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| <b>Report To:</b>       | <b>Trustees of Council's Charities</b>                          | <b>Date:</b>       | <b>08 October 2015</b> |
| <b>Report By:</b>       | <b>Honorary Treasurer</b>                                       | <b>Report No:</b>  | <b>FIN/94/15/AP/CM</b> |
| <b>Contact Officer:</b> | <b>Jan Buchanan</b>   | <b>Contact No:</b> | <b>01475 712223</b>    |
| <b>Subject:</b>         | <b>Reorganisation of Lady Alice Shaw Stewart Memorial Trust</b> |                    |                        |

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## 1.0 PURPOSE OF REPORT

- 1.1 The purpose of this report is to seek trustee's approval for a reorganisation scheme to transfer the entire funds of £45,917 to a national charity Action for Children with strong local links in order that the funds may be put to more appropriate use in the assistance and rehabilitation of women offenders in the Inverclyde area.

## 2.0 SUMMARY

- 2.1 The charitable purpose of the SC019228 Lady Alice Shaw Stewart Memorial Trust is to provide financial and other assistance to women offenders recommended to the trustees by the Inverclyde Criminal Justice Service from interest on the capital sum of the bequest. The governing document is somewhat restrictive and consequently significant reserves have accrued over the years. As at 31 March 2015, the trust fund had a total value of £45,917, of which £1,923 is the capital of the endowment and the balance unrestricted revenue reserves.
- 2.2 The trust predates the Welfare State and it is recognised that the funds could be put to more appropriate use. There is also a tension recognised in that both the trustees' role and the Probation Officer's role now vests in the Council, so that the Council (as a service) is effectively recommending to itself (as trustees).
- 2.3 A reorganisation scheme is proposed that if agreed by OSCR, the Scottish Charity Regulator would transfer all funds to Action for Children (AfC). AfC is a registered charity in its own right, and a local partner organisation with which the Inverclyde Criminal Justice Service has a robust, effective and long lasting relationship. The organisation's charitable status lends itself well to the administration of the fund with a low risk of reputational damage to either party.
- 2.4 The proposal is that AfC would use the transferred funds in two ways:
1. The primary focus would be to continue to provide a support/mentoring service to women in Inverclyde involved in offending. This would fund one and a half dedicated practitioner posts in the financial year 2016-2017.
  2. AfC would continue to administer small awards to assist individual female service users in their rehabilitation, where finance permits/appropriate.
- 2.5 The governance of the womens' service would continue in its current format, with a management partnership between Inverclyde Council and AfC, reporting to the Women's Strategic Oversight Group. Additionally, it is proposed that the administration of small grants would be subject to the same governance arrangements.

- 2.6 OSCR has informally indicated that the proposals are reasonable and generally in keeping with the spirit of the original purposes. They have flagged up that a condition of approval will be that AfC must hold the transferred funds in a *restricted* or *designated* fund for these particular purposes. AfC has been advised and has provided a written assurance that it will accept and adhere to this condition, were it to receive the funds
- 2.7 Recent experience has shown that the process to gain OSCR's approval may take some time. It is suggested that in order to streamline arrangements within the Council, authority be delegated to the Provost for the signing of the submission to OSCR and thereafter the payment to AfC and consequent winding up of the charity.

### **3.0 RECOMMENDATIONS**

3.1 It is recommended that the trustees:

- a) approve the submission of an application or applications to OSCR for consent to re-organise the Trust to permit transfer by the Trustees of the whole funds held by the Trust (both by way of the original endowment and unrestricted revenue reserves) to Action for Children, to wind up the Trust by making such a transfer, and to remove the Trust from the Scottish Charity Register;
- b) decide to reorganise the Trust on the basis set out at a) above, but that only following on OSCR approval of the same; and
- c) decide to transfer the whole funds held by the Trust (both by way of the original endowment and unrestricted revenue reserves) to Action for Children and so wind up the Trust, but that only after reorganisation in terms of b) above, and on the basis that they will utilise these funds to i) continue provision of a support/mentoring service to women in Inverclyde involved in offending (by way of one and a half dedicated practitioner posts in the financial year 2016-2017) and ii) continue to administer small awards scheme of the type currently in place, to assist individual female service users in their rehabilitation;
- d) decide to enter a formal agreement with Action for Children to secure their commitment to utilise the funds in the manner outlined in this report, which agreement will be novated to the Inverclyde Council prior to the winding up of the Trust, and that on such terms as are recommended by the Council's Head of Legal and Property Services and Chief Financial Officer;
- e) in their capacity as the Elected Members of the Inverclyde Council, decide to accept novation of the agreement as outlined at d) above.

