

SPICe Briefing

Community Justice (Scotland) Bill

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The Scottish Government introduced the Community Justice (Scotland) Bill in the Parliament on 7 May 2015. It seeks to establish new arrangements for the delivery and oversight of community justice services.

Under the provisions of the Bill, the current model for community justice based on eight community justice authorities would be replaced by one including:

- national leadership, oversight and support for community justice services by a new body called Community Justice Scotland
- local planning, delivery and monitoring of services by groups of community justice partners for each of Scotland's 32 local authority areas
- Scottish Ministers being responsible for a number of matters, including a national strategy and national performance framework for community justice

This briefing considers the background to and the main provisions of the Bill.



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EXECUTIVE SUMMARY

The Community Justice (Scotland) Bill seeks to establish new arrangements for the delivery and oversight of community justice. The Scottish Government is aiming to fully implement the reforms by 1 April 2017.

Under the current arrangements, established by the Management of Offenders etc (Scotland) Act 2005, Scotland's 32 local authorities are covered by eight community justice authorities (CJAs). They were set up with the aim of improving joint working and reducing reoffending. However, reports published by Audit Scotland and the Commission on Women Offenders highlighted a number of concerns about the CJA-based model for community justice.

Following publication of the above reports, the Scottish Government undertook an extended period of consultation and policy development on possible new arrangements, including the publication of consultation papers in 2012 and 2014.

Under the proposals set out in the Bill, the eight CJAs would be abolished, with the current arrangements for community justice being replaced by a model involving:

- national leadership, oversight and support for community justice services by a new body called Community Justice Scotland
- local planning, delivery and monitoring of services by community justice partners for each local authority area
- Scottish Ministers being responsible for a number of matters, including a national strategy and national performance framework for community justice
- Scottish Government funding for local services being allocated directly to local authorities (rather than through CJAs)
- duties on Community Justice Scotland and community justice partners to cooperate with each other

Community Justice Scotland (an executive non-departmental public body) would be funded by and responsible to the Scottish Ministers.

The Bill provides for the following community justice partners: local authorities; health boards; Police Scotland; the Scottish Fire and Rescue Service; Skills Development Scotland; health and social care integration joint boards; the Scottish Courts and Tribunals Service; and the Scottish Ministers (in practice, the Scottish Prison Service).

INTRODUCTION

The [Community Justice \(Scotland\) Bill](#) (the Bill) seeks to establish new arrangements for the delivery and oversight of community justice services in Scotland. The Scottish Government has indicated that it is aiming to fully implement the reforms by 1 April 2017.

Community justice covers a range of services, including the provision of community sentences (eg community payback orders) and supervision of/support for released prisoners. Those involved in providing such services include local authority criminal justice social workers, third sector organisations, the Scottish Prison Service and Police Scotland. Organisations providing services which are not focussed on the criminal justice system also play an important role in the effective rehabilitation of offenders (eg providers of health and housing services).

The current arrangements for community justice services were established by the Management of Offenders etc (Scotland) Act 2005. Under its provisions, eight community justice authorities (CJAs), covering Scotland's 32 local authorities, were set up with the aim of improving joint working and reducing reoffending. However, two reports published in 2012, from Audit Scotland and the Commission on Women Offenders, highlighted a number of concerns about the CJA-based model for community justice.

Following the above reports, the Scottish Government undertook an extended period of consultation and policy development on possible new arrangements. This included the publication of two consultation papers (in 2012 and 2014) seeking views on various options. The second consultation proposed the replacement of CJAs with a model including:

- local planning and delivery of community justice services on a partnership basis under the existing 32 community planning partnerships (CPPs)
- a new national body to provide: (a) independent professional assurance to Scottish Ministers on the collective achievement of community justice outcomes; and (b) a hub for community justice innovation, learning and development

The Scottish Government reported that the majority of organisations responding to the second consultation were in favour of the model it proposed. The Bill seeks to establish that model, taking into account views expressed during the consultation process. The policy memorandum published along with the Bill states that:

“The objectives of the Bill are to help create a stronger community justice system based on local collaborative strategic planning and delivery, with national leadership, support and assurance.” (para 18)

The Bill does not refer specifically to CPPs. Rather, it seeks to place duties on a core group of partners with a central role in relation to community justice services. They are referred to in the Bill as community justice partners and would, under its provisions, have responsibility for the local planning and delivery of community justice services.

