

scottish justice matters

Volume 1 | Number 1 | June 2013

CHANGING TIMES

Special features on the reforms facing Scotland's criminal justice system

Also

Problem-Solving Courts

Interview with
HM Chief Inspector of
Prisons, Hugh Monro



REFORM
IN SCOTTISH CRIMINAL JUSTICE

ISSN 2052-7950



9 772052 795005

scottish justice matters

Scottish Justice Matters is a publication of the Scottish Consortium of Crime and Criminal Justice (SCCCJ). The Consortium is an alliance of organisations and individuals committed to better criminal justice policies. It works to stimulate well informed debate and to promote discussion and analysis of new ideas: it seeks a rational, humane, constructive and rights-based approach to questions of justice and crime in Scotland.

Editorial Board

**Niall Campbell, Hazel Croall, Nancy Loucks,
Alan Mairs, Mary Munro, Alec Spencer,
Alan Staff, Cyrus Tata**

Managing editor:

Hazel Croall

Launch issue editor:

Mary Munro

Thematic editors for this edition:

Nancy Loucks and Alan Staff

Administrator:

Helen Rolph

If you would like to contribute to the SJM or have a proposal for content, please contact editor@scottishjusticematters.com

Website: www.scottishjusticematters.com

Twitter: @SJMJournal

Magcloud: www.magcloud.com

We hope to publish two editions a year but will gladly publish more frequently if we can find the money to do so. To make a donation please go to: www.scottishjusticematters.com

Email us at:

info@scottishjusticematters.com

comment@scottishjusticematters.com

studio@scottishjusticematters.com

advertise@scottishjusticematters.com

To register for advance email notification of publication:

register@scottishjusticematters.com

Copyright: Creative Commons Attribution-NonCommercial-NoDerivs 2.5 UK: Scotland license. Before using any of the contents, visit:

http://wiki.creativecommons.org/UK:_Scotland

Disclaimer: publication of opinion in the SJM does not imply endorsement by the SCCCJ.

ISSN 2052-7950 (Print)

ISSN 2052-7969 (Online)

Scottish Consortium on Crime and Criminal Justice is a registered charity [SC029241]

contents

Volume 1:1 June 2013

Theme: Reform in Scottish Criminal Justice

Theme editorial <i>Nancy Loucks and Alan Staff</i>	2
Why the Commission on Women Offenders recommended structural reform <i>Elish Angiolini</i>	3
Reform? Revisit? Replace? Two views on how social work with offenders should be organised in Scotland <i>Michelle Miller and Fergus McNeill</i>	5
Making sense of a radically changing landscape: the key contours of police reform in Scotland <i>Nicholas Fyfe</i>	9
Reform and the prosecution of crime <i>Catherine Dyer</i>	11
Getting a good hearing? Reform and the Children's Hearings <i>Maggie Mellon</i>	13
Eyes and ears of the community: a short history of the reform of Prison Visiting Committees in Scotland <i>Mary Munro</i>	15

Current issues

Beyond the revolving court door: is it time for Problem-Solving Courts in Scotland? <i>Cyrus Tata</i>	17
Female genital mutilation in Scotland <i>Niki Kandirikirira and John Fotheringham</i>	19
A day in the life of a criminal justice social work team manager <i>Allan Weaver</i>	24

International

Trial and error in criminal justice reform in the USA <i>Greg Berman and Aubrey Fox</i>	25
Interview: HM Chief Inspector of Prisons Hugh Monro <i>Talking to Nancy Loucks</i>	27
Scottish Justice Brief	29

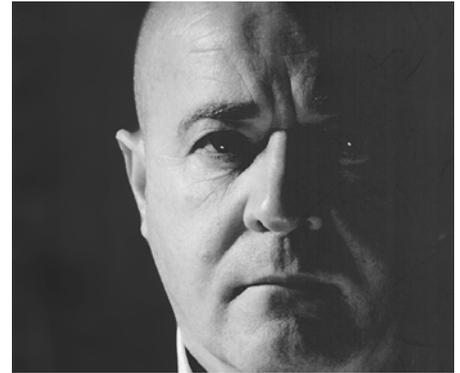


www.magcloud.com

Scottish Justice Matters is available on the HP MagCloud service. Here you can download and view for free on the MagCloud iPad or desktop apps. If you would prefer a printed copy, MagCloud offers a print-on-demand service.

A DAY'S WORK

Allan Weaver reflects on the challenges and routines of his job as a criminal justice team manager.



AS A Criminal Justice Team Manager working in a local authority, I am responsible for the supervision of six Criminal Justice Social Workers with managerial oversight of approximately 200 people subject to community sentences and 50 people in custody.

Monday morning for me heralds a new week, which will inevitably bring some similar challenges to preceding weeks but also new challenges and opportunities.

