

**Local Authority Social Work Statistics
Criminal Justice subgroup**

10:45am – 1pm, 24th September, 2019

Room JWA, Scottish Government, Atlantic Quay, Glasgow

MINUTES OF MEETING

Attendees

Alan Baxter, Inverclyde	Liz Martin, Scottish Government
Nicola Bruce, Falkirk	Dianne McKendrick, Glasgow City
Charlie Cranmer, Perth & Kinross	Jen McKinnon, West Lothian
Wendy Duguid, West Lothian	Sarah Murphy, Renfrewshire
Alan Fleming, Scottish Government	Ashleigh Peters, South Lanarkshire
Gillian Johnson, Stirling	Karen Ralph, Fife
Ross Kennedy, Aberdeen	Fiona Sutherland, North Ayrshire
Jenny Leishman, Scottish Government	Rebecca Watson, Dumfries & Galloway
Alasdair MacDonald, North Lanarkshire	Vicky Wood, Renfrewshire

Apologies

Kirsteen Larkin, Argyll & Bute	Hilary Murphy, Aberdeenshire
Rachelle McCartney, South Ayrshire	Laura Stewart, Angus
Karen Moir, Dundee City	

1. Welcome and apologies

Alan F welcomed everyone to the meeting followed by a round table introduction.

2. Minutes and action points from last meeting 16th May 2018

No comments were received concerning the minutes and therefore these were accepted as accurate. Alan F updated the group on the following action points from that meeting:

- a. Alan F to keep the group up to date on discussions regarding future data to be collected for CJSW reports. **Discussed further under agenda item 7. Ongoing.**
- b. Alan F to update on timescales for the ScotXed Unit allowing all error codes to be put in the one file, removing case sensitivity for searches and removing default search settings going back to the S number when searching by order number. **ScotXed successfully migrated to a new framework and made two of these three changes - the removal of case sensitivity and searches no longer defaulting to S number. The request to allow all error codes to be put in one file was not able to be made at that point. As this was likely to have to wait for some time, this action was closed.**

- c. Alan F to monitor progress with sorting the slow speed of the ProcXed system. **Everyone agreed that they had been finding ProcXed much quicker this year. The ScotXed Unit had also advised that they were moving to a completely new platform in early 2020 which was expected to improve things further. Action therefore closed.**
- d. Councils to advise if they wished to organise a training session on Scotland's Official Statistics website. **Alan F said that anyone who wanted to do so could either contact the Scottish Government's Chief Statistician's Office direct or let him know. Closed.**
- e. Catherine Stewart and Elizabeth Fraser to discuss possible other work that can be done for local authority benchmarking. **Elizabeth and Catherine had both now moved on to new posts but Alan F had been discussing with Community Justice Scotland some possible benchmarking work and would be meeting them to discuss further in the new year. Ongoing.**
- f. Councils to provide details of how many "looked after" CPOs they deal with. **From the replies received it was estimated that there were between 100 and 150 such orders in place at Scotland level. Following further discussion, it was agreed that the order should be recorded under the local authority where the person lived. Closed.**
- g. Alan F to e-mail councils with the proposed changes to the CPO return from 2018-19 to check there are no difficulties. Also inform OLM of these potential changes. **Done - closed.**
- h. Alan F to contact the ScotXed Unit to check they will be able to make the necessary changes to the 2018-19 CPO collection in-house. **They were able to do this - closed.**
- i. Alan F to e-mail councils to ask if they were interested in receiving the 2016-17 raw data for CPOs and DTTOs. **Alan to email all councils and ask if they would like the raw data. Ongoing. Post meeting note – this will now happen after publication of the 2018-19 data on 3 February 2020.**
- j. Alan F to check for any councils where the proportion of diversion from prosecution cases commenced was particularly low for under 18s. **Alan F had looked at figures from 2016-17 and 2017-18. These combined figures showed that 24 per cent of all cases commenced in Scotland were for those aged under 18. This did, however, vary substantially by local authority area with some areas having around 15 per cent or less. Alan F agreed to e-mail the councils in question to ask them to check the information for accuracy. Ongoing.**
- k. Alan F to ascertain whether data sharing agreements were needed for the provision of the CPO and DTTO data. **Discussed further under agenda item 8. Closed.**
- l. Kirsteen to outline her views on the potential collection of data for electronic monitoring. **As Kirsteen was unable to attend, this was carried over to the next meeting. Ongoing.**

3. 2018-19 CPO, DTTO and aggregate returns

Alan F advised that the state of play with the returns was:

- DTTOs - all returns had been received and put through all error checks. They were therefore now ready for bulletin and local authority level tables to be prepared.
- Aggregate returns – all were in with checks to be completed for only two of them.
- CPOs - 23 returns had been submitted, only a couple short of the equivalent number at that point in the previous year. Alan F requested that the nine outstanding be in by the middle of the first week in October if possible.

