

National Outcomes and Standards for Social Work Services in the Criminal Justice System

National Outcomes and Standards for Social Work Services in the Criminal Justice System

© Crown copyright

ISBN: 978-0-7559-9553-0 (web only)

The Scottish Government
St Andrew's House
Edinburgh
EH1 3DG

Produced for the Scottish Government by APS Group Scotland
DPPAS10507 (08/10)

Published by the Scottish Government, August 2010

Contents

Foreword	Page 3
Chapter 1 Introduction	Page 11
Chapter 2 Overall Aims and Outcomes	Page 14
Chapter 3 Practice Framework	Page 19
Chapter 4 Assessment and Reports	Page 26
Chapter 5 Case Management	Page 31
Chapter 6 Restrictions	Page 41
Chapter 7 Rehabilitation	Page 43
Chapter 8 Reparation	Page 47
Chapter 9 Reintegration	Page 51
Chapter 10 Leadership and management	Page 54
Glossary	Page 58

Foreword

In October 2009, the Cabinet Secretary for Justice set out the Scottish Government's policy directive for Criminal Justice Social Work services in Scotland at the Association of Directors of Social Work Criminal Justice conference:

“Shortly after coming into office in 2007 I commissioned a review of community penalties. “Reforming and Revitalising” was the first step in the Scottish Government’s plan to tackle re-offending through a root and branch review of how we deal with those who offend at every stage of their offending behaviour. The purpose of the review was of course to start looking at ways of dealing more appropriately in the community with lower risk offenders caught in the cycle of reoffending.

It also looked at how to improve the efficiency and effectiveness of community penalties. The outcome was an action plan designed to give the judiciary and communities more confidence in community penalties by showing the benefits to communities when these penalties are working effectively.

The second stage of this evidence gathering phase saw us setting up the independent Scottish Prisons Commission to look at the purpose of prison. This widely acclaimed group chaired by Henry McLeish and comprising representatives from various walks of life produced its report “Scotland’s Choice” in July 2008.

In many respects, it confirmed our view that while we imprison more people, more often and for longer periods of time than most other European countries, prison as a means of reducing re-offending is simply not working.

Protecting Scotland’s Communities: Fair, Fast and Flexible Justice published in December 2008 is our blueprint for a modern offender management programme. It sets out how the Scottish Government plans to deliver justice, which is immediate, visible, effective, high quality, flexible and relevant.”

(Cabinet Secretary for Justice, October 2009)

The report of the *“Review of Community Penalties”*¹ was published on 27 November 2007. One of the concerns that the review highlighted was that the range of community sentences was more complex than it needed to be. *“Scotland’s Choice - report of the Scottish Prisons Commission”*² was published on 1 July 2008 and made a number of radical proposals for how imprisonment is used in Scotland. It recommended the creation of a single community sentence to replace existing community penalties - probation orders, community service orders, supervised attendance orders and community reparation orders.

It is critical our justice system is able to cope with the demands placed upon on it by life in modern Scotland. The Scottish Government has taken forward a range of reforms to the justice system since May 2007. As part of this programme, we are working with stakeholders to ensure sentences served in the community are robust, immediate and visible to the public. To contribute to the delivery of a coherent penal policy we have set out in the Criminal Justice and Licensing (Scotland) Act 2010 a more streamlined sentencing regime to replace the unnecessarily complex range of sentencing options currently available, which are not readily understood by the public. When making a community payback order judges will also be able to set review hearings during the course of the order. This is in line with the Prison Commission’s recommendation for ‘progress courts’ to be held as part of the management of the sentence.

In bringing together the options for judges, we are highlighting the scope for courts to punish offenders in a way that also addresses the areas of their lives which need to change. Setting out the options in this way also enables us to underline the fact that a community sentence is a punishment and not merely a supportive intervention.

¹ Reforming and Revitalising: Report of the Review of Community Penalties

<http://www.scotland.gov.uk/Publications/2007/11/20142739/0>

² Scotland's Choice Report of The Scottish Prisons Commission

<http://www.scotland.gov.uk/Publications/2008/06/30162955/0>

Social Work Services in the Criminal Justice System

The modern practice and values applied within Social Work Services in the Criminal Justice System in Scotland have been underpinned by the historical integration of Scottish probation services into generic social work departments, through the Social Work (Scotland) Act 1968.) Since this time Scotland has experienced criminal justice policy trends similar to the rest of the United Kingdom resulting in an increased emphasis on public protection through risk management and on reducing reoffending. Nevertheless, practice in Scotland has remained firmly rooted within social work principles and values with a strong commitment to social inclusion.

In 1991, the Government recognised the challenges of securing service provision to offenders by refunding local authorities the full cost of providing criminal justice social work services. This policy aimed to ensure that the services which the courts require for dealing with offenders in the community were available and of an agreed quality. The initial publication in 1991 of National Objectives for Social Work Services in the Criminal Justice System (Social Work Services Group) sought to establish and maintain the identity and practices of criminal justice social work services in Scotland.

Development of National Outcomes and Standards

National Objectives and Standards were designed to provide quality assurance through detailed guidance on management and were updated to reflect developing policy and research. These Standards were used as the basis of performance inspection by the Social Work Inspection Agency during 2003-2007.³ Given the parallel development of research and practices in relation to risk management and to reducing re-offending, the Scottish Government and key stakeholders identified that the National Objectives and Standards had not kept pace with the responsibilities and statutory duties that criminal justice social work services delivered. This included the introduction of multi-agency public protection arrangements but also recognised that criminal justice social work practice had matured as a distinct profession within social work service provision. Changing Lives (the 21st Century Social Work Review) sought to build upon the professional autonomy of social work practitioners and this reinforced the need to revise the prescriptive objectives and standards originally published in 1991.

³ Criminal Justice Social Work Performance Inspection Programme 2003-2007
<http://www.swia.gov.uk/swia/files/Criminal%20justice%20inspection%20-%20final%20report%20-%20October%202007.pdf>

Accordingly, in 2007 the Scottish Government commissioned a revision of the National Outcomes and Standards for Criminal Justice Social Work Services in Scotland. This was undertaken in parallel with the review and reform of community sentences.

A multi agency Advisory Group⁴ provided oversight for the redevelopment of National Outcomes and Standards during 2007-2010. This included an extensive consultation exercise undertaken by CTC Associates on behalf of the Advisory Group. The emphasis for the revision was confirmed and reinforced the need to support practitioners and managers professional autonomy within a framework of accountability, whilst ensuring the personalised delivery of criminal justice social work services. In addition, a key focus of the revision was to support the active participation of offenders in work towards outcomes. National Outcomes and Standards are intended to provide a clear framework of professional accountability, supported by strong governance and leadership, towards the outcomes of community safety, justice and social inclusion.

Workforce development

In the development of National Outcomes and Standards for Social Work Services in the Criminal Justice System, the Scottish Government also recognises the significant contribution that highly trained and skilled workers make in a range of complex circumstances. The Scottish Government will work with our partners in the Association of Directors of Social Work (ADSW) to ensure that our joint commitment to leadership and workforce development for Criminal Justice Social Work Services continues. The principles of best practice, leadership and quality management identified within National Outcomes and Standards are crucial to achieving the desired outcomes and will form a central feature of ongoing workforce development initiatives. ADSW have been key partners in developing the revision of National Outcomes and Standards and unequivocally supports a mixed skilled workforce in the delivery of criminal justice social work services.

⁴ National Outcomes and Standards Advisory Group membership: Association of Directors of Social Work, Social Work Inspection Agency, The Risk Management Authority, The Scottish Courts Service, The Scottish Prison Service, Criminal Justice Voluntary Sector Forum, Chief Officer's Group, Sheriff Fletcher, Scottish Social Services Council, the Scottish Government Community Justice Division and Courts and Criminal Justice and Parole Division

Effective social work requires a range of professional skills, in particular the ability to make and contribute to holistic, often multi-agency, assessments of individuals' circumstances. It also requires co-operation and close working relationships between social workers, people who use services, carers, providers of care in the private and third sector and other professionals – in health, education, housing, employment and justice services. The ability to draw together a diverse range of opinions, develop and agree solutions that both promote the wellbeing of the individual and manage the risk to an individual and/or the public, particularly where risks and needs are complex, is a key skill of the social worker.

Promotion of health and well-being is important as well as the provision of care and support. It is essential that an appropriate balance is struck between managing risk and encouraging self determination. Whilst the former is critical, it is also vital that supports offered to individuals encourage them to realise their potential. Promotion of personalised solutions has always been important; engaging with people who use support or services, carers, families and communities being the hallmark of effective social work practice. Personalisation is a key means of ensuring that people have the support or services that meet their needs and priorities and address their personal circumstances.

