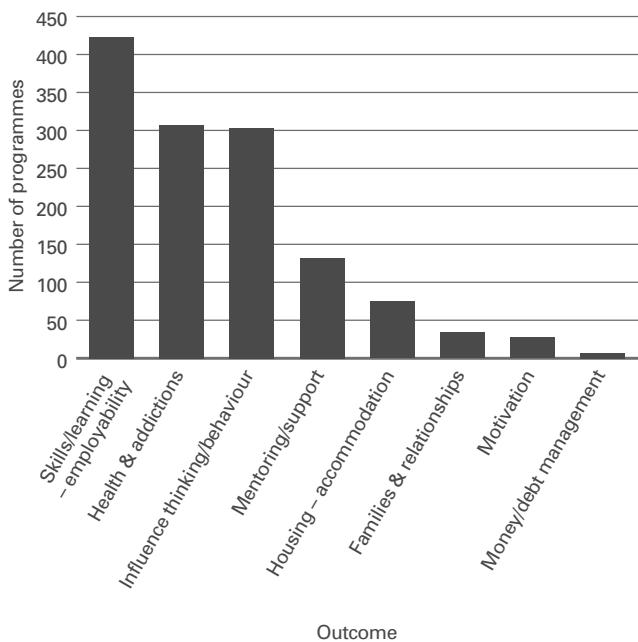
**79.** There is considerable variation in the availability of services across prisons and council areas. Exhibit 11 continues with the example of Tayside CJA and shows the number of services for each outcome area in the four prisons where most Tayside prisoners are located and the three council areas comprising the CJA.

**80.** It shows that most services in Tayside CJA relate to employability, health and addictions and influencing thinking and behaviour, in line with the national analysis. People in our focus groups identified that they would appreciate more support in seeking employment, and supporting people into work is known to be an effective route to reducing reoffending. However, the availability of employability services varies by prison and council, with Perth & Kinross Council only providing one employability service compared to four in Angus; and HMP Edinburgh providing more services than HMP Perth.

**81.** Similarly, helping offenders build better relationships with their families and manage their lives better are also important elements of effective services. Our focus

### Exhibit 10

Total number of services by outcome area  
Most services provided are to improve employability.



Source: Audit Scotland, 2012 from the Directory of Services, Scottish Government

groups highlighted the importance of maintaining family contact. They also identified a real need for advice on money and debt management. However, there are very few services for Tayside offenders in these areas, with only one prison providing support on money and debt management; and two prisons and one council providing family and relationships support services.

**82.** The availability of a programme in a particular prison does not mean that all prisoners may access it. Some of the services delivered in prisons are funded by councils and prisoners' access to it depends on whether it is funded by the council where they live. This variation in access to services is a significant issue for offenders. Prisoners in our focus groups felt strongly that there should be equitable access to the services they need.

**83.** The directory is a good start, but it does not include information on the number of places available or who is eligible to access a particular

service. The directory also makes no reference to the costs of the services and these are difficult to identify. Many services are commissioned by councils through a tendering process and the cost may be commercially sensitive, other services may be part of a national programme and providers may not be able to identify the cost of delivering it in one prison or council area. This information is important if the directory is to be an effective tool in supporting SPS, CJAs and councils plan and commission services to reduce reoffending.

### Prisoners serving short-term sentences need better support

**84.** Moving from prison back into the community is the time when people are most at risk of returning to their offending behaviour. Offenders have to find accommodation, sort out their benefits, arrange healthcare and access many of the services which were provided to them in prison, for example, training or educational programmes. The support offenders

## Exhibit 11

The number of services in different outcome areas in prisons and councils where most prisoners from Tayside are located

Most services provided for offenders in Tayside are to improve employability.

Outcome area	HMP Edinburgh	HMP Glenochil	HMP Perth	HMYOI Polmont	Angus Council	Dundee Council	Perth & Kinross Council	Total
Families & relationships	2		-	1	-	1	-	4
Health & addictions	11	11	11	6	4	3	3	49
Housing – accommodation	8	3	4	5	1	2	1	24
Influence thinking/ behaviour	4	8	5	14	8	5	6	50
Mentoring/ support	11	2	1	2	2	3	-	21
Money/debt management	1		-	-	-	-	-	1
Motivation	-		-	-	-	-	2	2
Skills/learning – employability <sup>1</sup>	34	25	31	31	4	3	1	129
<b>Total</b>	<b>71</b>	<b>49</b>	<b>52</b>	<b>59</b>	<b>19</b>	<b>17</b>	<b>13</b>	<b>280</b>

Note: 1. There are fewer skills, learning and employability services in councils, as most people will attend the local further education college and courses won't be specifically tailored to offenders.

Source: Audit Scotland, 2012 from Directory of Services, Scottish Government

receive when moving from prison to the community is commonly known as 'throughcare'.

**85.** Prisoners serving sentences of four years or more – around 42 per cent of prisoners at March 2012 – receive statutory throughcare. This means that a criminal justice social worker assesses each prisoner's needs and the risks they pose when they leave prison; identifies the range of services needed to address these needs; and liaises with different service providers to ensure the offender receives the appropriate services on leaving custody. People serving longer sentences are less likely to reoffend, and the support they receive may be one of the factors contributing to this.

**86.** People serving a sentence of less than four years are also entitled to support from social work. However, prisoners must specifically request this and take-up is low. The shorter the sentence, the less likely it is that a prisoner will receive adequate support. It is not unusual for prisoners who have served a short sentence to leave prison with just a page of contact numbers and referrals, which they are expected to chase up themselves. Without appropriate support, there is an increased risk that prisoners will return to the communities and lifestyle which led them to offend. In our focus groups, prisoners expressed concern about the issues they will face when they leave prison, in particular housing, financial support and employment.

**87.** CJAs and their partners recognise the importance of providing good support for all prisoners, irrespective of the length of sentence, and are starting to address this. For example, pilot initiatives have recently been introduced in both HMP Barlinnie and HMP Perth to improve support for people serving short-term sentences. The pilot in HMP Barlinnie is being delivered jointly by Glasgow Community and Safety Services and SPS. The project team works with the prisoner at the pre-release stage to identify their needs and develop a plan for support. Case study 1 (overleaf) demonstrates the success this approach has had for one persistent offender.

**88.** Bridging and mentoring services, which start in prison and continue supporting prisoners when they return to their community, are also delivering some positive results. Case study 2 describes a bridging and mentoring initiative in Renfrewshire and its effectiveness on reducing reoffending. However, as with all services, access varies depending on whether they are offered in a particular prison and funded by the prisoner's home council. Exhibit 11 (page 25) shows that bridging and mentoring services are not provided across the whole Tayside area. The Scottish Government has announced that some of the Reducing Reoffending Change Fund will be spent on bridging and mentoring services.

