

scottish justice matters

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WOMEN AND JUSTICE ARE WE MAKING PROGRESS?



THE PITFALLS OF PARTNERSHIP WORKING

Alan Staff on bureaucracy and innovation in criminal justice

“It will be more difficult to effect the behavioural change which is necessary to improve outcomes and to reduce reoffending once a woman is entrenched in the criminal justice system”

(Commission on Women Offenders, 2012)

THE DISCOURSE on justice over the past years has shifted decidedly towards early intervention but, as the Angiolini Commission pointed out, the actual practicalities of balancing the emotive issues of punishment and victim support, the legal establishment and the pleas of reformers, has left Scotland with a patchwork provision of approaches, many of which come and go and so offer little comfort to those whose role is to decide on appropriate responses to wrong doing (Commission on Women Offenders, 2012). In the meantime, Scotland continues to have unreasonably high levels of imprisonment and percentage of population with criminal convictions on their records.

There have been numerous attempts to change the order of things by altering the pathways by which individuals progress towards imprisonment, including new community sentence approaches, diversion from prison and diversion from prosecution. Back in 1983 the Stewart Committee Report *“Keeping Offenders Out of Court” Further Alternatives to Prosecution* (HMSO, 1983) put a strong case for more

opportunities to divert people from prosecution into social work led community alternatives, and there was a deal of international interest in such progressive ideas. However, the models which were piloted were rarely mainstreamed and tended to fade away with time or when the lead protagonists left (Myers, 1985).

In 1997 the Scottish Office provided 100% funding for 18 pilot schemes empowering Procurator Fiscals to divert accused to social work or similar agencies. The evaluation concluded that

“Procurator Fiscal and diversion staff suggested that diversion was more likely than prosecution to address underlying problems or, in the case of mediation and reparation, to result in a more satisfactory resolution of the alleged offence. The comparative costs of diversion and prosecution should, therefore, be recognised as being only one dimension of a much wider picture which includes the public interest, the need to make reparation for damage caused by offending and the welfare needs of individuals who have become caught up in the criminal justice system. Moreover, the costs of diversion need to be set against the other benefits to the accused, to victims and, if further offending is prevented, to society” (Barry and McIvor, 2000).

However the provision of diversion, even to social work teams, remained far from widespread.

In 2012 Apex Scotland undertook some work on whether it was possible to work with police discretionary powers and Fiscals to establish a diversion scheme for young people entering the justice system based upon a voluntary agreement with the accused. Apex, in partnership with Community Safety Glasgow had already trialled engaging people voluntarily in activity and work based programmes for the community to show a willingness to accept responsibility for their actions. The proposal was not accepted by Scottish Government due to concerns about proportionality and referral pathways, but Fife and Forth Valley CJA commissioned us to set up a pilot project for young women in the Alloa and Stirling areas.

This would not duplicate existing social work diversion schemes as the referral criteria would be lower than would normally be the case. The model was based upon mentoring based approaches already proven to be effective in supporting women in the justice system and was aimed at women aged 18 to 25 who were to be referred by the police. We held meetings with all relevant stakeholders and there was great excitement and commitment to making this work. What could possibly go wrong?

Having received approval of funding for a single worker pilot in December 2015, we met with a Chief Superintendent and Inspector from the area. The model was approved and some amendments made to the referral criteria, and this was followed up by a further meeting to finalise protocols for referral, information sharing, initial assessment and risk assessment. While most of the design was agreed to by the local officers, the key issue seemed to be the Information Sharing Agreement (ISA) without which Apex could not begin to receive referrals. A draft ISA was sent to Police Scotland for consideration.

In March 2016, a briefing paper was produced by the Preventions/Partnerships team at Police Scotland in order to inform local officers about the service. We awaited the ISA so that we could start but, in June, the Inspector with responsibility for the project moved on. The replacement then met us but had little information on Apex and requested a briefing. In July we produced an overview of our services which was then shared with local officers. No sign yet of the ISA! When trying to chase this up we were informed that it had to go through three committees and was probably at the third stage by now. In September 2016 we met local officers to address concerns and questions about eligibility. We were informed that there were a great number of young women who would qualify and benefit from the service: there seemed to be enthusiasm but no clarity about when things could start.

In November 2016 we recruited a worker for the service because we were conscious of the time passing and confident that we would get the final hurdles out of the way quickly. In December we received a signed copy of the Information Sharing Protocol from the Police Scotland Risk and Concern Hub. Finally we could accept referrals so we were all very excited and keen to start.

By March 2017 we had not had a single referral and were very confused given repeated assurances from the police that individuals were there. Further promotional meetings were held and the problem appears to be that there was a difficulty in getting referrals from the police station to Apex. We had

initially hoped to have electronic referral but this was not acceptable to Police Scotland due to concerns about IT security on emails. We offered to attend the station to pick them up but still there was no response.

In April the police contact officer left to take up a new job. Once again we were left with having to brief a replacement and he had to find out where everything was in the system. Further discussion was held with the Risk and Concern Hub about who would be checking the eligibility and it turns out that local officers still had not felt that they were authorised.

By May we had satisfied the IT concerns about our own data security and it was also suggested that rather than targeting the Falkirk station which was the main police hub, we should target Alloa Police directly. It was also suggested that we lower the threshold for referral to 16 as the 16-18 group were least likely to be covered by the social work schemes, and most likely to be early stage offenders. This proved sensible and effective advice and in July 2017 the first referrals start to come in.

Looking back it would be easy to point the finger at a number of issues including our own lack of preparation and understanding of the complexity of establishing partnerships with an entity as complex as Police Scotland. The bureaucracy of the statutory partner and the constant movement of key staff certainly did not help, and maybe our own lack of infrastructure meant that we were not able to push as much as we should have. As always hindsight is a wonderful thing and it has to be said that everyone we worked with was supportive and keen to make this work. The CJA proved very understanding. It was clear that the Police, especially at local level, were as frustrated by the complexity of what had seemed like a simple enough idea as we were and without their perseverance we would probably still be waiting.

I am not sure what we could have done better: but we have learned much about the pitfalls of setting up operational partnerships with the public sector and the differences in culture, language and indeed speed of process. Was it worth it? Well the outcomes remain to be tested but the early signs look promising. Maybe even more important is that despite the barriers which exist between traditional 'silos' we persevered because we believed in the idea, and we have eventually made real partnership work.

This bodes well for a Scottish justice system which shows that it not only buys into the concept of early intervention and keeping people out of court, but is also willing to abandon some prejudices and established working practices in order to get it.

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