The proposed new national body referred to in the second consultation is provided for in the Bill, with the title of Community Justice Scotland.

(Note: all section/schedule references in footnotes are, unless stated otherwise, to the Community Justice (Scotland) Bill as introduced.)

CURRENT ARRANGEMENTS

As noted above, the Management of Offenders etc (Scotland) Act 2005 included provision for community justice authorities (CJAs). With effect from 1 April 2007, eight CJAs were established. Other than Glasgow, they all cover more than one local authority (eg Edinburgh, East Lothian, West Lothian, Midlothian and Scottish Borders council areas are covered by a single CJA). The board of a CJA comprises councillors nominated by the local authorities lying within the CJA's area. In addition, they employ a small number of staff.

Each CJA is tasked with:

- preparing, in consultation with other relevant bodies, a plan for reducing reoffending in its area
- monitoring the performance of constituent local authorities and the Scottish Ministers in taking forward that plan
- promoting good practice in reducing reoffending and supporting the sharing of information
- distributing Scottish Government funding to local authority criminal justice social work services
- reporting to Scottish Ministers on the delivery of services

CJAs do not themselves have operational responsibility for the delivery of community justice services.

The Scottish Ministers, local authorities and CJAs are under a statutory duty to cooperate with each other. Various other bodies are defined as statutory partners of CJAs (eg the police and certain third sector organisations).

Although the CJA-based model for community justice services was still relatively new, reports published in 2012 by Audit Scotland and the Commission on Women Offenders highlighted a number of concerns. The [report](#) by Audit Scotland (2012) included the following key messages:

“CJAs were established to improve joint working and reduce reoffending. They have made progress in bringing people together but have had little impact on reducing reoffending. The way they were set up has significantly limited their effectiveness, and there are no nationally-agreed measures to assess their performance.

The range of bodies involved and the structure of the public sector in Scotland creates a complex landscape. There is limited alignment between the priorities of CJAs and those of other local partnerships such as Community Planning Partnerships and Alcohol and Drug Partnerships.

Stronger leadership is required if reoffending is to be significantly reduced.” (p 30)

Particular issues referred to in the report included:

- effectiveness of CJAs being limited by a lack of operational responsibility for the delivery of community justice services and the fact that statutory partners are not accountable to CJAs
- variable levels of engagement and understanding amongst CJA board members, with some councillors finding it difficult to separate responsibilities to CJAs and their local authorities
- variable attendance of statutory partners at CJA board meetings, with some indicating that attendance at meetings was not always considered a good use of time

- limited capacity of CJAs to undertake their full range of work (eg in monitoring how effectively funds are being used) as a result of small staff numbers (typically three or four per CJA)

The Audit Scotland report went on to recommend that the Scottish Government should review the arrangements for managing offenders in the community.

The Commission on Women Offenders [reported](#) (2012) that:

“Although there was some evidence that, over the past 10 years, there have been improvements in how criminal justice bodies work together, we heard strong evidence that there still exist inherent barriers in the structural and funding systems for criminal justice social work, and working practices which inhibit greatly the potential to reduce reoffending. We heard:

- about the lack of opportunity for strategic leadership and accountability in the delivery of offender services in the community;
- about short-term funding and difficulties in measuring impact;
- about inconsistent service provision across Scotland; and
- that interventions delivered in prison very often cease at the gate.” (p 80)

The report identified more than 200 organisations and partnerships with an interest in community justice services (including CJAs, alcohol and drug partnerships, community planning partnerships, health boards, police and third sector organisations). It described this as a “grossly cluttered landscape” (p 82).