Alan Puckrin  
Honorary Treasurer

## **4.0 BACKGROUND**

- 4.1 The purpose of the trust, as established in 1947, is to “*utilise the interest of the capital for the purpose of giving monetary or other assistance to females in cases recommended to them by the Probation Officer or Officers for the time being of the Burgh of Greenock*”. Greenock and its environs have long since ceased to have a dedicated women’s prison and payments from the trust have fallen into abeyance. Consequently, significant reserves have accrued over the years. As at 31 March 2015, the trust fund had a total value of £45,917, of which £1,923 was the capital of the endowment and the balance unrestricted revenue reserves.
- 4.2 Trustees at the meeting of 9 October 2014 approved procedures for delegated authority to the Provost and Council officers in the consideration of applications to the trust. An initiative by the Inverclyde Criminal Justice Services in partnership with Action for Children attracted several applications but all except one applicant in the first full year of the scheme’s operation had completed their Community Service Order by the time of consideration and were not eligible for grant.
- 4.3 At the meeting of 4 June 2015, the Honorary Treasurer advised trustees that a short life Officer Working Group would explore improved ways in which the funds of the trust could be more immediately and better applied towards the purpose of the original bequest. This was in recognition of the general duty upon all trustees, as a condition of the trust’s legal status as a registered Scottish charity, to apply income towards charitable purposes within a “reasonable” time of its receipt. Reasonable is normally taken to mean no longer than five years, but may be shorter, depending upon individual circumstances and all provided there is an agreed plan in place.

## **5.0 DEVELOPMENT OF PROPOSALS FOR MORE EFFECTIVE USE OF FUNDS**

- 5.1 Officers from Social Work, Legal Services and Finance have developed proposals in recognition that the restrictive terms of the governing document severely limit what trustees are able to do. The trust predates the Welfare State and it is recognised that the significant funds could be put to more appropriate use in the assistance and rehabilitation of women offenders in the Inverclyde area. There is also a tension recognised in that both the trustees’ role and the Probation Officer’s role now vests in the Council, so that the Council (as a service) is effectively recommending to itself (as trustees).
- 5.2 A reorganisation scheme is proposed that if agreed by OSCR, the Scottish Charity Regulator would transfer all funds to Action for Children (AfC). AfC is a registered charity in its own right, and a local partner organisation with which Inverclyde Criminal Justice Service has a robust, effective and long lasting relationship. The organisation’s charitable status lends itself well to the administration of the fund with a low risk of reputational damage to either party.
- 5.3 Further information about Action for Children and its twenty year partnership with Inverclyde Council in delivering services to people involved in the criminal justice system is attached in Appendix 1.

## **6.0 PROPOSAL FOR TRUSTEES’ CONSIDERATION**

- 6.1 The reorganisation scheme would be a reorganisation under Chapter 5 of the Charities and Trustee Investment (Scotland) Act 2005. Should OSCR approve the transfer - and informal soundings by officers indicate this would be treated favourably - this would entitle the trust to transfer all its funds (capital and income) to AfC. An immediate advantage would be that AfC would not be restricted (as the trustees currently are) to using revenue reserves only.