#### **Access to housing is a particular issue for people leaving prison**

**89.** Focus groups with prisoners identified housing as one of the biggest problems they faced, both when they arrive and when they leave prison. When someone is sentenced to custody, prisoners find it difficult to get appropriate advice and support, for example on how to give up their tenancy and where to store their belongings. On leaving custody, prisoners believed there was little chance of them securing tenancies in the areas they were returning to, and many had experience of homelessness.

**90.** As most prisons have prisoners from almost all council areas, it is hard for link-centre staff to develop good working relationships with all of the housing providers across Scotland. Prison staff also report that housing support for offenders is not consistent across Scotland. Some CJAs have recently developed housing protocols, similar to service level agreements, between the prison and local housing departments in order to improve housing services. These outline the responsibilities of each partner in providing services to offenders, but only apply to prisoners being housed in nearby councils. It is

too early to assess the impact these have had on reducing reoffending in those areas.

#### **The Work Programme is having an impact on how people leaving prison are supported into employment**

**91.** The Welfare Reform Act 2012 introduced a number of changes to the benefits system, including the Access to Work Programme.<sup>44</sup> This programme is having a significant impact on how people leaving prison are supported into employment or training. The full impact of these changes have yet to take effect but third sector organisations

report that councils have started to withdraw funding for their specialist employability services. For example, Apex Scotland, which provides employability courses for offenders, reported a drop in funding from councils for this type of work of 37 per cent in 2011/12.

#### **Improvements are needed in how services to reduce reoffending are planned, designed and delivered**

**92.** A more strategic approach to how services are planned, designed and delivered is needed if the individual needs of offenders are to be met in a cost-effective manner, irrespective

#### **Case study 1**

##### **HMP Barlinnie short-term prisoner pilot**

Scott is 24, and was serving a six-month sentence for two shoplifting offences and a breach of the peace conviction. Over the past seven years, he has committed 36 offences and had 11 periods in prison. In the year up to April 2012, he had committed 15 offences with eight prison sentences (some running concurrently), the longest of which was six months.

Scott was keen to change his life. He has three children and was worried about the effect his offending was having on them. He blamed alcohol for many of his problems, said he was bored and often drank just for something to do. Scott had never previously looked for any support on leaving prison and none had been actively offered before this pilot approach was introduced.

Prior to his most recent prison sentence, Scott had moved into a flat, but he had no money to buy furniture. While Scott was in prison, his support worker arranged a meeting with his social housing provider, who agreed to keep his tenancy going during his sentence. When Scott was released, his support worker provided practical support by arranging emergency food packs, negotiating a payment plan to pay back rent arrears, assistance in appealing a Community Care Grant decision and accessing other funding to furnish his flat. Apex Scotland supported Scott in applying to college for a plastering course starting in early 2013.

Scott was released in April 2012 and has not had any convictions since then. The support to purchase furniture and kitchen appliances means he has more contact with his children who now stay with him regularly. While he still consumes alcohol occasionally, this is controlled – he is drinking socially rather than with the aim of getting drunk. He is still working towards his goal of securing employment, but he now structures his day around his family, sport and exercise.

Note: Scott's name has been changed to protect his identity.  
Source: Audit Scotland

of where they live, the length of sentence being served or where they are serving it. This is needed at both a national level, led by the Scottish Government, and within individual CJAs. The legislation should enable CJAs to adopt a more strategic approach to deciding what services are needed and how they should be delivered (for example, whether directly by criminal justice social work or purchased from voluntary or community-based organisations. However, the lack of flexibility in their funding and the way they were set up has constrained this.

**93.** The opening of HMP Low Moss has provided an opportunity to develop a more strategic approach to planning and commissioning programmes in that prison. The initiative is being coordinated by North Strathclyde CJA and Glasgow CJA, and involves SPS, councils in the local area (and other councils when required), the third sector and relevant funding bodies working together in partnership to plan and deliver services to reduce reoffending. (Case study 3, overleaf).

**94.** Our recent report on commissioning social care emphasises the importance of service users, third sector providers and commissioning bodies working in partnership to deliver cost-effective care.<sup>45</sup> The report also demonstrates how strategic commissioning can add value; the case studies reported include collaborative working in Clyde Valley for specialist foster care services and the national contract for secure care.

**95.** Until recently, the views of offenders were rarely considered in developing services to address offending behaviour. There are few examples of CJAs involving offenders or ex-offenders in their planning meetings. Prisoners who took part in our focus groups stated they were generally not asked for their views

## Case study 2

### Examples of initiatives to support offenders leaving prison

Moving On Renfrewshire is a mentoring service managed by Action for Children and delivered in partnership with a range of bodies including Fairbridge, SPS and Renfrewshire Council.<sup>1</sup> The project aims to improve the long-term outcomes for young male offenders leaving HMYOI Polmont by providing them with a mentoring service based on a youth work approach to support them and link them to services during and after their time in custody. Staff initially ensure that basic needs are met, such as housing benefits and healthcare. They then work to address issues known to be relevant to offending such as low self-esteem, poor communication skills and anger management. A recent evaluation shows that 90 per cent of eligible young people engaged with the project in prison, 87 per cent have continued to engage with it after release, and 74 per cent of clients had not returned to custody within two years, compared with only 50 per cent of young offenders with similar characteristics not on the programme.<sup>2</sup> Participants value the support they receive:

"This should be for the whole of Scotland, go in and see them, get your CVs done, sign up to the football and get your qualifications looked at. They talk to you like you are normal, they don't look down on you and they aren't born with silver spoons in their mouths. They are open and honest with you and more like big brothers. I have never had this type of support and anyone who needs it should be entitled to it."

#### Notes:

1. The project has been funded by The Robertson Trust since 2008.
  2. 'Moving on': Throughcare for young male offenders in Renfrewshire. A report on outcomes. The Robertson Trust, 2011.
- Source: Audit Scotland, 2012

about service provision nor had they been involved in discussions on designing services or identifying what has worked for them. South-West Scotland is the only CJA where someone who has experienced the criminal justice system as an offender regularly attends board meetings.

**96.** This is beginning to change. Positive Prison? Positive Futures is a new organisation in Scotland representing ex-offenders, which is involved with the second phase of the Scottish Government's Reducing Reoffending Programme. A number of voluntary or community-based services are increasingly involving ex-offenders in delivering their services, in particular mentoring and support services, eg Routes out of Prison.