Recommendations of the Commission on Women Offenders’ report included:

- “that a new national service, called the Community Justice Service, is established to commission, provide and manage adult offender services in the community” (p 87)
- “that a national Community Justice and Prison Delivery Board, with an independently appointed Chair, is set up to promote integration between the Community Justice Service and the Scottish Prison Service” (p 88)

Consultation carried out by the Scottish Government in response to such concerns is outlined below.

CONSULTATION

The Scottish Government published a [consultation paper](#) in December 2012 setting out three options for reforming the arrangements for community justice: an enhanced CJA model; a local authority model; and a single service model.¹ Following this consultation, the Scottish Government reported that:

“It was apparent from both the written responses and consultation events that none of the models as described in the consultation paper would meet the requirements of a successful Community Justice system.

There was however a clear preference for a model with local delivery, partnerships and collaboration at its heart while still incorporating some form of national arrangements to

¹ The policy memorandum (paras 115-117) provides an outline of the three options.

provide the profile, leadership and strategic direction felt to be missing from the present set-up.” (2013a, paras 20-21)

In April 2014, the Scottish Government published a [second consultation paper](#) (2014a) seeking views on a fourth option, combining various elements of the earlier options. It proposed the replacement of CJAs with a model including:

- local planning and delivery of community justice services on a partnership basis under the existing 32 community planning partnerships (CPPs)
- a new national body to provide: (a) independent professional assurance to Scottish Ministers on the collective achievement of community justice outcomes; and (b) a hub for community justice innovation, learning and development

Information on the views expressed in relation to the second consultation, and a series of associated consultation workshops, is set out in two documents published by the Scottish Government – a [summary of consultation responses](#) (2014b) and a [consultation report](#) (2014c). The [consultation responses](#) (2014d) are also available on the Scottish Government’s website.

The Scottish Government stated that:

“The majority of organisations who responded to the consultation were in favour of the proposed new model for community justice. Both the new body and the hub were broadly welcomed and there was widespread agreement that the planning and management of community justice services should rest with Community Planning Partnerships.” (2014b, p1)

Themes emerging from the consultation process included the importance of ensuring:

- clarity around the respective roles of the proposed national body and local arrangements
- that CPPs have the expertise and resources needed to develop effective local strategies
- collaboration at a national level to support CPPs in their work and encourage a degree of consistency of approach and service provision across Scotland, whilst still allowing for the development of innovative solutions to local issues
- that current successful programmes and partnerships are not lost in the transition to new arrangements

It was also hoped that the new arrangements would lead to a better understanding of and support for community justice. The proposed national body was seen as having an important role in improving communication with stakeholders and the public in general.

In December 2014, the Scottish Government published further information on its planned reforms in a [response to the consultation](#) (2014e) and a [frequently asked questions paper](#) (2014f).² It stated that

“Local strategic planning and delivery of services through Community Planning Partnerships (CPPs) is central to the new arrangements. With this emphasis upon

² Some of the information in the Scottish Government’s frequently asked questions paper is currently being revised (in light of issues identified during the preparation of the Bill for introduction). Officials have advised that a refreshed version should be available in September 2015. References, in this SPICe briefing, to information in the current version of the frequently asked questions paper are unaffected by planned revisions.

collective responsibility through a partnership approach we are placing decision-making into the hands of local people and agencies who know their communities best, understand the problems that are unique to their region, and will be most affected by community justice issues that relate to both victims and offenders.