6.2 The proposal is that AfC would use the transferred funds in two ways:

1. The primary focus would be to continue to provide a support/mentoring service to women in Inverclyde involved in offending. This would facilitate one and a half dedicated practitioner posts in the financial year 2016-2017. It is the professional judgement of officers in both the Inverclyde Criminal Justice Service and in AfC that this will provide more effective assistance to this client group than continuing with individual grant awards in the absence of such a support service.
2. AfC would continue to administer small awards to assist individual female service users in their rehabilitation where finance permits/appropriate. Despite the limited impact in 2014-2015, it is the professional judgement of officers in both the Inverclyde Criminal Justice Service and in AfC that awards can be a beneficial option in certain circumstances.

6.3 The governance of the women' service would continue in its current format, with a management partnership between Inverclyde Council and AfC, reporting to the Women's Strategic Oversight Group. Additionally, it is proposed that the administration of small grants would be subject to the same governance arrangements.

## 7.0 CONDITIONS OF TRANSFER

7.1 OSCR has indicated broadly that the proposals are reasonable and generally in keeping with the spirit of the original purposes. They have flagged up that a condition of approval will be that AfC must hold the transferred funds in a *restricted* or *designated* fund for these particular purposes. This will mitigate the risk that the funds simply become incorporated into AfC's general funds and are then used for other charitable purposes that are not so closely linked to the original purpose of the Lady Alice Shaw Stewart Memorial Trust.

7.2 AfC has been advised and has provided a written assurance that it will accept and adhere to this condition. A formal agreement will be entered into between AfC and the Trust to secure this commitment. This agreement will be novated to the Inverclyde Council prior to the winding up of the Trust.

## 8.0 IMPLICATIONS

### 8.1 Financial

#### Financial Implications:

##### One off Costs

| Cost Centre | Budget Heading | Budget Years | Proposed Spend this Report | Virement From | Other Comments                        |
|-------------|----------------|--------------|----------------------------|---------------|---------------------------------------|
| Capital     |                | 2015/16      | 1,923                      |               | Transfer funds to Action for Children |
| Revenue     |                | 2015/16      | 43,994                     |               |                                       |

##### Annually Recurring Costs/ (Savings)

| Cost Centre | Budget Heading | With Effect from | Annual Net Impact £000 | Virement From (if Applicable) | Other Comments |
|-------------|----------------|------------------|------------------------|-------------------------------|----------------|
|             |                |                  |                        |                               |                |

## 8.2 Legal

The reorganisation scheme would be for a reorganisation in terms of Chapter 5 of the Charities and Trustee Investment (Scotland) Act 2005. Officers from Legal will require to enter dialogue with OSCR to progress matters, prepare and submit all necessary forms to OSCR, and such formal documentation as is required to implement the reorganisation following on OSCR approval. Officers from Legal will also require to prepare and formalise an agreement with AfC in respect of use of funds, and deal with formal novation of the same prior to the winding up of the trust.

## 8.3 Human Resources

There are no human resource implications arising from this report.

## 8.4 Equalities

There are no equalities issues arising from this report.

## **9.0 REPOPULATION**

9.1 None.

## **10.0 CONSULTATIONS**

- 10.1 a) The Head of Legal and Property Services has been consulted about the matters in this report.
- b) The Head of Criminal Justice and Children and Families has been consulted about the matters in this report.

## **11.0 APPENDICES**

- 11.1 Appendix 1 Action for Children: Supporting Women in the Criminal Justice System
- 11.2 Appendix 2 Inverclyde Women's Service 2014/15 Annual Report with attachments (real names have not been used)

## **Appendix 1**

### **Action for Children : Supporting Women in the Criminal Justice System in Inverclyde**

The relationship between the local authority in Inverclyde and Action for Children in delivering services to people involved in the criminal justice system dates back to May 1994, when the Intensive Probation Unit (IPU) was established as a partnership between what were then NCH and Strathclyde Regional Council. Following local government reorganisation in 1996 responsibility for the Project was assumed jointly by Inverclyde Council and NCH Scotland.

In October 2003 the project was renamed NCH / Inverclyde Integrated Team, later becoming known as Inverclyde Integrated Criminal Justice Service (ICJ). NCH became Action for Children in September 2008.

