

Gerrard McEneaney - Evidence to the Scottish Parliament

Justice 1 Committee

Monday 27 January 2003

The Convener: I reconvene the meeting and welcome Gerard McEneaney, who is service manager of Apex Scotland. I refer members to paper J1/03/2/13. Mr McEneaney, will you outline briefly the programmes offered to offenders by Apex Scotland in the Highlands and throughout Scotland?

Gerard McEneaney (Apex Scotland): I can certainly do that. In the Highlands we offer a range of different services from our base in Inverness, starting with the new skillseekers lifestyle contract for 16, 17 and 18-year-olds who have had schooling difficulties or have been involved in offending behaviour or drugs misuse. We provide elements of Jobcentre Plus's new deal. Today we launched our new progress to work project.

The Convener: You launched it today. This is a timeous visit by the committee.

Gerard McEneaney: I have just come from the launch. The project is for people who have a history of drugs misuse, but have been through a treatment process and are looking to the next step, which is employment. We also have two new futures projects, which are for people with a background of offending or people with addiction problems who are looking to take the next step. We offer a service to criminal justice social work departments to address the employability needs of people on a statutory order or a non-statutory order.

In Moray we offer supervised attendance programmes. Throughout Scotland we run a number of initiatives, such as new deal projects, new futures projects and progress to work projects. We offer employability programmes throughout the country.

The Convener: How do your programmes dovetail with the other programmes that we are hearing about?

Gerard McEneaney: It was interesting to hear what the two previous witnesses said. Their services are focused on addressing offending behaviour. Apex Scotland is clear that it is an employability agency. We work with offenders and ex-offenders to increase their employability and therefore reduce the likelihood of their reoffending. Statistics show that if someone is in employment, they are four times less likely to offend. While NCH and Barnardo's do good work in addressing offending behaviour, we pick up after that part of the process and help people in the transition from those projects into employment.

The Convener: So you liaise with other agencies?

Gerard McEneaney: Very much so. We have links with all the agencies in the Highlands that we cross-refer with.

Maureen Macmillan: How much of a presence do you have in the Highlands? I know that you are in Inverness and Elgin. Where else do you have a presence in the Highlands?

Gerard McEneaney: We cover—please forgive my geography here—the top—

Maureen Macmillan: Wick.

Gerard McEneaney: Yes, we have services in Wick. The service is manned from the Inverness unit and involves one or one-and-a-half staff members going up to Wick and staying in bed-and-breakfast accommodation for three days a week. We are trying to pull in more services to make it viable for us to open up a unit for the area. I have been in consultation—this morning and last week—with a couple of other agencies to investigate joint working so that we could open up a unit between us. As has been discussed, geography is a big issue for us. We cover Lochaber, Ross and Cromarty and the whole of the Highlands, including the Western Isles.

Maureen Macmillan: Do you feel that you are being used sufficiently by the criminal justice and social work systems? Could you offer more than you are being asked to offer or are you at your limit in the Highlands?

Gerard McEneaney: We are being used adequately. We have heard today that offending rates in the Highlands are lower than in other parts of the country. We are being used as much as we could be in criminal justice and social work.

We could be used in other ways. In particular, part of the progress to work project is to consider people who have multiple barriers to employment—not only offending, but homelessness and addiction problems—and our work is about moving them into employment. We work in partnership with the specialists in those sectors. We have formal partnerships with some of the local drug agencies in the Highlands, and organisations such as SACRO, NCH and Barnardo's. We play our part in the journey of a client from unemployable to employable.

Donald Gorrie: Do you, like some of the other organisations, have problems that arise from short-term project funding and having to bid for money?

Gerard McEneaney: Yes. I am aware of what you have heard from the previous witnesses. It is a problem for us to keep staff, particularly on three-year programmes. We get to the stage where we have learned from the first year or 18 months and are beginning to build on good practice and develop the service, but staff begin to wonder how likely it is that they will be kept on and whether the project will continue. As the previous witness said, we are

confident that we are delivering a quality service and that there is a need for the service. However, funding avenues change. We can never guarantee our staff that they have a job for ever and that causes us difficulties. Five-year funding would be more appropriate. At least that way we could pick up on points that we have learned in the first year and have a good run at developing the project further over two, three, four or five years. We would have a better chance of retaining staff, who are picking up lots of knowledge.

Donald Gorrie: Are your existing projects oversubscribed? Do you have so many customers that you cannot satisfy them all, or is the balance about right?

Gerard McEneaney: There are peaks and troughs. We find that there are periods when, for whatever reason, everybody refers to Apex. Employment is seasonal in the Highlands, because of the service industry; I do not know whether that is a factor. We experience periods when there could be more referrals. During such a period it is a case of marketing our services to referrers in criminal justice and social work, whether it be Jobcentre Plus or the sentencers.

Donald Gorrie: Are services like yours uneven across the country? Would there be merit in the Executive allocating more money so that services in all areas could be as good as yours?