My first task was to pick up on a protracted and complex transfer of a registered sex offender to our area. Numerous telephone calls and emails have taken place over the last fortnight without a resolution. This individual is classified as high risk and he moved to our area from England which means that the case needs to be formally transferred because we are in a different jurisdiction here in Scotland. However, after only four weeks here he was charged with a further sexual offence and was returned to a different area of England as part of his bail conditions. The frequency of communication reflects the dispute of 'case ownership', or formal responsibility, whilst seeking to ensure that the English jurisdiction which does not currently have formal 'case ownership' is able to manage his increasing risk effectively and appropriately. Thankfully the latter at least is easier to manage than the bureaucratic wrangles our respective jurisdictions find themselves in. Due to the legislative differences cross border, transfers can be incredibly challenging.

I have an open door policy which means that my staff can obtain advice, guidance and assistance as and when required, which I believe is critical to maintaining good practice and effective communication. What this also means is that practitioners are in my office periodically for the rest of the morning

to consult with me on various practice issues. Many of these enquiries tend to be straightforward and often just require a discussion and some collaborative thinking surrounding which resources would better suit a particular service user with their individualised strengths, needs and risks, for example.

Some enquiries however specifically require managerial oversight and authorisation. One such matter surrounded a possible breach of a Community Payback Order for non-attendance. I had to consider our obligation to the Court and weigh this up against the chaotic lifestyle of this particular service user who in my opinion was not deliberately failing to attend appointments but was experiencing difficulty maintaining appointments due to a longstanding addiction issue and a period of homelessness. This individual presented no concerns with regard to the protection of the public and I decided that we would exercise discretion on this occasion whilst allocating an additional support worker to assist. My reasoning was that additional social supports would assist this individual to perhaps resolve some of the social difficulties that they were experiencing which, in turn, might enable him /her to comply with the order.

When I was first asked to write a brief overview of a typical 'day in the life ...' I thought it would be straightforward. It's actually turned out to be quite challenging fitting everything I do into such a small space. Indeed, much of my work as a team manager is about balancing my responsibilities to ensure I am familiar with policy developments that affect our practice and our service users and overseeing the implementation of established policies with attending to practice issues. Ensuring the smooth running

of the team and maintaining a high standard of practice for the benefit of the range of stakeholders who we serve is imperative. In this vein, I am responsible for allocating various court and parole reports, conducting reviews and supervising staff.

Indeed, the rest of my afternoon was primarily taken up by administrative tasks and further staff enquiries, which included discussions surrounding the appropriate level at which someone should be managed under the Multi-Agency Public Protection Arrangements and the level of notification that MAPPA would require. My administrative tasks included updating our social work information system, allocating reports, reviewing draft reports before submission to Court and coordinating forthcoming reviews of community based orders. A day in the life of a criminal justice team manager is simultaneously rewarding and challenging – it is always hectic.

However, perhaps my favourite aspect is having an influence over the quality of the service we provide as a team, whilst also having an opportunity to engage directly with service users and practitioners.

Time for coffee.

Note: Multi-Agency Public Protection Arrangements (MAPPA) are statutory partnerships between agencies responsible for working with serious, high risk people, especially sexual offenders.

Allan Weaver is a criminal justice social work team leader, a contributor to 'The Road from Crime' film about desistance <http://vimeo.com/43658591> and the author of "So you think you know me?" (Waterside Press, 2008) <http://bit.ly/11kbLyQ>

School of Law

The University of Strathclyde offers you the opportunity to gain a competitive qualification at the UK University of the Year (THE).

As one of the UK's top law schools, we provide a vibrant, dynamic, supportive and friendly place for students to study. As the first of its kind in Scotland, our award winning Law Clinic is the largest in the country and enables students to develop their legal skills, experience law in operation and reflect on the ethics and justice of legal practice. Our strategic research centres improve the accessibility of internationally recognised and interdisciplinary research by further enabling our staff and PhD students to engage in a range of collaborative business and government initiatives.

We provide a range of flexible study options at Masters level (LLM/ MSc) to help continuing students and professionals gain the skills they need to succeed.

- Advocacy
- Climate Change Law & Policy
- Criminal Justice and Penal Change
- Construction Law
- Employment & Labour Law
- Human Rights
- Internet Law & Policy
- International Economic Law
- International & Sustainable Development
- Mediation & Conflict Resolution

To find out more about our courses, call us on
0141 548 3738 or visit www.strath.ac.uk



THE UNIVERSITY *of* EDINBURGH
Edinburgh Law School

Enhance your career development with a stimulating, expert-led postgraduate qualification in Criminology, Criminal Law or Criminal Justice, at one of the world's leading Law Schools.

MSc in Criminology and Criminal Justice

MSc in Global Crime, Justice and Security

LLM in Criminal Law

LLM in Criminal Law and Criminal Justice

PhD (in Criminology or Criminal Law)

You can study any of these highly regarded qualifications either full-time or part-time.* These degree programmes are suitable for those with or without a prior qualification in law.

For further information or
to apply please visit
www.law.ed.ac.uk/pg

* Due to current UKBA regulations, part-time study is available to UK students only

© 2013 University of Edinburgh

The University of Edinburgh is a charitable body, registered in Scotland, with registration number SC005336.