## The third sector has an important role in delivering services to reduce reoffending but faces increasing challenges

**97.** Many services and programmes for offenders are delivered by a range of voluntary or community organisations (the third sector), often jointly funded by a combination of public and other funders, such as charitable trusts. Of the programmes identified in the directory, 107 third sector organisations provide 30 per cent of the services listed.

**98.** Traditionally, third sector organisations have directly approached prisons if they wish to work with prisoners. This has led to a patchwork of services being delivered by different organisations with no clear link to the needs of offenders

in the prison. In 2010, Lothian and Borders CJA published the results of a two-year programme to improve the coordination between third sector services and criminal justice bodies.<sup>46</sup> This proposed a more structured framework for planning and delivering services, based on identified need which is now being rolled out across all prisons and CJA areas.

**99.** A number of the interventions delivered by the third sector have been independently evaluated and shown to be successful in reducing reoffending. A recent review found the success of the third sector's contribution to reducing reoffending was due to five main characteristics – responsiveness and flexibility; capacity to develop innovative approaches to working with offenders; strong roots in local communities; its focus on partnership working and ability to bring different agencies together; and its commitment to developing strong relationships with offenders, build on mutual respect and trust.<sup>47</sup> These characteristics clearly link to the factors known to be successful in changing offending behaviour.

**100.** In September 2011, the Scottish Government announced a £7.5 million Change Fund (over three years) for reducing reoffending. The fund is drawn from the Scottish Government's Justice Directorates and Third Sector Directorate budgets. The aim of the Change Fund is 'to expand the coverage and impact of those interventions with a proven track record in reducing reoffending' and for this work to 'take account of the particular contribution that can be made by third sector providers'. The Scottish Government has stated that all the interventions receiving funding from the Change Fund will be subject to rigorous evaluations to ensure that they are based on what works and achieving their specific objectives.

### Case study 3

#### Planning and commissioning of services in HMP Low Moss

Since March 2012, North Strathclyde CJA in partnership with Glasgow CJA, the Scottish Prison Service and Turning Point Scotland has been working with over 30 public and third sector organisations to plan a new throughcare service for HMP Low Moss. The service is being developed as a Public Social Partnership (PSP) and will provide mentoring support to short-term prisoners being released from prison.

A small development team has been mapping prisoners' needs, holding focus groups with prisoners, ex-prisoners, prison staff and third sector providers and mapping existing community support services. Key issues for offenders have been identified as accommodation, substance misuse, unemployment, learning disability, relationship issues, parenting support and poor physical and mental health.

There is often a strong interrelation between these issues and the PSP aims to address them in a consistent and coordinated service model which it is anticipated will lead to a reduction in reoffending. The final service model will work closely with the range of statutory and voluntary organisations that already exist, and these bodies have agreed that their services would be more effective if they were part of a wider more coordinated throughcare pathway.

The PSP has bid for funding from the Scottish Government's Third Sector Division Exemplar PSP Fund, for a two-year pilot period to enable an evaluation of its ability to deliver the high-level outcomes of reducing reoffending and re-imprisonment amongst the short-term prisoner population. Thereafter the service will be subject to competitive tendering.

Source: Audit Scotland from information supplied by North Strathclyde CJA

### Recommendations

The Scottish Government, SPS, CJAs and councils should:

- work together, and with other relevant public and third sector providers, to improve how services to reduce reoffending are planned, designed and delivered to ensure that they:
  - meet the needs of offenders, in particular those serving short prison sentences

- recognise the level of demand
- are based on evidence of what works
- take into account costs of delivery.

46 *Towards a model framework for third sector criminal justice services*, Partnership Development Initiative, 2010.

47 *Why involve the third sector in reducing reoffending?*, Scottish Third Sector Research Forum, 2012.

# Part 4. Effectiveness of current arrangements



CJAs have brought people together but the way they were set up has limited their effectiveness in reducing reoffending.

## Key messages

- CJAs were established to improve joint working and reduce reoffending. They have made progress in bringing people together but have had little impact on reducing reoffending. The way they were set up has significantly limited their effectiveness, and there are no nationally-agreed measures to assess their performance.
- The range of bodies involved and the structure of the public sector in Scotland creates a complex landscape. There is limited alignment between the priorities of CJAs and those of other local partnerships such as Community Planning Partnerships and Alcohol and Drug Partnerships.
- Stronger leadership is required if reoffending is to be significantly reduced. There has been limited progress on many of the problems identified in the 2006 *National Strategy for the Management of Offenders* and these need to be addressed.

### CJAs were established to improve joint working and reduce reoffending

**101.** Many different bodies are involved with people who offend. In addition to SPS, CJAs and councils, other bodies include the Crown Office and Procurator Fiscal Service, the Scottish Court Service, the police, NHS boards, professional individuals (such as procurators fiscal and members of the judiciary) and third sector organisations.

**102.** In recognition of the need for better joint working in dealing with offenders, the Management of Offenders (Scotland) Act 2005 (the Act) created eight statutory CJAs. CJAs are the only bodies within the criminal justice system with a specific

responsibility to reduce reoffending. Their statutory functions are to:

- prepare, in consultation with other bodies responsible for the delivery of services, a plan for reducing reoffending in their area
- report annually to Scottish ministers on delivery of services in compliance with the plan
- distribute money provided by the Scottish Government to council criminal justice social work services; and ensure that it is being used effectively
- monitor and report on the performance and effectiveness of joint working among bodies responsible for the delivery of these services
- support better information-sharing and the sharing of good practice.

**103.** The Act places a duty on SPS and councils to cooperate with CJAs, and defines the police, NHS boards, Scottish Court Service, Crown Office and Procurator Fiscal Service, Victim Support Scotland and third sector organisations receiving funding over £100,000 a year as statutory partners.

**104.** CJAs were formally established on 1 April 2007. They are independent bodies, accountable to ministers, with boards made up of elected members from constituent councils. CJAs are small, each employing between three and four staff. The number of councils covered by CJAs varies, ranging from one in Glasgow to seven in Northern. The number of prisons within each CJA area also varies. Exhibit 12 shows how council boundaries fit into CJA areas, and the location of individual prisons and sheriff courts.

### CJAs have made progress in bringing people together but there is scope to improve links with local partnerships

**105.** CJAs have made progress in bringing people involved with dealing with offenders together within their local area. This has been welcomed by many of the practitioners and managers we interviewed. It has improved collective understanding of the roles and responsibilities of the range of organisations involved with offenders and increased awareness of the programmes and interventions available locally.