Alan F then brought up the subject of closed CPOs which were not being advised as closed until the following year(s). These had resulted in changes needing made to the published figures for number of terminations and number in force at the end of March each year. While there would always be some orders being closed retrospectively, the problem had been going down in recent years – the “in force” total for March 2015 was revised down by 5.8 per cent one year later whereas, for the total at March 2017, this revision was only 2.6 per cent. However, Alan F advised that returns so far this year were showing that the number of retrospective closures being reported was going back up. He wanted to try and see how this problem could be reduced and to what level it was realistic to expect it to reduce to.

Authorities advised that there were generally many different reasons why orders were not reported as closed until subsequent years’ collections. These included:

- Workers being a bit behind in recording this
- Delays of breach outcomes
- Deaths not communicated by court
- People who lose track or ‘disappear’
- Where people were on multiple orders but terminations were only being recorded against one order.

Vicky advised that Renfrewshire try to do a monthly clean up to keep on top of such cases. Ross asked if there were any guidelines on when an order could be recorded for statistical purposes as being closed when the person has been AWOL for some time. Alan F advised there was no prescriptive limit given for this although he would check with Scottish Government policy colleagues if they had any views on this.

ACTION - Alan F to speak to policy colleagues for any views on how long before orders can be classed for statistical purposes as closed.

Alan F said it would be beneficial if he were able to list the retrospective closures for one council and send this to them for the council to advise of the reason why these orders were not reported as closed until further down the line. This would give an idea how many of these were “preventable” and therefore inform what was a realistic minimum level for the future. Karen R offered to assist with this.

ACTION - Alan F to send Karen R a list of all the retrospective closures reported in the 2018-19 data for Fife and Karen to come back with reasons for them being retrospective.

Alan F also brought up the subject of the recording of the employment status at the start of the order for CPOs and the choices available. He had mentioned in the past that if employment status was ‘not known’, the field should be left blank and that the category ‘other’ should not be used. In the 2018-19 data, some councils were still reporting sizeable numbers under ‘other’ and Alan F was keen to identify what sort of employment statuses these were.

ACTION - Alan F to e-mail councils who were showing large number of orders with ‘other’ employment statuses, in order to identify the makeup of these orders.

Publication of the 2018-19 data was aimed for January 2020. Post meeting note – the data was actually published on 3 February 2020.

4. Presentation on more detailed findings from CPO data

It was planned to publish a report in November 2019 containing in-depth analysis of the CPO data received to date. Post meeting note – it was later decided the report would be published on the same day as the 2018-19 statistics i.e. 3 February 2020.

Alan gave a 20 minute presentation on some of the findings from the draft report. These findings included in-depth analyses of the CPO data itself to find out completion rates for different types of order. There were also other analyses in which the CPO data had been merged with criminal proceedings and reconvictions data to obtain, for example, completion rates for different crime types and reconvictions for different CPO requirement types.

ACTION - Alan F will circulate the detailed CPO presentation once the report has been published.

Charlie mentioned that completion rates are only part of the story as, for example, some conduct requirements issued by courts are incompetent.

5. Comparison of CPO data in unit level collection and criminal proceedings

Charlie then talked about the quality assurance project he had been working on. The purpose of this work was to help look at the growing gap in numbers of CPOs in Scotland between those in the unit level local authority data and the criminal proceedings in Scotland data. Between 2016-17 and 2017-18, CPO numbers fell by 7 per cent in the unit data but by substantially more (15 per cent) in criminal proceedings.

It would never be expected that the two sources would be identical as there were known differences between them, mainly due to the criminal proceedings reporting by the main penalty involved and also the penalty at first disposal. Charlie outlined the following examples where the unit level data would pick up a CPO but the criminal proceedings data by main penalty would not:

- People who got a fine previously but who had defaulted on it and were given a CPO as a result.
- People who got given a prison sentence but who appealed and got a CPO instead.
- People who got a CPO but where this was not the main penalty.

Charlie looked through around 70 records where the orders had been imposed at Perth sheriff court and which were included in the unit level but not the criminal proceedings data. The main two issues with these records were:

- a. The largest one, which accounted for half of the records, was new CPOs which were issued after the original one was revoked.
- b. There were also a number of orders which were issued alongside other penalties such as restriction of liberty orders or fines.

Alan F thanked Charlie for what had proved to be a very valuable piece of analysis.

6. Diversion from prosecution

Alan F reported on this. A comparison had been made between the figures provided via the aggregate return and figures from COPFS. For a large number of areas, the two sets of figures were relatively similar. However, a few areas were showing differences and, as a result, a pilot exercise had been conducted for one of these areas – Dundee City – to look in more detail at why the figures were different.