It is imperative that this be driven at a local level. However, to provide leadership, enhanced opportunities for innovation, learning and development and to provide assurance on the delivery of improved outcomes, a new national body – called Community Justice Scotland – will be established.” (2014e, p 3)

THE BILL

The proposals in the Bill are based on the Scottish Government’s (2014e) response to the second consultation. The eight CJAs would be abolished,³ with the current arrangements for community justice being replaced by a model involving:

- Scottish Ministers being responsible for a number of matters, including a national strategy and national performance framework for community justice, and holding Community Justice Scotland to account
- national leadership, oversight and support for community justice services by a new body called Community Justice Scotland
- local planning, delivery and monitoring of services by community justice partners
- Scottish Government funding for local services being allocated directly to local authorities (rather than through CJAs)
- duties on Community Justice Scotland and community justice partners to cooperate with each other

Community Justice Scotland

The Bill provides for the establishment of Community Justice Scotland, as an executive non-departmental public body (NDPB),⁴ and sets out its key functions.⁵

It would be funded by and accountable to the Scottish Ministers. In relation to funding, the policy memorandum states that:

“Community Justice Scotland’s core and programme funding (approximately £2.2 million) will be allocated annually by Scottish Ministers. Community Justice Scotland will report on its spend to Scottish Ministers each year, within its annual accounts.” (para 33)

With regard to accountability, it would have to provide the Scottish Ministers with a corporate plan setting out how it will exercise its functions, followed up with annual reports.⁶

Under the proposed arrangements, the main functions of Community Justice Scotland would be to:⁷

- promote the national strategy in relation to community justice prepared by the Scottish Ministers⁸

³ Section 31.

⁴ An explanation of the role of NDPBs and other public bodies is provided on the Scottish Government’s website under the heading of [Scottish Public Body Information](#).

⁵ Sections 2-11 and schedule 1.

⁶ Sections 9 and 10.

⁷ Section 3.

- oversee and keep the Scottish Ministers informed about performance in the provision of community justice
- promote and support improvement in the provision of community justice and in making best use of resources
- promote public awareness of the benefits community justice

Community Justice Scotland itself would not provide community justice services. It could, however, be responsible for managing contracts for services procured on a national basis.⁹ The delivery of services is considered later in this briefing.

With regard to its role in improving the provision of community justice, Community Justice Scotland would have various functions relating to research, identifying/promoting good practice, and education/training.¹⁰ The Bill would also require it to publish a “strategy for innovation, learning and development in relation to community justice”.¹¹ The policy memorandum describes this area of its work as providing a national hub for innovation, learning and development. The memorandum states that:

“Early engagement on the future model for community justice made clear that learning and development is of critical importance and should be considered at a national level and broadened beyond criminal justice social work to tackle wider community justice matters. In subsequent engagement, respondents were largely positive about the development of a national hub for community justice, innovation and learning and development. It was felt that it could add value to the community justice landscape as well as bringing benefits such as consistency of staff development and the spread of best and innovative practice.

Establishing and delivering a national hub for innovation, learning and development will therefore be a function of Community Justice Scotland. The hub will be practitioner-led and its remit will be to inform practice through research; and provide opportunities for innovation, learning and development for those working within and across the community justice landscape, allowing them to enhance their professional identity. The hub will work closely with individuals and organisations who can provide expertise in research, policy and personal experience.” (paras 40-41)

The Bill would allow the Scottish Ministers to alter the functions of Community Justice Scotland by way of regulation.¹² Prior to doing so, Scottish Ministers would consult Community Justice Scotland and other appropriate stakeholders.

Community justice partners (other than the Scottish Ministers) would be under an obligation to comply with any reasonable request from Community Justice Scotland to “provide information, advice or assistance to it for the purposes of, or in any connection with, any of its functions”.¹³

Community Justice Scotland would, in the carrying out of its functions, be obliged to comply with any directions and have regard to any guidance issued by the Scottish Ministers.¹⁴

⁸ The national strategy is considered below in the context of community justice planning.

⁹ Section 26.

¹⁰ Section 29.

¹¹ Section 27.

¹² Section 3.

¹³ Section 5.

¹⁴ Section 7.

Community Justice Partners

Under the proposed arrangements, community justice partners would be responsible for the local planning, delivery and monitoring of services. The Bill provides for the following community justice partners:¹⁵

- local authorities
- health boards
- Police Scotland
- Scottish Fire and Rescue Service
- Skills Development Scotland
- health and social care integration joint boards¹⁶
- Scottish Courts and Tribunals Service
- Scottish Ministers (in practice, the Scottish Prison Service)

The community justice partners for a particular local authority area would be that local authority, the relevant health board, any integration joint board for the area and the above mentioned national bodies. Local authorities would receive relevant funding directly from the Scottish Government rather than through CJAs.