**106.** Councils and SPS have a duty to cooperate with the CJA and both are consistently represented at board meetings. For councils, this is usually through the head of criminal justice social work or the chief social work officer. SPS initially employed four CJA liaison managers who shared attendance at CJA board meetings between them. CJA liaison managers reported directly to SPS headquarters, but did not have any operational responsibility, limiting their ability to directly influence the use of resources.

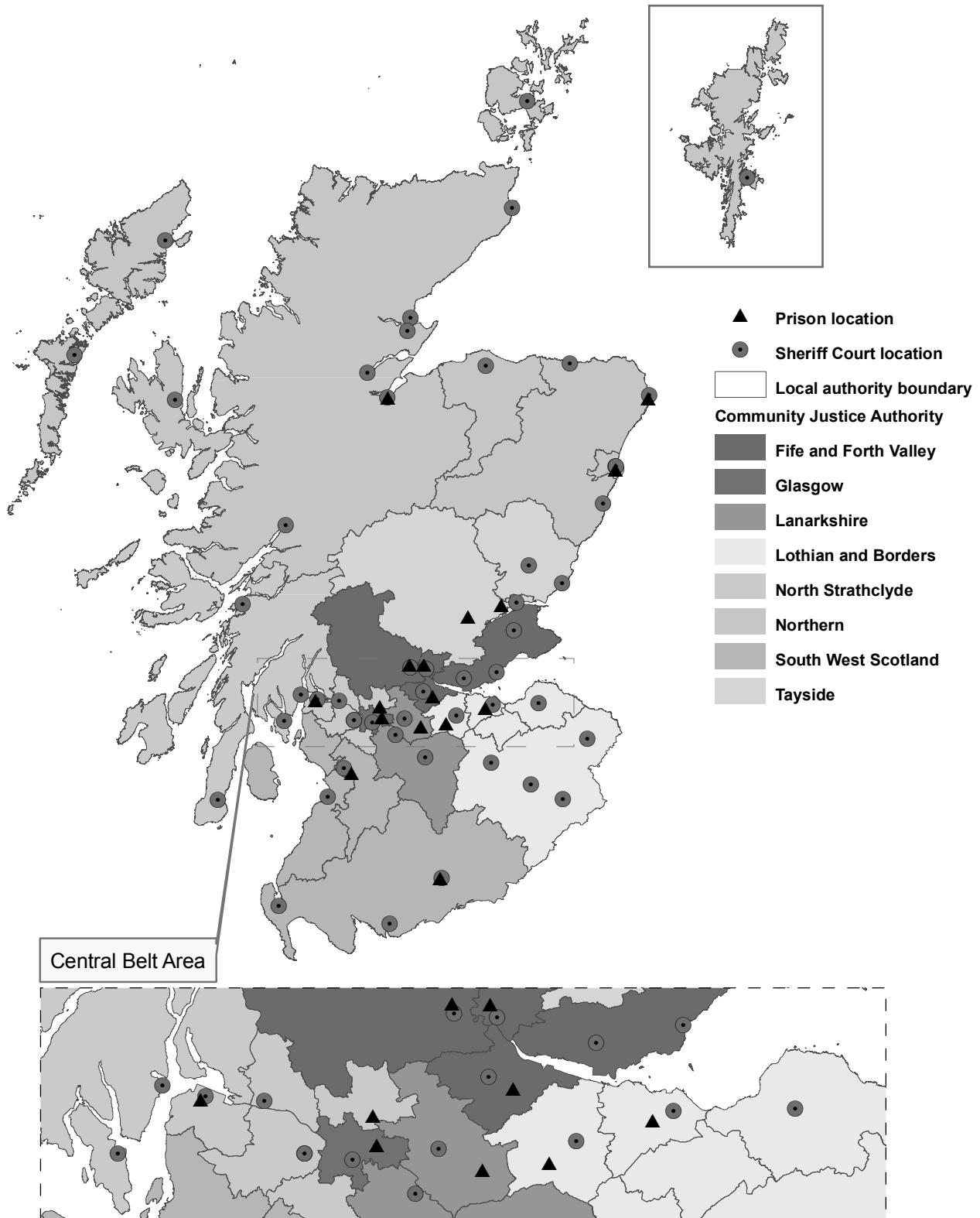
**107.** However, attendance by some of the other statutory partners at CJA board meetings is variable. During our fieldwork, some interviewees told us that attending meetings was not always a good use of their time. We also found confusion about CJAs' role in reducing reoffending and delivering community justice.

**108.** CJAs have sometimes found it difficult to engage with local NHS boards, despite the importance of improving health and dealing with addictions in reducing reoffending. In November 2011, responsibility for prisoner healthcare was transferred from SPS to NHS. CJAs report that this has helped to increase awareness and involvement with criminal justice issues in those NHS boards where there are prisons.

**Exhibit 12**

Councils, CJA boundaries and location of prisons and sheriff courts in Scotland

There are different numbers of councils and prisons in each CJA.



**109.** We found limited engagement between CJAs and local sheriffs. While it is important to retain judicial independence, engagement with the CJA could help improve sheriffs' awareness and understanding of offender needs and the options available locally to address them. There is scope to improve communication and build a shared commitment to reducing reoffending between sheriffs and CJAs.

#### **Links between CJAs and other local partnerships are limited**

**110.** Reducing reoffending is not just a problem for criminal justice bodies, but a concern for communities and the wider public sector. In addition to organisations directly involved with CJAs, there are a number of other partnerships whose work overlaps with them, in particular Alcohol and Drug Partnerships (ADPs) and Community Planning Partnerships (CPPs).

**111.** The extent to which these partnerships' priorities are aligned locally varies. There is scope for better alignment of plans and outcomes between CJAs and CPPs. For example, out of 32 Single Outcome Agreements, only nine make reference to reducing reoffending. Six refer to criminal justice social work and four include references to the ADP. Links between CJAs and ADPs are improving, with two-thirds of ADP strategies referring to work with the CJA.

**112.** The potential savings that might be achieved across the public sector demonstrate the importance of generating wider ownership for dealing with the current levels of reoffending. For example, an analysis of the Persistent Offender Project in Glasgow by the Scottish Government in 2011 identified that for every £1 spent on the project, there were benefits of up to £14 in the form of reduced economic and social costs, leading to a total net benefit of £10 million over three years.<sup>48</sup>

#### **The way CJAs were set up has limited their effectiveness in reducing reoffending**

**113.** The boards of CJAs consist entirely of councillors from constituent councils. The level of engagement and understanding varies among board members, as does the level of scrutiny and challenge. Councillors can find it difficult to separate their responsibility to the CJA and to their council, and do not always consider issues from a CJA perspective. This has limited CJAs' ability to move funds between constituent councils in order to meet the needs of local offenders within the CJA area.

