

Case Study

8. Problem Solving Approach

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May 2019

Background

Problem Solving Court

The Problem Solving Approach originally aimed to reduce the use of short custodial sentences and reduce offending by taking a rehabilitative and supportive approach that is tailored to meet the needs of the individual.

The “down-tariffing” ethos of the problem-solving approach is consistent with the presumption against short sentences.

The five principles of problem solving justice are:

- enhanced information
- collaboration
- procedural fairness
- accountability
- focus on outcomes

Preliminary evidence about those dealt with by the Problem Solving Court in 2017-18 shows more positive outcomes for younger participants irrespective of gender and this is further supported by anecdotal information from Sheriffs.

The consensus view following recent discussion with Sheriffs, Procurator Fiscal, Court Staff, Police Scotland and Justice Social Work is that the Problem Solving Approach should continue but with priority given to young people, ideally before they have been to prison.

The main criteria therefore has been reviewed and now focuses on the presence of complex needs and an increasing involvement in offending (which includes offences that have previously been reported to the Children’s Hearing). The aim of this was to take a proactive earlier intervention approach for young people.

Following evaluation and review, the initial criteria have been revised to widen access to the problem-solving approach, primarily aimed at including younger people before they have gone to custody for the first time. To be eligible for consideration for the Problem Solving Court participants will usually need to meet all of the following criteria.

General

- Aged 16 and over with priority given to those aged 16 to 25
- Prosecuted on summary complaint in Aberdeen Sheriff Court
- Resident in Aberdeen City
- Pattern of offending behaviour
- Multiple and complex needs
- Assessed by social work as medium to high risk needs/reoffending
- Amenable to the problem-solving approach and who would benefit from regular PSC Progress Reviews
- Individuals who do not meet all of the criteria may be considered in exceptional circumstances if it is considered that they would benefit from the unique PSA.
- Offences excluded: DWP fraud, sexual offences

Complex needs are generally multiple and both practical and psychological. The major issues are around access to safe and stable accommodation; money or lack of it; drug and alcohol use; mental and physical health and wellbeing; and lack of confidence and coping skills, many of which are associated with Adverse Childhood Experiences and trauma.

Initial Screening Assessment

Individuals are assessed by Criminal Justice Social Work prior to appearing in court. If assessed as suitable for the Problem Solving Approach the Court is requested to defer sentence for a week for a Criminal Justice Social Work Report:

- Takes place with individuals appearing from custody, on undertaking or on cited list
- May offer future potential to screen arrestees at Kittybrewster Custody Hub
- CJ social worker gives brief induction to PSA
- Assesses: whether the individual would agree and would benefit from the problem-solving approach
- If suitable and consent given, the assessment is passed to court

Court First Appearance

- If Sheriff agrees with the recommendation, the sentence may be deferred to the Problem Solving Court with CJSW Problem Solving Report requested within seven days (brief, incisive and sentence specific).

Court Appearance for considering the suitability of Problem Solving Approach

If suitable:

At the next court appearance the individual is made subject to a Structured Deferred Sentence for between six and nine months. There are regular reviews with the Sheriff who imposed the Structured Deferred Sentence. The Reviews are heard before 10am in a small Court. Progress Reports are available to the Sheriff and the Solicitor prior to the court appearance and are discussed with everyone involved at the Review. The main discussion is between the Sheriff and the individual and plans for the next review period are agreed. If there are other matters that call in Court during the Structured Deferred Sentence, these are usually referred to the Problem Solving Court.

- Structured Deferred Sentence and Progress Review set
- Individual is seen within the Social Work Office immediately after Court
- CJ social worker explains the next steps of the PSA and gives appointment within two working days
- Monthly Progress Reviews at which Sheriff holds individual accountable for behaviour and provides encouragement. Social work staff, who have prepared a Progress Report also attend to join the conversation around progress and plans for the following month.
- Personal Plans tailored to the individual will take place within four weeks. This will include the individual, social worker, support worker and any other relevant parties.

Problem Solving Structured Deferred Sentence

The Structured Deferred Sentence (SDS) is generally considered to be a “low-tariff intervention providing structured social work intervention for individuals post-conviction but prior to sentencing”.

The Aberdeen Problem Solving Structured Deferred Sentence is however neither low-tariff nor low intensity. Indeed, by the very nature of the criteria for inclusion in the problem-solving approach, specifically that participants have complex needs, this is a very high intensity intervention from a criminal justice social work perspective. Programmes of intervention are individualised and delivered by a social worker, support worker and other agencies as required. Individuals will typically be seen a minimum of twice per week up to a maximum of five times per week depending on risk/needs, and social workers will prepare monthly Progress Reports and attend Review Hearings. Women have access to activities and support at the Connections Women’s Centre; men have access to a structured but flexible Men’s Programme tailored to individual need; all have access to the Venture Trust and a wide range of other services.

On successful completion of the Structured Deferred Sentence the outcome is Admonition.

Example of Good Practice

The Problem Solving Approach involves all levels of the Criminal Justice Service, including Sheriffs, Solicitors, Procurator Fiscal and Social Work Services and most importantly the individual who is the centre. Services are tailored to the individual and can be creative and innovative. The relationships between all involved are important, and consistency, honesty and willingness to overcome any potential hurdles are necessary for the approach to work.

Benefits and Impact

Karen is a 17 year old who was known to Children's Services and had come to the attention of the police on more than 100 occasions. She had appeared in Court prior to the Problem Solving approach becoming available and was subject to a Community Payback Order with supervision and unpaid work along with an Anti Social Behaviour Order. Due to consistent appearances in Court and non compliance with the Orders that were in place she was eventually remanded in custody for two weeks. At which point, there was discussion with all those involved in the Problem Solving Approach around whether this was an option that could be utilized in this case. The assessment was undertaken and the service was provided by Criminal Justice Services in conjunction with the Women's Centre.

The approach involved Karen at all stages and eventually she was able to accept the service and build relationships with all involved after having been extremely resistant to any authority and very mistrusting of services. The regular reviews at Court became an important part of the process and she began to make eye contact and eventually have a conversation with the Sheriff. This approach included the supervision of the Community Payback Order which was reviewed at the Problem Solving Court. Her mother was involved and was supportive of the approach which encouraged Karen to engage with the service. She herself struggled to manage her own mental health and found it difficult to cope with the constant police contact and court appearances.

By the end of the Problem Solving approach, Karen had managed to secure part time employment and was in a relationship. She completed the CPO and the PSA and was admonished on all the charges.

She has not come to the attention of the Courts since the completion of the PSA 28 months ago and now has her own family.

What makes this work?

The problem-solving approach works because all partners share a clarity of purpose and a commitment to making it work: are clear about their roles and responsibilities; have clear processes and practices in place; and, most importantly, they talk to each other.

There is a commitment from all services and the belief that people can change with the right supports at the right time. In addition, support from management to allow the service to be creative and take risks that will be supported.

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| Challenges and Barriers |
| Setting up of the approach and deciding the criteria along with securing appropriate funding to allow it to continue; accessing Mental Health Services; Housing and Employment; support from outside agencies. |
| How could this be improved further? |
| Identifying individuals at an earlier stage and being able to access mental health services and appropriate accommodation. |
| What has been learnt? |
| Relationships are a vital component at all levels. Persistence is a key factor and assertive outreach is important to sustain the approach and assist in building relationships. The focus needs to be on the person and not the offence and programmes need to be tailored to the individual. |
| Further Information |
| Review of the Aberdeen Problem Solving Approach; Commission on Women Offenders Final Report. |