Unlike some of the documents published prior to its introduction, the Bill does not refer specifically to community planning partnerships (CPPs). The policy memorandum indicates that the Bill seeks to place particular duties on a group of partners with a central role in relation to community justice services. The community justice partners referred to in the Bill are the bodies within this group. The policy memorandum states that:

“There is a core set of existing and proposed community planning partners who have a significant contribution to make to community justice – these are referred to as community justice partners. A duty will be placed on these partners to co-operate with each other in carrying out planning activities, delivering and reporting on outcomes for community justice in their local area.” (para 25)

So, what had previously been described as the central role of CPPs in the local planning and delivery of community justice services would, under the provisions of the Bill, be taken forward by statutory community justice partners. However, the policy memorandum goes on to note that:

“Other community planning partners may have an interest in community justice, and therefore it is expected that there will be a relationship between the community justice partners and the wider community planning partners and partnerships (such as Alcohol and Drug Partnerships), particularly as all are required to produce plans and reports on the achievement of local outcomes.” (para 27)

It also notes linkages between community justice planning and wider community planning:

¹⁵ Section 12.

¹⁶ The Public Bodies (Joint Working) (Scotland) Act 2014 provides for the integration of adult health and social care services. Each local authority and relevant health board may adopt one of two options: (a) delegate the responsibility for planning and resourcing services to an integration joint board; or (b) allocate lead responsibility for such matters to either the local authority or the health board. Further information is set out on the Scottish Government’s website under the heading of [Integration of Health and Social Care](#).

“The manner in which community justice planning partners will come together to plan largely follows the mechanisms set out in the Community Empowerment (Scotland) Bill¹⁷ for Community Planning Partnerships (CPP). The role of a CPP is to prepare a plan for improving local outcomes, in consultation with community bodies and others. (...)

The Bill adopts a similar collaborative approach to planning, monitoring and reporting and applies it to community justice partners. There is therefore a consistency of approach between community justice planning and wider community planning.” (paras 74-75)

The Scottish Government has indicated that local arrangements may vary provided that the proposed statutory obligations are met. It would, however, expect community justice planning to take place within the wider community planning arrangements. Much of the transition work currently underway to help community justice partners and other partners prepare for their new roles, is focussed on community planning.¹⁸

One of the issues highlighted by the consultation process was the importance of ensuring clarity around the respective roles of the national body and local arrangements. The policy memorandum notes that:

“there were mixed views as to whether the consultation document provided sufficient clarity on the details of the governance and accountability arrangements for the new model. The Bill makes clear that community justice partners are not accountable to Community Justice Scotland, but rather will be held to account through their own existing accountability arrangements. For example, NHS Boards would be accountable to Scottish Ministers.” (para 125)

Although community justice partners would not be accountable to Community Justice Scotland, that body would be able to direct community justice partners to:¹⁹

“publish Community Justice Scotland’s assessment of its performance;
notify Community Justice Scotland of the action that will be taken in light of that assessment to deliver improvement – or confirm that they will not be taking any action”.
(para 60)

As indicated earlier, the Bill places a duty on community justice partners to comply with reasonable requests from Community Justice Scotland to provide information, advice or assistance.²⁰ In addition to this, it provides that Community Justice Scotland and each community justice partner must “so far as reasonably practicable” cooperate with each other.²¹

Planning

Community justice planning would include:

- a national strategy prepared by the Scottish Ministers
- a national performance framework prepared by the Scottish Ministers
- a corporate plan prepared by Community Justice Scotland
- community justice outcomes improvement plans prepared by community justice partners

¹⁷ Now the [Community Empowerment \(Scotland\) Act 2015](#).

¹⁸ Advice from Scottish Government officials (August 2015).

¹⁹ Section 23.