Gerard McEneaney: I would think so. One of the groups that I sit on in another area that I manage, which is conducting an audit of its services, is aware that money is tight and that we need to provide best value for money and that there is no sense in having two or three voluntary organisations duplicating work. While I am all for choice and would not want to take choice away from a funder, that situation would not seem to be sensible. In some areas, there is a lack of co-ordination. An attempt must be made at a strategic level to determine what the clients require, what is missing and who can provide it. Although there is a case for having services like ours throughout Scotland, those services should be co-ordinated in each area.

The Convener: Paragraph 4 of your submission quotes the report, "Them and Us? The Public, Offenders and the Criminal Justice System", which calls on the Government to

"conduct a review of minor offences to establish which could be more appropriately dealt with through civil procedures."

Your report goes on to say:

"We would endorse this suggestion as it would free up police and court time to deal with more serious crimes and increase social inclusion. This is not being soft on crime because in many cases, the penalty under civil law would be the

same: i.e. a fine."

There are problems with that. In a criminal case, the evidential test must prove the case beyond reasonable doubt but, in relation to a civil matter, the evidential test rests on the balance of probability. That means that something is more likely to be proved in relation to a civil case than a criminal case.

Gerard McEneaney: Bernadette Monaghan, the director of Apex Scotland, wrote that. I believe that she was writing in relation to the Rehabilitation of Offenders Act 1974, which means that convictions that are proven in court or in a children's hearing can have extremely long-term effects for a person's rehabilitation and, therefore, employability. She was suggesting that, as a minor conviction can have such a long-term effect on a person's employability, it might be better to deal with such crimes outside a court setting.

The Convener: Alternatively, the length of time that the legislation says has to pass before a conviction is deemed to be spent could be redefined.

Gerard McEneaney: Unfortunately, the Rehabilitation of Offenders Act 1974 has lots of gaps, particularly in relation to young people who accept grounds of referral at a children's hearing that include an offence ground and whose convictions, because of the tariff system, could last for years and years or, in some cases, become never spent. That needs to be changed.

The Convener: That is interesting from the point of view of how the situation impacts on people's work prospects. I would be interested to hear from Bernadette Monaghan other ways in which the problem could be solved apart from redefining the offence as a civil offence. Perhaps, in the interests of ensuring that people can get employment, certain offences that are dealt with by the children's panel could be considered to be spent in a certain period of time and be wiped off the record.

Gerard McEneaney: There are all sorts of issues involved, such as a risk assessment of the danger to the public. However, we have evidence that a number of young people accept offence grounds when they are 14 or 15 and find that such a conviction is used against them—for want of a better expression—when they try to find employment when they are 19 or 20. There are situations in which some of those convictions could be set aside, or have some sort of a blanket put on them, although the protection of the public would need to be considered. We have evidence that a person's employability, and therefore their offending behaviour, is affected by such convictions.

The Convener: I want to return to the point about resources. The report on young people who offend said that 60 per cent of funding goes on the penal side and only 40 per cent goes elsewhere. Do you think that there should be a switch in those percentages, and that we should concentrate resources on what already exists rather than try to create new things?

Gerard McEneaney: I have worked with young people and offenders for

several years, and I am now in the fortunate position of being the chairman of Fife children's panel. I have therefore seen the issue from different angles.

If a project is good—if it has been evaluated and has proved to be effective in reducing a person's offending behaviour—its funding should be continued. However, we need to audit the project to ensure that we do not duplicate existing services or miss areas that need to be addressed. We realise that there is not an endless supply of money and that we have to make best use of the available finances. The way to do that is to evaluate what is working. If something is working, let us use it and not spend a lot of time and money on setting up projects that are not required.

The Convener: Given the 60:40 balance in Audit Scotland's report, how would you distribute the money, if you were Santa, to reach the best outcome for society and individuals?

Gerard McEneaney: I am unaware of that report.

The Convener: Some 60 per cent of the available money is spent on the punitive side of young people offending; 40 per cent is spent on everything else, including throughcare, which is your area.

Gerard McEneaney: That is right. I would argue the case for more to be spent on the rehabilitation of offenders, including their long-term sustained rehabilitation. Throwing money at a particular group at a particular time, just because there is a buzz around the issue, is counterproductive and takes money away from other areas. More money should be spent on rehabilitation and, when people come out of prison, on accommodation, employment, education and training so that they do not enter the cycle of recidivism.

The Convener: I think that you covered rurality problems when you answered Maureen Macmillan's questions. I may have missed your answer to this question, but where do you get your funding from?

Gerard McEneaney: Our funding comes from several different sources.

The Convener: Did you ask that question, Donald?

Donald Gorrie: Yes.

The Convener: I am sorry. Are there eight different sources?

Gerard McEneaney: Yes. We have a number of what we call client-led incomes. We employ the staff and put some resources up front, then we carry out marketing and pray for more resources. That obviously has a big impact on our planning.

For criminal justice work, we have funding up front that enables us to dedicate

one and half staff members—

The Convener: What percentage of your funding does that take up?

Gerard McEneaney: I do not have the figures in front of me, but in the Highlands unit, I would not have thought that it takes up any more than 15 per cent of total funds. The vast majority of funding for the Highlands unit comes from Scottish Enterprise, and from client-led income through Jobcentre Plus and initiatives such as the new deal.