**114.** Full CJA meetings involve many people from a range of organisations with different accountabilities. Our analysis of the minutes of CJA board meetings shows they are typically attended by around 20–25 people from the range of statutory partners, often with apologies from another 10–15 people. Exhibit 13 shows typical attendance at the board of South West Scotland CJA (25 people from 18 organisations). The number of people around the table and the different accountabilities mean that meetings are often not an efficient or effective use of time. We found that councillors did not feel empowered to scrutinise performance or ask challenging questions. None of the statutory partners is accountable to the CJA, so the board cannot hold them to account if they do not deliver against agreed CJA priorities.

**115.** CJA effectiveness has also been limited by their lack of operational control. CJAs do not deliver services – these are delivered by councils' criminal justice social work teams. Although the legislation gave CJAs powers to intervene if council criminal justice social work services were not delivering agreed priorities, this has never happened. The close

link between CJA board members and their councils, and the dual accountability criminal justice social work services have to both the CJA and the council, has limited CJAs' ability to ensure local priorities are being achieved.

**116.** CJAs only employ three or four staff each. This limits their capacity to undertake the full range of work they are required to do, for example collecting and analysing data on local offenders, monitoring how effectively allocated funds are being spent by constituent councils or planning appropriate offender services in their areas. It is also challenging for those CJAs with several constituent councils to liaise effectively with all the different criminal justice social work teams and other local partners in their area.

#### **CJA performance has never been assessed**

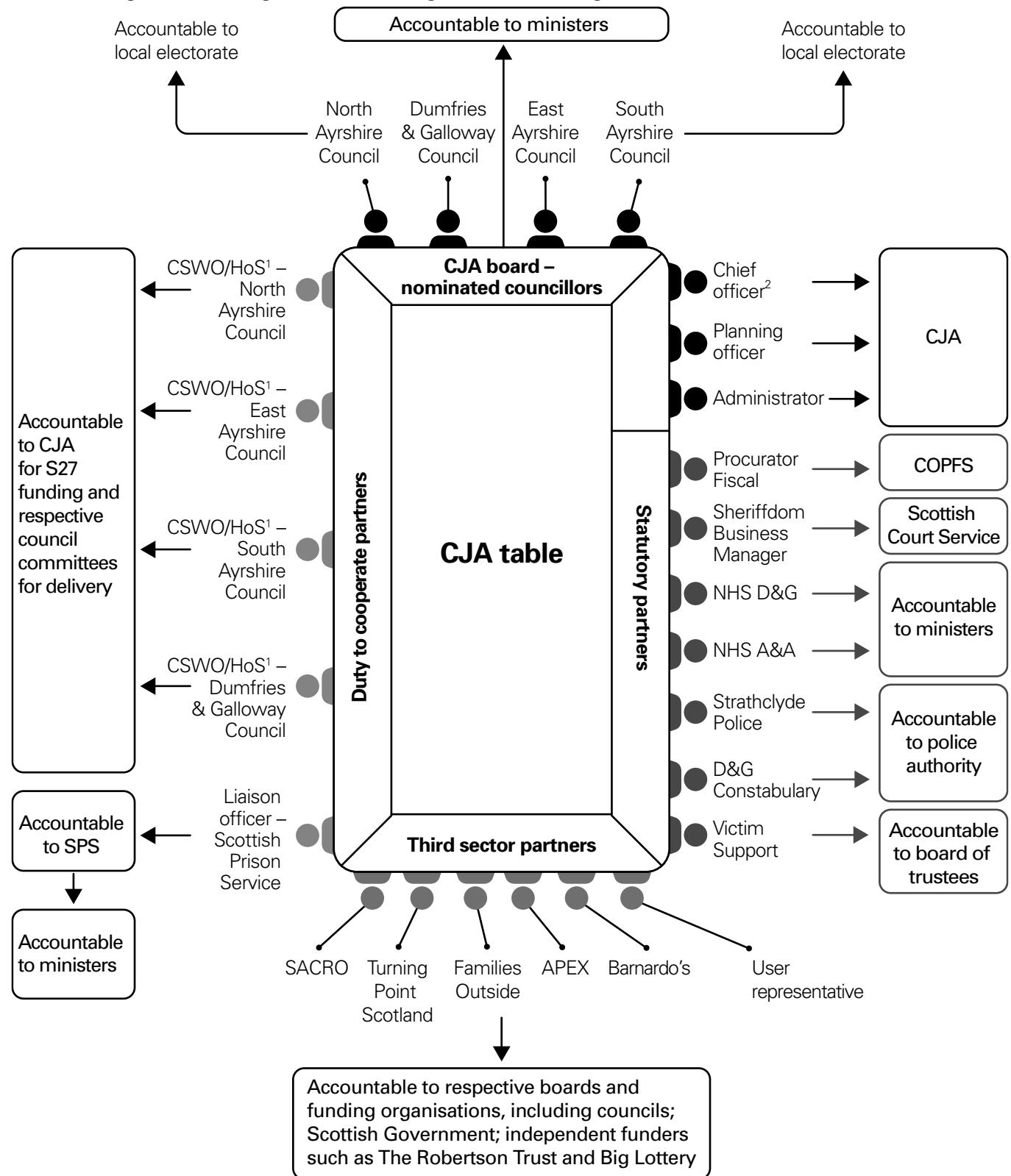
**117.** CJAs have delivered against their statutory functions for planning and reporting to the Government on delivery. They produce three-year area plans, action plans and annual reports summarising their activity, which are approved by the Scottish Government. In general, the annual reports describe activities that the CJA has undertaken, rather than include data on the effectiveness of this work on reducing reoffending, which is one of their statutory responsibilities. The Scottish Government reviews the area plans and reports, and provides limited comments to each CJA, for example, on the quality of objectives.

**118.** However, the effectiveness of CJAs in reducing reoffending locally has never been systematically assessed. The Scottish Executive published a *National Strategy for the management of offenders* in 2006. The strategy listed seven outcomes for communities and nine outcomes

48 The Persistent Offender Project is a project run by Glasgow Addiction Services and Strathclyde Police to identify substance – misusing persistent offenders and offer them intensive support and treatment.

**Exhibit 13****Example CJA board and partner organisations**

There are a large number of organisations attending CJA board meetings.

**Note:**

1. CSWO/HoS – Chief Social Work Officer/Head of Service.

2. The CJA Chief Officer is also separately accountable to Scottish ministers.

3. South West Scotland CJA is the only CJA where a user representative regularly attends board meetings.

Source: Audit Scotland

for offenders.<sup>49</sup> These were intended to provide a performance framework to assess the progress of CJAs, but the relevant data has never been collected, either by CJAs or nationally, to enable performance to be measured.