In March 2010, the Scottish Government published guidance on the role of the registered Social Worker in statutory interventions.⁵ (This was developed by the Practice Governance Group, one of the five change programmes set up as part of the Government's response to *Changing Lives*, the 21st Century Social Work Review.)⁶ This guidance acknowledged the importance of developing public confidence that the accountability for statutory interventions rests with a suitably qualified social worker and complements that issued on the Role of the Chief Social Work Officer in February 2009.⁷

⁵ The Role of the Registered Social Worker in Statutory Interventions: Guidance for Local Authorities
<http://www.scotland.gov.uk/Publications/2010/03/05091627/0>

⁶ *Changing Lives*, Report of the 21st Century Social Work Review
<http://www.scotland.gov.uk/Publications/2006/02/02094408/0>

⁷ Published March 2009 and available at:
<http://www.scotland.gov.uk/Publications/2010/01/27154047/3>

National Outcomes and Standards is published with related operational guidance to support practitioners and managers to improve their performance and results. The Scottish Government will continue to work closely with COSLA to support continuous performance improvement and best value in a context of constrained financial budgets. Working with the Association of Directors of Social Work we will continue to identify the impact the revised National Outcomes and Standards have on existing performance management measures and to allow for monitoring, evaluation and proportionate risk based scrutiny.

Conclusion

In publishing National Outcomes and Standards the Scottish Government recognises that the key to successful delivery lies not just with the Scottish Government but with our Local Authority partners, the eight Community Justice Authorities and other key partners such as NHS Scotland and the voluntary sector. Only effective joint working will secure and increase the confidence of our communities in our ability both to keep communities safe and to support individuals to pay back by turning their lives around. This revision embodies the need to refocus efforts collectively to tackle re-offending and to reduce the numbers being sentenced to short periods of imprisonment. It seeks to concentrate our energy on achieving the outcomes of public protection and community safety, the reduction of re-offending and social inclusion to support desistance from offending.

“We have a joint agenda to build a safer, stronger Scotland and are fully committed to working in partnership to tackle reoffending through our modern offender management plan ... work to deliver that vision is already underway and I want to take this opportunity to thank all those criminal justice interests who are working with the Scottish Government to tackle the current unacceptably high rates of reoffending through a more flexible and innovative approach to managing offenders.”

(Cabinet Secretary for Justice)

Social work services in the Criminal Justice System play a pivotal role in supporting the public’s confidence and understanding of the delivery of criminal justice policy with people who offend. CJSW practice must be designed and delivered towards the achievement of national outcomes and the introduction of National Outcomes and Standards is intended to support this understanding of the outcomes that Criminal Justice Social Work Services deliver across the communities of Scotland.

With the parallel introduction of the Community Payback Order and National Outcomes and Standards, a suite of practice initiatives will be introduced to enhance performance and support the delivery of results achieved by Criminal Justice Social Work services, including:

- *Framework for Risk Assessment, Risk Management and Evaluation*⁸
- *Level of Service Case / Management Inventory*⁹
- *Criminal Justice Social Work Report*¹⁰
- *Supported self-evaluation of accredited programmes*
- *The Caledonian Domestic Abuse system*¹¹ and;
- *Redesign of the Community Sex Offending Programme*

Building upon the publication of “Towards Effective Practice in Offender Supervision” and “Culture, Change and Community Justice,”¹² the Scottish Government will also continue to ensure that the implementation of National Outcomes and Standards are supported by the most up to date research programme. This will include the outcome evaluations of accredited programmes in the community and those undertaken by the Risk Management Authority to support implementation integrity of proportionate, meaningful and purposeful risk assessment and risk management practices.

8 9 10 11

See glossary

12

Culture, Change and Community Justice

<http://www.sccjr.ac.uk/pubs/Culture-Change-and--Community-Justice/251>

Towards Effective Practice in Offender Supervision

<http://www.sccjr.ac.uk/news/SCCJR-Report-Released-Towards-Effective-Practice-in-Offender-Supervision/167>

National Outcomes and Standards for the Criminal Justice Social Work Services in Scotland have been designed to support the underlying political priorities in Scotland, to ensure that policy is informed by the knowledge gained from delivery and to apply the most appropriate research based knowledge to appropriate practices. This cycle of learning is only possible by the commitment and competence of reflective and analytical staff engaged in the supervision of offenders and who are supported with effective leadership and management and appropriate partnership arrangements. Criminal Justice Social Workers face tough challenges in their vital role of improving community safety and helping offenders to break out of the cycle of reoffending. These new National Outcomes and Standards have been drawn up in collaboration with all those involved in delivery, and are intended to support skilled professionals to deliver a quality, consistent service. The Scottish Government is committed to ensure that these standards are kept under review and developed on the basis of further research, practice experience and policy,

1. Introduction

1.1. The Government's Purpose is "to focus government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable growth". There are five Strategic Objectives in the Economic Strategy: Safer and Stronger, Healthier, Greener, Smarter, and Wealthier and Fairer. The first of these Objectives is clearly relevant to Criminal Justice Social Work Services. The Government has set 15 national outcomes. Criminal Justice Social Work Services contribute specifically to three of them:

- We live our lives safe from crime, disorder and danger;
- We have strong, resilient and supportive communities where people take responsibility for their own actions and how they affect others;

- Our public services are high quality, continually improving, efficient and responsive to local people's needs.

1.2 These standards define a framework of practice which if consistently and competently implemented should achieve the outcomes required of Social Work Services in the Criminal Justice System. They prescribe those core practices which have been found to be critical to the achievement of Criminal Justice Social Work (CJSW) services outcomes. However, their purpose is not simply to maintain a minimum level of acceptable practice. The standards are also designed to support practitioners and managers in CJSW services and supporting community based services to improve their performance and results while at the same time delivering best value within resource constraints. Consequently principles of best practice are also outlined. These principles are intended to guide practice, helping Criminal Justice Social Work Staff to exercise their professional judgement and to use their discretion in individual cases.

1.3 The Standards do not deal with the specific statutory duties of Criminal Justice Social Work Services. There is already legislation supported by procedures and guidelines on most of these duties and the Standards provide the relevant links or references. These will be updated to reflect emerging policy. Similarly the Standards do not enter into the detail of practice with specific minority groups.

1.4 The purpose of the Standards is to provide all grades of practitioners, managers and other agencies with a concise statement of core processes and practices which they should apply in a variety of duties and contexts. The Standards may also be used as a basis for service inspection.

1.5 This document sets out:

- the overall aim of Criminal Justice Social Work Services,
- the outcomes expected by the public including victims of crime,
- the core processes to achieve the outcomes,
- the responsibilities of leadership and management to see that the standards are followed, resources are used effectively and the outcomes achieved.

Structure of the Standards

This table summarises the structure and content of the National Outcomes and Standards and indicates in which chapter each part can be found.

Overall Aim (Chapter 2)	Outcomes (Chapter 2)	Practice framework and core interventions (Chapters 3 to 9)	Supporting resources (Chapter 10)	Leadership and management (Chapter 11)
Public understanding and confidence in Criminal Justice Social Work Services	Public Protection and community safety Reduction of re-offending Social inclusion to support desistance from offending	<p>A practice framework is outlined (Chapter 3)</p> <p>Assessment of risk, needs and responsivity associated with offending. (Chapter 4)</p> <p>Case management: the management of compliance and the active engagement of individuals in processes of change. (Chapter 5)</p> <p>The delivery of appropriate interventions:</p> <ul style="list-style-type: none"> ➤ restrictions on opportunity to cause harm, (Chapter 6) ➤ rehabilitation through effective programmes, (Chapter 7) ➤ reparation for the harm they have caused. (Chapter 8) ➤ reintegration as contributing members of society. (Chapter 9) 	<p>Practitioners with the necessary discipline, knowledge and skills to engage and manage offenders towards positive outcomes.</p> <p>A range of resources provided by partnership organisations, the community and families</p>	<p>Managers' responsibilities for</p> <ul style="list-style-type: none"> ➤ Strategic direction on the basis of legislation and Government regulations, local authority plans and policies and Community Justice Authority plans ➤ The efficient deployment of finance and resources ➤ Service level agreements with partnership organisations ➤ Managing performance and supporting, supervising and developing staff ➤ Monitoring, assuring and improving quality of services ➤ Evaluating the outcomes of services

2. Overall Aim and Outcomes

2.1 Members of the public want to live in a just and safe society. Crime violates justice and safety, disrupts personal and community life and undermines the social cohesion required for the economic growth at the heart of Government's policy. Consequently the public expects the Criminal Justice System to help protect it from crime. As one part of the Criminal Justice System, Social Work Services work in the community and in prisons to contribute to the protection of the public by seeking to reduce the risks of re-offending and serious harm. This is accomplished by helping to manage risks posed by offenders and by engaging them in rehabilitative and reparative interventions and services to enable them to maintain law abiding lives.