This involved COPFS sharing data with Dundee City and Dundee checking their source data. The main findings that explained why the aggregate return figures were lower were:

- a. Dundee City had moved to a new IT system which had led to some underreporting of numbers.
- b. The COPFS figures included people resident outside the Dundee City area – this was particularly influenced by the closing of Cupar sheriff court.
- c. There were some possible diversions which did not end up as actual diversions.
- d. There were also timing issues where diversion was offered in one year but started in the following year.

Once all of these factors had been taken into account, the difference between the two sources of data was minimal. It had been useful to carry out this exercise although there was little arising from it which would help other councils in terms of looking deeper into their data.

Alan F also shared a draft paper on future data needs, which had been drawn up by the Scottish Government with input from Community Justice Scotland, COPFS and the Centre for Youth and Criminal Justice. Included in the paper was a section on the sort of statistical information that it may be appropriate to collect in the future. These covered:

- Individuals rejected following assessment, broken down by reason for rejection.
- Individuals progressing to diversion from prosecution intervention.
- Individuals who failed to complete the diversion from prosecution intervention, broken down by reason for failure.
- Individuals who completed the diversion from prosecution intervention.
- Individuals subject to an extended diversion from prosecution intervention of beyond three months, broken down by reason for extension.

The paper also mentioned it would be desirable to have some of these numbers broken down by age, gender, employment status and partial postcode. Alan F was keen however that this did not result in any overburdening of information requested, in particular there would need to be a major case made before the provision of information by partial postcode could be justified.

Some of these pieces of information were similar to what was currently asked for in the aggregate return though some were not. Alan F asked if authorities had any thoughts on how easily such data could be provided. Comments were made that the reasons for rejection / failure to complete / extension were not something authorities currently recorded. In addition, Vicky advised that the number extended beyond three months was

not collected in Renfrewshire. The question was also asked as to whether local authorities actually had the power to reject a diversion case.

ACTION - Alan F will check with policy colleagues/COPFS as to what powers councils have with regard to rejecting a diversion case.

Alan F advised that he would report these discussions back to policy colleagues and keep everyone informed of future developments.

ACTION - Alan F to pass information onto policy colleagues on what data can be collected for diversion from prosecution.

7. Criminal Justice Social Work reports data collection

Alan F had had recent discussions with policy colleagues over whether there should be any changes made to what is currently collected for CJSW reports. These discussions had not brought up any desire to ask for more information, indeed there had been questions as to whether all of the information collected was required. The main area where there were questions was with regard to the categories of main outcome and preferred option.

There were discussions among the group on the usage by local authorities of this data and its value. It was agreed to look further at the main outcome and preferred option categories and whether these adequately covered up to date data requirements. In particular, how did the category "deferred (3 months or less)" square with structured deferred sentences.

ACTION – Alan F will email all local authorities and ask for thoughts on whether there need to be changes made to the main outcome and preferred option categories in the aggregate return.

8. General Data Protection Regulation (GDPR) documents

Alan F had completed the drawing up of a Privacy Notice and Data Protection Impact Assessment covering the CPO and DTTO unit collections. There were no comments on either of these and everyone was happy for him to publish them on the Scottish Government website.

ACTION – Alan F to publish the Privacy Notice and Data Protection Impact Assessment on the Scottish Government website

Alan F also advised that the latest advice from the Scottish Government Chief Statistician's Office was that it should not be necessary to draw up Data Access Agreements with data suppliers as the Privacy Notice and Data Protection Impact Assessment covered the reasons why the data needed to be provided.

9. Supervised bail numbers

Kirsteen had asked for this item to be added to the agenda although she was subsequently unable to attend the meeting. She wanted to know how things were working in other local authorities in terms of people getting supervised bail. While this could be revisited at a future meeting, a number of councils were able to advise what was happening in their areas.

Gillian, Vicky and Alan B advised that, in their areas, it had been agreed between local authority criminal justice and local sheriffs, that bail supervision would not be used. Karen R advised that, now they no longer have a bail officer in Fife, bail supervision does not get used as much as it used to. Charlie reported that, while Perth & Kinross had had very few instances of supervised bail in recent years, a new scheme was started recently where there were discussions between local fiscals and the council, with a view to identifying a local solution to the national guidance. Some other councils reported using supervised bail more, especially with funding being made available.

10. Any other business and date/venue of next meeting

Gillian asked for everyone's thoughts about recording disability for those getting CPOs. The main feedback from members was that it was not easy to identify this from recorded information, mainly due to disability being a wide ranging category which it was difficult to record consistently.

There was no further business and Alan F thanked everyone for attending. The next meeting was likely to take place around August/September 2020.