

Criminal Justice Service



INFORMATION FOR AGENCIES

Based in criminal courts



INTRODUCTION

Since 1 April 1991, the Government has paid for the main social work services provided in the criminal justice system. These services are shown below.

Section 1 Services to the criminal courts (including social enquiry and related reports)

Section 2 Supervising probation

Section 3 Community service

Section 4 Supervised attendance

Section 5 Throughcare

In Angus, Angus Council social work is responsible for providing these services. Central Government is responsible for providing the finance and inspecting the services to make sure that we are meeting National Objectives and Standards laid down by the Scottish Executive and achieving value for money.



SECTION 1 - Providing court services for the criminal courts in Angus

- a Forfar High Court
- b Forfar Sheriff Court (solemn and summary procedures)
- c Arbroath Sheriff Court (solemn and summary procedures)
- d Angus District Courts (Arbroath, Forfar and Brechin)

A court duty social worker is normally at court when social enquiry or related reports are being presented. In any case, we can provide a duty social worker for any criminal court if necessary.

There are also means enquiry hearings in the sheriff and district courts most days of the working week, which deal with people who have not paid fines, and compensation. A supervised attendance officer is usually in court, or we can provide one if necessary.

Social Work is mainly involved when an offender is convicted of an offence but the case is adjourned before sentencing so a social enquiry or related report can be provided. In certain cases this is set by law. The period the case can be adjourned can only last for up to three weeks if the offender is held in custody, four weeks if the offender is released, or eight weeks if 'cause shown' (a way of allowing extra time because of special circumstances, for example illness or off-shore employment, and so on). The court social worker interviews the offender to make sure that they understand what will happen during the assessment process and collects details about employment, child-care arrangements and so on. The social worker pays special attention to offenders who are held in custody. They may be displaying serious distress and pose a suicide risk, especially if they have no previous experience of custody. Other vulnerable groups also need special consideration for example, children and young people, single parents and those with mental-health problems and learning disabilities. We fax information to prison authorities highlighting any significant issues.

One of our main jobs is to provide pre-sentence reports to the sentencers. We can also provide pre-trial reports for Scottish high courts. The court social worker's main task is to co-ordinate all the reports for a particular court and give advice to the sentencer about the report. The clerk to the court should make sure that the offender or their legal representative has read the report. After the case has been

heard and a decision made - if any probation or community service is involved, or indeed any matter related to social work, the court social worker will interview the offender. The social worker will check if any arrangements have already been made for a statutory order to start. If no arrangement has been made, we must confirm the offender's home address and tell the offender that we will let them know about a formal first interview.

On some occasions the court social worker may have to carry out in-court assessments of offenders and present reports to the sentencers.

The social worker will feed back the work of the day's court to the local criminal justice administrative staff, report writers and agencies throughout the UK involved in any particular case.

SECTION 2 - Supervising probation

Probation orders last for at least six months, but no more than three years. Offenders must agree to the making of an order. Probation orders will not apply to anyone under eight years old.

Orders usually finish at the end of the relevant time period, but can be extended to allow a specific condition or programme to be finished. Orders can also be ended early by the court after a review of progress which shows that the offender has successfully completed the agreed action plan. If the probation order is broken either by someone failing to keep to the conditions or by committing further offences, the court can discharge the order and deal with the original offences as recorded.

Probation orders may have other requirements added for example:

- alcohol or drugs counselling;
- psychiatric treatment;
- specified residence (institution or place);
- compensation;
- unpaid work, (similar to community service with the condition that the offender is 16 or over);
- programmes of intervention with convicted sex offenders;
- programmes of intervention with male offenders (under 21) at risk of custody and so on.

When the offender has successfully completed the order we send a report to the sentencing court.

SECTION 3 - Community service

Community service orders mean offenders carry out unpaid work, usually instead of going to prison. Orders are made for one year and can only be ended by the offender finishing the hours, or the court withdrawing the order. This can happen if the order is broken (a process somewhat similar to that followed in probation cases). The court has a number of options if the order is broken.

- a If the order is withdrawn, the offender can be sentenced in a similar way to that which would have been originally imposed - (community service was used instead of a custodial sentence).
- b The order can be allowed to continue and a fine imposed.
- c The order can be changed by adding more hours.
- d The order can be withdrawn and a new order imposed.

The order can also be reviewed by the court to consider any change of circumstances, for example, if the hours have not been completed within one year for reasons the supervising officer will accept the order can be extended. Or, if the offender is long-term medically unfit or, in some cases sentenced to a long time in prison, the court could consider withdrawing the order. Another sentence might be considered appropriate, on the other hand a straightforward 'clean slate' withdrawal could be seen as the correct action because it is in the interests of justice.