2.2. The public wants to see individuals succeed in changing their offending behaviour and taking their place as contributing members of the community. For this reason social inclusion is an outcome to which social work in the Criminal Justice System must also contribute.

2.3 Criminal Justice Social Work (CJSW) services have a responsibility to deliver effective community based supervision that is seen as credible by the courts and the public. To be credible, interventions must properly reflect the seriousness of the offending behaviour whilst affording individuals an opportunity to make amends and to re-integrate within society. In the event of imprisonment, Criminal Justice Social Work services contribute to effective throughcare in partnership with the Scottish Prison Service and other key agencies.

2.4 CJSW services have an obligation to make a clear statement of what outcomes it strives to achieve, how it sets about achieving these outcomes and how it will assure quality and measure its effectiveness. This statement of National Outcomes and Standards (NOS) for Social Work Services in the Criminal Justice System defines outcomes, outlines consistent standards of practice to achieve the outcomes and sets out principles of best practice.

2.5 The overall aim of the NOS is to increase public understanding and confidence by demonstrating the effectiveness of CJSW services. Effectiveness means contributing to the public's safety, its sense of justice and its wish for an orderly, cohesive and inclusive society. In achieving this aim CJSW services must not only be effective but also be seen to be effective.

2.6 The public includes people directly harmed by a crime, people who have been convicted of crime, and those people who are affected indirectly by the impact of crime in our society. These three groups are not mutually exclusive.

2.7 There are three key outcomes for CJSW services:

- 1. Community safety and public protection**
- 2. The reduction of re-offending**
- 3. Social inclusion to support desistance from offending**

Summary

The overall aim of NOS is to gain and sustain the public's confidence in the CJSW services to contribute to the values of:

Safety

- By maintaining community safety through protecting the public from serious harm;

Justice

- By holding individuals accountable for their actions in order to reduce their risk of re-offending;

Social Inclusion

- By supporting individuals' efforts to desist from offending through their social inclusion

Community safety and public protection

2.8 Crime results in real harm to victims. It also creates fear particularly within those communities which suffer most from crime and anti social behaviour. People are justifiably angry if it appears that those who commit offences are not held accountable for the harm that they have caused. It offends their sense of justice. When individuals are brought to justice, the public want disposals that hold individuals responsible for their offending and require them to take active steps not to offend again.

2.9 To achieve this outcome, these Standards set out a practical and transparent framework for the assessment and management of risk, for applying restrictions on individuals' opportunity to offend and for the effective use of authority when individuals do not comply with the requirements of their orders/licences.

The reduction of re-offending

2.10 The public expects CJSW services to use their contact with individuals to help to reduce their offending. While this outcome is not easy to achieve, experience and research over recent years has generated a significant body of evidence on how services can reduce the risk of re-offending through consistent, skilful and high quality practices and through partnership work with appropriate organisations.

2.11 To achieve this outcome, this document sets out practical and transparent standards for the assessment of risk of re-offending and the needs associated with offending such as addictions, for the motivation and engagement of individuals in processes of behavioural change and for the delivery of rehabilitation programmes.

Social inclusion to support desistance from offending

2.12 Social inclusion improves individuals' readiness to change and to sustain behavioural change. The majority of those who offend eventually realise that crime is no solution to their problems. They become motivated to overcome the obstacles preventing them from desisting from crime and seek support to improve their social circumstances. This may involve gaining the acceptance and support of the community, gaining qualifications, finding employment, obtaining stable accommodation, or sustaining positive relationships.

2.13 To support social inclusion, this document sets out practical and transparent standards for opportunities for individuals to make reparation to the community and to reintegrate themselves into society as law abiding and contributing citizens.

3. Practice Framework

The chapter sets out the principles which should inform and shape practices and interventions designed to achieve the national outcomes.

Outcome orientation

3.1 The practices and interventions of CJSW services must be designed and delivered to achieve the national outcomes. In an outcome oriented practice model goals should be approach goals (moving towards an outcome) rather than avoidance goals (moving away from a problem). This requires a disciplined focus on what needs to be done to achieve the outcome.

The relationship between the outcomes

3.2 The national outcomes are interdependent. To meet the public's needs for safety, justice and social inclusion all three should be addressed. Unless steps are taken to ensure that the public is protected, it would be inappropriate to engage individuals in community based rehabilitation or reparation. Programmes addressing the risk of re-offending are unlikely to be fully effective unless action is taken to maintain a law-abiding life through social inclusion.

3.3 While each outcome is important, in practice there is a greater urgency to address community safety and to demonstrate to the public that immediate action is being taken to reduce the risk of re-offending. Consequently the standards will set out clear expectations for risk management and immediacy of contact.

Responsibility and the control of offending

3.4 CJSW services in the community and the prisons working with other agencies (e.g. through MAPPA¹³ and/or ICM)¹⁴ can reduce the risk of serious harm by imposing restrictions on an individual's movements, associations and behaviours. However, once these controls are withdrawn individuals are likely to revert to previous behaviours unless they have developed personal responsibility i.e. the commitment and capacity to control oneself.

3.5 There is research evidence to suggest that desistance from crime is likely to be a result of the motivation and actions of offenders to become more socially integrated and improve their circumstances. The interventions of CJSW services should be designed to support the individual's efforts to desist.

A participative approach

3.6 Lasting change can only be achieved through the active participation of the individual. To be effective assessments and interventions should be done *with* the individual not *to* or *for* him or her.

3.7 This requires a relationship between the individual and those working to achieve the outcomes that provides the motivation, support and discipline to enable active participation in change.

Evidence based practice

3.8 Where possible, practice should be based on principles or premises founded in research into effectiveness in achieving the outcomes. If there does not appear to be available research evidence for a decision or action, the rationale for it should be explicit, clearly thought out and open to empirical testing.

¹³ and ¹⁴ See glossary

Individualisation

3.9 Research¹⁵ offers general principles of practice which if followed consistently increase the likelihood of positive results. The pathway specific to each individual's desistance must be found through a process of assessment of risk and need and of reviewing interventions against clear outcomes and the individual's responsivity. This approach requires a degree of informed professional judgement and discretion. Staff are expected to take responsibility for making defensible decisions based upon assessment of risks and needs and the disciplines of evidence based principles.

¹⁵ See annexe for research references

The importance of integrated planning

3.10 The case management plan must be designed to reduce risks and to meet needs through integrating and scheduling a range of interventions. Achieving outcomes is usually the result of many small actions and decisions by the worker, partners and the individual rather than a single event. It is unlikely that one intervention or programme will be effective in isolation given the complexities of many individuals' lives.

The 'Four R's' of CJSW

3.11 The key interventions of CJSW services required to achieve the outcomes can be categorised as Restrictions, Rehabilitation, Reparation and Reintegration. Each has a different research base and methodology. Assessment of risk and need should determine the combination of interventions in each case. Interventions should be visible, measurable and replicable.

This practice framework is outlined in the table below. The first column outlines the core practices of CJSW services and the other columns illustrate how they contribute to the three outcomes. These then define the outcomes of each specific task.

	Community safety and public protection	The reduction of Re-offending	Social inclusion to support desistance from crime
Assessment	<p>Risks of harm, particularly serious harm, are identified, addressed and reviewed.</p> <p>Child and adult protection issues are identified and addressed.</p>	<p>Risks of re-offending and needs associated with offending are identified, addressed and reviewed.</p>	<p>The individual has the opportunity to reflect on his or her life, to identify and acknowledge what needs to change, to determine a plan and gain access to support for change.</p>
Case management	<p>There is evidence that supervision and interventions are being undertaken and reviewed on a regular basis within a risk management plan according to statutory requirements and transparent standards.</p> <p>All non-compliance is being managed rigorously.</p>	<p>Risks and needs are being addressed through a case management plan of intervention in which the individual is actively participating.</p>	<p>The individual believes in the possibility of a better life.</p> <p>The individual makes a commitment to act to achieve a better life.</p> <p>The individual is helped to create opportunities to overcome obstacles with the support of the case manager to achieve this.</p>

Restrictions	There is evidence that imposing external controls will protect the public and preserve community safety through inter-agency cooperation.	Restrictions enable participation in community based rehabilitation by individuals unlikely to comply voluntarily.	The individual has the opportunity to develop the trustworthiness required to reintegrate.
Rehabilitation	Evidence based interventions are designed to reduce reoffending	<p>Structured, research based interventions enable the individual to develop</p> <ul style="list-style-type: none"> ➤ awareness of offending behaviour and its harmful consequences ➤ awareness of what is driving and sustaining offending ➤ pro-social perspectives on self and offending. ➤ personal responsibility to change harmful behaviour and habits such as the use of drugs and alcohol. ➤ the beliefs and capabilities required to control harmful habits ➤ the beliefs and capabilities to meet needs without harming others ➤ a relapse prevention and risk management strategy including preparations for release from prison. 	The individual learns the values and capabilities required to build the pro-social relationships and to access opportunities for a better life.