²⁰ Section 5.

²¹ Section 30.

Under the provisions of the Bill, the Scottish Ministers would have to publish and regularly review a national strategy in relation to community justice.²² The strategy would include a statement of the aims of community justice and set out actions to achieve those aims. The policy memorandum notes that:

“Reports from Audit Scotland and the Commission on Women Offenders in 2012 called for Scottish Ministers to take a more strategic approach to planning, designing and delivering services to reduce re-offending. Given that the community justice landscape is diverse and wide-ranging, it is crucial that there is an effective strategy at national level to ensure those bodies involved in planning and delivery are working towards the same outcomes in a co-ordinated way.

The Bill will place a duty on Scottish Ministers to prepare, publish, and regularly review a national strategy for community justice. In carrying out this duty, Scottish Ministers will be required to engage with community justice partners as well as such other persons as they consider appropriate, and to consult with stakeholders.

The purpose of the strategy is to provide the strategic vision for community justice in Scotland.” (paras 61-63)

The Scottish Ministers would also have to publish a national performance framework in relation to community justice.²³ Community Justice Scotland would be tasked with reviewing it.²⁴ The performance framework would include:

- nationally determined outcomes to be achieved in each local authority area
- national indicators for assessing performance in relation to those outcomes
- any other material which the Scottish Ministers consider appropriate (eg advice or guidance)

The policy memorandum notes that:

“The current model for community justice was criticised for its lack of measures to understand success and cost. The new model for community justice in Scotland will be defined by a performance culture through the establishment of a national performance framework against which local partnerships can plan and report. This will provide opportunities to monitor progress, drive improvement, offer consistency and link decisions and actions to analysis of need and what works, leading to increased efficiency and effectiveness. All community justice partners will play a key role in the development of the framework and the Scottish Ministers will be expected to involve a range of key stakeholders (including housing, health, third and independent sector) and service users.” (para 64)

The Bill would oblige Community Justice Scotland to prepare a corporate plan setting out how it intends to exercise its functions.²⁵ In doing so, it would be required to have regard to the national strategy and to consult community justice partners. The plan would be subject to approval and modification by the Scottish Ministers.

Finally, the Bill provides that the community justice partners for each local authority area must publish (and periodically review) a community justice outcomes improvement plan.²⁶ Each plan must include arrangements for meeting the nationally determined community justice outcomes.

²² Sections 13 and 14.

²³ Section 15.

²⁴ Section 16.

²⁵ Section 9.

²⁶ Section 17 and 19.

It may also contain other elements, including actions to achieve additional locally determined community justice outcomes.

In preparing a community justice outcomes improvement plan, community justice partners must:²⁷

- have regard to the national strategy, national performance framework and relevant guidance issued by the Scottish Ministers, as well as the more general local outcomes improvement plan prepared by the CPP for the area²⁸
- consult Community Justice Scotland along with such community bodies and other persons as they consider appropriate

The policy memorandum states that:

“The third sector and community-based organisations have an important role to play in preparing the local plan, as will local communities. Communities could be local areas, whole towns or cities, local authority areas, or across multiple local authority areas.

Where community justice issues affect multiple local authority areas it is likely they will choose to work together for shared expertise, economies of scale etc. Details of such collaborative working would be included in the community justice outcomes improvement plans.” (para 83-84)

Delivery of Services

Under the proposed arrangements, community justice partners would play a central role in the local delivery of community justice services. They could decide to deliver services in-house and/or commission external services (eg from third sector organisations).

Community justice partners from a number of local authority areas could take the decision to provide/commission some services jointly. The Scottish Government has indicated that:

“There is no reason why, under the new model, cross-boundary arrangements should not continue, providing all partners are agreed this is the best approach.” (2014f, p 5)

As noted earlier, Community Justice Scotland would not provide community justice services, but could be responsible for managing contracts for services procured on a national basis.²⁹ This might occur where, following consultation with community justice partners, it is agreed that a particular service is best delivered on a national basis.

