

## Justice Committee

### Community Justice (Scotland) Bill

#### Written submission from HM Inspector of Prisons for Scotland

Thank you for the opportunity to comment on the Bill. My response to the specific questions set out in the call for written evidence are attached at Annex A.

I welcome the commitment to improving Community Justice and in particular to reducing the prison population. The Scottish Government's wide definition of Community Justice in Scotland as set out in Section 3 of the Policy Memorandum is both inclusive and helpful.

I am, however, concerned that this broad understanding of the complexities of offending in Scotland and the system, structures and supports required to tackle it are not adequately defined in the Bill.

In particular, partnership and collaboration between local community and the Scottish Prison Service have been the source of significant positive development in recent years, but do not receive sufficient emphasis in the Bill, in my view.

I trust that the attached comments are helpful and look forward to seeing the Bill develop as it makes its way through the legislative process.

David Strang  
HM Inspector of Prisons for Scotland  
7 August 2015

#### Annex A

1. *Will the proposals in the Bill transform the community justice system in the way envisaged by the Commission on Women Offenders in its 2012 report, such as addressing the weaknesses identified in the current model, tackling reoffending and reducing the prison population?*

I welcome the new focus on improvement in community justice and the commitment to reducing the prison population. However, I note that there has been an increase in involvement of community partners in prison during CJAs' lifetime, particularly in terms of those leaving prison having served short term sentences. In addition, the role of the Third Sector has been strengthened by recent developments, such as use of Public Social Partnership models. I am therefore concerned that the range of partners set out in the Bill does not sufficiently represent the wide range of stakeholders required to tackle reoffending and re-imprisonment.

2. *Are you content that the definition of 'community justice' in the Bill is appropriate?*

I am content that the definition of 'community justice' is appropriate. In particular I welcome the inclusion in Section 1 at (1)(d) of the requirement to prepare people for release from imprisonment or detention.

3. *Will the proposals for a new national body (Community Justice Scotland) lead to improvements in areas such as leadership, oversight, identification of best practice and the commissioning of services?*

The creation of a new national body as set out the Bill does offer the potential for improvement in these areas. However, there is limited detail about how the new body will translate oversight and identification of best practice into improved outcomes for people involved in Community Justice. In particular, the respective roles of the national body and local Community Justice partnerships in terms of service development and commissioning are not clear.

4. *Taking into account the reforms set out in the Community Empowerment (Scotland) Bill relating to Community Planning Partnerships, will Community Justice Partners have the powers, duties and structures required to effectively perform their proposed role in relation to community justice?*

The Bill contains insufficient emphasis on the crucial role of collaboration and partnership between the Community Justice Partners as set out in Section 12, the Scottish Prison Service (SPS) and the Third Sector in appropriately preparing people for release from prison. Without this it will be difficult for Community Justice Partners to achieve their purpose as set out in the Bill and supporting documents.

5. *Does the Bill achieve the right balance between national and local responsibility?*

The Bill contains limited detail on the balance between national and local responsibility, particularly in terms of the mechanisms for accountability and supporting improvement.

6. *Will the proposed reforms support improvement in terms of:*

- a. leadership, strategic direction and planning?*
- b. consultation and accountability?*
- c. partnership and collaboration?*
- d. commissioning of services and achieving best value for money?*

The range of partners involved in planning of and accountability for services at a local level is not clear. In particular, detail of the role of the SPS and Third Sector agencies delivering services 'through the gate' to those leaving prison, is not defined in the Bill, notwithstanding the expectation set out in explanatory note 22 that the SPS will represent Scottish Ministers in respect of certain functions. This represents a risk to partnership and collaboration. The capacity for individual Community Planning Partnerships to develop different local arrangements risks a 'postcode lottery' for those returning from prison in terms of the level and quality of service delivered.

7. *Are the resources, as set out in the Financial Memorandum, sufficient to transform the community justice system in the way envisaged by the Commission on Women Offenders in its 2012 report?*

Under the current model, the short term and ad hoc nature of funding for key services is problematic, particularly non-statutory support for those leaving prison having served short term sentences. It is not clear how the new model will resolve this issue.

8. *Is the timetable for moving to the new arrangements by 1 April 2017 achievable?*

I have no comment to make regarding the timetable.

9. *Could the proposals in the Bill be improved and, if so, how?*

I would welcome a specific reference and commitment in the Bill to inclusion of the SPS and appropriate Third Sector agencies in the list of Community Justice Partners at Section 12 and in the duties set out at Sections 22 and 30. This will enhance the proposed arrangements for local planning, partnership and accountability and support on-going improvement.

HMIPS  
7 August 2015