Reparation	The public's sense of justice is satisfied through reparation and rehabilitation	The individual develops interpersonal and vocational skills (e.g. to enhance employability, parenting pro-social functioning etc.).	Social inclusion is increased through making a positive contribution and strengthening the relationship with the community.
Reintegration	There is evidence that the individual is no longer a significant risk.	Reduced risk of offending enables the individual to focus on developing a law abiding life style.	The individual enhances social inclusion through maintaining supportive relationships and access to the opportunities and resources required to maintain desistance.

4. Assessments and Reports

Outcomes

Community safety and public protection outcome Risks of harm, particularly serious harm, are identified, addressed and reviewed. Child and adult protection issues are identified and addressed.	The reduction of re-offending outcome Risks of re-offending and needs associated with offending are identified, addressed and reviewed.	Social inclusion to support desistance from crime outcome The individual has the opportunity to reflect on their life, to acknowledge what needs to change, to determine a plan and gain access to support for change.
---	---	--

Preparing assessments and reports are crucial parts of the social work tasks in the Criminal Justice System. They are central to defensible decision making¹⁶ and are the foundation on which appropriate interventions are built.

The assessment process has the following key elements: information gathering, interviewing, analysis and report writing. In all appropriate cases an agreed assessment tool is used.

¹⁶ Definition of defensible decision - see Glossary

Reports are prepared to inform decision making in the criminal justice process and should be accurate, timely and fit for purpose.

Accurate

- 4.1 Key information should be, wherever possible, supported by more than one source. All reports should specify sources of information and distinguish between verified facts and professional opinion.
- 4.2 Accuracy and comprehensiveness are enhanced in most cases by home visits.¹⁷
- 4.3 Home visits are required for Home Background Reports and should be standard where there is a risk of serious harm and in the case of more complex social enquiry reports while ensuring the health and safety of staff.

Timely

- 4.4 All reports should be delivered within agreed time scales.

Fit for purpose

- 4.5 Reports and assessments should have regard for the context and purposes for which they are being prepared. This will determine the level of detail, content and method of risk assessment.
- 4.6 Workers should ensure that the individual understands the purpose of the report and has access to its content.
- 4.7 Reports should provide information and analysis based upon a balance of sources

¹⁷ See CJSW Reports and Court Based Services practice guidance

4.8 Reports should provide information and analysis relevant to purpose:

- The individual's background and current circumstances;
- An analysis of offending which considers the pattern, nature and seriousness of the offending to date;
- The likelihood of and impact of re-offending, with particular regard to child and vulnerable adult protection;
- Protective factors (strengths and available resources) decreasing the risk of re-offending;
- Desistance needs which, if met, will sustain desistance from offending;
- Taking into consideration differences in social circumstances, age, gender, ethnicity, mental health and learning abilities;
- Where possible taking into consideration available information on the victim's perspective;
- Taking into consideration the impact of previous sentences and in some cases the effects of institutionalisation on long term prisoners;
- Readiness, motivation and capability to complete an intervention plan and to comply with requirements;
- **In cases of risk of serious harm** develop a formulation of risk – an evaluation of the nature, severity, imminence, frequency and likelihood of risk that the **individual** poses; identify the relevant risk factors and how they interact; early warning signs and behaviours to monitor.
- Consider the current and near future contexts, and the situations or 'scenarios' in which seriously harmful offending may occur

- On the basis of the risk formulation and consideration of likely scenarios, identify the **preventive** strategies of:
 - Supervision
 - Monitoring
 - Intervention / treatment
 - Victim safety planning
 - that are necessary to address **each** of the relevant risk and protective factors; and the **contingency** measures in response to early warning signs.
- Clearly document roles and responsibilities for the delivery of these measures, and agreed means and frequency of communication.

- **In cases of other levels of risk** outline options proportionate to the seriousness and persistence of offending to reduce the risk of re-offending, to meet the needs for desistance, and to make reparation. This should include the level of contact that will be maintained with the individual.

4.9 Reports should be concise, written in plain English and to a nationally agreed standard template where available.¹⁸

¹⁸

Available within practice guidance template annexe

Principles of best practice

- Assessment is often the individual's first contact with Criminal Justice Social Work Services. As such the process will have a significant impact on the individual's motivation and readiness to engage in change. Assessment should be an inclusive and **participative** process involving the worker and individual (and where appropriate the family) working together to understand the individual's personal history and current circumstances, to identify risks and needs, to acknowledge what needs to change, to determine a plan for change and to identify resources to support change.
- All assessments should be informed by the use of an agreed risk assessment tool. Additional tools may be used for specific types of offending such as sexual offending or violent offending.

5. Case Management

Outcomes

<p>Community safety and public protection outcome There is evidence that supervision and interventions are being undertaken and reviewed on a regular basis within a risk management plan according to statutory requirements and transparent standards.</p> <p>All non-compliance is being managed rigorously.</p>	<p>The reduction of re-offending outcome Risks and needs are being actively addressed through a case management plan of intervention in which the individual is actively participating.</p>	<p>Social inclusion to support desistance from crime outcome The individual believes in the possibility of a better life.</p> <p>The individual makes a commitment to act to achieve a better life.</p> <p>The individual is helped to create opportunities to overcome obstacles with the support of the case manager to achieve this.</p>
--	---	---

The case manager is responsible for the effective planning, management and monitoring of the case management plan. This involves engaging the individual in preparing and the implementing the plan, keeping it to schedule, organising levels of contact and resources to support the interventions, and supporting the individual to achieve each intervention’s intended outcomes. The case manager also reviews progress, reports to courts, to the Scottish Government Justice Directorate (Criminal Justice and Parole Division - CJPD) and the Parole Board as required and deals with any barriers to the successful completion of the plan.

The case manager has two key roles:¹⁹

1. Work with the individual and relevant others to achieve change
2. Working with the individual to achieve compliance

Managing change

5.1 The case manager must demonstrate a clear, practical understanding of the process of change and a strong, positive commitment to enabling the individual to follow a plan for change.

¹⁹ In relation to prisoners, these roles are covered by the Integrated Case Management (ICM) process - <http://www.scotland.gov.uk/Publications/2007/09/ICM>

The CJSW service must take responsibility for:

5.2 **Immediacy of contact** – where possible immediately after court or **within one working day** of court notification of the order **or on the day of release from prison**, to confirm understanding of the requirements, to check any changes of circumstances and to make the first appointment for induction.

5.3 The responsible officer/case manager must be allocated within **2 working days** of an order being received.

5.4 **Induction**²⁰: Begin the induction process **within five working days** of an order being made, a licence being imposed or a community sentence commencing. This enables the individual to connect his or her needs and aspirations with the case management plan and its requirements and to understand fully what is expected of him or her.

²⁰ See Community Payback Order practice guidance

The case manager must take responsibility for:

5.5 Role clarification: the case manager must clarify with the individual, and re-clarify when necessary, roles, purposes, expectations, the use of authority, and negotiable and non-negotiable aspects of intervention and confidentiality;

5.6 Frequency of contact: Level of supervision and intensity of contact must be determined by an assessment of the likelihood for further offending along with a consideration of the pattern, nature and seriousness of the offending to date, or as determined by the ICM process, or the requirements of CJPD (Criminal Justice and Parole Division) and regularly reviewed. Departmental reviews will consider the frequency of contact. It should be stressed that in addition to deciding the level of contact, consideration needs to be given to the nature and purpose of that contact. This will be determined by the likelihood and impact of the offending and should be geared towards meeting the stated outcomes. A judgement will be required by the case manager on the appropriate level of this contact.

5.7 Levels of contact:

Contact refers to contact planned to support the achievement of the outcomes. It can be with staff of CJSW services or their partners including the police. Every individual should be seen at least weekly for the first four weeks during which the case management plan should be developed and finalised. The development of the case management plan should not delay the implementation of the conditions specified in the order/licence e.g. unpaid work. The case management plan should specify level of contact required on the basis of managing any identified risk and need and delivering the interventions designed to make reparation, reduce re-offending and/or to support reintegration. Contact may be:

1. Very high intensity
2. High intensity
3. Medium intensity
4. Low intensity

- **Very high intensity** – Contact with the case manager should be at least once a week and up to seven contacts per week with other staff or partners. Contact should be reviewed at least every three months. Contact should include arranged and unannounced home visits²¹ with due care to the safety of staff to be determined by the assessment and review process.
- **High intensity** – Contact with the case manager should be at least once a week and up to three contacts per week with other staff or partners. Contact should be reviewed at least every three months. Contact should include planned and unannounced home visits with due care to the safety of staff to be determined by the assessment and review process.
- **Medium intensity** – Contact with the case manager should be once a week to be reviewed after the first three months. If the individual’s circumstances and level of risk is assessed as stable, reviews should be conducted every six months thereafter. If the situation is reviewed as stable contact may be reduced to once a fortnight. Contact should include at least one planned or unannounced home visit to be determined by the assessment and review process.
- **Low intensity** – The case manager should have one contact per month reviewed every six months. Contact to be determined by the assessment and review process.