Further guidance on the commissioning of services is provided by the Scottish Government’s frequently asked questions paper (2014f). It states that:

“Commissioning may take place at a local, regional or national level and organisations will be expected to work together to commission services in order to realise benefits where they have been identified.

There are no prescribed areas in which services would be commissioned on a national basis. National commissioning would take place on the basis of being able to deliver value for partners, for example through economies of scale. (...) Under the new model, we will look to utilise lead authority or existing national arrangements where these are the best avenue to do so.” (p 17)

²⁷ Sections 18 and 21.

²⁸ Sections 6 and 7 of the Community Empowerment (Scotland) Act 2015 provide for the preparation and revision of local outcomes improvement plans.

²⁹ Section 26.

And that:

“Community Justice Scotland will work with partners and stakeholders to establish a strategic and co-ordinated approach to commissioning for community justice in Scotland. This will include the publication of a national strategy on commissioning for community justice with full input from and discussion with partners and stakeholders across Scotland.

Having a national commissioning strategy for community justice does not mean that commissioning will be carried out nationally. Indeed, the default, in keeping with the local model, is for the majority of commissioning to take place locally.” (p 17)

Monitoring and Improving Performance

Under the provisions of the Bill,³⁰ the community justice partners for each local authority area would have to publish annual reports on the delivery of services, setting out progress in achieving both nationally and locally determined outcomes.³¹ These reports would be sent to Community Justice Scotland, which would be tasked with monitoring performance in achieving outcomes within each local authority area.³² Community Justice Scotland would be expected to provide periodic feedback to community justice partners on its assessment of their performance, with the policy memorandum noting that:

“The responsibility for improvement and delivering outcomes rests locally. However, under its assurance function, Community Justice Scotland will have a duty to monitor the performance of community justice partners against the national performance framework and must report to them individually on its assessment of their performance. These reports may include guidance as to action which Community Justice Scotland considers necessary to enable partners to achieve any outcome in the framework or any other measures that would help to improve the performance of the partners in providing community justice services.” (para 103)

Community Justice Scotland would have to publish annual reports setting out its assessment of performance, in Scotland as a whole, in relation to achieving nationally determined outcomes for community justice.³³ Such reports may include guidance for improving performance.

Community Justice Scotland would also be able to make recommendations to the Scottish Ministers on action to improve performance across Scotland or within particular local authority areas.³⁴

The policy memorandum indicates that:

“Ultimately, any serious and persistent performance concerns could be taken forward on a case-by-case basis with reference to the relevant accountability structures for the partners concerned.” (para 107)

³⁰ Section 20.

³¹ The setting of nationally and locally determined outcomes is considered above in relation to planning.

³² Section 23.

³³ Section 25.

³⁴ Section 24.

Transitional Arrangements and Support

One of the themes emerging from the consultation process was the importance of ensuring that current successful programmes and partnerships are not lost in the transition to new arrangements. For example, the policy memorandum notes that:

“Respondents highlighted the importance of taking advantage of existing partnerships and working across local authority boundaries. Ensuring that robust transition arrangements were put in place as soon as possible to facilitate smooth transfer to the new model was also considered important. Thought was also to be given to whether there was a need to further resource local planning partnerships throughout the transition process.” (para 126)

It also notes that some respondents highlighted potential difficulties for third sector organisations and others in dealing with 32 local partnerships (rather than eight community justice authorities). As noted above, the Scottish Government has indicated that cross-boundary arrangements may continue under the new model if all partners are agreed this is the best approach. However, it has acknowledged the need for transitional support.

The Scottish Government is currently taking forward a programme of work to help community justice partners and CPPs prepare for their roles under the new arrangements and to disseminate best practice.³⁵ A working group has been set up to facilitate and report on progress. The group includes representation from the Scottish Government, community justice partners, the third sector, COSLA, CJAs, CPP managers and Social Work Scotland.

The policy memorandum highlights various elements of transitional funding (paras 127 and 132).

³⁵ Advice from Scottish Government officials (August 2015).

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