**119.** In 2007, the Scottish Government set a national indicator to reduce the two-year reconviction rate. However, as we highlighted in *An overview of Scotland's criminal justice system*, this information cannot be used to determine the impact of local projects or interventions as it does not reflect recent changes in the frequency or level of reoffending.<sup>50</sup>

**120.** As the 2006 strategy identified, success in reducing reoffending does not have to be measured only by reconviction rates. There are intermediate outcomes for people who have offended that reflect positive developments in their lives and reduce the risk of reoffending, for example continued attendance at a training course, improved relationships with their families or a reduction in alcohol use. The Scottish Government is currently consulting on the development of a performance framework to assess progress in reducing reoffending which is likely to reflect some of these intermediate outcomes.

### **Stronger leadership is required if the level of reoffending is to be significantly reduced**

**121.** As Part 1 of this report demonstrates, reoffending has been a problem in Scotland for many years. The 2006 *National strategy for the management of offenders* identified that the system at the time lacked a sense of direction, it was struggling to cope with high volumes

of demand, service provision was inconsistent and not joined-up, the focus was too often on the service rather than the offender, and lines of accountability were not clear. In our view, the strategy has had limited impact on addressing these issues.

**122.** In 2008, the Scottish Government established the Reducing Reoffending Programme. This was a wide-ranging policy initiative looking across the whole criminal justice system, aimed at tackling reoffending. The focus of Phase 1 of the programme (which was completed in 2011) was the introduction of Community Payback Orders.

**123.** Phase 2 of the Reducing Reoffending Programme started in April 2012 and includes five areas of work:

- overhauling performance management
- a funding review
- improving services for throughcare
- improving responses for women who offend
- a cross-cutting work stream on community justice structures.

**124.** Given the findings of this audit, improvements are required in all of these areas. Overall, a more coherent approach at national, regional and local levels is required, with a shared commitment to reduce reoffending among all the bodies who work with offenders, including criminal justice bodies, councils, the judiciary, the NHS and the third sector.

**125.** The Scottish Government published a new strategy for justice in

August 2012.<sup>51</sup> One of the priorities in the strategy is to reduce reoffending. In implementing this priority, it is important that:

- the individual needs of offenders are understood by all those who are working with them
- there is a strategic approach to planning, designing and delivering services for offenders – to ensure they are cost-effective, meet the needs of offenders and communities, are focused on reducing reoffending and offenders are appropriately involved in discussions
- the funding mechanism supports delivery of successful outcomes for offenders, can respond to changes in demand and offers flexibility to allow those planning and delivering community justice services to meet the individual needs of offenders in their local area
- there is a clear framework for managing performance and assessing progress in reducing reoffending at both national and local levels
- there are clear lines of accountability and a mechanism to ensure collective responsibility for reducing reoffending among all criminal justice and other bodies who work with offenders
- there is a more coordinated and strategic approach to working with the third sector which reduces their administrative burden in working with the public sector and recognises the additional resources and different skills they can contribute to reducing reoffending.

<sup>49</sup> **The seven outcomes for communities were:** Increased community safety and public protection through a consistent approach to managing offenders; Increased public confidence in the effectiveness of work with offenders; Improved understanding of community disposals; Improved understanding of the role of prisons; Improved satisfaction for victims, sentencers and beneficiaries of work by offenders; Appropriate care of victims; Timely information and, where appropriate, involvement for the families of offenders.

**The nine outcomes for offenders were:** Sustained or improved physical and mental well-being; The ability to access and sustain suitable accommodation; Reduced or stabilised substance misuse; Improved literacy skills; Employability prospects increased; Maintained or improved relationships with families, peers and community; The ability to access and sustain community support, including financial advice and education; The ability to live independently if they choose; Improvements in the attitudes or behaviour which lead to offending and greater acceptance of responsibility.

<sup>50</sup> *An overview of Scotland's criminal justice system*, Audit Scotland, 2011.

<sup>51</sup> *The strategy for justice in Scotland*, Scottish Government, 2012.

## Recommendations

The Scottish Government should:

- improve the range of performance measures to assess the effectiveness of SPS, CJAs and councils in reducing reoffending
- review the current arrangements for managing offenders in the community to ensure that:
  - there are clear and shared objectives to reduce reoffending
  - those working to reduce reoffending have appropriate powers
  - there is clear accountability and a mechanism to promote collective responsibility for reducing reoffending
  - arrangements promote and support what works in reducing reoffending and allow flexible service delivery
  - there is a more coordinated and strategic approach to working with the third sector.

# Appendix 1.

## PAC recommendations to Audit Scotland for reducing reoffending report

Recommendation	Report reference
<p>The Committee would also wish Audit Scotland to include an analysis of changes in one-year and two-year reconviction rates for the past decade together with analysis of the scale and nature of reoffending in Scotland in its performance audit report.</p>	<p>Reconviction rates are the most widely used method of measuring reoffending. These have remained relatively static in Scotland over the past 13 years. In 1997/98, 32 per cent of offenders were reconvicted within one year. Reconviction rates increased to 33 per cent in 2002/03 and have declined since then to 30 per cent in 2009/10. Two-year reconviction rates have followed a similar pattern, rising to 45 per cent in 2002/03 and declining to 42 per cent by 2008/09. In 2009/10, 47,336 people were convicted of an offence, and 14,245 of them were reconvicted within one year. In 2010/11, 9,500 people had ten or more previous convictions.</p> <p><b>See Part 1 for more detail.</b></p>
<p>The Committee seeks confirmation from the Scottish Government of when it anticipates that this outcome framework will be implemented.</p> <p>The Committee also invites Audit Scotland to comment upon the appropriateness of the different outcomes measures identified in the framework for assessing reoffending rates.</p>	<p>The Scottish Government consulted on proposals for a draft framework early in 2012. The consultation has closed and a stakeholder group has been formed to analyse responses and take forward work to develop the framework further as part of the Reducing Reoffending Programme Phase 2.</p>
<p>The Committee would welcome an update from Audit Scotland in its performance audit report on the progress made by the Scottish Government in improving data collection; and the performance information and management process.</p>	<p>Progress is being made in developing information systems to identify the needs of individual offenders. During 2011, the Scottish Government rolled out the case management tool – Level of Service/Case Management Inventory (LS/CMI) to all councils and SPS. This is primarily intended to support criminal justice social workers assess an offender's needs and the risks they pose to communities, but it also has potential to provide management information to support the planning and design of services locally. However, as the roll-out was only completed in March 2012, this potential has not yet been explored.</p>