5.8 **Refine the case management plan:** agree SMART, positive objectives with the individual, schedule and record planned frequency of contact, programmes and other activities taking into account individual’s commitments with regard to employment, education, cultural and religious practices and family commitments.

²¹ For further information on the purpose of home visits - see Community Payback Order practice guidance

- 5.9 **Prepare** the individual to participate in the planned interventions and develop his or her motivation by drawing on personal goals and life plans.
- 5.10 **Identify** impediments to the individual's full participation in the plan and enable and assist the individual to overcome these; e.g. transport, child care arrangements, religious beliefs.
- 5.11 **Identify**, coordinate and facilitate access to resources that the individual needs to reintegrate into the community.
- 5.12 **Plan relapse prevention strategies** and enable the individual to manage relapses (re-offending or setbacks in progress towards agreed outcomes) effectively if they occur.
- 5.13 **Ensure** that information relevant to outcomes is shared with appropriate parties (subject to data protection regulations).
- 5.14 **Verify** information reported by the individual which could be critical to child protection or public protection in general and where appropriate refer in accordance with local child and vulnerable adult protection procedures;
- 5.15 **Record** all contacts and reviews;
- 5.16 **Review the plan.** As set out in section 5.6 reviews should be scheduled at planned regular

intervals according to set procedures. Where there is a significant change in circumstances or behaviour that potentially increases the risk of serious harm the case should be discussed with the line manager as quickly as possible (within one working day) and the outcome recorded. In these circumstances a review should be conducted immediately and all parties with relevant information should be invited and where practicable attend formal reviews or provide written information. The review should examine and where appropriate adjust priorities and planned interventions. As a response to the review, in addition to adjustments in the risk management plan, the case manager should consider whether variations to the order/licence are necessary.

- 5.17 **Recognise** and reaffirm with the individual specific areas of progress towards the achievement of outcomes.
- 5.18 **Recognition** for successful completions of specific parts of the case management plan and the whole of the plan should be arranged.

Managing compliance

5.17 Managing compliance effectively is an important responsibility and critical to an individual achieving the outcome of the order or license, and in turn, contributes towards achievement of the national outcomes. Supporting compliance is intended to:

- Protect potential victims and the general public
- Enable individuals to develop appropriate skills and understanding of their behaviour to reduce further re-offending.
- Encourage and enable individuals to change aspects of their behaviour.

5.18 All individuals are expected to comply with the requirements of their orders/licences. Procedures for managing non compliance are outlined in the relevant guidance.²²

²² See related Community Payback Order and CJSW reports and Court based services practice guidance

5.19 The case manager must take active steps to generate the individual's commitment to compliance with the requirements of the order/licence.

5.20 The case manager must ensure that the individual clearly **understands** the requirements of the order/licence, the benefits of compliance and what will happen in the event of non-compliance.

5.21 Non-compliance must be addressed immediately, rigorously and effectively.

5.22 Where appropriate, conduct home visits to respond to acts of non-compliance, this must be **on the same day** in cases where a high and very high intensity level of contact is required.

5.23 Non-compliance must be addressed, if possible, through contact in person **within two working days**. If this is not possible, reasons should be recorded and telephone or alternate contact must be attempted then followed up by written correspondence.

5.24 **Every incident of non-compliance** should be rigorously addressed to reinforce the importance of participation in the case or risk management plan.

5.25 **Hold the individual accountable** for their behaviour and ensure when the reason for the non-compliance is acceptable that there is verifiable evidence.

5.26 **Refer to the appropriate guidance and procedures.**

5.27 **Consider non-compliance as an opportunity** to work with the individual towards agreed outcomes – living within the boundaries of rules, sticking to commitments, solving problems, being accountable.

5.28 A decision to initiate breach proceedings should, where appropriate, be discussed and endorsed by a manager.²³

5.29 Once a decision to submit a breach report has been taken there should be speedy action to initiate these proceedings by lodging the report at the appropriate court i.e. **within no more than five working days of the decision to breach.**

5.30 Where a **breach of licence** occurs, and where appropriate, there should be an immediate telephone contact with the CJPD (Criminal Justice and Parole Division) for those subject to post release licence supervision. This should be followed up with a written report within **two working days.**²⁴

²³ See Community Payback Order practice guidance

²⁴ Circular JD/4/2008 - 1 May 2008 -

<http://www.scotland.gov.uk/Publications/2008/05/02142043/2>

5.31 Unless there is a good reason (incapacity, threat to staff or public) do not automatically suspend from participation in planned interventions once a decision has been taken to initiate breach proceedings. The case manager should exercise their professional judgement to determine whether the individual would be able to sustain the required level of engagement to continue with these interventions, pending the outcome of the court decision. This assessment should also consider the maintenance of credibility of the order/scheme with other offenders.

Principles of best practice

- The case manager should build a working **relationship with the individual** based upon pro-social modelling. The case manager should be adept at **pro-social modelling and reinforcement**: involving the identification, reward and modelling of behaviours to be promoted and the identification, discouragement and challenge of behaviours to be changed.

- **Address the diverse needs** of individuals. This means that experiences of victimisation and discrimination may need to be addressed in assessment of need, in engagement in interventions and in the design and delivery of interventions.
- **Outcomes** should be seen as relevant to the individual and in the form of approach goals rather than avoidance goals.
- Commit to **small practical steps** that ensure a sense of achievement and offer further opportunities to the individual to learn and develop confidence.
- The case manager should pro-actively **connect all the interventions** and services in the plan so that they have meaning and purpose to the individual in relation to the achievement of outcomes. It should seem like a seamless process to the individual rather than a succession of isolated events.
- The case manager should enable the individual to **apply learning** from programmes and interventions to their circumstances.

- The case manager should enable the individual to recognise their strengths and to **learn from experience** such as positive achievements, relapses or crises.
- The case manager should have **high expectations** of the individual, recognising what the person can and should be contributing to his or her community and facilitating these contributions if possible.
- The case manager should see **non-compliance as an opportunity for the individual** to understand their responsibility & purposed of the Order and to learn something that could enable progress to an outcome;
- **Distinguish** the different causes of non-compliance so as to respond purposefully and skilfully, for example:
 - Drift in motivation or conflict in commitments – re-clarify purpose and expectations and encourage the right response;
 - Lack of capability or confidence – coach and develop capability;
 - Unanticipated event or crisis - problem solving and crisis intervention;
 - Wilful refusal – hold rigorously accountable.
- **Responses to non-compliance** should take into consideration the view of the case by the court or the Parole Board and any impact on the public or community. Non-compliance in relation to a restriction/licence condition designed to protect the public or in relation to a commitment to make reparation to a community should be dealt with more rigorously.
- The case manager should enable the individual to address obstacles to outcomes through a **problem solving approach**: involving the surveying, ranking and exploration of problems, goal setting and contracting, the development of strategies and ongoing monitoring;
- The case manager should where appropriate deliver **one-to-one structured interventions** and where appropriate delivery of or referral to group work interventions to address risks of re-offending. (If this is necessary the standards in the Rehabilitation chapter should apply);
- The case manager should have access to information about, or knowledge, of **community resources** which would support the individual's reintegration outcomes;

- Where appropriate the case manager should become familiar with the individual's home, family and community so as to **facilitate reintegration**;
- The case manager should arrange for the **recognition of successful completions** of specific parts of the intervention plan and of the whole plan.
- **Achievement of outcomes** should be acknowledged. In some cases, it may be appropriate to make an application to the court/CJPD (Criminal Justice and Parole Division)/Parole Board for consideration of the early termination of the supervision element of the sentence where the individual is assessed as low risk of re-offending and harm; in the case of those on life sentences, this cannot take place until the individual has demonstrated full compliance for a period of 10 years.
- **An exit questionnaire** should be completed by each individual on completion of the order assessing the quality of their experience and offering suggestions for improvements.
- An **evaluation** should be conducted in the final review at end of the order/full sentence – involving a final interview with the individual to examine their experience of supervision,

changes in motivation to offend, learning, positive changes in behaviour, future prospects and their relapse plan etc. This review should be recorded on standard format and collated so as to provide an overall evaluation of effectiveness and to address the quality of services.

