

Justice Committee

Community Justice (Scotland) Bill

Written submission from Midlothian Community Safety Partnership

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?*

The Commission on Women Offenders Report recommended the creation of a national service and the Scottish Government decided against this option after consultation. However the report also mentions the importance of the planning, delivery and review of services being based on a local needs assessment and building and maintaining community links. The proposals in the Bill should facilitate more locally relevant community justice services being developed.

The report identifies an integrated, multi-disciplinary approach as being key to effectiveness in addressing offending behaviour and offending-related needs. The proposals in the Bill offer the opportunity for local services to work together in a co-ordinated way to improve outcomes and this should be supported by Health and Social Care Integration. There will be the potential for a level of local planning not possible within the current CJA structure.

It is difficult at present to know how effective governance and accountability arrangements will be in the new structure as no detail has been published to date.

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

The definition appears limited to general offending and the risk management function of Community Justice is not made explicit. Although the definition mentions reducing reoffending there is a great deal of multi-agency partnership work carried out, such as through MAPPA, which does not appear to be reflected in the definition. This relates to the important aim of public protection and safer communities.

There is also no focus on prevention in the definition and the fact that there will be no statutory obligation on partners to engage in prevention may mitigate against the new structure taking a 'whole systems' approach to reducing reoffending.

The use of the term 'offender' seems a bit retrograde given the research relating to labelling.

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?*

It is difficult to answer this question without the availability of the National Strategy and the National Performance Framework. We also look forward to having more

clarity about the operation of the Learning and Development hub. We have benefited from having the contribution of the Training and Development Officers in CJAs who have been able to combine local knowledge with a national perspective and hope that the TDO will continue under the new structure.

The fact that the national body will be able to advocate for Community Justice in Scotland and educate the public about the role of Community Justice partners is welcomed. It is always helpful to share best practice and oversight is clearly very important. A productive relationship between local partnerships and Community Justice Scotland will be crucial to success and it is very important that the national body does not assume that what works in one area would work in all parts of the country. So far the national initiatives such as the mentoring PSPs and Community Justice centres have worked more effectively in larger conurbations than in rural areas and the new structure should be an opportunity to create local solutions to local issues where possible. If the new structure encourages a centralised model of commissioning some of these issues could be perpetuated.

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?*

There are some concerns about non-CJSW partners being willing and able to commit time and resources to reducing reoffending in the current climate.

It would be useful to have more information between the crossover between the Community Empowerment (Scotland) Bill and the Community Justice (Scotland) Bill. Reducing reoffending is not discussed in the former and both bills include an expectation that improvement plans will be a requirement and it is not clear how these will be co-ordinated.

It is clearly important that the right partners, with the necessary decision making powers, are round the table and that the culture is one of genuine partnership working with a clear understanding that no one agency can reduce reoffending.

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

This balance will have to be developed once the new structure is in place. Again it will be easier to form a view on this once the National Strategy and National Performance Framework become available.

It is important that local areas are able to build on existing local partnerships and create new ones, and have the flexibility to respond to the changing local landscape.

It is also important that sufficient resources are available to each CPP area to plan and deliver an effective community justice partnership.

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?*

- a) Again without the national strategy and performance framework it is difficult to comment on whether leadership, strategic direction and planning will be improved.
- b) We are unclear about whether there is an appropriate level of consultation in the development of the national strategy.
- c) It is possible that partnership collaboration may be compromised by the current financial climate.
- d) It is important that commissioning of services provides best value for all parts of the country, not just the cities and large towns.

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?*

It is impossible to say if the community justice system can be transformed in the way described without knowing what the funding formula will be. We are concerned that there will not be adequate funding going forward for CPPs to absorb the costs of planning and delivering effective local improvement plans. While the transition funding is welcome it is difficult to imagine that after 2018 these costs can be absorbed by local authorities and partner agencies.

As already mentioned there does not appear to be any requirement on partner agencies to commit resources to reducing reoffending and even if there was a requirement this may prove difficult in the current economic climate.

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

In Midlothian CPP we have made significant progress with planning for the new structure and should be in a position to comply with the timetable.

Our main concern however is that the national strategy, performance framework and funding formula are not yet available as these will obviously impact on local arrangements and planning.

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

- 1) Include the management of high-risk offenders and public protection in the Bill
- 2) Include the expectation that community justice should embrace a whole systems approach in reducing reoffending and not only focus on convicted offenders.
- 3) Clarify the expectation that partner agencies should bring time and resources to reducing reoffending partnerships and explain how this is expected to happen.

- 4) Ensure that the national body does not translate into a centralised approach to national programmes and commissioning that will disadvantage smaller authorities.
- 5) Clarify the links and crossover arrangements between the Community Empowerment (Scotland) Bill and the Community Justice (Scotland) Bill.
- 6) Allow local partnerships to have the flexibility and resources to respond to changing local need.
- 7) Publish a fit for purpose national strategy, national performance framework and national funding formula based on sound information and consultation.

Midlothian Community Safety Partnership
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