Recommendation	Report reference
<p>The Committee would seek an update from Audit Scotland, in its performance audit report, on the value for money of the £100,000 provided in 2010/11 and 2011/2012 to each CJA and on the distribution of the Reducing Reoffending Fund of £7.5 million.</p>	<p>CJAs reported that they found it challenging to plan, manage and spend the funding because it was provided at short notice and was guaranteed only for a year. It is difficult to identify how effective this funding has been in reducing reoffending among women. It was spent in different ways, often supplementing existing funding for services for women offenders, there are no consistent measures of performance and effectiveness needs to be assessed over a longer time (<b>see Part 2 for more detail</b>).</p> <p>Details of how the money was spent was provided to the PAC and is available on the Scottish Parliament's website (<a href="http://www.scottish.parliament.uk/S4_PublicAuditCommittee/Inquiries/justiceoverview_CJA.pdf">http://www.scottish.parliament.uk/S4_PublicAuditCommittee/Inquiries/justiceoverview_CJA.pdf</a> ).</p> <p>The Scottish Government announced in October 2012 that it was awarding funding of £1.5 million to 23 organisations working across Scotland from the Reducing Reoffending Change Fund. The funding is being spent on mentoring schemes, which provide support to offenders, for example, when they leave prison or if they problems with drugs and alcohol.</p>
<p>The Committee would also welcome further information from Audit Scotland, in its performance audit report, on the effectiveness of short-term prison sentences in reducing reoffending, compared with community justice programmes.</p> <p>and</p> <p>The ease or otherwise of offenders moving from offender services within the Prison Service to those in the community, upon release.</p>	<p>In Scotland, 46 per cent of people who left prison in 2009/10 reoffended within a year, compared to 34 per cent of those who received a community sentence. In general, people serving a prison sentence of one year or less have higher reconviction rates than those serving longer prison sentences. The SCCJR report commissioned for this audit also found that in all the countries viewed reconviction rates were higher for those leaving prison than those serving community sentences.</p> <p>Moving from prison back into the community is the time when people are at most risk of returning to their offending behaviour (<b>see Part 3 for more detail</b>). Prisoners serving sentences of four years or more receive statutory support from criminal justice social work. People serving less than four years are also entitled to support but this is voluntary and prisoners must specifically request it. The report identifies that more support is required for people leaving prison after serving short sentences.</p> <p>Bridging and mentoring services have been shown to have positive results in reducing reoffending. However, access varies. The Scottish Government has announced that some of the Reducing Reoffending Change Fund will be spent on these types of services.</p>

# Appendix 2.

## Audit methodology

The focus of our work was on what happens to adult offenders sentenced in court and the approaches taken to reduce the likelihood they will reoffend.

Our audit methodology had six main components:

- In-depth fieldwork with four CJAs and interviews with a range of organisations involved in reducing reoffending.
- Desk-based research of existing information relating to reducing reoffending in Scotland and document review from key bodies.
- Analysis of existing and original data including Scottish Government reconviction data and SPS data.
- Financial analysis of the costs involved in reducing reoffending and delivering community sentences.
- Commissioning SCCJR to analyse reconviction data from other countries, including England and Wales, New Zealand, Northern Ireland, Norway and the Republic of Ireland
- Commissioning Reid Howie consultants to carry out focus groups with offenders currently serving a prison or community sentence.

### In-depth fieldwork and interviews

We conducted in-depth fieldwork in four CJAs – Fife and Forth Valley, Northern, North Strathclyde, and Tayside – during March/April 2012. In each CJA, we interviewed the chief officer and planning officer, the convener and elected members of the CJA board, criminal justice

social work managers for each constituent council of the CJA, and other partners, including the Scottish Court Service, the Crown Office and Procurator Fiscal Service, NHS, police, Victim Support, and the voluntary sector, including APEX, Turning Point Scotland, and SACRO. We also interviewed a CJA liaison officer from SPS as a representative for all CJAs.

We visited four prisons and interviewed the Governor, Outcomes Manager, and link centre staff in each. We observed various CJA board meetings and planning events.

We also interviewed other key stakeholders involved in reducing reoffending:

- Centre for Justice Innovation
- all Community Justice Authority Chief Officers
- Director of Judicial Studies
- Independent funding organisations – The Robertson Trust and the Big Lottery
- Lord President and Lord Justice General
- Members of the judiciary, including the Sheriffs' Association
- Positive Prisons, Positive Futures
- Risk Management Authority
- Scottish Government – Justice Directorate
- Scottish Prison Service
- Voluntary sector Chief Executives, including APEX, SACRO, and Turning Point Scotland.

### Desk-based research

We researched existing information to examine areas such as the role of the voluntary sector and other organisations in reducing reoffending, and the costs of reoffending to society. We also examined all 32 Single Outcome Agreements to identify any discussion of reoffending.

We reviewed documentation from the Scottish Government, CJAs, and SPS relating to their role in reducing reoffending, including strategies and programmes, performance management, and CJA local area plans and action plans.

### Data analysis

We analysed existing data on reoffending in Scotland and original data provided by the Scottish Prison Service. We examined data published by the Scottish Government including reconviction data, data on the Scottish prison population and criminal proceedings data to identify the scale and nature of reoffending in Scotland. We also analysed data provided by SPS on the prisoner population on one day in March 2012 to identify where prisoners were from in Scotland and the profile of the prison population in terms of number of previous prison sentences. We used this information to produce GIS maps for inclusion in the report.

We also analysed the Scottish Government's Directory of Services to identify the number and type of services in each council, and CJA area.

### Financial analysis

We used work undertaken by the Scottish Government, SPS, and CJAs in 2012 to estimate the proportion of their expenditure spent on reducing reoffending. Based on the four Rs (restriction, reparation, reintegration, and rehabilitation), they calculated

the amount spent on each element. We then combined this analysis to identify the overall expenditure by the three bodies on the four Rs . We used expenditure on rehabilitation and reintegration as the basis for identifying expenditure on reducing reoffending.

We analysed financial returns from councils to CJAs and national statistics to calculate the unit costs of community sentences and social work court reports and identify variation across the country.

We also analysed CJA accounts to identify overall levels of funding and expenditure for CJAs between 2007/08 and 2010/11. We also used local government financial returns to examine council's income and expenditure on criminal justice social work. However, there are limitations to the local government financial return data. There are variations in context and accounting practice in councils and returns are often not completed on a consistent basis.

### **International research**

We commissioned SCCJR to analyse and compare existing data on reconviction rates in Scotland, England and Wales, Northern Ireland, the Republic of Ireland, Norway and New Zealand. SCCJR looked at the justice system in these countries, reoffending trends recidivism by different variables (such as gender and type of disposal), and drew conclusions as to the factors affecting reoffending. The full report from SCCJR is available separately on the Audit Scotland website.