This has been primarily a group work service and, for a number of years, we operated a women's group work programme. This was in recognition of (i) that services specifically for women were under-represented nationally within Criminal Justice services and (ii) the proportion of women being placed on statutory supervision through the Courts was double the national average.

The women's group work programme met with limited success: although the women who attended regularly benefited from the experience, it was sometimes difficult for many of the service users to maintain regular attendance due to underlying issues such as mental health, alcohol / drug dependency, difficult domestic circumstances and child care.

The 2012 Scottish Government Commission on Women Offenders Report highlighted that most women in Cornton Vale prison had mental health problems. Many were victims of severe physical, emotional and sexual abuse and there were high rates of self-harm and drug / alcohol problems. Inverclyde Criminal Justice Services and ICJ recognised that these were the same issues faced by many of our female service users.

The report to trustees recommends the use of mentors over and above traditional statutory services, Funding was identified for two brief pilots involving a 50% WTE worker from January to March 2013 and July to November 2013.

Funding for one year from April 2014 was then obtained from the Scottish Government for one dedicated criminal justice social worker/coordinator and one and half support workers. The social worker is employed by Inverclyde Council and the support workers by Action for Children. The service benefits from a Strategic Oversight Group and inter-agency operational links developed through a Holistic Assessment and Planning Group.

#### **WOMEN'S SERVICE OVERVIEW**

Over and above the services and supports normally available through statutory supervision, the additional support workers offer individual support tailored to the needs of the women. This ranges from low level practical intervention, e.g., assisting with a college application or housing issue, providing transport to appointments with support services to intensive support and guidance in complex multi-agency cases involving children at risk. Additionally, a weekly drop-in service is provided in which women can come together in a safe and informal environment for mutual support and additional contact with staff. Structured group work is also available. Government funding for this support ended on March 31st 2015.

Funding was identified in 2015/16 as a one off payment to allow the continuation of the women's service building on the successes contained within the first year's annual report (see Appendix 2).

The benefit of having a dedicated staff resource to provide women with intensive support in addressing issues relating to mental health, substance misuse and chaotic lifestyles has been significant and resulted in women becoming more stable within their communities and preventing the ongoing cycle of involvement within the criminal justice system.

## Appendix 2

### Inverclyde Women's Service 2014 – 2015

The Commission on Women Offenders report made recommendations that the current provision of services for female offenders required a '*...radical reform of existing systems and working practices...*' (Scottish Government 2012:5). The report highlighted the significance of adopting a holistic approach, which was women centred to identify and address needs with the aim of improving overall well-being and reducing the risk of further reoffending. Furthermore, the report made recommendations in relation to service redesign including Community Justice Centres, which would be based on a one-stop-shop model resulting in women being able to access a range of services from one setting.

The Inverclyde Integrated Women's' Service (IWS) is delivered in partnership with Action for Children (AFC) and Inverclyde Criminal Justice Social Work (CJSW). The Service was awarded £94,278 by the Scottish Government for the financial year 2014-2015, which is non-recurring. The money funded a Women's Service Co-ordinator post, 1.5 Support Workers posts, soft furnishings, management fees, travel and training.

A total of 36 women were referred to the Service during the period of 1<sup>st</sup> April 2014 and 31<sup>st</sup> March 2015.

All referrals were received from CJSW staff, including staff supervising Community Payback Orders with an Unpaid Work Requirement. Different referral pathways included:

| Community Payback Orders | Diversion | Throughcare | Court Report |
|--------------------------|-----------|-------------|--------------|
| 34                       | 1         | 0           | 1            |