- A standard template should be used and a review of the documents used to inform service design and delivery.²⁵

²⁵

Available within practice guidance template annexe

6. Restrictions

Outcomes

Community safety and public protection outcome There is evidence that imposing external controls will protect the public and preserve community safety through inter-agency cooperation.	The reduction of re-offending outcome Restrictions enable participation in community based rehabilitation by individuals unlikely to comply voluntarily.	Social inclusion to support desistance from crime outcome The individual has the opportunity to develop the trustworthiness required to reintegrate.
--	--	--

Courts or the Parole Board (or SPS in the case Home Detention Curfews/temporary release licences) may require restrictions on offenders' movements, associations and behaviours for the purpose of managing risk to public safety.

6.1 Risk assessments and case management plans should be conducted and, when appropriate, fed into processes such as Integrated Case Management (ICM) and the Multi Agency Public Protection Arrangements (MAPPA) and ongoing case review processes.

6.2 The nature of the restriction should be directly related to managing or reducing the risks identified.

6.3 Proposed restrictions must be lawful, purposeful, necessary and proportionate to the risks posed by the individual.

- 6.4 As far as possible restrictions should support rather than hinder rehabilitation, reparation and reintegration outcomes.
- 6.5 Home visits with due care to the safety of staff are a key method of means of assessing and managing risk. Their regularity should be specified within all case management plans.²⁶
- 6.6 Where appropriate plans for contingencies such as unanticipated events or crises or non-compliance should be made and acted upon with immediacy and rigour.²⁷
- 6.7 A schedule for reviews should be specified within all case management plans.

Best Practice

- Restrictions may include surveillance, electronic monitoring, drugs testing, home visits, the timing and location of statutory contacts, and curfews.

- Restrictions should be the least restrictive measures consistent with the protection of the public.
- Consideration of the impact of restrictions on family life should be taken into consideration. Where domestic abuse may be an issue, this should include consideration of men's ability to have safe and appropriate contact with their children. Case managers should be aware that some men will not achieve this and that no contact is preferable to unsafe contact.
- Imprisonment is the most severe form of restriction. Prison based social work has an important role in partnership with the Scottish Prison Service in achieving outcomes through the ICM process, through pre-release processes, e.g. parole, and through liaison with community based social workers ensuring continuity of case management from prison to community.

²⁶ See Chapter 5 Case Management, paragraph 5.6 and 5.7

²⁷ See Chapter 5 regarding managing non-compliance

7. Rehabilitation

Outcomes

<p>Community safety and public protection outcome Evidence based interventions are designed to reduce reoffending</p>	<p>The reduction in re-offending outcome Structured, research based interventions enable the individual to develop</p> <ul style="list-style-type: none"> ➤ awareness of offending behaviour and its harmful consequences ➤ awareness of what is driving and sustaining offending ➤ pro-social perspectives on self and offending. ➤ personal responsibility to change harmful behaviour and habits such as the use of drugs and alcohol ➤ the beliefs and capabilities required to control harmful habits ➤ the beliefs and capabilities to meet needs without harming others ➤ a relapse prevention and risk management strategy including preparations for release from prison. 	<p>Social inclusion to support desistance from crime outcome The individual learns the values and capabilities required to build pro-social relationships and to access opportunities for a better life.</p>
---	---	--

Rehabilitation interventions are designed to reduce the risk of re-offending by addressing needs and behaviours associated with offending.

7.1 A programme is defined as a planned series of activities, delivered over a specified period on an individual or group basis, which, typically, will form an element of a framework of integrated casework management and has the following characteristics:

- it uses specific and measurable methods that can be demonstrated to produce positive change in order to reduce offending;
- it is normally characterised by a systematic and structured sequence of activities, designed to achieve clearly defined objectives that have been demonstrated to be effective in reducing offending;
- it can be replicated with other people who have similar patterns of offending;
- it has a specified and evidence-based design

7.2 Services should, where available, use accredited programmes – e.g. Caledonian, CSOGP.

7.3 Whether delivered in groups or on a one-to-one basis, interventions should be delivered according to evidence-based principles.

7.4 **Risk Principle:** Programme intensity and duration should be determined by the level of risk of re-offending and serious harm that the programme has been specifically designed to target. The level of intervention should match the likelihood of the risk posed in order to give an appropriate but proportionate response to the density of criminogenic need.

7.5 Criminogenic Need Principle:

Programmes should focus on meeting dynamic needs (those subject to change) that are related to offending. The most promising targets of change include anti-social attitudes, habitual patterns of thoughts and feelings, personal control issues including aggression, the use of drugs and alcohol, and peer associations.

7.6 Responsivity Principle: The way the programme is delivered should be matched to the way the individual changes and learns. This also requires matching staff skills and styles to client's motivations and learning styles. Theories²⁸ of change indicate that effectiveness requires the individual's active participation in the process of change. Methods of engaging active participation must take into consideration gender, ethnicity, disability and other special needs.

7.7 Programme Integrity Principle:

Programmes structured by a theoretical basis and focused on achieving measurable outcomes are more effective than less structured and unfocused ones. The most effective programmes have clear and stated aims and objectives, are carried out by staff who are specifically trained and skilled in the particular method, are adequately resourced and managed, and are quality assured and evaluated.

²⁸ Available within practice guidance annexe

Best Practice

- Programme providers should work closely with Case managers²⁹ to ensure effective communication and that:
 - Individuals are well **prepared and motivated** for participation in programmes;
 - Individuals are well **supported to participate** in the programme and to apply the learning from it;
 - Any non-compliance or other practical hindrances to participation are addressed immediately, rigorously and effectively;
 - Individuals are well **supported to follow** up on goals they have set as a result of participation in the programme.

²⁹ See Chapter 5 Case Management and relevant Management manual for Caledonian, CSOGP and Constructs PSSSO

8. Reparation

Outcomes

<p>Community safety and public protection outcome The public's sense of justice is satisfied through reparation and rehabilitation.</p>	<p>The reduction of re-offending outcome The individual develops interpersonal and vocational skills to enhance employability.</p>	<p>Social inclusion to support desistance from crime outcome Social inclusion is increased through making a positive contribution and strengthening the relationship with the community.</p>
--	---	---

Reparation enables individuals to 'pay back' for the harm that they have caused and to demonstrate that they are capable of change. Reparation enables individuals to develop personal responsibility for their actions, enhance their employability and improve their relationship with local communities. Reparation – or 'payback' - should be an integral part of all orders or licenses. As the report of the Prisons Commission said;

*'By payback, we mean finding constructive ways to compensate or repair harms caused by crime. It involves making good to the victim and/or the community whether by unpaid work, engaging in rehabilitative work that benefits both victims and the community by reducing reoffending, or some combination of these and other approaches,'*³⁰

One key form of payback is that of unpaid work carried out in the community for community benefit.

³⁰ Scotland's Choice Report of The Scottish Prisons Commission
<http://www.scotland.gov.uk/Publications/2008/06/30162955/0>

8.1 It is important that the public see unpaid work starting quickly after the order has been made. The work should be purposeful, of value to the community and meaningful to the individual drawing on the individual's strengths and talents. Unpaid work should be undertaken in taking account of safety issues for all involved,

Immediacy

8.2 Arrangements should be made for the individual to have first direct contact (including signing of the order) with the CJSW service within one working day of the order having been made. This is critical as it reinforces the seriousness of the Order to the individual and public etc.

8.3 Where an unpaid work and other activity requirement features as part of the order an induction programme should begin **within five working days** of an order being made.

8.4 The work placement should commence **within seven working days** of imposition of the order.

8.5 The specified number of hours of unpaid work and other activity should be completed within the specified statutory period beginning with the imposition of the requirement (3 or 6 months) unless the Court has specified a longer period in the requirement.

Meaningful

8.6 The nature of the unpaid work should have clear, tangible benefits to the community and be meaningful to the individual.

8.7 Where risk assessment allows, the individual should have some direct or indirect contact with the beneficiaries.

8.8 Reparation work must not displace opportunities for paid employment for the individual.

Safety

- 8.9 A risk assessment will inform the choice of placement
- 8.10 Health and safety arrangements should be implemented rigorously. Where health and safety arrangements for a particular placement require specific training or certification to have been undertaken, supervisors and individuals undertaking unpaid work should undertake the relevant training or certification for this activity. This approach should allow for a wider variety of placements to be implemented

Roles

- 8.11 In the case of community payback orders with unpaid work and other activity and supervision requirements, the roles and responsibilities between the case manager and the unpaid work case manager should be clearly understood.