### **Focus groups**

We commissioned Reid Howie Associates to undertake focus groups with offenders serving community or prison sentences. The locations of the groups were chosen to coincide with the in-depth fieldwork areas. Although the offenders were a cross-section of those held in their respective establishments or undertaking community sentences, they were not intended to be representative of all offenders. All participants were volunteers.

Focus groups were held in four prisons – HMYOI Polmont; HMP Aberdeen; HMP Low Moss; and HMP Perth. A total of 27 prisoners took part in these focus groups

Four focus groups with offenders on community sentences were undertaken in four council areas – Aberdeenshire, Falkirk, Fife, and Renfrewshire. A total of 22 offenders took part in these focus groups.

The full report from Reid Howie Associates is available separately on the Audit Scotland website [www.audit-scotland.gov.uk](http://www.audit-scotland.gov.uk)

# Appendix 3.

## Membership of the advisory group

Audit Scotland would like to thank members of the advisory group for their input and advice throughout the audit.

<b>Member</b>	<b>Organisation</b>
Dr Sarah Armstrong	Scottish Centre for Crime and Justice Research
Inspector Andy Bell	Association of Chief Police Officers Scotland
James Fowlie	COSLA
Joe Griffin	Acting Deputy Director for Community Justice, Scottish Government
Howard Llewellyn	Chief Officer, Tayside Community Justice Authority
Michelle MacLeod	Head of Policy, Crown Office and Procurator Fiscal Service
Gill Ottley	Deputy Director, Care Inspectorate
Jane Richardson	Assistant Director for Strategy, Scottish Prison Service
Yvonne Robson	Manager for Transformational Change, Association of Directors of Social Work
Prof. Alec Spencer	Scottish Consortium for Crime and Criminal Justice
Alan Staff	Chief Executive, Apex Scotland

Note: Members of the project advisory group sat in an advisory capacity only. The content and conclusions of this report are the sole responsibility of Audit Scotland.

# Appendix 4.

## Questions for CJA board members

These questions are primarily intended to be used by CJA board members to support their governance role. They may also be of use to CJA officers and their partners in improving the planning and delivery of services to reduce reoffending. They are grouped into four themes: strategic direction, planning, monitoring performance and working effectively as a board.

	<b>Key questions</b>
Strategic direction	<p>Do you have a good understanding of the strategic context the CJA is working within? In particular, are you aware of:</p> <ul style="list-style-type: none"> <li>• how the criminal justice system works in Scotland?</li> <li>• the national policy context and relevant performance frameworks?</li> <li>• the options available for sentences and services?</li> <li>• what is effective in reducing reoffending?</li> <li>• the level of demand for community justice services in your area?</li> <li>• the profile of offenders and reoffenders in your area?</li> <li>• the overall financial context and how funding arrangements work?</li> <li>• the organisations and partnerships involved in reducing reoffending both locally and nationally and their roles and responsibilities?</li> </ul>
	<p>Has the board agreed:</p> <ul style="list-style-type: none"> <li>• clear priorities for the CJA?</li> <li>• the outcomes you want to achieve?</li> <li>• what needs to be done to achieve them?</li> </ul>
	Are these priorities based on evidence of local need and demand?
	Have users been involved in discussions about reducing reoffending in your area?
	<p>Has your CJA effectively engaged with local partners and partnerships in terms of:</p> <ul style="list-style-type: none"> <li>• developing a shared strategic approach for reducing reoffending?</li> <li>• ensuring the CJA's priorities are reflected in partner organisations' strategic and operational plans?</li> <li>• ensuring the CJA's priorities are reflected in other partnerships' strategic and operational plans?</li> </ul>
	Has the board agreed an evidence-based strategic plan, based on your agreed priorities? Is this supported by an action plan which clearly describes what the CJA is going to do to reduce reoffending in the area?

<b>Key questions</b>	
Planning	Is the CJA's approach to planning informed and driven by agreed priorities?
	Has the CJA identified all the information needed to plan services in your area?
	Does this information include: <ul style="list-style-type: none"> <li>• the numbers and characteristics of offenders in your area?</li> <li>• an estimate of future levels of demand?</li> <li>• the range of support available across the CJA for offenders?</li> <li>• the capacity of different services and support arrangements – is there a gap between current provision and predicted demand?</li> <li>• the level of funding available?</li> <li>• costs of different criminal justice social work activities and other relevant services?</li> <li>• the relative effectiveness of different services and support mechanisms in achieving agreed outcomes and reducing reoffending?</li> </ul>
	Has the board taken appropriate decisions to ensure that the money allocated to it is distributed to constituent councils according to agreed priorities?
	Is the board aware of other resources available within constituent councils and relevant local partnerships for reducing reoffending?
Monitoring performance	Does the board receive the information it needs to scrutinise performance effectively?
	Is the information presented in a way that helps you challenge and question performance? For example, does it <ul style="list-style-type: none"> <li>• clearly identify where you are achieving improved outcomes and where performance needs to improve?</li> <li>• include relevant information on costs and spending?</li> <li>• enable you to assess whether you are achieving value for money?</li> <li>• include comparative information (eg with other areas or over time) to enable you to draw conclusions on what needs to improve?</li> </ul>
	If the CJA is not achieving the desired outcomes for offenders, has the board explored the reasons for this taken steps to address any barriers to improvement?

<b>Key questions</b>	
<b>Working effectively as a board</b>	Are you clear about your own role and responsibilities as a member of the CJA board?
	Are you clear about the board's role and responsibilities in reducing reoffending?
	Are you clear on your partners' roles and responsibilities?
	Do board members have the right mix of skills and experience to assess and challenge performance? If there are gaps, what is being done to fill them?
	Do the people attending CJA meetings have the right level of seniority to make decisions?
	Do you think the number of people attending board meetings is manageable or too unwieldy? If too many people attend, have you considered how to address this?
	Has the board considered who all the stakeholders are and the best way of engaging with them? Does it have a plan for stakeholder engagement?
	Do you think board meetings are run effectively? Do you always know why different topics are being discussed, what decisions are being made and what will happen as a result of those decisions?
	<p>Have you assessed your own performance as a board? Did you consider:</p> <ul style="list-style-type: none"> <li>• how you could be more effective, both at a personal level and as a board?</li> <li>• whether the board is sufficiently open and transparent about the decisions it makes and how it works?</li> <li>• whether the CJA is sufficiently open to learning and sharing your experience with other CJAs and other boards?</li> </ul>

# Reducing reoffending in Scotland

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