#### Staff

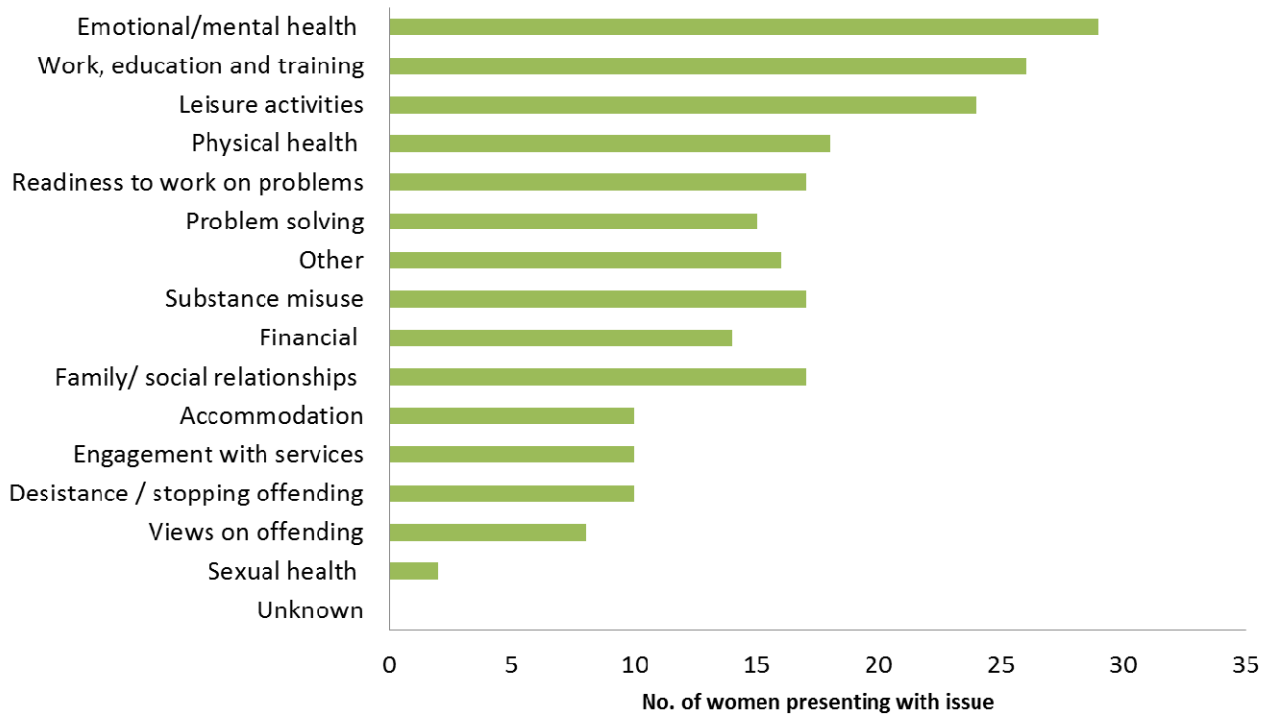
- 1 full-time female Social Worker responsible for co-ordinating and developing the service.
- 2 female AFC Support Workers; one worker assigned to the service on a full-time basis and the other worker available 2½ days per week.

#### Assessment and Identified Need

Within 3 working days of receiving a referral, a three-way meeting is arranged between the CJSW worker, the woman and the allocated support worker. The purpose of the meeting is to clarify roles; promote working in partnership with women; initiate the process of identifying their needs; to develop an action plan to meet the outcomes identified using factors from the LS/CMI risk assessment tool and CJSW reports.

Each woman is allocated a key worker from IWS, who is responsible for the provision of support whether emotional or practical, at the same time liaising with CJSW staff and other agencies. Assessments were undertaken using a Scottish Government tool, which identified the following:





During the initial planning stage of the Service, it was agreed that the Outcome STAR well-being framework and assessment tool could be used. However, it was highlighted that the time required to complete this particular assessment in addition to the Scottish Government tool was significant. Therefore the Scottish Government tool was used for the duration of the funding period. At a basic level this tool was able to capture improvement or deterioration in the circumstances of the women involved in the Service.

Of the 36 women who were referred to the Service, 24 engaged. For these 24 women, the circumstances of 16 had improved or indeed significantly improved. However, for 6 there was no change and for 2 there a deterioration.

Two case studies are provided in Appendices 2A and 2B, which offer a qualitative insight into the impact of IWS.

**Recommendation:** To identify and implement an outcomes tool which enables the Service to capture the detail of the woman’s journey. In addition, to improve recording systems in relation to how the resources within the IWS are being deployed, with aim of helping to evidence impact and efficiencies.