The Convener: Do you have to grub around—I do not like the phrase—to put together packages?

Gerard McEneaney: Yes. Putting together proposals and bids takes up a lot of staff time. Recently, together with the local manager, I worked on a bid for a new initiative, which has taken us a considerable amount of time to complete.

The Convener: How much time?

Gerard McEneaney: Last week I worked on almost nothing but the new bid, and it will take three staff members the best part of today and tomorrow to finish the bid, which must be submitted by Wednesday. We are a small unit and our funding in the Highlands is tight. The people who put together the bid often did the work at night, because during the day they had to see clients and do the job that they are paid to do. I am from Fife, as members have probably guessed from my accent. Last week I stayed over two or three days to work late and to ensure that the bid would be submitted on time.

The Convener: But it could come to nothing.

Gerard McEneaney: Yes—there is a 50:50 chance that we will not be successful. However, if we did not apply for the money we would be certain not to get it. We must go through this process.

Maureen Macmillan: Is the bid to fund a new project or to secure continuing funding for the project that you are already delivering?

Gerard McEneaney: It is for a new project that will be delivered through Jobcentre Plus. Every year, or every couple of years, depending on the funding cycle, staff will have the same worry and we will have to make the same input to a bid. Often when we seek continuing funding for a project we are told that we need to change something. That takes time and there is no guarantee that the funding will be secured.

The Convener: This may be a daft question, but is it easier to get funding for a new project—which you can give a wee twist, tuck and turn—than to get funding to sustain a project that is up and running?

Gerard McEneaney: That would appear to be the case.

The Convener: Is that not daft?

Gerard McEneaney: If projects are working—

The Convener: If a project has failed, you are not entitled to continuing funding. However, you are saying that it is harder to sustain funding for a project that has a proven track record than to secure funding for a new project that you have devised in the nicest possible way.

Gerard McEneaney: That is often the case. We have independent evaluations and statistics that indicate what a project has achieved in the past one, two or three years, depending on its duration. Even then, we cannot guarantee that the project will secure continuing funding. Everything depends on how the emphasis has shifted. At the moment, there is a drive to focus on people with substance misuse problems. We have programmes that involve working with offenders, but if those programmes do not have a substance misuse angle, we may struggle to secure continuing funding for them.

The Convener: That is very interesting.

Lord James Douglas-Hamilton: Is there evidence that the use of repeat community penalties leads to a reduction in offending behaviour?

Gerard McEneaney: We tend to find that sentencers up the tariff. If one option does not work, they move to the next level. We would like people to look sideways. A community penalty may not have worked because the project or its timing was wrong.

Lord James Douglas-Hamilton: What are the practical implications of looking sideways?

Gerard McEneaney: If a person is on a diversion scheme with one organisation but reoffends, they should not automatically be told that because they have failed that stage they must go on to a harsher stage or even custody. Instead, we should perhaps consider another project that has different aims or working methods.

Lord James Douglas-Hamilton: Do you agree that assessing the effectiveness of community sentences is a complex matter? Why is it so complex? How best should such complexities be addressed?

Gerard McEneaney: That requires a complex answer.

The Convener: Can you assess the complexity of your answer?

Gerard McEneaney: There are too many complexities.

Funders seek hard outcomes to assess effectiveness—for example, they want to know how many people a project has got into employment or education. We seek softer outcomes—for example, we want to know how far forward a client has travelled. Funders do not want to know whether a client has attended the project five days a week on time; they want to know whether they have a job.

Lord James Douglas-Hamilton: Should the test be what effectively delivers the best result?

Gerard McEneaney: Yes. The assessment should take into account the whole person and not just the hard outcomes.

Lord James Douglas-Hamilton: Am I correct in saying that Apex has done an enormous amount of good work in assisting ex-prisoners back into employment and that it has had an extremely high success rate over the years?

Gerard McEneaney: Our previous figures were that about 40 of every 100 clients went into employment and that they were four times less likely to commit an offence. In 2001-02, we secured year-end moneys from the Scottish Executive to develop a database that will track clients and enable us to assess more accurately whether our figures are correct. The database will also take into account recidivism rates and the number of clients who have multiple barriers. Previously, clients came to Apex because they had a criminal record. However, more people now come to us with multiple barriers, such as housing and addiction issues. The data are being collated and we will shortly produce accurate figures.

Lord James Douglas-Hamilton: Am I correct in thinking that successive Governments have strongly supported Apex by grants and that that support continues?

Gerard McEneaney: Yes. Apex has always been successful in attracting grants. I suppose that that is because so little of our funding comes from charities. We find it difficult to get charitable donations because of the nature of the people with whom we work. We rely on Government initiatives and Jobcentre Plus initiatives.

Lord James Douglas-Hamilton: The key to your approach is that you are enormously successful.

Gerard McEneaney: Yes. Our past statistics bear that out. We are an effective organisation in reducing crime and contributing to safer communities.

The Convener: That was enlightening. Do you want to add anything?

Gerard McEneaney: No.