The minimum number of hours that the courts can insist on is 80 and the maximum 240 - or 300 in the more serious cases that are dealt with on solemn procedure. The youngest offenders in the community service scheme are 16 - the offender must give approval to the order.

The tasks the offenders can carry out can range from basic painting and decorating, gardening and furniture removals, to more specialist projects needing a particular planning approach, for example, laying patios, minor building and construction work. Most of the tasks are carried out by teams - usually made up of three to five offenders. However, offenders can be placed with agencies that need help on a more individually-supervised basis, for example domestic or gardening jobs in residential homes for elderly people.

Although community service is usually considered by the courts to be a direct alternative to custody, it is perhaps not specifically seen as a 'punishment' in the

general sense. Certainly it is a 'fine' on the offender's free time but it is also seen as making amends to the community. In fact some offenders do enjoy the experience! When the offender has successfully completed the order, we send a report to the sentencing court.

SECTION 4 - Supervised attendance

Supervised attendance orders are used instead of a fine that 'cannot be paid' - not for fines that offenders will not pay. They are set at two levels. Level one applies for fines up to £200 - this lasts at least ten hours, and up to 40 hours however, it can last up to fifty hours. Level two applies for fines up to £500 - they last for at least 50 hours, and up to 100 hours (although fines above £500 are eligible for an order).

There are two types of supervised attendance orders used in the courts in Angus.

- An order used when a fine or any part or instalment is still not paid and a court, but for the supervised attendance, would have sent the offender to prison.
- An order which is used when an offender has not managed to pay a fine or instalments even when given more time.
- The order is automatic in these cases.

As in community service, supervised attendance orders are made for one year but can be extended if necessary. They only end when the order finishes or it is withdrawn. Disciplinary and review procedures are also similar to community service. The youngest offenders in the scheme are 16. However, we do not need the offender's permission for this type of order! Supervised attendance orders cannot be made for compensation orders.

Using supervised attendance instead of unpaid fines is linked to the idea of 'training and responsibility' but also provides a workable community-based alternative to a prison sentence. Offenders who do not have the money to pay fines may be jailed for an offence that would not originally have been considered to warrant a prison sentence - this does not happen with community service! The offender usually starts the order with a 'core activity'. This involves explaining the scheme, looking at budgeting, further employment prospects, and generally assessing the offender's needs. Further activities or tasks may then be followed that will benefit the community and the offender.

When the offender has successfully completed the order we send a report to the sentencing court.

SECTION 5 - Throughcare

a Supervised release orders

These orders are made by courts when passing prison sentences of at least one year and less than four years. [The lower limit of one year does not apply in 'solemn procedure' indictment cases.] The offender has to be under the supervision of a local authority decided by the Secretary of State when the offender is released from custody. The supervision order cannot last more than 12 months. It can also not go beyond the date when the offender is released from prison.

The main purpose of supervision is to make sure the offender does not offend again in any way. If an offender does not keep to the requirements of the order, a 'breach' procedure will begin. This could mean the offender has to go back into prison.

We see offenders who are under a supervised release order as a priority for interviewing. At this interview we are able to explain the court's decision, identify any problems which need immediate action and give advice on the social work services available in prison.

The courts can also impose other supervision orders on sex or violent offenders in solemn procedure indictment cases by giving offenders longer sentences. [The criteria for an extended sentence is the same as for a supervised release order, in other words that extra supervision is needed to protect the public from serious harm from the offender after their release.]

b Parole

- Parole licence - This applies to prisoners serving four or more years who have completed half their sentence. They can be released on supervision if the Secretary of State decides, following the recommendation of a parole board. The licence ends on the date at which the full term of imprisonment would end. Breaking the licence can result in the offender continuing their original sentence.
- Non-parole licence - This applies to prisoners serving four or more years who are released on supervision, when they have completed 2/3 of their sentence. The licence ends on the date at which the full term of imprisonment elapses. Again, breaking the licence can result in the continuation of the original sentence.
- Life licence - The Secretary of State may release, on supervision, a mandatory life prisoner (anyone convicted of murder) on the recommendation of a parole board and after consulting the judiciary (the

Judges of the Crown). However, in the case of a discretionary life prisoner (not under a life sentence by law), the Secretary of State must authorise immediate release on the direction of a parole board. Again, breaking the licence can result in the offender continuing the original sentence.

In life-licence cases the term usually means supervision for life but this can be reviewed in certain circumstances.

c Voluntary assistance

The local authority must provide advice, guidance and help to offenders that ask for it within 12 months of being released from custody.

