

Justice Committee

Community Justice (Scotland) Bill

Written submission from Aberdeenshire Council Criminal Justice Social Work Service

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](#) had the potential to be transformative, linking offending to the wider policy landscape and the need for community integration. There is an element of the Community Justice Bill favouring structure over process: will changing structural arrangements impact on how services are delivered? If the above elements are to be addressed, there needs to be a link between the areas to achieve positive change.

Ideally, what is sought is a 'Getting It Right for Every Person' approach which puts the individual at the heart of the process. Theoretically, use of the Community Planning Partnerships would bring this nearer, but for true integration there needs to be a challenging of stigma and acknowledgement of the role of wider community partners in addressing offending, e.g. looking at criminogenic need such as stable accommodation.

Structure alone will not achieve this- there needs to be a commitment at a local and national level to looking at offending and its causes within a context which recognises the importance of social justice as well as individual responsibility.

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

The Bill's definition of 'community justice' is a positive development, with s1.1(c) (*arranging general services in ways which facilitate offenders in the community accessing and using them*) widening responsibility for addressing offending across agencies.

It is to be hoped the definition facilitates the holistic approach cited at Q, with offending not solely seen as within the provenance of direct criminal justice agencies and thereby increasing effectiveness in tackling reoffending and reducing the prison population.

It is noted that the Scottish Prison Service is not named directly as a statutory community justice partner (s12) This is viewed as a missed opportunity to enhance throughcare provisions.

It is also of interest that alternatives to prosecution and reduction of remand through bail supervision are not listed, despite being central features of the CWO Report (Parts 4 and 5, p8).

Although there is an understandable desire to avoid '[net widening](#)', not including early intervention and diversionary activity in the definition is a missed opportunity as access to general services is a component part of these interventions. The area has greatest relevance to young people and first offenders with the risk of a disproportionate impact on life chances should prosecution take place.

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 always to be hoped that new initiatives will result in improvement. The CWO Report, Scottish Government response, resultant consultations and current draft legislation has given significant discussion of the justice system and its wider place in communities at a local and national level by diverse parties.

Consistent leadership should relate to the national strategy (s) and be predicated on consistent dialogue with partners, enabling a positive exchange of information.

A potential caveat would be the avoidance of any sense of disproportionate ministerial influence through CJS and the potential for untoward events to become politicised. S3 (4) (a) (confer *additional functions*) requires clarity to avoid being perceived as a potential catch-all section.

A thorough national performance framework gives an opportunity for more joined up oversight. Building on performance management within a CJA context, consideration should be given to:

- Clear and agreed definitions- are the same thing being measure din the same way?
- Area/Sample size- smaller numbers may mean it is easier to reach a target, or conversely may easily become off target due to the sample size. Consideration of tolerance levels and thresholds is required. Comparison of areas with similar characteristics is required.
- An understanding of the need to balance national priorities against those collated at a local level. For example, in Aberdeenshire acquisitive crime in relation to agricultural resources is likely to be a more relevant issue than a violent gang subculture with its attendant offending.

Identification of best practice should be streamlined by the CJS resource, giving a central point for support, collation of the evidence base and dissemination as appropriate. When considering 'best practice', given the experience of building on the examples given in the CWO Report such as the 218 Project (cited p7), it should be in terms of thematic work as opposed to an expectation of direct duplication to give the required flexibility to address relevant local characteristics, such as rurality.

Commissioning of services (s26) is an area requiring greater clarification. Although this potentially complements the dissemination of good practice, direct commissioning of a national service has to take into account of:

- Identified local need

- Viability of third sector partners operating on a local as opposed to national level. The [Integration of Health and Social Care Services](#) will result in existing locality based partnerships.
- Clarity regarding sub-contracting issues to address potential duplication and avoidable administration costs.

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?*

A noticeable omission is lack of clarity around the role, if any, of elected members and local political accountability.

The Community Planning Partnerships are key to the new model. Discussion of how community empowerment elements can be fulfilled at the same time as the community justice functions is required.

Clarity is desirable re the precise legal status of CPPs and the interplay of the requirements under the Community Justice Bill and the Community Empowerment (Scotland) Act 2015 duty on public bodies to allocate resources towards the delivery of priorities in the SOA (s14).

CPPs will be best placed to answer this question in greater detail.

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

Please see comments in previous sections re concerns regarding the potential conflict between local needs and priorities and the national strategy.

There is a concern that disproportionate reporting requirements will potentially emerge for those with local responsibilities.

The 32 CPPs are diverse, local population landscapes are ever changing and there are ongoing developments such as the integration of Health and Social Care Services.

It is vital that diversity is accommodated by CJS developments and considered with regard to performance reporting. The Bill does not unpack the mechanism for achieving this central requirement. A positive starting point is regular consultation, engagement and national acknowledgement of what is being said locally. Robust local strategic plans will be central to this process.

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?*

Please see response in relation to 3. The existence of a specific resource via CJS should give capacity to support improvement in terms of the listed areas assuming full consideration is given to the need to balance local and national priorities.

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 difficult to make an accurate assessment prior to the operational impact of the allocated resources becoming apparent.

Although there is a financial resource against the national body, there is not an equivalent at a local level. For example, the s5 requirement re provision of information by community partners potentially has resource implications.

The definition of contribution by partners is unclear – if this is made in terms of access to resources as opposed to monetary, the default may fall to the local authority to address/assist. Third sector contributions which are not nationally commissioned may also have financial implications for the local authority.

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

This is wholly dependent on the engagement of CPPs in the transition process – if engaged and participating then timescales are achievable. The National Strategy and performance framework need to be in place to inform this transition, avoiding local plans developing prior to an established national picture. If the above is not achieved, there will be a requirement for undesirable retrofitting to give the needed consistency.

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

Please see previous comments above. Identified issues are:

- The role of elected members and their potential impact.
- The limits to the current definition of community based interventions.
- Clarification of funding arrangements.
- Increased detail on the balance between local and national priorities
- How such balance will be achieved and maintained.

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