**The specific services in IWS are as follows -**

**Drop-in**

The Drop-in Service is available to all women referred to IWS and is provided at AFC every Wednesday from 1pm-3pm. The room has been decorated for the purpose of delivering the Service and is pre-booked in advance, as it is also used by other AFC projects based in the same building. Initially the Drop-in took place using a semi-structured format. Different speakers were invited from a range of agencies to deliver information sessions on all aspects of improving life/pro-social skills and increasing self-esteem/confidence. Topics for discussion or activities were arranged via discussion and feedback with women.

Due to the sometimes chaotic circumstances of the women and their involvement with Criminal Justice Social Work Services, attendance and engagement at times was erratic or minimal. Consequently, it was agreed to defer having speakers until there was an established group of attendees.

The focus of the Drop-in changed after the introduction of structured groupwork in October 2014. The Drop-in became less structured and attendees only were recorded for statistical purposes. Between October and the end of the financial year, 59 places were kept over 23 sessions, an average of 2.56 per session. The numbers rose slightly after the Christmas / New Year period and averaged exactly 3 per session over February / March 2015. The Drop-in service is now well established with regular attendees who genuinely appear to be benefitting from attendance, including those who have completed their Community Payback Orders but require on-going support. To promote accessibility to the Service IWS staff will collect women and bring them to AFC premises.

#### **Services provided to women at the drop-in include -**

- Information on Advocacy Service
- Information on Community Learning and Development courses including Adult Literacy
- Positive peer support
- Parenting advice
- Welfare and benefits and debt advice
- Practical support
- Access to phone/internet to contact services
- Access to worker to address any issues
- Access to clothes bank
- Pro social activities such as cooking classes/arts/health and beauty

**Recommendation:** To continue the Drop-in Service and to look to opportunities to build on the current format in consultation with the women.

#### **Individual and outreach work**

This aspect of the Service is provided on an outreach basis, which involves workers meeting women in their communities whilst providing support to them according to their practical or emotional needs. Based on the level of risk and/or need, the support workers will initially meet women either at AFC premises or within the community. Support workers tailor how they will provide the support taking into account vulnerability, safety, mobility issues and childcare. Various venues in Inverclyde are utilised in addition to AFC premises to ensure full access to the Service for the women.

Individual and outreach work has represented the largest component of the work of IWS, amounting to approximately 2,193 staff hours in 2014/15.

#### **Individual work includes -**

- Sign-posting to other appropriate support services such as health, drug and alcohol, mental health, children and families social work
- Transport to and from appointments
- Moral support for attending appointments
- Linking in with other workers to improve multi – agency communication
- Support to attend court and appointments with supervising officer
- Parenting support
- Assistance completing forms
- Benefits and welfare advice
- Housing support
- Emotional support
- Support around domestic abuse
- Support around child sexual abuse
- Providing a safe space to disclose childhood trauma/child sexual abuse/other traumas
- Support with stress and anger management
- Relationship advice and support
- Information on college courses/volunteer work/employment opportunities

**Recommendation:** to continue all outreach and 1:1 work.

## **Groupwork**

Cognitive behavioural offence focused groupwork has been a well-established method of intervention within Criminal Justice, thus this had been built into the IWS at the planning stage. Through the national women services network IWS gained access to the Connection groupwork programme developed by colleagues in Aberdeen City Council. After a few weeks of running the Programme, it was evident the women were struggling to sustain the required level of participation and it was felt that they were perhaps not ready for such a structured intervention. In addition given that the research indicates women have different pathways into offending compared to men, it may be further consideration is required as to whether or not this type of groupwork is an appropriate approach for women. Notwithstanding this, IWS staff have utilised the Connections material in some of their 1:1 and outreach work with the women.

**Recommendation:** To further reflect on the role of groupwork within the Service, both in terms of structure and content and in doing so seek to engage the women in this dialogue.