Principles of best practice

- **Communities should be consulted** regarding the work to be carried out and should be kept informed of the benefits and outcomes of community service. This is required as a minimum **on an annual basis**
- **The induction programme** should assess participants' capabilities, allow them to express their views on the type of unpaid work to be undertaken, and provide clarification in regards to roles, purposes, responsibilities and expectations. It should allow for child care commitments, health conditions and any other factors that may limit participation to be taken into consideration.
- The 'other activity' component of an unpaid work and other activity requirement provides opportunity for rehabilitative elements e.g. victim awareness, alcohol or drug education, interpersonal skills training, personal development or confidence building, literacy and numeracy tutoring, careers advice and employability training (CVs, interviews).

- Supervisors should understand the concepts of **pro-social modelling and reinforcement**: involving the identification, reward and modelling of behaviours to be promoted and the identification, avoidance, discouragement and challenge of behaviours to be changed.
- Where possible work should **enhance employability** e.g. through gaining experience and practical skills in a work like environment. Consultation should be undertaken with Job Centre Plus.
- Local authorities should **publicise good examples** of completed work so that local communities know more about the reparative work individuals are undertaking in the community

9. Reintegration

Outcomes

Community safety and public protection outcome There is evidence that the individual is no longer a significant risk.	The reduction of re-offending outcome Reduced risk of offending enables the individual to focus on developing a law abiding life.	Social inclusion to support desistance from crime outcome The individual enhances social inclusion through maintaining supportive relationships and access to the opportunities and resources required to maintain desistance.
---	---	--

Interventions to improve re-integration are essential for individuals who are completing custodial or commencing community sentences. Successful re-integration is intended to improve social inclusion of people who have been involved in offending behaviour. Successful re-integration enables individuals to build or re-build their position in society by improving relationships and by gaining access to the skills, opportunities and resources required to meet their needs without recourse to harming others or breaking the law.

- 9.1 Re-integration should be based upon an assessment of the individual's desistance needs and his or her view of what constitutes a positive life free from offending.
- 9.2 Reintegration goals should be positive, future oriented and owned by the individual. The emphasis should be on the responsibility of the individual to take initiatives.
- 9.3 In general reintegration action steps should be seen as voluntary and not subject to enforcement. However, if these actions are required as part of an order or licence, they are subject to enforcement in the same way as any other requirement of an order or licence.
- 9.4 CJSW services should enable the individual to prioritise those needs that are critical to the achievement of the reintegration goals.
- 9.5 Workers should be aware of community resources and partnership arrangements which can support the achievement of social inclusion goals.

Best practice

- Reintegration is based on advocating for equal opportunities and access to resources for individuals and not positive discrimination.
- CJSW staff may offer support and involve community resources so that in turn they can support the individual address their needs. For example the individual's family may need support.
- Reintegration needs may include
 - Healthy lifestyles
 - Stable accommodation
 - Employment
 - Pro-social diversionary activities
 - Family support
- Reintegration also involves efforts to decrease feelings of stigma and perceptions of exclusion among individuals, so CJSW staff should use pro-social methods to reinforce respect and dignity in their interactions.

- Local authorities, Community Justice Authorities and other partnerships have a vital role to play in promoting and facilitating reintegration.
- All agreements with partnership organisations should reflect the underlying principles of these Standards and should comply where appropriate to specific standards.

10. Leadership and Management

The strategic deployment of allocated resources to deliver core processes at a high level of quality which will achieve the desired outcomes requires effective leadership and management. Managers have a responsibility for the continuous improvement of performance and outcomes.

10.1 These standards require effective leaders and managers:

- providing strategic leadership;
- modelling effective and fair interpersonal and managerial styles;
- efficiently deploying resources;
- prioritise available resources to enhance effective service delivery;
- negotiating relevant, effective and active partnership agreements;
- developing protocols on the sharing of information for the purpose of risk assessment and monitoring service delivery;
- arranging for appropriate training;
- managing and improving performance;
- assuring and improving quality;
- evaluating outcomes;
- conducting ongoing appraisal of staff on performance and progress;
- supporting ongoing staff development through supervision and training.

10.2 These standards require learning from practice

- It is important that CJSW services are committed to continuous improvement through monitoring, reviewing and evaluating practice. This can be achieved through staff supervision, training, routine internal reviews of practice, feedback from exit questionnaires and evaluations completed by service users at the end of an order, self assessment, external inspections and evaluations.
- It is critical that there are structures and mechanisms for effective practice in Scotland to be shared and disseminated.

- A key responsibility is to evaluate outcomes **and monitor key processes**. Routine mechanisms should be implemented to measure and demonstrate CJSW services contribution to national outcomes, to feedback information to staff on performance measures and to inform continuous improvement and innovation. (For example, each local authority must, as soon as practicable after the end of each reporting year, prepare a report on the operation of community payback orders within their area during that reporting year, and send a copy of the report to the Scottish Ministers.)

10.3 These standards require the provision of and efficient deployment of a mixed range of staff appropriately trained for their responsibilities

- The ability to build and sustain working relationships to support outcomes with individuals, with key criminal justice stakeholders such as the Scottish Court Service, the Scottish Prison Service, with Scottish Government Criminal Justice Directorate staff, with the Parole Board and with community partners.

- Building relationship with individuals and partner organisations requires a range of skills – empathy, respect, warmth, genuineness, enthusiasm, confidence; the ability to develop mutual understanding and agreement about the nature and purpose of intervention with the individual, the effective use of authority in addressing offending and non compliance in a firm but fair manner while still engaging the individual.
- The ability to make rigorous assessments of risks, needs and protective factors and to analyse an individual's offending behaviour and patterns.
- The ability to plan and deliver interventions on the basis of research.
- The ability to engage a variety of individuals in challenging interventions through motivational techniques and by managing non-compliance.
- The ability to use structured professional judgement to make defensible rather than defensive decisions:
 - All reasonable steps have been taken
 - Reliable assessment methods are used
 - Information has been collected and thoroughly evaluated
- Agency processes and procedures are followed
- Practitioners and managers adopt an investigative and proactive approach.
- The ability to identify and access services required to achieve the desired outcomes.
- **Focusing on the important tasks**
 - Staff in Criminal Justice Social Work Services are a valuable resource and should be deployed so that their time, attention, energy, knowledge and skills are focused on those practices most likely to achieve the desired outcomes.
 - Staff time, programmes and services should be prioritised in relation to assessment of risk and needs associated with offending and desistance from offending.

10.4 These standards require active and effective partnership arrangements

- It is critical that there are partnerships in place and that these arrangements work effectively to contribute to the achievement of the desired outcomes.
- Every effort should be made to maximise partners' commitment to supporting the performance of these National Outcomes and Standards
 - Partners should be actively involved in the planning, delivery and evaluation of social work services in the Criminal Justice System.
 - Agreed multi agency information sharing protocols to manage risk should be in place.
 - Community Justice Authorities must ensure that these arrangements are in place.
- The standards require strong partnership and service level agreements:
 - To complement the relevant elements of these Standards;
 - To assure rapid access to service;
 - To specify frequency and duration of interventions;
 - To specify content of service;
 - To determine review arrangements;
 - To set out liaison arrangements;
 - To make arrangements for joint training;
 - To make arrangements to report on progress, and to deal with any obstacles to progress;
 - To specify systems for joint monitoring and evaluating.

Glossary

Breach	The failure to fulfil the requirements of either a court order or the conditions of a post release licence
Caledonian System	<p>The Caledonian takes the form of a domestic abuse intervention system comprising:</p> <ul style="list-style-type: none">• A programme of work with men lasting at least two years, comprising pre-group preparation and motivation sessions; a group-work programme of twenty-six sessions and post group maintenance work;• A service to women partners, ex-partners and children including personal contact from a women's services worker;• The development of intra and interagency protocols coupled with training, designed to maximise women's and children's safety and thus reduce the opportunity for, or likelihood of, men re-offending.
Case Management	The professional task that involves engaging an individual in the process of change, through supervision and monitoring progress, delivering and / or brokering the necessary interventions to support that change, and promoting compliance
CJA	Community Justice Authority
CJSW	Criminal Justice Social Work. In this document specific reference is given to this term's application to the service, staff or practice

CJPD	Criminal Justice and Parole Division – Scottish Government Division within the Justice Directorate, consisting of the following branches: <ul style="list-style-type: none"> • Criminal Procedure Policy Unit • Delivery Unit • Justice Outcomes Unit • Parole Unit • Performance Management and Evaluation • Victims • Witnesses
Compliance	Involves monitoring of adherence to conditions, but moreover is an explicit contract between practitioner and client, based on a clear understanding of roles and expectations of each other
Constructs PSSO	Constructs: Positive Steps to Stop Offending - An accredited groupwork programme for men aged 18+ who are assessed as medium or high risk of re-offending
CPO	Community Payback Order
Criminal Justice Social Work Report	The purpose of the Criminal Justice Social Work Report (CJSWR) is to assist in the sentencing process and it should complement the range of other information available to Sentencers. In particular, it provides information on social work interventions and how these may impact upon offending behaviour
Criminogenic needs	Needs which are related to criminal conduct and which, when addressed, reduce the overall or specific risk for re-offending
CSOGP	Community Sexual Offenders Groupwork Programme - An accredited groupwork programme for men aged 21+ convicted of sexual abuse related offences