## **Strategic Oversight Group**

Meetings of the Strategic Oversight Group have taken place every three months since the Women's Service was established. The group is chaired by the Head of Service for Children & Family and Criminal Justice Social Work and has been well attended by a variety of HSCP, Council and other agencies within Inverclyde. The offers of support, use of venues and access to services has been very generous and at times overwhelming.

The priority for the IWS in its first 12 months of operation has been to establish the shape and content of the Service. Thus it is hoped in the following 12 months the Service can begin to explore how these offers of support can be harnessed to improve on the outcomes for the women accessing the Service. It is the intention to begin this process by looking at our co-ordination and integration with both HMP Greenock Throughcare Support Officers and SHINE/Turnaround.

**Recommendations:** 1) To enhance the co-ordination and integration between HMP Greenock Throughcare Support Officers and SHINE/Turnaround staff and 2) to reduce the meetings of the Strategic Oversight Group to 6 monthly.

## **Women's Service Referral Group**

At the heart of the IWS was the aim of providing a holistic response to the needs and risks of the women involved in the Criminal Justice system. This was further explored at the Strategic Oversight Group in December 2014, when it was decided to pilot a Women's Service Referral Group and base it on the MARAC (Multi Agency Risk Assessment Conference) process. MARAC is a monthly co-ordinated panel of agencies who meet to discuss victims of domestic abuse in Inverclyde, with the aim of protecting victims of domestic abuse. From the analysis of needs etc. collated by IWS in relation to the women who accessed the Service, key partners for the IWS Referral Group were identified.

To date three Referral Groups have taken place, chaired by a Senior Social Worker from Criminal Justice and attended by an IWS worker from AFC, representatives from Integrated Drug and Alcohol Services who also have health backgrounds and Children and Families Services. The group has been successful in tapping into the knowledge of colleagues in these services, particularly around available supports for the women.

**Recommendation:** To continue the Referral Group, which will meet on a monthly basis.

## SHINE

IWS had access to the SHINE mentoring service in 2014-15. However, there has been some frustration over the ability of the services to connect in a meaningful way. This has been due in part to the prescribed remit of the SHINE Service and worker availability, which had been agreed nationally at two days per week. Through constructive dialogue with the sponsor of the Inverclyde SHINE mentor, Turning Point, there has been an agreement to merge this post with a 'Turnaround' post which is also available to Inverclyde Criminal Justice Service. This in effect gives the Service access to a worker 4 days per week who will be co-located with AFC staff and will have greater flexibility as to their remit. A new worker took up this post in April 2015.

**Recommendation:** AFC and CJSW will work with Turning Point to develop the role of this worker.

Appendix 2.2 provides an overview of the agencies/organisations and departments with whom IWS are involved.

In addition to the recommendations which have been made throughout this report, IWS are also planning the following developments:

1. To have both AFC support workers and SHINE/Turnaround worker trained in the Survive and Thrive Programme, courtesy of our SPS colleagues.
2. To provide all CJSW and AFC staff with an input on attachment theory within the context of engagement and change.
3. Given the predominance of health issues among the women attending IWS, a nurse will attend the Drop-in to provide health checks, advice and support.

## Appendix 2.2

Overview of speaker and Agencies who have been involved with the Women's Service

Speakers at Drop-In:

- Advocacy
- Cooking classes
- Community Learning and Development
- Health Advice
- Parenting- Playing with your Child
- Jewellery making
- Financial Fitness
- Rig Arts
- Your Voice
- Venture Trust
- Skin and Beauty Advice

Agencies involved:

- Children and Families Social Work Services
- Community Drugs Team
- Community Mental Health Team
- Inverclyde Alcohol Services
- DTTO
- Women's Aid
- All Housing agencies
- Job Centre Plus
- Financial fitness
- Advocacy service
- Special Needs in Pregnancy
- Barnardo's Nurture Service
- Welfare rights
- Victim Support/Witness Service
- Strathclyde Police
- ASSIST Officers
- Stepwell
- Venture Trust
- Family Contact Centre
- The Trust
- West College Scotland
- Mind Mosaic
- Children's Hearing