Defensible decision	Decisions considered defensible by an objective group of professionals. Characteristics of defensible decisions include evidence that: All reasonable steps have been taken; reliable assessment methods have been used; information has been collected and thoroughly evaluated; decisions are recorded, communicated and followed through; policies and procedures have been followed; and practitioners and their managers adopt an investigative approach and are proactive
Desistance	An offender's cessation of criminal activity
Dynamic Risk Factor	Risk factors that can change (both chronic and acute)
Effectiveness	The extent to which an intervention or case management plan produces the intended outcomes
Employability	A person's capability of gaining initial employment, maintaining employment, and obtaining new employment if required
Evidence Based Practice	Effective working practices which have been demonstrated to be effective by rigorous evaluations within the research literature

FRAME

Framework for Risk Assessment, Management and Evaluation - The objectives of FRAME are:

- To develop an agreed risk assessment and management framework that supports multi-agency practice through a shared understanding of roles and responsibilities, process and language of risk;
- To establish agreed standards of practice, guidelines, and evaluation in support of consistent, meaningful and proportionate risk assessment and management practice which supports the principles of defensible decision making and which spans agencies, systems and offender groups;
- To ensure that workforce data is available relating to each agencies roles and responsibilities within risk assessment/risk management to inform training plans;
- To inform Policy decisions relating to risk assessment and management with learning from national and international research and practice;
- To promote implementation integrity by incorporating agreed quality assurance and evaluation mechanisms;
- To provide age and stage appropriate guidance on the development of approaches, processes and procedures for risk assessment and management practice of young people under 18, in accordance with the FRAME, UN Convention and GIRFEC principles;
- To engage with relevant stakeholders in developing their understanding of the framework for risk assessment and management approach;
- To ensure risk assessment is performed in a manner that evidences defensible decision making and the efficient use of resources.

This work is led by the Risk Management Authority as part of the Reducing Reoffending Programme

Harm	Loss, damage or personal injury
HDC	Home Detention Curfew – The early release from prison, where the prisoner is curfewed to their address on an electronic tag for between 9 and 12 hours per day. HDC can be imposed for between 14 days and 6 months
ICM	Integrated Case Management - Integrated Case Management is a multi agency approach that is focused on reducing re-offending by ensuring, where possible, risks are identified and a plan is in place for each prisoner to reduce those risks in a sequenced and co-ordinated manner
Imminence	Considered when linking a risk assessment to a risk management plan in cases where ‘risk of serious harm’ is the consideration, and involves identifying early warning signs. It is an important aspect of contingency planning
Intervention	A discrete piece of work with a clear intended outcome and delivered in a repeatable way. An intervention may include a rehabilitation programme, a reparation placement, or an employment placement
LS/CMI	Level of Service Case / Management Inventory - The Level of Service Case Management inventory (LS/CMI) itself is a comprehensive offender assessment instrument which will provide a consistent framework for case planning and management of offenders for Criminal Justice Social Work Services and the Scottish Prison Service
Likelihood of offending	Forms part of a clear statement of risk in terms of the seriousness, pattern and likelihood of offending, that can then be evaluated against the relevant <i>risk criteria</i> – it is understood as the current balance of risk and protective factors. It is not expressed as a statistical probability

MAPPA	Multi Agency Public Protection Arrangements - Multi Agency Public Protection Arrangements (MAPPA) is the framework which joins up the agencies who manage offenders. The fundamental purpose of MAPPA is public safety and the reduction of serious harm. MAPPA was introduced across Scotland in April 2007 gave a consistent approach to the management of offenders across all local authority and police force areas, providing a framework for assessing and managing the risk posed by some of those offenders
Nature of offending	Forms part of a clear statement of risk in terms of the seriousness, pattern and likelihood of offending, that can then be evaluated against the relevant <i>risk criteria</i> - the type of offence and the target
NOS	National Outcomes and Standards
Pattern of offending	Forms part of a clear statement of risk in terms of the nature, seriousness and likelihood of offending, that can then be evaluated against the relevant <i>risk criteria</i> - consists of the onset, duration and frequency of offending
Programme	<p>A programme is defined as a planned series of activities, delivered over a specified period on an individual or group basis, which, typically, will form an element of a framework of integrated casework management and has the following characteristics:</p> <ul style="list-style-type: none"> • it uses specific and measurable methods that can be demonstrated to produce positive change in order to reduce offending; • it is normally characterised by a systematic and structured sequence of activities, designed to achieve clearly defined objectives that have been demonstrated to be effective in reducing offending; • it can be replicated with other people who have similar patterns of offending; • it has a specified and evidence-based design

Pro-Social Modelling	The quality of working relationships which features the worker modelling and reinforcing target behaviours
Protective Factors	Any circumstance, event, factor or consideration with the capacity to have a mitigating effect on risk
Risk	The potential for an adverse event to lead to a negative outcome
Risk Assessment	The process by which risk is understood with a view to reducing the likelihood and / or impact of future offending; it entails three phases: identification; analysis and evaluation
Risk Criteria	The measures against which risk is evaluated to inform decision making in varying processes and systems. Risk criteria are important as they serve as gate-keepers for particular sentences and procedures, promoting fairness, transparency and integrity. Risk criteria are central to the sound functioning of MAPPA and the OLR, and revolve around the consideration of 'risk of serious harm'. However, there are no set criteria for the commonly used term 'risk of harm'

Risk of Serious Harm

One of the *risk criteria*: it sets a measure against which risk can be evaluated to guide decision making in various systems:

‘There is a risk of harmful behaviour which is life threatening and/or traumatic and from which the victim’s recovery, whether physical or psychological, can be expected to be difficult or impossible’. (draft MAPPA Guidance, 2010)

Clarity about this definition is vitally important. It is known that difficulties occur in applying the definition, in clearly identifying the necessary elements of seriousness and likelihood. There is value in recalling the evolution of the definition and identifying the original key aspects.

“There is a risk of harmful behaviour which is life threatening and/or traumatic and from which the victim’s recovery, whether physical or psychological, can be expected to be difficult or impossible. That is, sexual and violent behaviours, for example murder, serious assault, rape, all sexual offences against children, all violent robbery, kidnapping, holding hostage, terrorism and fire raising (where there was a clear intent to harm persons). The likelihood of this occurring is just as important as the fact that the person has caused such serious harm in the past. They must be regarded as having the potential to inflict such harm again.” (Adapted from OASys Manual, Home Office 2002).

Risk Management

The professional task of applying a range of activities with the aim of reducing the *risk of serious harm* to others. It is co-ordinated through the development of a *risk management plan*. It involves all of the activities associated with case management and in addition the activity of *victim safety planning*, detailed in a *preventative action plan*. In risk management monitoring assumes a greater focus as it is the activity by which *imminence* is detected by the identification of early *warning signs*, and actions in a *contingency action plan* are triggered

Risk Management Plan	A working shared and dynamic document, based on a <i>risk formulation</i> in which preventative and contingency action plans show a clear link between identified risks and necessary action, those responsible for those actions, and the required communications. It is responsive to change and so details <i>review</i> procedures
Seriousness of offending	Forms part of a clear statement of risk in terms of the nature, pattern and likelihood of offending, that can then be evaluated against the relevant <i>risk criteria</i> - combines the degree of harm done, the degree of harm intended and the extent of planning in an episode of offending
SMART	Specific, Measureable, Achievable, Realistic and Time bound
Social exclusion	The exclusion of individuals from the opportunities and resources required to meet needs and to participate actively in society
Social inclusion	Action to change the circumstances that lead to, or have led to, social exclusion
SPS	Scottish Prison Service (in relation to NOS, this also refers to private prisons)
Statement of Risk	A clear expression of risk in terms of the nature, seriousness, pattern and likelihood of offending, that can then be evaluated against the relevant <i>risk criteria</i>
Supervision	The activity of overseeing an order or sentence in a manner consistent with legislation and procedures. However, it is also the means by which a relationship is established with the individual, and that individual engaged through dialogue in a process of change and compliance

**Victim Safety
Planning**

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



© Crown copyright 2010

ISBN: 978-0-7559-9553-0 (web only)

APS Group Scotland
DPPAS10507 (08/10)

W W W . S C O T L A N D . G O V . U K